

Temperance Street Parklet Cafés

Date: January 21, 2019

To: Toronto and East York Community Council

From: Director, Public Realm Section, Transportation Services

Wards: Ward 10 - Spadina-Fort York

SUMMARY

This report is required to permit the re-installation of the Temperance Street parklet cafés and on-street bicycle parking for the outdoor café season for 2019.

Modifications to Temperance Street between Sheppard Street and Bay Street were piloted from April 15 to November 14 in 2018 with positive success and no issues reported. Positive results included: enabling customers to dine outdoors in an aesthetically pleasing area; providing features that generate visual interest when looking in at Temperance from Bay Street in the city's Financial District; and providing plantings that softened the streetscape and enhanced pedestrian activity.

Local businesses - Boxcar Social and John & Sons Oyster House - are requesting the re-installation for April 15 to November 14 in 2019. No changes are proposed from the 2018 installation. The seasonal modifications to Temperance Street, between Sheppard Street and Bay Street for 2019 include keeping the existing westbound lane of traffic and consolidating the existing Wheel-Trans stop and proposed parklet café and bicycle parking uses on the north side of the travelled portion of the road, adjacent to the northerly sidewalk.

RECOMMENDATIONS

The General Manager of Transportation Services recommends that:

1. Toronto and East York Community Council authorize the Executive Director, Municipal Licensing and Standards to issue a temporary permit to each of Boxcar Social and John & Sons Oyster House for the operation of a parklet café within the north portion of Temperance Street between Sheppard Street and Bay Street, in one of the two (2) locations shown as a parklet zone on the drawing entitled, "Schematic Site Plan" attached as Appendix "A" of this report, for the period of April 15, 2019 to November 14, 2019, inclusive subject to the following requirements:

- a. permit holder has a business licence for an eating establishment from the City in good standing;
- b. permit holder has obtained a temporary street occupation permit for the applicable area from the General Manager of Transportation Services;
- c. permit holder must pay a one-time boulevard café application fee of \$280.62 and a permit fee of \$92.41/m²;
- d. permit holder maintains at all times a policy of Commercial General Liability insurance in an amount and form satisfactory to the City of Toronto;
- e. permit holder must ensure that the parklet 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 parklet 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 heaters and barbeques in the permit area;
- i. permit holder shall not have waste receptacles in use by servers or patrons, or work stations for servers in the permit area;
- j. permit holder shall not obstruct, hinder or interfere with the free access of a Municipal Enforcement Officer, employee, 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;
- k. permit holder shall not interfere with curbside garbage collection;
- l. 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.

m. permit holder shall immediately close and remove the parklet café at the expense of the permit holder if the Executive Director, Municipal Licensing and Standards provides notice to the permit holder to do so;

n. permit holder will not assign, transfer or sublet the permission for the use of all or any portion of the permit area to any other person;

o. prior to receiving the permit, the business owner must enter into an agreement with the City containing the relevant terms and conditions set out in Chapter 313.36E, Boulevard Cafés, and any other terms and conditions satisfactory to the Executive Director, Municipal Licensing and Standards;

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

2. Toronto and East York Community Council authorize the General Manager of Transportation Services to issue a temporary street occupation permit to each of Boxcar Social and John & Sons Oyster House for the installation of a parklet café within the north portion of Temperance Street between Sheppard Street and Bay Street, in one of the two (2) locations shown as a parklet zone on the drawing entitled, "Schematic Site Plan" attached as Appendix "A" of this report, for the period of April 15, 2019 to November 14, 2019, inclusive subject to the following requirements:

a) the applicant shall submit a temporary street occupation permit application and fee to the ROW Management Unit of Transportation Services;

b) The applicant shall be exempted from meeting the requirements of section § 743-18, Temporary street occupations, subsections A and B, of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of;

c) the applicant shall provide written proof of support from adjacent landowners to the parklet;

d) the applicant shall provide a detailed, scaled site plan(s) to the satisfaction of the General Manager showing all relevant dimensions and design details of the parklet prior to receiving a temporary street occupation permit;

e) upon issuance of the temporary street occupation permit, the applicant shall obtain a permit from the Executive Director, Municipal Licensing and Standards for the operation of a parklet café on the street and shall only occupy the street in accordance with the permissions granted in the permit issued by the Executive Director, Municipal Licensing and Standards;

e) the parklet installation shall meet the following design and installation requirements to the satisfaction of the General Manager:

