



Municipal Licensing and Standards & Transportation Services

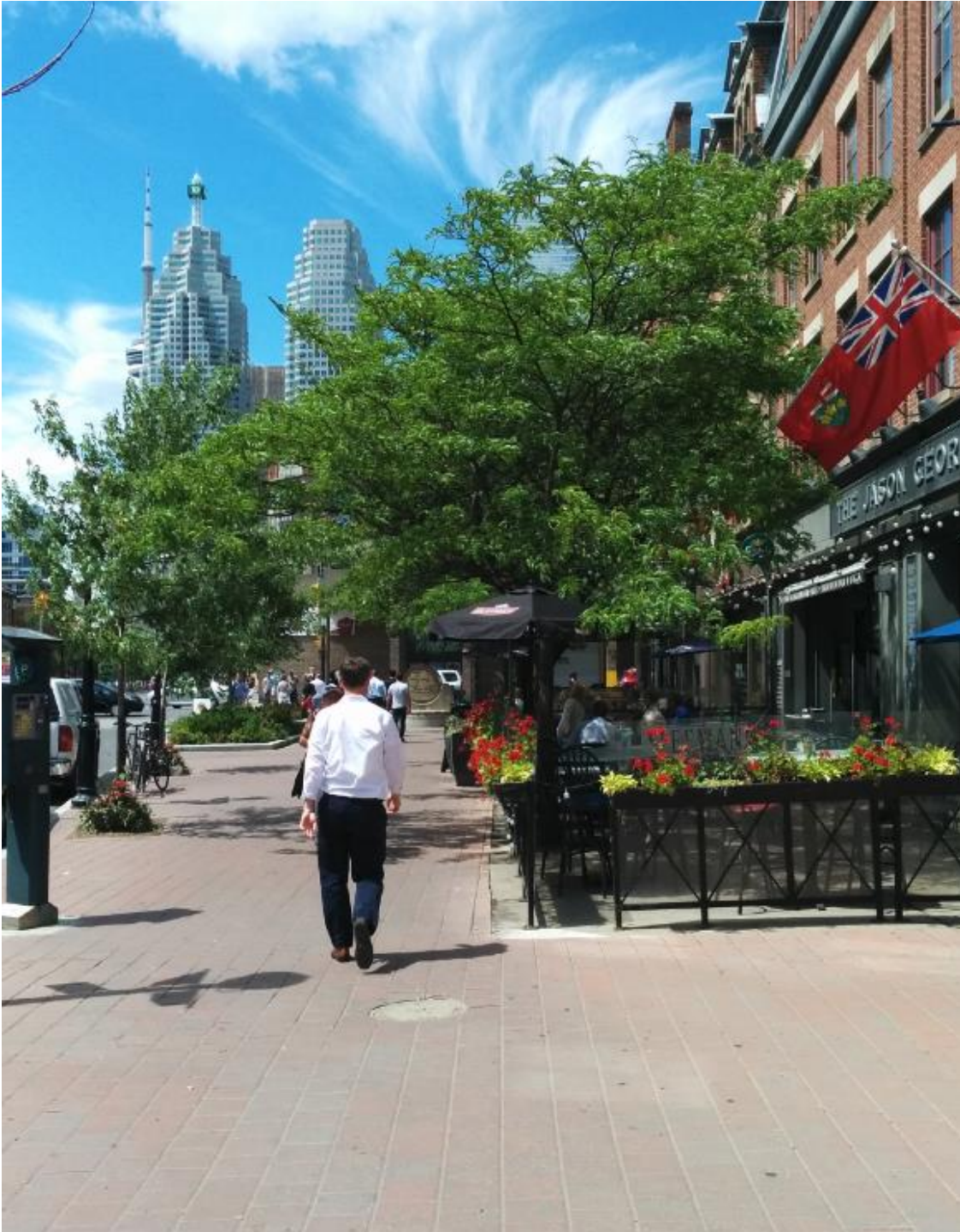
Proposed Harmonized By-Law for Sidewalk Cafés, Parklets & Marketing Displays

PUBLIC CONSULTATION

January 31, 2019



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

PEDESTRIANS
ACCESSIBILITY
HOTEL
SAFETY
ORHMA
TABIA
PERSONS WITH DISABILITIES
RESTAURANTS
TOURISM
PLACEMAKING
RESIDENTS
SENIORS
BUSINESSES
CAFÉS
SIDEWALKS

19 STAKEHOLDER
MEETINGS

760 RESPONSES TO
OUR ONLINE
SURVEY

14 PUBLIC
CONSULTATIONS

1,240 PUBLIC
COMMENTS



Project Scope

In Scope...

- Cafés, parklets & marketing displays on the public right-of-way

Out of scope...

