

Refusal of a boulevard cafe permit application located at 75 Portland Street

Date: June 4, 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 permit located at 75 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 75 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 75 Portland Street.

COMMENTS

An application for a boulevard cafe located at 75 Portland Street was received on May 7, 2019 from the business owner representing 2664141 Ontario Inc. operating as Shook. The application submitted was seeking permission to establish a boulevard cafe located at 75 Portland Street for 59.13 square metres which would accommodate approximately 50 patrons. (Appendix 1 and 2).

Upon receipt of an application, it is reviewed for compliance with the physical criteria of Chapter 313-36 of the Former City of Toronto Municipal Code.

A site inspection conducted on June 3, 2019 revealed that the boulevard cafe area would only provide a pedestrian clearance of 1.68 metres from the tree paver to 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 cafe 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 former City of Toronto Municipal Code, Chapter 313-368 (5) states; Where the application is for a boulevard cafe to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days before a date specified by the Commissioner.

A public notice was posted on March 30, 2019 to June 12, 2019 to determine neighbourhood support.

Letters of objection to the public posting were received by Municipal Licensing & Standards.

Boulevard cafes are governed by the criteria set out in Chapter 313-36B (6) of the former City of Toronto Municipal Code. As stated in the Municipal Code, "where the Commissioner receives one or more letters of objection in response to the boulevard cafe application," the Commissioner shall refuse the application.

A refusal letter dated on June 3, 2019 was sent to the business owner representing 2664141 Ontario Inc. operating as Shook advising the applicant that the proposed boulevard cafe will provide insufficient sidewalk space as specified in Toronto Municipal Code Chapter 313.

On June 4, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing 2664141 Ontario Inc. operating as Shook to appeal the decision of the denial for a boulevard cafe permit.

CONTACT

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SIGNATURE

Fiona ChaP.
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS-75 PORTLAND STREET

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

Toronto and East York Community Council

Location - 75 Portland Street O/A Shook

Date of Appeal

June 4, 2019

Enforcement

- No History

Reason for Appeal

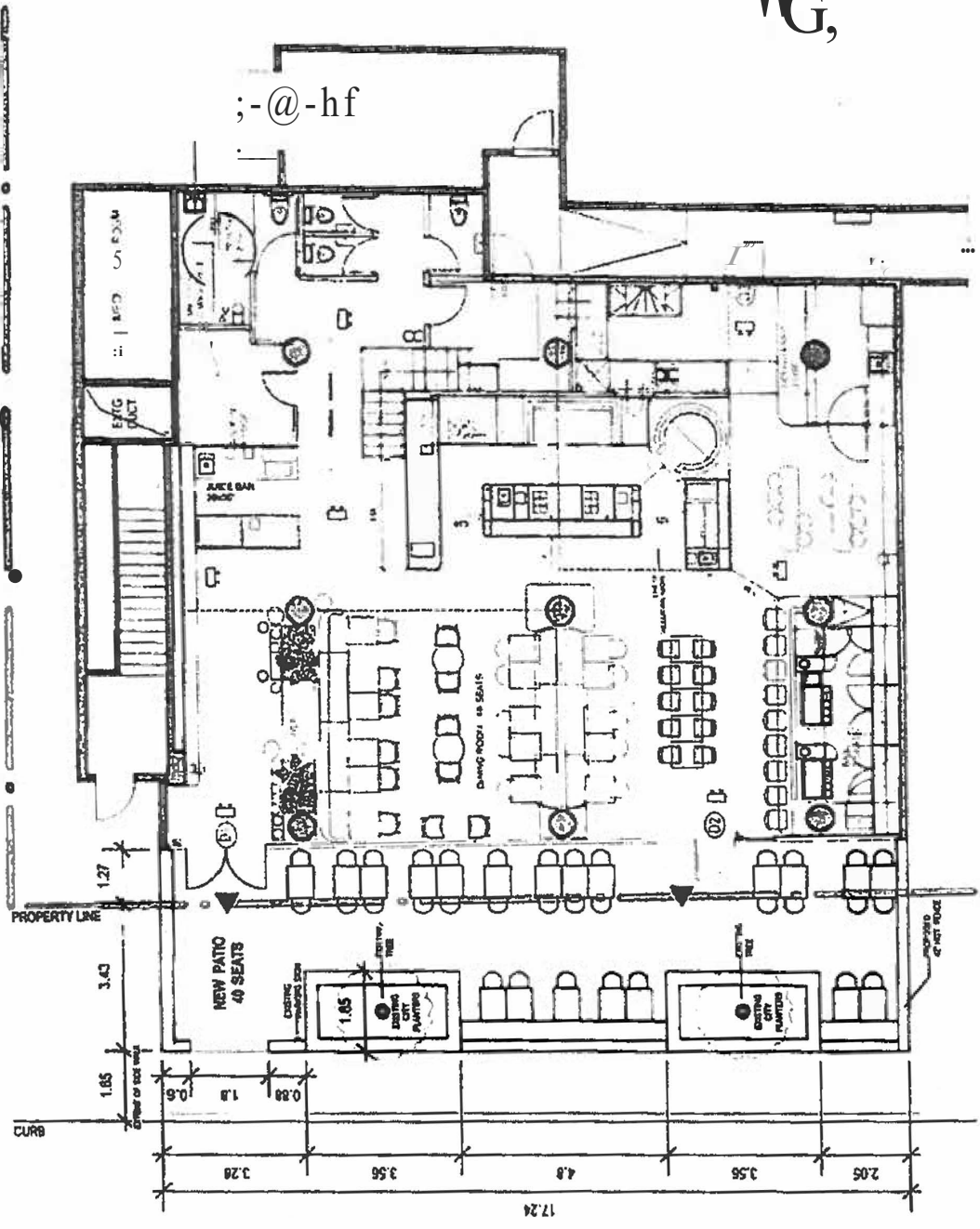
- Does not meet 2.13 m- the proposed location is linear to the tree pavers; leaving only 1.68 metres. Applicant did not want to scale back and wanted to include the pavers within his proposed location
- Objections were received during the 14 day posting, complaints came in claiming that the posting was taken down prior to the final posting date.
- Urban Forestry has a concern with the 1.68 metre clearance that would be provided there would be increased liability on Urban Forestry.

