

Refusal of a boulevard café permit application located at 247 Wallace Avenue

Date: August 22, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing and 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 and Standards in the matter of an application for a boulevard café permit located at 247 Wallace Avenue.

RECOMMENDATIONS

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

1. The application for the proposed boulevard café located at 247 Wallace Avenue 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 café permit located at 247 Wallace Avenue.

COMMENTS

An application for a boulevard café located at 247 Wallace Avenue was received on March 19, 2019 from the business owner representing Halo Brewery Inc. operating as Halo Brewery. The application submitted was seeking permission to establish a boulevard café located at 247 Wallace Avenue for 20.4 square metres which would accommodate approximately 15 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 17, 2019 revealed that the boulevard cafe area would only provide a pedestrian clearance of 1.66 metres from the proposed boulevard café area to inground planter and 1.69 metres from 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 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 boulevard cafe application included a proposal to construct a wooden deck within the proposed boulevard café area. Upon review of the proposed site plan it was revealed that the deck would be situated over the north mosrplanter box that was established by City Planning and Urban Forestry.

On June 11, 2019 the application was circulated to inter- divisions for comments on the proposal of the café application with wooden deck.

On June 13, 2019 we received an objection to the application from the Urban Forestry, Tree Protection and Plan Review Division stating that the existing north most planter within the road allowance should be maintained by way of revising the design to end the

deck south of the planter or include a cut-out to allow for the planting, maintenance and establishment of a new large growing shade tree.

A refusal letter dated on July 13, 2019 was sent to the business owner representing Halo Brewery Inc. operating as Halo Brewery advising the applicant that the proposed boulevard café will provide insufficient sidewalk space as specified in Toronto Municipal Code Chapter 313.

On July 13, 2019 a letter was received by Municipal Licensing and Standards from the business owner representing Halo Brewery Inc. operating as Halo Brewery to appeal the decision of the denial for a boulevard café permit.

The applicant was advised of Urban Forestry's comments at the time of this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS – 247 WALLACE AVENUE

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