

## HARBORD VILLAGE RESIDENTS' ASSOCIATION

Box 68522, 360A Bloor St. W.  
Toronto, ON M5S 1X1



December 4, 2017

**To: Joint Licensing and Standards and Public Works and Infrastructure  
Committees**

**Re: JC1.1: Harmonization By-law & Fees for Sidewalk Cafes, Parkets & Marketing  
Displays**

The Harbord Village Residents' Association (HRVA) represents a stable Victorian-era community bounded Bloor, Bathurst, College, and Spadina. Our College Street Revitalization Initiative first suggested a pedestrian clearway and curbside patios over a decade ago.

### **We fully support the 5 requests of the Sidewalks for All Coalition:**

- 1. Dedicated by-law enforcement officers to monitor sidewalk installations on a daily basis, to ensure that Pedestrian Clearways remain safe and clear for all users.*
- 2. The Pedestrian Clearway be fully separate from (and therefore measured from) the edge zone, not the curb back face.*
- 3. Staff work with TAAC and the Transportation Services Accessibility Advisory Panel to ensure that any Clearway shifts from the anticipated, fully straight alignment, are cane-detectable.*
- 4. Staff work with TAAC and the Transportation Services Accessibility Advisory Panel, to ensure that Small Frontage Cafes are fully accessible for blind or low-vision pedestrians.*
- 5. Phased-in implementation plan for the Harmonized Bylaws: Staff pursue at least 10 additional pilot projects for café and/or marketing configurations that fall short of new Pedestrian Clearway requirements during the initial 2018-2020 period; followed by an implementation plan that reconfigures at least 20% of other non-compliant installations in each year of 2021-2025 period. And that there be no leniency for operation of sidewalk cafes that are unpermitted as of May 1, 2018.*

We support the: 2.1m Pedestrian Clearway for café installations on collector/arterial streets, the 1.8m Clearway for local streets, the minimum 2.5m Clearway for downtown streets where sidewalks are at least 5m wide, and the additional 0.4m buffer that is included for Marketing Displays.

We also support the new patio options, and have suggestions for improvement as follows:

### **8. & 15. Thresholds for Refusing an Application or a Renewal:**

- JC1.1 suggests that a permit will not be renewed if the permit holder is in violation of the by-law and/or has unpaid fees or fines under the by-law.
- What about an applicant with noise, public health, liquor, fire or criminal violations? Should they be approved or renewed just because patio fees are paid up? And what if property taxes are in arrears?

We recommend that compliance to these other matters should also be considered.

### **18. Patio Transfer:**

- JC1.1 does not allow for a public notice or notice to Residents' Associations for transfers. This would allow a business that could not get an original permit, to get a transfer because of these lower standards.
- New operators/owners are involved in transfers and very different business models may be involved.

We recommend the same standards of approval for transfers.

### **38. Separation from Residential Area**

- We support the 30m separation to the closest residential lot. However, this section is under "Requirements for New Café Types and Public Parklets."

We recommend a section should be added to make clear that the 30m separation applies to any existing patio, or at least the old 25m standard is grandparented for current applicants. And, that the new 30m standard should apply in the case of a new application on a grandparented site or in the case of a transfer.

### **47. Year-Round Café Enclosures on Local Streets**

- This effectively privatizes public space. It also eliminates a season of calm, the off patio season, for near by residents. Allowing for the possibility of year-round enclosures would also incent opposition to regular patio applications where they might otherwise not arise.

We oppose year-round enclosures on local streets.

### **GENERAL OPERATING CONDITIONS**

HVRA has a long history of facilitating the engagement of patio applicants **on local streets** and their neighbours. Without exception, applicants have accepted conditions more respectful of neighbourhood needs. They include:

- **68. Hours of Operation:**
  - We recommend hours to 10:00 p.m. Sunday to Thursday and to 11:00 p.m. Friday and Saturday. These hours have made it much easier avoid objections.
  - We recommend that minimum start times also be specified.
  - We also recommend that section 69 be amended to require shorter hours of operation where applicants have such agreements a Residents' Association or neighbours.
  
- **72. Amplified Sound:**
  - Our agreements for local streets also require no amplified music, sound or entertainment. Again, this helps avoid objections.
  - We recommend that section 72 be amended to capture, “no amplified music, sound or entertainment.”
  
- **New Section for Entry/Exit to/from Patios:**
  - Lastly, for flanking patios on a local street, our agreement provides for entry/exit only through the restaurant (on the main street) and the local street must be kept clear of patrons.
  - We recommend entry/exit only through the restaurant and the local street is kept clear of patrons.

Thank you for your considerations of this matter.

Robert Stambula  
HVRA