

This cover page contains information about the contents of the PDF document that follows.

Name of document:

Presentation: Sidewalk cafe and marketing presentation - September 2015

Overview:

This document contains presentation on Sidewalk cafe and marketing presentations delivered in September and October 2015 at various public consultations.

Who to contact for more information:

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Sidewalk Cafes & Sidewalk Marketing Displays

Bylaw Harmonization and Update

Stakeholder Consultation

September-October 2015

Meeting Format

Part 1: Review of By-law and Fees

Hamish Goodwin

Municipal Licensing & Standards

Part 2: The Manual

Chris Ronson

Transportation Services

Part 3: Q & A

Project Highlights

Objectives

1. One updated city-wide by-law regulating sidewalk cafes and marketing displays
2. Balance safety, accessibility, and place-making with economic prosperity
3. Streamlined application process
4. Review of Permit fees

Project Phasing



Phase 1:
Research &
Consultation

Phase 2:
Analysis

Phase 3:
Recommendations

Phase 4:
Implementation

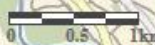
Work to date...

- ✓ Detailed review of existing City by-laws, processes, and policies
- ✓ Review of regulations and best practices in other jurisdictions
- ✓ Initial consultations with stakeholders
- ✓ Consultations with other City Divisions
- ✓ Field Visits

Why Regulate?

- 710 sidewalk cafes in Toronto (approx.)
 - Toronto – 642
 - York – 20
 - Etobicoke – 31
 - NY – 17
 - Scarborough – 0
- 300 sidewalk marketing displays (approx.)
 - ~ 95% of these are in TEY District

Find address or place



Toronto GTA
click Marker to find more information



K_o FRUIT MARKET
FRESH FRUITS, VEGETABLES, FLOWERS
Organic Fruits & Vegetables
416-588-9587

LIMEX







Romeo's Special
PEACH PLUM
SMOOTHIE
(HALF MANDARIN)
\$2.19

SPECIAL
NUTTELLA BANANA
SMOOTHIE
\$2

BECK'S
SPECIAL
BANANA PEAR
SMOOTHIE
\$2.19

Romeo's Juice
HIBISCUS LEMONADE \$2
RHUBARB LEMONADE \$2
LAVENDER LEMONADE \$2

Romeo's Juice
No 1st
Ketchup for
FRESH WATERMELON
MINT LIME
JUICE



HAPPY HOLIDAYS
FROM OLD NAVY
COCA-COLA

perfect amount of ahh

Coca-Cola
zero
Diet Coke

FORECAST

NOV 23

Policy Context

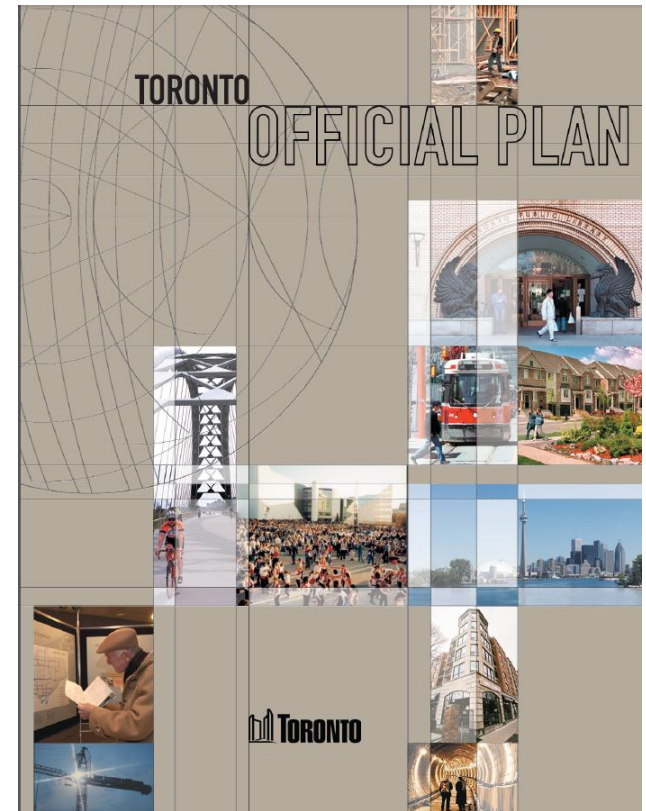
Provincial Framework

- Accessibility for Ontarians with Disabilities Act (AODA)
- Health Protection and Promotion Act
- Ontario Building Code
- Ontario Fire Code
- Liquor License Act

City of Toronto Official Plan

Vision:

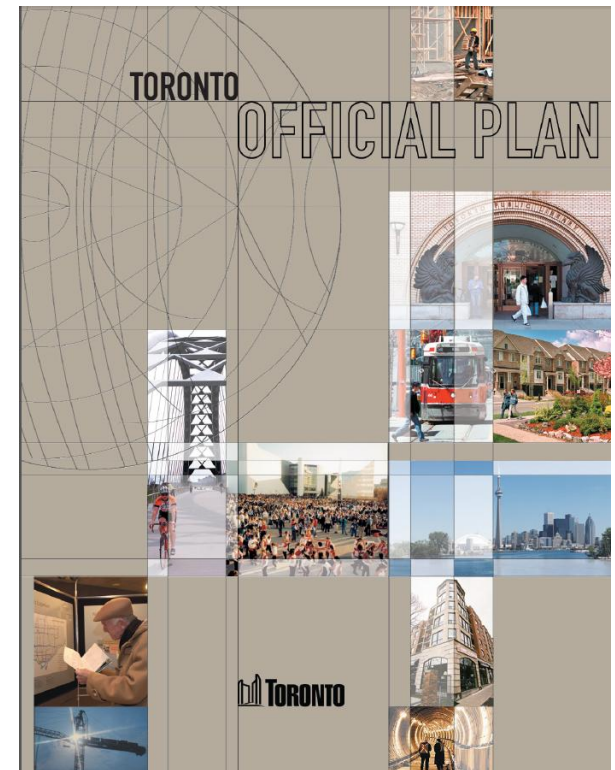
- A strong and competitive economy with employment opportunities for all Torontonians

