

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interests

Presentations & Recognitions

1. The Director of Public Works Services to address the Committee with a PowerPoint presentation regarding Northern Six Waste Collection Contract. (Related to Item 4)
2. The Business Performance Coordinator to address the Committee with a PowerPoint presentation regarding Asset Management Policy and Strategy. (Related to Item 5)

Deputations

3. Mr. Andrew Tedford, Wickedly Sinful Truck Eats & Sweets to address the Committee regarding a food truck pilot project and new refreshment vehicle by-law recommendations. p. 1

Consent Items (Items # 4 to 9, 11 to 16)

4. Development and Infrastructure Services Report - Public Works Services PWS 2016-08 dated January 18, 2016 regarding Northern Six Waste Collection Contract - 2017-2027 - Request for Proposal Preparation Update # 3. p. 111

The Chief Administrative Officer, the Commissioner of Development and Infrastructure Service and the Director of Public Works Services recommend:

a) THAT Development and Infrastructure Services Report - Public Works Services – PWS 2016-08 dated January 18, 2016 regarding Northern Six Waste Collection Contract 2017-2027 – Request for Proposal Preparation Update be received and the following recommendations be adopted:

i) THAT staff be directed to work collaboratively with the Northern Six municipalities on the preparation of the Request for Proposal (RFP) for a Northern Six Waste Collection Contract for up to a 10-year term beginning September 1, 2017;

ii) AND THAT Council approve a By-law authorizing the Mayor and Clerk to execute a Memorandum of Understanding between Newmarket and the Towns of Aurora, Georgina, East Gwillimbury, Whitchurch-Stouffville and the Township of King that provides for the administration of the joint waste collection contract between the Northern Six Municipalities and a future waste collection contractor successful in an RFP selection process;

iii) AND THAT the Service Level Criteria for Customer Service and other performance objectives as noted in this Report be included in the Request for Proposal, noting best management practices.

5. Development and Infrastructure Services - Commissioner Report 2016-01 dated January 11, 2016 regarding Asset Management Policy and Strategy. p. 130

The Commissioner of Development and Infrastructure Services recommends:

a) THAT Development and Infrastructure Services - Commissioner Report 2016-01 dated January 11, 2016 regarding Asset Management be received and the following recommendation be adopted:

i) THAT Council adopt Corporate Policy CAO.4-01 'Asset Management' attached as Appendix A.

6. Development and Infrastructure Services - Planning and Building Services Report 2016-01 dated February 1, 2016 regarding the Development Coordination Service Arrangement. p. 141

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-01 dated February 1, 2016 regarding the Development Coordination Service Arrangement be received and the following recommendations be adopted:

i) THAT the Town continue with the best practice model of the Development Coordination Committee with an outsourced 'Development Coordinator' role at a 'preferred client discounted rate' for all residential subdivision developments outside of the Urban Centres Secondary Plan area;

ii) AND THAT the current Professional Consulting Services Agreement with HBR Planning Centre as the Town's Development Coordinator be extended for a period of three years, plus two one-year renewal options;

iii) AND THAT the following be advised of this action: Mr. Howard Friedman, HBR Planning Centre, 66 Prospect Street, Newmarket, ON L3Y 3S9

7. Development and Infrastructure Services - Planning and Building Services Report 2016-03 dated January 21, 2016 regarding a technical amendment to the Town's comprehensive Zoning By-law 2010-40. p. 147

The Director of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-03 dated January 21, 2016 regarding a technical amendment to the Town's comprehensive Zoning By-law 2010-40 be received and the following recommendation be adopted:

i) THAT the proposed zoning amendment for the subject lands re-establishing the 45 metre setback be approved and that staff be directed to prepare the necessary Zoning By-law Amendment.

8. Development and Infrastructure Services - Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 260 Eagle Street. p. 159

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application or Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Ms. Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

9. Corporate Services - Legislative Services Report 2016-04 dated January 21, p. 169 2016 regarding Ward 2 Egg Laying Hens Pilot Project.

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Report – Legislative Services 2016-04 dated January 21, 2016 regarding “Keeping of Hens” be received and the following recommendations be adopted:

i) THAT Council endorse a 12 month pilot project in Ward 2 for up to five (5) residential properties regarding the keeping of egg laying hens in backyards commencing March 1, 2016;

ii) AND THAT regulations for the keeping of backyard hens and coops be put in place, (attached as Appendix “A”) to come into effect on March 1, 2016;

iii) AND THAT Schedule “A” of the Animal Control By-law 2008-61 prohibiting chickens be waived for the duration of the pilot project;

iv) AND THAT staff report back to Council regarding the outcome of the Ward 2 egg laying hens pilot project.

10. Community Services Report - Recreation and Culture - Corporate Services - Finance Joint Report 2016-08 dated January 27, 2016 Potential Hollingsworth Arena Replacement Next Steps. (See 10a)

11. Correspondence dated January 18, 2016 from Ms. Andrea McKechnie, Support Committee, Queen's York Rangers 2799 Army Cadet Corps requesting permission to conduct tag days on April 16, 2016 and September 15 to September 18, 2016. p. 180

Recommendations:

a) THAT the correspondence from Ms. Andrea McKechnie, Queen's York Rangers 2799 Army Cadet Corps be received and the following recommendations be adopted:

i) THAT permission be granted to conduct tag days in the Town of Newmarket on April 16, 2016 and September 15 to September 18, 2016;

ii) AND THAT Ms. McKechnie be notified in this regard.

12. Accessibility Advisory Committee Minutes of November 19, 2015. p. 181

The Accessibility Advisory Committee recommends:

a) THAT the Accessibility Advisory Committee Minutes of November 19, 2015 be received.

13. Main Street District Business Improvement Area Board of Management Minutes of December 15, 2015. p. 185

The Main Street District Business Improvement Area Board of Management recommends:

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of December 15, 2015 be received.

14. Audit Committee Minutes of October 13, 2015. p. 192

The Audit Committee recommends:

a) THAT the Audit Committee Minutes of October 13, 2015 be received.

15. Central York Fire Services - Joint Council Committee Minutes of December 15, 2015. p. 196

The Central York Fire Services - Joint Council Committee recommends:

a) THAT Central York Fire Services - Joint Council Committee Minutes of December 15, 2015 be received.

16. List of Outstanding Matters. p. 200

Recommendation:

a) THAT the List of Outstanding Matters be received.

Action Items

Reports by Regional Representatives

Notices of Motion

Motions

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

17. Joint Community Services - Recreation and Culture - Corporate and Financial Services (Closed Session) Joint Report 2016-07 dated January 25, 2016 regarding a proposed or pending acquisition or disposition of land by the municipality or local board and advice subject to solicitor/client privilege as per Sections 239 (2) (c) and Section 239 (2) (e) of the Municipal Act. (Hollingsworth Arena)

Public Hearing Matters

Addendum (Additions and Corrections)

18. PowerPoint Presentation by the Director of Public Works Services regarding Northern Six Waste Collection Contract RFP Update # 3. (Related to Item 4) p. 208
19. PowerPoint Presentation by the Business Performance Coordinator regarding Asset Management Policy and Strategy. (Related to Item 5) p. 209
20. Community Services - Recreation and Culture - Corporate Services - Finance Joint Report 2016-08 dated January 27, 2016 regarding Potential Hollingsworth Arena Replacement Next Steps. p. 215

The Commissioners of Community Services and Corporate Services and the Directors of Recreation and Culture and Financial Services recommend:

a) THAT Community Services - Recreation and Culture and Corporate Services - Finance Report 2016-08 dated January 27, 2016 regarding Potential Hollingsworth Arena Replacement Next Steps be received and the following recommendations be adopted:

i) THAT Council provide direction to staff with respect to Option A or Option B:

Option A: THAT Council direct staff to work on an operating and capital agreement related to the construction of a new arena at Pickering College with the agreement to come back to Council for approval prior to execution;

AND THAT while the agreement is being developed a joint public meeting with Pickering College be held to seek public input on the concept of a new arena at Pickering College;

OR

Option B: THAT the Town not advance arena negotiations further with Pickering College but to instead look at any other future partnerships that might arise with Pickering College;

AND THAT staff report back with new arena options that would be constructed on Town owned land within the next 45 days;

ii) AND THAT final direction with respect to replacing Hollingsworth Arena be subject to the San Michael Developments negotiations being completed and a Letter of Intent being approved by Council.

Adjournment

Deputation and Further¹ Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Subject:

Date of Meeting: Agenda Item No.:

☒ I wish to address Council / Committee

☒ I request future notification of meetings.

Name:

Organization / Group/ Business represented:

Address: Postal Code:

Email:

Home Phone: Business Phone:

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

screen shot : Full article link below

<http://www.citynews.ca/2012/05/04/food-trucks-fuel-torontos-craving-for-street-food/>

Food trucks fuel Toronto's craving for street food

BY NEWS STAFF

POSTED MAY 4, 2012 9:32 AM EST

LIFE

When tickets went on sale earlier this month for the city's inaugural Street Food Block Party, all 2,500 were gone in a few hours. A second batch of 500 released 13 days later sold out in less than 10 minutes.

Since then frantic posts have flooded the event [Facebook page](#) ("Looking for tickets please!!!!") as well as an offer to pay a ticketholder double the \$20 face value, which doesn't include food.

This Saturday's collaboration between two nascent organizers — [Ontario Food Trucks](#) and [Toronto Underground Market](#) — is the latest in a series of food events celebrating diversity in a city where the hot dog rules.

The Evergreen Brick Works affair will host amateur chefs, beer and wine vendors and food trucks peddling everything from red velvet cupcakes to smoked meat.

It turns out even Toronto's restrictive bylaws couldn't stop food lovers from tackling the street-food vacuum two years ago, when the bulk of food trucks in the city sold fries and ice cream.

It was in July 2010 that Aussie expat Adam Hynam-Smith and his wife Tamara opened the first gourmet truck in the province. [El Gastronómo Vagabundo](#) first set up at Flat Rock Cellars, a winery in the Niagara region, and was soon a staple of events in Toronto.

Hynam-Smith had read about L.A.'s [Kogi BBQ](#) — a roving Korean taco truck — and came up with his concept while "mucking around" in the Ottawa restaurant where he worked at the time.

"I went home to [Tamara] and I said, 'Do you know what we're gonna do? We're gonna open a taco truck,'" he said.

"We thought, 'Let's get on this 'cause this is gonna be awesome.' So we bit the bullet and did it. And then the entire industry blew up."



TOWN OF NEWMARKET

Parks, Recreation and Culture Department

January 8, 2008

COMMUNITY SERVICES - PARKS, RECREATION AND CULTURE AND CORPORATE AND FINANCIAL SERVICES – CLERK'S DEPARTMENT JOINT REPORT 2008-02

TO: Committee of the Whole

SUBJECT: Outdoor Food/Beverage Vendors Operating Within Town Parks/Property

ORIGIN: Director, Parks, Recreation & Culture

RECOMMENDATIONS

THAT Community Services - Parks, Recreation & Culture and Corporate and Financial Services – Clerk's Department Joint Report 2008 – 02 dated January 8, 2008 regarding Outdoor Food/Beverage Vendors operating within Town Parks/Property be received and that the fees outlined in this report be approved and by-law 2007-136 be amended to add Schedule G 15 (food/beverage vendors in Town Parks) accordingly.

