

Street Food Vending Review Status Update and Elimination of Refreshment Vehicle Assistant Licence



**Tracey Cook
Executive Director
Municipal Licensing & Standards**

Licensing and Standards Committee
Tuesday, October 29, 2013

Agenda

1. Review of L&S Committee direction
2. Progress and current status
3. Review process/project plan
4. Issues and key considerations
5. Refreshment Vehicle Assistant Licence
6. Next Steps

Committee Direction

Arising from the report recommending conclusion of the A La Carte program, and subsequent Councillor submissions:

Staff were directed to form a working group with the objectives of:

- Permitting vendors to offer a wider menu.
- Addressing issues associated with harmonizing the by-laws.
- Assessing how food carts can be made more mobile friendly.

Subsequent direction to staff has included:

- Consider amendments to TMC Ch. 545 to permit food cart, truck and refreshment vendors to park and operate on licensed premises such as parking lots.
- Consider impacts and recommendations of zoning amendments to allow commercial parking lots to permit food trucks and vending stalls where they front onto public streets in commercial zones.

Slide 3

t1

Date of direction
tcook2, 10/28/2013

Current State of Legislation

- Six different by-laws govern the variety of street food vending currently in the city, with differing regulations
 - TMC Chptr. 545, Licensing
 - East York, North York, Etobicoke, York
 - Former City of Toronto and Municipality of Metropolitan Toronto
 - No vending by-law in the former City of Scarborough
- Moratorium is in place in Wards 20, 27 and 28
 - Enacted in 2002 in response to concerns about the high concentration of vendors downtown.
 - To remain in place until harmonization of vending by-laws occurred.

Current Status of Street Food

- Total of 147 permitted locations
 - 123 in former City of Toronto
 - 24 in North York

Currently licensed:

- Food carts = 262
- Food trucks = 57
- Ice cream trucks = 132
- Coffee/catering trucks = 142

Street Food Working Group

Chaired by Municipal Licensing and Standards, and includes:

- Street Food Vendors Association
- Toronto Association of Business Improvement Areas
- Toronto Public Health
- Transportation Services
- Economic Development and Culture
- Parks Forestry and Recreation

The revised Working Group as of April 2013, also includes:

- Ontario Food Truck Association
- Ontario Restaurant Hotel and Motel Association



Where we are now ...

Revised Street Food Working Group has:

- Developed a project plan for harmonizing the by-laws
- Identified key considerations for a harmonized by-law
- Developed a consultation plan

The City, in consultation with the Street Food Working Group, has conducted a program with Food Trucks.

Food Truck Program

- Operated throughout August and September 2013.
- Involved approximately 30 trucks throughout program time.
- Locations were provided at:
 - Sherbourne Commons
 - Allan Gardens
 - Canoe Landing
 - Roundhouse Park
 - Woodbine Park (withdrawn before end of program)

Food Truck Program – Feedback

- Some respondents:
 - believe that the City's street food industry is too regulated
 - want a greater variety of street food
 - want more opportunities for food trucks to operate
- Concerns were also raised about:
 - the noise from trucks' generators
 - the safety of the trucks
 - impacts of trucks on local neighbourhoods and businesses

Summary - Issues and Considerations

1. Footprint
2. Proximity requirements (distance between vendors and brick/mortar)
3. Role of the Business Improvement Areas
4. Moratorium
5. Vending on private property
6. Vending on public property
7. Undesignated vending permits
8. Neighbourhood impacts

1. Footprint

Current state:

- Vendors are required to maintain their cart and supplies within a maximum 2.32 square metres of the sidewalk.
- Must permit a minimum of 3.66 metres of passable space between the designated area and the curb or any obstruction to pedestrian passage.

Issues:

- Street food vendors would like these dimensions expanded to accommodate a windscreen and equipment to sell a wider menu.
- There are concerns about the impact of a larger footprint on other uses of the right of way.