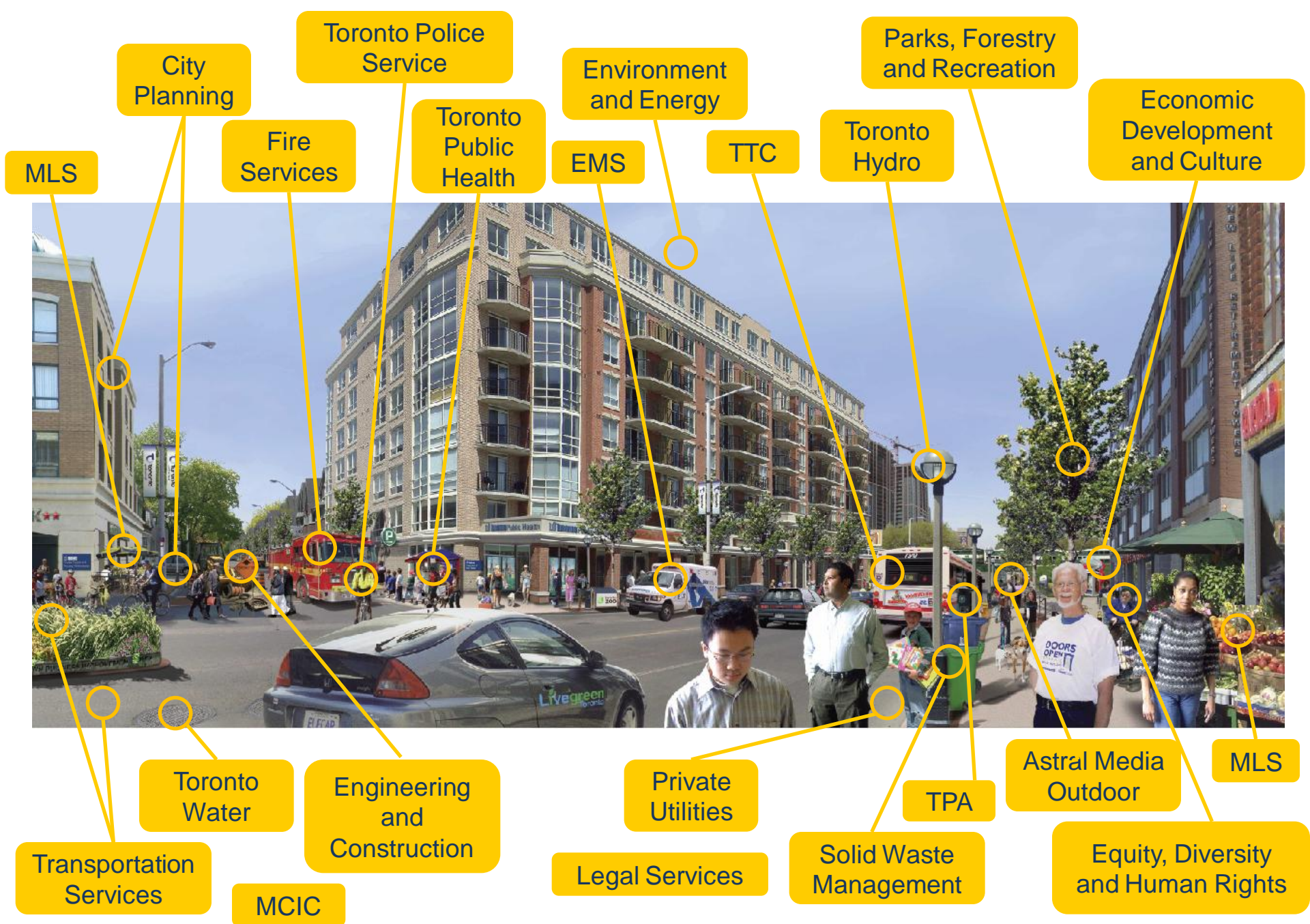


City of Toronto Official Plan

New and existing **City streets will be designed to perform their diverse roles by...**

- a) **Balancing the needs of users and uses within the right-of-way, including provision for:**
- i) The safe and efficient movement of pedestrians, cyclists, transit vehicles and motorists
 - ii) Space for other street elements such as utilities, trees, snow and stormwater management, wayfinding, ***boulevard cafes, marketing and vending***, and street furniture





Zoning By-law

Zoning By-law 569-2013

Outdoor Patios

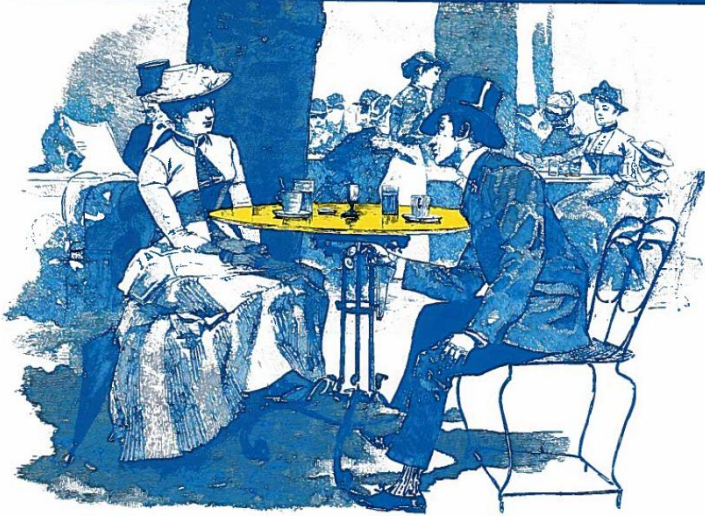
- ZBL outlines the zones in which patios can be located
- New patios must be set back a minimum 30m from a lot in a Residential Zone.

