STAFF REPORT
ACTION REQUIRED

Refusal of a boulevard café permit located on the commercial frontage of 25 Liberty Street

<table>
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<th>Date:</th>
<th>March 18, 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>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 the Municipal Licensing & Standards based on the application for a boulevard café permit located on the frontage of 25 Liberty Street, Unit #100 and Atlantic Avenue flankage.

RECOMMENDATIONS

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

1. Deny the application for the proposed boulevard café on the frontage of 25 Liberty Street flankage based on the application not meeting the bylaw requirements as outlined in Chapter 313.

Financial Impact

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

An application for a boulevard café on the commercial frontage of 25 Liberty Street, Unit #100 and Atlantic Avenue flankage was received on August 14, 2012, from the business owner representing 18th Green Inc. operating as 25 Liberty. The application submitted was seeking permission to establish a boulevard café for 55.21 square meters, which would accommodate approximately 40 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 café areas shall provide a 2.13 meter 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 25 Liberty Street is 1.97 metres in width. There is a traffic stop sign located in the middle of the sidewalk, 1.05 meters from the curb and 0.92 from the edge of the café fence. 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 29, 2012, a refusal letter was sent to the business owner representing 18th Green Inc. operating as 25 Liberty advising the applicant that the boulevard café application was denied due insufficient sidewalk space.

ISSUE BACKGROUND

A letter dated January 16, 2013 was received by Municipal Licensing & Standards from the business owner representing 18th Green Inc. operating as 25 Liberty to appeal the decision of the denial for a boulevard café.

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
Supervisor
Licensing Services
Municipal Licensing & Standards
Telephone: (416) 392-3128 Fax: (416) 392-4515
E-mail: pthornba@toronto.ca

SIGNATURE

____________________________________
Richard Mucha
Acting Director
Licensing Services
Municipal Licensing & Standards

APPENDICES

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