



Municipal Licensing and Standards & Transportation Services

Proposed Harmonized by-law for Sidewalk Cafés, Parklets & Marketing Displays

JOINT COMMITTEE OF LICENSING & STANDARDS AND
PUBLIC WORKS & INFRASTRUCTURE

December 4, 2017

Overview



Toronto's Sidewalk Cafés & Marketing Areas

- Sidewalk cafés & marketing displays are important to civic life and private enterprise in Toronto
- Toronto's economic and population growth results in more people using our streets and sidewalks
- Sidewalk space balances many demands including:
 - walking space for people of all ages and abilities
 - cafes and marketing displays
 - street furniture, trees and landscaping
 - signs and utilities

Vision & Goals for the by-law harmonization

To have consistent city-wide standards that reflect the current needs of residents and businesses



Consultation & Engagement



19

STAKEHOLDER MEETINGS



760

RESPONSES TO OUR ONLINE SURVEY



14

PUBLIC CONSULTATIONS



1,240

PUBLIC COMMENTS



Key findings from consultation and engagement

Support for more design options & flexibility



Key findings from consultation and engagement

Adapt standards to street and neighbourhood characteristics



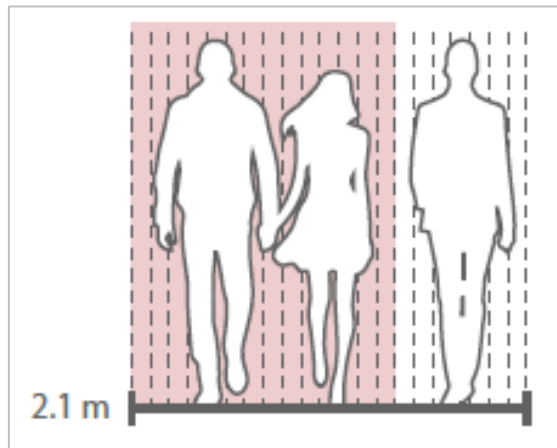
Features of the Proposed Harmonization

Pedestrian movement and accessibility—context is key



- Like Toronto, other cities across Ontario set their own sidewalk design standards based on local context and needs
- Safety and accessibility are key factors in establishing standards
- The standards in the new harmonized by-law are responsive to local street and neighbourhood conditions
- Sidewalk widths in the proposal are **based on the existing by-laws which require a 2m or 2.1m minimum for unimpeded pedestrian movement**
- Standard allows for two people to walk side by side and have enough space for a third person to pass

Proposed sidewalk standards based on type of street



Type of Street	Sidewalk Café	Marketing Displays (e.g., flower, fruit or vegetable stands)
Local road	no less than 1.8 metres	no less than 2.2 metres*
Collector or arterial road	no less than 2.1 metres	no less than 2.5 metres*
Downtown Toronto – high pedestrian volume streets	no less than 2.5m where the sidewalk is at least 5m wide from building face to curb face	no less than 2.5m where the sidewalk is at least 5m wide from building face to curb face

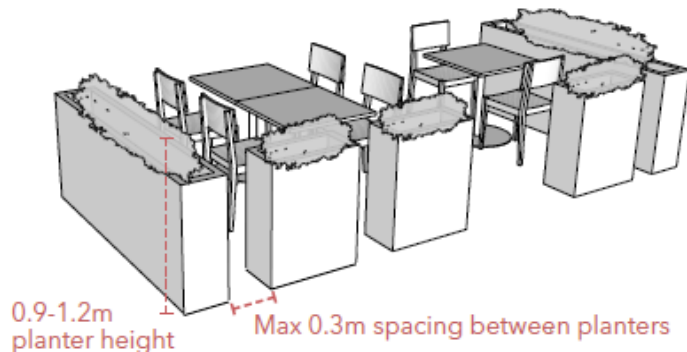
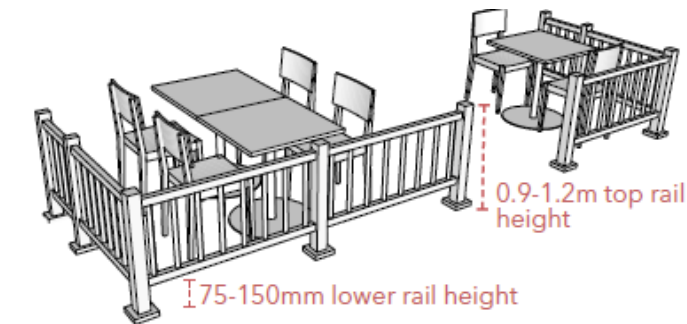
*Marketing displays need additional space to accommodate customers shopping at marketing stands. This requirement is consistent with the Street Vending by-law.