Marketing Displays

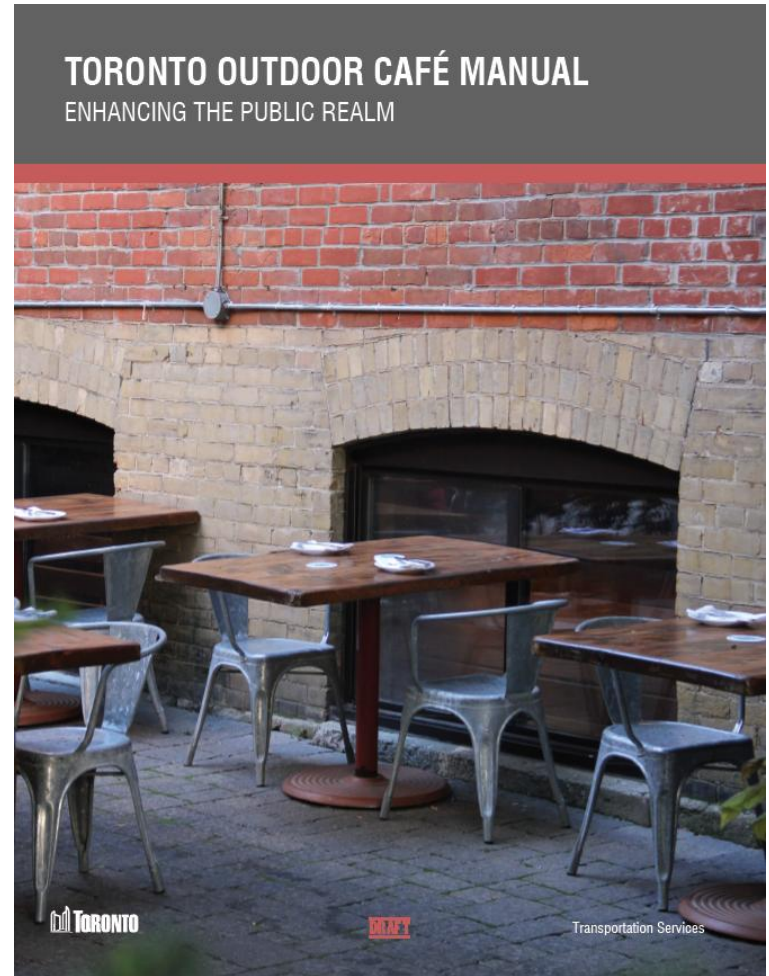
- ZBL outlines the zones where marketing displays can be located
- New displays must be set back a minimum 15m from a lot in a Residential Zone