COMMENTS

This report outlines the ongoing improvements being made to the park vending process by Parks, Recreation and Culture and Clerk's Department staff. As Council may be aware, the Parks, Recreation and Culture department permits a limited number of outdoor food/beverage vendors to operate in Town parks provided they meet certain criteria and pay the required fee. Any vendor must however, comply with all licensing by-laws and be the holder of a current Refreshment Vehicle license obtained through the Clerk's Department.

In reviewing the current practice and after meeting with the stakeholders, staff will be changing the process for permitting Outdoor Food/Beverage vendors to operate in Town Parks/property. An RFP will be conducted for the one permitted location in Fairy Lake Park – the current vendor location will be relocated as a result of feedback from Municipal Staff and Vendors to address safety and access issues at the Fairy Lake driveway. The RFP will be for a three year period overall but renewable annually based upon the agreement of both parties – ie. Town and the successful bidder.

The proposed RFP will outline excluded dates, customer service expectations, operating expectations (such as restrictions related to playing music) and notification for special events requiring an additional permit.

Special events days in 2008 that will be excluded from annual permits are*:

- Winterfest - Feb 1 and 2 – Fairy Lake Park
- Ecology Festival – June 7 and 8 – Fairy Lake Park
- Artisans Festival – June 14 and 15 – Fairy Lake Park
- Kingfest – June 28 and 29 – TBC – Fairy Lake Park or George Richardson Park or ?
- Kanata – July 1st – Fairy Lake Park (see note* below)
- Ribfest – August 15, 16 and 17 – Fairy Lake Park

*The July 1st Kanata Festival will be included in the RFP as an option day. RFP will call for proposals with and without July 1st access.

*Dates in 2009 and onwards will be provided to Vendors annually

*Special event permits may be issued for these dates only if authorized by the Parks, Recreation and Culture department after consultation with event committee members.

Locations available on single special event days for food/beverage operators to consider will be subject to a policy that will be developed by staff over the next few months.

PROPOSED FOOD/BEVERAGE VENDOR LEASE FEE PRICE STRUCTURE

Annual Lease Fee for One Fairy Lake location (excluding Special Event Days) Request for Proposals

Annual Lease Fee for Mobile Vendors (excluding Special Event Days)	\$300.00 per annum *
July 1 st Special Event	\$300.00 per location
Special Event Day	\$100.00 per location

* Per annum represents a twelve month period that corresponds with their business license obtained through Clerk's Department.

Proposed fees have been posted on the Town Page in the Era Banner for two weeks.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well Balanced

- Events that help shape identity and contribute to community spirit
- Green and open spaces, parks and playing fields

Well Equipped and Managed

- Efficient management of capital assets and municipal services to meet existing and future operational demands

CONSULTATION


A joint listening session was held on December 3rd, 2007, by the Parks, Recreation and Culture and Clerks Departments to gather feedback from Town vendors. This was a publicly advertised feedback opportunity, with personal invitations extended to current vendors. Following that meeting a phone call was received by an absent party to add further input.

BUDGET IMPACT

It is anticipated that this program will generate modest revenue to be reflected in the 2008 operating budgets.


CONTACT

For more information on this report, please contact Brenda Farrell at 905 895 5193 x 2601; bfarrell@newmarket.ca



Brenda Farrell
Director of Parks, Recreation and Culture

Anita Moore
Town Clerk

Rob Prentice
Commissioner of Community Services

Robert Dixon
Commissioner of Corporate and Financial Services
_____: rw

IM/AM/RW

**TOWN OF NEWMARKET
SCHEDULE G (15)
USER FEES - 2008**

Department: Parks, Recreation & Culture

Key Business: Food/Beverage Vendors in Town Parks
Effective February 12, 2008

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO GST YES/NO	2007 FEE WITHOUT GST	2008 FEE WITHOUT GST	GST AMOUNT	TOTAL FEE
Annual Lease Fee for One Fairy Lake Location (excluding Special Event Days)		Y	New	Request for Proposals		
Annual Lease Fee for Mobile Vendors(excluding Special Event Days)	per annum*	Y	New	\$ 300.00	\$ -	\$ 300.00
July 1st Special Event	per location	Y	New	\$ 300.00	\$ -	\$ 300.00
Special Event Day	per location	Y	New	\$ 100.00	\$ -	\$ 100.00

Note: Per annum represents a twelve month period that corresponds with their business license obtained through Clerk's Department.

Subject: Council Extract - February 11, 2008 Item 28 COMMITTEE OF THE WHOLE – FEBRUARY 4, 2008 – ITEM 15 JOINT REPORT OF COMMUNITY SERVICES – PARKS, RECREATION AND CULTURE AND CORPORATE AND FINANCIAL SERVICES – CLERK’S 2008-02 OUTDOOR FOOD/BEVERAGE VENDORS

Town Council Electronic Extract - Date: February 11, 2008

28. **COMMITTEE OF THE WHOLE – FEBRUARY 4, 2008 – ITEM 15
JOINT REPORT OF COMMUNITY SERVICES – PARKS, RECREATION AND
CULTURE AND CORPORATE AND FINANCIAL SERVICES – CLERK’S 2008-02
OUTDOOR FOOD/BEVERAGE VENDORS**

THAT the deputation by Mr. Bourget, Banana Moon Hotdogs, with respect to Joint Report of Community Services – Parks, Recreation and Culture and Corporate and Financial Services – Clerk’s 2008-02 dated January 8, 2008 regarding Outdoor Food/Beverage Vendors operating within Town Parks/Property be received;

AND THAT Joint Report of Community Services – Parks, Recreation and Culture and Corporate and Financial Services – Clerk’s 2008-02 dated January 8, 2008 regarding Outdoor Food/Beverage Vendors operating within Town Parks/Property be received and that the fees outlined in this report be approved and By-law 2007-136 be amended to add Schedule G 15 (food/beverage vendors in Town Parks) accordingly.



Town of Newmarket
 395 Mulock Drive
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 recreation@newmarket.ca
 T: 905 895.5193
 F: 905 953 5113

May 4, 2011

**COMMUNITY SERVICES - RECREATION AND CULTURE
 INFORMATION REPORT # 2011 - 31**

TO: Members of Council

COPY: Bob Shelton, CAO
 Rob Prentice, Commissioner of Development and Infrastructure Services
 Bob Dixon, Commissioner of Corporate and Financial Services
 Members of OLT

SUBJECT: CUSP Food/Beverage Vendors

ORIGIN: Ian McDougall, Director of Recreation and Culture

COMMENTS

The purpose of this report is to present the current staff position with respect to mobile food/beverage vendors wanting to access a permit for ongoing and/or special event food/beverage vending.

Council adopted Recreation and Culture and Clerks Joint Report # 2008-02, which outlined specific locations where outdoor food/beverage vendors would be permitted, under which events/conditions and at which rate schedule. For reference purposes that report and extract are attached.

A consistent principle throughout the CUSP design, construction, and eventual programming has been to create a close link to Main Street and area businesses and it would seem that allowing mobile food/beverage vendors would be counterproductive to this end. With any inquiry for outdoor vending at CUSP, staff is operating under Report # 2008 – 02 and is not considering any annual and/or special event permit locations at this time.

However, there are two exceptions when outdoor food and beverage vendors are being permitted within CUSP:

- Those vendors approved by the Farmers Market to operate as part of the Farmers Market (Saturday mornings), and,
- Case by case approval for community events hosted by the Town and/or local service clubs (e.g. outdoor pancake breakfast, Ribfest, etc).

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

- Emphasis on active lifestyles and recreation opportunities

Well Balanced

- Recreation facilities and services
- Youth and Seniors' facilities and programs

Well – Equipped and Managed

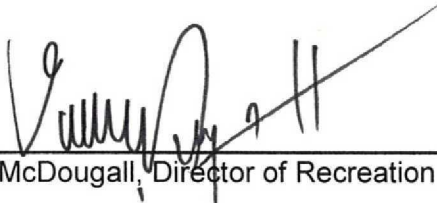
- Fiscal responsibility

BUDGET IMPACT

Annual rates and fees for food/beverage vendors are recommended based on the Council adopted Service Price Policy and five year implementation plan. By not permitting food/beverage vendors in the CUSP area, there is a nominal loss of revenue. However, not permitting food/beverage vendors on the CUSP site will have a positive impact on downtown businesses.

CONTACT

For more information on this report, please contact Ian McDougall, Director of Recreation and Culture at imcdougall@newmarket.ca or at extension 2601.



Ian McDougall, Director of Recreation & Culture



Rob Prentice, Commissioner of Community Services

_____: im
IM



**THE CORPORATION OF THE TOWN OF WHITBY
CLERK'S DIVISION**

**575 Rossland Road East
Whitby, Ontario L1N 2M8
Phone: (905) 668-5803
Fax: (905) 686-7005**

REFRESHMENT VEHICLE INFORMATION

PLEASE READ THE ATTACHED SCHEDULE "10" TO BY-LAW 5545-04

1. General Inquiry: 905-430-4315 – Clerk's Division
2. Refreshment Vehicle Licence Fees: (CASH or INTERAC only)

Mobile Canteen	\$120.00
Refreshment Cart	\$120.00
Refreshment Truck	\$120.00
Refreshment Cycle	\$80.00
3. The Town of Whitby does **NOT** accept trailers.
4. To ensure the site location of the refreshment truck and/or cart is zoned for this use, please contact the Planning Department at (905) 430-4306.
5. The following documents **MUST** be returned with the application:
 - a. Letter from the Medical Officer of Health approving the vehicle for use as a refreshment vehicle.
 - b. Photograph of the refreshment vehicle.
 - c. Written permission from the owner of the property where vehicle is to be located.
 - d. Sketch of the location, drawn to scale, showing the proposed location.
 - e. Proof of one million dollar insurance policy on motorized vehicles.
Proof of fifty thousand dollar insurance policy on non-motorized vehicles.
 - f. If fitted with propane or natural gas, a current certification letter from an authorized gas fitter.
 - g. If vehicle is a motor vehicle: Vehicle registration, Current provincial vehicle permit, Current safety standards certificate.
6. A refreshment vehicle licence is valid for one year.



**THE CORPORATION OF THE TOWN OF WHITBY
CLERK'S DIVISION**

**575 Rossland Road East
Whitby, Ontario L1N 2M8
Phone: (905) 668-5803
Fax: (905) 686-7005**

**REFRESHMENT VEHICLE
APPLICATION FORM**

New Licence <input type="checkbox"/>	Renewal <input type="checkbox"/>	Type of Licence: REFRESHMENT VEHICLE
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The following **MUST** be **FULLY COMPLETED** in order to process the licence(s) applied for and returned to the above office along with the applicable fees.

