Refusal of a boulevard café permit application located at 180 University Avenue, Simcoe Street Flankage

Date: May 27, 2013
To: Toronto and East York Community Council
From: Richard Mucha, Acting Director, Licensing Services, Municipal Licensing & Standards
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 refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 180 University Avenue, Simcoe Street flankage.

RECOMMENDATION

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 180 University Avenue, Simcoe Street 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 180 University Avenue, Simcoe Street flankage was received on August 24, 2012 from Soho House Toronto Partnership, operating as Soho House Toronto Partnership.

The application submitted is seeking permission to establish a boulevard café on the Simcoe Street flankage for 35.51 square metres which would accommodate approximately 28 patrons. (Appendix No. 1)
As the proposed boulevard café flanks a residential zone, 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.

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 was conducted on October 31, 2012 with the last date for filing a response being November 29, 2012, by the City Clerk's Office, Elections and Registry Services in English for the premises between 126 Simcoe Street, 116 Adelaide Street West, 132 – 140 Richmond Street West and 200 University Avenue.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that a poll can only proceed when at least 25% if the ballots mailed have been returned. This poll did not meet the minimum response rate and therefore is considered negative.

On December 5, 2012, a refusal letter was sent to Soho House Toronto Partnership, advising that the boulevard café permit application was denied due to the poll not meeting the minimum response rate.

A letter dated May 7, 2013 was received by Municipal Licensing & Standards from Soho House Toronto Partnership to appeal the decision of the denial for a boulevard café permit application on the Simcoe Avenue flankage.

**COMMENTS**

Pursuant to Chapter 190 of the Municipal Code, this poll did not meet the minimum response rate and therefore is considered negative. This poll cannot be conducted again until October 24, 2014, two (2) years from the closing date.

**CONTACT**

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SIGNATURE

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Richard Mucha
Acting Director
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APPENDICES
1. Sketch of boulevard café
2. Photos of proposed café area