Downtown Toronto streets that require wider sidewalks to accommodate high pedestrian volumes

- Adelaide Street
 - Avenue Road
 - Bay Street
 - Bloor Street
 - Bremner Blvd
 - Carlton Street /
College Street
 - Dundas Street
 - Front Street
 - Jarvis Street
 - King Street
 - Queen Street
 - Richmond Street
 - Simcoe Street
 - Spadina Ave
 - St George Street
 - Queens Quay
 - Yonge Street
 - York Street
 - University Avenue
 - Wellesley Street
 - Wellington Street
 - York Street
- 2.5 metre pedestrian clearway requirement is only applied where the sidewalk width is at least 5 metres



Accessibility improvements

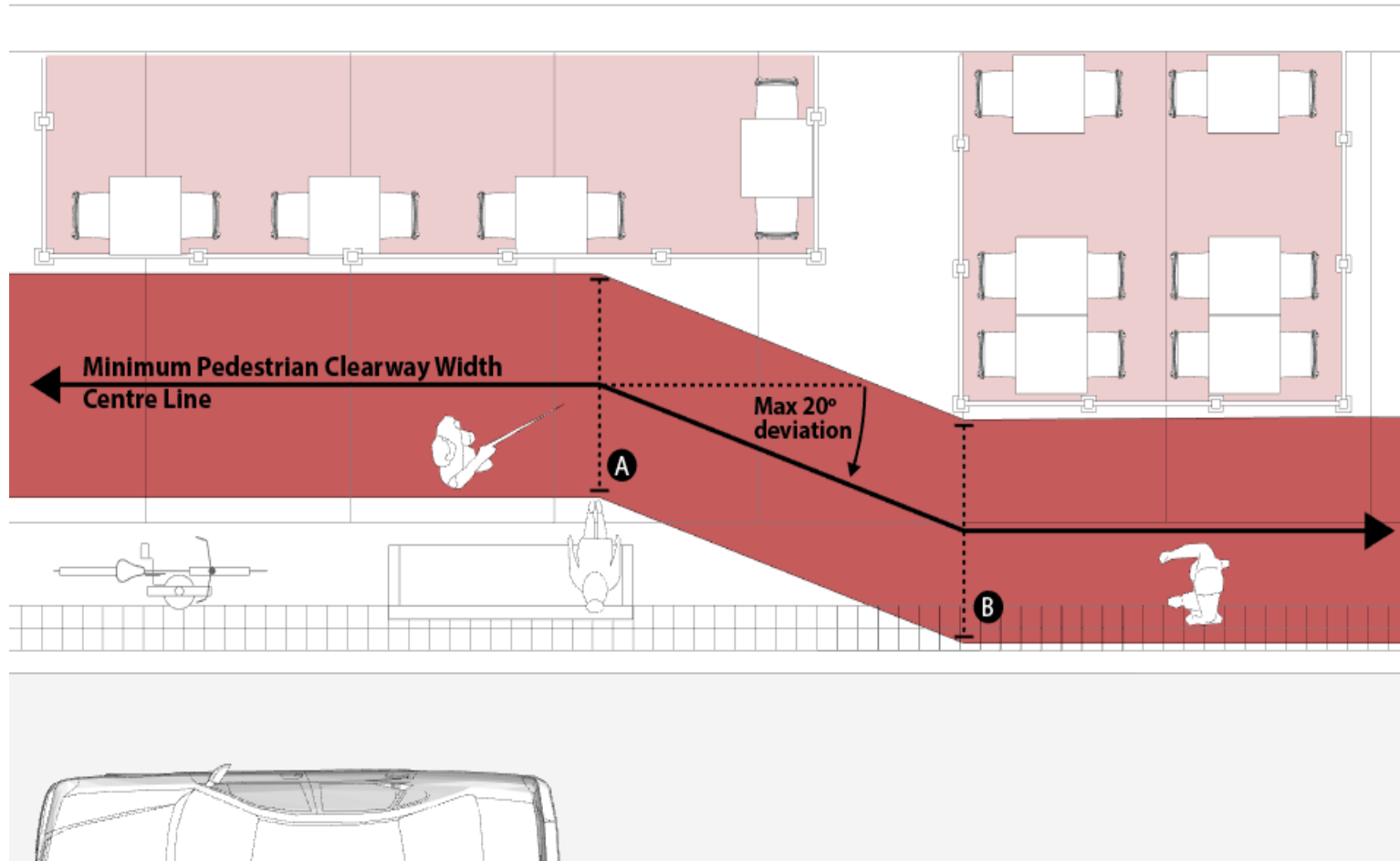


- Accessible entrance
 - Existing rules require a 1m metre minimum width to the permit area for access by persons with disabilities
- White cane-detectable features for the visually-impaired for fencing and planters
 - A lower rail that a white cane can tap against
 - Planters that are closely spaced so that a white cane can detect the base of the planters
 - Fencing or cane-detectable planters will be required **only on arterials and collectors** where pedestrian volumes are higher and navigation for people with low or no vision is more challenging.



