

## **Appeal - Boulevard Cafe - Munro Park Avenue Flank of 2459 Queen Street East (East Toronto)**

*(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)*

**The Toronto Community Council recommends that the application for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East be denied.**

**The Toronto Community Council submits the following report (November 10, 1999) from the Right of Way Management, Transportation Services, District 1:**

### Purpose:

To report on the business owner's appeal of staff's refusal of an application for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East. As this matter is of public interest, it is scheduled as a deputation item.

### Financial Implications and Impact Statement:

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

### Recommendation:

It is recommended that:

- (1) City Council deny the application for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East;

OR

- (2) City Council approve the application for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East, notwithstanding the negative result of the public poll, and that such approval be subject to the applicant complying with the criteria set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code and paying for the removal of the curbstones.

### Background:

Mr. Vasilios Kolkas, in a letter dated July 2, 1999, has requested an appeal of staff's decision to refuse an application for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East.

Comments:

Mr. Vasilios Kolkas, owner of Lakeview Fish and Chips, 2459 Queen Street East, Toronto, Ontario M4E 1H7, submitted an application on April 19, 1999, requesting a licence for a boulevard cafe on the Munro Park Avenue flank of 2459 Queen Street East.

The proposed cafe area is approximately 33.2 sq. m., as shown on the attached sketch (Attachment No. 1). It can accommodate 7 tables, with a potential seating capacity of 30 people.

We have examined this application and determined that it meets the physical criteria for boulevard cafes as set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.

However, as the proposed cafe flanks a residential street, the Municipal Code requires a public poll of owners and tenants within 120 m from the proposed cafe. If the majority of the ballots cast are in favour of the application, the application is approved. If the majority are opposed, the Commissioner must deny the application. If there is a negative response, re-polling for the same purpose may not take place until 2 years have passed from the closing date of the previous poll.

A poll dated May 17, 1999 to June 16, 1999 was conducted on Munro Park Avenue between Nos. 23 to 49 and 24 to 48, including 2459 and 2461 Queen Street East to determine neighbourhood support. The results of the poll were as follows:

Polling Summary

Ballots cast		38
Opposed	36	
In favour	2	
No response		23
Returned by post office		8
Total ballots issued		69

Mr. Vasilios Kolkas was advised in writing on June 24, 1999 that given the negative poll, a licence could not be issued.

Conclusions:

Staff cannot issue Mr. Kolkas a licence for a boulevard café on the Munro Park Avenue flank of 2459 Queen Street East because the poll result was negative. For your Committee's information, concrete curbstones were installed within the City boulevard on the Munro Park Avenue in June 91 because of ongoing complaints pertaining to illegal parking. The concrete curbstones remain in place. Should your Committee decide to proceed with the issuance of a boulevard cafe licence for the location, it will be necessary to arrange for the removal of the concrete curbstones at the expense of the owner.

On hearing the depositions, the Toronto Community Council must decide whether or not to recommend that City Council grant the appeal.

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 30, 1999) from Mr. Mark D. Lipman, and a copy thereof is on file in the office of the City Clerk.

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The following persons appeared before the Toronto Community Council in connection with the foregoing matter:

- Mr. Vasilios Kolkas, Lakeview Fish and Chips; and
- Mr. Mark Lipman, Toronto, Ontario.