

Refusal of an application for a boulevard cafe permit located at 800 Dundas Street West, Palmerston Avenue Flankage

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 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.

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 800 Dundas Street West, Palmerston Avenue Flankage.

RECOMMENDATIONS

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

1. The application for the proposed boulevard cafe located at 800 Dundas Street West, Palmerston 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 cafe permit located at 800 Dundas Street West, Palmerston Avenue flankage.

A previous permit was issued for 800 Dundas Street West, Palmerston Avenue flankage, first issued on August 1, 2006 and expired on August 23, 2013 for 78.52 square metres.

COMMENTS

An application for a boulevard cafe permit located at 800 Dundas Street West was first received on December 5, 2018 from the business owner representing Old School Inc, operating as Old School. The application submitted was seeking permission to establish a boulevard cafe on the Palmerston Avenue flankage for Area 1: 39.73 square metres which would accommodate approximately 28 patrons and for Area 2: 48.04 square metres which would accommodate approximately 34 patrons. (Appendix No. 1 and 2)

A site inspection conducted on December 13, 2018 revealed that the boulevard cafe area would only provide a pedestrian clearance of 1.62 metres from the curb 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 proposed boulevard cafe flanks a residential zone, and the former City of Toronto Municipal Code Chapter 313-36 F requires that no part of the boulevard cafe is less than 25 metres from a residential zone. A site inspection conducted on December 13, 2018 revealed that the boulevard cafe area is located within 16.40 metres from a residential zone and therefore it is recommended that the application be refused.

On December 20, 2018, a refusal letter was sent to the business owner advising that the boulevard cafe permit application was denied due to the required 2.13 metres clearance and the required 25 metres from a residential zone.

On January 7, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing Old School Inc. operating as Old School to appeal the decision to deny the boulevard cafe area located at 800 Dundas Street West, Palmerston Avenue flankage.

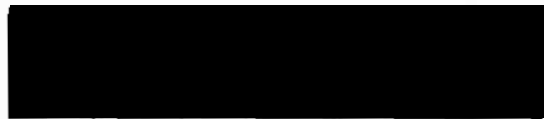
A poll was conducted on February 28, 2019 in English with the last date for filing a response being March 29, 2019 by the City Clerk's Office, Elections and Registry Services, and included the premises between 800-802 Dundas Street West and 161-208 Palmerston Avenue to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services were not yet received at the time of the report.

CONTACT

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

SIGNATURE



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

ATTACHMENTS

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