Improved design for the pedestrian clearway

No Sharp Turns in the Pedestrian Path – Maximum 20 degree Change in Path



Reducing impacts of accessibility requirements on existing permit holders

- Existing permit holders can continue to operate under the pedestrian clearway and fencing requirements of their original agreement with the City until the earlier of the following:
 - Time of permit transfer (e.g., change in owner) or
 - Permit expiry date in 2025 the year in which the AODA aims to achieve accessibility for Ontarians with disabilities



Design support & funding for existing permit holders

- City will provide design support and funding to help existing permit holders meet proposed clearway standards
- Funds may be used to relocate or modify street elements such as bike rings, add walkable tree grates, or re-size street furniture
- Budget of \$450,000 is allocated for 150 locations over two years
- The priority for this support will be focused on **main street locations with less than 1.5 metres** (AODA provincial minimum) of clearway

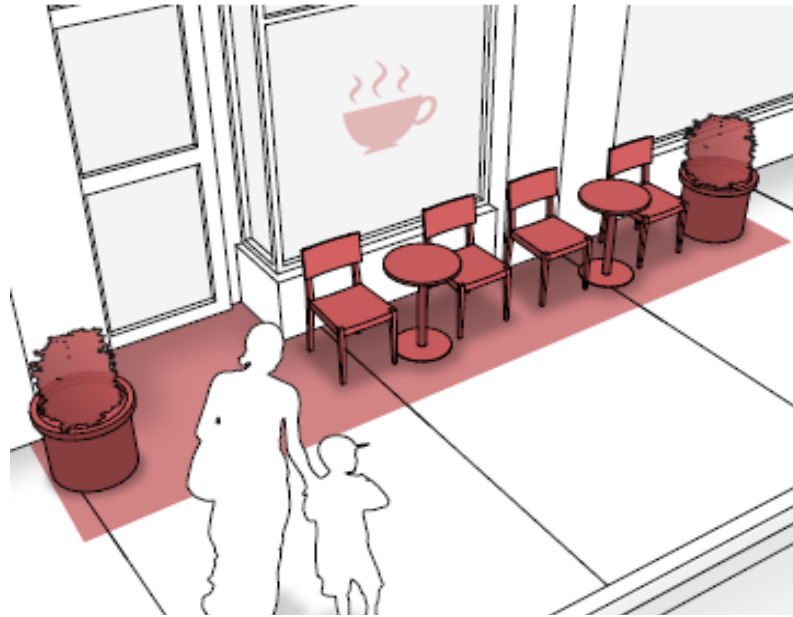


New Café & New Marketing Types

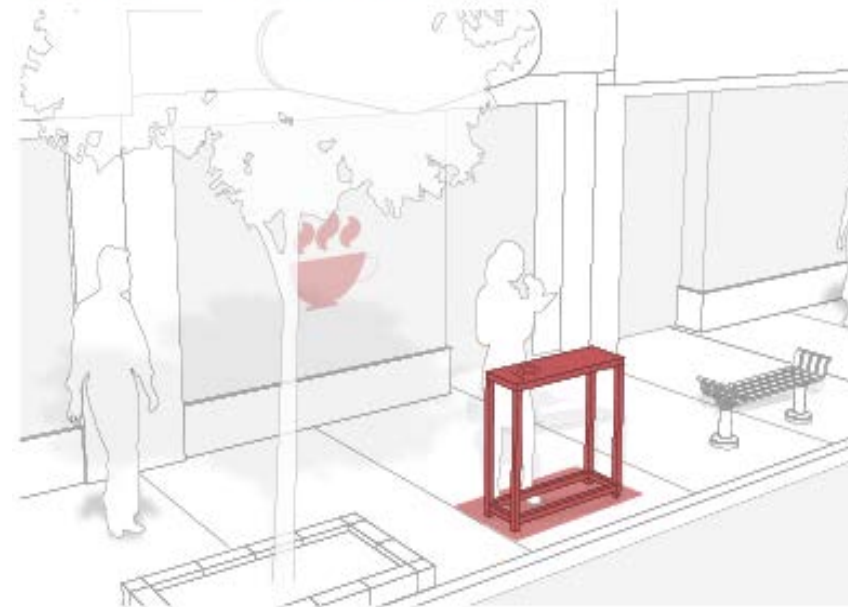


New Small Café Types & Small Frontage Marketing Display

SMALL FRONTAGE CAFÉ



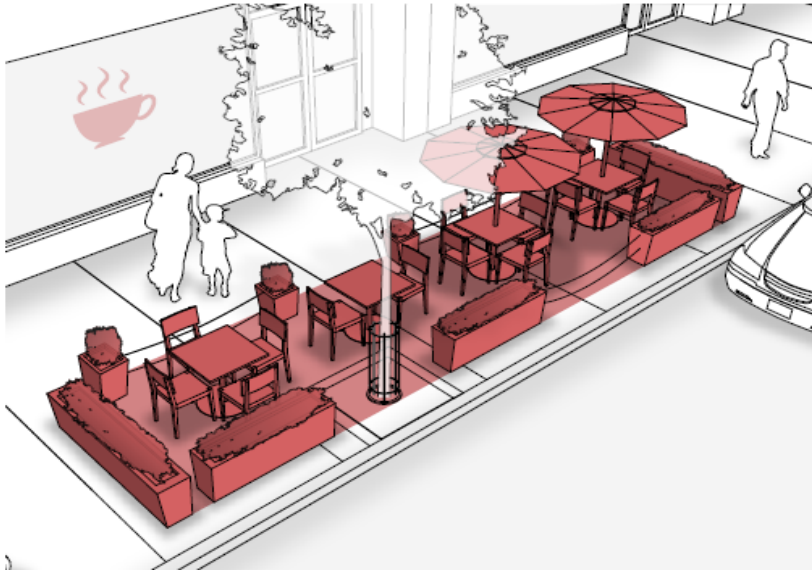
CURBSIDE STANDING CAFÉ



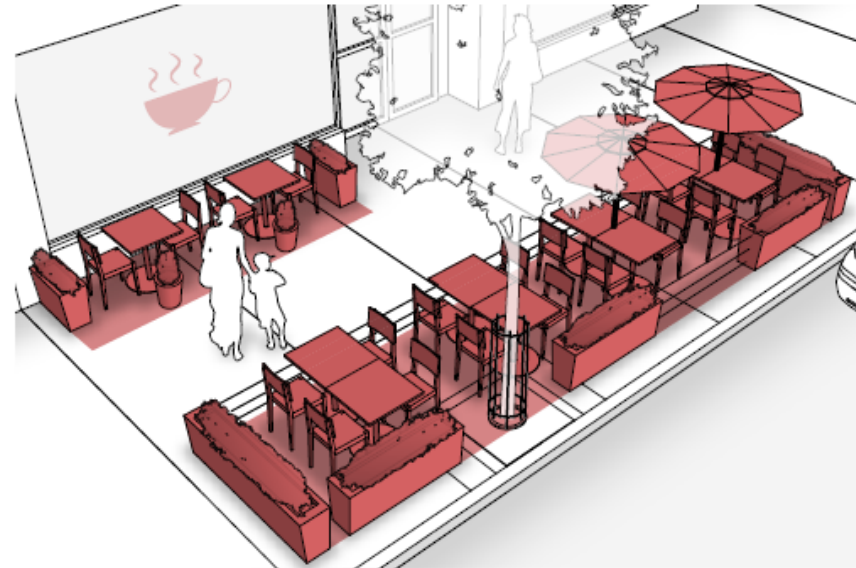
- No fee and no permit required for **small frontage café**, **small marketing display** and **small curbside standing café**

New Café Types (11 new options for businesses)

CURBSIDE CAFÉ



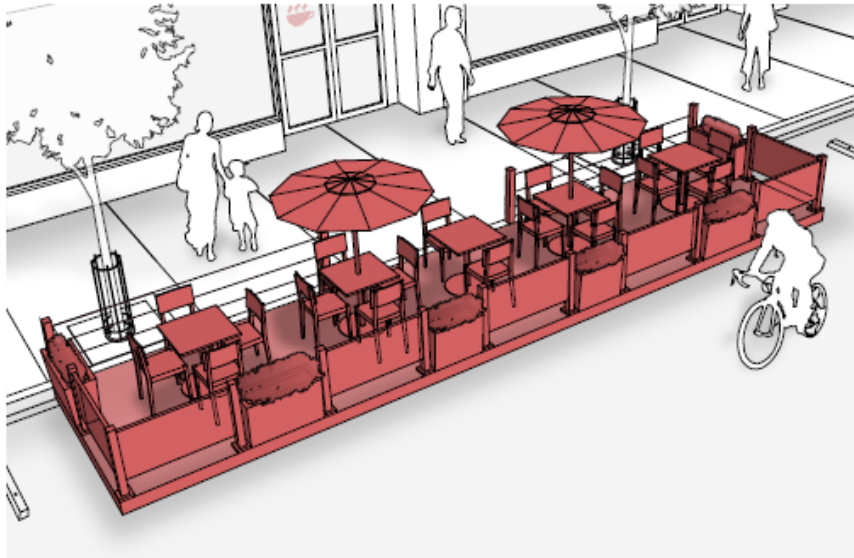
FRONTAGE AND CURBSIDE SPLIT CAFÉ



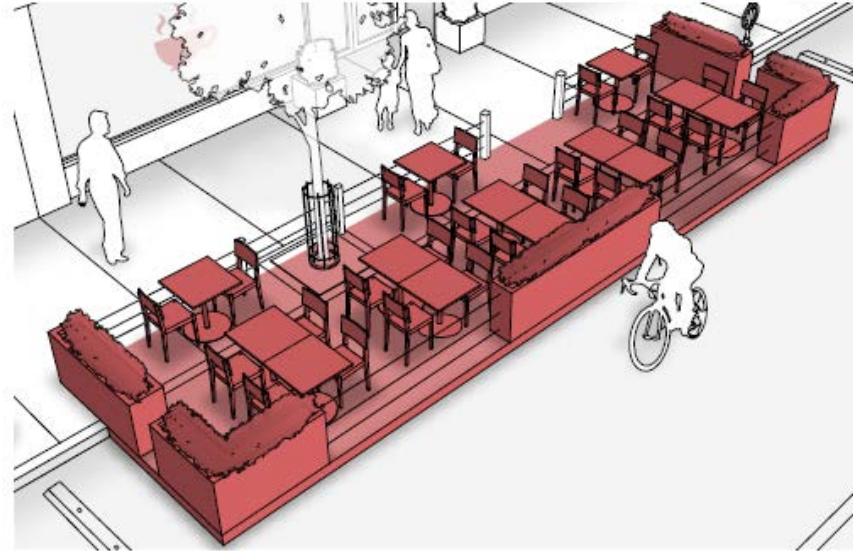
- Curbside cafés occupy the furnishing and planting zone by the curb
- A frontage and curbside split café creates two areas bisected by the pedestrian clearway
- Other new options include an **extended** frontage, curbside or parklet café, or **extended** frontage marketing display

