



STAFF REPORT ACTION REQUIRED

Appeal of polling results for a boulevard café permit application located at 3079 Dundas Street West, Quebec Avenue flankage

Date:	March 9, 2009
To:	Etobicoke York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 13 – Parkdale-High Park

SUMMARY

This staff report is about a matter for which the Etobicoke 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 on the Quebec Avenue flankage of 3079 Dundas Street West.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Etobicoke York Community Council deny the application for the proposed boulevard café at 3079 Dundas Street West; OR
2. That the Etobicoke York Community Council approve the application for the proposed boulevard café at 3079 Dundas Street West.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café located at 3079 Dundas Street West, on the Quebec Avenue flankage was received on September 16, 2008 from Geoffrey Polci, operating as Crema Coffee Company. The application submitted was seeking permission to establish a boulevard café on the Quebec Avenue flankage for 35.0 square meters which would accommodate approximately 29 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. 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 November 12, 2008, with the last date for filing a response being December 11, 2008, was conducted by the City Clerks Office, Elections and Registry Services for the Quebec Avenue flankage, in English, between the premises 428-466 Quebec Avenue, 417A-437 Quebec Avenue , and also 3079, 3081 and 3077 Dundas Street West 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 January 19, 2009. **(Appendix No. 2)**

The applicant requested an appeal of the refusal on February 23, 2009. **(Appendix No. 5)**

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.

Chapter 313, Section 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 are not in favour of the application.

In addition, no further application for boulevard café privileges at this location can be accepted until December 11, 2010 two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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APPENDICES

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