

Attachment 1: Summary of Consultations

Consultation Phase 1: Taking Stock (fall/winter of 2014).

The purpose of this phase of consultation was to determine priorities of all stakeholders, and levels of support and non-support for potential By-law amendments. Approximately 700 stakeholders were engaged during this consultation phase which included an online survey; 1 meeting with industry representatives; 1 meeting with accessibility advocates; 4 "open house" community meetings in each of the City's administrative districts; and 1 meeting with the Design Review Panel. Staff also arranged a walking tour with a person with vision impairment to get a better understanding of the challenges and needs of these stakeholders.

Phase 1 Consultation Schedule (2014)

Event	Date	Time	Location
Accessibility Stakeholders	Nov. 20	6-9 p.m.	Metro Hall
Stakeholders Meeting	Nov. 26	6-9 p.m.	Metro Hall
Public Meeting	Nov. 27	6-9 p.m.	Metro Hall
Panel Display Meeting	Dec. 1	9:30 a.m. - 12:30 p.m.	Montgomery Pool & Health Club
Panel Display Meeting	Dec. 2	1-3:30 p.m.	Scarborough Civic Centre
Public Meeting	Dec. 2	6-9 p.m.	East York Civic Centre
Panel Display Meeting	Dec. 4	1-3:30 p.m.	New Toronto Public Library
Panel Display Meeting	Dec. 8	1-3:30 p.m.	North York Civic Centre
Design Review Panel	Dec. 9	12:00pm	Toronto City Hall
Online Survey	Nov.21 – Dec.10	N/A	N/A

Consultation Phase 2: Options for Harmonization (fall 2015)

During this consultation phase, more detailed approaches and specific options for potential inclusion in the harmonized By-law were presented to stakeholders. Information about the proposed fee review was also introduced at this time including proposed new fee zones; and a review of permit fees from other jurisdictions. Staff also introduced the objective of relating permit fees to market rate. Approximately 100 stakeholders were engaged during this phase, which included 6 public meetings (one at Metro Hall and City Hall, and one each at the Civic Centres located in Scarborough, East York, North York, and Etobicoke); a meeting with the Toronto Association of Business Improvement Areas (TABIA); a meeting with the Ontario Restaurant, Hotel and Motel Association (ORHMA); and a meeting with the Disability, Access and

Inclusion Advisory Committee. Additional meetings with specific Business Improvement Areas were held at the request of local BIA's including the Entertainment District, St. Lawrence Market, and Downtown Yonge.

Phase 2 Consultation Schedule (2015)

Event	Date	Time	Location
Public Meeting	Sept. 21	6:30-8:30 p.m.	Metro Hall
TABIA	Sept. 22	2:00p.m. – 4:00p.m.	Metro Hall
<u>Disability, Access and Inclusion Advisory Committee</u>	Sept. 29	9:30a.m. – 12:00p.m.	Toronto City Hall
Public Meeting	Sept. 29	6:30-8:30 p.m.	Etobicoke Civic Centre
Public Meeting	Oct. 6	9:00 a.m. - 11:00 am	Toronto City Hall
Public Meeting	Oct. 7	6:30-8:30 p.m.	East York Civic Centre
Public Meeting	Oct. 14	6:30-8:30 p.m.	North York Civic Centre
Public Meeting	Oct. 15	6:30-8:30 p.m.	Scarborough Civic Centre

Outreach and Engagement Methodology

A corporate News Release was issued in advance of phase 1 and phase 2, and notice of public meetings was posted for public review and comment on the City's website. All of the City's Business Improvement Areas and Resident Associations were individually invited to attend presentations or to review and comment on the materials available on the project website for Phase 1 and Phase 2. Notices of the project and consultation sessions including locations, dates, and times, were sent to every sidewalk café operator and marketing display permit holder. City Councillors were notified of all public meetings, and further outreach and promotion of these meetings was conducted through the city's Twitter account.

The format of all consultation phases consisted of a presentation from staff, followed by a question and answer period. A copy of the presentation, as well as supporting documentation was made available to attendees upon request, and posted on the project website. Staff contact details were provided, and attendees were encouraged to follow-up with written comments.

