

Sidewalk Cafes and Marketing Displays Bylaw and Fee Harmonization

Project Update

Prepared by MLS & Transportation Services for stakeholder consultation
January 2019

Background

- Objective is to harmonize 6 different Bylaws into 1 consistent City-wide Bylaw
- Opportunity for businesses and also to improve pedestrian environment
- Proposal for harmonization was considered by a joint committee in Dec. 2017
- The report included a requirement for all permits to comply with pedestrian clearway standards by 2025
- Committee referred the report back to staff for further study and refinement

Discussion themes from Joint Committee Meeting (Dec. 2017)

Councillors...	some support; want to know impact of proposal (fees & ped. clearway); tree fee; uncertainty around scope
Local business...	some support, but would like lower application / permit fee and minimal/zero impacts (on patio size, winter fence removal); want to know where revenue goes
Resident Associations...	some support; want enhanced enforcement; uncertainty around scope; not supportive of year-round enclosed café proposal
Walking Advocates...	some support; want enhanced enforcement; uncertainty around scope

Project Scope

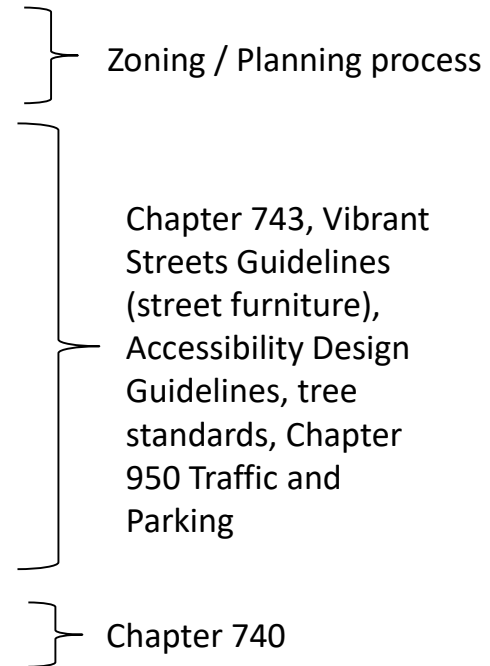
In Scope...



Cafés, parklets & marketing displays on the public right-of-way (“the street”)