Guidelines

Boulevard Cafe Guidelines T O R O N T O



1989

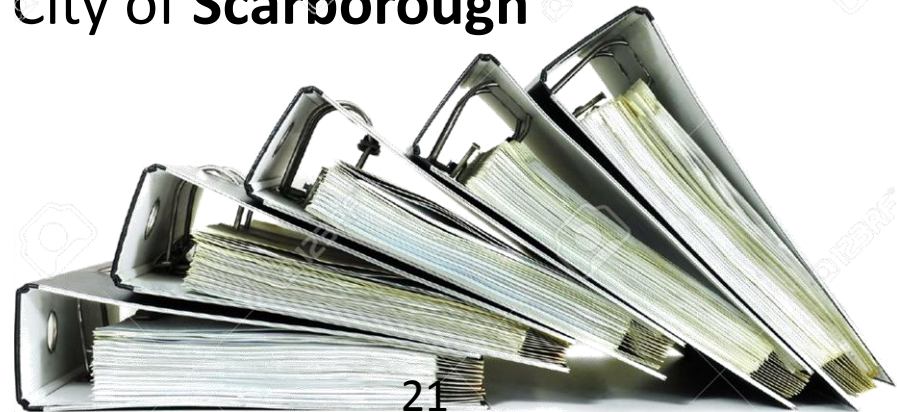


2015

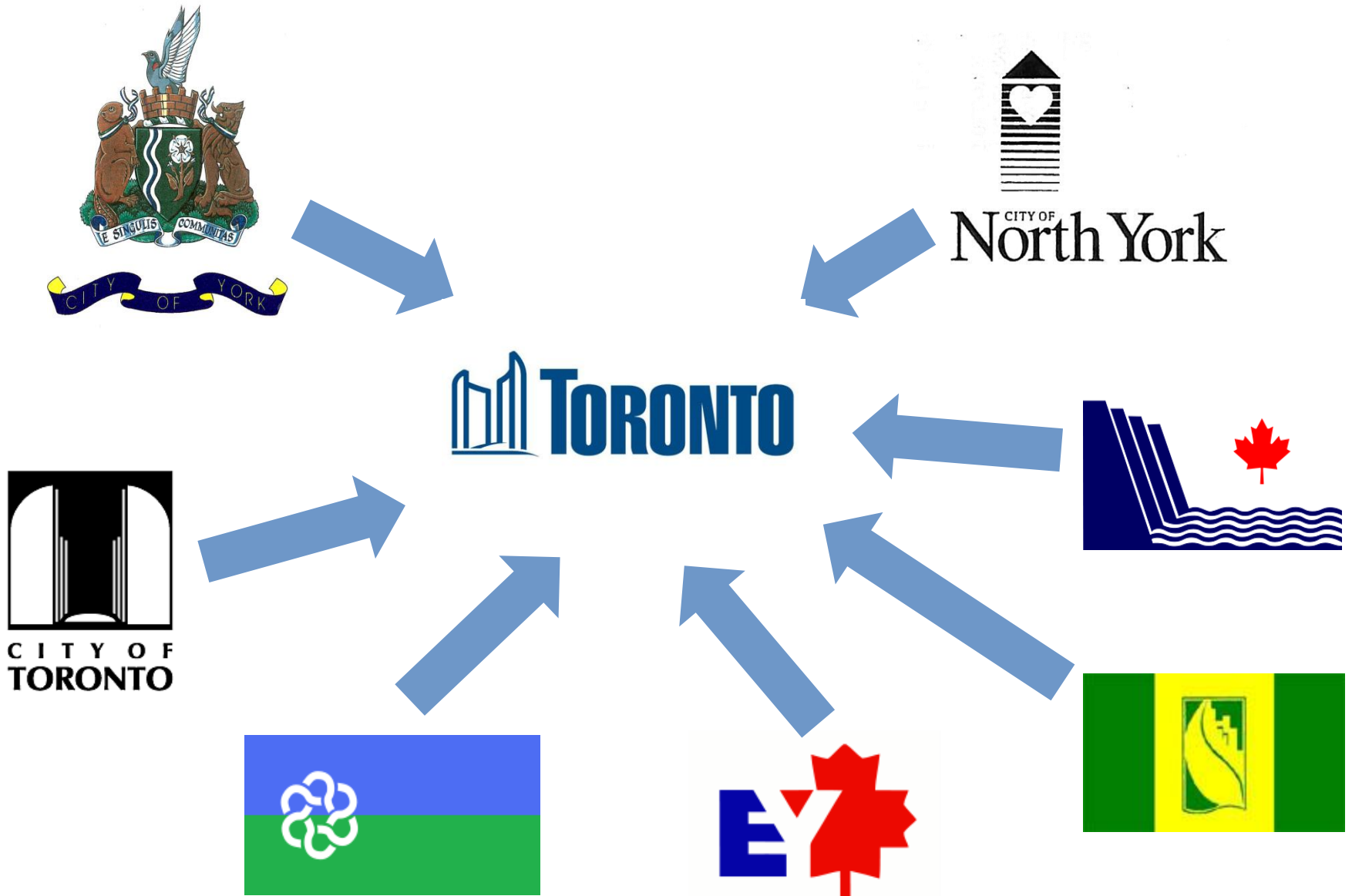
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6 By-laws Regulating Cafes & Marketing

1. Chapter 313 of the former Municipality of **Toronto**
2. By-law No. 16-97 of the former Municipality of **East York**
3. Chapter 231 of the former Municipality of **Etobicoke**
4. By-law No. 29607 of the former City of **North York**
5. By-Law No.3343-79 and Chapter 1004.11.12, Article 12 of the former Borough of **York**
6. By-law No. 20630 of the former City of **Scarborough**



Harmonization



Stakeholder Engagement

Stakeholder Consultations...

- December 2013 - Meetings with permit holders,
November 2014 business community, residents' associations,
TABIA/BIAs, and the general public
- August - Outreach, site visits, and meetings with
November 2014 accessibility stakeholders
- November 2014- Online Survey; Meetings with permit holders,
January 2015 business community, residents' associations,
TABIA/BIAs, ORHMA the general public , and
the Design Review Panel

What did we hear?...

Public / Accessibility Groups

- Well designed and located patios contribute to liveability
- Patios have a positive impact on neighbourhoods
 - 60% of survey respondents
- Wide unimpeded sidewalks are important for ease of movement
 - Dominant theme
- Straight clearways are important
- Flexibility in standards is important
 - E.g. more patio types
- Noise: Should café's on residential streets be permitted to stay open longer than 11:00pm?
 - 43% - No
 - 55% - Yes, with conditions
(no liquor, no noise, no complaints, limited capacity, special events, weekends only...)

Business / Restaurant Groups

- Patio culture needs strong support from the City
- Flexibility in standards is important
 - E.g. more patio types; relaxed fencing requirements
- A fair complaints and resolution process is needed
- Concerns with “grand-parenting” and AODA implications
- Permits should be transferable upon sale of business
- Application process needs to be simplified
- Consistency is needed with rules and decision-making

By-law Updates

The Presentation Focuses on...

1. Accessible Sidewalks
2. Fostering a Café Culture
3. Process Changes/Implementation
4. Fee Review



**Edge
Zone**

**Furniture &
Planting Zone**

**Pedestrian
Clearway**

**Marketing
Zone**



SIDEWALK
(dimensions vary)



Pedestrian Clearway



Pedestrian Clearway



Tim Hortons
FRESH

King St W
SECOND CUP COFFEE CO.

AROMA
FINE INDIAN CUISINE
SECOND CUP COFFEE CO.

WALKWAY

John St

tiff. Bell Lightbox

NOW PL

3







Zoo

view
of
the
city
from
the
top

view
of
the
city
from
the
top

REPUBLICAN

411 # 0155753
416-748-0347

Litter

35





Existing Bylaw Area	Sidewalk Clearance Requirement
Former City of Toronto	2.13m from the curb
East York	2.0 m or any distance that is deemed necessary to maintain an unimpeded pedestrian traffic movement
North York	The distance from the roadway to be determined by the City in order to sustain an unimpeded pedestrian traffic movement Merchandise may not encroach upon the sidewalk
Etobicoke	2.1 m
York	2.1 m

Current

* Special Streets

3.05 metres

- Dundas St W
- Spadina Av (portions of)

