



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 968 Bathurst Street, Follis Avenue flankage

Date:	October 28, 2013
To:	Toronto and East York Community Council
From:	Richard Mucha, Acting Director, 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 refusal to issue a permit by Municipal Licensing and Standards for a boulevard café permit located at 968 Bathurst Street, Follis Avenue flankage.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Toronto and East York Community Council:

1. Deny the application for the proposed café located at 968 Bathurst Street, Follis 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 Follis Avenue flankage of 968 Bathurst Street was received on April 5, 2013 from The Scoop and Bean Inc.

The application submitted was seeking permission to establish a boulevard café on the Follis Avenue flankage for 27.47 square meters which would accommodate approximately 22 patrons.

A site inspection conducted on May 15, 2013 revealed that the boulevard café area is located within 3.74 metres from a residential zone. The required clearance from a residential zone for cafes located on a residential flank is 25 metres.

On May 22, 2013, a refusal letter was sent to The Scoop and Bean Inc, advising that the boulevard café permit application was denied due to the required 25 metres from a residential zone.

A letter dated May 30, 2013 was received by Municipal Licensing & Standards from The Scoop and Bean Inc. to appeal the decision of the denial for a boulevard café permit on the Follis Avenue flankage

Poll results

The former City of Toronto Municipal Code Chapter 313-36B (4) also requires a public poll of owners and tenants within 120 metres of the proposed boulevard café on a residential flank.

A poll dated September 23, 2013 with the last date for filing a response being October 22, 2013 was conducted by the City Clerk's Office, Elections and Registry Services for the Follis Avenue flankage in English, between the premises, 2 – 18 Follis Avenue, 3 – 5 Follis Avenue, 791 Markham Street and 964 Bathurst Street, to determine neighbourhood support.

Total owners/tenants/residents polled	72
Returned by post office	0
Total eligible voters (total polled minus returned by post office)	72
No reply	47
Total ballots received (response rate)	25
In favour of this Boulevard Cafe (of ballots received)	24
Opposed to this Boulevard Cafe (of ballots received)	1
Spoiled ballots	0

The results of the poll received from Election and Registry Services indicate that a majority of the ballots received were in favour.

COMMENTS

As the proposed café flanks a residential zone, the former City of Toronto Municipal Code Chapter 313-36 F, requires that no part of the boulevard café is less than 25 metres from a residential zone and the application be refused, therefore the application must be refused.

CONTACT

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SIGNATURE

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APPENDICES

1. Sketch of proposed café area
2. Photo of proposed café area