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



Today's Focus

Policy Revisions

1. Grandfathering (elimination of 2025 deadline)
2. Application fee
3. Fee for Tree Planting
4. Winter Cafes

Program Costs and revenue

Next Steps

Grandfathering

Dec. 2017 Proposal

- All existing permits required to meet ped. clearway standards by 2025

Current Proposal

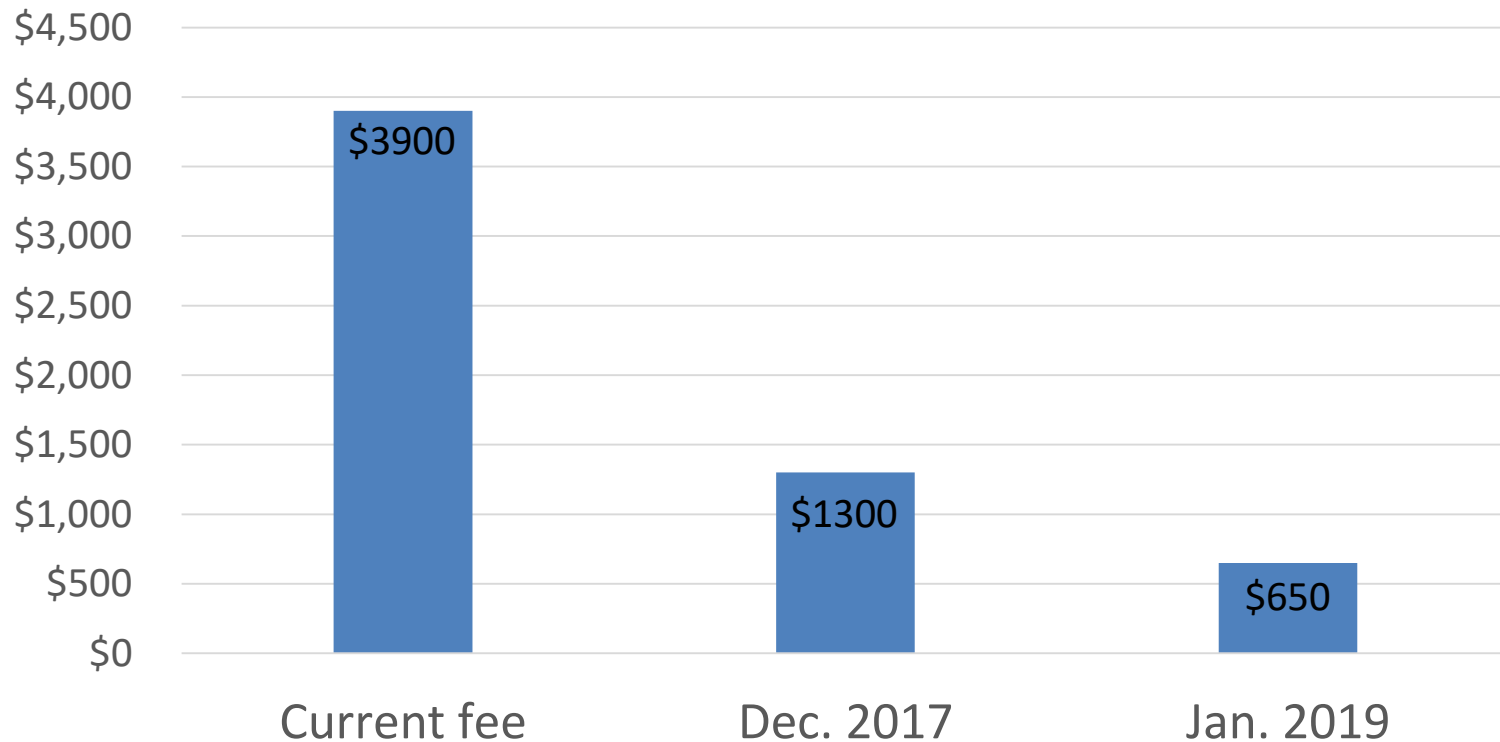
- Existing permits will be grandfathered
- Those that don't meet ped. clearway standards will be brought into compliance over time:
 - Permit transfer/sale of business
 - Street redesign/ reconstruction
- If a safety issue is identified, the City would have the ability to amend the permit area

Reduced Application Fee: \$865



Reduced “Tree Fee”: \$650

Revised Fee for Tree Planting



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.

Winter Cafes

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 each year

What we heard...

- Regular patio operators /BIA's 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