Pedestrian Clearway: PROPOSED

Sidewalk Cafes

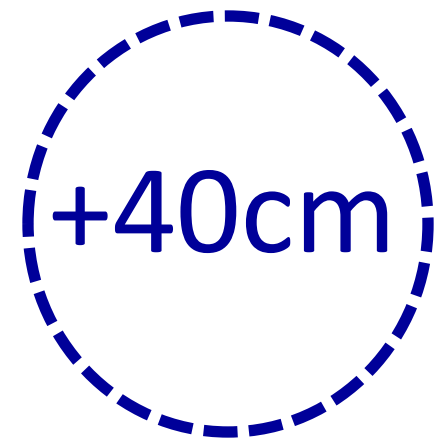
- Min. 2.1m along all **collector & arterial** streets
- Min. 1.7m along all **local** streets
- Straight and clear, without deflections

Site-by-site

- The City (Transportation Services) may deem greater clearance is required to safely accommodate pedestrian movement



Pedestrian Clearway: Sidewalk Marketing



- Min. 2.5m along all **arterial** streets
- Min. 2.1m along all **local** streets
- Straight and clear, without deflections

Site-by-site

- The City (Transportation Services) may deem greater clearance is required to safely accommodate pedestrian movement

By-law Updates

The Presentation Focuses on...

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Current: “1 size fits all”

- All cafes must be located against building frontage
- All cafes must be surrounded by a fence
- 1 pedestrian clearway



Proposed Amendments: Flexibility

- Pedestrian Clearway, options
- Fencing, more flexibility
- Building frontage location, non-mandatory








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Handwritten graffiti on the dark blue brick wall, including the word "BEARD" and various symbols and numbers.




feelgoodguru

hyper-local super-awesome organic plant-powered food





3. Process Changes / Implementation

- a. Status quo
- b. Public Notice & Polling
- c. Decision-making
- d. Implementation

Status Quo Highlights

- 11:00pm closing time for cafes on residential streets
- Minimum separation distance between a new café and a lot in a Residential Zone
- No incursions permitted in the pedestrian clearway
- Café operator required to clean sidewalk and clear snow
- Winter fence removal

Public Notice: Current

Poll of Residents

- Toronto & East York Only
 - Residential Flankage Cafes Only

Notice

- Toronto & East York Only
 - Commercial Frontage Only
 - A notice must be posted for 14 days

Polling Procedure

- Poll results take ~50 days from initiation
- 185 polls conducted since April 2008
 - 70 In favour
 - 44 opposed
 - 58 insufficient response rate



Can't re-apply for 2 years

Polling / Notification: Discussion Points

New

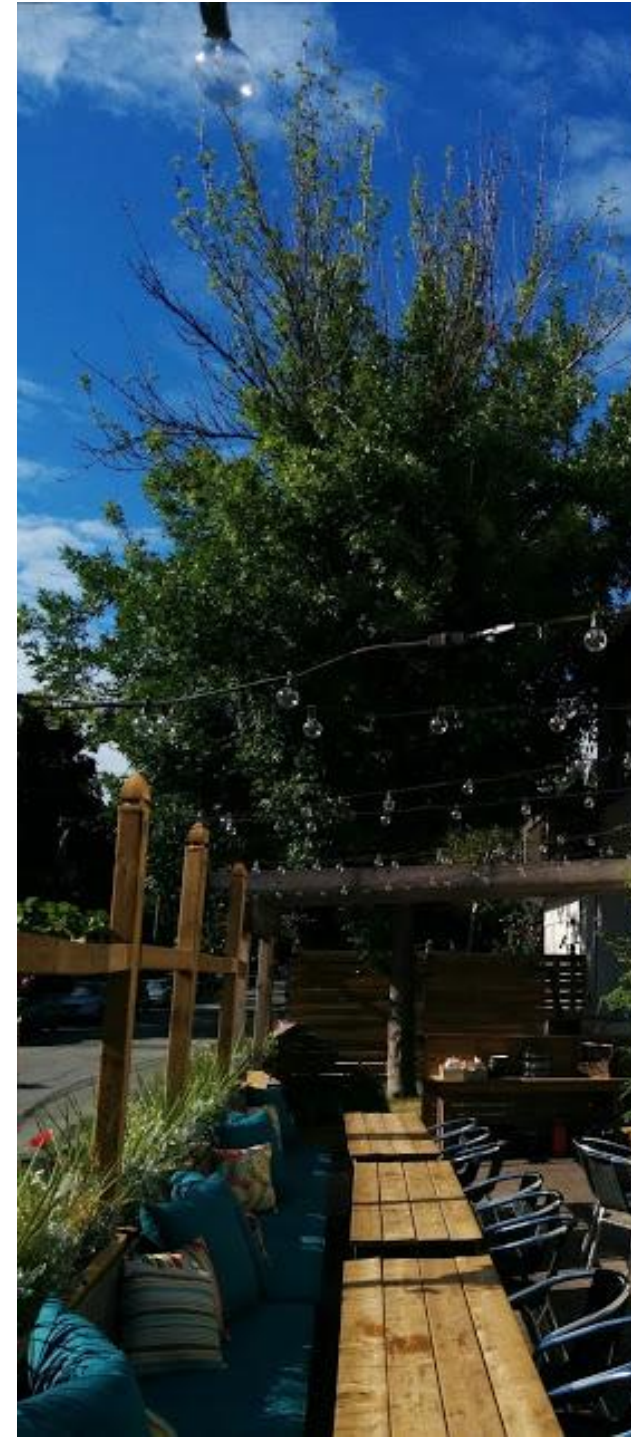
- City Councillor Notification
- BIA Notification as applicable
- City Website

Commercial Frontages

- 14 days notice (unchanged)

Residential Frontages

- Notices only (No Polling)
- 30-day notification period



Decision-making: Current

- 1 complaint = Automatic Refusal
- No ability for staff to:
 - resolve conflicts / complaints
- Prescriptive language results in limited flexibility
 - e.g. plastic wood is not permitted
- Blunt instrument
 - numerous automatic “refusal” reports
 - Refusals don’t always reflect public interest
 - delays for the applicant