ATTACHMENT 2: Framework for a Harmonized Sidewalk Café and Marketing By-law

The following framework is a summary of items outlined within the report. The framework has been arranged according to the project objectives:

ESTABLISHING CONSISTENT STANDARDS AND PROCESSES

#	Issue	Current	Proposed	Rationale
1.1	Pedestrian Clearway	<ul style="list-style-type: none"> - Minimum pedestrian clearway of 2.13 metres is required if the café is located along a commercial frontage. - On a residential street, the café must be setback from the curb edge by the width of the sidewalk (varies) plus 46cm. 	<ul style="list-style-type: none"> - Transportation Services is reviewing pedestrian clearway requirements for the harmonized by-law 	<ul style="list-style-type: none"> - Because the sidewalk functions as a larger component of the transportation network, the Transportation Services Division is leading the review of this component of the project.
1.2	Discontinuation of the Polling Process	<ul style="list-style-type: none"> - In former Toronto, a poll is taken if proposed café is on a residential street 	<ul style="list-style-type: none"> - Polling is not included in the proposed framework 	<ul style="list-style-type: none"> - Discontinuation of polling for café applications is recommended because many polls result in an insufficient response rate; engaging residents in this way for café applications has shown to be challenging - Equal or more residents can be engaged through the proposed community engagement methods
1.3	Community Engagement	<ul style="list-style-type: none"> - In former Etobicoke, residents within 60m radius of the proposed café receive a mailed notice - In Toronto, 14-day notice is required if the café application is located on a 	<ul style="list-style-type: none"> - Councillor notification for all cafes - 14-day public notice - Mail-out to residents and property owners within 60m radius of the proposed café 	<ul style="list-style-type: none"> - The proposed approach harmonizes existing process used in former Etobicoke and former - Community Council is the appropriate forum for the

		<p>Commercial Frontage</p> <ul style="list-style-type: none"> - Public notice is not required in former North York - Application is refused upon receipt of 1 objection - The applicant can appeal refusal to Community Council - Any residents who objected are not notified of the subsequent meeting date of Community Council 	<ul style="list-style-type: none"> - BIA notification (as applicable) - Application is refused upon receipt of more than 1 objections - The applicant can appeal refusal to Community Council - Any residents who objected would be notified of the subsequent meeting date of Community Council 	<p>resolution of appeals</p> <ul style="list-style-type: none"> - any residents who objected to the application will be notified of the appeal, so that they can participate in the appeal process if so desired
1.4	Accessibility for persons with Mobility Impairments	<ul style="list-style-type: none"> - Toronto by-law requires new sidewalk café applications to be accessible by persons in a wheelchair 	<ul style="list-style-type: none"> - All applications are required to be accessible, including marketing displays - Café and marketing permits shall be accessible at the time of transfer 	<ul style="list-style-type: none"> - Licence transfer is an opportune time to bring the permit area into compliance with contemporary standards (including accessibility)
1.4	Site Plan requirements (the drawing required as part of the application, to show the area of the proposed café or marketing display)	<ul style="list-style-type: none"> - There are no standards for a site plan - Currently, hand-drawn, un-scaled plans are accepted 	<ul style="list-style-type: none"> - The by-law will allow MLS to establish minimum application standards - Minimum standards could include a scaled and dimensioned drawing of a certain size (e.g. 11x17) showing property lines, and all existing sidewalk elements at least 9-metres on either side of the proposed permit area - Hand-drawn, un-scaled plans would not be accepted 	<ul style="list-style-type: none"> - The provision of technical site plan drawings will reduce the amount of staff time to process an application and allow the applicant to get their permit faster
1.6	Street Characteristics	<ul style="list-style-type: none"> - Different standards for café hours apply, depending on street type - "residential" and "commercial" are used to describe street characteristics - These terms are undefined - Interpretation is based on physical characteristics of the street 	<ul style="list-style-type: none"> - "local road" is proposed to replace residential street - "collector/arterial road" proposed to replace commercial street - These terms have an existing policy foundation (the Road Classification Network) 	<ul style="list-style-type: none"> - Using physical characteristics of a street ("residential" or "commercial") can lead subjective decisions when determining which standards to apply - This proposed approach will provide clarity to decision-making

