



STAFF REPORT ACTION REQUIRED

Approval of the extension of a boulevard café permit located at 130 Eglinton Avenue East

Date:	March 10, 2008
To:	Toronto East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 22 – St Paul’s

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 continuation of the boulevard café permit and the subsequent application received on January 11, 2007 from Mary Stathoukos, representing PM Eglinton Inc, operating as Philthy McNasty’s for an extension the boulevard café permit.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council approve the proposed continuation of the boulevard café under the same operating conditions; and
2. That the Toronto and East York Community Council deny the application for the extension to the boulevard café.

Financial Impact

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

DECISION HISTORY

The original boulevard café permit was granted by Toronto City Council at its’ meeting held on September 25, 26, and 27, 2006 on a one year probationary term with operational conditions attached to the permit as follows:

1. Serving of alcohol and food on the boulevard café cease by 10:30 p.m.
2. Patrons vacating the café area by 11:00 pm
3. There to be no exterior noise generated by the establishment, including no noise emanating from the interior to the exterior;
4. Operations of the boulevard café be regularly monitored by Municipal Licensing and Standards for one year to ensure compliance; and
5. The details of the operation of the boulevard café be reported back to Toronto and East York Community Council at the end of the 2007 season.

ISSUE BACKGROUND

As directed City Council, Municipal Licensing and Standards conducted investigations over the 2007 café season. There was no observation of violations of the terms of the permit agreement or the conditions imposed City Council with respect to the operation of the boulevard café.

One complaint was received regarding the evening activities at the location, outlining that on some nights, particularly Monday nights, there were patrons within the café area beyond the required closing time. Investigations were conducted and revealed that the operation of the boulevard café was in compliance with the permit issued.

There is outdoor seating within a patio area contained on private property. During the investigation it was noted that approximately 6 tables were being accommodated on private property with an average of 4 patrons on the private property patio area. The operation of the patio area on private property is not subject to the restrictions imposed on the café operation that is governed by the café permit for the use of the public sidewalk.

On January 11, 2007, Mary Stathoukos, representing PM Eglinton Inc, operating as Philthy McNasty's, applied to extend the size of the café operation.

A letter was sent to PM Eglinton Inc, on January 23, 2007 from Municipal Licensing and Standards Division informing the applicant the application for the extension would be included in the report to Toronto and East York Community Council and would be considered with the information regarding the operation of the café over the 2007 season.

The application for the extension is on the east side of the premises immediately adjacent to TCHC Montgomery Place. The applicant is requesting to add 8.33 square metres of café area that would accommodate approximately 7 patrons. The total café within the public right of way, area including the proposed extension would be 37.13 square metres with a capacity for 33 patrons.

COMMENTS

The boulevard café operation on the public sidewalk was monitored over the 2007 café season during the evening hours of the operation. Spot checks over the 2007 café season revealed no evidence of non-compliance with the boulevard café permit. Furthermore, no complaints were received regarding the operation of the boulevard café. As such, permission could be granted for the permit to continue under the same operational restrictions regarding closing times and the requirement to ensure that no noise emanates from the interior to the exterior.

Although the boulevard café operation during the 2007 season continued without complaints, it is recommended that the extension to the size of the café be denied.

The proposed extension is immediately adjacent to the walkway and entrance to the TCHC seniors' residence, Montgomery Place. Consideration should be given to ensuring that noise levels from patrons are kept at a minimum. Increasing the size of the café area will result in additional noise levels.

The business operator has the benefit of a patio area on private property that can accommodate approximately 6 tables and 24 patrons. If approved to continue, the boulevard café permit for the western side of the premises, away from the entrance to the seniors' residence, allows the business operator additional space, within the public right of way, to provide an outdoor seating area for the enjoyment of their clients.

CONTACT

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SIGNATURE

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