



STAFF REPORT ACTION REQUIRED

Street Food Vending

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| Date: | June 14, 2012 |
| To: | Licensing and Standards Committee |
| From: | Executive Director, Municipal Licensing and Standards |
| Wards: | All |
| Reference Number: | P:\2012\Cluster B\MLS\LS12012 |

SUMMARY

The purpose of this report is to provide a status on the progress of the Street Food Vending Working Group, as formed by direction from Council, tasked to review the licensing, regulatory and inspection framework for street food vending with the objective to permit licensed food vendors to offer a wider range of food items.

In this report staff is recommending the required amendments to the various by-laws that currently govern street food vending across the City to immediately enable existing food cart vendors to expand their menus, without modification to the cart, as permitted by the 2007 amendment to the Ontario Health Protection and Promotion Act and listed herein.

The amendments to the existing by-laws, also provides for the diversification of menus for new and existing food cart vendors as permitted by the 2007 amendment to the Ontario Health Protection and Promotion Act, with the appropriate modifications and equipping of the vending carts, pursuant to the approval of the Medical Officer of Health as well as compliance with existing by-law provisions, including adequate right-of-way permissions.

The next steps of the Street Food Vending Working Group will include further exploring opportunities to expand street food culture, consideration of potential zoning amendments to facilitate expanded opportunities, and the development of a city-wide Street Food Vending By-law.

The Street Food Vending Working Group will be brought together, with other stakeholders to continue the discussion and develop recommendations to enhance the vitality of street food in Toronto, and will be reporting back at the November 2012 Licensing and Standards Committee meeting.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council adopt amendments to the following by-laws respecting street food vending as they pertain to food vending carts, to allow existing permitted street food vendors to expand their menu choices where possible, pending approval by the Medical Officer of Health:
 - a. Toronto Municipal Code, Chapter 545 Licensing;
 - b. Chapter 315 Street Vending of the former municipality of Toronto;
 - c. By-law No. 18-97 of the former municipality of East York;
 - d. By-law No. 32-95 of the of the former Municipality of Metropolitan Toronto, "To establish removal zones and regulate vending on Metro roads";
 - e. By-law No. 32100 of the former City of North York, respecting vending on sidewalks and untraveled portions of roads of the City of North York;
 - f. Chapter 738 Street Food, Healthier of the Toronto Municipal Code; and
2. City Council direct the City Solicitor to prepare the necessary bill(s) to make such by-law amendments as may be required to give effect to the recommendations in this report.

Public Notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

Financial Impact

As the recommendations apply to existing permitted street food vendors, the adoption of this report will have no financial impact beyond what has already been approved in the current year's budget. Licensing Services is 100 per cent recovered and nets to zero. Therefore, there is no financial impact on the fee base.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Subsequent to the 2007 changes to Regulation 562 of the Health Protection and Promotion Act, City Council approved a motion to amend the City's street vending by-laws and Toronto Municipal Code, Chapter 545, Licensing.

At its meeting of January 29 and 30, 2008, City Council directed staff to initiate a small scale Toronto Street Food Pilot to introduce healthy, ethnically diverse food at select City locations in the summer of 2008 by, among other things, preparing and releasing a Request for Expressions of Interest (REOI) for the design and manufacture of up to 15 food vending carts at no cost to the City.

Since then, there have been various reports providing updates on the "A La Cart programme", including a transfer of authority from the Medical Officer of Health to the General Manager, Economic Development, Culture and Tourism to continue efforts to expand healthy food options.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EX21.3>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.HL18.6>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.HL26.15>

At the April 20, 2011 Executive Committee Meeting the report, "Street Food Pilot Project Update and Recommendations" was considered and adopted with amendments. The A La Cart street food pilot project was discontinued and a working group was established to determine how to allow existing food cart vendors to diversify their menus. City Council adopted this report on May 17, 2011 on consent.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EX5.2>

