

SIDEWALKS FOR ALL: CREATING A MORE WALKABLE TORONTO FOR ALL!

The Coalition is supported by 22 non-profit organizations or entities, including; accessibility and disability advocates, active transportation proponents, advocates for senior and retired persons' interests, and a broad base of residents'/tenants' associations that appreciate the value of main streets that are accessible, and support a vibrant business community.

Coalition supporters represent hundreds of thousands of individuals, and thousands of clubs.

November 30, 2017

To: The City Clerk, Toronto City Hall (Via Email)

Item JC1.1: Harmonized By-law & Fees for Sidewalk Cafés, Parklets, Mrktg Displays

We understand that increasing the walkability and accessibility of Toronto's streets and sidewalks is a City priority.

Specifically, Toronto's commitment to being a Barrier Free City means sidewalks must be accessible to all, and ensures that all residents are able to participate fully in the community, regardless of their abilities.

We fully share this vision, and accordingly, we have characterised our goals related to these Harmonized Bylaws as being to achieve; *Wide Sidewalks*, *'Essentially Straight' Sidewalks*, *Clear Sidewalks*, *Accessible Sidewalks*, and *Better Sidewalks Now*.

We are pleased to state that with only five, very specific requests for your consideration, we strongly support the Harmonized Bylaws that are before you today.

And we want to thank and congratulate staff in Municipal Licensing & Standards and Transportation Services for an excellent effort, and for the extensive, multi-year stakeholder engagement program that has brought us to this point.

1.0 Licensing & Standards Committee Issues

To the L&S Committee, where our interest in *Clear Sidewalks* is primarily addressed, we share the view of our supporters in the St. Lawrence Neighbourhood Association; whose careful review has resulted in their support for the increased efficiency, transparency and accountability built into the Harmonized Bylaws.

We note with disappointment that a 2015 Staff survey identified that approximately half of the surveyed cafe locations failed to comply with existing Clearway standards. It is our hope and expectation that these changes will correct and prevent recurrence of these conditions.

In particular, our Coalition strongly supports the provisions in the Bylaws that provide for:

- the posting of license conditions for Sidewalk Cafes, Parklets and Marketing Displays;

- the significant, new provisions for enhanced enforcement of sidewalk cafe and marketing conditions that challenge pedestrian movement such as A-frame signs, planter boxes, and placement of marketing goods beyond the permit area;
- the depoliticization of Pedestrian Clearway appeals, by delegating these assessments and decision-making to the General Manager of Transportation Services;
- the expiry of all previous Community-Council approved bylaw exemptions upon full implementation of the Harmonized Bylaws, as opposed to the grandfathering of long-standing sidewalk obstructions;
- the banning of Temporary A-Frame Signs where a business has a Small Storefront Cafes or Marketing Display; and,
- the inclusion of 3 MLS positions added to the existing complement to, in part, enhance program enforcement.

However, we remain concerned about the ineffectiveness of the current “complaint based” system, when we are dealing with such a significant impact on the safe mobility of pedestrians.

While the provisions noted above go a long way to seeing that our request for Clear Sidewalks is addressed, we strongly believe that pedestrians deserve a proactive enforcement system, such as has been provided for those of us who cycle with three Parking Control Officers dedicated to addressing bike lane obstruction.

Request 1: To ensure ongoing, dependable sidewalk safety and accessibility, we ask that one or more dedicated by-law enforcement officers monitor sidewalk installations on a daily basis, to ensure that Pedestrian Clearways remain safe and clear for all users.

2.0 Public Works and Infrastructure Committee Issues

For PWIC, we have a similar message for those aspects of the Harmonized Bylaws that fall under your purview.

2.1 Wide Sidewalks

We applaud the assessment that Staff in Transportation Services have provided in the Report, to respond to our request for Pedestrian Clearway dimensions in Toronto that necessarily, and logically, exceed the AODA minimum requirement. We are very pleased to see retention of the critical 2.1m Pedestrian Clearway width for cafe installations on Collector/Arterial Streets. We further support the 1.8m Clearway for Local Streets, and the minimum 2.5m Clearway for Downtown Streets where sidewalks are at least 5m wide. We also support the additional 0.4m buffer that is included for Marketing Displays.

Additionally, we strongly support the Recommendation making it the accountability of the GM-Transportation Services to deal with any request for variance to the Pedestrian Clearway requirements. We also acknowledge and support the comprehensive list of obstructions included in the Report, that are to be addressed in sidewalk design and maintenance.

However, for Frontage Sidewalk Cafes and Marketing Displays, the proposal is to measure – 3 -the Pedestrian Clearway from the limit of the permit zone to the back face of the curb. This

proposal has pedestrians walking in the *Edge Zone* (an 18" allowance, adjacent to the roadway, frequently demarcated with contrasting brick pavers), which Council-approved Vibrant Streets Guidelines, and the more recent Complete Streets Guidelines, declare as a buffer zone. And this buffer zone serves such important functions as; separating pedestrians from parked cars and moving vehicles; accomodating unobstructive car access/egress; facilitating placement of street signs; and, providing space for set-out of garbage – which is generally substantial and obstructive for marketing displays.

Request 2: To deliver sidewalk safety and accessibility, we ask that the Pedestrian Clearway be fully separate from (and therefore measured from) the Edge Zone, not the curb back face; as stipulated in Council-approved Vibrant Streets Guidelines, and the more recent, stakeholder intensive Complete Streets Guidelines.