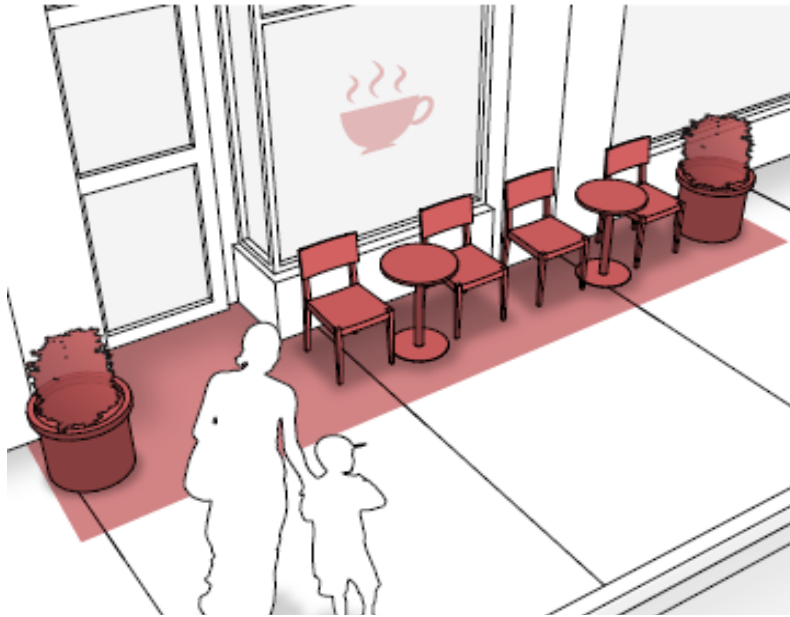
- cafés located on private property, including cafés located at grade on a building setback, or rooftop patios
- placement of streetscape elements (utilities, rubbish bins, etc.) except when in vicinity of a café or display
- alignment of curb cuts
- painting and alignment of pedestrian crossings
- tree pit design and maintenance standards
- construction trucks parked on sidewalks
- utility boxes
- food trucks