NAME OF BUSINESS:

Business Address:

Street _____

City _____

Postal Code _____

Phone Number:

NAME OF APPLICANT:

Address:

Street _____

City _____

Postal Code _____

Phone Number:

Date of Birth:

_____ (month/day/year)

**Applicant's Driver's
Licence Number:**

**Name of Owner/ Partner
Other than Applicant:**

Name _____

Address and Postal Code _____

Phone Number _____

COMPANY NAME:

**OWNER OF PROPERTY
WHERE REFRESHMENT
VEHICLE IS TO BE
LOCATED:**

Name _____

Address and Postal Code _____

Phone Number:

Is this a change of Ownership/Continuation of an Existing Business? Yes ☐ No ☐

FEE: \$	Receipt No.:	Licence No.:
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Personal information on this form is collected under the authority of the Municipal Act, 2001, c. 25, and will be used to determine compliance with the provisions of the Town's Licensing By-Law. This information may be forwarded to various Town Departments and the Region of Durham for comment. Questions about this collection should be directed to the Town Clerk, 575 Rossland Road East, Whitby, Ontario, L1N 2M8, 905 430-4315.

The undersigned hereby applies for a licence as described, and agrees to comply with all municipal by-laws and regulations and all other application requirements. The applicant hereby acknowledges that the Town of Whitby, in processing the application, may make such inquiry and searches as it deems appropriate and the applicant hereby authorizes the release of all police and other records and information at this or at anytime by any person to Town Council, provided such information is received and discussed "in camera" and otherwise remains confidential, unless the applicant requests otherwise in writing. The applicant understands that if requested by the Chief of Police, records and information will remain confidential.

In consideration of the issuance of the licence which is the subject matter of this application, the undersigned (joint and severally, if more than one) covenants and agrees to indemnify and save harmless the Town, its officers, employees, servants, agents, contractors and assigns, with respect to any and all actions, causes of action, claims, demands, proceedings, cost damages and expenses howsoever arising either directly or indirectly for the issuance of such licence and the carrying on of the business, project or other activity for which the licence is issued.

In the matter of Licensing by-law No. 5545-04 and amendments thereto, for regulating the issuance, renewal and approval of licences in the Town of Whitby, in the Regional Municipality of Durham:

I, _____, of the _____
(City/Town)

Do solemnly declare that:

1. I am the _____ of the applicant firm
(insert position i.e. president, partner, secretary etc.)
in this application and, as such, have knowledge of the facts heretofore set forth;
2. The statements contained in this application are, from my own knowledge, true;
3. This application discloses all facts known to me that are relevant thereto;

And I made this solemn declaration consciously believing it to be true, and knowing that it is of the same force and effect as is made under oath and by virtue of "The Canadian Evidence Act".

Declared before me at the **Town of Whitby**)

in the **Region of Durham**)

on the _____ day of _____)

a Commissioner _____)

Signature of Applicant

(Witness by a Commissioner required for new applicants only, not for licence renewals)

FOR HEALTH DEPARTMENT USE ONLY	
Does this application comply with all the By-laws and regulations within the jurisdiction of your department?	
Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
Date:	Signed:
Comments:	

REFRESHMENT VEHICLE LICENCE VEHICULAR INFORMATION

NAME OF APPLICANT: _____

COMPANY NAME: _____

Address: _____

Street

City

Postal Code

Phone Number: _____

**NAME OF INSURANCE
COMPANY OR AGENT:** _____

Address: _____

Street

City

Postal Code

Phone Number: _____

Policy Number: _____

DESCRIPTION OF VEHICLE(S)

1. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

2. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

3. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

4. Make _____ Year _____ Model _____

Vehicle Licence Plate No. _____ Colour _____

Serial Number _____

SCHEDULE "10"
TO
BY-LAW NO. 5545-04

RELATING TO REFRESHMENT VEHICLES

WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to license and impose conditions on refreshment vehicles for the purposes of health and safety, nuisance control and consumer protection;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

1. No person shall operate a vehicle as a refreshment vehicle within the corporate limits of the Town of Whitby without first obtaining a refreshment vehicle licence from the Town to do so.
2. A separate refreshment vehicle licence shall be required for each vehicle operated as a refreshment vehicle and the plate issued by the Town in respect of such licence shall be securely affixed to the outside front of the vehicle.
3. No vehicle other than a refreshment cart, a refreshment cycle, a refreshment truck, or a mobile canteen shall be licensed by the Town as a refreshment vehicle.
4. The Town shall have the right to deny an application for a refreshment vehicle licence where, in the Town's sole discretion, the vehicle type, appearance, or location is inappropriate, unsuitable, unacceptable or unsafe.
5. Every application for a refreshment vehicle licence shall be accompanied by,
 - (a.) payment of the prescribed licence fee as set out in Schedule "1" to this by-law;
 - (b.) a letter from the Medical Officer of Health approving the vehicle for use as a refreshment vehicle;
 - (c.) a photograph of the refreshment vehicle;
 - (d.) if the vehicle is a motor vehicle,
 - (i.) a copy of the motor vehicle registration;
 - (ii.) proof of the vehicle bears a current provincial motor vehicle permit;
 - (iii.) a safety standards certificate issued by a provincially authorized motor vehicle inspection mechanic not more than thirty (30) days prior to the submission of the licence application certifying that the vehicle to which the licence application relates complies in all respects with the applicable equipment and performance standards set out in the regulations made under the Highway Traffic Act, R.S.O. 1990, c. H.18, as amended, or any successor legislation in substitution therefore; and,
 - (iv.) proof that the vehicle in respect of which the application is made is covered by a policy of insurance, insuring in at least the minimum amount of one million dollars (\$1,000,000.00), exclusive of interest and costs, comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons or from loss of or damage to property resulting from any one accident and endorsed to the effect that the Town shall be given at least ten (10) days notice in writing of any cancellation, expiration or variation in the amount of the policy;
 - (e.) if the vehicle is not a motor vehicle, proof that the vehicle in respect of which the application is made is covered by a policy of insurance insuring in at least the minimum amount of fifty thousand dollars (\$50,000.00), exclusive of interest and costs, comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss of or damage to property resulting from any one accident and endorsed to the effect that the Town shall be given at least ten (10) days notice in writing of any cancellation, expiration or variation in the amount of the policy;
 - (f.) if the vehicle is fitted with propane or natural gas, a current certificate issued within thirty (30) days of the licence application by a provincially authorized propane or natural gas fitter, as the case may be, certifying that the vehicle to which the licence application relates complies with the applicable equipment and performance standards as prescribed by the Province of Ontario;

- (g.) where applicable, written permission of the owner or property manager of the property upon which the vehicle is to be located and operated;
 - (h.) in the case of the refreshment vehicle being located and operated within thirty (30) metres of an eating establishment, the written approval of the owner of the eating establishment, such minimum separation distance to be measured the shortest distance between the refreshment vehicle and the eating establishment; and,
 - (i.) if the application is in respect of a refreshment cart or a refreshment truck, a location sketch of the property on which the refreshment vehicle is to be located, drawn to scale, showing the proposed location of the refreshment vehicle in relation to all structures on the property, property lines, parking spaces and driveway entrances and exits.
6. No person shall locate or operate a refreshment vehicle on the travelled portion of a public highway which for the purposes of this Schedule shall mean the portion of the highway maintained for the passage of motor vehicles but shall not include the sidewalk or boulevard adjacent to the highway.
 7. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle, on a sidewalk or boulevard adjacent to a public highway.
 8. No person shall locate or operate a refreshment vehicle within thirty (30) metres of another refreshment vehicle, such minimum separation distance to be measured the shortest distance between the two vehicles.
 9. No person shall locate or operate a refreshment vehicle so that it creates any deficiencies in the Town's parking requirements as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town.
 10. No person shall locate or operate a refreshment vehicle in a public park or other public place unless he/she has received a permit for the Town to do so and has complied in all other respects with the provisions of this Schedule.
 11. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle or a mobile canteen, in any zone classification that does not permit the retail sale of goods as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town it being understood that nothing in this Section shall serve to prevent the operation of a refreshment vehicle in a public park or other public place with the Town's written consent.
 12. No person shall locate or operate a refreshment vehicle, other than a refreshment cycle or mobile canteen, closer than thirty (30) metres to any residential zone classification as established by the relevant restricted area (zoning) by-laws in effect from time to time in the Town, such minimum separation distance to be measured the shortest distance between the refreshment vehicle and the residential zone boundary.
 13. No person shall sell or permit the selling of food from a mobile canteen, a refreshment cart or a refreshment truck without making available to the public a receptacle for the disposal of refuse.
 14. No person shall sell or permit the selling of food from a refreshment vehicle unless,
 - (a.) the food is prepared, assembled, wrapped and sold in accordance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations made thereunder and any successor legislation in substitution thereof; and,
 - (b.) the persons engaged in the handling and selling of food comply with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and regulations made thereunder and any successor legislation in substitution thereof.
 15. Every owner of a mobile canteen or a refreshment truck shall furnish the vehicle with either a wet chemical or alkali based dry chemical fire extinguisher having a minimum rating of 20 BC and shall maintain the fire extinguisher in accordance with the Ontario Fire Code as may be amended from time to time and any successor legislation in substitution thereof.
 16. The provisions of Clauses 5(h) and 5(i) and Sections 6, 7, 8, 9, 10, 11 and 12 of this Schedule shall not apply to a special event in respect of which an exhibition licence has been issued by the Town.
 17. Every owner and operator of a refreshment vehicle shall, upon reasonable notice, produce the vehicle for inspection by the Town.

Business License Application Form



Request for:

☐ New License☐ Renewal License☐ Adult Entertainment Parlours

- ☐ Owner
☐ Owner/Operator
☐ Entertainer

☐ Adult Videos

- ☐ Store
☐ Video Tape Store

(where provision of Adult Videotapes is only incidental to the carrying on of the business of the provision of videotapes)

☐ Amusement - Place of

- ☐ Class A (more than 4)
☐ Class B (1 to 4)
☐ Class C (Mall up to 10)
☐ Family Entertainment Centre

☐ Auctioneers☐ Billiards

(No. of tables _____)

☐ Body Rub Parlour

- ☐ Body-Rub Parlour Owner
☐ Body-Rub Parlour Owner/Operator
☐ Body-Rub Parlour Operator
☐ Body-Rub Attendant's

☐ Bowling Alley☐ Carnival Location _____☐ Catering/Refreshment Vehicles/Carts

- ☐ Bicycle
☐ Carts
☐ Vehicle
☐ Operator

☐ Hawkers & Peddler (Duration of Sale)

Location: _____

From: _____ To: _____

- ☐ Class A
☐ Employer License
☐ Class B "Special Sale"
☐ Class C "Shopping Mall"
☐ Class D "Shopping Mall"
☐ Class E "Show Sale"

☐ Horse-Riding Establishment☐ Newspaper Boxes

(no. of boxes: _____)

☐ Outdoor Serving Area☐ Second Hand Goods Shops & Dealers**Business Information***Please Print Clearly*

Name: _____
 Corp: _____
 Address: _____
 City: _____ ProvPost: _____
 Phone: () - _____ Fax: () - _____
 E-Mail: _____

Mailing Address: (if different from business address)

Address: _____
 City/State: _____
 Postal Code: _____

License Information

Type: _____

Business Contacts

Name: _____
 Address: _____
 City: _____ ProvPost: _____
 E-Mail: _____

Business #: () - _____
 Home #: () - _____
 Fax: () - _____

Signature and Date

Applicant's Signature: _____

Date: _____

Received by: _____

Date: _____



Food Cartology

Rethinking Urban Spaces as People Places

Urban Vitality Group
Planning • Economics • Consulting



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Food Cartology Technical Advisory Committee

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Executive Summary

The Urban Vitality Group (UVG) partnered with the City of Portland, Bureau of Planning to study the effects that food carts have on street vitality and neighborhood livability. The number of food carts within the city seems to be growing, while the City lacks sufficient knowledge about the industry to guide policy. The purpose of the study was to assess the benefits and negative consequences of allowing food carts within the city and to ascertain what economic opportunities may be offered by food carts, especially for low-income and minority entrepreneurs. The findings indicate that food carts have significant community benefits to neighborhood livability by fostering social interactions, walkability, and by providing interim uses for vacant parcels. Additionally, carts provide good employment opportunities for immigrants and low-income individuals to begin their own businesses, although there are significant barriers to continued stability and success. The City's support of the food cart industry can advance the key public values expressed in VisionPDX and benefit all Portlanders.

