Refusal of a boulevard café permit application located at 89 Granby Street

Date: August 13, 2012
To: Toronto East York Community Council
From: Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
Wards: Ward 27 Toronto Centre Rosedale

SUMMARY
This staff report is about a matter for which the Toronto 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 89 Granby Street.

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

1. Deny the application for the proposed boulevard café permit located at 89 Granby Street.

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

An application for a boulevard café located at 89 Granby Street was received on June 5, 2012 from the business owner representing Bull Dog Cafe. The application submitted was seeking permission to establish a boulevard café for 26.43 square meters, which would accommodate approximately 22 patrons.

The application submitted was proposing to establish a boulevard café with no café fence to delineate the area.

To ensure that the physical connection between the café area and the adjacent pedestrian traffic is maintained, the former City of Toronto, Municipal Code Chapter 313-36 provides specific criteria for the construction and installation of a café fence.

The owner or occupant of every boulevard cafe shall provide in conjunction with the boulevard cafe a fence as outlined in 313-36 G:

(1) The fence shall be located on the perimeter of the licensed boulevard café area and shall be constructed of materials such as metal railings and posts with or without fabric inserts, which enhance the light appearance of the fence and permit visual accessibility to the cafe.

(2) Proximity to fire hydrants; access.

(a) The fence shall not be located less than one (1) metre from any fire hydrant.
(b) Pumper connections on the face of the abutting building shall be clearly visible and directly and easily accessible from the street.

(c) The location of access openings in the fence shall be satisfactory to the Fire Chief and the Commissioner.

(3) The entrance/exit openings in the fence shall have a minimum width equal to that of the entrance of the adjacent eating establishment or eight-tenths (0.8) metre, whichever is the greater.

(4) The fence shall provide at least one (1) entrance having a width of not less than one (1) metre that is located and designed so as to permit easy access by a person in a wheelchair. [Amended 1995-03-27 by By-law No. 1995-0249]

(5) Where the boulevard cafe is permitted to extend around the eating establishment on two (2) boulevard areas, any enclosing fence shall be rounded or splayed at the curb radius to facilitate pedestrian movement.
(6) To maximize visual access between the sidewalk and the cafe:

(a) The height of the railing of the fence shall not be less than nine-tenths (0.9) metre or more than one and two-tenths (1.2) metres.

(b) The fence shall not be more than nine-tenths (0.9) metre in height within thirty (30) metres of an intersection.

(7) The fence may be free-standing if its supports do not project beyond the limits of the boulevard cafe area, or the fence may be supported on removable plates anchored to the paved surface of the boulevard cafe area, as determined satisfactory by the Commissioner, but any post shall not penetrate below the surface grade and footings shall not be used.

(8) The fence shall be easily removable.

(9) The fence shall be removed from within the street allowance during any period when the boulevard cafe operation is not in regular daily use.

COMMENTS

In accordance with the provisions of the former City of Toronto Municipal Code, Chapter 313-36, the owner or occupant of every boulevard cafe shall provide in conjunction with the boulevard cafe a fence as outlined in 313-36 G.

CONTACT

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SIGNATURE

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APPENDICES

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