



## STAFF REPORT ACTION REQUIRED

### Refusal of a boulevard café permit located on the commercial frontage of 770 St Clair Avenue West

<b>Date:</b>	May 3, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Licensing Services, Municipal Licensing & Standards
<b>Wards:</b>	Ward 21 – St Paul's

#### SUMMARY

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This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

To report on the refusal to issue a permit by the Municipal Licensing and Standards based on the application for a boulevard café permit on the commercial frontage of 770 St. Clair Avenue West.

#### RECOMMENDATIONS

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**Municipal Licensing and Standards recommends that the Toronto and East York Community Council:**

1. Deny the application for the proposed boulevard café on the commercial frontage of 770 St Clair Avenue West; **OR**
2. Approve the application for the proposed boulevard café on the commercial frontage of 770 St Clair Avenue West.

#### Financial Impact

There are no financial implications resulting from the adoption of this report.

## DECISION HISTORY

An application for a boulevard café on the commercial frontage of 770 St Clair Avenue West was received on March 31, 2010, from the business owner representing The Arlington Caffé Inc operating as The Arlington Caffé. The application submitted was seeking permission to establish a boulevard café for 8.6 square meters.

In order to maintain the required 2.13 metre pedestrian clearway outlined in former City of Toronto Municipal Code Chapter 313 and the Vibrant Streets Document, right of way permits for the occupation of the sidewalk and or boulevard are reviewed when streetscape reconstruction, utility installations or a change of business ownership occurs to ensure that the permits continue to conform to the current regulations.

As a result of the reconstruction of St. Clair Avenue West, permit locations were reviewed to determine if the construction had any impact on the permit clearance requirement of 2.13 metres to sustain pedestrian traffic.

As the proposed boulevard café does not meet the criteria set out in Chapter 313 of the former City of Toronto Municipal Code. One of the provisions of the Code is that boulevard cafes shall provide 2.13 meters clearance from the curb and/or any street furnishings (i.e. tree planters, poles, and benches...) in order to maintain adequate pedestrian space.

On April 22, 2010 a refusal letter was sent to the business owner representing The Arlington Caffé advising him that the boulevard café application was denied due to insufficient space. **(Appendix No. 2)**

The existing sidewalk fronting 770 St Clair Avenue West is 3.63 in width. There is an existing tree planter and bus stop within this location which further reduces the available sidewalk space to 1.91 metres to sustain pedestrian traffic. The addition of a café operation at this location will create a meandering pattern for pedestrian traffic in this area and make passage difficult for those with assisted mobility needs.

The relocation and or installation of features, such as utility poles and tree pits, within the right of way have caused the reduction or elimination of the 2.13 metre pedestrian clearway, required to comply with former City of Toronto Municipal Code Chapter 313 and the Vibrant Streets Document, at many of the locations where permits may be applied for.

A review of the proposed location has determined taking into consideration the clearance requirement described above, that there is insufficient space to operate a boulevard café due to street furnishing on the boulevard.

## **ISSUE BACKGROUND**

As the proposed café is located on a commercial frontage, a 14 day public notice was posted to inform the neighbourhood that an application has been submitted to seek permission to establish a boulevard café.

The public notice was posted commencing on April 14, 2010 to closing April 27, 2010 to determine neighbourhood support.

An objection letter to the public posting was received by Municipal Licensing and Standards.

A letter dated May 3, 2010 was received by Municipal Licensing and Standards from the business owner representing The Arlington Caffe to appeal the decision of the denial for a boulevard cafe. (**Appendix No.3**)

Council has approved the Vibrant Streets Document in order to create streetscapes where pedestrian traffic moves freely and unencumbered and to ensure that the placement of street furnishings, cafes and marketing areas and other features is better aligned to support pedestrian traffic.

## **COMMENTS**

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the 2.13 metre clearance is required in order to provide a clear pathway for pedestrian's traffic.

## **CONTACT**

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## **SIGNATURE**

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Municipal Licensing and Standards

## **APPENDICES**

1. Sketch of boulevard café
2. Refusal letter to business owner
3. Letter of Appeal regarding the denial
4. Photos of proposed café area