New Café Types (11 new options for businesses)

PARKLET CAFÉ

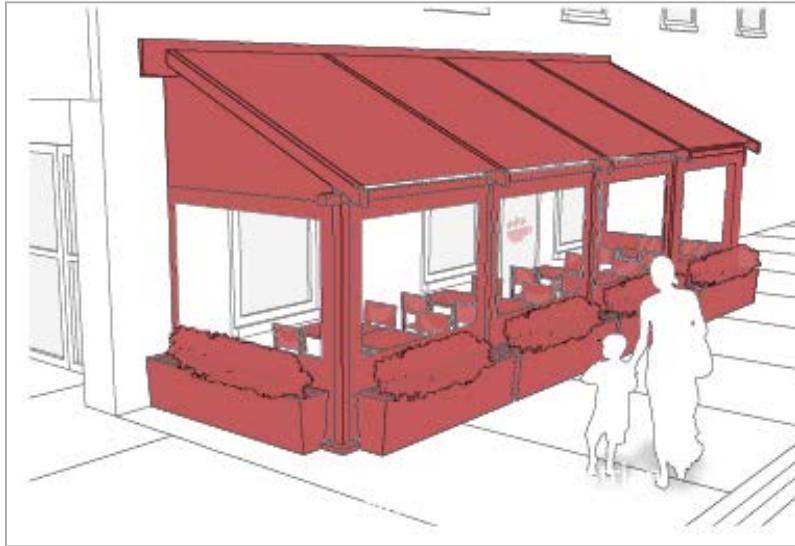


CURBSIDE & PARKLET CAFÉ COMBINATION

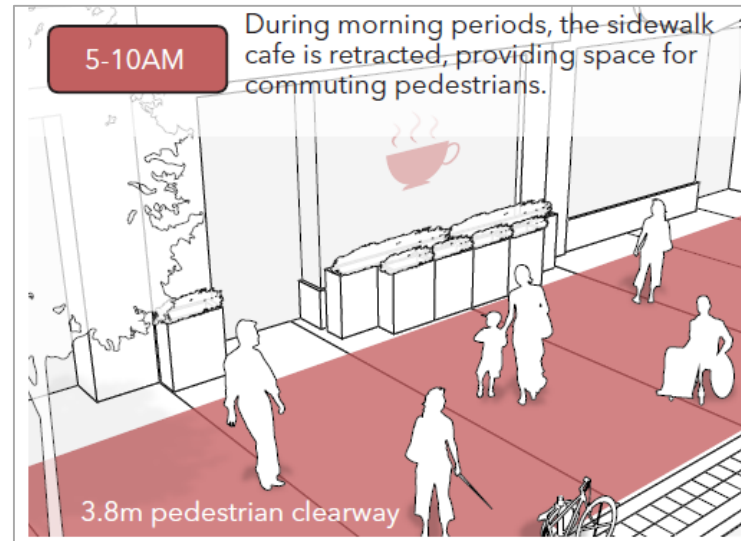


- **Parklet cafés** convert a permanent parking space to an outdoor café space for customers
- **Public parklets** expand public space for people to sit and enjoy and are sponsored and maintained by organizations for public use

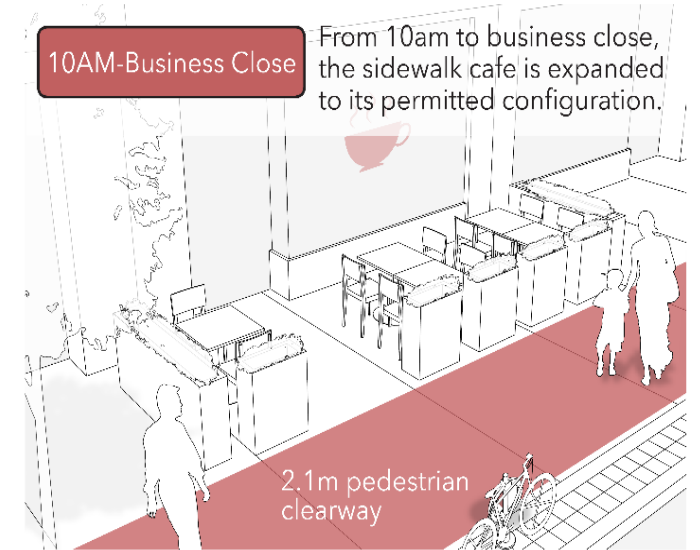
New Café Types (11 new options for businesses)



Temporary year-round café enclosures animate streets throughout the year



Retractable cafés where a café pulls back their café elements during the morning peak when the café is not in operation to provide more space for pedestrians walking to get to work or school



Marketing Displays (e.g., fruit & vegetables, flowers & plants, or other goods)