1.7	Mechanism for Permit Issuance and Permit Display	<ul style="list-style-type: none"> - The former Toronto by-law allows a permit to be issued by staff following the applicant entering into an agreement with the city - Other by-laws (that from North York, for example), require the applicant to enter into an encroachment agreement; and require Community Council approval of all applications - Permit holders are not required to display evidence of their permit 	<ul style="list-style-type: none"> - Where the application complies with the by-law requirements, the permit will be issued by staff. - The applicant would be required to enter into an agreement with the city - The permit holder would be required to display their permit in a location that is visible from the exterior of the establishment 	<ul style="list-style-type: none"> - Delegating the issuance of permits to staff will ensure that routine applications (those which comply with the by-law) can be efficiently processed - Displaying the permit in a visible location will facilitate enforcement efforts, by making it easier to identify locations that have not been issued a permit
1.8	Permit Amendment, Suspension, and Cancellation	<ul style="list-style-type: none"> - The permit can be suspended where there is reason to believe that the provisions of the agreement are being violated, pending consideration by Community Council - The lease is subject to cancellation by the City at any time, and the lessee shall remove all installations on 30 days notice of the cancellation 	<ul style="list-style-type: none"> - The same provisions are proposed for harmonization. - In addition, the permit can be amended if a portion is needed for another municipal purpose, pending consideration by Community Council; - In addition, the permit would be cancelled if: <ul style="list-style-type: none"> o permit fees have not been paid following a period of 90-days from the permit expiry date; and o it is determined that the permit was obtained through the submission of false, misleading or fraudulent information; 	<ul style="list-style-type: none"> - If the permit area is needed for another municipal purpose, a decision-making process is needed. - Proposed mechanisms for cancellation will provide clarity to decision-making around these specific circumstances - In instances where a reduced permit area is required, a refund of permit fees equivalent to the value of the reduced area is recommended.
1.9	Multi-year Permits	<ul style="list-style-type: none"> - Permits are currently issued for 1 year, and renewed on an annual basis 	<ul style="list-style-type: none"> - Authority to issue multi-year permits is proposed 	<ul style="list-style-type: none"> - The ability to issue multi-year permits will reduce administrative burdens

STANDARDS AND PROCESSES SPECIFIC TO SIDEWALK CAFES

#	Issue	Current	Proposed	Rationale
2.1	New Sidewalk Café Configurations	<ul style="list-style-type: none"> - All sidewalk cafes must be located against the building frontage - parklet cafes are not permitted - curbside cafes are not permitted, but have been granted on a site-by-site basis by Community Council - The same processes and fees apply for all applications under the current regulations, regardless of size (including polling or public notice for a café, no matter how small it is) 	<ul style="list-style-type: none"> - A curbside and parklet café configuration are proposed - A new "Small Sidewalk Café" permit is proposed (e.g. a bench or small table and chairs) - A streamlined application process for small cafes is proposed (reduced application fee, no site plan required, no public notice required) 	<ul style="list-style-type: none"> - New configurations will provide more opportunities and flexibility for local business; and options for residents - If a small sidewalk café permit holder subsequently decided to serve alcohol, full public notice would be required
2.2	Sidewalk Café Operating Hours	<ul style="list-style-type: none"> - cafes located on "residential" flankages are required to close by 11:00pm. - There is municipal limit to operating hours for cafes located on a commercial frontage, with the exception of a portion of Queen St East - Limits or extensions to the hours of operation can be placed on a business as a condition of approval of any application by Community Council. 	<ul style="list-style-type: none"> - The current regulations are proposed for the framework - In addition, where regular enforcement mechanisms (education, warnings, charges etc.) are not sufficient to resolve a complaint, the permit would be referred to Community Council by the Executive Director, where conditions could be imposed to address the complaints (new); - Alternate operating hours imposed by Community Council would carry forward following harmonization. 	<ul style="list-style-type: none"> - the proposed process to address noise complaints has been included in response to concerns expressed by residents related to noise resulting from the existing regulations

