



## STAFF REPORT ACTION REQUIRED

### Polling results for a boulevard café application permit located at 30 St Andrew Street

<b>Date:</b>	August 18, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 20 – Trinity Spadina

#### SUMMARY

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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 results of a public poll regarding an application for a boulevard café permit located at 30 St Andrew Street as requested by Councillor Vaughan.

#### RECOMMENDATIONS

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##### **Municipal Licensing and Standards recommends:**

1. That the Toronto and East York Community Council deny the application for the proposed application.

##### **Financial Impact**

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

#### DECISION HISTORY

An application for a boulevard café located at 30 St Andrew Street was received on March 26, 2008 from Alan Erdstein representing 951964 Ontario Ltd, operating as Moonbeam Coffee Company. The application submitted was seeking permission to establish a boulevard café on the St Andrew Street flankage for 19.08 square meters which would accommodate approximately 15 patrons. (**Appendix No. 3**)

As the proposed boulevard café flanks a residential district, a public poll was conducted in accordance with the polling provisions of the City of Toronto Municipal Code Chapter 190 from which the results of the poll did not meet the minimum response rate.

## **ISSUE BACKGROUND**

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll of owners and tenants within 120 metres of the proposed café.

A poll dated June 25, 2008 with the last date for filing a response being July 24, 2008 was conducted by the City Clerks Office, Elections and Registry Services for St. Andrew Street flankage, in English, between the premises 2 – 36 St Andrew Street, 13 – 55 St Andrew Street and including 346 and 350 Spadina Avenue, to determine neighbourhood support.

The results of the poll received from Elections and Registry Services indicate that the response to the poll did not meet the provisions of Municipal Code Chapter 190, Section 190-8A which states: that a poll will be considered valid when at least 25% of the ballots mailed have been returned. This poll did not meet the benchmark and therefore is invalid. **(Appendix No. 1)**

The applicant was notified of the refusal in writing on July 28, 2008. **(Appendix No. 2)**

On July 31, 2008 Councillor Vaughan requested Municipal Licensing and Standards to report the polling results to Toronto and East York Community Council.

To date, the applicant has not submitted an appeal of the decision to refuse the application to Municipal Licensing and Standards.

## **COMMENTS**

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.

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll be conducted of owners and tenants within 120 metres of the proposed café.

Chapter 313, Chapter 313-36 A(6) of the former City of Toronto Municipal Code requires Municipal Licensing and Standards, to refuse the application where the results of a poll indicates the majority are not in favour of the application.

In addition no further application for boulevard café privileges at this location can be accepted until July 24, 2010, two years from the closing date of the public poll

## **CONTACT**

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## **SIGNATURE**

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Licensing Services  
Municipal Licensing and Standards

## **APPENDICES**

1. Letter from City Clerk's, Elections and Registry Services regarding polling results
2. Refusal letter to client from Municipal Licensing and Standards
3. Sketch of proposed cafe area
4. Photos of proposed cafe area