

## **Refusal of a boulevard café permit application located at 798 Bloor Street West**

**Date:** May 27, 2019  
**To:** Toronto and East York Community Council  
**From:** Fiona Chapman, Director, Business Licensing and Regulatory Services,  
Municipal Licensing & Standards  
**Wards:** Ward 11 – University - Rosedale

### **SUMMARY**

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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 café permit located at 798 Bloor Street West.

### **RECOMMENDATIONS**

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

1. The application for the proposed boulevard café located at 798 Bloor Street West be denied.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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This is a new application for a boulevard cafe permit located at 798 Bloor Street West.

## COMMENTS

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An application for a boulevard café located at 798 Bloor Street West was received on June 12, 2018 from the business owner representing 9362576 Canada Inc. operating as Sam's. The application submitted was seeking permission to establish a boulevard cafe located at 798 Bloor Street West for 40.00 square metres which would accommodate approximately 30 patrons. (Appendix No. 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.

Site inspections conducted on June 20, 2018 and July 10, 2018 revealed that the boulevard café area would only provide a pedestrian clearance of 1.30 metres from the parking meter and 1.74 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 café 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 application submitted was proposing to install a deck within the proposed café area at 798 Bloor Street West. In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, Section C(1) (a) where the application includes permission to construct a boulevard café deck within the licensed boulevard café area a requirement of a 5% slope is required. The proposed deck only provides a 1% slope.

A refusal letter dated on August 27, 2018 was sent to the business owner representing 9362576 Canada Inc., operating as Sam's advising the applicant that the proposed boulevard café will provide insufficient sidewalk space and that proposed café deck does not meet the minimum requirement as specified in Toronto Municipal Code Chapter 313.

On September 18, 2018 a letter was received by Municipal Licensing & Standards from the business owner representing 9362576 Canada Inc., operating as Sam's to appeal the decision of the denial for a boulevard café permit.

The former City of Toronto Municipal Code Chapter 313-36B (4) also requires a public poll of owners and tenants within 120 metres of the proposed café on a residential flank.

A poll was conducted on July 24, 2018 in English with the last date for filing a response being August 22, 2018 by the City Clerk's Office, Elections and Registry Services and included the premises between 718-756 Crawford Street, 798 Crawford Street, and 796 Crawford Street to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of the ballots received were not in favour. The provisions of Municipal Code Chapter 190 indicate that if there is a negative response during the polling process, the application must be refused.

On August 27, 2018, a letter was sent to the business owner advising that the boulevard café permit application was denied due to the negative response during the polling process.

Furthermore, when there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll. Accordingly, no further application for boulevard café privileges at this location can be accepted until August 22, 2020.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS – 798 BLOOR STREET WEST**

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