



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 380 College Street, Borden Street Flankage

Date:	August 18, 2008
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 20 – 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 the results of a public poll and 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 permit at 380 College Street, Borden Street flankage.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the application for the proposed application. **OR**
2. That the Toronto and East York Community Council approve the application for the proposed application.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café on the Borden Street flankage of 380 College Street was received on February 26, 2008 from Giuseppe Lisozzi operating as LG Amato Pizza

Ristorante. The application submitted was seeking permission to establish a boulevard café on the Borden Street flankage for 52.56 square meters which would accommodate approximately 46 patrons. **(Appendix No. 4)**

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 190 from which a negative response was received.

ISSUE BACKGROUND

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll of owners and tenants within 120 metres of the proposed café.

A poll dated April 16, 2008 with the last date for filing a response being May 15, 2008 was conducted by the City Clerks Office, Elections and Registry Services for the Borden Street flankage, in English, between the premises 7 – 45 Borden Street, 10 – 54 Borden Street and including 380, 382 and 384 College Street, to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that the majority of ballots cast did not support the application. The provisions of Municipal Code Chapter 190 indicate that if the majority of ballots cast are opposed to the application, the application must be refused. **(Appendix No. 1)**

The applicant was notified of the refusal in writing on May 22, 2008. **(Appendix No. 2)**

On July 17, 2008 Municipal Licensing and Standards received a letter of appeal from the applicant. **(Appendix No. 3)**

COMMENTS

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.

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.

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.

As result, no further application for boulevard café privileges at this location can be accepted until May 15, 2010, two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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APPENDICES

1. letter from City Clerk's, Elections and Registry Office regarding the polling results
2. Refusal letter from Municipal Licensing and Standards
3. Letter of Appeal
4. Sketch of proposed café area
5. Photos of proposed café area