A motion at the May 24, 2012 Licensing and Standards Committee requested that the Executive Director report back on a "proposed amendment to Municipal Code 545, Section 269 G, to improve opportunities for mobile food and/or refreshment vending".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS13.7>

Motion MM23.21 at the May 8 and 9, 2012 Council meeting was referred to the Executive Committee for consideration, regarding "Expanding Permissions for Food Trucks".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.MM23.21>

ISSUE BACKGROUND

At its March 2002 meeting, City Council directed the Commissioner of Urban Development Services to stop accepting new street vending applications after February 25, 2002 in Wards 20, 27, and 28, and that the moratorium to remain in place until a new harmonized Vending By-law was adopted for the City of Toronto.

A subsequent report from the Commissioner of Urban Development Services before City Council in July 2002 identified key principles that would form the major features of a harmonized Street Vending By-law.

In response to the July 2007 amendment by the Province to Regulation 562 of the Health Protection and Promotion Act allowing street vendors to vend a wider variety of foods, the City took action to delay the sale of expanded street food items until Toronto City Council had the opportunity to consider how such changes should be implemented.

Toronto Public Health was tasked in June 2008 to develop recommendations for the introduction of healthy, ethnically diverse street foods. The project, named "Toronto a La Cart" was subsequently approved by City Council in November 2008 and was implemented in May 2009 with eight vendors.

The administrative responsibility for the Toronto a La Cart pilot project was transferred to the Economic Development & Culture Division in January 2010 and a third-party program review was completed in the second year of the three-year pilot. This review concluded that the Toronto a La Cart pilot had met its objectives, with no improvements expected in the final year. The review concluded that modifications to the existing regulatory framework for hot dog carts and mobile food trucks should be investigated if the City wished to pursue its objective of introducing more diverse street food.

At the April 2011 Toronto City Council meeting, Council adopted without amendment and without debate the recommendations from the report entitled, Street Food Pilot Project Update and Recommendations, which among other things, directed the Executive Director, Municipal Licensing and Standards to form a working group to review the current licensing, regulatory and inspection framework for street food vending, with the objective of permitting licensed food vendors to offer a wider range of food items as permitted under the Ontario Health Protection and Promotion Act.

Since the initial direction, which forms the recommendations within this report, two additional motions have been referred for consideration. They both pertain to allowing for improved opportunities through expanded permissions for mobile food vending.

COMMENTS

The Street Food Vending Working Group ("the Working Group") consisted of representatives from the following City Divisions and outside groups:

- Municipal Licensing and Standards;
- Economic Development and Culture;
- Public Health;
- Transportation Services;
- Public Realm Office;
- Legal Services;
- Toronto Association of Business Improvement Areas (TABIA);
- Street Food Vendors Association; and
- A La Cart Street Food Pilot Project participant.

In addition the Working Group consulted with the Parks, Forestry and Recreation, members of the food, mobile food and street food vending industries, as well as interested members of the public.

The terms of reference of the Street Food Vending Working Group included three key deliverables:

- To report to the Executive Director of Municipal Licensing and Standards on its findings and recommendations;
- To recommend actions that can be taken to harmonize by-laws and regulations that affect street food vending; and
- To propose a business model that includes a vendor application process, location specifications, fees, permitting requirements and regulations that will provide viable business opportunities for prospective and existing street food vendors who wish to serve healthy, diverse food.

To address its deliverables in addition to the motions pertaining to expanding permissions for food trucks, the Working Group is undertaking its review in two distinct phases:

1. Review of Expanded Menus for Food Carts; and
2. Development of a Street Food Vending culture.

The first phase has been completed and is detailed in this report. The second phase will be conducted over the coming months. To better understand the issues and recommendations from the Working Group, it is important to understand how the current regulations, including the moratorium, work and how other jurisdictions have approached street food vending.

