



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 430 ½ College Street

Date:	October 22, 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 East York Community Council has delegated authority from City Council to make a final decision.

To report on an application received on May 14, 2007 from Balanandini Manoharan, operating as The Thai Grill, for an application for a boulevard café located at 430 1/2 College Street.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. that the Toronto and East York Community Council deny the application for any boulevard café at 430 1/2 College Street; OR
2. that the Toronto and East York Community Council approve the application for the boulevard café at building wall in front of 430 1/2 College Street; OR
3. that the Toronto and East York Community Council approve the boulevard café at curbside in front of 430 ½ College Street in accordance with the College Street Pedestrian Clearway Project.

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 430 1/2 College Street was received on May 14, 2007 from Balanandini Manoharan, operating as The Thai Grill. The application submitted was seeking permission to establish a boulevard café at building wall for 5.38 square meters which would accommodate approximately 3 people.

A 14-day public notice posting is required under the provisions of former City of Toronto, Municipal Code Chapter 313. The notice was posted on August 27th, 2007 with an expiry date of September 7th, 2007. The Municipal Code stipulates that if any objections are received as a result of this notice, that the application must be denied.

On September 21, 2007 a refusal letter was sent to the business owner, Balanandini Manoharan representing The Thai Grill advising him that the boulevard café application was denied due to an objection received as a result of the 14-day public posting.

(Appendix No. 3)

The proposed boulevard café meets the physical criteria set out in Chapter 313 of the former City of Toronto Municipal Code.

ISSUE BACKGROUND

A letter dated April 21, 2008 was received by Municipal Licensing & Standards from Carlo Pierozzi acting on behalf of the business owner Balanandini Manoharan to appeal the decision of the denial for a boulevard cafe. **(Appendix No.4)**

Toronto and East York Community Council, at its meeting of September 10th, 2007 passed a motion regarding the College Street Pedestrian Clearway Project. This motion has directed Municipal Licensing and Standards to defer any consideration of all café applications on College Street, between Bathurst Street and Spadina Avenue unless they comply with the Clearway Pilot.

This location meets the physical criteria to establish a boulevard café at curbside in accordance with the College Street Pedestrian Clearway Project. The curbside café would be 6.3 square meters which would accommodate 4 patrons.

COMMENTS

Consultations with the Ward Councillor have confirmed that a final decision regarding AGCO (Alcohol and Gaming Commission of Ontario) regulations has not been established.

Due to the outstanding AGCO decision and the consultations with the Ward Councillor - café and marketing permits were re-instated at building wall for the balance of the 2008 café and marketing season only.

CONTACT

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SIGNATURE

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Licensing Services
Municipal Licensing and Standards

Appendices:

- Appendix No 1. Sketch of boulevard café at building wall
- Appendix No. 2 Photo of café area at building wall
- Appendix No. 3 Refusal letter to business owner
- Appendix No. 4 Letter of Appeal regarding the denial
- Appendix No. 5 Photo of 430 ½ College Street with proposed café area at curbside