Refusal of a boulevard café permit located at 2205 Queen Street East, Leuty Avenue flankage

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<th>Date:</th>
<th>March 13, 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 32 Beaches East York</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 at 2205 Queen Street East, Leuty 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 located at 2205 Queen Street East, Leuty Avenue flankage.

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 2205 Queen Street East, Leuty Avenue was received on July 10, 2012, from the business owner representing Yogurt'y's Systems Inc. The application submitted was seeking permission to establish a boulevard café for 40.25 square meters, which would accommodate approximately 35 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.

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.

The addition of a café operation at this location will make passage difficult for those with assisted mobility needs and reduce the pedestrian clearance requirement of 2.13 meters to 1.40 meters. The concept of a pedestrian clearway is not only to maintain the permitted distances but also to ensure pedestrian's traffic moves freely and unencumbered.

On August 14, 2012, a refusal letter was sent to the business owner Yogurty's Systems Inc advising the applicant that the boulevard café application was denied due insufficient sidewalk space.

A letter dated February 21, 2013 was received by Municipal Licensing & Standards from the business owner Yogurty's System Inc to appeal the decision of the denial for a boulevard café.

The former City of Toronto Municipal Code Chapter 313-36B (4) requires a public poll of owners and tenants within 120 metres of the proposed café on a residential flank.

A poll was conducted on October 15, 2012 with the last date for filing a response being November 13, 2012, by the City Clerk's Office, Elections and Registry Services in English for the premises between 62-94 Leuty Avenue, and 67-99 Leuty Avenue.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of the received ballots were not in favour.
COMMENTS

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the 2.13 metre clearance is required in order to provide a clear pathway for pedestrian’s 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 & Standards

APPENDICES

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