



STAFF REPORT ACTION REQUIRED

Pedestrian Clearway Project – Curb side Permits in the College Street Revitalization Project

Date:	March 18, 2007
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing and Standards, Licensing Services
Wards:	Ward 20 - Trinity Spadina
Reference Number:	

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.

As a result of the lack of participation by the business operators in the Clearway Pilot Project over the 2007 season Municipal Licensing and Standards was unable to assess the impact of the proposal.

As directed, Municipal Licensing and Standards (ML&S) undertook consultations with the City Solicitor, the Alcohol and Gaming Commission of Ontario (AGCO), the Ward Councillor and the relevant business and community stakeholders regarding the implementation of mandatory requirements for curb side permits for cafes and marketing displays.

In order to determine the feasibility and impact of maintaining cafes and marketing areas at curb side and establishing a pedestrian clearway, the existing by-law option of voluntary participation in the project must be amended to include a requirement that any café or marketing area to be permitted within the pilot project area must be established at curb side.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that:

1. All existing café and marketing permits for locations within the College Street Revitalization Project – Pedestrian Clearway Pilot area not be renewed for the 2008/09 season.
2. The provisions of former City of Toronto Municipal Code Chapter 313, Section 313-36 J (1) be amended to require that all cafés on College Street between Spadina Avenue and Bathurst Street be permitted only at curb side at a distance of 0.8 metres back of the curb.
3. All existing café and marketing permit holders who wish to establish a café or marketing area be exempt from any application fee.
4. Municipal Licensing and Standards monitor any curb side operation during the 2008 café season and report the outcomes back to the Toronto and East York Community Council prior to the start of the 2009 café season.
5. The City Solicitor be directed to prepare the necessary bill to amend Chapter 313 of the Former City of Toronto Municipal Code, Streets and Sidewalks to reflect the requirement for permits to be issued for curb side only within the Pilot Project area.
6. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

There are no financial implications arising from adoption of this report.

DECISION HISTORY

Toronto and East York Community Council at its meeting of May 9, 2006, deferred the report dated April 3, 2006 from the Director of Transportation Services for hearing of deputations.

Toronto and East York Community Council at its meeting of June 13, 2006 considered the report from the Director of Transportation and made the following recommendations:

1. that the pedestrian Clearway be reduced from the current Transportation Services proposal (comprising all space from building face to inside the edge of tree pits) to the minimum standard 2.1 meters from the inside edge of the tree pits, thus allowing businesses to retain the space between the building face and edge of Pedestrian Clearway for commercial use (where such space exists);

2. that if patio operators wish to supplement their reconfigured patio space or completely relocate their patio to the curbside configuration, they may voluntarily participate in the patio relocation pilot outlined in the report from the Director, Transportation Services;
3. that the City waives the annual patio fees for any patio operator that voluntarily participates in this patio project;
4. that the recommendation set back of all boulevard café, marketing and vendor locations on College Street, between Spadina and Bathurst St of 1.0 m back of the curb in Recommendation No. 4 of the staff report (April 3, 2006) be amended to 0.8 m;
5. that the staff report (April 3, 2006) as amended by the foregoing adjustments be approved;
6. that the General Manager, Transportation Services in consultation with ML&S, be requested to report back to the TEYCC and Council on the results of the pilot in January 2007, so as to finalize a path forward for the 2007 patio and marketing season; and
7. that City Council request that the AGCO clarify how the licensing of establishments may impact on the serving of alcohol when the patios are moved away from the wall of the establishment.

Toronto and East York Community Council, at its meeting of September 10, 2007, considered the report dated August 22, 2007 from the Executive Director of Municipal Licensing and Standards.

The Toronto and East York Community Council requested the Executive Director, Municipal Licensing and Standards to:

1.
 - a. undertake consultations with the City Solicitor, the Alcohol and Gaming Commission of Ontario and the relevant business and community stakeholders regarding the implementation of mandatory requirements for curb side permits for cafes and marketing displays.
 - b. report on the outcome of these consultations to the November, 2007 meeting of Toronto and East York Community Council;
2. deferred consideration of any new patio applications on College Street, between Bathurst Street and Spadina Ave, unless they comply with the Clearway Pilot;
3. directed that the consultation process for “mandatory” participation in the Clearway Pilot incorporate a review of the streetscape with the Ward Councillor; and
4. directed that the implementation of the College Street Clearway Pilot including “mandatory” participation be completed by March 2008 (for the beginning of the 2008 patio season). This includes any by-law changes and/or reports required to revise permits for all existing locations.

COMMENTS

As directed by Toronto and East York Community Council at its meeting on September 10, 2007, Municipal Licensing and Standards undertook consultations with the City Solicitor, the Alcohol and Gaming Commission of Ontario, the Ward Councillor and the relevant business and community stakeholders regarding the implementation of mandatory requirements for curbside permits for cafes and marketing displays.

