

Outdoor Patio - Court Square Rear of 57 Adelaide Street East (Downtown)

(City Council on May 9, 10 and 11, 2000, adopted this Clause, without amendment.)

The Toronto Community Council recommends that City Council approve a temporary licence for an outdoor patio at the Court Square rear of 57 Adelaide Street East, notwithstanding the fact that there are no provisions within Chapter 313 of the former City of Toronto Municipal Code to permit the licensing of boulevard cafes within the travelled roadway subject to the following:

- (a) two removable bollards be installed and removed on a daily basis at the expense of the applicant;**
- (b) the patio only allowed to operate between the hours of 11:00 a.m. to 11:00 p.m., 7 days a week; and**
- (c) the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, report back to Councillor Rae at the end of the 2000 cafe season on the operation of the outdoor patio.**

The Toronto Community Council submits the following report (April 18, 2000) from the Director, Transportation Services, District 1:

Purpose:

To report on the applicant's request for permission to occupy a portion of the travelled roadway at the Court Square rear of 57 Adelaide Street East, for the purpose of an outdoor patio. As this is a request of a variance to the by-law and a matter 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.

Recommendations:

It is recommended that:

- (1) City Council approve a temporary licence for an outdoor patio at the Court Square rear of 57 Adelaide Street East, notwithstanding the fact that there are no provisions within Chapter 313 of the former City of Toronto Municipal Code to permit the licensing of boulevard cafes within the travelled roadway subject to the following:**

- (a) two removable bollards be installed and removed on a daily basis at the expense of the applicant;
- (b) the patio only allowed to operate between the hours of 11:00 a.m. to 11:00 p.m., 7 days a week; and
- (c) the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services, report back at the end of the 2000 cafe season on the operation of the outdoor patio;

OR

- (2) City Council deny the application for an outdoor patio at the Court Square rear of 57 Adelaide Street East.

Background:

Councillor Kyle Rae, in a communication (December 15, 1999) on behalf of the business owner of the Courthouse Market Grille, requested staff to investigate the feasibility of an outdoor patio within the travelled roadway at the Court Square rear of 57 Adelaide Street East.

Comments:

Mr. Nick Di Donato, President & CEO of Liberty Entertainment Group, o/a Courthouse Market Grille, submitted an undated letter to Councillor Kyle Rae requesting assistance in investigating the feasibility of developing an outdoor patio within the travelled roadway at the Court Square rear of 57 Adelaide Street East.

The proposed outdoor patio is approximately 89.86 sq. m. and can accommodate 20 tables with a potential seating capacity of 80 people.

Boulevard cafes are governed by the criteria set out in Chapter 313 of the former City of Toronto Municipal Code. One of the provisions of the Municipal Code is that the owner or occupant of a licensed restaurant may apply to establish, maintain and operate an outdoor patio on a portion of the City boulevard and/or sidewalk which abuts their establishment.

In this case, the applicant's proposal is to occupy a portion of the travelled roadway at the rear of his establishment. There are no provisions within the Municipal Code to allow the Department to process this type of request. However, Councillor Rae has suggested that a portion of Court Square could be converted from a City street to a pedestrian boulevard, thereby, facilitating the implementation of the applicant's proposal.

Court Square is a U-shaped street with a pavement width of 5.2 m. It is typical of a city laneway, and runs one way north, along the east branch from Court Street, west towards the west branch, and then south back down to Court Street, surrounding Court House Square Park. For the information of the Toronto Community Council, we have attached a copy of a property data

map showing Court Square, denoting the applicant's proposal to the rear of 57 Adelaide Street East (Attachment No. 1).

City Council, at its meeting of July 14 and 15, 1997, adopted a prohibition to vehicular traffic entering Court Square between the hours of 11:00 a.m. of one day and 1:00 a.m. of the following day. This prohibition is in effect 7 days a week. This prohibition coupled with the current 'no parking at any time' restriction on Court Square, has created a situation where this street acts as a pedestrian way during the prohibited entry time periods.

Mr. Di Donato's proposal was circulated to the Fire, Ambulance, Solid Waste, Road Operations, and Parks Departments. No objections were received with respect to emergency access/egress, solid waste collection and street cleaning.

It should also be noted that, if the proposed outdoor patio was only allowed to operate during the prohibited entry time periods, namely: 11:00 a.m. of one day to 1:00 a.m. of the following day, and if the perimeter fencing, tables and chairs were removed when the patio was not in operation, there would be no impediment to vehicular traffic.

