

Refusal of an extension of the boulevard café area located at 443-445 Danforth Avenue

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 an extension of the boulevard café area located at 443-445 Danforth Avenue.

RECOMMENDATIONS

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

1. The application for the proposed boulevard café area extension located at 443-445 Danforth Avenue 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 443-445 Danforth Avenue was first received on May 20, 2015 from the business owner representing Messini Gyros & Souvlaki Ltd., operating as Messini Gyros. The application submitted was seeking

permission to establish a boulevard café at 443-445 Danforth Avenue for 6.70 square metres which would accommodate approximately 4 patrons.

The business owner representing Messini Gyros & Souvlaki Ltd., operating as Messini Gyros was first issued a boulevard café permit on July 15, 2015 and met the pedestrian clearance requirement of 2.13 metres.

COMMENTS

An application for an extension of the boulevard café area located at 443-445 Danforth Avenue was received on May 16, 2018. The application submitted was seeking permission to extend the area of the licensed boulevard café at 443-445 Danforth Avenue by 3.64 square metres which would accommodate approximately 2 patrons. (Appendix No. 1 and 2)

A site inspection conducted on May 31, 2018 revealed that the boulevard café area would only provide a pedestrian clearance of 1.60 metres from the installed tree pit. 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.

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 July 31, 2018 a refusal letter was sent to the business owner representing Messini Gyros & Souvlaki Ltd., operating as Messini Gyros advising the applicant that the proposed area for the extension of the boulevard café will provide insufficient sidewalk space.

On September 13, 2018 a letter was received by Municipal Licensing & Standards from the business owner representing Messini Gyros & Souvlaki Ltd., operating as Messini Gyros to appeal the decision to deny the extension of the boulevard café area located at 443-445 Danforth Avenue.

CONTACT

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

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