



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 505 College Street, Palmerston Avenue flankage

Date:	January 15, 2010
To:	Toronto and 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 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 505 College Street, Palmerston Avenue flankage.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the application for the proposed café at 505 College Street, Palmerston Avenue flankage. **OR**
2. That the Toronto and East York Community Council approve the application for the proposed cafe at 505 College Street, Palmerston Avenue flankage.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café on the Palmerston Avenue, flankage of 505 College Street was received on April 30, 2009 from the business owner, representing 1743601

Ontario Ltd, operating as Teatro Restaurant. The application submitted was seeking permission to establish a boulevard café on the Palmerston Avenue flankage for 52.45 square meters which would accommodate approximately 43 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 October 14, 2009 with the last date for filing a response being November 12, 2009 was conducted by the City Clerks Office, Elections and Registry Services for the Palmerston Avenue flankage, in English, between the premises 266-293A Palmerston Avenue, 274-296 Palmerston Avenue and including 507 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 November 16, 2009.
(Appendix No. 2)

On January 14, 2010 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 a result, no further application for boulevard café privileges at this location can be accepted until November 12, 2011, 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. Photo of proposed café area