REPORT FOR ACTION

Request for extension of operating hours of the boulevard café located at 585 Church Street, Isabella Street flankage

Date: April 12, 2017
To: Toronto and East York Community Council
From: Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Municipal Licensing & Standards
Wards: Ward 27 - Toronto Centre - Rosedale

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 request received on April 4, 2017 from Church Street Espresso Bar Ltd., operating as Church Street Espresso Bar, for an extension of operating hours of the boulevard café located at 585 Church Street, Isabella Street flankage.

RECOMMENDATIONS

The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The request for an extension of operating hours of the boulevard café located at 585 Church Street, Isabella Street flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

An application for a boulevard café located at 585 Church Street, Isabella Street flankage was received on February 12, 2015 from the business owner representing
Church Street Espresso Bar Ltd., operating as Church Street Espresso Bar. The application submitted was seeking permission to establish a boulevard café on the Isabella Street flankage for 62.72 square metres which would accommodate approximately 40 patrons.

The Toronto and East York Community Council (TEYCC) and at its meeting held on June 16, 2015 approved the application for the proposed boulevard café permit with the following conditions:

a) The flank patio (Isabella Street) shall only operate from 11:00 a.m. to 11:00 p.m. The patio must be cleared of all patrons, tables and chairs by 11:30 p.m.
b) There shall be no amplified sound and/or music at any time on the patio.
c) Doors must always remain closed when music is being played inside the establishment.
d) The Licensee shall provide a telephone number for residents to register concerns or complaints. This line will normally be answered by a staff member during the Licensee’s published hours of operation. This line will be equipped with a functioning answering service for those periods when the Licensee’s staff is otherwise occupied and when the establishment is closed.
e) The Licensee shall ensure that any sound resulting from the operation of the business is not audible beyond a reasonable distance from the lot line of the property on which the premises are located. This clause refers to sound that is generated by any conversation by patrons within the premises, bussing of tables, garbage and bottle disposal. A reasonable distance for such sound to be considered in non-compliance is any point opposite the Licensee’s premises that is separated by a public street, public or private laneway or a parting wall between the Licensee’s premises and any adjacent space.
f) The Licensee shall post prominent signage at the main exits that remind and/or encourage patrons to be considerate of the residents of the surrounding community.
g) The Licensee shall ensure that a staff member patrols/monitors the events to ensure that noise is kept to a reasonable volume.
h) The Licensee shall use best efforts to ensure that all areas immediately adjacent to the establishment are clean and free of litter, refuse and other debris.
i) The Licensee shall use best efforts to arrange garbage collection and recycling at times that will not disturb nearby residents.

Municipal Licensing and Standards has received two complaints on June 25, 2015 and June 26, 2015 respectively in regards to the business owner operating the boulevard café area without a valid boulevard café permit. The investigation was closed as the business owner was in the process of obtaining a boulevard café permit.

On July 15, 2016 Municipal Licensing and Standards received a noise complaint in regards to the boulevard café operating until 2:00 a.m. A By-law advisory letter for noise was hand delivered to the business address. The complaint was resolved and to date no further complaints have been received.
A request from the business owner representing Church Street Espresso Bar Ltd., operating as Church Street Espresso Bar was received on April 4, 2017 to extend the operating hours of the boulevard café located at 585 Church Street, Isabella Street flankage on the following days:

- Monday to Wednesday – 7:00 a.m. to 11:00 p.m.
- Thursday to Saturday – 7:00 a.m. to 1:00 a.m.
- Sunday – 8:00 a.m. to 1:00 a.m.

The operating hours of a boulevard café located on a residential flankage are outlined in the former City of Toronto, Municipal Code, Chapter 313, Section F (2) (a) which states that where a boulevard café flanks a residential district the owner and occupant shall ensure the boulevard café is closed and cleared by 11:00 p.m. or where Council has authorized extended hours of operation, the closing time as authorized by Council.

**COMMENTS**

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313-36, the time restriction provision is in place in order to ensure that the area residents are not disturbed by or unreasonably impacted in the evening hours by elevated ambient noise generated by the café patrons.

Due to the size of the café and proximity to the residential community the café operating hours should remain restricted as previously approved for.

Municipal Licensing & Standards has no administrative process to assess the community impact of the request for the extension of hours or grant any permission for additional operating hours.
CONTACT

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SIGNATURE

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Annalisa Mignardi
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS

1. Sketch of boulevard café
2. Photos of proposed café area