Decision-making: Proposed

- Delegated authority to staff for undertake conflict resolution & mediation
- Attempt to resolve issues which are driving the complaint
- Refusal would follow a complaint that can not be resolved at a staff level

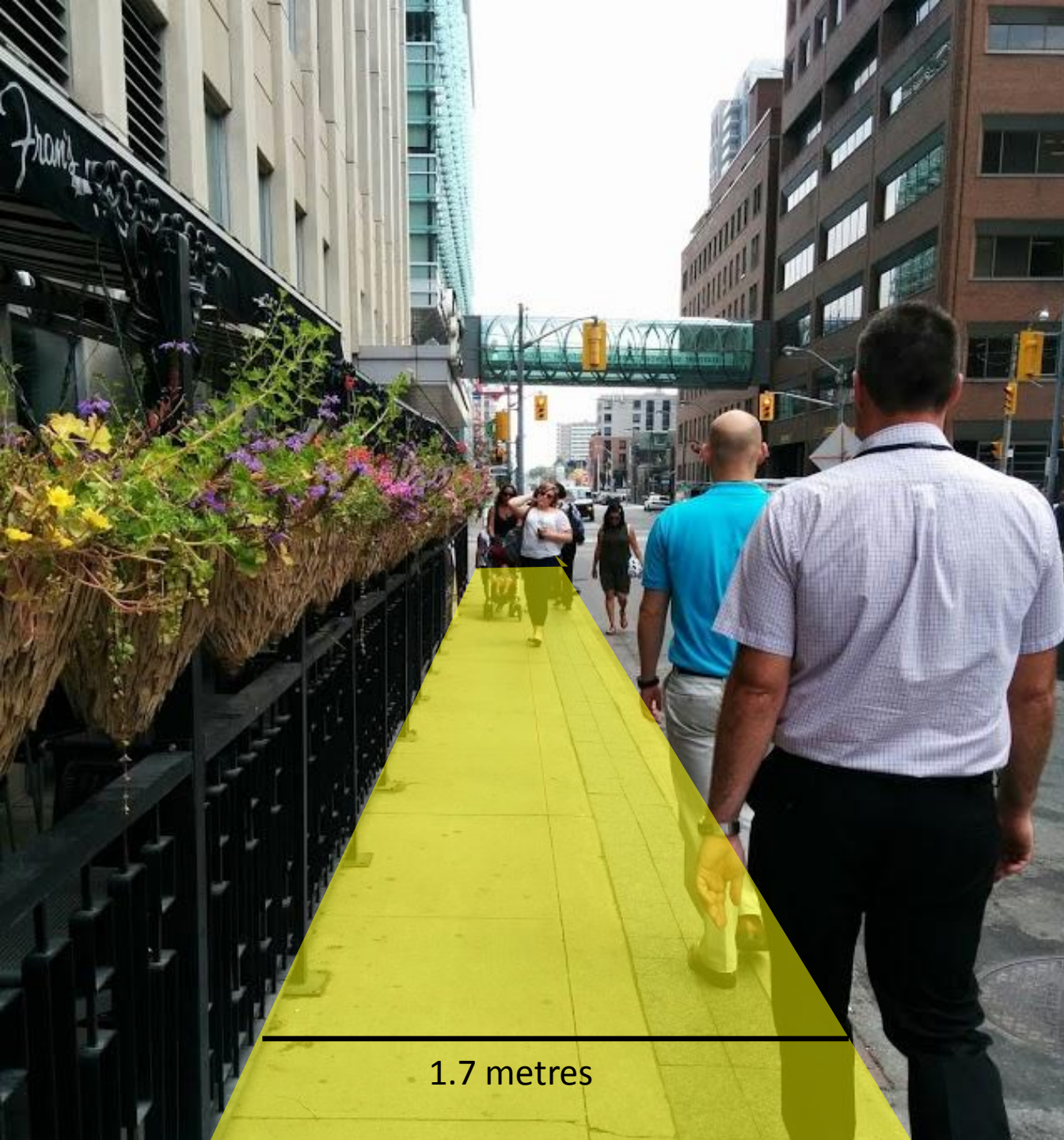
By-law Implementation Strategy

- New standards will apply to all new applications
- AODA mandates the City to comply with its own established min. pedestrian clearway
- 2.1m is the established minimum pedestrian clearway in Toronto
 - Toronto Green Standard
 - Vibrant Streets
 - Street Vending

Implementation Strategy cont.

- Many existing cafes wont be impacted
- Identify where there are challenges
- Develop plans to bring them into compliance with the pedestrian clearway
- Look for quick fixes:
 - e.g. tree grates
- In some cases, a wider pedestrian clearway may be required

Case Study: Yonge & Shuter



1.7 metres



60

By-law Updates

The Presentation Focuses on...

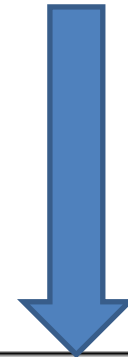
1. Accessible Sidewalks
2. Fostering a Café Culture
3. Process Improvements
- 4. Fee Review**

Fee Review: Background

- Permit fees were last reviewed in 2002
- At that time they all increased by 5%
- Annual increase since then geared to CPI



Current Fees (m2)



	Fee Zone	Patio Fee	Marketing Fee
1	Toronto Area 1	\$76.75	\$87.28
2	Toronto Area 2	\$38.36	\$43.71
3	Toronto Area 3	\$19.20	\$21.87
4	York	\$5.50	\$20.89
5	Etobicoke	\$11.00	\$11.00
6	North York	\$9.27	\$9.27

Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
3. Fee Zone Boundaries
4. Fee Categories
5. Market Rate
6. Determine a Revised Fee Structure
7. Implementation Strategy



Jurisdictional Scan: New York City

Manhattan, 2 zones

1. 96th street south

Enclosed Sidewalk Café: \$4917.74 base + \$413.22m²

Unenclosed Café: \$2457.37 base + \$413.22m²

•

2. 96th street north; Brooklyn; Bronx; and Staten Island

Enclosed sidewalk café: \$3686.06 base + \$310.00 m²

Unenclosed Café: \$1843.03 base + \$310.00m²

Jurisdictional Scan cont.