Info

- Application received May 7, 2019
- Refusal letter sent June 3, 2019 (no 2.13m)
- Appeal letter received June 4, 2019

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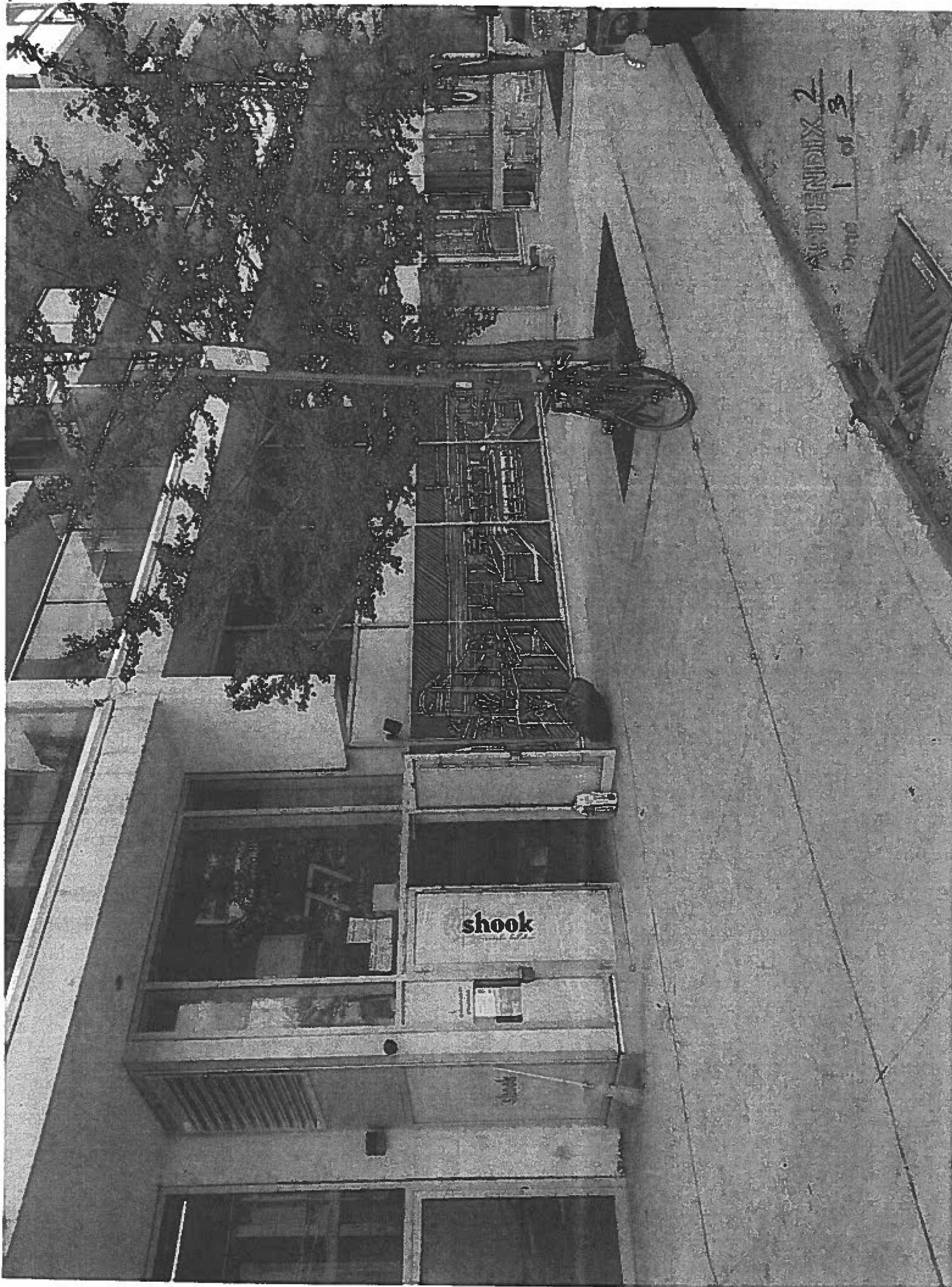
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Interior Renovation
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Project no. 16-133

