



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 651 College Street

Date:	August 22, 2007
To:	Toronto East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 19 – Trinity Spadina

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.

To report on an appeal received on August 18, 2007 from Jin Zhu Li, representing 1723658 Ontario Inc, of the denial for a boulevard café located at 651 College St, operating as Tai House. (**Appendix No.1**)

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council deny the application for a boulevard café received from 1723658 Ontario Inc, located at 651 College Street, operating as Tai House.

FINANCIAL IMPACT

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

DECISION HISTORY

An application for a boulevard café on the commercial frontage of 651 College Street was received on July 3, 2007 from Jin Zhu Li representing 1723658 Ontario Inc, operating as Tai House. The application submitted was seeking permission to establish a boulevard café on the commercial frontage for 9.2 square metres, which would accommodate approximately 7 patrons.

A site inspection of the proposed location has determined taking into consideration the clearance requirement described above, that there is insufficient space to operate a boulevard café due to street furnishings on the boulevard.

ISSUE BACKGROUND

One of the provisions of the former City of Toronto Municipal Code Chapter 313 is that boulevard cafes shall provide 2.13 meters clearance from the curb and/or any street furnishings (i.e. tree planters, poles, and benches...) in order to maintain adequate space for pedestrian traffic.

A field inspection conducted on July 18, 2007 from Municipal Licensing and Standards revealed that the required 2.13 metres of clear sidewalk space for pedestrian traffic could not be maintained due to existing reduced sidewalk space as a result of a decorative light standard, a tree inground and a traffic regulatory sign post.

A refusal letter was sent to 1723658 Ontario Inc on July 24, 2007 from Municipal Licensing and Standards Division. (**Appendix No.2**)

COMMENTS

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.

If the clearance requirement cannot be maintained, then the application must be refused and no further application may be submitted for a period of two years.

CONTACT

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SIGNATURE

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APPENDICES

Appendix No. 1 - Request for appeal
Appendix No. 2 - Letter of Denial
Appendix No. 3 - Photos of boulevard café area