

Boulevard Cafe - Humewood Drive Flank of 696 St. Clair Avenue West (Midtown)

(City Council on November 23, 24 and 25, 1999, struck out and referred this Clause back to the Toronto Community Council for further consideration, pending receipt of the results of the poll of both the York and Toronto portions of Humewood Drive.)

The Toronto Community Council recommends that:

- (1) City Council allow the licensed boulevard café to continue on the Humewood Drive flank of 696 St. Clair Avenue West, notwithstanding the negative response to the public poll, for the 2000 café season, subject to the applicant 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; and**
- (2) the Commissioner of Works and Emergency Services report to the Toronto Community Council at the end of the 2000 café season on the operation of the café.**

The Toronto Community Council submits the following report (October 25, 1999) from the Right of Way Management, Transportation Services, District 1:

Purpose:

To report on the licensed boulevard cafe on the Humewood Drive flank of 696 St. Clair Avenue West which was issued inadvertently. As this matter is of public interest, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

Not applicable.

Recommendations:

It is recommended that:

(1) *City Council rescind the licensed boulevard café on the Humewood Drive flank of 696 St. Clair Avenue West, subject to:*

- (a) the licence holder being notified and given the opportunity to be heard by the Toronto Community Council;
- (b) a 30 day written notice of cancellation being provided to the licence holder;
- (c) the licence holder being refunded the unexpired portion of the annual boulevard café rental fee; and
- (d) the licence holder being required to sign a new boulevard café agreement to reflect St. Clair Avenue West only;

OR

(2) City Council allow the licensed boulevard café to continue on the Humewood Drive flank of 696 St. Clair Avenue West, notwithstanding the negative response to the public poll, and that such approval be subject to the applicant 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.

Background:

A boulevard café licence was issued on July 6, 1999 which included the Humewood Drive flank prior to the completion date of the poll which was August 30, 1999, due to an administrative error. The response to the poll was negative and therefore the licence for the Humewood Drive flank should not have been issued. Councillor Disero, in her communication of September 30, 1999, has requested us to report on this matter.

Comments:

Ms. Nonan, President, 1218121 Ontario Ltd., o/a Violet's Coffee House and Restaurant, 696 St. Clair Avenue West, Toronto, Ontario, M6C 1B1, submitted an application on March 16, 1999, requesting a licence for a boulevard café fronting 696 St. Clair Avenue West and on the Humewood Drive flank of 696 St. Clair Avenue West.

The proposed café areas are approximately 7.6 sq. m. and 47 sq. m. for St. Clair Avenue West and Humewood Drive respectively, as shown on the attached sketch (Attachment No. 1). The total café area can accommodate 12 tables, with a potential seating capacity of 48 people.

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

Fronting 696 St. Clair Avenue West - Café on Commercial Frontage

Chapter 313 of the former City of Toronto Municipal Code requires that where a café proposal is to be located on a commercial frontage, a notice must be posted at the property for not less than 14 days to determine neighbourhood support. If a written objection is received, the application must be refused by staff, but such refusal may be subject to an appeal by the applicant.

A notice was posted on May 19, 1999 with an expiry date of June 1, 1999, to determine neighbourhood support. There were no letters of objection received in opposition to the café proposal for the frontage of the location.

Humewood Drive Flank of 696 St. Clair Avenue West - Café on Residential Flank

As the proposed café flanks a residential district, the Municipal Code requires a public poll of owners and tenants within 120 m from the proposed café. 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 July 30, 1999 to August 30, 1999 was conducted at 696 and 700 St. Clair Avenue West and 2 Humewood Drive to determine neighbourhood support. The results of the poll were as follows:

Polling Summary

Ballots cast		4
Opposed	4	
In favour	0	
No response		12
Returned by post office		1
Total ballots issued		17

Regrettably, a boulevard café licence was issued to the café operator on July 6, 1999, which included the Humewood Drive flank of 696 St. Clair Avenue West, prior to the completion of the poll, due to an administrative error. The Municipal Code requires that if the majority of the ballots cast are opposed to the licensing of the café, the Commissioner must deny the application.

Ms. Nonan was advised in writing on September 10, 1999 that given the negative poll, a licence for the Humewood Drive flank of 696 St. Clair Avenue West could not be issued.

Although a licence was issued to Ms. Nonan to operate a café on the Humewood Drive flank, this area was not used by the café operator for the 1999 café season. In addition, we did not receive any complaints from members of the public or Toronto Police Service pertaining to noise or other disturbances at the subject location.

Conclusions:

The application to use the Humewood Drive flank of 696 St. Clair Avenue West for café purposes does not meet the criteria of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, as the poll was not in favour. To date, no complaints have been received with respect to the business operation.

On hearing the depositions, Toronto Community Council must decide whether or not to recommend to City Council to continue or deny the boulevard café licence on the Humewood Drive flank of 696 St. Clair Avenue West.

Contact:

Ken McGuire, Supervisor, Construction Activities
Telephone: 392-7894, Fax: 392-0816, E-mail: kmcguire@city.toronto.on.ca

(Attachment No. 1 – Sketch, referred to in the foregoing report, was forwarded to all Members of the Toronto Community Council with the agenda for its meeting on November 9, 1999, and a copy is on file in the office of the City Clerk).

Insert Table/Map No. 1
696 St. Clair