

Refusal of a boulevard cafe permit located at 1 Old Mill Drive

Date: August 16, 2019

To: Toronto and East York Community Council

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

Wards: Ward 4 - Parkdale - High Park

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 area located at 1 Old Mill Drive.

RECOMMENDATIONS

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

1. The application for the proposed boulevard cafe permit located at 1 Old Mill Drive be denied.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

An application for a boulevard cafe permit located at 1 Old Mill Drive was first received on March 8, 2016 from the business owner representing GF2 (Bloor) Inc. operating as Goodfellas Pizza.

The application was first approved on July 14, 2016. The permit expired on July 14, 2017.

COMMENTS

A new application for a boulevard cafe was received from the business owner representing GF2 (Bloor) Inc. operating as Goodfellas Pizza on June 25, 2019. The application submitted was seeking permission to establish a boulevard cafe located at 1 Old Mill Drive for 64.44 square metres which would accommodate approximately 55 - patrons in total. (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 July 2, 2019 revealed that the boulevard cafe area would provide 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.

The application was circulated to internal divisions to provide comment and/or concerns regarding the proposed boulevard cafe application.

A review of the application was conducted on August 2, 2019 by Transportation Services, Traffic Operations. Comments received by Traffic Operations in review of the plans indicate that the proposed boulevard cafe would not provide sufficient sight distance for southbound vehicles to turn onto Bloor Street West from Old Mill Drive under existing conditions.

The minimum stopping sight distance described by the Transportation Association of Canada Act is a least 75 metres for a 60 kilometres per hour design speed. Upon inspection from Transportation Services the current sight distance between a vehicle existing Old Mill Drive and a vehicle approaching westbound on Bloor Street West is approximately 45 metres which is not sufficient.

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 June 28, 2019 to July 11, 2019 determine neighbourhood support.

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

Boulevard cafes are governed by the criteria set out in Chapter 313-36 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.

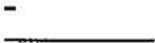
A refusal letter was sent on July 5, 2019 to the business owner representing GF2 (Bloor) Inc. operating as Goodfellas Pizza, advising the applicant that letters of objection to the 14 day public posting was received and that the boulevard cafe permit application was denied.

On July 18, 2019 a letter was received by Municipal Licensing and Standards from the business owner representing GF2 (Bloor) Inc. operating as Goodfellas Pizza, to appeal the decision of the denial for a boulevard cafe permit.

CONTACT

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SIGNATURE


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

ATTACHMENTS-1 OLD MILL DRIVE

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