To understand the economic and social implications of Portland's growing food cart industry, the project's goal was to answer the following questions:

- **Neighborhood Livability:** What effects do food carts have on street vitality and neighborhood life? What are the positive and negative impacts of food carts on the community?
- **Community Economic Development:** To what extent do food carts serve as an entry-point into long-term business ownership? Do carts provide beneficial economic opportunities for residents of Portland?

UVG assembled an extensive body of information through literature review, primary data collection, and stakeholder input. Primary data collection efforts included: surveys of cart owners and neighboring businesses; an intercept survey of pedestrians around the study sites; an online public survey; site and cart inventories; and interviews of these groups, as well as other organizations that play a role in managing or supporting food carts as a micro-enterprise. These data informed a comparison of the start-up costs between a push cart, stationary mobile cart, and small storefront business. UVG studied four food cart cluster sites in depth, located in downtown, Sellwood, Mississippi, and Cully neighborhoods.

Findings

The following key findings are based on the results of the data collection, as well as consultation with experts:

1. Food carts have positive impacts on street vitality and neighborhood life in lower density residential neighborhoods as well as in the high density downtown area.
2. When a cluster of carts is located on a private site, the heightened intensity of use can negatively impact the surrounding community, primarily from the lack of trash cans.
3. A cart's exterior appearance does not affect social interactions or the public's overall opinion of the carts; seating availability is more important for promoting social interaction than the appearance of the cart's exterior.

Executive Summary

4. The presence of food carts on a site does not appear to hinder its development.
5. Food carts represent beneficial employment opportunities because they provide an improved quality of life and promote social interactions between owners and customers.
6. Despite the beneficial opportunities that food carts can provide, there are numerous challenges to owning a food cart.
7. While many food cart owners want to open a storefront business, there is a financial leap from a food cart operation to opening a storefront.
8. Food cart owners do not frequently access small business development resources available to them, such as bank loans and other forms of assistance.

Recommendations

Based on the data collected, UVG's recommendations promote the benefits of the industry and mitigate negative impacts. The recommendations were also selected based on their ability to advance the key public values expressed in VisionPDX – including community connectedness and distinctiveness, equity and access, and sustainability – and provide sound guidance to potential considerations for the Portland Plan.

1. Identify additional locations for food carts.
2. Increase awareness of informational resources for stakeholders in the food cart industry by connecting them with existing programs.
3. Promote innovative urban design elements that support food carts.

Public authorities need to recognize and preserve any community places, regardless of their use or appearance, and encourage a variety of businesses by supporting small, independent businesses that in turn are better able to provide other characteristics such as permeability and personalization of street fronts - Vikas Mehta (2007)



Introduction

The food cart industry appears to be expanding in Portland - in number, geographic location, and in the public's consciousness. A thriving food culture is evident in the long lunch lines on a sunny day, numerous food-cart blogs and web sites, as well as local and national media attention¹. Recently, Willamette Week hosted an "Eat Mobile" event to celebrate food cart culture in Portland. More than 800 hungry fans attended the event, and food quickly ran out.² While the industry has thus far operated with minimal controversy, the media has covered some conflicts between food cart owners and storefront business owners, some of whom perceive carts to be unfair competition.³

In January 2008, the Urban Vitality Group (UVG) teamed with the City of Portland, Bureau of Planning to undertake an exploratory study of Portland's emerging food cart industry. UVG's research questions regarding the effects of food carts on neighborhood livability, as well as the industry's potential for creating beneficial entrepreneurial opportunities, are particularly relevant to the values identified by Portlanders in the VisionPDX project – community connectedness and distinctiveness, equity and access, and sustainability. The findings and recommendations of the Food Cartology project provide insight into what role food can play in promoting these values as the city updates its Comprehensive Plan and Central City Plan.



Project Goals

The Food Cartology project is a study of the state of the food cart industry in Portland, as well as an investigation into how customers, non-customers, neighboring businesses, and other stakeholders perceive the industry. In partnership with the City of Portland Bureau of Planning, UVG studied the economic and social implications of Portland's growing food cart industry, to determine if carts are a possible avenue for furthering these city objectives. The main goals of the project were to answer the following study questions:

- **Neighborhood Livability:** What effects do food carts have on street vitality and neighborhood life? What are the positive and negative impacts of food carts on the community?
- **Community Economic Development:** To what extent do food carts serve as an entry-point into long-term business ownership? Do carts provide beneficial economic opportunities for residents of Portland?

Based on this analysis, UVG made recommendations to promote the benefits of the industry and mitigate any negative impacts, particularly supporting the VisionPDX values.

Introduction

Study Questions

The study questions provided guidance for UVG to assemble relevant information through literature review, primary data collection, and stakeholder input. This information enabled UVG to develop findings that synthesized the results, highlight how food carts can benefit the community as well as identify challenges they may present. Contextualizing the study questions in academic literature and public policy goals elucidates how the methodologies were designed and the rationale that guided the determination of the study findings.

"Lowly, unpurposeful and random as they may appear, sidewalk contacts are the small change from which a city's wealth of public life may grow"

— Jane Jacobs (1961)

"Vendors have become the caterers of the city's outdoor life"

— William H. Whyte (1980)

Neighborhood Livability. Substantial research has demonstrated that urban design and surrounding land uses have a significant impact on the liveliness of streets and public interactions.⁴ A recent study on microscale physical characteristics of commercial streets found that personalization of storefront design increases pedestrian social behavior.⁵ Whyte (1980) referred to the "optical leverage" of food carts as spaces where people gather while waiting for food, which in turn attracts more people.⁶ Vacant lots and parking lots can create 'gaps' in the pedestrian environment, reducing 'eyes on the street.' This decreases safety or perceptions of safety, deterring people from walking in these areas. Interim uses of such vacant land can benefit the public while the market may not support additional investments.

According to an Oregonian article, a business owner near a new cluster of food carts on Hawthorne Blvd. acknowledged that the carts have increased his business due to the popularity of the carts.⁷

The City of Portland is currently involved in a long-range planning project, called the Portland Plan, in which staff will consider ways of using sidewalk space to benefit communities.⁸ The Plan will promote place-making, especially in neighborhood business districts, which can reinforce community identity and character, foster community connections, attract the creative class, and encourage knowledge workers, potentially leading to regional economic growth⁹. The Portland Plan's Comprehensive Plan evaluation draft report considers compact, pedestrian-friendly corridors as crucial elements of fostering a livable community.

On the other hand, some storefront owners have expressed concern that food carts have an unfair advantage because of their reduced regulatory costs and lack of System Development Charges (SDCs).¹⁰ UVG conducted surveys and interviews of food cart customers and non-customers as well as neighboring business owners and inventoried the physical amenities of carts, to gain a more complete understanding of how food carts impact street vitality and contribute to neighborhood environments.



Image source: Willamette Week

Introduction

Community Economic Development. Community economic development can be defined as, *“actions taken by an organization representing an urban neighborhood or rural community in order to*

- 1. Improve the economic situation of local residents (disposable income and assets) and local businesses (profitability and growth); and*
- 2. Enhance the community’s quality of life as a whole (appearance, safety, networks, gathering places, and sense of positive momentum)¹³*

The City of Portland previously lacked information regarding the food cart industry, as carts are not included in the City’s annual business inventory because of their temporary and mobile nature. In other cities, several organizations have identified the food cart industry’s potential for supporting recent immigrants and low-income minorities – the New York City-based Street Vendor Project has a website with resources to aid vendors¹⁴ and a Roxbury, Massachusetts organization began the Village Pushcarts project to provide opportunities to residents without job skills or capital to start their own businesses.¹⁵ Recognizing the potential for the food cart sector to provide a viable means for low-income women to open their own businesses and support their families, Hacienda CDC is in its second year of offering a micro-enterprise food vendor program in Portland.

Food carts may fill a niche for workforce development strategies to offer equitable economic opportunities, which is a major aim of the Portland Plan. The technical working group has identified the need to “ensure economic opportunity is available to a diversifying population.”¹⁶ Finally, the economic report recommends fostering “a supportive climate for small and micro business development.”¹⁷

Micro-enterprise is typically defined as a business with five or fewer employees requires initial capital of less than \$35,000, and can be considered part of either formal or informal economy. Oregon is considered a small business state with more than 90 percent of all business enterprises employing 20 or fewer people¹¹. In Portland in 2002, of the 51,000 firms in the five-county area, nearly 39,000 had fewer than 10 employees providing more than 103,000 jobs¹². Food carts are one type of micro-enterprise business that may provide entrepreneurial opportunities for local residents, especially providing avenues for low-income and minority communities to raise their quality of life.

The Food Cart Industry in Portland and Elsewhere

While the presence of food carts has been receiving more attention recently, it is by no means a new phenomenon. Portland provided spaces for food carts as early as 1912, when Italian immigrant Joseph Gatto sold produce door-to-door from a horse-drawn cart in Sellwood and Northwest Portland. Even then, carts served as stepping-stones into storefront businesses. In the 1930’s he incorporated his cartbased business into a produce warehouse, and in 1935 the Southeast Portland-based Gatto & Sons wholesale produce company was born, and remains a successful business today.



*This horse-vending cart was parked at Southeast Clay and 7th Ave in 1929
Photo source: Oregon Historical Society*

Currently, cities across the nation are using street vending as a way to provide diverse, affordable and quick food options. Municipalities can utilize food carts to accomplish city goals, and some have attempted to reduce conflicts by curtailing the presence of carts. Some recent street vendor policies include the following:

- In New York City, the Green Cart legislation allows new street vendors to acquire a license only if they sell fresh produce in low-income neighborhoods. This policy increases access to fresh food in neighborhoods with limited proximity to grocery stores.¹⁸
- In Toronto, a pilot project is looking into expanding street vending beyond the current limitation to hot dog vending. The City hopes to reflect its cultural diversity, build its image as a culinary destination, and increase access to a greater diversity of fast food options by encouraging vendors to sell pre-cooked pizza, samosas, burritos, and hamburgers. A university design competition created modern uniform street vending carts, which the city will rent to 15 vendors.¹⁹

- In downtown Seattle, street vending is currently limited to flowers, coffee, and hot dogs. The City is reevaluating its prohibition on street vendors selling food in downtown as part of their street activation program.²⁰

Several other cities are considering ways of substantially reducing the numbers of or eliminating food carts all together through regulation:

- In Los Angeles County, a regulation was recently passed that requires mobile eateries to move location every hour. The regulation was driven by brick-and-mortar restaurants in East L.A. who complained that taco trucks were negatively impacting their businesses. Remaining in the same place for more than an hour is now a criminal misdemeanor enforceable by \$1000 or six months in jail.²¹
- A similar regulation was passed in Hillsboro, Oregon in 2000 requiring taco trucks to move every two hours.²² This regulation severely limits the operation and profitability of carts.