- i) have a secure, stable, and safe vertical barrier along the perimeter of the parklet, except between the parklet and the sidewalk;
- ii) have a vertical barrier 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;
- iii) include a wheel stop within the permit area at a distance of 1.2 metres from each end of the parklet platform, unless determined otherwise by the General Manager; and have secure, stable and safe planters in the permit area at each end of the parklet, either freestanding or integrated with the parklet platform, to help protect the parklet from moving traffic and parking vehicles;
- iv) have retro-reflective marking tape at each end of the parklet and all other parklet materials must minimize glare for drivers and cyclists;
- v) not have jersey barriers;
- vi) have platform surfaces level with the sidewalk with a cross slope (from curb to outer parklet edge) of no greater than 2 percent and a running slope (parallel to the sidewalk along the street) of no greater than 5 percent;
- vii) have a platform that is stable, safe, slip-resistant, and accessible with no transitions greater than 13mm between the level of the sidewalk curb and the parklet platform;
- viii) not block stormwater drainage and overland flow;
- ix) have all parts of any umbrellas on a parklet be set back at least 0.8 metres from the parklet edges adjacent to the travel lanes and parking spaces;
- x) be removed entirely at the end of the term 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;
- xii) not have any enclosures, structures, or visual screens on or over the permit area;
- xiii) meet any minimum separation distances to utilities or public infrastructure as determined by the General Manager of Transportation Services;

xiv) not install any enclosures, structures, or visual screens on or over the permit area;

xv) not place or permit the placement of any outdoor carpeting, artificial turf or other surface covering on any portion of the sidewalk or street;

xvi) meet minimum pedestrian clearway requirements as determined by the General Manager of Transportation Services;

xvii) have at least one accessible entrance to the permit area that is no less than 1 metre in width;

xviii) locate the parklet with a minimum 0.3 metres set back from the adjacent travel lane (as measured from the edge of the parklet café or public parklet closest to the adjacent travel lane) or a greater dimension as determined by the General Manager.

3. Toronto and East York Community Council rescind the traffic and parking regulations outlined in Appendix "D" – By-Laws to be Rescinded, and generally shown in the drawing entitled, "Plan View of By-Laws to be Rescinded during Pilot Program" attached as Appendix "B" of this report.

4. Toronto and East York Community Council enact the traffic and parking regulations outlined in Appendix "E" – By-Laws to be Enacted, and generally shown in the drawing entitled, " Plan View of By-Laws to be Enacted during Pilot Program " attached as Appendix "C" of this report.

5. Toronto and East York Community Council direct that Temperance Street be returned to its pre-pilot project traffic and parking regulations when the project is complete.

6. Temporarily close to vehicular traffic the northern 2.075 metres of the westbound lane of Temperance Street from a point 17.4 metres east of Sheppard Street to a point 15 metres further east, and from a point 41.75 metres west of Bay Street to a point 5.34 metres further west for the period of April 15, 2019 to November 14, 2019, inclusive, to facilitate the construction and operation of parklet cafés as described in items 1 and 2 above.

FINANCIAL IMPACT

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

All costs related to the parklet cafés will be borne by the establishments seeking permission to construct this facility.

DECISION HISTORY

At its March 26 and 27, 2018 meeting, City Council authorized the implementation of the parklet cafés and on-street bicycle parking on the north portion of Temperance Street between Sheppard and Bay Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.51>

COMMENTS

The concept for transforming Temperance Street with parklet cafés and on-street bicycle parking began in 2016. The Financial District Business Improvement Area (FDBIA) completed its public realm strategy entitled, "Raising the Standard" which identified the potential for Temperance Street to become a more vibrant and welcoming destination for visitors and for people living and working in the area.

The FDBIA and local businesses (Boxcar Social and John & Sons Oyster House) worked with City staff in Transportation Services Division to implement parklet cafés and on-street bicycle parking on the north side of Temperance Street between Sheppard Street and Bay Street from April 15 to November 14, 2018. An existing Wheel-Trans stop was also relocated to facilitate the new street design.

