

**Operation of the Boulevard Café -
Lava Restaurant and Club - 507 College Street
(Trinity-Niagara)**

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

The Toronto Community Council recommends the adoption of the following report (November 18, 1999) from the Manager, Right of Way Management, Transportation Services, District 1:

Purpose:

To report on the operation of the boulevard cafe under the extended hours of operation on the Palmerston Avenue flank of 507 College Street during the 1999 cafe season.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City Council approve the continuation of the licence for the boulevard cafe on the Palmerston Avenue flank of 507 College Street, with the same terms and conditions, i.e., extended hours of operation, Sunday to Thursday to 12 midnight, and Friday and Saturday to 1:00 a.m., for the year 2000; and
- (2) the Commissioner of Urban Planning and Development Services report back after the end of the 2000 cafe season on the operation of the cafe.

Background:

City Council, at its meeting of October 28, 29 and 30, 1998, approved the continuation of the existing boulevard cafe licence on the Palmerston Avenue flank of 507 College Street to operate at the same total cafe area as previous licensed and to extend the hours of operation of the boulevard cafe from 11:00 p.m., 7 days a week, to 12 midnight, Sunday to Thursday and to 1:00 a.m. Friday and Saturday, and requested the Commissioner of Works and Emergency Services to report back on the operation of the boulevard cafe under the extended hours in October 1999.

Comments:

A licence for the cafe on the Palmerston Avenue flank of 507 College Street was issued to Mr. David Stearn, Lava Ltd., o/a Lava Restaurant and Club on November 27, 1997, with an 11:00 p.m. closing time restriction.

Boulevard cafes on residential flanks are governed by the criteria set out § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, which requires that the owner or occupant shall ensure that the boulevard cafe is closed and cleared by 11:00 p.m. or, where Council has authorized extended hours of operation, the closing time authorized by Council.

Mr. Stearn, on February 6, 1998, applied for an extension of his boulevard cafe privileges and for an extension of the hours of operation of the boulevard cafe to 2:00 a.m., 7 days a week. These requests were denied and Mr. Stearn was advised in writing on June 4, 1998 that given the negative poll, a licence could not be granted for the extension of his cafe as requested. Subsequently, City Council, at its meeting of October 28, 29 and 30, 1998, approved the continuation of the existing boulevard cafe licence, to operate at the same total cafe area as previously licensed and to extend the hours of operation of the boulevard cafe Sunday to Thursday to 12 midnight and Friday and Saturday to 1:00 a.m. In addition, the Commissioner of Works and Emergency Services to report back in October 1999 on the operation of the café under the extended hours.

A revised boulevard cafe licence was issued to Mr. Stearn on February 25, 1999 to reflect the extended hours of the operation of the cafe. During the 1999 cafe season, the operation of the boulevard cafe was monitored periodically. Inspections confirmed that the proprietor complied with the restrictions of the boulevard cafe agreement and other requirements of § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, with the exception of the cafe operating beyond the 12:00 midnight closing time restriction on Sunday, August 15, 1999. At the time, a notice was issued to the cafe operator advising to cease operating and adhere to the conditions of their boulevard cafe licence to ensure that the boulevard cafe is closed and cleared at the approved times. Follow inspections showed that the cafe operator complied with the closing time restrictions for the boulevard cafe.

For the information of Toronto Community Council, we did not receive any complaints from members of the public or Toronto Police Service pertaining to noise or other disturbances at the subject location.

Conclusions:

Given that the cafe operated during the 1999 cafe season with only 1 incident whereby the cafe operated beyond the closing time restrictions, Sunday to Thursday to 12 midnight and Friday and Saturday to 1:00 a.m., we are recommending that the licence be renewed annually under the present terms and conditions including the closing time restrictions and that the Commissioner of Urban Planning and Development Services report back after the end of the 2000 cafe season on the operation of the cafe.

Contact:

Ken McGuire, Supervisor, Construction Activities

Telephone: 392-7894, Fax: 392-0816, E-mail: kmcguire@city.toronto.on.ca

Curtis Sealock, District Manager, South District, Municipal Licensing and Standards

Telephone: 392-7616, Fax: 392-0677, E-mail: csealock@city.toronto.on.ca