



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café extension application located at 539 College Street

Date:	July 22, 2010
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Licensing Services, Municipal Licensing & Standards
Wards:	Ward 19 – Trinity - Spadina

SUMMARY

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 appeal received July 15, 2010 from the business owner representing 1354461 Ontario Inc, operating as Perla, for the refusal to issue a permit by Municipal Licensing and Standards, based on the physical criteria inspection conducted in the matter of an extension application for a boulevard café permit located on the commercial frontage of 539 College Street.

RECOMMENDATIONS

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

1. Deny the application for the proposed boulevard café extension on the commercial frontage of 539 College Street.

Financial Impact

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

DECISION HISTORY

An application for an extension of the boulevard café located on the commercial frontage of 539 College Street was received on June 10, 2010 from the business owner, representing 1354461 Ontario Inc, operating as Perla. The application submitted was seeking permission to establish an extension of the boulevard café for 2.24 square meters which would accommodate approximately 2 patrons. **(Appendix No. 1)**

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.

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. The proposed boulevard café does not meet the criteria set out in Chapter 313 of the former City of Toronto Municipal Code

The existing sidewalk fronting 539 College Street is 3.65 meters in width. There is a tree pit and TTC bus shelter located in front of the establishment which further reduces the available sidewalk space to 1.13 metres to sustain pedestrian traffic. The extension of the café area at this location will further reduce the sidewalk space to 0.19 meters from the bus shelter and 1.01 meters from the tree pit and create a meandering pattern for pedestrian traffic in this area and make passage difficult for those with assisted mobility needs.

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

ISSUE BACKGROUND

On July 12, 2010, a refusal letter was sent to the business owner representing 1354461 Ontario Inc, operating as Perla advising the applicant that the boulevard café extension application was denied due to insufficient space. (**Appendix No. 2**)

A letter dated July 15, 2010 was received by Municipal Licensing & Standards from the business owner representing 1354461 Ontario Ltd, operating as Perla to appeal the decision of the denial for the boulevard café extension. (**Appendix No.3**)

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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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