



STAFF REPORT ACTION REQUIRED

Refusal of a boulevard café permit located at 654 Lansdowne Avenue, Wallace Avenue flankage

Date:	November 21, 2011
To:	Toronto and East York Community Council
From:	Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 18 – Davenport

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 the Municipal Licensing and Standards based on the application for a boulevard café permit located at 654 Lansdowne Avenue, on the Wallace 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 654 Lansdowne Avenue, on the Wallace Avenue flankage.

Financial Impact

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

ISSUE BACKGROUND

An application for a boulevard café located at 654 Lansdowne Avenue, on the Wallace Avenue flankage was received on March 29th, 2011 from the business owner representing Paris Bakery & Pastry Inc. operating as Paris Bakery & Pastry.

The application submitted was seeking permission to establish a boulevard café on the Wallace Avenue flankage for 51.27 square meters, which would accommodate approximately 40 patrons. (**Appendix No. 1**)

In accordance with the former City of Toronto Municipal Code Chapter 313, Section 313-36F (2F), where a boulevard cafe is located on a residential flankage, no part of the boulevard café shall be less than 25 meters from a residential zone.

Site inspection conducted on April 8, 2011 revealed that the boulevard café area is located within 17.4 metres of a residential zone. The required clearance from a residential zone is 25 meters

On June 1, 2011, a refusal letter was sent to the business owner representing Paris Bakery & Pastry Inc advising the applicant that the boulevard café application was denied due to the required 25 meters from a residential zone.

A letter dated June 1, 2011 was received by Municipal Licensing & Standards from the business owner representing Paris Bakery & Pastry Inc to appeal the decision of the denial for a boulevard café application.

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

A poll dated October 5, 2011 with the last date for filing a response being November 3, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Wallace Avenue flankage, in English and Portuguese, between the premises 193 – Wallace Avenue, 202 – 222 Wallace to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that the majority of ballots cast were not in favour of the application.

On November 15, 2011, a letter was sent to the business owner representing Paris Bakery & Pastry Inc advising that the majority of the ballots received were not in favour of the application.

COMMENTS

Where a refusal is appealed in writing under § 313-77, the Commissioner shall prepare and forward a report to the Committee setting out the grounds for refusal of the application, which shall be considered in conjunction with the appeal.

CONTACT

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SIGNATURE

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APPENDICES

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