



## STAFF REPORT ACTION REQUIRED

### **Cancellation of two sidewalk/boulevard vending permits and six portrait artist locations located at 382-388 Yonge Street due to the construction activities of a new condominium building on the adjacent property.**

<b>Date:</b>	April 7, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 27 – Toronto Centre - Rosedale

### **SUMMARY**

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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 cancellation of two sidewalk/boulevard vending permits and six portrait artist locations as result of construction activities to the adjacent property.

### **RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that the Toronto and East York Community Council:**

1. Cancel with no relief from the moratorium the sidewalk boulevard vending permits at 382-388 Yonge Street and portrait artist locations, due to construction of a new condominium building. **OR**
2. Cancel the sidewalk boulevard vending permits and portrait artist locations and grant relief from the moratorium in order to allow for an application to be considered for alternative locations from the vendors. **AND**
3. Eliminate the 6 portrait artist locations from the inventory and consult with the Councillors of Wards 20, 27 and 28 for potential new locations and report to the Toronto and East York Community Council on the outcome.

## **Financial Impact**

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

## **DECISION HISTORY**

Sidewalk/Boulevard Vending permit number R53-2403284 was issued May 1, 1999 for the purpose of a hot dog cart location to sell hot dogs, sausages and cold drinks at 382-388 Yonge Street, west side 8.68 meters north of Gerrard Street West.

Sidewalk/Boulevard Vending permit number R53-2403282 was issued on May 1, 1996 for the purpose of a hot dog cart location to sell hot dogs, sausages and cold drinks at 382-388 Yonge Street, west side 17.92 meters south of Private Road

As a result of the condominium construction taking place at 382-388 Yonge Street, which requires the installation of hoarding and/or scaffolding to protect the pedestrians from the construction activities, there will be insufficient sidewalk clearance to accommodate the vending operation and 6 portrait artist locations and maintain the 3.66 metres of clear sidewalk passage required to sustain pedestrian traffic. The sidewalk at this location is approximately 7 metres in width. The construction staging has occupied 3.8 metres, which has reduced the clearance to 3.2 meters.

## **ISSUE BACKGROUND**

On January 20, 2010 the permit holders were sent letters from Municipal Licensing and Standards, Licensing Services, advising them that as a result of the construction activities, the sidewalk/boulevard vending locations are to be vacated immediately.

On February 25, 2010 the permit holders were sent letters from Municipal Licensing and Standards, Licensing Services, advising them that Municipal Licensing and Standards would allow for one alternate location to be submitted for review and compliance by each permit holder as a temporary location until determination is made regarding whether or not the vendors will be able to return to their original location.

Permit holder number R53-2403282 submitted an alternate location for review on February 23, 2010. The location submitted for review is located near 415 Yonge Street. Site inspection conducted on March 1, 2010 revealed that the location is not feasible as an alternate location as it is located within 12 meters of an eating establishment located at 415 Yonge St, unit 2 and within 16 meters of another eating establishment located at 419 Yonge Street.

One of the provisions of the former City of Toronto Municipal Code Chapter 315 states that; no portion of the designated area be located less than twenty-five (25) metres from any part of a business which sells to the public products similar to those proposed to be sold from the food vending vehicle, the portable display unit or the work station.

Sidewalk/Boulevard vending permits are processed in accordance with the provisions of the former City of Toronto Municipal Code Chapter 315 and where required the vending locations must be vacated. There are no processes or provisions for the relocation of vendors. As such, any alternate location would need to be processed as a new application.

As of March 2002 City Council imposed a moratorium on vending permits in Wards 20, 27 and 28, which is to remain in effect until such time as the vending by-law has been harmonized. This moratorium precludes Municipal Licensing and Standards, Licensing Services, from accepting any new application or issuing any new vending permits in the moratorium area unless directed by Community Council.

## **COMMENTS**

Feasibility of the return of the vendors and portrait artist locations cannot be re-assessed until the street level installations such as display windows, entrance doors, streetscape of the new sidewalk, tree planting and new driveways are completed.

## **CONTACT**

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## **SIGNATURE**

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## **Appendices**

1. Photo of construction staging area
2. Photos of the proposed alternate sidewalk/boulevard vending location
3. List of portrait artist locations