Street Food Vending in Toronto

Street food vending is currently regulated by provisions established within the Street Vending By-laws of the five former municipalities: East York, Etobicoke, North York, Toronto, and York. The criteria in these by-laws are the similar: permits are restricted to one per vendor, are issued for one year, and may be renewed annually if the permit holder is not in violation of the By-laws. Permits are cancelled by recommendation to Community Council in instances where the permit holder is in violation of the Municipal Code or in breach of the agreement required under the regulated provisions of the various By-laws. In most cases, the vendor has the opportunity to appeal the recommendation at Community Council.

The majority of vendors are located within the downtown core and therefore regulated by Chapter 315, Vending of the former City of Toronto. Thus, in this report, when citing vending by-law regulations staff are referring to Chapter 315.

There are 137 street food vending permits issued by the City of Toronto, 113 locations within the moratorium area. The rest, totalling 24, are found outside of the moratorium area - one in the former city of East York, 23 in the former city of North York, and one in the former city of Scarborough.

While food vending applications continue to be accepted and permits issued, subject to compliance with food vending provisions in appropriate by-laws and legislation, a moratorium has been imposed in Wards 20, 27 and 28, which prevents the acceptance of new applications in these areas.

Purpose and Implication of Toronto's Current Moratorium

At that time the moratorium was established, the regulations concerning the allocation of street food vending permits were of significant concern to members of Council. There were 375 (compared to 113 currently) approved street food vending locations in the former City of Toronto, with a significant concentration in the area bounded by Bloor Street, University Avenue, The Lake Shore, and Jarvis Street. In the former municipalities of Etobicoke, York, East York and Scarborough there were a total of 24 approved street food vending locations. This number remains the same.

While the spirit of the moratorium has been strictly enforced, the Toronto and East York Community Council ("TEYCC"), through its delegated authority has given currently permitted vendors who are displaced as a result of long-term revitalization projects an opportunity to find alternate/new locations within the moratorium area (for example, Bloor Street Re-vitalization Project, or Union Station Project).

Toronto's Street Food Culture Compared to Other Jurisdictions

It is important to note that even in jurisdictions that have been identified as supporting a vibrant street food culture, the restrictions and compliance requirements with respect to public health regulations, permitting and licensing requirements, and zoning regulations regarding where and when vending may occur, mirror many of the existing provisions in Toronto.

Toronto's street food culture has been regulated for the most part, to curbside locations for food trucks, and right-of-way (sidewalk) locations for food carts. Ironically, while Toronto's street food vending industry has been pushing for locations on private property, in cities like Seattle, vendors believe that the "most important and profitable part" of the loosening of regulations on food trucks and food carts is the ability to park curbside on city streets.

In American jurisdictions where street food vending has gained popularity as an alternative dining experience (for example, Portland, Seattle, Miami), it occurs on private property. While some jurisdictions allow vendors in parking lots where the zoning ordinances permit these types of retail uses, in other jurisdictions, trucks and carts are limited to vacant lots. And in other jurisdictions, vendors are required to be continually mobile except when serving a customer or are otherwise not allowed at all.

Phase 1: Expanding Menus: Completed

During the summer of 2011, the working group did three informal surveys on the streets of Toronto to gauge public interest in street food. Pedestrians were approached on three separate occasions, during two Tasty Thursdays at Nathan Phillips Square, and at the

Street Eats Festival in the Distillery District. Two hundred and twenty seven people responded to a series of questions including their experience with eating street food, the frequency with which they eat street food, and the reasons why they eat street food. Respondents were also asked one specific question:

If the City of Toronto could do one thing to enhance street food, or your experience eating street food in Toronto, what would that be?

Forty per cent of respondents to this question indicated that they would like increased variety and/or healthier alternatives to what is currently available. Nineteen per cent wanted to see more vendors. Eight per cent felt that the street food industry in Toronto was too regulated, while one per cent felt that there should be more regulations. Another seven per cent wanted more food festivals.

