



**STAFF REPORT
ACTION REQUIRED**

Appeal of the denial of a Boulevard Café Permit - 696 St Clair Avenue West

Date:	April 16, 2007
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 21 – St Paul
Reference Number:	

SUMMARY

This staff report is a about a matter for which the community council has delegated authority from City Council to make a final decision.

To report on the refusal to issue a permit by the Municipal Licensing and Standards, based on the results of the public poll conducted in the matter, of an application for a boulevard café licence on the Humewood Drive flankage of 696 St Clair Avenue West.

RECOMMENDATIONS

The Toronto and East York Community Council may recommend that, the application for a boulevard café licence on the Humewood Drive flankage of 696 St Clair Avenue West, be denied.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café on the Humewood Drive flankage of 696 St Clair Avenue West Avenue was received from Mr. Galvin Davis representing 2096876 Ontario operating as Second Cup. The application submitted was seeking permission to establish a boulevard café on the Humewood Drive flankage for 36.3 square metres which would accommodate approximately 32 patrons.

As the proposed boulevard café flanks a residential district, a public poll was conducted in accordance with the polling provisions of the City of Toronto Municipal Code Chapter 90 from which a negative response was received. (Attachment No.1)

On January 31, 2007 a letter from Municipal Licensing and Standards was sent to 2096876 Ontario attention Mr. Galvin Davis advising of the refusal of the application for a boulevard café licence based on the negative outcome of the poll. (Attachment No.2)

ISSUE BACKGROUND

This application meets the physical criteria for a boulevard café, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll be conducted of owners and tenants within 120 metres of the proposed café. If the majority of ballots cast are in favour of the application, the application is approved. If the majority of ballots cast are opposed to the application, the application must be refused. 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.

COMMENTS

A poll dated November 23, 2006 to December 22, 2006 was conducted for Humewood Drive flankage, in English and French between the premises from 1 to 7 Humewood Drive and 696 and 700 St Clair Avenue West Avenue, to determine neighbourhood support. The results of the poll were as follows:

Polling Summary

Ballots cast		8
Opposed	6	
in favour	2	
No response		8
Returned by post office		4
Total ballots issued		20

Chapter 313, Chapter 313-36 A(6) of the former City of Toronto Municipal Code requires Municipal Licensing and Standards, to refuse the application where the results of a poll indicates the majority are not in favour of the application.

CONTACT

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SIGNATURE

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List of Attachments

Attachment No. 1 – Polling Results
Attachment No. 2 – Letter of refusal
Attachment No. 3 – Sketch of proposed boulevard café area