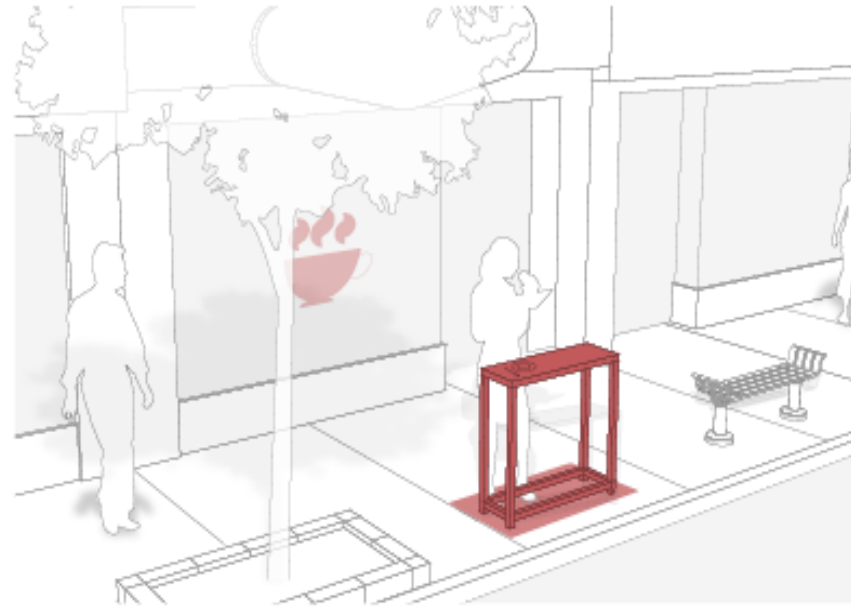
New Café & New Marketing Types

New Small Café Types & Small Frontage Marketing Display

SMALL FRONTAGE CAFÉ



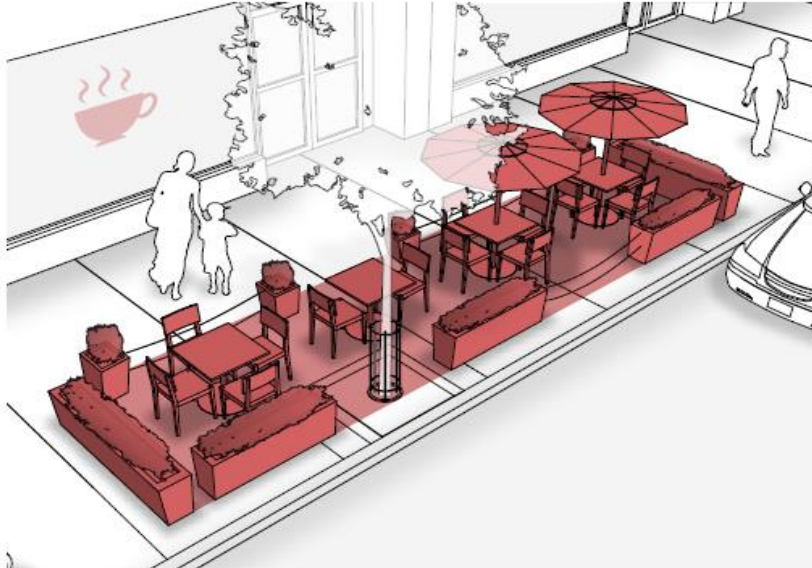
CURBSIDE STANDING CAFÉ



- 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



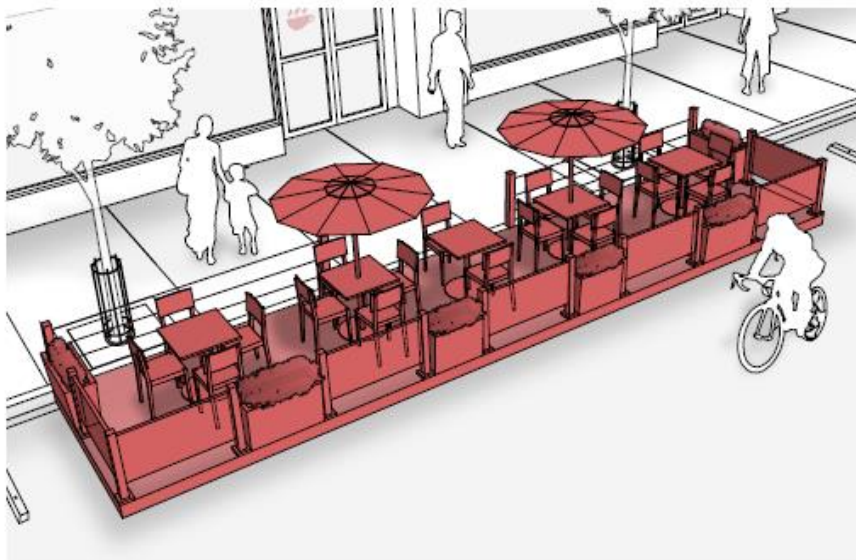
FRONTAGE AND CURBSIDE SPLIT CAFÉ



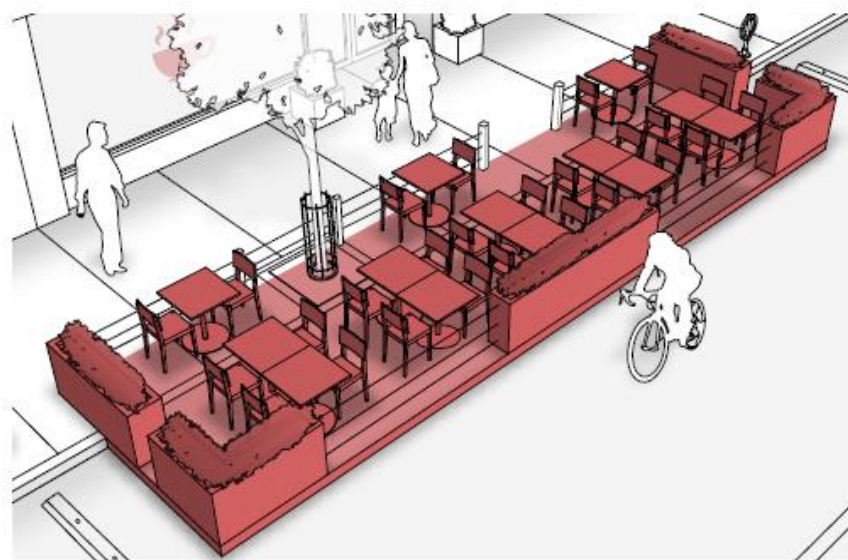
- Curbside cafés occupy the furnishing and planting zone by the curb
- A frontage and curbside split café creates two areas bisected by the pedestrian clearway
- Other new options include an extended frontage, curbside or parklet café, or extended frontage marketing display

New Café Types (11 new options for businesses)

PARKLET CAFÉ

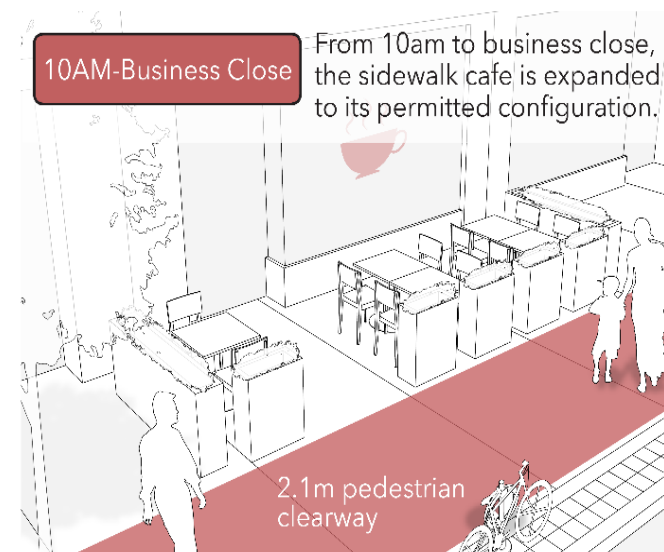
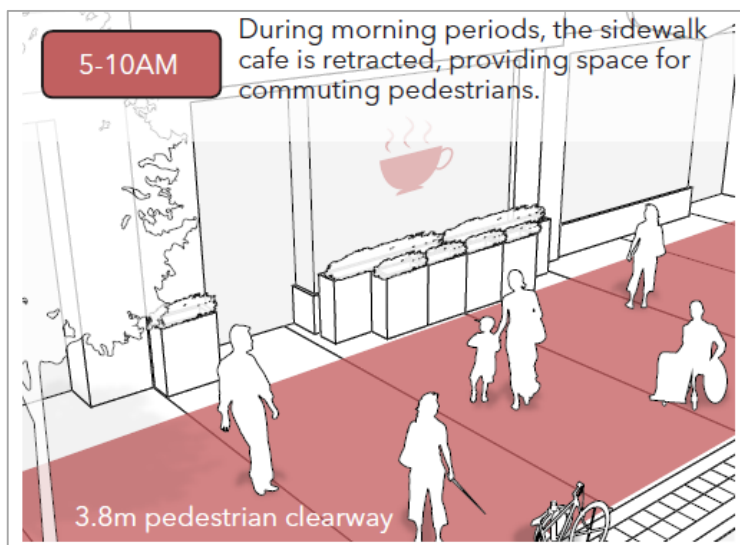