Prior to the changes in Regulation 562, street food vendors were limited to selling only pre-cooked meats in the form of a wiener or sausage. The revised regulations allow the selling of street foods which are:

- Pre-packaged, and/or
- Pre-cooked in another food premise and re-heated on the street vending cart, and/or
- Non-hazardous (meaning any food that is not capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms).

Foods not falling within these broad categories are permitted under the Regulation but require permission from the Medical Officer of Health. Vendors are required to be associated with a commissary that prepares their food, which they then re-heat at the cart. The food is also required to be stored through mechanical refrigeration to minimize bacterial growth and contamination.

Using existing cart equipment, vendors wishing to expand their menus are limited to the following list, which can be prepared and served safely:

- Pre-packaged cut fruits and vegetables using only vinaigrette dips
- Whole fruits and vegetables, including corn on the cob
- Pre-packaged fruit salad
- Bagels with individual serving containers of butter, margarine, peanut butter or jam
- Pre-packaged nuts and seeds
- Pre-packaged salads containing only vegetables and/or fruits with all dressings to be pre-packaged and not requiring refrigeration
- Pre-packaged Tabbouleh salad and pita bread
- Soups
- Pre-cooked veggie burgers
- Coffees and teas

Subject to existing by-law compliance requirements, vendors wishing to expand their menus to include other pre-cooked foods may be required to make modifications to their carts. The process requires a proposal to TPH detailing the types of expanded foods a vendor wishes to sell. An inspection by TPH of the existing cart will determine whether modifications to the cart are required to support the expanded menu.

Due to these additional requirements, food vending carts offering a diversified menu are larger than existing food vending carts, and therefore require a larger footprint within which to operate. A footprint is the defined area on the sidewalk within which food cart vendors are required to maintain their cart and supplies. It prevents encroachment and maintains an unobstructed pedestrian clearway.

The Street Food Vendors Association indicated the need for a larger footprint to allow for the erection of a windscreen, and the storage of supplies and goods without being in violation of the by-law. The current footprint required in the regulations is 2.32 square meters.

In March 2011, Transportation Services and ML&S staff jointly completed site inspections of 130 vending locations within the moratorium area to determine the feasibility of expanding the footprint of these existing locations to allow for additional storage space and to enable vendors to expand their menus. Of the 130 sites, only 30 were determined to have sufficient sidewalk space to allow for the enlargement of the permitted space ranging from 3.90 to 4.45 square metres while maintaining compliance with existing by-law provisions and without compromising the pedestrian clearway.

As part of the Phase 2 review process, the requirement for "passable space" will be clarified. Passable space is defined as the area that remains clear of all obstructions and is available for uninhibited pedestrian passage. Chapter 315 currently requires "passable space" to be 3.66 metres, measured between the designated area and the curb and between the designated area and any adjacent obstruction to pedestrian passage or change in grade on private property.

Clarification of the definition for "passable space" may result in more locations being identified as eligible for the required expanded footprint. However, Transportation Services' Public Realm Section is not supportive of expanding vending footprints on the right-of-way, especially in the downtown core, where it would compromise the City's Vibrant Streets Policy, which requires a minimum of 2.13 metres for a pedestrian clearway.

The Working Group considered how food carts might be made more mobile friendly. In light of the challenges faced by the A La Cart programme whereby the City tendered a request for proposal (RFP) for the design and manufacture of a streamlined cart, which turned out to be both expensive (\$27,800) and impractical, the Working Group concluded that it is more appropriate to maintain general cart requirements. Such requirements would include maximum dimensions within a maximum footprint on city property and

any criteria as deemed necessary by the Medical Officer of Health and all other appropriate by-laws and Acts.

Another consideration was the issuance of new street food vending permits only to applicants offering a diversified menu. However, there were challenges with this approach. It would reduce a vendor's ability to alter or change the menu as appropriate or necessary. Additionally it was considered an inefficient use of enforcement resources to fine vendors on their menu changes. The Working Group decided that the City's role as a regulator should be simply to ensure public safety rather than to dictate the types of foods vendors should/could sell.

