Refusal of a boulevard café permit application located at 122 Atlantic Avenue

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<th>Date:</th>
<th>March 19, 2013</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Richard Mucha, Acting Director, Licensing Services, Municipal Licensing &amp; Standards</td>
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<td>Wards:</td>
<td>Ward 14 Parkdale-High Park</td>
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**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 122 Atlantic Avenue.

**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 122 Atlantic Avenue.

**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 122 Atlantic Avenue was received on July 10, 2012 from the business owner representing as Saigon Bistro. The application submitted was seeking permission to establish a boulevard café for 34.39 square meters, which would accommodate approximately 27 patrons.
A public notice was posted commencing on July 31, 2012 to closing August 13, 2012 to determine neighbourhood support. No objections to the posting were received.

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 frontage of 122 Atlantic Avenue is 10.75 metres in width from the curb to the building wall. The proposed café area is 9.5 metres in length and 3.62 metres in width. The required pedestrian clearance of 2.13 meters from the edge of the sidewalk curb is reduced to 1.67 metres. The concept of a pedestrian clearway is not only to maintain the permitted distances but also to ensure pedestrians and assisted mobility needs have adequate access.

On October 23, 2012 a refusal letter was sent to the business owner representing Saigon Bistro, advising the applicant that the boulevard café application was denied due to insufficient sidewalk space.

A letter dated October 30, 2012 was received by Municipal Licensing & Standards from the business owner representing Saigon Bistro, to appeal the decision of the denial for a boulevard café permit.

**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

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SIGNATURE

_________________________________________
Richard Mucha,
Acting Director
Licensing Services,
Municipal Licensing and Standards

APPENDICES

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