

City Council

Motion without Notice

MM41.33	ACTION			Ward:20
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Duncan Street Parklet Café - by Councillor Joe Cressy, seconded by Councillor Mike Layton

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

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 May 24, 2018 to November 14, 2018, inclusive.
2. City Council authorize the Executive Director, Municipal Licensing and Standards to grant 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 May 24, 2018 to November 14, 2018, 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 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:
 - 1. 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;
 - 2. keep any objects and furnishing associated with the permit area in good and proper repair and condition;
 - 3. secure all moveable objects, including café furniture, with cable wire or similar device during non-business hours; and
 - 4. 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:
 - 1. 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;
 - 2. 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;

3. 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;
4. not have jersey barriers;
5. have a surface that is stable, safe, and slip-resistant;
6. not block stormwater drainage and overland flow;
7. 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;
8. be removed entirely at the end of the term of the permit and the highway restored;
9. 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;
10. not have any enclosures, structures, or visual screens on or over the permit area;
11. meet any minimum separation distances to utilities or public infrastructure as determined by the Executive Director, Municipal Licensing and Standards;
12. 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;
13. meet minimum pedestrian clearway requirements as determined by the City;
14. 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;
15. 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
16. 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 transit and other operations on King 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 and in accordance with the report (February 16, 2018) from the Director, Public Realm Section, Transportation Services, 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

A local establishment with support from the Toronto Entertainment District Business Improvement Area has proposed to operate a parklet café along the westerly curb lane of Duncan Street just south of Richmond Street West. These recommendations enable City staff to approve the proposed parklet café subject to standard conditions. City Council has recently approved similar installations on Elm Street, Temperance Street, and King Street.

Duncan Street is a wide public street in the Entertainment District 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 parklet café would not displace any lanes used for vehicular travel or paid parking.

Duncan Street is identified as a "Significant Street" in the Urban Structure Plan of the King-Spadina Secondary Plan, with a long term vision to enhance the quality and character of the street with a streetscape improvement program. The parklet café will help to test out the potential to permanently expand the public realm along Duncan Street in the future. It will also 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.

This Motion is urgent in order to not delay the implementation and miss a significant portion of the season.

Background Information (City Council)

Member Motion MM41.33