Appeal of the denial of a boulevard café permit application located at 561 Danforth Avenue, Carlaw Avenue flankage

Date: May 3, 2011

To: Toronto and East York Community Council

From: Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services

Wards: Ward 30 – Toronto – Danforth

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 appeal received from the business owner representing 2238989 Ontario Inc, operating as St. Louis Bar and Grill for the refusal to issue a permit by Municipal Licensing & Standards, in the matter, of an application for a boulevard café permit located at 561 Danforth Avenue, on the Carlaw Avenue flankage.

RECOMMENDATIONS

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

1. Deny the application for the proposed boulevard café application at 561 Danforth Avenue, on the Carlaw Avenue flankage based on the application not meeting the requirements as stated in Chapter 313.

Financial Impact

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

An application for a boulevard café located on the commercial frontage 561 Danforth Avenue, and on the Carlaw Avenue flankage was received on January 27, 2011 from the business owner representing 2238989 Ontario Inc, operating as St. Louis Bar and Grill.

The application submitted was seeking permission to establish a boulevard café on the commercial frontage of 561 Danforth Avenue 9.0 square meters which would accommodate approximately 5 patrons, and also on the Carlaw Avenue flankage for 77.4 square meters, which would accommodate approximately 68 patrons. *(Appendix No. 1)*

As the proposed boulevard café flanks a residential district, the former City of Toronto Municipal Code Chapter 313, Section 313-36F (2F) states that no part of the boulevard café shall be less than 25 meters from a residential zone.

Site inspection conducted on January 31, 2011 revealed that the boulevard café area is within 16.65 meters of the required 25 meters from a residential zone.

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 café on a residential flank.

A poll dated March 15, 2011 with the last date for filing a response being April 13, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Carlaw Avenue flankage, in English, between the premises 691 – 731 Carlaw Avenue, 690 – 728 Carlaw Avenue and also 557 Danforth Avenue 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.

As the proposed café is located on a commercial frontage, a 14 day public notice was posted to inform the neighbourhood that an application has been submitted to seek permission to establish a boulevard café.

Chapter 313-36B (5) states, where the application is for a boulevard café to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days, where the commissioner receives one or more letters of objection in response to the boulevard café application"', the Commissioner shall refuse the application and the application be refused.
The public notice was posted commencing on January 31, 2011 to closing February 13, 2011 to determine neighbourhood support.

No objection letters to the public posting were received by Municipal Licensing & Standards

**ISSUE BACKGROUND**

On February 23, 2011, a refusal letter was sent to the business owner representing 2238989 Ontario Inc, operating as St Louis Bar and Grill advising the applicant that the boulevard café application was denied due to the required 25 meters from a residential zone.

On March 14, 2011 a letter was received by Municipal Licensing & Standards from the business owner representing 2238989 Ontario Inc, operating as St Louis Bar and Grill to appeal the decision of the denial for a boulevard cafe.

On May 4, 2011, a refusal letter was sent to the business owner representing 2238989 Ontario Inc, operating as St Louis Bar and Grill advising the applicant that the majority of ballots cast did not support the application.

**COMMENTS**

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

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 April 13, 2013, two years from the closing date of the public poll.

**CONTACT**

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SIGNATURE

APPENDICES

1. Sketch of boulevard café
2. Photos of proposed café area