2.2 Essentially Straight Sidewalks

With respect to our request for essentially straight sidewalks, our concern is the unnecessary challenge that obstructive cafes and marketing displays that force pedestrians to abruptly change course as they walk directly into a sidewalk cafe railing or other commercial obstruction.

And while a simple, straight walking path is inherently better for all pedestrians, it is critical for the safety and comfort of pedestrians with impaired vision, balance issues and cognitive impairment.

With some reluctance, we support the Staff recommendation to limit any shifting of the Pedestrian Clearway to a maximum of 20 degrees within a block.

But while the 20 degree Clearway shift is relatively easy to discern for a sighted pedestrian (on the street, and on paper, as depicted in Report Attachment 3), the reality is that a blind person using a white cane will still continue to follow a straight path until confronted full-on by a patio railing across their path.

Several members of our coalition have stressed the need for a Clearway shift to be cane-detectable, and have suggested that a low, cane-detectable strip attached to the sidewalk could address this issue – without causing a trip hazard.

Request 3: To ensure sidewalk safety and accessibility, we ask that Staff work with TAAC and Transportation Services Accessibility Advisory Panel to ensure that any Clearway shifts from the anticipated, fully straight alignment, are cane-detectable.

2.3 Accessible Sidewalks:

We have asked for accessible sidewalks, with this issue focussed on ensuring that pedestrians who are blind or partially sighted (using white canes or a guide dog) can safely use Toronto sidewalks.

We believe that the Bylaws generally satisfy our request. There are well-considered provisions for solid walls at the start and end of sidewalk cafes, cane-detectable railings or

planter arrangements along the Pedestrian Clearway; and wide, accessible entrances to all cafes and parklets.

However, for Small Frontage Cafes where railings are prohibited, the lack of end barriers and cane-detectable railings or pavement markings along the Clearway will again leave white cane users without clear guidance on these obstructions. As clearly demonstrated at our City Hall “Sidewalks for All Event” on November 29th, a blind person using a cane, and following the building face, will directly encounter Small Storefront Cafe furnishings, patrons, their possessions, and their pets; making the simple joy of walking on a main street unnecessarily awkward, and stressful.

This obstruction starts at the beginning of the cafe, and continues along its length. It also makes it difficult to discern where the cafe entrance actually is.

The Staff Report states that no means were identified to install railings in these situations, but we understand that there were no discussions with the Toronto Accessibility Advisory Committee. To address this issue? One of our Coalition readily suggested simply having portable (removable), solid end panels on these Small Storefront Cafes and an easily removable, cane-detectable sidewalk strip (perhaps similar to that for the Clearway) that would highlight both the occupied areas, and the cafe entrance along the Clearway.

Request 4: To address this significant risk to blind pedestrians, we ask that Staff work with TAAC and the Transportation Services Accessibility Advisory Panel, to ensure that Small Frontage Cafes are fully accessible for blind or low-vision pedestrians.

3.0 To Both of the Joint Committees

3.1 Better Sidewalks Now.

We are disappointed to see that the phased Bylaw implementation plan in an earlier draft has been replaced with a provision that allows licensed patios to be exempt from Pedestrian Clearway requirements until 2025!

While we understand that this is an attempt to mitigate transitional impact on businesses with non-compliant patios, submitting pedestrians to a further 8 years of sidewalk obstructions is hardly consistent with the promises of Toronto’s Commitment to a Barrier Free City.

A phased-in approach, with early pilot projects followed by a period of annual improvements to full compliance, delivers a compromise that balances pedestrian and business interests in the years that remain until the long-off, 2025 AODA compliance date.

And the early experience gained from pilot projects, will invaluablely shape a staged compliance program for the later years.

It is with this in mind, that we submit our fifth and final request.

Request 5: To demonstrate that sidewalk safety and accessibility is high priority, we continue to ask for a phased-in implementation plan for the Harmonized Bylaws. We ask that the Joint Committee request Staff to pursue at least 10 additional pilot projects for café and/or marketing configurations that fall short of new Pedestrian Clearway requirements during the initial 2018-2020 period; followed by an implementation plan that reconfigures at least 20% of other non-compliant installations in each year of 2021-2025 period. We further ask that there be no leniency for operation of sidewalk cafes that are unpermitted as of May 1, 2018

On behalf of the Sidewalks for All Coalition, and all Torontonians -- who are pedestrians at some point during their day -- we ask for your serious consideration of these requests, and for your subsequent approval of these Bylaws for early consideration by Council.

Sincerely,

Sidewalks for All

Supported by the *Toronto Accessibility Advisory Committee*, and

*Alliance for the Equality of Blind Canadians
BALANCE for Blind Adults
Brentwood Towers Tenant Association
Canadian Association of Retired Persons (CARP)
Canadian Council of the Blind, Toronto Visionaries Chapter
Canadian National Institute for the Blind
Centre for Independent Living in Toronto
Deer Park Residents Group
8-80 Cities
Federation of Metro Tenants Association
Federation of North Toronto Residents' Associations (FoNTRA)
Greater Yorkville Residents' Association
Harbord Village Residents' Association
St. Lawrence Neighbourhood Association
StopGap Foundation
Tenants for Social Housing
The Canadian Council of the Blind
Toronto Accessible Sports Council (TASC)
Toronto Seniors Forum
United Seniors of Ontario
Walk Toronto*