CURBSIDE & PARKLET CAFÉ COMBINATION



- **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 continued



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

Winter Cafés

Dec. 2017 proposal

- Temporary year-round café enclosures permitted on local roads
- All café fencing on arterial roads to be removed between Nov. 15 and April 15

What we heard...

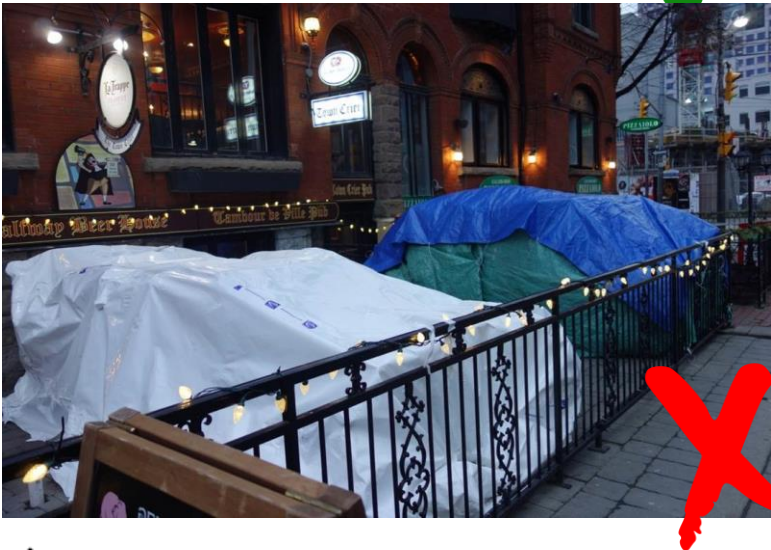
- Patio operators /BIAs want to use their patio in winter for street animation
- Some resident groups expressed concerns about enclosed patios changing the character of a residential street
- We have not heard strong support for the enclosure proposal from the business community

Winter Cafés continued



Year-round cafes will be permitted provided that:

- Frontage café (against the building wall)
- Minimum pedestrian clearway is provided*
- Permit holder clears the sidewalk of snow and salts and sands the sidewalk to city standards
- Permit area is used as intended and not for storage
- temporary permit suspension if criteria are not met



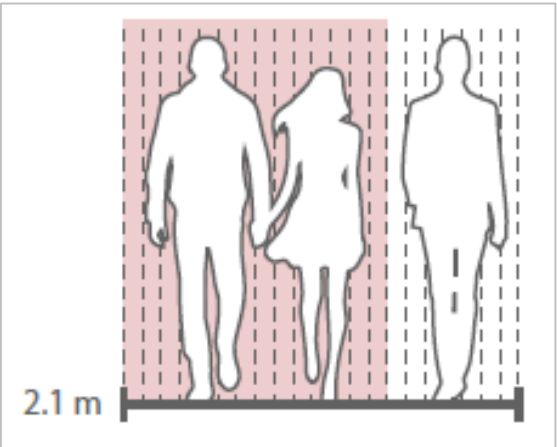
Pedestrian Movement and Accessibility

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	Required Minimum Clearway
Local road	no less than 1.8 metres
Collector or arterial road	no less than 2.1 metres
Downtown Toronto – high pedestrian volume streets	no less than 2.5 metres where the sidewalk is at least 5 metres wide (building face to curb face)

