

## **Refusal of a boulevard café permit application located at 1042 Gerrard Street East, Galt Avenue flankage**

**Date:** September 18, 2019  
**To:** Toronto and East York Community Council  
**From:** Fiona Chapman, Director, Business Licensing and Regulatory Services,  
Municipal Licensing & Standards  
**Wards:** Ward 14 – Toronto - Danforth

### **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.

This is a 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 1042 Gerrard Street East, Galt Avenue flankage.

### **RECOMMENDATIONS**

---

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

1. The application for the proposed boulevard café permit located at 1042 Gerrard Street East, Galt Avenue flankage 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 1042 Gerrard Street East, Galt Avenue flankage.

## COMMENTS

---

An application for a boulevard café permit located at 1042 Gerrard Street East, Galt Avenue flankage was received on June 14, 2018 from the business owner representing IDJ Coffee Corp Gerrard Street operating as Dineen Outpost. The application submitted was seeking permission to establish a boulevard café on the Galt Avenue flankage for 43.12 square metres which would accommodate approximately 30 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.

The proposed boulevard café flanks a residential zone, and the former City of Toronto Municipal Code Chapter 313-36F requires that no part of the boulevard café is less than 25 metres from a residential zone. A site inspection conducted on March 28, 2019 revealed that the boulevard café area is located within 11.04 metres from a residential zone and therefore it is recommended that the application be refused.

A site inspection conducted on June 21, 2018 revealed that the boulevard cafe area would only provide a pedestrian clearance of 1.68 metres from the sign to the curb. 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.

On September 17, 2018, a refusal letter was sent to the business owner advising that the boulevard café permit application does not have the required 25 metres from a residential zone.

On June 13, 2019, a letter was received by Municipal Licensing & Standards from the business owner to appeal the decision of the denial for a boulevard café permit on the Galt Avenue flankage.

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 June 19, 2019 in English and Simplified Chinese with the last date for filing a response being May 17, 2019 by the City Clerk's Office, Elections and Registry Services in, and included the premises between 89 – 125 Galt Avenue, 1042 and 1044 Gerrard Street East 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 in favour of the proposed boulevard café.

## **CONTACT**

---

Pat Thornback  
Supervisor  
Licensing Services  
Municipal Licensing & Standards  
Telephone: (416) 392-3128 Fax: (416) 392-4515  
E-mail: [pat.thornback@toronto.ca](mailto:pat.thornback@toronto.ca)

## **SIGNATURE**

---

---

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

## **ATTACHMENTS – 1042 GERRARD STREET EAST, GALT AVENUE FLANKAGE**

---

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