

CaféTO – Permission to Allow Bar Volo, at 17 St. Nicholas Street, to Operate a Curb Lane Café in a Public Lane

Date: June 22, 2023

To: Toronto East York Community Council

From: Director, Traffic Management Centre, Transportation Services & Director, Permits and Enforcement, Transportation Services

Wards: Ward 13- Toronto Centre

SUMMARY

This staff report is about a matter that City Council has directed for action to this Community Council, as it has delegated authority from City Council to make a final decision.

The restaurant at 17 St. Nicholas Street, operating as Bar Volo, received a temporary CaféTO permit in 2021 and 2022 to operate an outdoor dining area on St. Nicholas Street, which is designated as a public laneway. The patio consists of elements which is in contravention of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, § 742-10.4A (1), which specifies that curb lane cafés must be located on a major arterial, minor arterial, collector or local road and therefore beyond staff authority to approve a patio application on this laneway.

The business is seeking approval from Toronto East York Community Council to allow a CaféTO patio to be maintained within the public right-of-way at 17 St. Nicholas Street.

This report will outline a recommendation as requested by City Council to allow this patio to operate in 2023 by waiving certain requirements related to the operation of a curb lane café in a laneway and the use of platforms. Staff will undertake community consultations that typically happen when implementing these programs and gather feedback over this season from stakeholders including neighbouring businesses and the Councillor's office in preparation for 2024 planning and beyond.

RECOMMENDATIONS

The Director, Traffic Management, Transportation Services and Director, Permits and Enforcement, Transportation Services recommend that:

1. Toronto East York Community Council authorize the General Manager, Transportation Services to exempt curb lane café permit area at 17 St. Nicholas Street, Bar Volo, from the requirements of § 742-10.4A (1) and § 742-10.4. B(6) and B(7) and § 742-10.4 C(1) and C(3) of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, for the 2023 CaféTO season.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

A member motion was moved at City Council on June 15, 2023 directing staff to report to the June 22, 2023 meeting of the Toronto and East York Community Council with a resolved plan to safely permit a CaféTO Patio for the business located at 17 St Nicholas Street. [Agenda Item History - 2023.MM7.44 \(toronto.ca\)](#)

COMMENTS

The restaurant at 17 St. Nicholas Street, operating as Bar Volo, received a temporary CaféTO permit in 2021 and 2022 to operate an outdoor dining area on St. Nicholas Street, which is designated as a public laneway. The operator applied for a permanent CaféTO curb lane café permit in 2023, which was refused as the proposed permit area did not comply with § 742-10.4A (1), which specifies that curb lane cafés must be located on a major arterial, minor arterial, collector or local road.

The operator appealed this decision which was then considered by a designate of the General Manager of Transportation Services and the application was sent back to CaféTO's traffic engineering consultant for a secondary safety review given the amount of safety equipment previously deployed for the café area, the need to restrict parking on Phipps Street to support the café on St. Nicholas Street, and the resulting configuration of the road geometry in the vicinity of the café. This supplementary review revealed that the café configuration approved in 2021 and 2022 did not provide enough space for emergency vehicles to navigate the area. This specific analysis was not

conducted in previous years in part due to the temporary nature of the CaféTO program prior to 2023.

Upon request, Toronto Fire Services (TFS) conducted an additional site visit of the area and advised that the south end of St. Nicholas Street is closed for development construction. While, the placement of the café will need to be re-assessed once construction is complete, due to the location of the construction staging, fire vehicles do not require access to fire infrastructure.

Staff from the Work Zone Coordination and Traffic Mitigation Unit attended to the site to determine how best to implement a CaféTO space at this location as directed by City Council. The following measures would be taken to ensure safe and efficient path of travel for residents, development site, pedestrians and cyclists:

- Installation of concrete barriers
- Maintain 1.5 metre of open space for cycling
- Maintain the sidewalk on the north and south side of Phipps Street
- Access to parking garage, garbage pickup and deliveries will be maintained
- Access to Gate 3 of the development site will be maintained and additional safety measure, including Traffic Control Persons as required
- Turning radius in the laneway will be maintained

Due to the required platform regulations introduced in the 2023 CaféTO program, restaurant operators are required to install a platform for their curb lane cafés. However, given that there is no elevated curb that would impede access to the curb lane café at 17 St. Nicholas Street, it is recommended that the provisions for a café platform be waived for the Bar Volo operator. City staff have consulted with the Local Councillor who is in support of this application.

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