Overall, the parklet cafés have been received positively as shown in Appendix F – Photos of Temperance St Parklet Cafés. Positive results included: enabling customers to dine outdoors in an aesthetically pleasing area; providing features that generate visual interest when looking in at Temperance from Bay Street in the city's Financial District; and providing plantings that softened the streetscape and increased pedestrian activity.

The parklet cafés have enhanced Temperance Street's social and economic vibrancy and attractiveness as a potential destination for people in the Financial District seeking options for dining and walking routes for strolling and sight-seeing. No issues with the Temperance Street parklet cafés have been reported during the pilot period in 2018.

Temperance Street is designated as a collector road with one westbound travel lane. The proposed re-installation will maintain existing vehicular operations with a reduced lane width, improve pedestrian and bicycle infrastructure, and relocate the existing TTC Wheel-Trans stop to the north side of Temperance Street in order to maintain a straight roadway alignment. Proposed amendments to parking regulations will prevent illegal parking, standing and stopping during the sidewalk café season.

This proposal does not result in a reduction of parking spaces or vehicular travel lanes. In addition, this report was prepared in consultation with the Ward Councillor's office and TTC Wheel-Trans staff.

CONTACT

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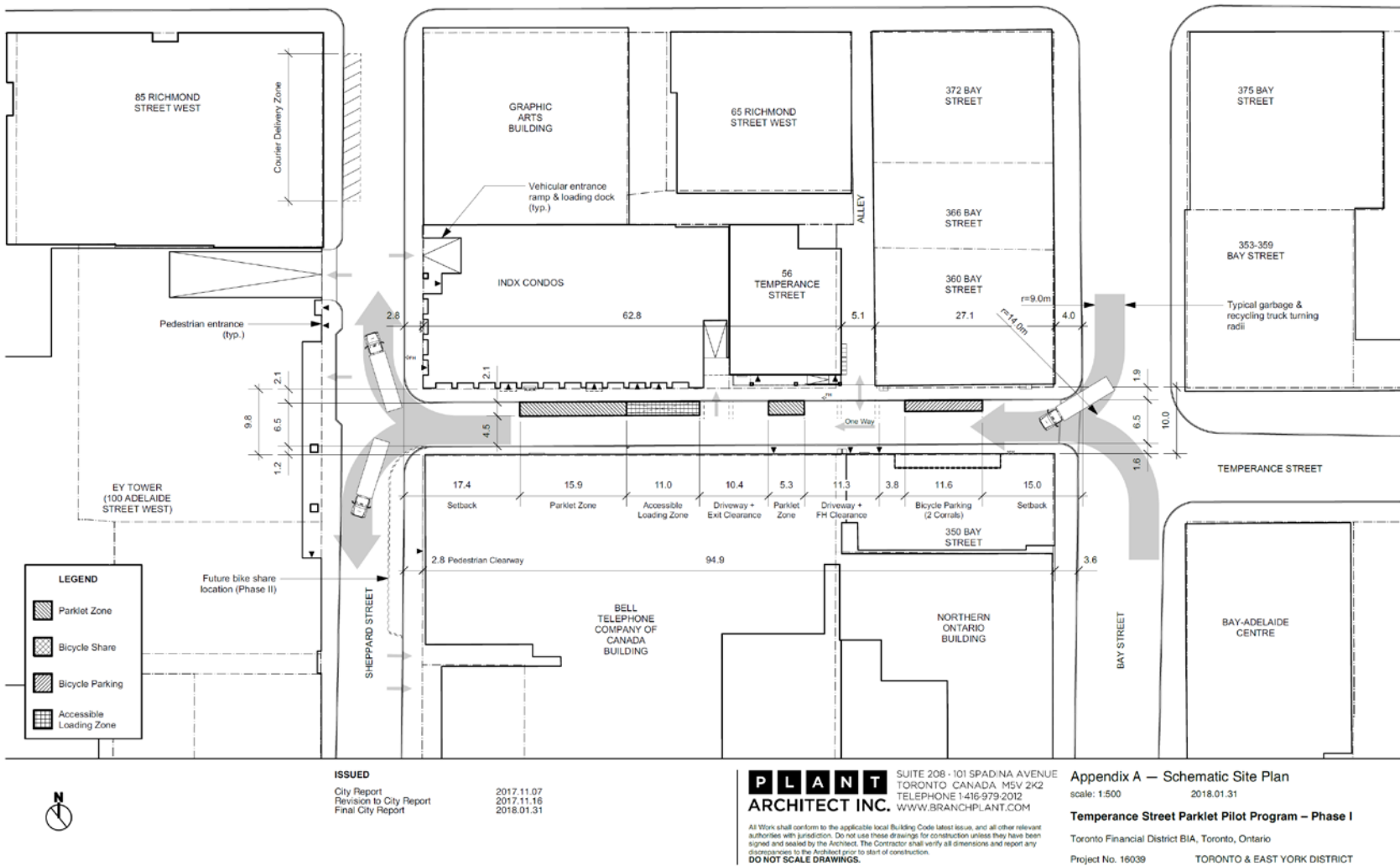
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Elyse Parker
Director, Public Realm Section
Transportation Services