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

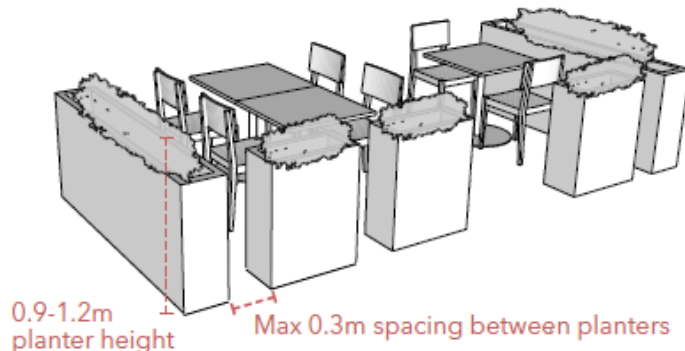
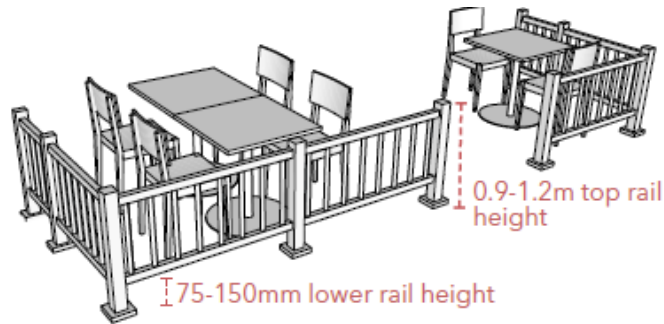
- Adelaide Street
 - Avenue Road
 - Bay Street
 - Bloor Street
 - Bremner Blvd
 - Carlton Street / College Street
 - Dundas Street
 - Front Street
 - Jarvis Street
 - King Street
 - Queen Street
 - Richmond Street
 - Simcoe Street
 - Spadina Ave
 - St George Street
 - Queens Quay
 - Yonge Street
 - York 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

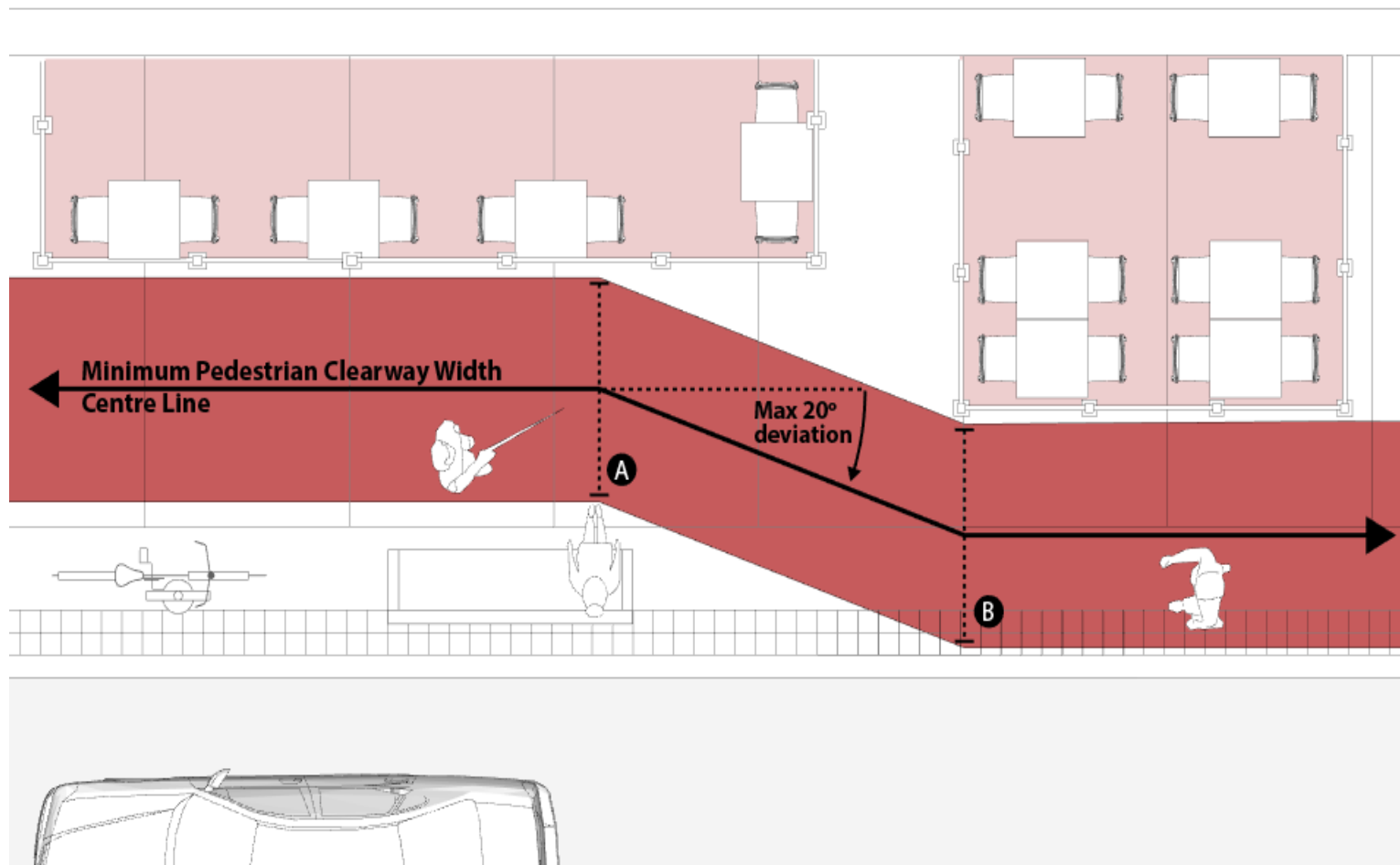


- Accessible entrance
 - Existing rules require a 1m metre minimum width to the permit area for access by persons with disabilities
- White cane-detectable features for the visually-impaired for fencing and planters
 - **A lower rail** that a white cane can tap against
 - **Planters that are closely 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