Phase 2: Development of a Street Food Vending Culture: In Progress

Street food vending plays a role in creating a vibrant street life in large cities such as Toronto. It is currently regulated by provisions established within the Vending By-laws of the former municipalities. Vending is prohibited in the former cities of Etobicoke, York and Scarborough.

The Working Group believes that a street food vending by-law should be based on the relevant provisions found in Chapter 315, with key principles from the other vending by-laws incorporated, where appropriate. The following matters are currently being considered by the Working Group and will be addressed in the review.

Street Food Vending Fees

Fees should be adopted to cover all costs associated with the delivery of services to process applications, enforce the By-law and deal with appeals. It is reasonable for the City to charge an annual fee for the use of the public ROW which will approximate fair market value. The revenues from this programme will support the administration of the annual renewal process, and will also assist in recovering costs associated with the delivery and enforcement of a street food vending programme.

Issuance of Permits – Location Selection and/or Lottery Process

There were discussions surrounding the process of issuing permits; currently applicants wishing to vend submit an application with a proposed location. City staff then determines by-law compliance for the location and issue or refuse the location permit.

A lottery process was considered by the working group. Understandably, vendors within the Working Group were resistant to the proposal, citing that vendors in designated locations, much like bricks-and-mortar establishments develop a rapport and a familiarity with their clientele. They also emphasized that street food vending is incorrectly perceived to be a short-term stepping stone to operating an established restaurant. In fact, they suggest, for many of the existing vendors this is their livelihood and a lottery process can jeopardize their financial stability.

Another option explored was allowing existing vendors to maintain their current locations until such time that they choose not to renew their permit. The location would

then be placed within a lottery pool that includes locations identified by the City as feasible vending opportunities (for example, locations in parks/parkettes and civic squares). This would allow potential vendors two opportunities to obtain locations: to propose a location as part of the application process, or to request a location through a lottery.

Effectiveness of the Windscreen By-law

The Windscreen By-law was enacted to address the industry's need for shelter against inclement weather.

The Working Group heard from current vendors who expressed concerns regarding the restrictive nature of the Windscreen By-law. The existing regulations dictate a windscreen of a size that is cumbersome and difficult to erect within the prescribed footprint. Vendors suggested that the regulations be reviewed and that general requirements be developed to give vendors the flexibility to erect a more suitable screen.

Impact of the Moratorium

The moratorium on vending that was enacted on February 25, 2002 was intended to address concerns over an excessive concentration of street food vendors in the downtown core, and specifically within Wards 20, 27 and 28. The moratorium has reduced the number of vendors in the former Toronto from 375 to the existing 113.

The restriction of permit issuance for new vending applications has prevented the growth and development of the street food vending industry in the downtown core. If the goal of the moratorium was to encourage street food vending outside of the downtown core, the lack of a harmonized by-law has hindered this objective since the former municipalities of Scarborough, Etobicoke and York do not currently permit vending.

The Street Food Vendors Association expressed hope that upon enactment of a harmonized Street Food Vending By-law, the number of vending locations within the downtown core would return to pre-moratorium levels.

Advertising and Signage

Permitted carts and trucks are required to display their permit numbers for easy reference. Consideration was given to replacing the "peel and stick" method with more permanent and established means, for example, a decal plate. Vendors felt this would assist in developing the perception that vendors are established members of the local community, in effect, street ambassadors for tourists and residents alike.

Assistant Fees

Vendors requested a review of the current food assistant fees. Concern centres on the fact that food assistants are typically students whose commitment is seasonal. Assistant permits are annual; and a new permit application with appropriate fees is required for each new assistant creating a financial burden.

Vendors explained that the ability to transfer a permit to another assistant during the permit year would assist in alleviating this financial burden.

Two Types of food trucks – designated and undesignated location permits

With the exception of ice cream trucks and refreshment vehicles (coffee trucks), current by-law regulations require food trucks to have designated location permits and to vend in one location only. However, the food truck industry has evolved from stationary vehicles, to roaming and versatile restaurants on wheels. A food truck may be in one location one day, and at another the next. Review and amendments to existing by-laws are required to allow for undesignated vending location permits.