- More flexible standards for materials used in temporary marketing displays
- Temporary marketing enclosures (with roof, side panels and sometimes heating/plumbing) will no longer be permitted (existing locations will be grandfathered)
- Prohibit overnight storage of merchandise on public sidewalks of arterial roads to reduce clutter



Permit & Operations

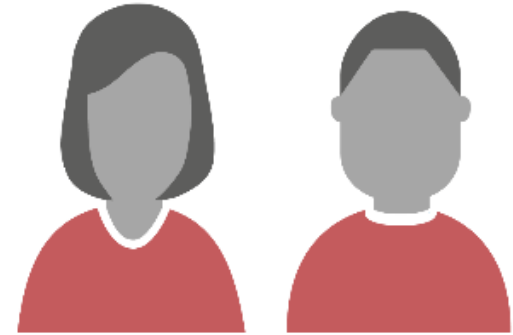
Application & Review Process



- Setting standards for submission requirements to facilitate application review
- Expanding public notification to 21 days (from 14 days) for all locations
- Residents living within a 60 metre radius will receive public notification for cafes being proposed on local roads
- Providing residents with 21 days to submit comments or objections through email or post mail
- More than 1 objection, triggers a refusal of application
- Applicants can appeal to Community Council

Delegation of Authority for Specific Design Standards

- Recommend that appeals related to **pedestrian clearway requirements** and the **safety and design requirements of public parklets or parklet cafés** be heard, reviewed and decided by the General Manager, Transportation Services
- A staff working group including representation from Economic Development & Culture and City Planning can be consulted by the General Manager when reviewing such appeals
- Allow for the consistent application of pedestrian clearway and parklet requirements across the city



Community Council and Appeals

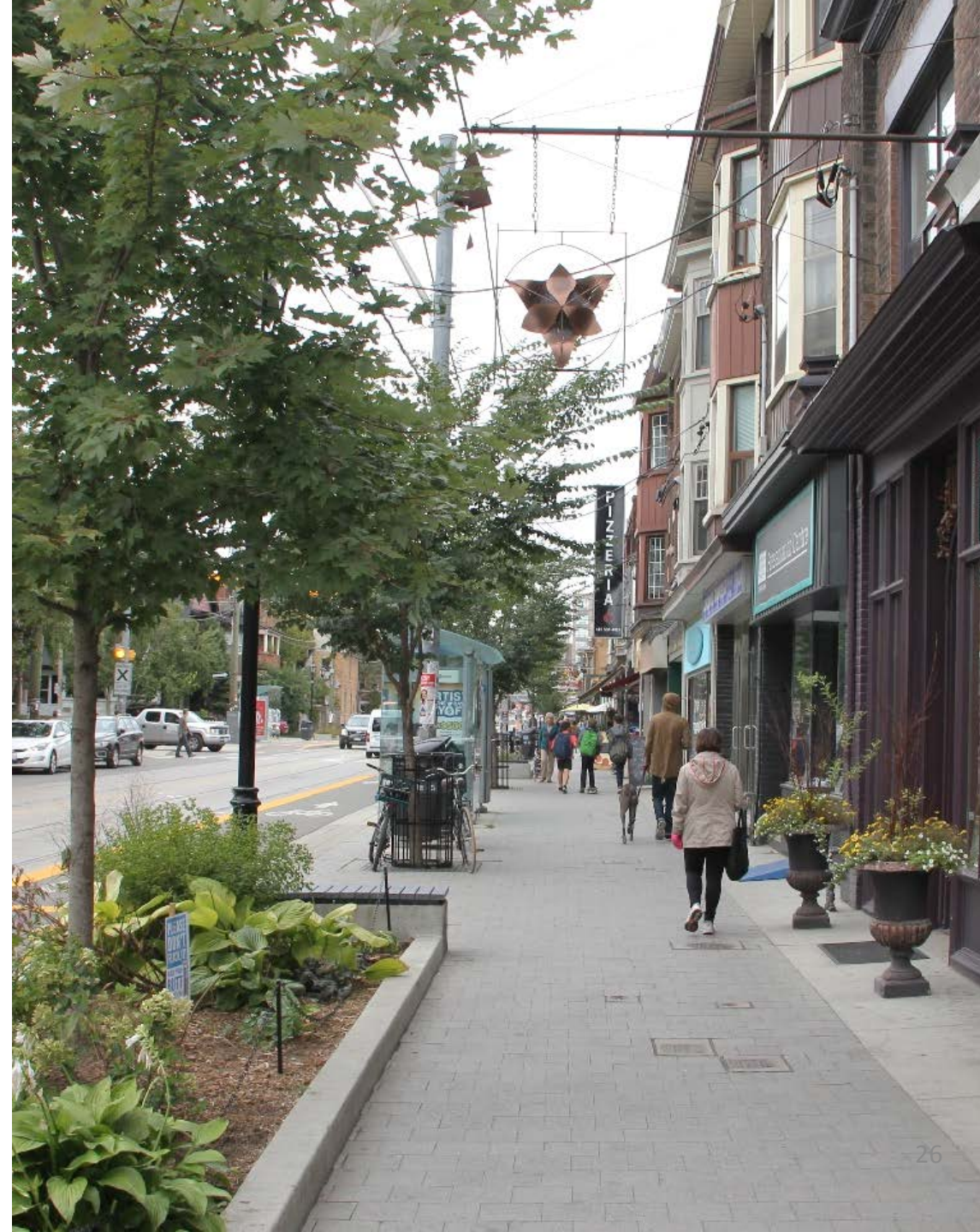
Community Councils will continue to hear, review and make final decisions on appeals to application refusals due to:

- Councillor objection
- Public objections
- Non-compliance with other by-law requirements not related to the pedestrian clearway

Community Councils will also continue to review and change permit conditions such as operating hours for café locations.