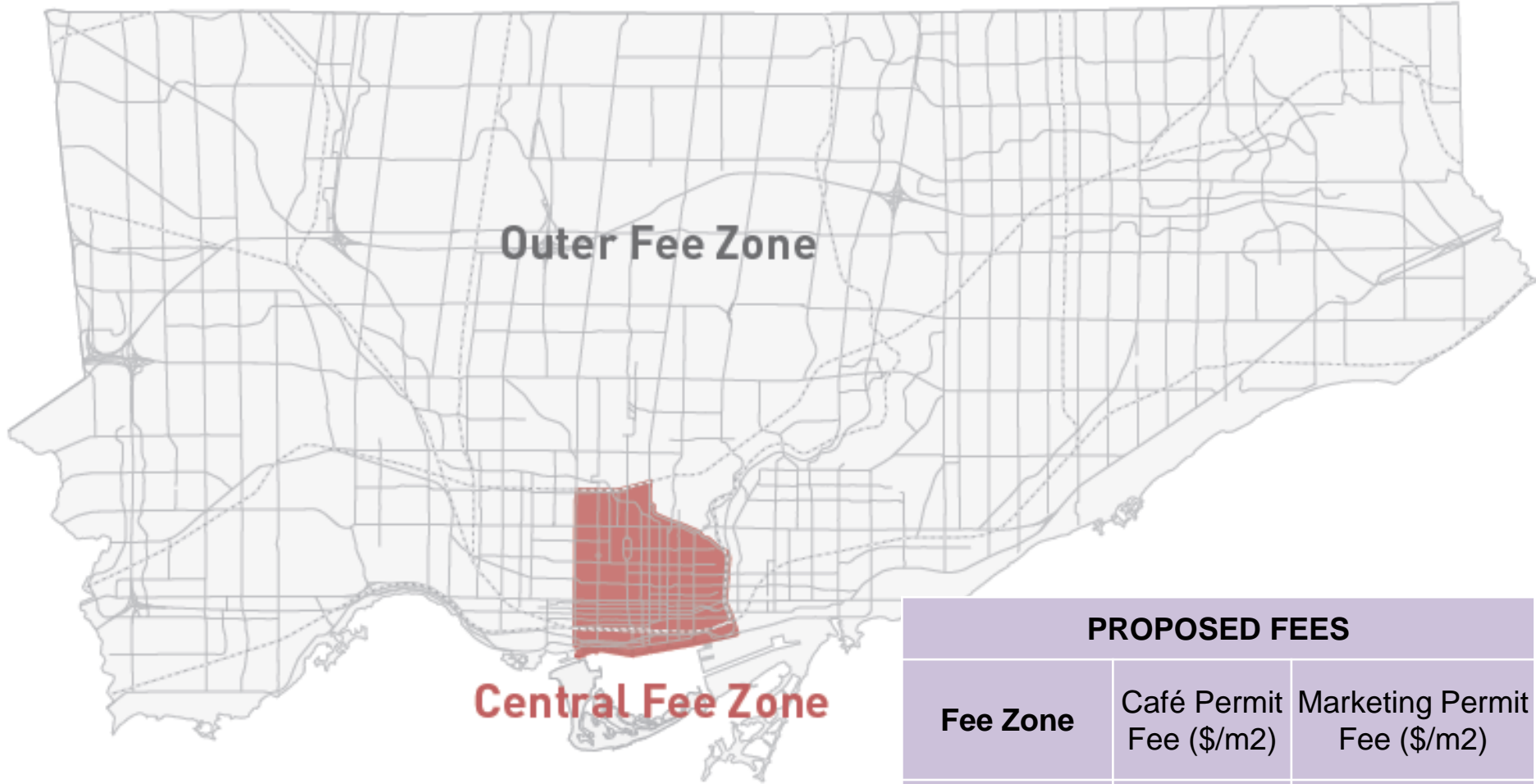
Winter Cafes

Current Option

- Fencing on arterials will be permitted to remain in place year-round provided that....
 - i. The café is a frontage café, against the building wall
 - ii. The minimum pedestrian clearway is provided*
 - iii. The permit holder clears the sidewalk of snow
 - iv. The permit holder salts the sidewalk
 - v. The permit holder does not use the permit area for storage
- Cafes will be permitted to operate year-round where the above criteria are satisfied
- Enhanced enforcement and temporary permit suspension if the criteria is not met
- Temporary café enclosures no longer within the harmonized Bylaw



Current Proposal: 2 FEE ZONES



PROPOSED FEES		
Fee Zone	Café Permit Fee (\$/m ²)	Marketing Permit Fee (\$/m ²)
Central Zone	\$88.31	\$62.65
Outer Zone	\$44.14	\$38.12

Where does the revenue go?