Vancouver, 2 zones

- 1. Downtown: \$82.23 m2
- 2. Outside of Downtown: \$58.34 m2

Melbourne, Australia, 5 zones

1. \$69.18
2. \$50.46
3. \$33.55
4. \$33.55
5. \$15.64

Fee Review Approach

1. Jurisdictional Scan
- 2. Fees for other street uses**
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Street Occupation

- Review approved by City Council in June 2015
- A market-based approach
- On-street metered parking used as the baseline
- 6 new fee zones were established

- \$1264.92
- \$948.72
- \$711.48 /m²/year
- \$632.52
- \$474.36
- \$316.20



Food Carts & Sidewalk Vending



- minor arterial roads: \$2551.73 → \$1100 / m² / year
- major arterial roads: \$4691.32 → \$2022 / m² / year
- Food Carts can occupy max. 2.32 m² of sidewalk

Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
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Review of Fee Zone Boundaries

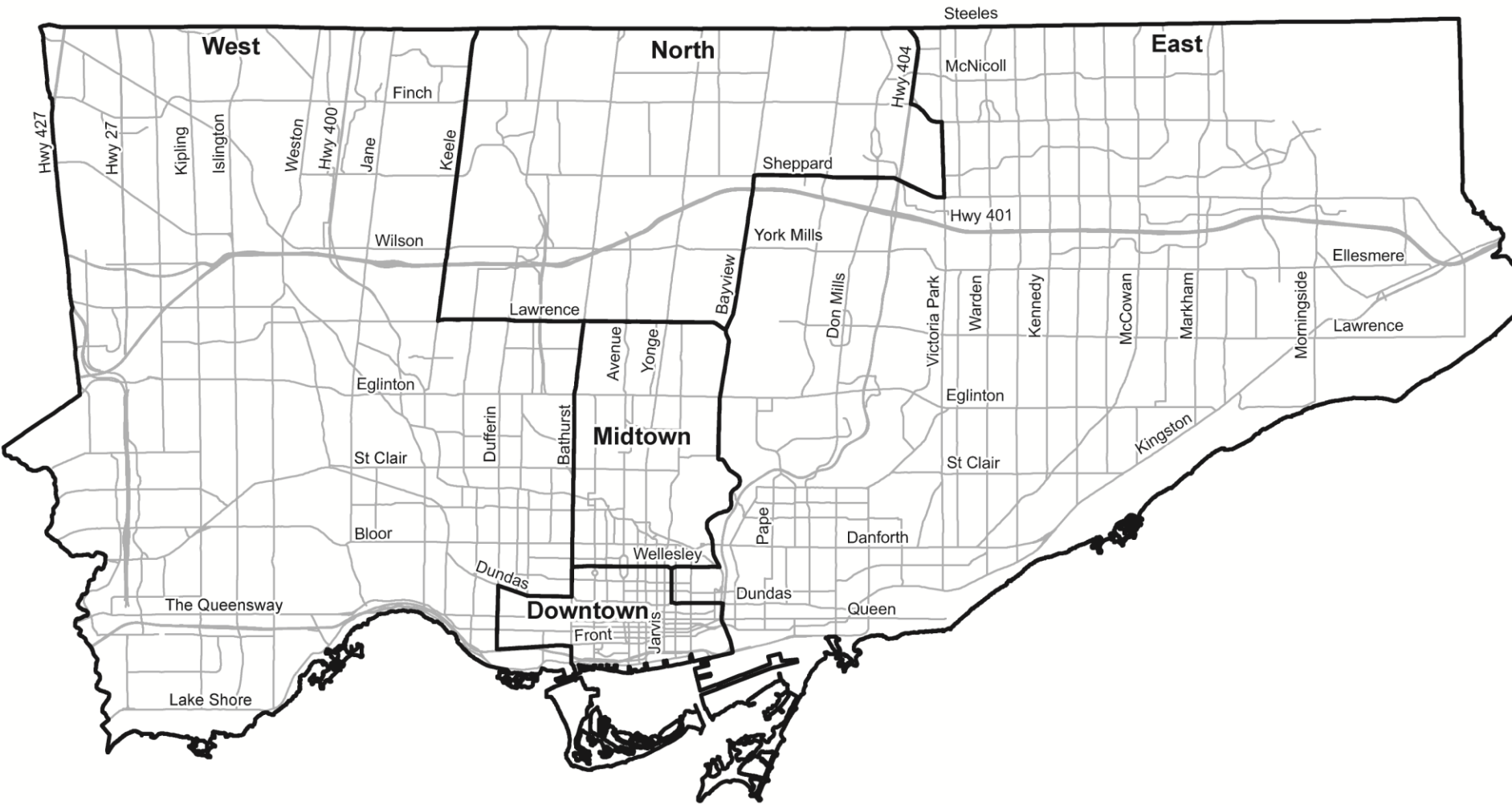
- Fee zones need to be reflective of similar values / rental rates for fairness and equity
- Geographic location is a key variable
- RES conducted the Market Rate review
- They used a third-party provider called CoStar to develop zones and market rate

Fee Zones cont.

- Co-Star is a comprehensive commercial real-estate database
- Data is verified through daily calls to brokers and owners, reviewing court filings, tax assessor records and deeds, tenant canvassing, and third-party data feeds

Fee Zones cont.