Permit Operations

- Permit to be posted on premises
- Seasonal operation dates that coincide with the city's snow clearing operations (Nov 15 to Apr 14)
- Continued restrictions on amplified sound and operating hours on local roads
- 30-metre separation distance to residential zones (new applicants only)



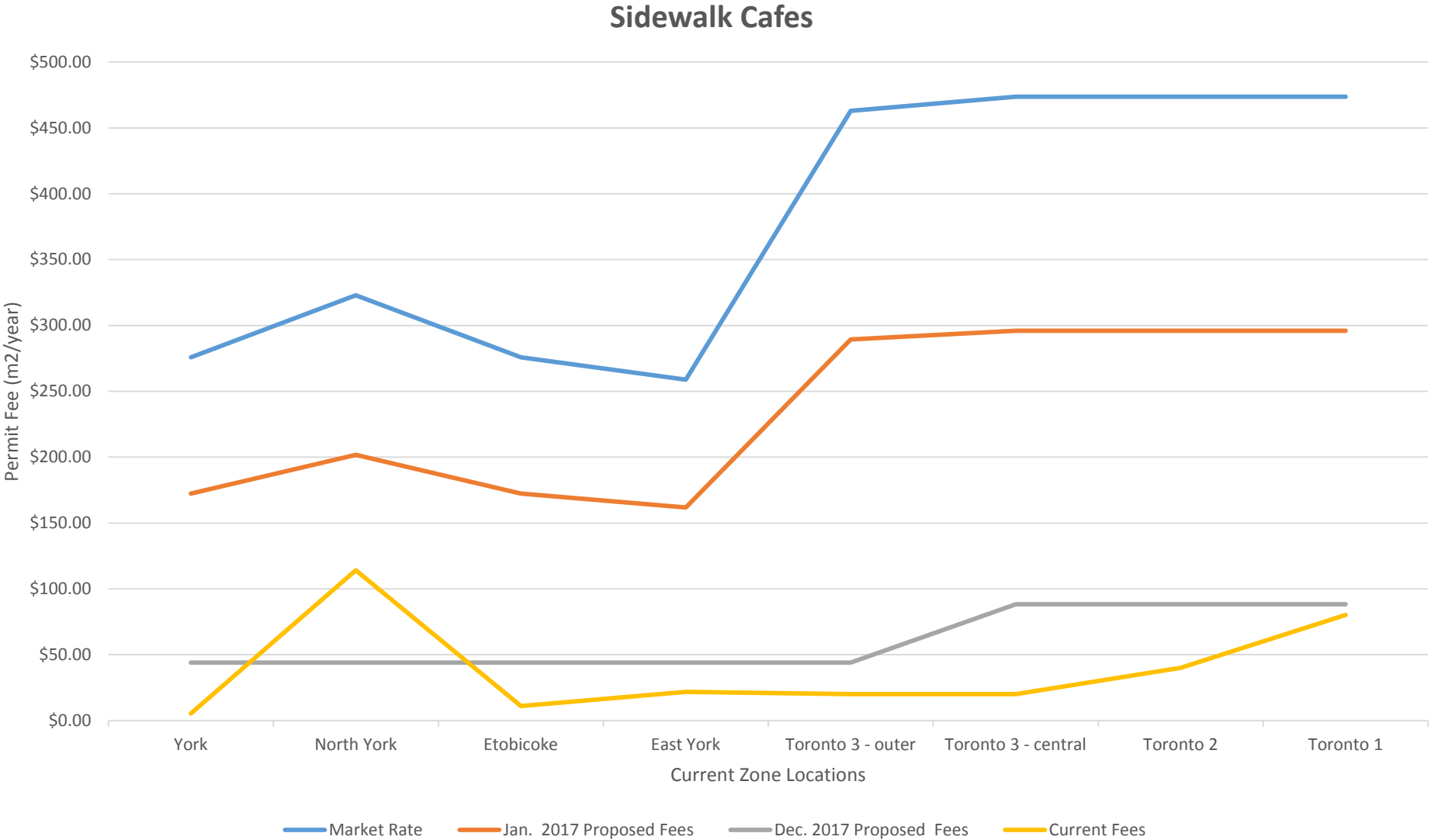
Enhanced Enforcement



- Authority to seize and remove goods or café elements for enforcement of problematic locations in extreme cases
- Authority to refer nuisance locations to Community Councils for review of operating hours and permit conditions
- Authority to suspend and cancel permits under specific conditions i.e. non-payment of fees
- Permit suspension or reduction/relocation of permit area possible if permit area is deemed unsafe or a public risk
- New fines under the City of Toronto Act, 2006 with higher maximum fines

