

Refusal of a curbside cafe permit application located at 1248 St Clair Avenue West

Date: May 01, 2019

To: Toronto and East York Community Council

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

Wards: Ward 9 – Davenport

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 curbside cafe permit located at 1248 St Clair Avenue West.

RECOMMENDATIONS

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

1. The application for the proposed curbside café located at 1248 St Clair Avenue West 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 curbside cafe permit located at 1248 St Clair Avenue West.

COMMENTS

An application for a curbside café located at 1248 St Clair Avenue West was received on April 23, 2019 from the business owner representing Public. The application submitted was seeking permission to establish a boulevard curbside café located at 1248 St Clair Avenue West for 1.20 square metres which would accommodate approximately 4 patrons. (Appendix No. 1 and 2)

Boulevard café applications are governed by the criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks. The current provisions in Chapter 313-36, state that the owner or occupant of a property, which may be lawfully used for industrial or commercial purposes and which abuts on a boulevard may submit an application for a Boulevard Café Permit. Currently under the former City of Toronto Municipal Code Chapter 313, section-36 there are no provisions or criteria for curbside cafes.

A refusal letter was sent on April 26, 2019 to the business owner representing Public, advising the application would be refused based on the City of Toronto Municipal Code Chapter 313, which has no provision or criteria for curbside cafes.

On April 30, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing Public, to appeal the decision of the denial for a curbside café permit.

On September 1, 2019 a new harmonized Sidewalk and Marketing Display bylaw will come into effect with new provisions for a curbside café. Should the Toronto East York Community Council proceed with the approval of the curbside café located at 1248 St. Clair Avenue West, Municipal Licensing and Standards recommends specific criteria as described below:

- a. at the curbside in front of the applicant's establishment, unless the applicant has obtained permission for an extended curbside café;
- b. on a street with posted and operating speeds of,
 - i. 40 kilometres/hour or less; or
 - ii. greater than 40 kilometres/hour if approved by the General Manager based on a review of factors such as street context, number and width of travel lanes, traffic volumes and speeds, setbacks, and other safety-related considerations;

- c. no less than 20 metres upstream of a transit stop and if there is no transit stop, no less than 15 metres upstream of the closest curb edge of an intersection or a pedestrian crossover;
- d. no less than 9 metres downstream of the closest curb edge of an intersection or pedestrian crossover; and
- e. be set back a minimum 0.5 metres from the curb face.

The application for a curbside café does not meet the requirements of a, b and c listed above. St. Clair Avenue West has no posted speed limit, the maximum speed is 50 kilometres/hour in cities, towns and villages. The curbside café is located within 4.0 metres of an intersection or a pedestrian crossover.

CONTACT

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SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
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ATTACHMENTS

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