Street Food Vending on Public Property

The Toronto Parking Authority (Green P), although their primary commitment is to ensure that the parking spaces are available to their customers, they are willing to consider accommodate food trucks, subject to licensing and vending compliance requirements with a one vehicle, one ticket rule. Referred to as undesignated vending locations, they differ from the traditional designated locations in that any food truck can park there if it is available, and if they pay the required parking fee. These undesignated spots allow food trucks the freedom to park at different available locations throughout the City on a daily basis. This process also eliminates the administrative requirement to calculate annual lost parking meter revenue.

While this approach may be considered to streamline the process for food truck operators, it could create some administrative and enforcement challenges which need to be considered, including mandatory routine, and spot inspections of trucks by TPH and ML&S. Adherence to parking requirements would continue to be enforced by the Toronto Police Services Parking Enforcement Unit.

In addition to the on-street parking spaces, Green P also operates 140 surface lots, and is willing to give consideration to allowing food trucks to vend in their surface lots.

Street Food Vending on Private Property

Two motions were introduced, one at the May 24, 2012 Licensing and Standards Committee and one at the May 8 and 9, 2012 Council meeting requested the consideration of expanding permissions for food trucks to vend in designated locations in commercial parking lots. The former referenced amending the Licensing By-law to allow food trucks to vend temporarily in parking lots, while the latter suggested a permanent Zoning By-law amendment to allow both food trucks and carts to vend in parking lots. It was recommended that other North American jurisdictions be reviewed.

In many jurisdictions in North America (for example, Portland and Seattle) street food vending is restricted to private property. Review of jurisdictional by-laws and ordinances indicate that in most cases, vendors operate in vacant lots or on the periphery of parking lots, but not in them. One reason is that zoning ordinances do not permit such a use.

When they do occur in commercial parking lots, zoning ordinances permit the use (for example, a shopping plaza) or a variance is granted to permit the use on a site-specific basis.

In Toronto, there are 309 parking lot licences issued; 237 of which are in the former city of Toronto. The Zoning By-law determines the use and ancillary uses of private property. In many cases, the permitted uses of a commercial parking lot do not include retail sale or vending.

In order to permit the sale of food (from a cart or truck) as an ancillary use in a commercial parking lot, it requires the property owner to submit an application to City Planning for a by-law amendment to the Zoning By-law. This "site specific" by-law amendment is necessary should a parking lot owner wish to operate a designated/permanent food vending location in his or her parking lot.

Similarly, Toronto's Licensing By-law attempted to accommodate refreshment vehicles (coffee trucks) in commercial parking lots by temporarily allowing them to park for ten minutes to serve their clientele before moving on, thereby maintaining compliance with the permitted uses of the Zoning By-law.

Amending the Licensing by-law to extend the permissibility to park and vend from ten minutes to a maximum period of time, upon receiving permission of the property owner, would accommodate temporary vending in commercial parking lots while maintaining zoning compliance.

While the City may wish to consider vending as a permitted use to all commercial parking lots during its current review, and/or the extension of time as indicated in the Licensing by-law, both of which would permit trucks and carts to vend in designated commercial parking lots, the requisite consultation and review of impacts to neighbouring businesses must be considered. The concern of business impacts were echoed in preliminary discussions with both ORHMA and TABIA.

While acknowledging that the street food industry is evolving into a viable alternative to operating a bricks-and-mortar restaurant, both ORHMA and TABIA insist that consistent regulations whether it be on private or public property (e.g., proximity rules to existing restaurants, agreements with adjacent businesses, permissions from parking lot owners, consent of a local BIAs, et cetera) and effective enforcement of these regulations is necessary to prevent one industry from having a negative impact on another.

