

Appeal - Curb Lane Café - 88 Ossington Avenue, Humbert Street flankage

Date: April 19, 2024

To: Toronto and East York Community Council

From: Director, Permits and Enforcement, Transportation Services

Wards: Ward 10 – Spadina-Fort York

SUMMARY

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is for Toronto and East York Community Council to consider an appeal from the business owner of 88 Ossington Avenue regarding their CaféTO curb lane café application. The proposed curb lane café is in contravention of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing displays.

The business owner is seeking approval from Toronto and East York Community Council to allow a curb lane café to be installed within the public right-of-way at 88 Ossington Avenue, Humbert Street flankage which is in contravention of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing.

Should Toronto and East York Community Council decide to grant the permit, it will require City Council approval as it is recommended that the Humbert Street commercial loading zone be relocated to the east side of Ossington Avenue.

RECOMMENDATIONS

The Director, Permits and Enforcement, Transportation Services recommends that:

1. Toronto and East York Community Council not authorize the General Manger, Transportation Services to issue a permit to 2687935 Ontario Inc., operating as Bar Koukla, for the proposed curb lane café permit 88 Ossington Avenue, located on Humbert Street, as it contravenes City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

This report addresses a new initiative.

COMMENTS

An application for a curb lane café was received on February 27, 2024 from 2687935 Ontario Inc., operating as Bar Koukla. The application submitted was seeking to operate a curb lane café on Humbert Street for 27.0 linear meters, commonly known as a flankage café. A flankage café is located on a local road that is adjacent to a corner business unit.

Where an application is received for a curb lane café on a flankage, City of Toronto Municipal Code Chapter 742-2.3A requires that public notification be provided to all property owners and occupants within a 60 metre radius of the proposed café location. If multiple objections are received by Transportation Services during the 21-day period of public notice, the application must be refused.

Ten objections were received primarily consisting of concerns related to traffic flow, illegal parking, and accessibility. Transportation Services must therefore refuse the application.

On March 11, 2024 the applicant was notified, in writing, that the application for a curb lane café had been refused and an appeal was subsequently received.

As required by Section 742-4.3A of the Toronto Municipal Code, Transportation Services
Appeal - Curb Lane Café - 88 Ossington Avenue, Humbert Street flankage

has responded to the appeal by preparing this report for Toronto and East York Community Council consideration and to provide the applicant with an opportunity to be heard.

Alternate Recommendations

If, despite the above, Toronto and East York Community Council decides to authorize the General Manager, Transportation Services to issue a curb lane café permit to the business at 88 Ossington Avenue, it must also relocate the commercial loading zone on the south side of Humbert Street. If the curb lane café were permitted without relocating the

commercial loading zone, there would not be sufficient space for through motor vehicle movement.

Given the need of commercial delivery in the area, it is recommended that the commercial loading zone be relocated to the east side of Ossington Avenue just south of Argyle Avenue. As Ossington Avenue is a minor arterial road with Toronto Transit Commission service, City Council authorization is required. The alternate recommendations are found below:

1. City Council authorize the General Manager, Transportation Services to issue a permit for the operation of a curb lane café, to 2687935 Ontario Inc., operating as Bar Koukla at 88 Ossington Avenue, Humbert Street flankage in accordance with City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing.
2. City Council rescind the existing commercial loading zone on the south side of Humbert Street, between Ossington Avenue and a point 31 metres west.
3. City Council amend the existing parking prohibition in effect at all times on both sides of Humbert Street, between Ossington Avenue and Dovercourt to be in effect at all times on the north side of Humbert Street, between Ossington Avenue and Dovercourt.
4. City Council prohibit parking at all times on the south side of Humbert Street, between Dovercourt and a point 31 metres west of Ossington Avenue.
5. City Council prohibit stopping at all times on the south side of Humbert Street, between Ossington Avenue and a point 31 metres west.
6. City Council designate a commercial loading zone to be in effect from 8:00 a.m. to 4:00 p.m. and 6:00 p.m. to 12:00 a.m., Monday to Friday and 8:00 a.m. to 12:00 a.m., Saturday and Sunday, on the east side of Ossington Avenue, between a point 38 metres south of Argyle Avenue and a point 28 metres further south.

The Ward Councillor has been advised of the recommendations in this report.

CONTACT

Marco Savino
Manager, Street Events & Right of Way Programs
Transportation Services
Tel: (416) 394-8422
E-mail: marco.savino@toronto.ca

SIGNATURE

Antonia Markos
Director, Permits and Enforcement, Transportation Services

ATTACHMENTS

Attachment 1: Photo of Proposed Curb Lane Café Location – 88 Ossington Avenue, Humbert Street Flankage

Attachment 1: Photo of Proposed Curb Lane Café Location – 88 Ossington Avenue, Humbert Street Flankage