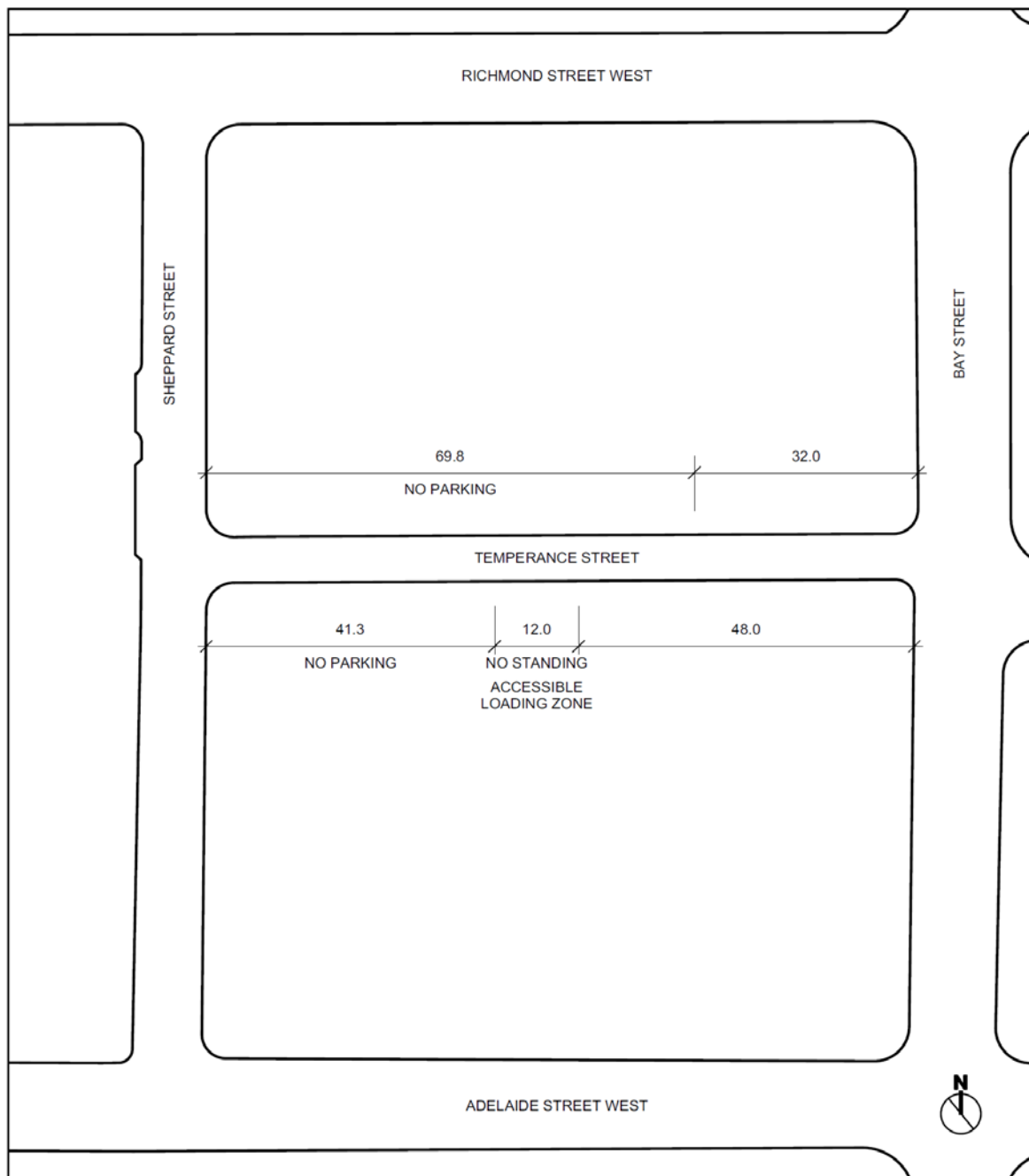
ATTACHMENTS

Appendix A - Schematic Site Plan
Appendix B - Plan View of By-Laws to be Rescinded during Pilot Program
Appendix C - Plan View of By-Laws to be Enacted during Pilot Program
Appendix D - By-laws to be Rescinded
Appendix E - By-laws to be Enacted
