Refusal of a boulevard café permit application located at 744 St. Clair Avenue West, Rushton Avenue flankage

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<th>Date:</th>
<th>May 27, 2013</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Richard Mucha, Acting Director, Licensing Services, Municipal Licensing &amp; Standards</td>
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<td>Wards:</td>
<td>Ward 21, St. Paul's</td>
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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 744 St. Clair Avenue West, Rushton Avenue 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 744 St. Clair Avenue West, Rushton Road 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 Rushton Road flankage was received on May 15, 2012 from 2210121 Ontario Inc, operating as Catch.

The application submitted is seeking permission to establish a boulevard café on the Rushton Road flankage for 56.30 square meters which would accommodate approximately 50 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.

Site inspection conducted on May 29, 2012 revealed that the boulevard café area is located within 21.48 meters from the residential zone. The required clearance from a residential zone for cafes located on a residential flank is 25 meters.

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 August 17, 2012 with the last date for filing a response being September 17, 2012, by the City Clerk’s Office, Elections and Registry Services in English for the premises between 260 – 306 Rushton Road, 281 – 307 Rushton Road and 740 St Clair Avenue West.

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 March 28, 2013, a refusal letter was sent to 2210121 Ontario Inc, advising that the boulevard café permit application was denied due to the poll not meeting the minimum response rate.

A letter dated April 9, 2013 was received by Municipal Licensing & Standards from 2210121 Ontario Inc to appeal the decision of the denial for a boulevard café permit application on the Ruston Road 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

____________________________
Richard Mucha
Acting Director
Licensing Services
Municipal Licensing & Standards

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