When considering how to deal with the day-to-day management of food carts, jurisdictions can regulate them based on strictly-defined rules or more flexible standards. Areas of potential regulation can include the spatial location of food carts, placement and space allocation on a site, number of licenses available, types of goods that can be sold, and cart design.²³ While each jurisdiction handles street vending differently, the City of Portland's approach has encouraged the recent growth of carts on privately-owned commercial land, rather than on sidewalks. Because the Bureau of Development Services (BDS) and Multnomah County Health Department (MCHD) have minimal staff to regulate carts, issues about electricity or wastewater disposal are only addressed on a complaint-driven basis.



Introduction

Regulatory Issues

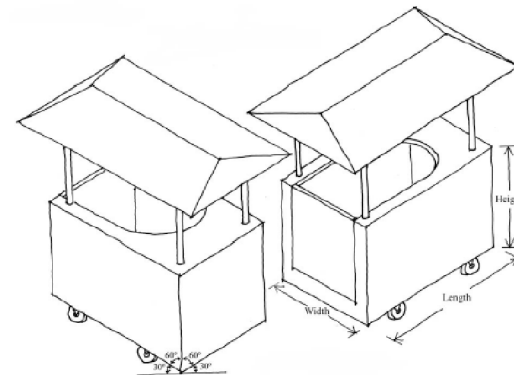
There are a number of common regulatory misunderstandings or concerns, which should be considered in the context of this study. UVG investigated the impacts of regulations to vendors and the public only insofar as they affect the study questions of neighborhood livability and community economic development. As it is beyond the scope of this study to comprehensively evaluate existing regulations, the impacts of the regulatory environment are discussed only when stakeholders addressed them in surveys or interviews. The following are a few existing regulations that help contextualize the project.

Food Safety. MCHD regulates food carts in the same way that all businesses that prepare and sell food products are regulated and all vendors must have a Food Handlers' license. MCHD is responsible for preventing food-borne disease and injury and for inspecting all restaurants, including food vendors, two times per year.

Push Carts vs. Stationary Mobile Carts. Push carts in the public right-of-way have different regulations than stationary mobile carts located on private property. The Portland Department of Transportation (PDOT) regulates temporary structures in the right-of-way, including push carts. While the City of Portland does not currently restrict the number of food carts in the region, PDOT strictly specifies how many push carts can locate on each block, the appropriate distance between carts, and minimum setbacks from the road and surrounding buildings. Push carts must also be approved through Design Review at the Bureau of Development Services.

As long as stationary mobile carts have functional wheels, an axle for towing, and are located in a commercial zone, they are considered vehicles and are not required to conform to the zoning or building code. They must have electrical or plumbing permits if sewer hook-ups or electricity are installed in the cart. If the wheels and/or axle are removed, the owner must obtain a building permit and conform to zoning code requirements and building inspections.

Despite the persistent misconception that food carts are under-regulated, the Multnomah County Health Department regulates carts in the same way that all businesses that prepare and sell food are regulated.



Pushcart vendors need to provide a sketch of their proposed carts to be considered for approval by the City.

Source: Portlandonline.com

Methodology

A variety of data collection techniques were developed to answer the study questions for the project. The City of Portland previously had little information regarding the food cart industry, as carts are not included in the City's annual business survey. The following definitions and methodologies were used to gain an industry-wide 'snapshot' of food carts in the City of Portland, and to conduct an in-depth comparison of a sample of four cart clusters.

Definition of Food Carts for the Study

Based on information from the organizations that regulate the food cart industry within the Portland metropolitan area, UVG defines food carts for the purpose of the Food Cartology project as follows:



Push Carts are small carts that are mobile and occupy a temporary location in the public right-of-way while they are operational



Stationary Mobile Carts have functional wheels and an axle, but occupy one, semi-permanent location.

Depending on the type of cart, different regulations apply, as outlined in the regulatory context section. This study surveyed push carts and stationary mobile carts, which have regular locations. Fixed carts without wheels and mobile carts that travel from site to site were excluded from this study, as they are subject to additional regulations and therefore have more barriers to market entry.

Literature Review

A review of existing literature helped indicate how food carts may contribute to creating neighborhood livability, to investigate available micro-enterprise opportunities, and to outline the possible ways a city can regulate the food cart industry. The literature review also guided the development of measurable indicators to create the survey instruments and interview questionnaires. In this way, the survey and interview questions were linked to concrete studies and theories, ensuring their capacity to address the study questions. This research also informed and framed the recommendations.

Technical Advisory Committee (TAC)

The Technical Advisory Committee (TAC) was comprised of professionals in the areas of economic development, urban design, livability, development regulation, micro-enterprise assistance, and others, in addition to food cart owners. The committee convened twice through the process; first to discuss the research questions and methodology, and second to review the findings and deliberate on the recommendations.

Methodology



Regulatory Session

UVG organized and facilitated a meeting with the City of Portland and Multnomah County Health Division employees who license, inspect, and regulate food carts. The meeting was an opportunity to gain insight into the issues and concerns of those who work with regulating food carts. A complete list of the attendees can be found in Appendix A.

All survey instruments can be found in Appendix B following.

Industry Overview

Mapping. UVG obtained a database of the Food Handlers' license inventory from MCHD for licensed "mobile units." The following carts were removed from the data set prior to mapping: inactive mobile units; mobile units noted as "not in operation during inspection;" and drive-thru coffee carts (determined using GoogleMaps viewer and on-site inspections). A number of the cart locations could not be geocoded due to incomplete address information. Of the 470 mobile units originally included in the database, 170 push carts and stationary mobile units remained. These carts were then mapped using Geographical Information System (GIS).

Vendor Survey. Vendors were asked about their motivations for opening a food cart business, difficulties they had experienced, and what assistance they may have received. The surveys were translated into Spanish, and UVG team members filled out surveys for vendors who required assistance with English.

With a population of 170 carts, team members attempted to survey 97 carts altogether. Of these, 38 were not open, not at their specified location, or were determined

to not fit the definition of food carts outlined above. Another five vendors declined participation. In total, 54 surveys were completed.

Site and Cart Inventories. UVG inventoried the physical characteristics of the four study sites, including publicly-provided amenities. Carts were surveyed for physical condition such as the exterior of the cart, awnings, signage, and privately-provided amenities, such as trees, benches, and trash cans. Both study sites and additional carts were inventoried.

Online Survey. An online survey gathered perceptions of food carts from the general population. It was hosted on the website www.foodcartsporeland.com and was linked from www.portlandfoodandrink.com. Many of the questions were similar to the public intercept survey, but focused more generally on the cart industry. 474 people responded to this survey, 450 of whom responded that they eat at food carts, and 24 of whom do not consider themselves food cart consumers. Because this sample contains strong food-cart biases and is restricted to online responses, these results were not combined with those from the public intercept survey.

Site Analyses

After consulting with the Bureau of Planning and the TAC, UVG selected four study sites that represent the diversity of the neighborhoods where food carts are currently located, as well as differing typologies of cart clusters.

Table 1: Characteristics of Selected Cart Sites

Site	Typology	# of Carts
Downtown 5th & Oak	Dense cluster in central business district	20
Mississippi	Corridor along neighborhood commercial street	4
Sellwood	Smaller cluster on one site	3
Cully	Scattered carts within walking distance	3

At each of the study sites, UVG conducted vendor surveys, neighborhood business surveys, public intercept surveys, and site and cart inventories, as well as conducting interviews with individuals from

each of these groups. GIS was used to map area demographics and surrounding land uses. The following methods were additionally used to gather data at each study site:

Public Intercept Surveys. Approximately 30 pedestrians near each of the four study sites were surveyed to assess perceptions about the impacts the carts have in the neighborhood. In order to survey both customers and non-customers, half of these surveys were gathered near the cart location, while the other half were administered off-site, usually near an alternative eating establishment. Additionally, random intercept surveys were conducted at Lloyd Center and Pioneer square. When the results refer to the public “overall,” the statistics are referring to all sites as well as these two additional locations.

Neighborhood Business Survey. UVG attempted to survey the manager or owner of every storefront retail business located on blocks adjacent to the food cart study site. This survey gauged attitudes toward and perceptions of the food carts’ effects on businesses in the neighborhood.

Table 2: Survey Response Rates

	Downtown		Mississippi		Sellwood		Cully		Overall	
	Delivered	Completed	Delivered	Completed	Delivered	Completed	Delivered	Completed	Delivered	Completed
Vendors	19	14	2	3	3	3	5	4	126	78
Neighborhood Business	27	21	17	9	23	14	21	16	85	63
Public Intercept	-	44	-	32	-	27	-	23	-	215

Note: The overall public intercept surveys include the 89 surveys collected at Pioneer Square and Lloyd Center

Methodology

Interviews

Interviews were designed to supplement the surveys by providing insight into the perspectives, opinions, and interests of stakeholders, especially those who do not fit into easily-defined survey populations. Allowing individuals to speak in a personal and in-depth manner also revealed different insights and provided a more personal perspective. Interviews were conducted in person or by phone, and notes were input into a spreadsheet and analyzed to identify recurring themes. The information derived from the interviews helped shape the findings and recommendations, particularly when survey information was unavailable or insufficient. A complete list of interviewees can be found in Appendix C.



Cost of Doing Business Comparison

Using data and information provided by Mercy Corps Northwest, the Bureau of Planning, Portland Development Commission, as well as results from interviews and vendor surveys, UVG developed a list of traditional line items that new business start-ups can anticipate as typical baseline costs, depending on if the business is based in a push cart, a stationary mobile cart, or a storefront restaurant. This information informs the community economic development findings and indicates the financial differences between operating a food cart and small scale storefront start-ups.

