



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a Boulevard Café – 116 Yorkville Avenue

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| Date: | December 17, 2007 |
| To: | Toronto and East York Community Council |
| From: | Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services |
| Wards: | Ward 27 – Toronto Centre - Rosedale |
| Reference Number: | |

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.

Municipal Licensing and Standards refused the application for a boulevard cafe permit at 116 Yorkville Avenue based on the provisions of the former City of Toronto, Municipal Code, and Chapter 313.

The criteria requires that boulevard cafes shall provide 2.13 metre clearance from the curb and/or any street furnishings in order to maintain adequate space for pedestrian traffic and that no objections are received as a result of the required public notice posted at the premises.

The applicant, McEwan One Mark Inc, operating as One, has appealed the staff decision to refuse the application.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council refuse the appeal for a boulevard cafe permit at 116 Yorkville Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

An application for a boulevard café located at 116 Yorkville Avenue, was received on January 23, 2007 from McEwan One Mark Inc, operating as One. The application submitted was seeking permission to establish a boulevard café at 116 Yorkville Ave, for 290m² which would accommodate approximately 260 patrons. (**Appendix No. 1**)

As the proposed boulevard café did not meet the 2.13 metre clearance requirement and a letter of objection was received on August 27, 2007, in response to the public notice posted, in accordance with the provisions of the City of Toronto Municipal Code Chapter 313, the application was refused.

On September 13, 2007, a letter from Municipal Licensing and Standards was sent to the applicant advising of the refusal of the application for a boulevard café permit based on the 2.13 metre clearance requirement and the objection received. (**Appendix No.2 and No. 3**)

ISSUE BACKGROUND

This application does not meet 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 of the former City of Toronto Municipal Code requires that when a proposed café is located in a commercial frontage, a 14-day public notice be posted. This notice was posted from August 15, 2007 to August 28, 2007 inclusive, to inform the neighbourhood that an application has been submitted to seek permission to establish a boulevard cafe.

As the proposed café does not meet the physical criteria in accordance with the former City of Toronto Municipal Code Chapter 313, and an objection was received the application must be refused.

COMMENTS

Municipal Licensing and Standards received an appeal to the refusal from the applicant dated November 7, 2007. (**Appendix No. 4**)

Because of the non compliance with the physical criteria for clear pedestrian traffic and the objection received, this application does not meet the requirements of Chapter 313, Section 313-36 of the former City of Toronto Municipal Code and the appeal should be refused.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix No. 1 – Application for Sidewalk/Boulevard Cafe
Appendix No. 2 – Refusal letter from Municipal Licensing and Standards
Appendix No. 3 – Objection letter to the 14 day posting
Appendix No. 4 - Appeal request letter from McEwan One Mark Inc