Refusal of an application for a boulevard café permit located on the commercial frontage of 1085 St. Clair Avenue West

Date: August 19, 2016  
To: Etobicoke York Community Council  
From: Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Wards: Ward 17 – Davenport

SUMMARY

This staff report is about a matter for which the Etobicoke 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 1085 St. Clair Avenue West.

RECOMMENDATIONS

The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The application for the proposed boulevard café permit at 1085 St. Clair Avenue West be denied.

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 1085 St. Clair Avenue West was received on April 15, 2016 from the business owner representing 2172300 Ontario Inc., operating as Fox and Fiddle.
The application submitted was seeking permission to establish a boulevard café located at 1085 St. Clair Avenue West for 7.49 square meters which would accommodate approximately 10 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.

The existing sidewalk fronting 1085 St. Clair Avenue West is 4.78 metres in width. The proposed boulevard café measurements of 1.70 metres x 10.70 metres would reduce the pedestrian clearway to 1.0 metres from the tree pit also known as the furnishing zone and make passage difficult for those with assisted mobility. The proposed boulevard café would need to be reduced to 0.70 metres x 10.70 metres to provide required pedestrian clearance of 2.13 metres. The concept of a pedestrian clearway is not only to maintain the permitted distances but also to ensure pedestrians and those with assisted mobility needs have adequate access and can move freely and unencumbered.

The former City of Toronto Municipal Code, Chapter 313-36 (5) states; Where the application is for a boulevard cafe to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days before a date specified by the Commissioner.

A public notice was posted on May 12, 2016 to May 25, 2016 to determine neighbourhood support.

Letters of objection to the public posting were received by Municipal Licensing & Standards.

Boulevard cafes are governed by the criteria set out in Chapter 313-36 of the former City of Toronto Municipal Code. As stated in the Municipal Code, “where the Commissioner receives one or more letters of objection in response to the boulevard café application,” the Commissioner shall refuse the application.

A refusal letter was sent on May 27, 2014 to the business owner representing 2172300 Ontario Inc., advising the applicant that objection letters to the 14 day public posting were received and that the boulevard café permit application was denied.

On June 1, 2016 a letter was received by Municipal Licensing & Standards from the business owner representing 2172300 Ontario Inc, 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.

CONTACT

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SIGNATURE

____________________________________
Annalisa Mignardi
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS

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