2.3	Amplified Sound and Visual Displays	<ul style="list-style-type: none"> - Outdoor music and amplified sound is not permitted on cafes located on "residential" flankage - There are no restrictions to amplified sound if the café is along a commercial frontage. - Visual displays (e.g. televisions) are not expressly prohibited, aside from the prohibition on amplified sound 	<ul style="list-style-type: none"> - Outdoor music and amplified sound is not permitted on cafes located on "residential" flankage - amplified sound would be prohibited on cafes located on commercial frontages after 11:00 p.m. - Visual displays (e.g. televisions) would be prohibited on all cafes. - Exemptions to this prohibition, such as for major sporting events, could be made by Community Council. 	<ul style="list-style-type: none"> - the proposed limitation on amplified sound and visual displays is intended to address concerns expressed by residents related to noise resulting from the existing regulations
2.4	30m Separation Distance from a Residential Zone (sidewalk cafés only)	<ul style="list-style-type: none"> - Applies to new café applications only - café must be located a minimum 25m from a lot in a Residential zone - If the proposed location is less than 25m from a Residential zone, the application is refused - A decision of this nature can be appealed to Community Council 	<ul style="list-style-type: none"> - café must be located a minimum 30m from a lot in a Residential Zone - If the proposed location is less than 30m from a Residential zone, the application is refused - A decision of this nature can be appealed to Community Council 	<ul style="list-style-type: none"> - The increased separation will ensure consistency with the zoning by-law - The increased separation will help address issues of noise. During public consultation, noise was identified as an issue of concern by residents - The new measure will only apply to new applications
2.5	Sidewalk Café Fencing Requirements	<ul style="list-style-type: none"> - Fencing is required around all sidewalk cafes, without exception - Fence materials are prescribed (e.g. metal railings) 	<ul style="list-style-type: none"> - No municipal requirement for fencing around a cafe, however it is a requirement for sale and service of liquor - Fence materials are not prescribed - Where fixed fencing is not present, pavement markings that delineate the permitted café area must be provided on the sidewalk surface. 	<ul style="list-style-type: none"> - Removing the municipal requirement for fencing provides café operators – particularly those without a liquor licence - with greater flexibility - Where fencing is not provided, provisions for maximum gaps and cane detectable edges will ensure persons with visual

			<ul style="list-style-type: none"> - Gaps in fencing and partitions on the edge of the café abutting the pedestrian clearway must be no greater than 3m. - Where no fencing is used, cane detectable edges such as planters must be provided at each end of the café. 	<p>impairments can continue to navigate along the sidewalk</p>
2.6	Seasonal Removal of Café Elements: November 15 – April 14	<ul style="list-style-type: none"> - In former Toronto, fences must be removed if the café is not in regular daily use; no dates are specified - In former Etobicoke, fences must be removed from October 1 – May 1 	<ul style="list-style-type: none"> - On collector and arterial roads, café elements - including fences - must be removed between November 15 and April 14 - Cafes located on local roads would be exempt from, unless a specific request to remove this fence is made by the City. - Year-round cafes would be exempted 	<ul style="list-style-type: none"> - Specific dates provide clarity to permit holders - These dates coincide with snow removal contracts for city sidewalks - Removal of fences in winter enhances pedestrian movement when the build-up of snow and ice can make sidewalks more challenging to navigate
2.7	Extended Sidewalk Café Frontage	<ul style="list-style-type: none"> - Extended frontages were contemplated in the former Toronto by-law, along a section of College Street. - In all other areas, the café permit cannot extend beyond the frontage of the establishment 	<ul style="list-style-type: none"> - The café permit area can extend across the frontage of an adjacent establishment. - A letter of consent from the adjacent property owner or occupant would be required as part of the application process. - If the adjacent property owner or occupant subsequently decided to use the public sidewalk area, they would provide notice to the café owner in order to terminate their consent - If consent is revoked, permission to use the extended use would expire on the renewal date of the permit. 	<ul style="list-style-type: none"> - This provision provides greater flexibility for café operators, and will help further animate the street - Extending the café frontage could serve to minimize any potential reduction of café capacity at locations should it be determined that an existing café must be amended to improve pedestrian movement.

2.8	Year-round Enclosed Cafes: Extended Season	<ul style="list-style-type: none"> - Year-round cafes, with full enclosures to protect patrons from the elements, are not currently permitted in any of the by-laws 	<ul style="list-style-type: none"> - Provisions for year-round cafes are proposed - These cafes would only be permitted to locate on local roads - Enclosures would be subject to all building and fire codes standards - Permissions would be subject to clearances related to pedestrian and vehicular safety - Sides of the structure must be removed during the regular café season - A building permit is required prior to the installation of any heat-generating equipment within the temporary café enclosure - Enclosures must be designed to be removable upon 24 hours notice 	<ul style="list-style-type: none"> - Licensing and Standards Committee directed staff to explore year-round cafes - Expanding the café season into winter provides business with additional opportunity for commerce; and residents with additional options for social interaction
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STANDARDS AND PROCESSES SPECIFIC TO SIDEWALK MARKETING DISPLAYS

