



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a curbside boulevard café permit located at 382 Yonge Street, Unit 7

Date:	October 23, 2013
To:	Toronto and East York Community Council
From:	Richard Mucha, Acting Director, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 27 Toronto Centre Rosedale

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 refusal to issue a curbside café boulevard café permit in the matter of an application located at 382 Yonge Street, Unit 7.

RECOMMENDATIONS

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

1. Deny the application for the proposed curbside café at 382 Yonge Street, Unit 7.

Financial Impact

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

DECISION HISTORY

An application for a curbside café permit located at located at 382 Yonge Street, Unit 7 was received on June 6, 2013 from the business owner representing Sir Corp, operating as Scaddabush Italian Kitchen and Bar. The application submitted was seeking permission to establish a curbside boulevard café located at curbside for 25.5 square meters which would accommodate approximately 20 patrons.

The processing of boulevard café applications is governed by the criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks. The current criteria of the Code provides for the owner or occupant of a property, which may be lawfully used for industrial or commercial purposes and which abuts on a boulevard to operate on a property a licensed restaurant, take-out restaurant, refreshment establishment or lunch counter. Chapter 313, section-36 has no provision or criteria for curbside cafes.

Should the Toronto and East York Community Council proceed with the approval of the boulevard café located at the curb side, Municipal Licensing and Standards recommends specific conditions as described below:

- (a) The fence shall be free standing and located on the perimeter of the licensed boulevard café area; The fence may be free-standing if its supports do not project beyond the limits of the curbside café, or the fence may be supported on removable plates anchored to the paved surface of the curbside café; footings are not permitted
- (b) To protect driver sight lines, fences shall not exceed a height of one (1) metre measured from the travelled surface of any adjoining road or driveway;
- (c) The fence must be located not less than two (2) metres away from any fire hydrant;
- (d) The shall provide not less than one (1)-metre separation between the boulevard café for pedestrian access from the curb;
- (e) No lights, fences, signs, or other fixtures may be attached to City-owned trees;
- (f) Waste receptacles or work stations for servers should be located within the curbside café area;
- (g) Entrances to the curbside café area must always be open and unobstructed and have minimum width of one (1) metre;
- (h) No enclosures / structures are permitted to project beyond the authorized curbside café area;
- (i) No outdoor food preparations may be located within the curbside café area;

- (j) There must be a distance of 0.46 metre between the perimeter of the subject curbside café and the inner edge of the curb to permit for safe bicycle traffic;
- (k) Ensure that no outdoor carpeting, artificial turf, fence, or other material is affixed to any portion of the street;
- (l) Ensure that no propane-fuelled barbecue is located in the curbside café area.
- (m) Municipal Licensing and Standards will monitor the curbside cafe operation during the 2014 café season and will report back to the Toronto and East York Community Council prior to the start of the 2015 café season on the success of this permit.

CONTACT

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SIGNATURE

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APPENDICES

1. Sketch of proposed café area
2. Photo of proposed café area