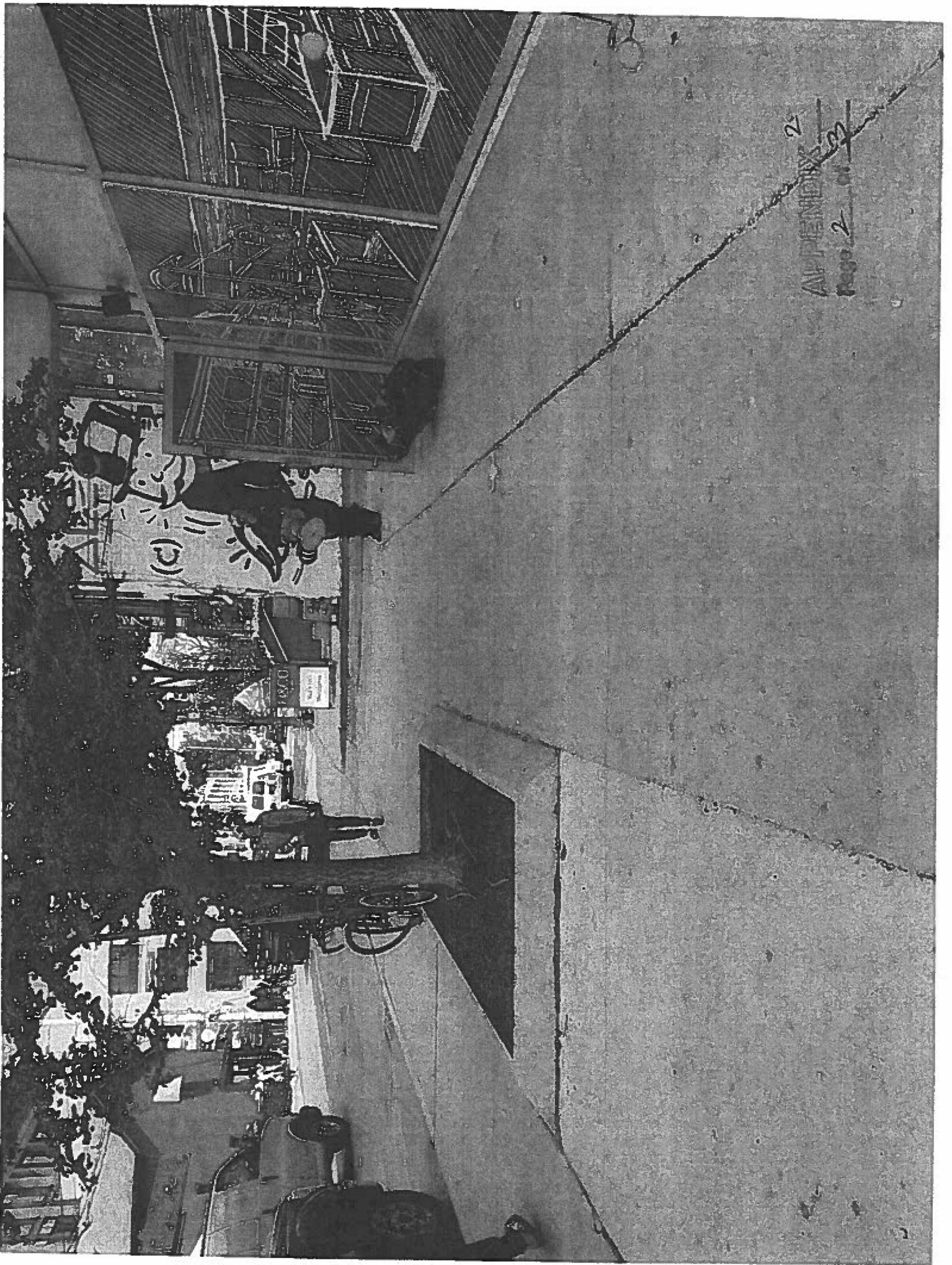


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