

Refusal of a Boulevard Café Permit Application Located at 596 College Street, Clinton Street Flankage

Date: February 21, 2019

To: Toronto and East York Community Council

From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards

Wards: Ward 11 – University-Rosedale

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.

This is a 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 596 College Street, Clinton Street flankage.

RECOMMENDATIONS

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

1. The application for the proposed boulevard café located at 596 College Street, Clinton Street flankage 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 596 College Street, Clinton Street flankage was received on June 8, 2018 from the business owner representing 1989798 Ontario Ltd., operating as Tondou. The application submitted was seeking permission to establish a boulevard café on the Clinton Street residential flankage for 16.01 square metres which would accommodate approximately 11 patrons.

COMMENTS

An application for a boulevard café located at 596 College Street, Clinton Street flankage was received on June 8, 2018 from the business owner representing 1989798 Ontario Ltd., operating as Tondou. The application submitted was seeking permission to establish a boulevard café on the Clinton Street flankage for 16.01 square metres which would accommodate approximately 11 patrons.

(Appendix No. 1 and 2)

A site inspection conducted on June 29, 2018 revealed that the boulevard café area would only provide a pedestrian clearance of 1.77 metres from the installed bollards to the proposed café fence. 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 3, 2018 a refusal letter was sent to the business owner representing 1989798 Ontario Ltd., operating as Tondou advising the applicant that the proposed area for the boulevard café will provide insufficient sidewalk space.

On July 25, 2018 a letter was received by Municipal Licensing & Standards from the business owner representing 1989798 Ontario Ltd., operating as Tondou to appeal the decision of the denial for a boulevard café permit.

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

A poll was conducted on September 18, 2018 with the last date for filing a response being October 17, 2018 by the City Clerk's Office, Elections and Registry Services in English, and included the premises between 51-89A Clinton Street, 48-80 Clinton Street, 594 and 596 College Street to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the number of the ballots received did not meet the minimum response rate. The provisions of Municipal Code Chapter 190 indicate that if the minimum response is not met, the application must be refused.

The applicant was notified of the refusal in writing on October 25, 2018.

Furthermore, when there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll.

Accordingly, no further application for boulevard café privileges at this location can be accepted until October 17, 2020.

CONTACT

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SIGNATURE

Fiona Chapman
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ATTACHMENTS

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