Appendix F - Photos of the 2018 Temperance Street Parklet Cafés

APPENDIX A - SCHEMATIC SITE PLAN



APPENDIX B - PLAN VIEW OF BY-LAWS TO BE RESCINDED DURING APRIL 15 TO NOVEMBER 14, 2019 INCLUSIVE



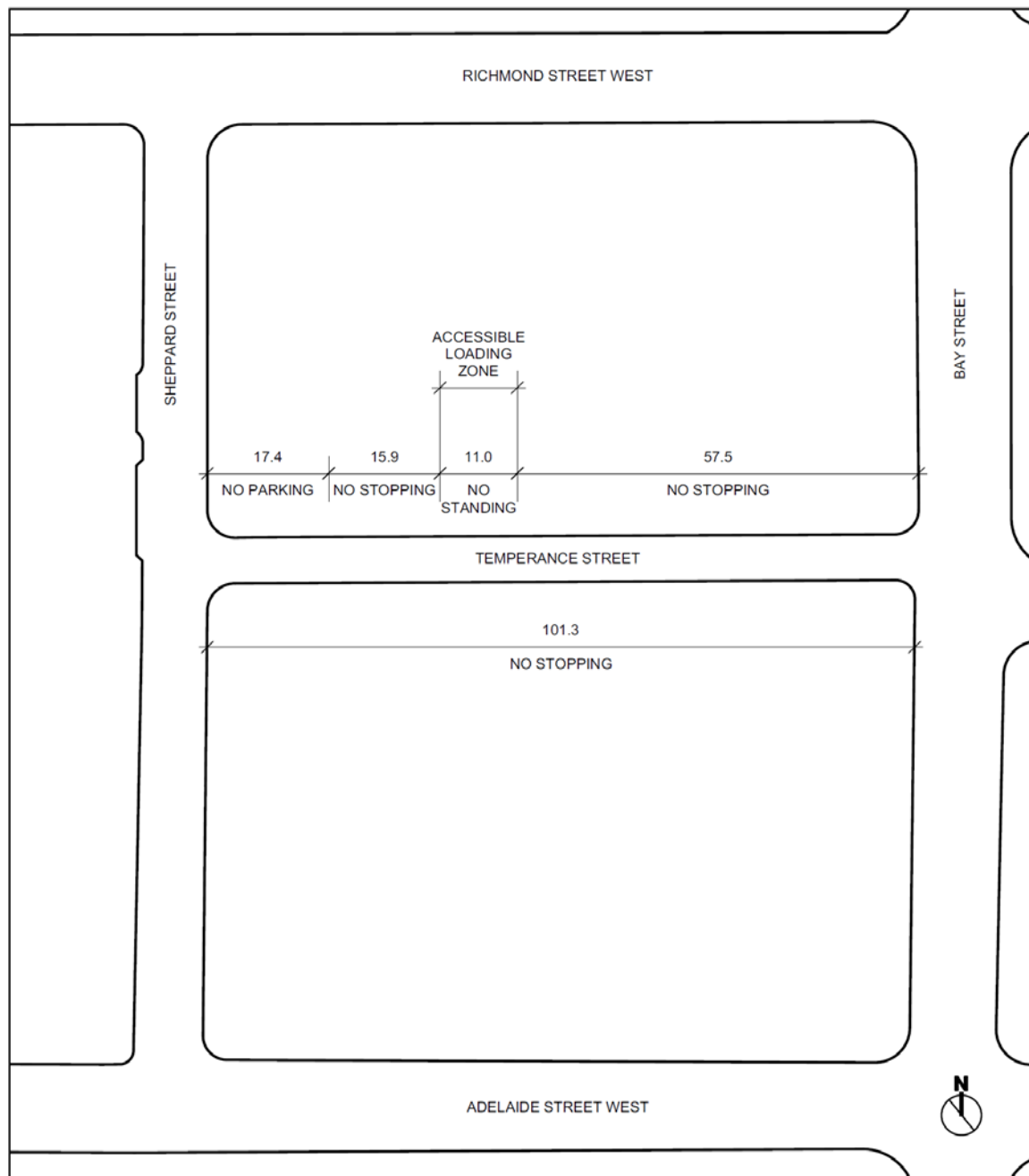
Appendix C — Plan View of by-Laws to be Rescinded during Pilot Program