- Proposed Fee Zones are reflective of “submarkets” that allow like-for-like comparisons and valuations
- Five new Fee Zones are proposed:
 1. Downtown
 2. Midtown
 3. North
 4. East
 5. West



DRAFT
City of Toronto Sidewalk Café
and Marketing Fee Zones

Sept. 16th, 2015

74
 Source: Co-Star



Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
3. Fee Zone Boundaries
- 4. Fee Categories**
5. Market Rate
6. Determine a Revised Fee Structure
7. Implementation Strategy

Fee Categories

Current Categories

1. Patio
2. Marketing Display

Proposed Categories

1. Patio (with liquor licence)
2. Café (food and non-alcoholic beverages)
3. Marketing Display

Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
3. Fee Zone Boundaries
4. Fee Categories
- 5. Market Rate**
6. Determine a Revised Fee Structure
7. Implementation Strategy

Market Rate by Zone

- Market Rate was determined by identifying average at-grade rental rates in each proposed fee zone
- Market Rate includes:
 1. Taxes
 2. maintenance fees; and
 3. \$ /m²

Market Rates by Proposed Fee Zone (\$/m²/year)

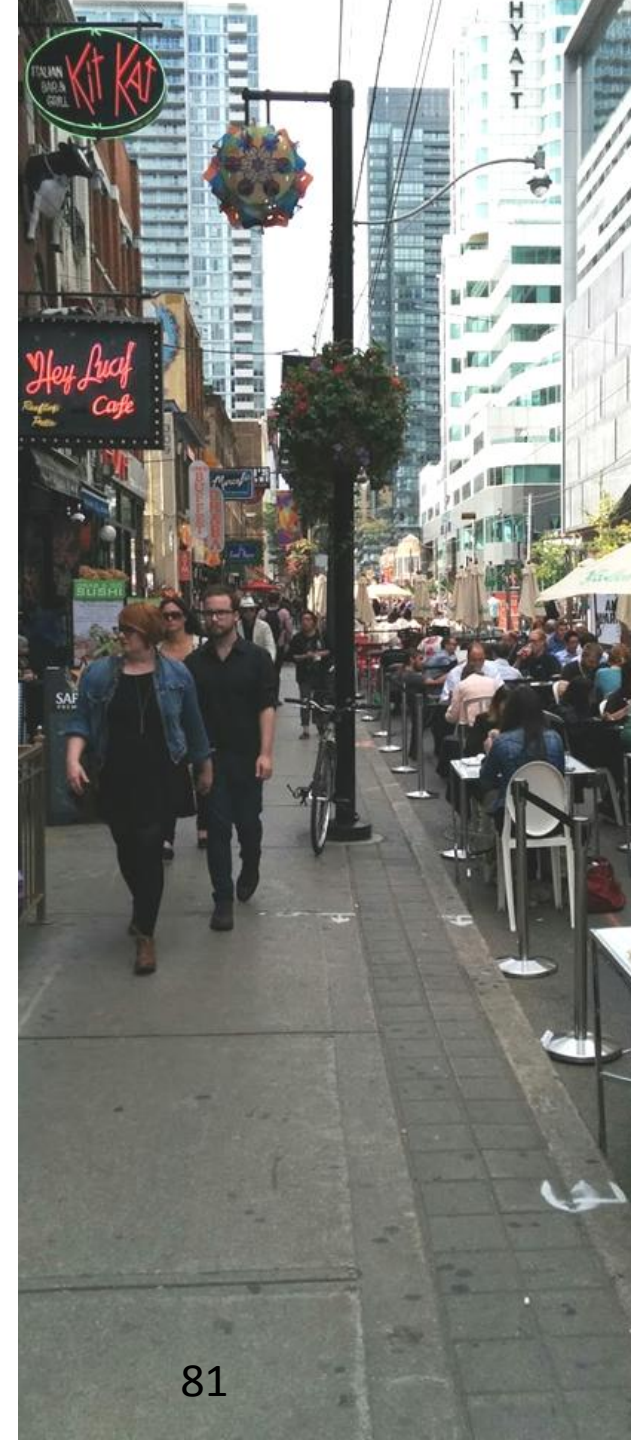
	Fee Zone	<i>Market Rate</i> \$/m ²
1	Downtown	\$475.71
2	Midtown	\$376.28
3	North	\$311.09
4	East	\$240.48
5	West	\$228.93

Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
3. Fee Zone Boundaries
4. Fee Categories
5. Market Rate
- 6. Determine a Revised Fee Structure**
7. Implementation Strategy

Considerations

1. Market Rate reflects the “improved” value of a property (amenities, finishings, etc.)
2. Café’s bring benefits to the City that are not easily measured and difficult to quantify:
 - Tourism
 - Street Animation
 - Social Interaction
 - Employment
 - Retail Occupancy



Market Rate vs Current Rate (Patio)

	Fee Zone	Market Rate (\$/m2)	Current Patio Rate (\$/m2)	Market Rate Comparison
1	Downtown	\$475.71	\$76.75	16.13%
2	Midtown	\$376.28	\$19.20	5.10%
3	North	\$311.09	\$9.27	2.98%
4	East	\$240.48	n/a	n/a
5	West	\$228.93	\$11.00	4.80%

Fee Review Approach

1. Jurisdictional Scan
2. Fees for other street uses
3. Fee Zone Boundaries
4. Fee Categories
5. Market Rate
6. Determine a Revised Fee Structure
7. **Implementation Strategy**

Fee Implementation: For Discussion

- Existing Fees will continue in 2016
- New fees will take effect in 2017
- Fee increases will be phased in over 5 years:
 - 2017 – 2022
 - 20% increase / year
- Fee reductions will take immediate effect

- Your comments will inform the report to Committee

Report Targets:

- Licensing & Standards Committee, Nov. 26
- City Council, December 2015