



STAFF REPORT ACTION REQUIRED

Refusal of a boulevard café permit located at 832 Dundas Street West, Euclid 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 19 – Spadina Trinity

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 832 Dundas Street West, on the Euclid 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 832 Dundas Street West, on the Euclid 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 832 Dundas Street West, on the Euclid Avenue flankage was received on April 26th, 2011 from the business owner representing Campagnolo Inc, operating as Campagnolo.

The application submitted was seeking permission to establish a boulevard café on the Euclid Avenue flankage for 40.39 square meters, which would accommodate approximately 30 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 May 27, 2011 revealed that the boulevard café area is located within 4.9 metres of a residential zone. The required clearance from a residential zone is 25 meters.

On April 4, 2011 a refusal letter was sent to the business owner representing Campagnolo Inc advising that the boulevard café application was denied due to the required 25 meters from a residential zone.

On August 10, 2011 a letter was received by Municipal Licensing & Standards from the business owner representing Campagnolo Inc to appeal the decision of the denial for a boulevard café application.

A poll dated September 22, 2011 with the last date for filing a response being October 21, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Euclid Avenue flankage, in English, between the premises 215 – 263 Euclid Avenue, 218 – 258 Euclid Avenue and also 836 Dundas Street West to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that the poll did not meet the minimum response rate and therefore is considered negative.

On October 28, 2011, a letter was mailed to business owner representing Campagnolo Inc advising that the results of the poll did not meet the minimum response rate and therefore is considered negative.

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