Results of the consultations are outlined below in a chart:

<p>Harbord Village Residents Association - General</p> <p>Robert Stambula Richard Gilbert</p>	<p>Pilot should be free of fees from City and collective view paramount – interest is pedestrian.</p> <p>All other interest should be subordinate to that.</p> <p>Ideal routing is as straight as possible.</p> <p>As far away from traffic as possible and as close to store front as possible.</p> <p>Inspired by many other parts of the world and strongly appreciated by business operators.</p> <p>Jerome Quebec, South America, Europe, USA.</p> <p>Implemented in Burlington, maybe only location.</p> <p>Would like it to happen for pedestrians and businesses.</p> <p>Allows space in front and space in front of other businesses.</p> <p>Easier for older and disabled pedestrians to travel down the sidewalk.</p> <p>Overall café fees are too low.</p> <p>Not unanimous among HVRA on pilot being compulsory.</p> <p>Feel participation should be optional.</p> <p>Level of enforcement not good.</p> <p>Recognize resources are not sufficient (due to low fees).</p> <p>HVRA would like to step up pressure on AGCO and would like City's support.</p> <p>Issues with AGCO regulations being out of date.</p>
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	<p>Want City's influence on AGCO rules for pilot.</p> <p>Generally not happy with AGCO regulation "avant garde" issuance of licenses with no avenue for cancellation of licenses.</p> <p>Don't want to eliminate café in the community.</p> <p>Safest part of sidewalk is closest to the building – public school / disability housing.</p> <p>Some patios are ok at building wall.</p> <p>Would be ok if 2.13 clearance is maintained</p> <p>Flaw with 2.13 meter rule.</p> <p>Sidewalk is public space first not last.</p> <p>New streetscape lost due to the ability for businesses being able to apply for extensions to permits.</p> <p>Use of parking spaces for café in addition to use of sidewalk.</p>
<p>Industry Consultations</p> <p>Judy Perly – Freetimes Café - 320 College Street</p> <p>Doug Hustins – Savanna Room - 294 College Street</p> <p>Jim Ray – Savanna Room - 294 College Street</p> <p>Premanthas Karunanathan - College Street Diner - 414 College Street</p>	<p>Safety issue for curbside seating.</p> <p>Unsanitary – movement of cars.</p> <p>2 nights/week garbage placement at curbside.</p> <p>Major issue is liquor licence service – no draft beer – very popular.</p> <p>Customer protection from passers-by.</p> <p>Multi points of entry of café.</p> <p>Size of café – no ability to include private property with street allowance portion.</p> <p>Insurance – difficulty in obtaining insurance.</p> <p>No power source – for mini bar.</p> <p>Customers not interested, financial impact.</p> <p>Summertime business – majority of summer income from cafes.</p>

	<p>Only businesses with café have clientele during summer months.</p> <p>No awnings – no shade, rain cover results in reduced days of use for café.</p> <p>Exposure of staff to traffic/skateboards/bikes/dogs.</p> <p>Watching mini-bar – theft of product.</p> <p>Bumping of staff while carrying.</p> <p>Money being left on tables.</p> <p>Bills not being paid.</p> <p>How will clients be seen by staff of restaurants.</p> <p>Extra staff for monitoring café and minibar.</p> <p>How will costs be paid for removal or relocation.</p> <p>New Fences.</p> <p>Installations i.e. Bike rings, Light poles, OMG boxes</p> <p>Pay & Display Stations.</p> <p>Feel that this process is a view to cafes being eliminated.</p> <p>Feel there is no logic to process.</p> <p>Removable fencing – extra work, fences falling onto patrons – dangerous.</p> <p>Delivery of products from curb side impossible. Sidewalks are not overcrowded.</p>
Legal	<p>Fair process required.</p> <p>Use non-renewal of permit to discontinue café operations.</p> <p>Waste Collection issues with cafes on street such as, night collection after 11 pm, collection of containers no bags will be allowed.</p>

Toronto Police Services	<p>Feel that free standing fences would be a hazard as projectiles.</p> <p>Traffic accident potential.</p> <p>Accessibility would require more set back from curb than .80m.</p> <p>World Cup & Festival times potential problems.</p>
Toronto Fire Services	<p>Access to Hose Connections.</p> <p>Access to properties.</p>
AGCO	<p>Servers across sidewalk.</p> <p>Patrons using washrooms.</p> <p>25% capacity change requires an application and allows for objections (fees could be more than \$1,000).</p> <p>All changes require licence changes & fees (\$1,000).</p> <p>Server at all times on café area.</p> <p>Potential for more problems with all sides of fencing being open for handing drinks over to patrons not seated within café area.</p>
ML&S	<p>Temporary Sign by-law may require amendment for sign location to be changed from building-wall to curb side</p>
EMS	<p>EMS Stretchers – access past cafes with stretchers impeded.</p>

COMMENTS

As a result of the lack of participation by the business operators in the Clearway Pilot Project over the 2007 season Municipal Licensing and Standards was unable to assess the impact of the proposal.

In order to determine the feasibility and impact of maintaining cafes and marketing areas at curb side and establishing a pedestrian clearway, the existing by-law option of voluntary participation in the project must be rescinded and replaced with a requirement that any café or marketing area to be permitted within the pilot project area must be established at curb side.

CONTACT

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SIGNATURE

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