Refusal of a boulevard café permit application located at 614 College Street

Date: August 13, 2012
To: Toronto and East York Community Council
From: Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
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 refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 614 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 located at 614 College Street.

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

DECISION HISTORY
An application for a boulevard café permit located at 614 College Street was received on May 14, 2012 from the business owner representing Gaucho Gourmet Market Inc., operating as Wild Wing. The application submitted was seeking permission to establish a boulevard café for 3.82 square meters, which would accommodate approximately 2 patrons.
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 existing sidewalk fronting 614 College Street is 3.44 metres in width from the curb to the building wall. The addition of the proposed sidewalk boulevard café which is 3.82 metres in length and 1.00 metres in width will create a meandering pattern for this high pedestrian traffic area and reduce the required pedestrian clearance of 2.13 to 1.04 meters from the edge of the tree pit and make passage difficult for those with assisted mobility needs. The concept of a pedestrian clearway is that pedestrians do not have to walk in a jogged fashion around fixed obstacles.

All entrance paths/sidewalks in a public right of way and/or walkways for pedestrians and persons using mobility aids must be of firm, level, and non-slip materials and are recommended to be a minimum of 1675mm (1.675 metres) wide to allow two wheelchairs or scooters to pass one another. In no case should sidewalks be less than 1525 mm (1.52 metres) wide where two-way traffic is expected.

On July 11, 2012 a refusal letter was sent to the business owner representing Gaucho Gourmet Market Inc., operating as Wild Wing advising the applicant that the boulevard café application was denied due to insufficient sidewalk space.

A letter dated July 25, 2012 was received by Municipal Licensing & Standards from the business owner representing Gaucho Gourmet Market Inc., to appeal the decision of the denial for a boulevard café application.

**COMMENTS**

In accordance with the provisions of the former City of Toronto Municipal Code 313-36, 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 and to provide a clear pathway for pedestrian traffic.

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.
CONTACT

Pat Thornback  
Acting Supervisor  
Municipal Licensing & Standards  
Licensing Services  
Telephone: (416) 392-3128 Fax: (416) 338-7225  
E-mail: pthornba@toronto.ca

SIGNATURE

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Marcia Stoltz,  
Acting Manager  
Municipal Licensing and Standards  
Licensing Services

APPENDICES

1. Sketch of boulevard café  
2. Photos of proposed café area