



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit application located at 307 Wellesley Street East

Date:	April 7, 2010
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 28 – Toronto Centre – Rosedale

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 Municipal Licensing and Standards, based on the results of the public poll and physical criteria inspection conducted in the matter, of an application for a boulevard café permit on the 307 Wellesley Street East as requested by Councillor McConnell.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the application for the proposed boulevard café at 307 Wellesley Street East **OR**
2. That the Toronto and East York Community Council approve the application for the proposed boulevard café at 307 Wellesley Street East.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café located at 307 Wellesley Street East was received on December 16, 2009 from the business owner, representing 1156147 Ontario Ltd, operating as Rashnaa Restaurant. The application submitted was seeking permission to establish a boulevard café on Wellesley Street East for 19.95 square meters which would accommodate approximately 15 patrons. **(Appendix No. 3)**

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 the results of the poll did not support the application, as a majority of the ballots received were not in favour.

The former City of Toronto Municipal Code Chapter 313, Section 313-36 states that no part of the boulevard café shall be less than 25 meters from a residential zone.

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 and ensures that no part of the boulevard café is less than 25 meters from a residential zone.

Site inspection conducted on January 27, 2009 revealed that the boulevard café is within 1.5 meters of the required 25 meters from a residential zone.

A poll dated March 2, 2010 with the last date for filing a response being March 31, 2010 was conducted by the City Clerks Office, Elections and Registry Services for Wellesley Street East, in English, between the premises 292 – 324 Wellesley Street East, 309 – 325 Wellesley Street East, and 609 Parliament Street to determine neighbourhood support.

The results of the poll received from Elections and Registry Services indicate that the response to the poll did not meet the provisions of Municipal Code Chapter 190, since a majority of the ballots received were not in favour. **(Appendix No. 1)**

The applicant was notified of the refusal in writing on February 11, 2010. **(Appendix No. 2)**

COMMENTS

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll be conducted of owners and tenants within 120 metres of the proposed café and ensure that no part of the boulevard café is less than 25 meters from a residential zone.

Chapter 313, Section 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 or physical criteria are not in favour of the application.

In addition, no further application for boulevard café privileges at this location can be accepted until March 31, 2012 two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

APPENDICES

1. Letter from City Clerk's, Elections and Registry Services regarding the polling results
2. Refusal letter to client from Municipal Licensing and Standards
3. Sketch of proposed cafe area
4. Photos of proposed cafe area