Study Limitations

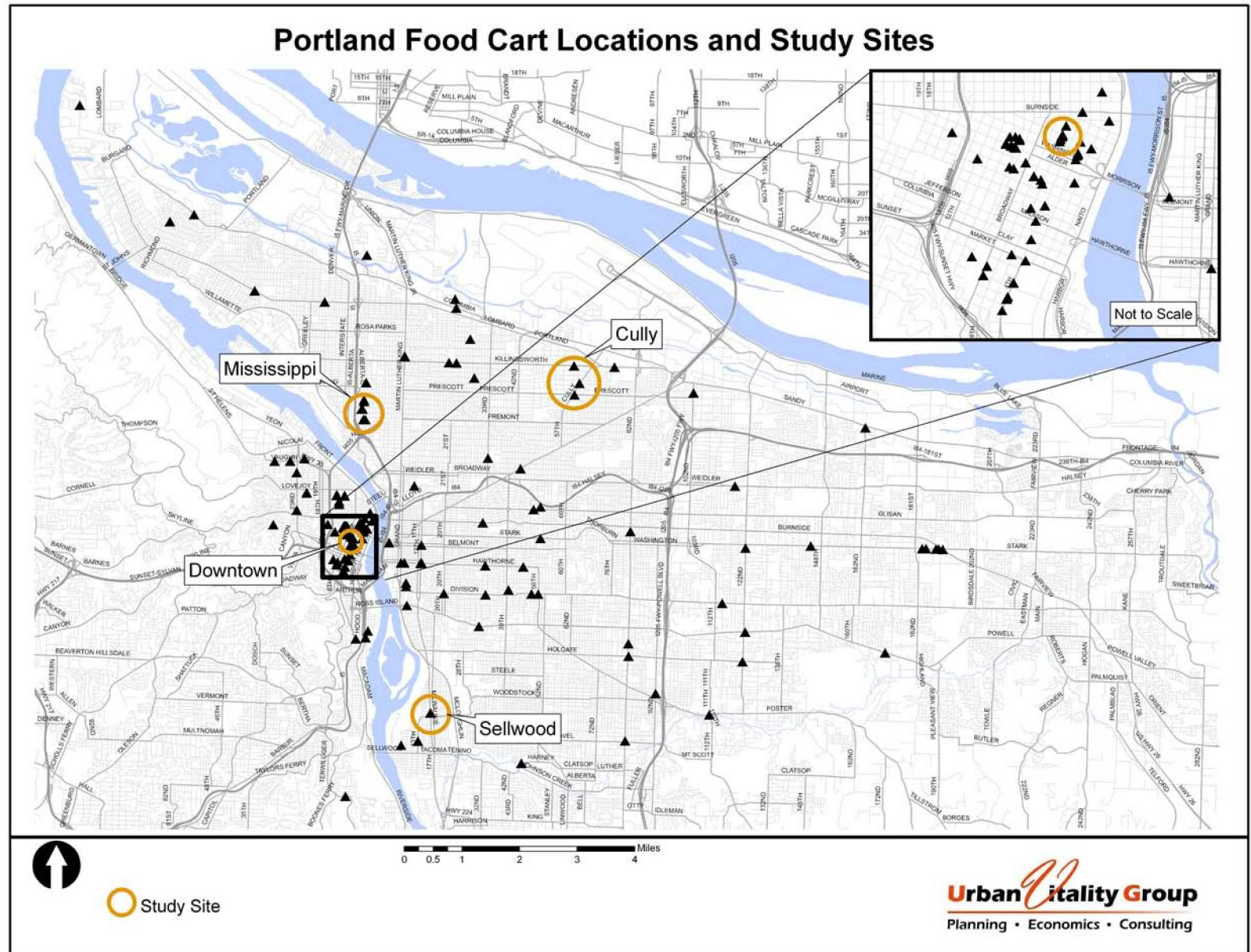
Despite UVG's best efforts, this study contains some limitations, especially in the data collection process. The majority of food cart vendors were willing to complete surveys; however, there were specific questions regarding gross profits, employee data, and other information that vendors either may have misinterpreted or were unwilling to share. The interviews gathered some of this information by building more trust, but the sample size was quite small. Additionally, the public intercept surveys were likely biased, as most of the people willing to complete the survey were interested in food carts. Finally, the sample sizes are small and provide a snap-shot analysis of food carts and public perceptions, rather than being statistically significant.

Site Analysis

Location of push carts and stationary mobile carts in Portland.

Data source:
Multnomah County
Health Department

170 Food carts
24 Nationalities
64% Of customers
want recyclable to-go
containers
\$1- Typical recent
increase in a lunch
special due to the
increased cost of
grain



Site Analysis-Downtown



Neighborhood Context:

The first of Portland's food cart clusters, these carts are an epicenter of pedestrian activity in the area. The food carts in downtown Portland are quite popular, and it is common to see lines of ten or more people at a cart waiting for lunch. The downtown area has a significant residential population and a high employment density, especially near the study site cluster at 5th and Oak. The area is also undergoing significant changes. A new park is under construction, multiple buildings are currently being renovated or built, and a \$200 million transit mall improvement project is underway.

Food carts on site since: Approximately 2000

Current Number of Carts on site: 20

Owner: City Center Parking, The Goodman Family

Site Future: There are no current plans to develop the site, although it is along the future transit mall and pedestrian safety concerns may be addressed.

Lease Terms: \$550/month includes electricity, fresh water, security, and pest control. Carts are responsible for waste water removal and trash disposal

Site Improvements: ATM on site. The renovation of the transit mall includes plans to install several decorative glass and metal panels along the outside border of the sidewalk at this site.

Downtown (5th and Oak)			
Population	10,070	Crimes per 1000 people ²⁴	282
People in Poverty	31%	Percent population within ½ mile of grocery store ²⁵	76%
People of Color	26%		
Employees in Market Area ²⁶	31,071	Upper Income Households (\$125k+)	4%

Site Analysis-Downtown



Ana Maria
Loco Locos Burritos

Locos Locos Burritos began operating at the parking lot on SW 5th Avenue seven years ago. After working in the service industry for several years, Ana Maria and her boyfriend decided to open a food cart. The food cart would combine two of their existing talents since her boyfriend likes to cook and Ana Maria is “very good with people.” They saved money to purchase a cart without loans or other financial assistance and renovated the kitchen for full-time use.

After five years of hard work and saving they were able to expand and open a second Loco Locos Burritos location at SW 9th and Alder Street, also located downtown. The second location has also been very successful. When asked how they measure the success of their business, Ana Maria responded that independence and the ability to spend time with her family are important to her. They are currently in the process of expanding their business into a storefront near Portland State University campus, while continuing to operate their two existing carts. Ana Maria was the only food cart owner that was identified through the research with immediate plans to expand into a storefront.

Key Findings:

- **Limited shelter and seating:** customers responded most frequently that food carts in the downtown site could be improved by providing shelter (42%). The only sheltered eating area at the downtown site is at the New Taste of India cart. The cluster had the fewest average seats per cart with only .5 per cart compared to an average of 5 seats per cart overall.
- **Customers want the carts to stay open late:** the other most-often cited improvement was for the carts to operate evening hours (42%).
- **Downtown is the least social site of those surveyed:** only 39% of customers surveyed at the downtown site indicated that they agree or strongly agree with the statement: *I have conversations with other customers at food carts*, compared to 51% overall.
- **Downtown carts increase foot traffic:** 58% of businesses strongly agreed or agreed with the statement: *The presence of food carts has increased foot traffic on the street.*
- **Carts are more profitable downtown than ones located outside the CBD:** 92% of downtown vendors strongly agree or agree that the cart has been a good way to support themselves and their families, and 60% report being able to save money for a rainy day.
- **Downtown carts are more stable:** on average, carts downtown have been in operation since 2003, compared to 2006 for the overall population. Downtown carts may be less likely to move into a storefront: only 42% plan to move into a storefront in the future, compared with 51% in the overall population, and much higher percentages at the other study sites.

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“Food carts are a Petri dish for the organic growth of restaurants.”

-Mark Goodman, property owner of food cart site

Site Analysis-Mississippi



Neighborhood Context:

Mississippi Street is a harbor for hip restaurants, boutiques and most recently condos and apartments under rapid-fire construction. Long the home of Portland's African-American community, Boise is now experiencing significant demographic shifts. The previously low-income neighborhood is now seeing home values rise and incumbent residents are faced with steeper rents, the specter of displacement and commercial changes catering to higher income levels.

Food carts first located on site: 2004, 2007

Current Number of Carts on site: 3 (on separate lots)

Owner: Multiple property owners associated with food cart locations.

Site Future: Two of the sites are slated for redevelopment in the near future. One cart is considering moving into the storefront, while the other is looking for a new site.

Lease Terms: Annual lease, \$300/month, access to fresh water, electricity, and waste water disposal.

Site Improvements: varies

Boise Neighborhood

Population	3,090	Crimes per 1000 people	119
People in Poverty	30%	Percent population within ½ mile of grocery store	0%
People of Color	67%		
Employees in Market Area	1,855	Upper Income Households (\$125k+)	1%



Judith Stokes
Tita's Pista

Judy entered the food cart business partly because of her mother. "She is from the Philippines and I learned how to cook from her. I want to share the food from my mother's home country with the community."

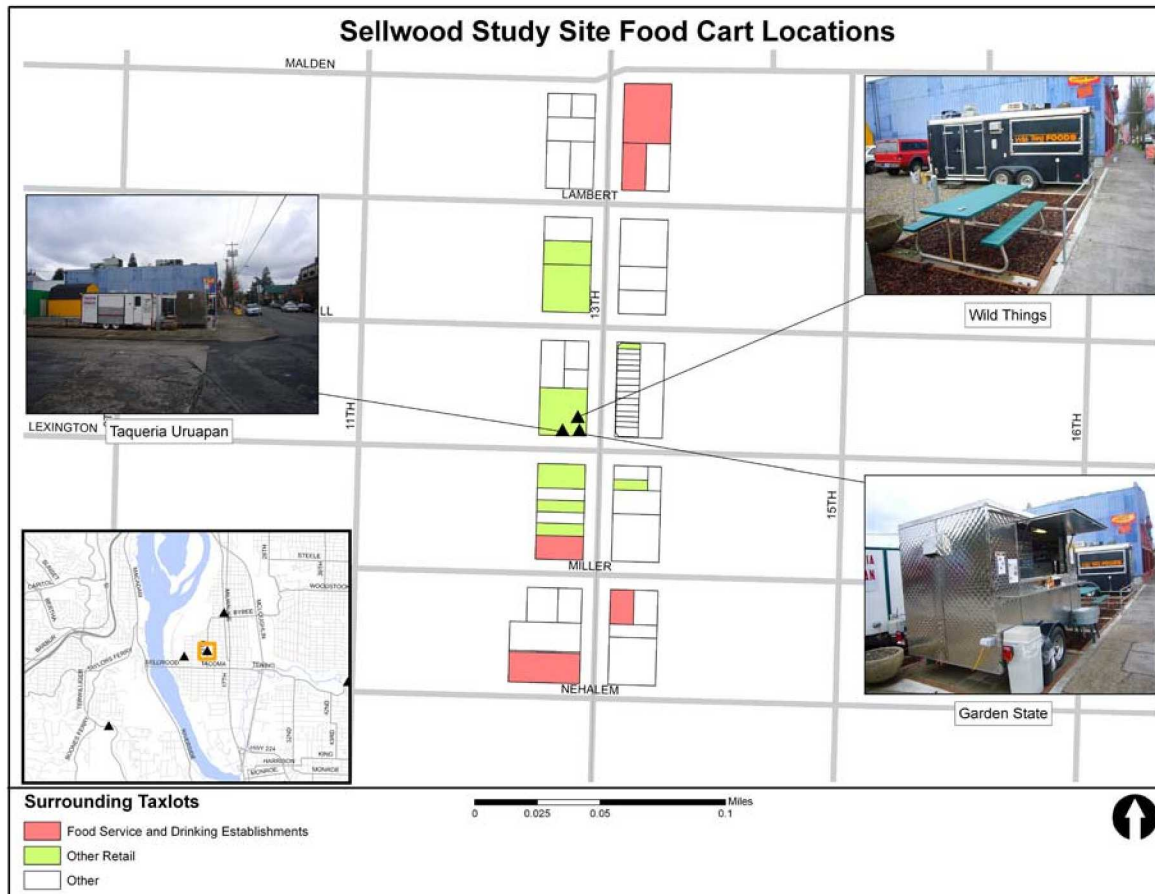
It was hard for Judy to find a location for her cart. Mississippi is a rapidly developing area, and many property owners are expecting to develop their properties. "A lot of people turned me down. Mississippi is developing so fast and many property owners are selling their property. When I asked them to lease me their land for a few hundred dollars a month, they were laughing at me." Even the current location is not stable: the landlord is going to develop the site and Judy will have to move to another location, which will cost her more than \$2,000.

