

Refusal of an application for a boulevard cafe permit located at 104 Portland Street

Date: March 26, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 10- Spadina- Fort York

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 cafe located at 104 Portland Street.

RECOMMENDATIONS

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

1. The application for the proposed boulevard cafe located at 104 Portland Street 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 cafe permit located at 104 Portland Street.

The application submitted was seeking permission to establish a boulevard cafe area on the commercial frontage at 104 Portland Street for 17.85 square metres which would accommodate approximately 15 patrons.

COMMENTS

An application for a boulevard cafe permit located at 104 Portland Street was first received on August 17, 2017 from the business owner representing Chubby's Jamaican Kitchen Inc, operating as Chubby's Jamaican Kitchen. (Appendix 1 and 2)

A site inspection conducted on November 16, 2017 revealed that the boulevard cafe area would only provide a pedestrian clearance of 1.87 metres from the curb to the hydro pole. The required 1.0 metre radius was not given to the hydro pole. 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 cafe area 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.

The applicant was proposing to install a deck at 104 Portland Street. In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, Section C(1) (a) where the application includes permission to construct a boulevard cafe deck within the licensed boulevard cafe area a requirement of a 5% slope is required. The proposed deck only provides a 2.67% slope.

On December 31, 2018 a refusal letter was sent to the business owner representing Chubby's Jamaican Kitchen Inc., advising the applicant that the proposed cafe area will not provide sufficient sidewalk space.

On January 8, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing Chubby's Jamaican Kitchen Inc., to appeal the decision to deny the boulevard cafe area located at 104 Portland Street.

CONTACT

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SIGNATURE


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

ATTACHMENTS

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