Refusal of a boulevard café permit application located at 385 Roncesvalles Avenue, Neepawa Avenue flankage

Date: August 13, 2012
To: Toronto and East York Community Council
From: Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
Wards: Ward 14 – Parkdale – High Park

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 & Standards in the matter of an application for a boulevard café permit located at 385 Roncesvalles Avenue, Neepawa 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 permit located at 385 Roncesvalles Avenue, Neepawa Avenue flankage.

Financial Impact

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

An application for a boulevard café located at 385 Roncesvalles Avenue, Neepawa Avenue flankage was received on January 25, 2012 from the business owner representing Roncy's Bean.

The application submitted was seeking permission to establish a boulevard café located on the Neepawa Avenue flankage of 385 Roncesvalles Avenue for 32.9 square meters which would accommodate approximately 28 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, 2012 revealed that the boulevard café area is within 9.15 meters of the required 25 meters from a residential zone.

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 June 26, 2012 with the last date for filing a response being July 26, 2012 was conducted by the City Clerk's Office, Elections and Registry Services for the Niagara Street flankage, in English, between the premises of 2 – 18 Neepawa Avenue, 1 – 9 Neepawa Avenue and 36 Lynd Avenue 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 February 10, 2012, a refusal letter was sent to the business owner representing Roncy's Bean advising the applicant that the boulevard café permit application was denied.

A letter dated February 16, 2012 was received by Municipal Licensing & Standards from the business owner to appeal the decision of the denial of the boulevard café permit 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.

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 July 26, 2014 two years (2) from the closing date of the public poll.
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SIGNATURE

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APPENDICES

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