Site Analysis-Mississippi

Key findings:

- **The top concern of Mississippi customers was for the carts to stay open in the evening:** 54% of customers would like the carts to stay open later.
- **Mississippi carts are the most appealing:** 80% of those surveyed found the cart exteriors appealing compared to 52% overall.
- **Surrounding businesses support the food carts:** 81% of surrounding businesses surveyed in Mississippi indicate that they have a very positive or positive perception of the food carts compared to 66% overall.
- **Cart operators have a strong relationship with their customers:** 82% of customers stated that they strongly agree or agree with the statement, *I have conversations with the operator other than ordering food, compared to 66% overall.*
- **Customers at the Mississippi carts eat there infrequently:** 59% of customers indicated that they eat at food carts less than once a week compared to 38% overall.
- **The Mississippi site is very social:** 71% of customers in Mississippi, indicate that they agree or strongly agree with the statement: *I have conversations with other customers at food carts*, compared to 55% overall. Sixty-three percent of customers in Mississippi indicate that they agree or strongly agree with the statement: *I have met new people while patronizing food carts, compared to 40% overall.*
- **The Mississippi site had the most seating** with an average of 11 per cart compared to an overall average of 5 per cart.
- **Mississippi carts are a good place to people-watch:** 46% of customers at the Mississippi site did indicate that they go to food carts to people watch compared to only 14% overall.
- **There is a different demographic mix than downtown:** there are no taquerias along the Mississippi corridor, and all of the vendors were born in the U.S.
- **Cart owners have good relationships with their landlords:** all three cart vendors strongly agreed that they have friendly relationships with their landlords.

Site Analysis-Sellwood



Sellwood-Moreland Neighborhood Demographics

Population	10,590	Crimes per 1000 people	55
People in Poverty	9%	Percent population within ½ mile of grocery store	74%
People of Color	11%		
Employees in Market Area	2,983	Upper Income Households (\$125k+)	5%

Neighborhood Context

The Sellwood neighborhood is a destination for antique collectors with dozens of antique shops in Victorian homes and renovated storefronts that line SE 13th Ave. Considered by many to be one of Portland's most family-friendly neighborhoods, Sellwood-Moreland has the lowest crime rate and lowest poverty rate of the four study sites.

Food carts first located on site: 2007

Current Number of Carts on site: 4

Owner: Mark Gearhart (Also owns adjacent antique store)

Site Future: In the immediate future the site will remain a food cart court, but it is for sale for the right price. Farmers' market vendors can also rent space

Lease Terms: Annual lease, \$449/month plus \$50 for electricity and a \$500 one time hook-up fee.

Site Improvements: Gravel and bark surface provided, electrical hookups, waste water disposal, storage sheds for rent, picnic tables, trash dumpsters for food carts.



Mark Gearhart
Property Owner
Sellwood Site

Mark Gearhart, owner of the Sellwood Antique Mall for 19 years, decided to do something with the adjacent empty gravel lot. Unable to turn it into a parking lot due to the cost of complying with storm water regulations, he decided to create Sellwood's very own food cart court. He laid down gravel and bark and installed electrical, fresh water, and wastewater hook ups. He offers the carts one-year leases and has built storage facilities so the carts can store their food on-site. He provides picnic tables, trash, and recycling facilities. He spent over \$7,000 improving the site. While Mark admits his lot will not remain a food cart site forever, in the interim he will increase his cash flow and earn back the investment he made to the property. Mark has created a model for creating an intentional, well-maintained lot, and he strongly feels that food carts should not be more heavily regulated. He also owns a lot at SE 33rd and Hawthorne, where he would like to create another food cart plaza.

Site Analysis-Sellwood

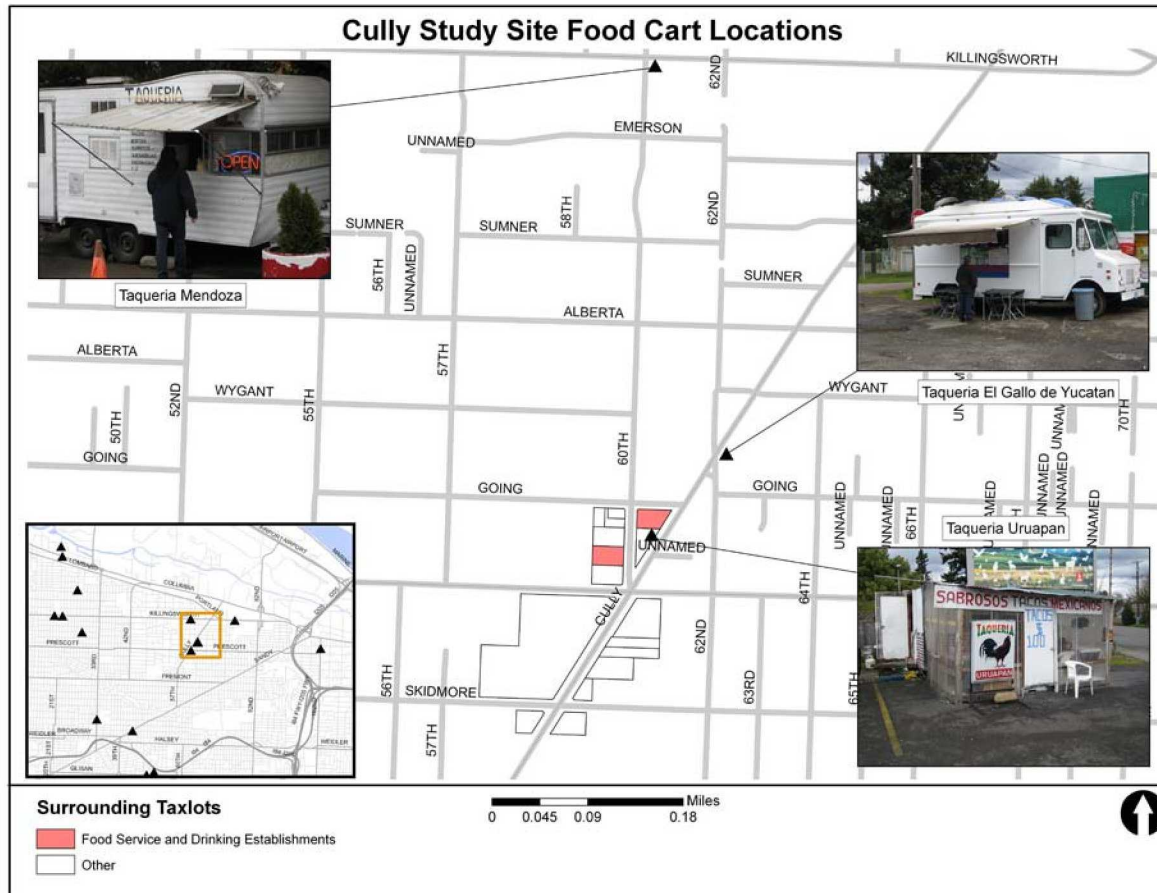
Key findings:

- **Recycling is important to Sellwood customers:** according to the customers surveyed, the most important improvement that food carts could make was to use recyclable containers (42% of customers said that this was important).
- **Customers have strong relationship with the food cart vendors:** 89% of customers surveyed in Sellwood stated that they strongly agree or agree with the statement: *I have conversations with the operator other than ordering food*, compared to 66% overall.
- **Customers eat infrequently at food carts:** in Sellwood, 89% of customers eat at food carts less than once a week compared to 38% overall.
- **The Sellwood site is visually appealing:** according the public surveys, the Sellwood site was the second most appealing of all the sites studied.
- **Outdoor seating is important to Sellwood customers:** 43% of customers report eating at the Sellwood carts because of the availability of outdoor seating.
- **Vendors at the Sellwood site consider the cart a stepping-stone:** two of the three carts surveyed report planning to move into a storefront, while the last cart is operated by a retiree who has been traveling with his cart for years.

"Food Carts add an element of controlled chaos and break the monotony of the built environment."

-Mark Gearhart, property owner

Site Analysis-Cully



Neighborhood Context:

Cully is one of the most diverse neighborhoods in Portland, with people of color comprising nearly half of Cully's population. The presence of Latino culture is evident by the several "mercados" and food carts that dot the area. The lack of sidewalks along Cully Boulevard poses a significant challenge to the area's walkability. There is a dangerous five-street intersection that is a significant barrier and is difficult to cross. Local independent businesses, including food carts, are an important part of the mix of land uses that offers Cully residents places to gather and meet their food needs locally.

Food carts first located on site: Approximately 2002

Current Number of Carts on site: 3 (on separate lots)

Owner: Gerald Kieffer

Site Future: Mr. Kieffer's plan is to establish four "trolley car carts" on the site and establish a food cart court. Additionally, a Cully Green Street Plan is currently in its initial phase and will likely result in improved pedestrian safety.

Lease Terms: Month-to-Month. \$550/month, water is included. Vendors pay separately for electricity, and take care of their own waste water removal and trash disposal.

Site Improvements: Currently a paved parking lot with limited site improvements. Taqueria Uruapan provides a small sheltered and heated dining space.

Cully Neighborhood

Population	13,000	Crimes per 1000 people	67
People in Poverty	18%	Percent population within ½ mile of grocery store ²⁷	24%
Latino Population	20%		
Employees in Market Area	4,401	Upper Income Households (\$125k+)	2%

Site Analysis-Cully



Bartolo and Araceli
Taquería Uruapan

Taquería Uruapan is truly a family-run business. Bartolo and his wife Araceli run their food cart with dedication. Operating their cart more than 12 hours a day, the couple has turned it into a tiny dining area protected from the elements that creates a friendly atmosphere for sharing food and conversation. The couple moved to Oregon from California after taco carts were banned in their city. They originally migrated from Mexico and took over the food cart operation from Araceli's brother who had started it five years earlier. They have been held-up three times in the past eight months, and the crime in the area creates an on-going issue.

The family struggles to make ends meet, making just enough money to pay their bills. During winter months when business is slow, they rely on the small savings they had before moving to Oregon to survive. Their future as cart vendors is also uncertain: the current site is temporary, and the property owner has no long-term intentions of allowing food carts. They continue to rent the cart from Araceli's brother, but hope to save enough money to someday buy their own cart and have a self-sufficient business.

Key findings:

- **The Cully site was the least visually appealing of all sites:** only 30% of those surveyed found the exterior of the carts appealing compared to 52% overall.
- **Food cart customers do not walk to the Cully site:** only 25% of food cart customers indicated that they walk to the carts in Cully.
- **The Cully site is very social:** 63% of respondents in Cully agree or strongly agree with the statement: *I have conversations with other customers at food carts* compared to 51% overall. Another 63% of respondents agree or strongly agree with the statement: *I have become better acquainted with people while patronizing food carts* compared to 42% overall. Eighty-one percent of customers surveyed either strongly agreed or agreed with the statement: *I have a good relationship with one or more food cart operator* compared to 51% overall.
- **The relationship with the Cully carts and surrounding businesses seems strained:** only 43% of businesses surveyed have a very positive or positive perception of food carts compared to 66% overall. Three-quarters of business owners stated that their employees never eat at food carts. None of the businesses agreed or strongly agreed with the statement: *I have a good relationship with the food cart operators*, compared to 55% of businesses at all the sites.

