



## STAFF REPORT ACTION REQUIRED

### Realignment and revocation of existing boulevard café and marketing permits on portions of St. Clair Avenue West due to the sidewalk and roadway reconstruction.

<b>Date:</b>	December 16, 2008
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	17 - Davenport

#### **SUMMARY**

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This staff report is about a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

To report on the impact of the sidewalk and roadway realignment of St Clair Avenue West on the existing boulevard café and marketing permits due to the reconstruction.

The relocation and or installation of features, such as utility poles and tree pits, within the right of way have caused the reduction or elimination of the 2.13 metre pedestrian clearway, required to comply with former City of Toronto Municipal Code Chapter 313 and the Vibrant Streets Document, at many of the locations where permits for cafes and marketing have been issued.

In order to bring these locations into compliance with the former City of Toronto, Municipal Code, Chapter 313 and the Council adopted Vibrant Streets Document, existing permits need to be amended at the time of renewal or revoked at the time of expiry on March 31, 2009.

#### **RECOMMENDATIONS**

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##### **Municipal Licensing and Standards recommends:**

1. The permits issued for the premises listed in Appendix 1 be realigned or cancelled as indicated on the chart. (**Appendix 1**)

2. That where permit holders' privileges are revoked, business operators be required to remove all installations from the public right of way by March 31, 2009.
3. That where permit holders' privileges are revoked and installations are not removed by March 31, 2009, those installations will be removed by the City at the permit holders' expense.
4. That where permit holders' privileges have been realigned, business operators be required to make all necessary adjustments to the installations by March 31, 2009.
5. That where permit holders' privileges have been realigned and installations are not adjusted as required to meet the pedestrian clearance requirements by March 31, 2009, permits are revoked and any installations will be removed by the City at the permit holder's expense.
6. That any future applications received are required to comply with the 2.13 metre pedestrian clearway requirements.

## **Financial Impact**

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

## **ISSUE BACKGROUND**

In order to maintain the required 2.13 metre pedestrian clearway outlined in former City of Toronto Municipal Code Chapter 313 and the Vibrant Streets Document, right of way permits for the occupation of the sidewalk and or boulevard are reviewed when streetscape reconstruction, utility installations or a change of business ownership occurs to ensure that the permits continue to conform to the current regulations.

As a result of the reconstruction of St. Clair Avenue West, permit locations were reviewed to determine if the construction had any impact on the permit clearance requirement of 2.13 metres to sustain pedestrian traffic.

The results of those inspections revealed that locations assessed on St. Clair Avenue West, between Dufferin Street and Harvie Avenue had in many instances been impacted whereby the 2.13 metre pedestrian clearway could no longer be maintained if the original configuration of either the café or marketing permit were permitted to continue.

In some instances, a reduction in the permitted space is feasible and will allow business operators to continue their operations on a smaller footprint. In other instances, due to the realignment of the sidewalk and the installation of amenities within the sidewalk area, permits must be revoked in order to allow sufficient sidewalk clearance for pedestrian traffic.

The measurements of the original permit areas and the results of the investigations and impact are shown for each property inspected on Appendix 1 of this report.

## **COMMENTS**

Council has approved the Vibrant Streets Document in order to create streetscapes where pedestrian traffic moves freely and unencumbered and to ensure that the placement of street furnishings, cafes and marketing areas and other features is better aligned to support pedestrian traffic.

Furthermore, the provisions of former City of Toronto Municipal Code Chapter 313 support the Vibrant Streets Document and require that a minimum of 2.13 metres of sidewalk remain clear for pedestrian traffic.

It is necessary that the existing permits at the locations outlined in Appendix 1 be amended or revoked in order that compliance is achieved.

## **CONTACT**

Kimberley Belshaw  
Supervisor, Licensing Services  
Municipal Licensing & Standards  
Telephone: (416) 392-3128 Fax: (416) 338-7225  
E-mail: [kbelshaw@toronto.ca](mailto:kbelshaw@toronto.ca)

## **SIGNATURE**

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Richard Mucha, Manager  
Licensing Services  
Municipal Licensing and Standards

## **APPENDICES**

1. Chart of café or marketing permits issued within St Clair Avenue West
2. Sketch for 1162 St Clair Avenue West  
2a) Photo for 1162 St.Clair Avenue West
3. Sketch for 1163 St Clair Avenue West  
3a) Photo for 1163 St Clair Avenue West
4. Sketch for 1171 St Clair Avenue West  
4a) Photo for 1171 St Clair Avenue West.
5. Sketch for 1180 St Clair Avenue West  
5a) Photo for 1180 St Clair Avenue West
6. Sketch for 1189 St Clair Avenue West  
6a) Photo for 1189 St Clair Avenue West
7. Sketch for 1209 St Clair Avenue West  
7a) Photo for 1209 St Clair Avenue West
8. Sketch for 1228 St. Clair Avenue West  
8a) Photo for 1228 St Clair Avenue West
- 9 Sketches for 1240 St Clair Avenue West  
9a) Photo for 1240 St Clair Avenue West
10. Sketch for 1267 St Clair Avenue West  
10a) Photo for 1267 St Clair Avenue West
11. Sketch for 1279 St Clair Avenue West  
11a) Photo for 1279 St Clair Avenue West
12. Sketch for 1299 and 1301 St Clair Avenue West  
12a) Photo for 1299 and 1301 St Clair Avenue West
13. Sketches for 1352 St Clair Avenue West  
13a) Photo for 1352 St Clair Avenue West
14. Sketch for 1384 St Clair Avenue West  
14a) Photo for 1384 St Clair Avenue West