#	Issue	Current	Proposed	Rationale
4.1	Public Notice	<ul style="list-style-type: none"> - No public notice is required for a Marketing Display application - The application is circulated to Councillors 	<ul style="list-style-type: none"> - No public notice is required for a Marketing Display application (unchanged) - The application would be circulated to Councillors (unchanged) 	<ul style="list-style-type: none"> - An approach consistent with the current process is proposed
4.2	New "Small Marketing Display" configuration	<ul style="list-style-type: none"> - The same processes and fees apply for all marketing display applications, regardless of size 	<ul style="list-style-type: none"> - A new "Small Marketing Display" permit is proposed - The configuration can extend the width of the building frontage, up to maximum of 5.5 m - Max. depth of 0.8m - Umbrellas and fence enclosures are not permitted - Merchandise must be removed from the sidewalk at the end of each business day - Streamlined application process: reduced application fee, no site plan required 	<ul style="list-style-type: none"> - New configurations will provide more opportunities and flexibility for local business; and options for residents
4.3	Revised Standards for Temporary Marketing Display Designs	<ul style="list-style-type: none"> - Toronto by-law requires stands to be built of wood (provided it is painted with epoxy resin), stainless steel, galvanized metal, plastic, fibreglass, aluminum, or steel (provided it has a baked enamel finish). - Construction materials are not specified in any other bylaws 	<ul style="list-style-type: none"> - Regulations related to display stand construction materials are not proposed for the framework 	<ul style="list-style-type: none"> - Relaxing the standards for construction will provide businesses with greater choice and flexibility

4.4	Discontinuation of Temporary Marketing Enclosure Permit Type	<ul style="list-style-type: none"> - Temporary marketing enclosures (building additions with heating, lighting, electrical etc.) are permitted in Toronto. - These enclosures are not permitted in any other former municipality. 	<ul style="list-style-type: none"> - Temporary enclosures are not proposed for the framework 	<ul style="list-style-type: none"> - The permanence of these structures has presented challenges when they need to be removed for construction - Aside from Toronto, none of the other former municipalities provided for them in their By-laws
4.5	New Restrictions to De-clutter the Sidewalk	<ul style="list-style-type: none"> - Height for the display of merchandise is currently unrestricted - The by-law is silent about the overnight storage of merchandise on the sidewalk 	<ul style="list-style-type: none"> - Overnight storage of merchandise in the permit area is not permitted on arterial/collector roads - Maximum proposed height for the display of merchandise is 8 feet – a height that is within reach of most people 	<ul style="list-style-type: none"> - A limit on the overnight storage of merchandise reinforces the temporary nature of marketing displays and discourages permit holders from erecting barriers on the right-of-way to protect their goods; such barriers are not permitted. - Maximum display height is recommended for safety purposes, and to restrict "over-marketing" - Planning & Growth Management Committee directed staff to examine ways to minimize the amount of merchandise that can be displayed outdoors

Attachment 3: Existing Permit Fees for Sidewalk Cafes and Marketing Displays

	Fee Zone	Year when base fee was established	Café Permit Fee (m2/year)	Marketing Permit Fee (m2/year)
1	Toronto Area 1	1994	\$80.28	\$91.30
2	Toronto Area 2	1994	\$40.13	\$45.73
3	Toronto Area 3	1994	\$20.08	\$22.88
4	York**	1980	\$5.50	\$5.50
5	East York	1987	\$21.85	\$21.85
6	Etobicoke**	pre-2002*	\$11.00	\$11.00
7	North York	1985	\$114.12	\$114.12
8	Scarborough***	NA	NA	NA