Permit & Operations

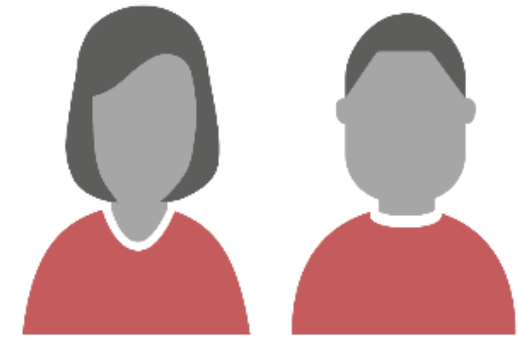
Application & Review Process



- Setting standards for submission requirements (i.e. site plans) 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
- Multiple objections will trigger 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



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
- Permit to be posted on premises
- No amplified sound permitted

Features of the Proposed Harmonization Fees

New Fee Zones

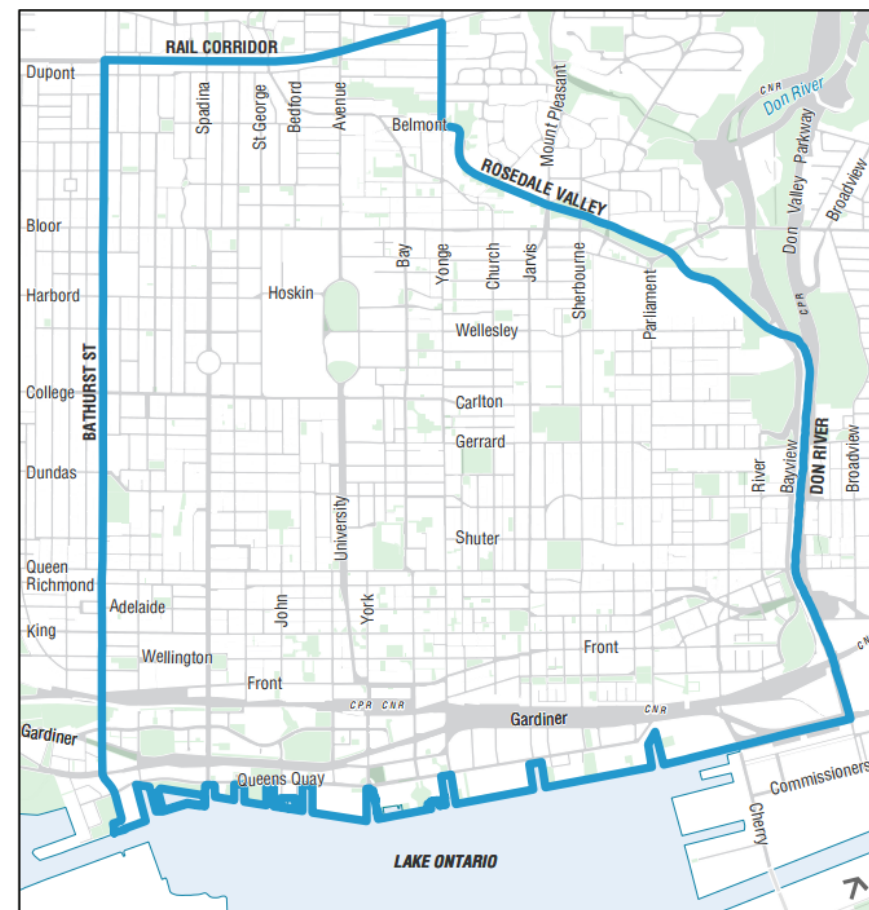
Two simplified fee zones are proposed:

Central Zone

- Within heavy 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 Permit Fees

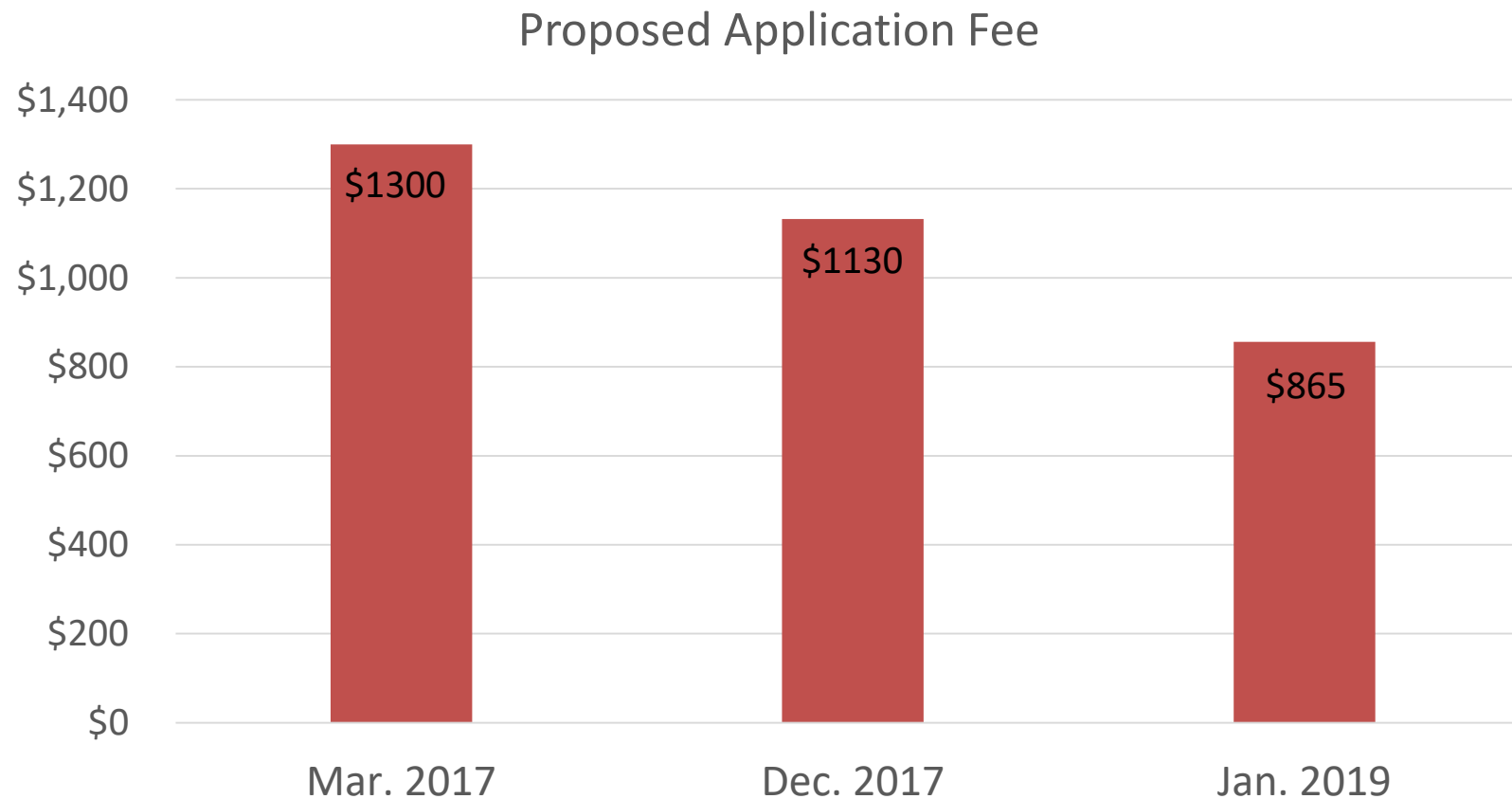
Proposed Fee Zones	Type of Permit			
	Sidewalk Café (\$/m ² /year)	Marketing Display (\$/m ² /year)	Small Café or Marketing Display	Parklet Café* (\$/month)
Central Zone	\$88.31	\$62.65	\$0	\$1093
Outer Zone	\$44.14	\$38.12	\$0	\$683