Fees

Reduction of Fees in Response to Feedback





New Fee Zones

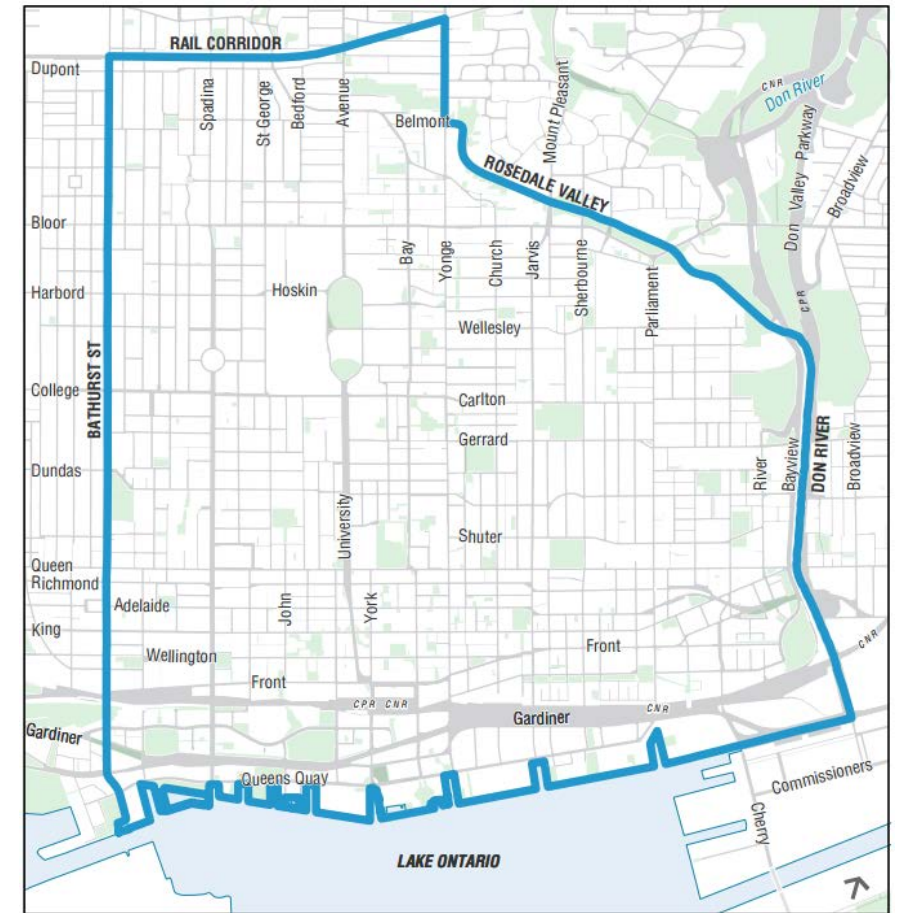
Two simplified fee zones (currently 7):

Central Zone

- Within blue line
- Higher permit fees apply in the Central Zone
- Aligns with TOcore and Official Plan

Outer Zone

- Everywhere else outside of the blue line
- Lower permit fees
- Majority (~65%) of cafes & displays are in this zone



Proposed Fees

Application fee for new applicants (one-time)	\$1,131.80
Application fee for permit transfers	\$676.27
Fee for tree planting (one-time, where applicable)	\$1,300

Proposed Fee Zone	Type of Permit				
	Sidewalk Café (\$/m ² /year)	Marketing Display (\$/m ² /year)	Small Café or Marketing Display	Year-round Enclosed Café (\$/m ² /year)**	Parklet Café* (\$/month)
Central Zone	\$88.31	\$62.65	\$0	\$133.00	\$931
Outer Zone	\$44.14	\$38.12	\$0	\$66.50	\$596

* the proposed parklet café permit fees are based on the average size of a TPA parking stall, which is 14.3 m²

** Higher permit fee reflect the ability to operate year-round



Proposed Implementation of Permit Fees

- Proposed fees would remain unchanged through to 2028
- Any decreases would take effect immediately
- Any increase to existing permit holders would be phased in equally over this 10-year period, no inflation

	Total permit fee for average sidewalk café (29 m ²)	Total permit fee for average marketing display (18m ²)
Average annual increase for the next 10 years	\$63/year	\$10/year

Proposed Implementation of Permit Fees cont...

- 65% of sidewalk cafes and marketing displays with permits are located in the Outer Zone where lower fees apply
- Sidewalk café permit holders in North York will have a reduction of annual permit fees from \$114.12/m² to \$44.12/m²

Existing Permit Holders and Harmonized Bylaw

- Can continue to operate under the terms of their original agreement with the City as it pertains to:
 - Minimum separation distances to street furniture and utilities
 - Separation from residential zones and visual screen requirements
 - Operating hours
 - Temporary year-round café enclosures

Implementation

- As of May 1, 2018 – all new permit applicants must meet the harmonized by-law requirements and pay new permit fees
- Report back in 2020 with an update on progress and a proposed 5 year work plan to 2025

