

**City Council****Notice of Motion**

MM1.5	ACTION			Ward: 10
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**Extending the Duncan Street Parklet Café Pilot - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council approve the implementation of outdoor cafés and/or public installations and the temporary closure, to vehicular traffic, of the westerly southbound curb lane of Duncan Street between Richmond Street West and Nelson Street, from December 13, 2018 to December 31, 2019, inclusive.
2. City Council authorize the Executive Director, Municipal Licensing and Standards to grant or renew temporary permits for the operation of an outdoor café within the portion of Duncan Street temporarily closed to vehicular traffic, between Richmond Street West and Nelson Street, from December 13, 2018 to December 31, 2019, inclusive, subject to the following requirements:
  - a. permit holder must have a business licence for an eating establishment from the City in good standing;
  - b. permit holder must pay a one-time application fee and the applicable annual permit fee per square metre according to Chapter 441, Fees and Charges, for outdoor cafés similar to the fee for boulevard cafés;
  - c. permit holder maintains at all times a policy of Commercial General Liability insurance in an amount and form satisfactory to the City of Toronto;
  - d. permit holder may be permitted to have an extended café on a curb lane that extends across a designated curb lane space of an adjacent establishment if approved by the Executive Director, Municipal Licensing and Standards;
  - e. permit holder must ensure that the outdoor café is closed and cleared of all patrons by no later than 12:00 a.m. midnight on Friday and Saturday nights and 11:00 p.m. on all

other nights;

f. permit holder shall not allow amplified sound on the outdoor café;

g. permit holder shall not allow outdoor food preparation in the permit area;

h. permit holder shall not place or permit the placement of barbeques in the permit area;

i. permit holder shall not obstruct, hinder, or interfere with the free access of an employee or agent of the City, or any utility provider, to enter any portion of the permit area for the purpose of the installation, maintenance or repair work or inspection of any part of the permit area;

j. permit holder shall not interfere with curbside garbage collection;

k. permit holder is required at all times and at their own expense, to:

i. maintain all portions of the permit area and the street around the permit area in clean and sanitary condition, including removing all debris and cigarette butts;

ii. keep any objects and furnishing associated with the permit area in good and proper repair and condition;

iii. secure all moveable objects, including café furniture, with cable wire or similar device during non-business hours; and

iv. pay all utility, service, infrastructure or other rates, fees and charges that are incurred due to the operation of the permit area;

l. permit holder shall immediately close and remove the outdoor café on a curb lane at the expense of the permit holder if the Executive Director, Municipal Licensing and Standards provides notice to the permit holder to do so;

m. permit holder will not assign, transfer, or sub-let the permission for the use of all or any portion of the permit area to any other person;

n. the applicant shall provide a detailed, scaled site plan(s) to the satisfaction of the Executive Director, Municipal Licensing and Standards showing all relevant dimensions and design details of the outdoor café on a curb lane in any such application to the City;

o. all outdoor cafés on a curb lane shall meet the specified design and installation requirements to the satisfaction of the Executive Director, Municipal Licensing and Standards as outlined in the permit agreement with the City, including terms and conditions for the outdoor café on a curb lane such as:

i. have a secure, stable, and safe vertical barrier along the perimeter of the outdoor café on a curb lane of at least 0.9 metres in height and any opaque portions of any barrier must not be greater than 0.9 metres in height, measured from the surface of the street, to preserve sight lines;

- ii. include a wheel stop within the permit area at a distance of 1.2 metres from each end of the outdoor café on a curb lane, unless determined otherwise by the City; and have secure, stable and safe planters in the permit area at each end of the outdoor café on a curb lane to help protect it from moving traffic and loading vehicles;
- iii. have retro-reflective marking tape at each end of the outdoor café on a curb lane and all its other materials must minimize glare for drivers and cyclists;
- iv. not have jersey barriers;
- v. have a surface that is stable, safe, and slip-resistant;
- vi. not block stormwater drainage and overland flow;
- vii. have all parts of any umbrellas on an outdoor café on a curb lane be set back at least 0.8 metres from its edges adjacent to the travel lanes and loading spaces;
- viii. be removed entirely at the end of the term of the permit and the highway restored;
- xi. have an unobstructed emergency access route between the travelled portion of the road and adjacent building entrances, in conformance with the Ontario Building Code and Fire Code;
- x. not have any enclosures, structures, or visual screens on or over the permit area;
- xi. meet any minimum separation distances to utilities or public infrastructure as determined by the Executive Director, Municipal Licensing and Standards;
- xii. not place or permit the placement of any outdoor carpeting, artificial turf or other surface covering on any portion of the sidewalk or street unless otherwise reviewed and approved by the Executive Director, Municipal Licensing and Standards;
- xiii. meet minimum pedestrian clearway requirements as determined by the City;
- xiv. have at least one accessible entrance to the permit area that is no less than 1 metre in width and an accessible ramp if applicable;
- xv. locate the outdoor café on a curb lane with a minimum 0.3 metres set back from the adjacent travel lane (as measured from the edge of the outdoor café on a curb lane closest to the adjacent travel lane) or a greater dimension as determined by the City; and
- xvi. meet the conditions for street work and installation (e.g., day of week and time of day and work zone coordination) as determined by the City to meet safety regulations and mitigate disruption to other operations on Duncan Street;
- p. prior to receiving the permit, the business owner must enter into an agreement with the City containing terms and conditions deemed by the Executive Director, Municipal Licensing and Standards to be relevant including any requirements set out in Chapter

313.36E, Boulevard Cafés, deemed by the Executive Director, Municipal Licensing and Standards to be applicable, including any requirements deemed by the General Manager, Transportation Services to be applicable in Transportation Services Division's review and input on applications for outdoor cafés on a curb lane;

q. permit holder shall comply with any conditions required by the Alcohol and Gaming Commission of Ontario under the Liquor Licence Act, as applicable; and

r. failure to comply with any of the conditions set out in the permit and/or the agreement may result in the revocation of the permit in accordance with the agreement.

## **Summary**

At its meeting of May 22-24, 2018, City Council approved the implementation of a parklet café "pilot" along the westerly curb lane of Duncan Street south of Richmond Street West. A local establishment, with support and encouragement from the Toronto Entertainment District Business Improvement Area , operated the parklet café successfully over the following season.

The establishment proposes to continue to operate the parklet café as an all-season installation, which requires further approval because it was not contemplated at the time of City Council's earlier decision. An all-season parklet café on Duncan Street is desirable as it will contribute to the attractiveness and vibrancy of the Entertainment District, which hosts many visitors to Toronto every year and is home to a large and growing residential population.

Duncan Street is a wide public street with one lane for travel in each direction. It terminates at Queen Street West in the north and King Street West in the south, so it is not a major route for vehicular travel. The existing parklet café did not require displacement of any lanes used for vehicular travel or paid parking.

This Motion is urgent in order to not delay the implementation of modifications to the parklet café for the winter season.

## **Background Information (City Council)**

Member Motion MM1.5