

## **Appeal - Boulevard Cafe - Walmer Road Flank of 362 Bloor Street West (Midtown)**

*(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)*

**The Toronto Community Council recommends that:**

- (1) the application for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West be approved, subject to:**
  - (a) the application complying with the criteria set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code;**
  - (b) the owner erecting and maintaining, to the satisfaction of the Commissioner of Works and Emergency Services, a garbage container as near as possible to the café; and**
- (2) the Commissioner of Works and Emergency Services report back on the operation of the café at the end of the 2000 café season.**

**The Toronto Community Council submits the following report (November 16, 1999) from the Right of Way Management, Transportation Services, District 1:**

Purpose:

To report on the business owner's application for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West. As this is a matter of public interest, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that:

- (1) City Council approve the application for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West and such approval be subject to the application complying with the criteria set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code;

OR

- (2) City Council deny the application for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West.

Background:

In an e-mail dated August 11, 1999, Bernie Morton of Councillor John Adams' office requested us to report on the boulevard cafe application.

Comments:

Mr. Jing So, Shakespeare's Cafe, 362 Bloor Street West, Toronto, Ontario, M5B 1X2, submitted an application on July 7, 1999, requesting a licence for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West.

The proposed cafe area is approximately 15.2 sq. m., as shown on the attached sketch (Attachment No. 1). It can accommodate 3 tables, with a potential seating capacity of 14 people.

This application meets the physical criteria for boulevard cafes as set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.

As the proposed cafe flanks a residential zone, the Municipal Code requires a public poll of owners and tenants within 120 m from the proposed cafe. If the majority of the ballots cast are in favour of the application, the application is approved. If the majority are opposed, the Commissioner must deny the application. If there is a negative response, re-polling for the same purpose may not take place until 2 years have passed from the closing date of the previous poll.

A poll dated September 10, 1999 to October 12, 1999 was conducted on Walmer Road between Nos. 11 to 15 and Nos. 6 to 22, including 360 and 362 Bloor Street West, to determine neighbourhood support. The poll was conducted in English and French (i.e. every person polled received the ballot form in 2 languages). The results of the poll were as follows:

Polling Summary

Ballots cast		45
Opposed	19	
In favour	26	
No response		337
Returned by post office		40
Total ballots issued		422

Conclusions:

The application meets the physical criteria set out in § 313-36 of Chapter 313 of the former City of Toronto Municipal Code and given the results of the poll are positive, we can issue a licence for a boulevard cafe on the Walmer Road flank of 362 Bloor Street West.

On hearing of depositions, the Toronto Community Council must decide whether or not to recommend that City Council grant the licence for a boulevard cafe.

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 25, 1999) from Anthony and Linda S. Hui, and a copy thereof is on file in the office of the City Clerk.

Insert Map – 362 Bloor Street West