scale: nts 2018.01.31

Temperance Street Parklet Pilot Program

Toronto Financial District BIA, Toronto, Ontario TORONTO & EAST YORK DISTRICT

APPENDIX C - PLAN VIEW OF BY-LAWS TO BE ENACTED DURING APRIL 15 TO NOVEMBER 14, 2019 INCLUSIVE



Appendix D — Plan View of by-Laws to be Enacted during Pilot Program

scale: nts 2018.01.31

Temperance Street Parklet Pilot Program

Toronto Financial District BIA, Toronto, Ontario TORONTO & EAST YORK DISTRICT

APPENDIX D - BY-LAWS TO BE RESCINDED

No Standing

Highway	Side	Between	Prohibited Times and/or Days
Temperance Street	South	A point 48 metres west of Bay Street and a point 12 metres further west	Anytime

No Parking

Highway	Side	Between	Prohibited Times and/or Days
Temperance Street	North	A point 32 metres west of Bay Street and Sheppard Street	Anytime
Temperance Street	South	Sheppard Street and a point 60 metres west of Bay Street	Anytime

Accessible Loading Zone

Highway	Side	Between	Times and/or Days
Temperance Street	South	A point 48 metres west of Bay Street and a point 12 metres further west	Anytime

APPENDIX E - BY-LAWS TO BE ENACTED

No Stopping

Highway	Side	Between	Prohibited Times and/or Days
Temperance Street	South	Bay Street and Sheppard Street	Anytime, April 15, 2019 to November 14, 2019
Temperance Street	North	A point 17.4 metres east of Sheppard Street and a point 15.9 metres further east	Anytime, April 15, 2019 to November 14, 2019
Temperance Street	North	A point 44.3 metres east of Sheppard Street and Bay Street	Anytime, April 15, 2019 to November 14, 2019

No Standing

Highway	Side	Between	Prohibited Times and/or Days
Temperance Street	North	A point 33.3 metres east of Sheppard Street and a point 11 metres further east	Anytime, April 15, 2019 to November 14, 2019

No Parking

Highway	Side	Between	Prohibited Times and/or Days
Temperance Street	North	Sheppard Street and a point 17.4 metres east	Anytime, April 15, 2019 to November 14, 2019

Accessible Loading Zone

Highway	Side	Between	Times and/or Days
Temperance Street	North	A point 33.3 metres east of Sheppard Street and a point 11 metres further east	Anytime, April 15, 2019 to November 14, 2019

APPENDIX F - PHOTOS OF THE 2018 TEMPERANCE ST. PARKLET CAFÉS

Box Car Social - Parklet Café Installation



John and Sons Oyster House - Parklet Café Installation

