

Refusal of a boulevard café permit application located at 1028 Pape Avenue, Cosburn Avenue flankage

Date: January 29, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 14 – Toronto - Danforth

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 1028 Pape Avenue, Cosburn Avenue flankage.

RECOMMENDATIONS

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

1. The application for the proposed boulevard café permit located at 1028 Pape Avenue, Cosburn Avenue flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

This is a new application for a boulevard café permit located at 1028 Pape Avenue, Cosburn Avenue flankage.

COMMENTS

An application for a boulevard café located at 1028 Pape Avenue, Cosburn Avenue flankage was received on February 6, 2018 from the business owner representing Phyllo Caffè Inc., operating as Phyllo Caffè. The application submitted was seeking permission to establish a boulevard café located on the Cosburn Avenue flankage for 8.82 square metres which would accommodate approximately 6 patrons. (Appendix No. 1 and 2)

A site inspection conducted on May 25, 2018 revealed that the boulevard café area would only provide a pedestrian clearance of 1.93 metres from the utility pole to the curb. The required pedestrian clearance as outlined in the former City of Toronto Municipal Code 313-36 is 2.13 metres from the curb or any street installation.

TTC requires a minimum 2m x 2.4m deep accessible loading area at stop marker (the front door of the bus) to comply with the Accessibility for Ontarians Act, 2005. The application would not meet the required criteria.

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.

In order to maintain the required 2.13 metre pedestrian clearway outlined in the 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.

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.

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 May 30, 2018 a refusal letter was sent to the business owner representing Phyllo Caffè Inc., operating as Phyllo Caffè advising the applicant that the proposed area for the boulevard café will provide insufficient sidewalk space.

On July 12, 2018 a letter was received by Municipal Licensing & Standards from the business owner representing Phyllo Caffè Inc., operating as Phyllo Caffè to appeal the decision of the denial for a boulevard café permit.

CONTACT

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SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS

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





