

Refusal of a boulevard café permit application located at 199 Augusta Avenue

Date: February 1, 2018
To: Toronto and East York Community Council
From: Annalisa Mignardi, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 20 – 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 199 Augusta Avenue.

RECOMMENDATIONS

The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The application for the proposed boulevard café located at 199 Augusta Avenue be denied; or
2. The operating conditions proposed by the Ward Councillor for the proposed boulevard café permit located at 199 Augusta Avenue be considered:
 - a. The patio will stop operations and be cleared out no later than 10:00 p.m. each night from Sunday to Thursday, and no later than 11:00 p.m. on Friday and Saturday.
 - b. Signage will be posted in a prominent location to remind people to be considerate of the surrounding community.
 - c. A telephone number will be provided for neighbours to register concerns or complaints directly with restaurant management.

- d. There will be no outdoor music or amplified sound on the patio, and doors and windows to the establishment will not be left open or propped open while there is music or amplified sound in the interior.
- e. Municipal Licensing and Standards to review in 1 year and report to the Councillor's office on any complaints received.

FINANCIAL IMPACT

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

DECISION HISTORY

This is a new application for a boulevard café permit located at 199 Augusta Avenue.

COMMENTS

An application for a boulevard café located at 199 Augusta Avenue was received on November 9, 2017 from the business owner representing Concrete Inc./General Public Inc., operating as Grey Gardens – General Public. The application submitted was seeking permission to establish a boulevard café located at 199 Augusta Avenue for 12.16 square metres which would accommodate approximately 8 patrons. (Appendix No. 1 and 2)

This application meets the physical criteria for a boulevard café, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

The former City of Toronto Municipal Code, Chapter 313-36 (5) states; Where the application is for a boulevard café to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passerby, for a period of not less than fourteen (14) days before a date specified by the Commissioner.

A public notice was posted on November 17, 2017 to November 30, 2017 to determine neighbourhood support.

A letter of objection to the public posting was received by Municipal Licensing & Standards on November 30, 2017.

Boulevard cafes are governed by the criteria set out in Chapter 313-36 of the former City of Toronto Municipal Code. As stated in the Municipal Code, "where the Commissioner receives one or more letters of objection in response to the boulevard café application," the Commissioner shall refuse the application.

A refusal letter was sent on December 5, 2017 to the business owner representing Concrete Inc./General Public Inc., operating as Grey Gardens – General Public, advising the applicant that an objection letter to the 14 day public posting was received and that the boulevard café permit application was denied.

On December 18, 2017 a letter was received by Municipal Licensing & Standards from the business owner representing Concrete Inc./General Public Inc., operating as Grey Gardens – General Public, to appeal the decision of the denial for a boulevard café permit.

A request from the Ward Councillor was received on December 1, 2017 for the matter to be brought forward to the Toronto and East York Community Council to impose operating conditions and change the permitted operating hours on the boulevard café permit application.

CONTACT

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SIGNATURE

Annalisa Mignardi
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS

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