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

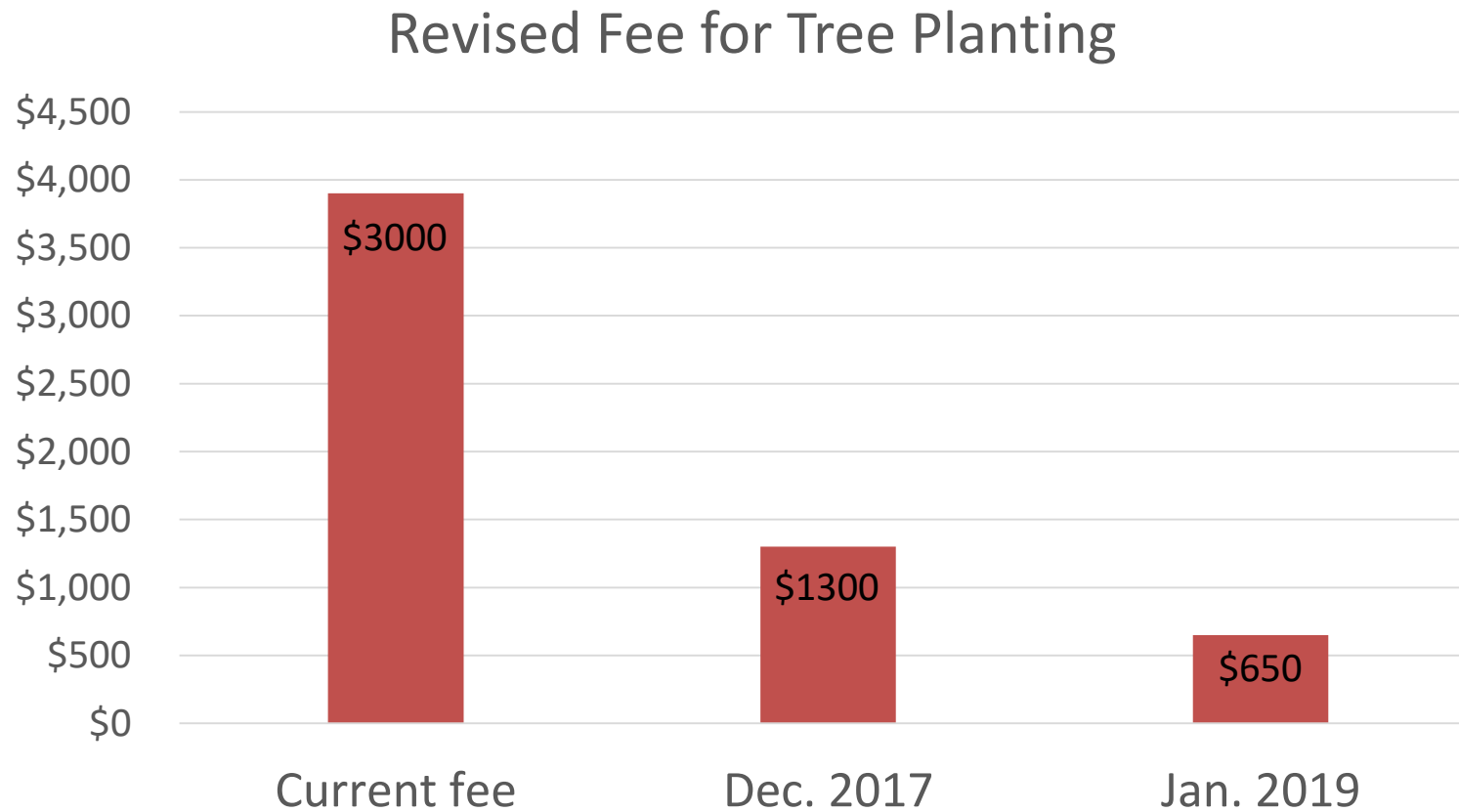
Proposed Implementation of Permit Fees

- Proposed permit fees will be frozen for 10 years (not subject to annual inflation)
- Any decreases would take effect immediately
- Any increase to existing permit holders would be phased in over 10-years

Reduced Application Fee: \$865



Reduced “Tree Fee”: \$650



Fee for Tree Planting

The Fee for Tree Planting would be required for new applications only, when:

- i. a new permit is approved at a location where there is a soft, unpaved boulevard; and,
- ii. Urban Forestry has determined that the proposed café would limit the ability to plant a tree.

The fee for tree planting would not be required if:

- iii. There is no available space to plant a tree;
- iv. There is already a tree at the proposed sidewalk cafe location; and
- v. The application is for a marketing display or parklet café.

Implementation

Proposed Implementation

New applicants:

- As of Sep 1, 2019 – all **new** permit applicants must meet the harmonized by-law requirements and pay new permit fees
- Applications submitted before Sep 1 will be processed under the applicable by-law that existed prior to Sep 1 and appeals made will also be processed under the former by-law.
- Report back in three years with an update on progress on implementation



Grandparenting Existing Permit Holders

- A change from the 2017 December report is that the 2025 deadline for compliance for existing permit holders is eliminated
- The updated proposal is that existing permit holders can continue to operate under the conditions of their original agreement with the City
- They will be brought into compliance with the new rules when one of the following occurs:
 - **Permit transfer** (e.g., change in owner);
 - **Street redesign or reconstruction**; or
 - **Expanded permit area is proposed** by a permit holder in applying to add to their permit area (e.g., add a curbside area)



Summary of Impact Analysis

Key Highlights from the Impact Analysis	Main Streets
No. of locations where the current pedestrian clearway requirement is not available	336
No. of patios exceeding their allowable size based on their permit (by more than 2 sq. metres)	199 (60%)
No. of businesses impacted by the 2.5m requirement upon permit transfer (i.e., change in owner or if street is reconstructed)	57
No. of potential locations where impacts could be reduced if a piece of street furniture or other obstruction is moved or modified (e.g., A-frame, movable planter, bench, bollard, bike ring, etc.)	150
Note: more than one obstruction could be at a sidewalk café location.	

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 2019-2022 to support grandparenting and transferees
- The priority for this support will be focused on **main street locations** with several pinchpoints and high pedestrian volumes



Supporting Pedestrians

- Clarity on pedestrian clearway minimums and definition
- Consistent decision-making
- 2.5 metre minimum for certain Downtown Streets
- Requiring fencing for frontage cafés on arterials so there is a “shoreline” for white cane detection
- Higher fines and other enforcement measures to promote compliance
- Greater outreach and design guidance to help businesses be better corporate citizens (once by-law is adopted – the production of a user-friendly manual and staff resources to review applications and address pinchpoints)
- \$450,000 Public Realm Reserve Funds dedicated to improving “pinch points” around existing sidewalk cafés, so that potentially, businesses don’t have to reduce their café size

Supporting Local Business

- Proposed permit fees phased in over 10-years
- “small cafe” permit holders will no longer have any fees
- New business opportunities through new café types:
 - small curbside standing café, curbside, frontage & curbside combination, parklet, curbside and parklet combination, extended frontage, extended curbside, retractable café
- Grand-parenting existing permitted cafés until a change in ownership (permit transfer) or street reconstruction
- Permit holders can operate throughout winter and no longer need to remove fencing
- \$450,000 Reserve Funds dedicated to improving “pinch points” around existing sidewalk cafés

Next Steps

Economic & Community Development Committee **March 6, 2019**

We want to hear from you!

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