

Refusal of a Boulevard Café Permit Application Located at 1091 Queen Street East, Winnifred Ave Flankage

Date: March 1, 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.

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 1091 Queen Street East, Winnifred Avenue flankage.

RECOMMENDATIONS

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

The application for the proposed boulevard café located at 1091 Queen Street East, Winnifred Avenue 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 located at 1091 Queen Street, Winnifred Avenue flankage was first received on May 18, 2018 from the business owner of Sweat & Soda Barcafe LTD, operating as Sweat & Soda. The application submitted was seeking permission to establish a boulevard café on the Winnifred Avenue flankage for 22.68 square meters would accommodate approximately 17 patrons.

COMMENTS

A new application for a boulevard café located at 1091 Queen Street East, Winnifred Avenue flankage was received on May 18, 2018 from the business owner, operating as Sweat & Soda. The application submitted was seeking permission to establish a boulevard café on the Winnifred Avenue flankage for 22.68 square metres which would accommodate approximately 17 patrons. (Appendix No. 1 and 2)

The proposed boulevard café flanks a residential zone, and the former City of Toronto Municipal Code Chapter 313-36 F requires that no part of the boulevard café is less than 25 metres from a residential zone. A site inspection conducted on May 25, 2018 revealed that the boulevard café area is located within 8.90 metres from a residential zone and therefore it is recommended that the application be refused.

On June 18, 2018, a refusal letter was sent to the business owner advising that the boulevard café permit application was denied due to the required 25 metres from a residential zone.

A letter dated September 21, 2018 was received by Municipal Licensing & Standards from the business owner to appeal the decision of the denial for a boulevard café permit on the Winnifred Avenue flankage.

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 December 5, 2018 with the last date for filing a response being January 3, 2019 by the City Clerk's Office, Elections and Registry Services in English, and included the premises between 49-93 Winnifred Avenue, 52-84 Winnifred Avenue and 1075 Queen street East to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of the ballots received were in favour.

Furthermore, 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 January 3, 2021.

The inspection conducted on May 25, 2018 also revealed that the boulevard café area would only provide a pedestrian clearance of 1.30 metres from 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.

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 the same refusal letter dated June 18, 2018 which was sent to the business owner representing Sweat & Soda, the applicant was advised that the proposed area for the boulevard café will provide insufficient sidewalk space.

CONTACT

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SIGNATURE

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ATTACHMENTS

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