2. Proximity Requirements

Current state:

- Street food vendors are required to operate a minimum of:
 - 25 metres from another business which sells similar products
 - 30.5 metres from a signalized intersection
 - 30 metres from the entrance to any school ground or public park

Issue:

- Brick and mortar business representatives believe the 25 metre requirement should be increased to prevent unfair competition from street food vendors.

3. Roles of the BIAs

Current state:

- Under Chapter 315 (former City of Toronto), written consent of the Board of Management for a BIA is required for an application to be accepted for a new designated vending location within the BIA.
- Other governing by-laws have a notification versus a consent process.
- In both situations where permits are refused, applications go to Community Council.

Issues:

- Street food vendors believe BIAs should not have a veto over vending applications.
- BIAs believe they should retain a veto over vending applications in their areas.

4. Moratorium

Current state:

- Since 2002, there have been no new permits issued for vending on the right of way in Wards 20, 27 and 28.

Issues:

- Street food vendors believe that the moratorium is unfair to current and prospective vendors and that it should be lifted to improve opportunities for vending on the right of way.
- Brick and mortar business representatives express opposition to the moratorium being lifted, due to concerns about density downtown and the impacts vendors can have on neighbouring businesses.

5. Vending on Private Property

Current state:

- Vendors may sell on private property with the permission of the property owner, so long as the corresponding zoning permits the use.

Issues:

- No vending for more than ten minutes in licensed parking lots.
- Potential zoning conflicts for use of land for vending purposes.
- Brick and mortar business representatives believe that vendors on private property should be subject to the same proximity requirements as vendors on the public right of way.

6. Vending on Public Property

Current state:

- Limited opportunities for new vendors to operate on the right of way.
- Private agreements between Parks, Forestry and Recreation and Facilities Management to operate at City parks and squares.

Issues

- Street food vendors want more opportunities to vend on the right of way.
- Concerns have been raised that public spaces, such as parks, are inappropriate spaces for vending.

7. Undesignated Vending Permits

Current state:

- Other than most ice cream and coffee trucks, motorized refreshment vehicles are required to have designated location permits and to sell from one location only.

Option:

- One model used in other cities, to provide expanded opportunities for food trucks, is to permit trucks to vend in undesignated locations, such as metered parking spaces, around the city.
- Vendors would pay a permit fee to the City and pay the metre rate for the parking space they choose to occupy.
- All other by-law regulations, such as proximity requirements, would apply.

8. Neighbourhood Impacts

Concerns:

- Noise from trucks' generators
- Safety of propane tanks
- Grease spills
- Garbage collection
- Economic impacts on neighbouring businesses

Balanced approach to harmonization

- Balancing competing interests for use of the right of way.
- Balancing expanded vending opportunities with the potential impacts of street food vending on neighbourhoods and businesses.
- Balancing expanded vending opportunities with effective enforcement to protect the health and safety of the public.
- Balancing the City's interest in economic development, entrepreneurship, and the development of a vibrant street food culture.

Refreshment Vehicle Licences

- ✓ Motorized Refreshment Vehicle Owner Licence
- ✓ Non-Motorized Refreshment Vehicle Owner Licence
- ✓ Refreshment Vehicle Driver Licence
- Refreshment Vehicle Assistant Licence

All of the above require a Food Handler Certification issued through TPH

Refreshment Vehicle Assistant Licence

- The Industry has indicated the licence fee imposes unfair costs on carts' and trucks', as they are small business operations.
- ML&S and TPH issue the notices of violation for by-law offences primarily to the owners of the vehicles.
- Recommending the elimination of the Assistant Licence as it will not impact effective enforcement.
- Assistants will still require the Food Handler's Certification through TPH.

Next Steps

- Further consultations (October - November, 2013)
 - Four sessions have been held between October 21 – 28, 2013
 - Next sessions: November 4 and 5, 2013
- Drafting the harmonized by-law (November - December, 2013)
- Consultations on proposed by-law changes (January, 2014)
- Report to Licensing and Standards Committee (March 18, 2014)

Questions