Refusal of an application for a boulevard café permit located on the commercial frontage of 460 Spadina Avenue

Date:     August 14, 2015
To:       Toronto and East York Community Council
From:     Wayne Mattless, Director, Business Licensing and Regulatory Services
Wards:    Ward 20 – Trinity - Spadina

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 on the frontage of 460 Spadina Avenue.

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 460 Spadina Avenue 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 460 Spadina Avenue was received on April 10, 2015, from the business owner representing Let's Be Frank Inc. operating as Let's Be Frank. The application submitted was seeking permission to establish a boulevard café for 7.97 square metres, which would accommodate approximately 6 patrons. (Appendix No. 1)

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

On July 29, 2015, a refusal letter was sent to the business owner representing Let's Be Frank Inc. advising the applicant that the boulevard café application was denied due to insufficient sidewalk space.

ISSUE BACKGROUND

A letter dated July 31, 2015 was received by Municipal Licensing & Standards from the business owner representing Let's Be Frank Inc. to appeal the decision of the denial for a boulevard café.

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.

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.
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SIGNATURE

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APPENDICES

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