Street Food Vending on City Property

As part of the A La Cart implementation programme, an interdivisional staff group evaluated parks and civic square locations based on the criteria of pedestrian volume, proximity to existing vendors, accessibility to the street system, and availability of hard surfaces for cart placement.

The Parks, Forestry and Recreation Division and Real Estate Services have reiterated their support and willingness to consider, where feasible, street food vending opportunities in parks and civic squares. The Working Group will follow up and report back as part of the Phase 2 review.

Outdoor Food Court: A Potential Use for Vacant Lots

Throughout the City of Toronto there are a number of vacant brownfield sites that are without any city planning applications to be developed. Occupied spaces help. Temporary uses of vacant land, such as the development of an outdoor food court, can provide a means to activate and beautify awkward spaces. Such active use of a space may attract people to the site, creating vibrancy to the area and maintaining the impression of commercial viability. The Working group proposes to explore this possibility further.

Other jurisdictions have developed their street food culture in this way. There are variations in the approach, but all aim to revitalise areas by utilising underused spaces.

From an enforcement perspective, it erases the ambiguity about whether a cart or truck is operating at a location illegally or in the case of food trucks, whether it has been in one place too long.

At the March 29, 2012 Licensing and Standards Committee meeting, a motion regarding the "Beautification of Vacant Brownfields throughout the City of Toronto" was referred to the Deputy City Manager, Cluster B for a report. Interim uses of vacant lots for food carts and trucks can be an additional source of income for property owners and facilitate opportunities for social interaction and street activity.

The Role of BIAs in Supporting Street Food Culture

The Toronto Association of Business Improvement Areas (TABIA) expressed concerns from its membership regarding the perceived advantage that food carts and food trucks have over restaurants. To address these concerns, current regulations require the written consent of the Board of Management for a BIA for an application to be accepted for any new designated vending areas located within that BIA.

One of the considerations of the Working Group was to formally request that street food vendors be allowed to gain membership into the local BIA. By paying membership dues, this would permit area food vendors an opportunity to be included in issues impacting the local business community, thereby creating a positive symbiotic relationship. It would also allow vendors to gain access to support from the business community and to possibly access power sources other than a generator for their cart refrigeration unit.

Another consideration was to offer the Board of Management of local BIAs the opportunity to submit to the City a series of additional guidelines regarding food carts and food trucks. This recognizes that street food culture is an important part of the urban fabric that enlivens the city streetscape and increases foot traffic in commercial areas.

Street food culture flourishes through a positive relationship between the street food vending industry and existing restaurants. It is important that BIAs continue to have the opportunity to "opt out" of allowing any street food vendors in their area. However, they should not be allowed to be arbitrarily selective in allowing some and not others. And while some BIAs may not desire carts or trucks, there are BIAs that recognize the value and contributions of the street food vending industry in bringing pedestrian foot traffic to their area.

Next Steps

Within the context of the working group, issues associated with harmonizing the licensing and regulatory framework across the City were discussed, including the impact of the existing moratorium on vending, and the lack of vending opportunities in the former cities of Etobicoke, York and Scarborough.

The Working Group realized that simply harmonizing existing by-laws would not meet the emerging needs of the street food vending industry, in particular food trucks. Existing vending provisions are out-dated and do not address the needs of current vendors. For this reason, the Working Group continues to review existing regulations.

Additionally, the priorities of the street food vending industry, in particular, food trucks has changed with the introduction of social media and an increased desire to vend temporarily at locations other than curb-side, specifically in commercial parking lots, parks, and vacant lots.

These priorities need to be considered within the context of all potential opportunities for vending, rather than as a patchwork of amendments that serve largely to frustrate the needs of the street food industry and bricks-and-mortar restaurants.

ML&S continues to work towards the development of a Street Food Vending By-law, based on continued consultation with stakeholders, an in-depth exploration of the opportunities identified within this report, and an ongoing commitment to balance the balance the priorities of the City's Vibrant Streets Plan and the public's appetite for diverse street food.

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