



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit application located at 293 Palmerston Avenue

Date:	August 8, 2011
To:	Toronto and East York Community Council
From:	Marcia Stoltz, Acting 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 appeal received from the business owner representing Super Rad Inc., operating as Woodlot Restaurant for the refusal to issue a permit by the Municipal Licensing & Standards, in the matter of an application for a boulevard café permit located at 293 Palmerston Avenue.

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 293 Palmerston Avenue 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 at Palmerston Avenue, was received on April 26, 2011 from the business owner representing Super Rad Inc, operating as Woodlot Restaurant.

The application submitted was seeking permission to establish a boulevard café at 293 Palmerston Avenue for 9.0 square meters which would accommodate approximately 5 patrons. (**Appendix No. 1**)

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.

The public notice was posted commencing on May 13, 2011 to closing May 26, 2011 to determine neighbourhood support.

Objection letters to the public posting were received by Municipal Licensing & Standards.

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

A poll dated July 5, 2011 with the last date for filing a response being August 3, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Niagara Street flankage, in English, between the premises 253 – 289 Palmerston Avenue, 264 – 302 Palmerston Avenue, and 306 College Street to determine neighbourhood support.

ISSUE BACKGROUND

On June 8, 2011, a refusal letter was sent to the business owner representing Super Rad Inc, operating as Woodlot Restaurant advising the applicant that objections letters to the 14 day public posting were received.

On July 25, 2011 a letter was received by Municipal Licensing & Standards from the business owner representing Super Rad Inc, operating as Woodlot Restaurant to appeal the decision of the denial for a boulevard cafe.

On August 4, 2011, a refusal letter was sent to the business owner representing Super Rad Inc, operating as Woodlot Restaurant advising the applicant that the boulevard café application was denied due to the majority of ballots cast did not support the application.

COMMENTS

Boulevard cafes are governed by the criteria set out in Chapter 313 of the former City of Toronto Municipal Code. As stated in the Municipal Code, “where the Commissioner receives one or more letters of objection in response to the boulevard café application,” the Commissioner shall refuse 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 August 3, 2013, two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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APPENDICES

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

