

Authority: Toronto and East York Community Council Report 5, Clause 10,
as adopted by City of Toronto Council on June 27, 28 and 29, 2006
Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 774-2006

To amend former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to facilitate the pedestrian clearway project on College Street.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 313-36 of the former City of Toronto Municipal Code is amended as follows:

A. By adding a section § 313-36J as follows:

“J. Boulevard cafes on College Street between Spadina Avenue and Bathurst Street.

- (1) The owners or occupants of boulevard cafes fronting on College Street between Spadina Avenue and Bathurst Street may, in addition to or in place of a café otherwise permitted by this chapter abutting the building wall, relocate the café or add additional café space to the curbside at a location 0.8 metres back from the curb of the street until, April 1, 2007.
- (2) Despite Subsection (1), no curbside café on the north side of College Street shall extend any further toward the buildings on the north side than the concrete expansion joint on the road allowance that runs parallel to the building walls along the northerly side of the tree pits located there. On either side of College Street, the City shall only permit boulevard cafes such that there is at all times a minimum of a 2.1 metres wide clear and unobstructed straight corridor along the public right of way.
- (3) In addition to the provisions set out in § 313-36, all boulevard cafes on located on the College Street frontage, not abutting the building, between Spadina Avenue and Bathurst Street shall meet the following requirements with respect to any fence required under this Chapter:
 - (a) the fence shall be free standing and extendable and located on the perimeter of the licensed boulevard cafe area;
 - (b) the height of the extendable fence must not exceed 1.2 metres;
 - (c) the fence must be located not less than one (1) metre away from any fire hydrant; and

- (d) the fence shall provide not less than one (1) metre separation between each boulevard cafe/marketing for pedestrian access from the curb.
- (4) In addition to the provisions set out in § 313-36, all boulevard cafes located on the College Street frontage, not abutting the building, between Spadina Avenue and Bathurst Street shall meet the following requirements and conditions:
- (a) no lights, fences or signs, may be attached or affixed to City-owned trees;
 - (b) waste receptacles or work stations for servers shall be located entirely within the fenced boulevard cafe area;
 - (c) all entrances to the cafe area must always be open and unobstructed and have a minimum width one (1) metre;
 - (d) no enclosures or structures shall be installed or placed over the boulevard cafe area;
 - (e) no outdoor food preparation may be located in the boulevard cafe area; and
 - (f) where the boulevard cafe is proposed to extend across an adjacent property in full or in part, a letter of consent must be provided to the City by the adjacent property owner or occupant authorizing the extension of the boulevard cafe in front of his property. Should the adjacent property owner or occupant subsequently decide to use the area fronting his property for the purpose of a boulevard café or marketing, a 30 day notice must be provided by the adjacent property owner or occupant to the boulevard cafe owner in order to terminate his consent.
- (5) In the event of a conflict between a requirement in § 313-36J, and any other provision of this Chapter, the provisions of § 313-36J shall govern.”
- B. By adding a section § 313-13C as follows:
- “C. Boulevard marketing on College Street between Spadina Avenue and Bathurst Street.
- (1) The owners or occupants of boulevard marketing fronting on College Street between Spadina Avenue and Bathurst Street may, in addition to or in place of a marketing area otherwise permitted by this chapter abutting the building wall, relocate the marketing

area or add additional marketing space to the curbside at a location 0.8 metres back from the curb of the street until, April 1, 2007.

- (2) Despite § 313-13C(1), no boulevard marketing area on the north side of College Street shall extend any further toward the buildings on the north side than the concrete expansion joint on the road allowance that runs parallel to the building walls along the northerly side of the tree pits located there. On either side of College Street, the City shall only permit boulevard marketing areas such that there is at all times a minimum of a 2.1 metres wide clear and unobstructed straight corridor along the public right of way.
- (3) In addition to the provisions set out in § 313-13, all boulevard marketing areas located on the College Street frontage, between Spadina Avenue and Bathurst Street shall meet the following requirements:
 - (a) the owner or occupant shall not affix any outdoor carpeting, artificial turf or other material on any portion of the boulevard;
 - [1] the owner or occupant shall not use the areas for any purpose other than for the permitted marketing; and
 - [a] the owner or occupant shall comply with the terms of § 313-36E(5), (6), (8), (9), (11), (12), (13), (15), despite the fact that the owner or occupant may not have entered into an agreement to that effect with the City, and with § 313-36G with the exception of § 313-36G(5), except that all references to “cafe” shall be deemed to be to “marketing”.
- (4) With respect to any fence required under this section:
 - (a) the fence shall be free standing and extendable and located on the perimeter of the boulevard marketing area;
 - (b) the height of the extendable fence must not exceed 1.2 metres;
 - (c) the fence must be located not less than one (1) metre away from any fire hydrant; and

- (d) the fence shall provide not less than one (1) metre separation between each boulevard marketing area for pedestrian access from the curb;
- (5) In addition to the provisions set out in § 313-13, all boulevard marketing areas on located on the College Street frontage, between Spadina Avenue and Bathurst Street shall meet the following requirements and conditions:
- (a) no lights, fences or signs, may be attached or affixed to City-owned trees;
- (b) all entrances to the marketing area must always be open and unobstructed and have a minimum width one (1) metre;
- (c) no enclosures or structures shall be installed or placed over the boulevard marketing area;
- (d) where the boulevard marketing area is proposed to extend across an adjacent property in full or in part, a letter of consent must be provided to the City by the adjacent property owner or occupant authorizing the extension of the boulevard marketing area in front of his property. Should the adjacent property owner or occupant subsequently decide to use the area fronting his property for the purpose of a boulevard café or marketing, a 30 day notice must be provided by the adjacent property owner or occupant to the boulevard marketing owner in order to terminate his consent.”

ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)