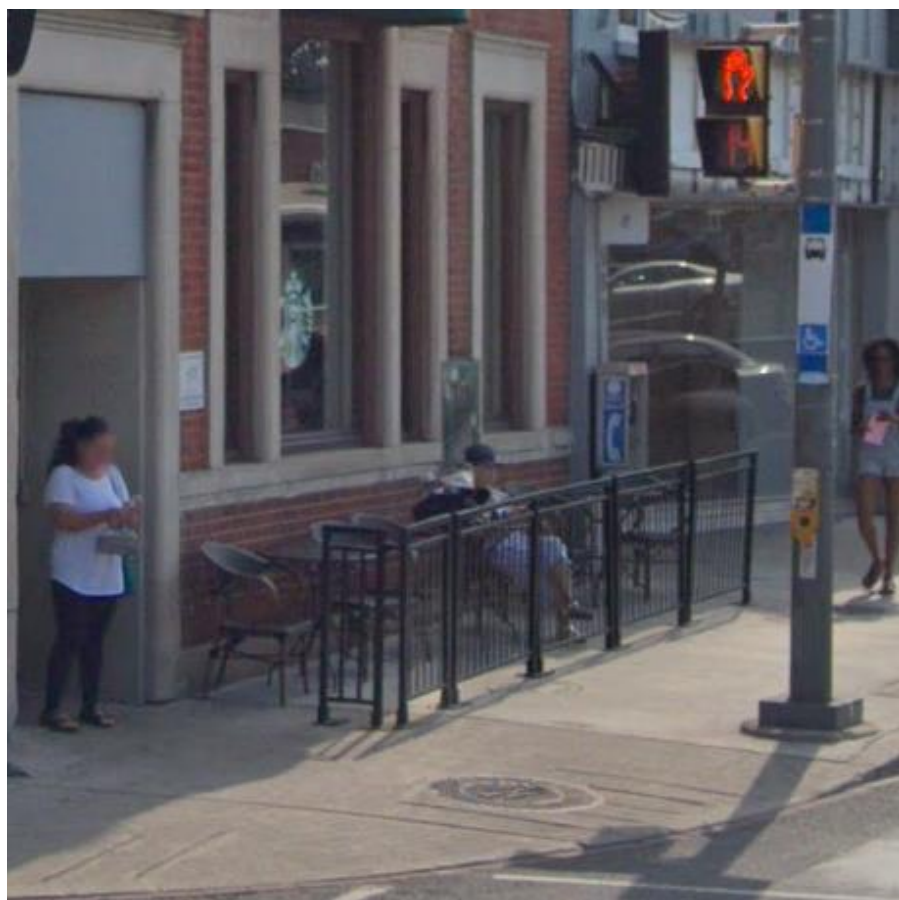
- Revenue from the application fee will recover 30% of program costs
- Remaining program costs funded by permit fee revenue
- Full program cost will not be recovered until 5 years after implementation

Annual Program Cost: \$1.2m

- All direct and indirect program costs including:
 - Application intake, review and assessment
 - Permit issuance
 - Permit renewals
 - Review and resolution of pedestrian clearway compliance
 - 11 new café, parklet and marketing types created
 - Enforcement

Supporting Existing Permit Holders

- ✓ Proposed permit fees phased in over 10-years
- ✓ “small cafe” permit holders will no longer have any fees
- ✓ More 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



- Small Frontages: 0.8m x 5.5m
- These businesses will no longer need to pay for a permit
- ~\$200 annual saving

Creating new business opportunities

- ✓ Permit fees “frozen” for the next 10-years (no annual inflation)
- ✓ Upfront application costs reduced since initial proposal
(application fee reduced by \$430 and tree fee reduced by \$650)
- ✓ New “small cafe” configuration with no application fee and no annual permit fee
- ✓ More 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
- ✓ Permit holders can operate throughout winter and no longer need to remove fencing

Winter City

The Best Trips to Take in Winter

When the weather outside is frightful, turn to one of these escapes.



By Erica Lamberg Jan 3, 2019

THE OPRAH MAGAZINE



FUCKER / JASON BAKER



15 of 19

Toronto, Canada

A superb spot for foodies, put a liquid blanket on at the Toronto Winter Brewfest in early March. Plus, 200 restaurants are participating in Toronto's major food event, Winterlicious. Enjoy three-course prix fixe lunch menus priced at \$23, \$28 and \$33 and dinner menus priced at \$30, \$40 and \$50. Restaurants start accepting reservations for the



Next Steps

Economic & Community Development Committee
March 6, 2019

We want to hear from you!

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