The Department's experience with boulevard cafes has been that they can have a significant impact on a neighbourhood. In some instances we have received complaints regarding increased noise, reduced available on-street parking and a loss of privacy in the immediate vicinity of a cafe.

Given these concerns and the potential impact on the area and the public use of Court House Square Park, we have requested the City Clerk's office to notify the owners and occupants of the buildings abutting Court Square (15 to 25 Toronto Street, 53 to 69 Adelaide Street East and 60 to 82 Church Street) together with the owners and tenants of the condominium complex directly to the south of Court House Square Park (70 to 92 King Street East) of Mr. Di Donato's proposal.

History of Improvement to Court Square Park and Court Square

In 1988, the City of Toronto acquired title to 10 Court Street and funds for its improvement as a public park along with improvement to the surrounding street allowance. This provision was a component in amendments to the Official Plan and Zoning By-law to allow Citicom Inc. to redevelop 70-92 King Street East as a mixed-use residential/commercial property.

The preliminary concept for the improvements to Court House Square Park and Court Square was to visually blend the surrounding public street allowance (roadway, sidewalk and boulevard) into the park, through the use of similar materials. Once completed, the improvements were to result in a much stronger relationship between the park and the abutting buildings on King, Toronto, Adelaide and Church Streets. As part of the preliminary concept, the Planning and Development Department of the former City of Toronto wanted to explore the feasibility of either closing a portion of Court Square or restricting its hours of use in order that outdoor patios could operate from restaurants located in the abutting buildings.

In 1995, the Parks and Recreation Department of the former City of Toronto held a design competition for this project. The scope of the work, as described in the brief, was that “the design proposal for Court House Square must take into account the opportunities for extending the open space initiative beyond the parkland through complementary design proposals for the adjacent collateral areas”, namely Court Square. The work was completed in October 1997. The project is complementary to the past objectives.

Similar Concepts – Roy’s Square

Roy’s Square is an L-shaped lane with a pavement width of 6.1 m. The lane runs one way east, along the south branch from Yonge Street and then one way north up to Bloor Street East.

City Council of the former City of Toronto, at its meeting of June 1, 1993, directed the Department to establish a pedestrian mall on Roy’s Square from Yonge Street to Bloor Street East. A prohibition on vehicular traffic entering Roy’s Square between the hours of 11:00 a.m. of one day and 1:00 a.m. of the following day was enacted. As with Court Square, this prohibition is in effect 7 days a week and coupled with the “no parking at any time” restriction, resulted in Roy’s Square acting as a pedestrian mall during the prohibited entry time periods.

In order to protect pedestrians from vehicular traffic, the abutting property and/or business owners were required to install, maintain and operate removable bollards at each end of Roy’s Square. The business owners also arranged for the installation and maintenance of planters, benches, tables and chairs for public use.

Mr. Di Donato’s proposal is similar in concept to what has already been established in Roy’s Square, with the exception that an outdoor patio, at the Court Square rear of 57 Adelaide Street East, will be for the exclusive use of his customers and not the general public.

As indicated earlier, there is a prohibition to vehicular traffic entering Court Square between the hours of 11:00 a.m. of one day and 1:00 a.m. of the following day, 7 days a week. Notwithstanding this prohibition, vehicles are being parked and deliveries being made within the prohibition time period despite ongoing tagging by Parking Enforcement. Under the circumstances and in the interest of public safety, it may be appropriate should the Toronto Community Council decide to issue a temporary café licence within Court Square to require the installation and removal of barriers at the applicant’s expense on a daily basis.

Conclusions:

Given that the implementation of Mr. Di Donato’s proposal for an outdoor patio within the travelled roadway at the Court Square rear of 57 Adelaide Street East would enliven Court House Square Park and improve the laneway, we would have no objection to the applicant’s request by implementing on a trial basis an outdoor café within Court Square for the upcoming cafe season.

On hearing of depositions, the Toronto Community Council must decide whether or not to recommend that City Council approve the applicant's proposal.

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The Toronto Community Council reports, for the information of Council, also having had before it the following communications, and a copy thereof is on file in the office of the City Clerk:

- (April 28, 2000) from Francisco Villanueva;
- (April 28, 2000) from Mr. David P. McNeil, M.T.C.C.# 954, King Plaza;
- (April 29, 2000) from Mr. J.J. Long;
- (May 1, 2000) from Mr. Jeff Marshall; and
- Petition signed by 127 residents of 92 King Street East

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

- Mr. J.J. Long, Toronto, Ontario;
- Mr. David McNeil, Toronto, Ontario; and
- Mr. Nick Di Donato, Toronto, Ontario.

Insert Attachment No. 1 – property data map