Notes

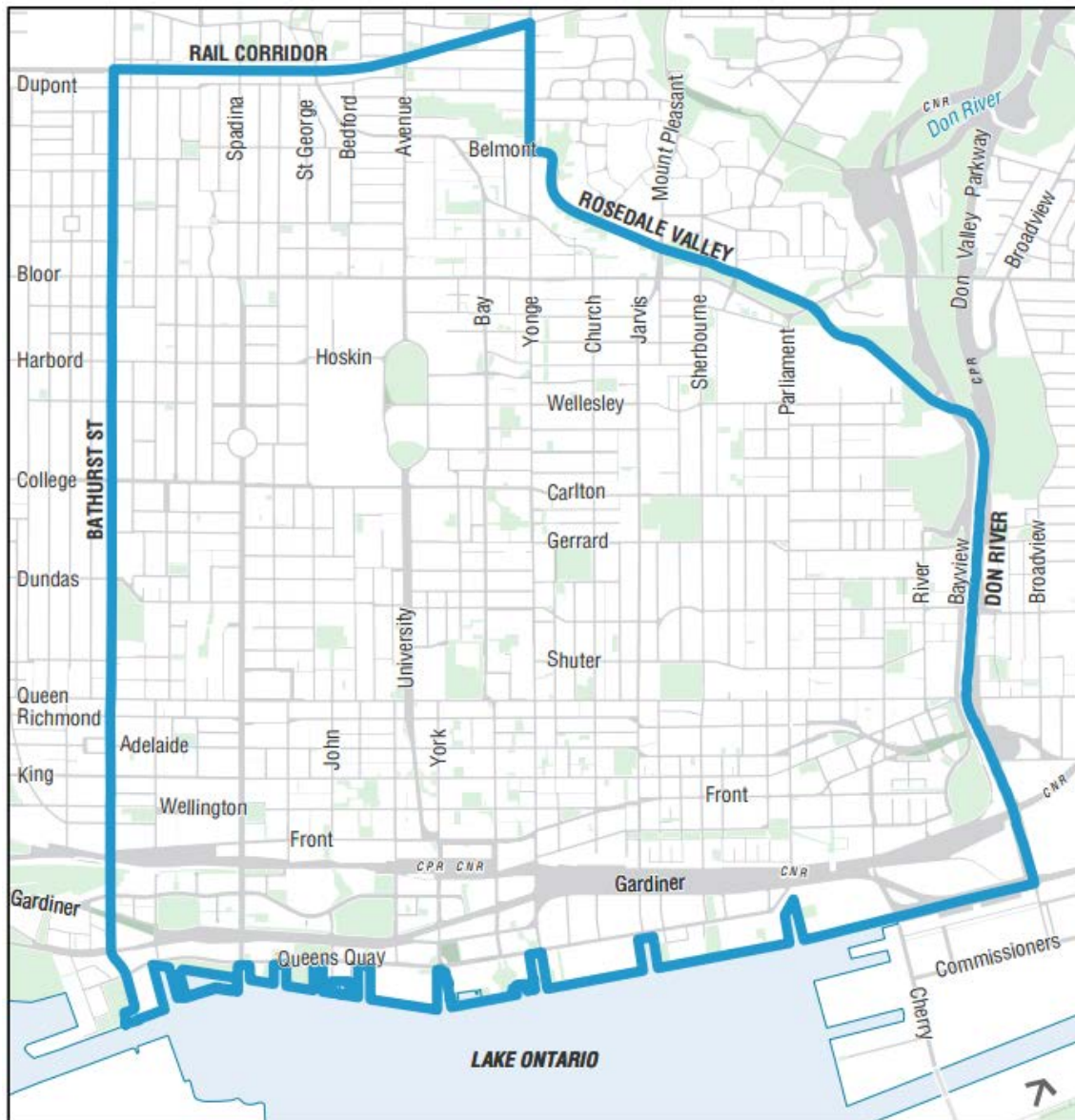
- * Staff have not been able to verify when this fee came into effect
- ** Fees in the former Etobicoke and York have not been subject to annual adjustments related to inflation
- *** As sidewalk Cafes and Marketing Displays are currently prohibited in Scarborough, there are no corresponding permit fees for this area

Attachment 4: Proposed Fee Zones

Proposed Fee Zones:

Central Zone is equivalent to the downtown area defined in Map 6 of the Official Plan. It is delineated by the heavy line in the map below

Outer Zone is the remaining geographic area of the City.



Attachment 5: Framework of Proposed Fees

1. Sidewalk Café and Marketing Display Application Fee: \$1332.45
2. Small Frontage Café and Small Marketing Display Application Fee: \$141.57
3. Proposed Permit Fees*:

Proposed Fee Zone	Sidewalk Café (\$/m2)	Year-round Sidewalk Café (\$/m2)	Sidewalk Marketing Display (\$/m2)
Central Zone	\$88.31	\$133.00	\$62.65
Outer Zone	\$44.14	\$66.50	\$38.12

* Notes

- i. the Central Zone permit fee would apply along both sides of the proposed boundary
- ii. No permit fees are proposed in the case of a Small Sidewalk Café and a Small Marketing Display

4. Proposed Parklet Café Fees**:

Central Zone, \$900/month
Outer Zone, \$565/month

** Notes

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

5. Proposed Renewal Fee (Small Frontage Café and Marketing Display): \$63.71
6. Proposed Fee for Tree Planting: \$652.50