Food carts bring value to surrounding properties. They provide a service and employment. As long as it is done right and run nice.

-Gerald Kieffer, property owner

Findings

"Food Carts bring more people to an area and create a neutral space where people can gather on the street and socialize."
—Paul Basset, Avalon Vintage



Based on the results of the surveys, inventories, and interviews, both for the four study sites and the overall population, UVG assembled the following key findings that answer the study questions. Following the summary of the findings is a discussion of the data results that provide support for these statements.

1. Food carts have positive impacts on street vitality and neighborhood life in lower density residential neighborhoods as well as in the high density downtown area.
2. When a cluster of carts is located on a private site, the heightened intensity of use can negatively impact the surrounding community, primarily from the lack of trash cans.
3. A cart's exterior appearance does not affect social interactions or the public's overall opinion of the carts; seating availability is more important for promoting social interaction than the appearance of the cart's exterior.
4. The presence of food carts on a site does not appear to hinder its development.
5. Food carts represent beneficial employment opportunities because they provide an improved quality of life and promote social interactions between owners and customers.
6. Despite the beneficial opportunities that food carts can provide, there are numerous challenges to owning a food cart.
7. While many food cart owners want to open storefront businesses, there is a considerable financial leap from a food cart operation to opening a storefront.
8. Food cart owners do not frequently access small business development resources available to them, such as bank loans and other forms of assistance.

Neighborhood Livability



The study questions relating to street vitality and neighborhood livability were:
What effects do food carts have on street vitality and neighborhood life?
What are the positive and negative impacts of food carts on the community?

1. Food carts have positive impacts on street vitality and neighborhood life in lower density residential neighborhoods as well as in the high density downtown area.

They provide affordable and convenient food options, create opportunity for social interaction, improve public safety by increasing 'eyes on the street,' and help to facilitate a pedestrian-friendly urban environment.

Pedestrian Access

- **Most customers walk to food cart sites:** 65% of customers indicated that they walk to food carts. 62% of all sites have a crosswalk to the site.
- **Sites tend to have good pedestrian access:** 76% of sites are located on streets where the speed limit is less than 30 MPH. Only 9% of respondents in the public survey indicated that pedestrian sidewalk clearance is a concern.
- **Cart customers may impede sidewalks:** two Portland urban designers interviewed cautioned about the importance that customer lines not block pedestrian flow or obscure storefront businesses.

Perceptions of Safety

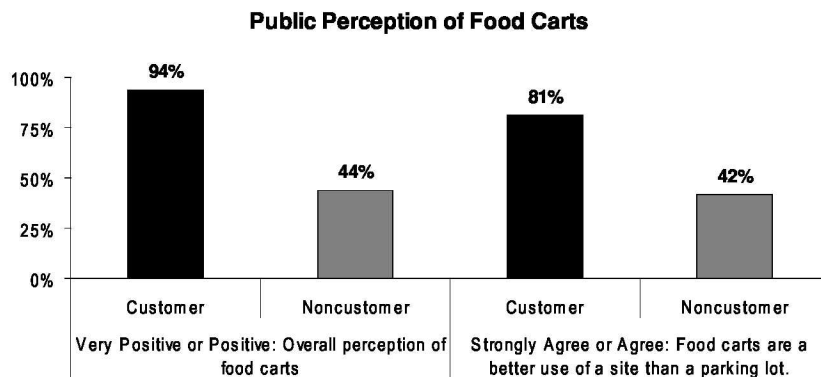
- **There are mixed opinions about whether the presence of food carts makes the site safer:** 59% of respondents to the public survey either strongly agreed or agreed with the statement: *The presence of food carts makes the street feel safer* – compared to only 28% of businesses. However, the majority of the five business owners who were interviewed indicated that the presence of food carts makes the area safer.

Findings

Neighborhood Livability

Venues for Informal Social Interaction

- **Customers have informal conversations at carts:** half of customers surveyed agreed or strongly agreed with the statement: *I have conversations with other customers at food carts.*
- **Customers and vendors tend to have good relationships:** 66% of customers surveyed strongly agreed or agreed with the statement: *I have conversations with the operator other than ordering food.* Half of customers surveyed either strongly agreed or agreed with the statement: *I have a good relationship with one or more food cart operators.*



Public Perceptions of Carts

- **Overall perceptions of carts are positive:** 94% of food cart customers surveyed indicated that they have a very positive or positive perception of food carts. 44% of non-customers surveyed also indicated that they have a very positive or positive perception of food carts.
- **Both customers and non-customers say that food carts are a better use of a vacant lot than parking:** 81% of food cart customers and 42% of non-customers either strongly agree or agree with the statement: Food carts are a better use of a site than a parking lot.



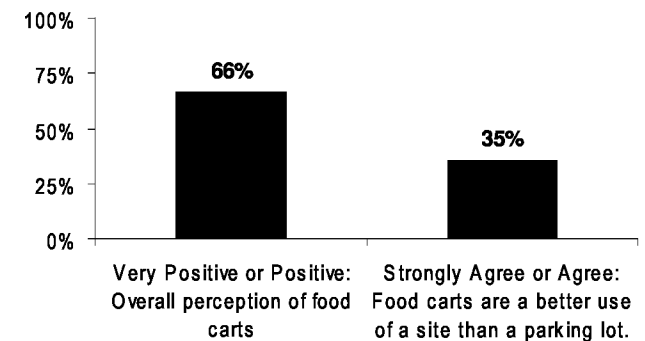
The smell of the food is out in the street; the place can be surrounded with covered seats, sitting walls, places to lean and sip coffee, part of the larger scene, not sealed away in plate glass structure, surrounded by cars. The more they smell the better.
- A Pattern Language

Neighborhood Livability

Neighboring Business Perceptions of Carts

- **Managers or owners of surrounding businesses have a positive overall perception of food carts:** Overall, 66% of surrounding businesses surveyed reported a positive or very positive perception of food carts.
- **While owners and managers of restaurants are less likely than other businesses to have a positive impression of food carts in their neighborhood, the majority of them are positive:** 69% of restaurants and 94% of other businesses ranked their overall impression of food carts positive or very positive.
- **Business would prefer parking over food carts:** only 35% of businesses surveyed either strongly agree or agree with the statement: *Food carts are a better use of a site than a parking lot.*
- **Restaurants are less likely than other kinds of businesses to want more food carts in their neighborhoods:** 25% compared to 55% agreed or strongly agreed with the statement, *I would like to see more food carts in my neighborhood.* In fact, only 35% of businesses surveyed either agree or strongly agree with the statement: *Food carts are a better use of a site than a parking lot.*
- **Most neighboring businesses did not perceive an impact of the food carts on their businesses:** of the businesses surveyed, only 8% either strongly agreed or agreed with the statement: *my sales have increased because of the presence of food carts.* Only 40% of businesses surveyed either strongly agreed or agreed with the statement: *the presence of food carts has increased foot traffic on the streets.* However, at the downtown site 58% of business agreed or strongly agreed with that statement.

Surrounding Business Perception of Food Carts



"Overall, I support food carts, if the product is good, they encourage foot traffic." –Neighboring Business Owner

"Food Carts bring more people to an area and create a neutral space where people can gather on the street and socialize." – Neighboring Business Owner

"Our business does not compete with food carts. We are a fine dining restaurant. We share customers but they are looking for a different experience at different times." – Neighboring Restaurant Owner

Findings

Neighborhood Livability

2. When a cluster of carts is located on a private site, the heightened intensity of use can negatively impact the surrounding community, primarily from the lack of trash cans.

Amenities

- **Sites frequently lack publicly-provided amenities:** 86% of cart sites had no publicly provided benches, and 38% of cart sites had no street trees.
- **Food cart owners often provide street amenities including seating, trash cans, and occasionally landscaping:** 73% of cart sites had at least some sun-protected seating area, provided by trees, awnings, or umbrellas. On average, a food cart provides 5 seats. In downtown, the average was 0.5 seats per cart.
- **The majority of cart sites do not have trash cans:** 66% of cart sites had no publicly provided trash cans nearby, and 45% of food carts do not individually provide trash cans for their customers. According to the interviews, there is no incentive to put out a trash can if the neighboring cart is not required to do so.

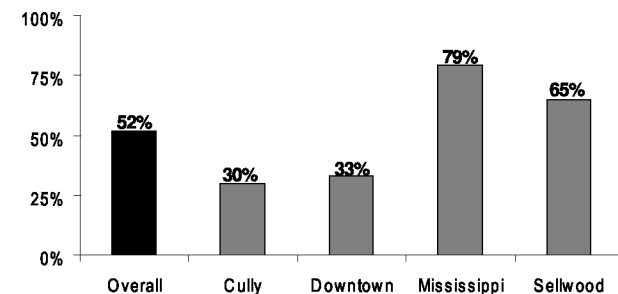
3. The exterior appearance of a cart does not affect social interactions or the public's overall opinion of the carts; seating availability is more important for promoting social interaction than the appearance of the cart's exterior.

Cart Aesthetic Appearance

- **Overall, people view food carts as aesthetically pleasing:** over half of respondents to the public survey indicated that the cart exterior was visually appealing.

- **Opinions about aesthetics vary between the sites:** the most public intercept respondents found carts at the Mississippi site appealing, followed by Sellwood, Downtown and were least likely to find carts in Cully appealing.
- **The carts are generally in good repair:** the cart inventory found that only 11% of food cart were visibly in disrepair.
- **There is a noticeable smell from food carts, but most people find the smell pleasant:** 65% of respondents in the public survey stated that there is a noticeable smell from food carts and 86% say the smell is pleasant.
- **Food cart sites are not noisy:** 90% of respondents in the public survey and 74% in the business survey indicated that there was no noticeable noise from food carts.

Percent of Public Survey Respondents Who Find the Exterior of Food Carts Appealing by Site



Neighborhood Livability

Variations in Social Interactions

- **There is not a strong relationship between public perceptions of cart appearance and reporting on social interactions:** for example, while only 30% of public respondents at the Cully site found the exterior of the carts appealing, 63% strongly agreed or agreed with the statement: *I have conversations with other customers at the food carts.*
- **Carts with seating availability are more likely to foster social interaction:** at the downtown site, which has an average of less than one seat per cart, only 40% of customers strongly agreed or agreed with the statement: *I have conversations with other customers at the food carts.* At the Mississippi site, which averaged 13 seats per cart, 71% strongly agreed or agreed with the statement.

4. The presence of food carts on a site does not appear to hinder its development.

Although many factors influence how and when a property is developed, property owners interviewed did not feel that the presence of food carts would prevent them from developing the site. Interim uses for parking lots, such as food carts, can be an additional source of income for property owners, facilitate opportunities for social interaction, and increase street activity.

Influences on Permanent Site Development

- **Property owners intend to develop food cart sites when the market is ready:** all four property owners indicated that they would develop the property when the market conditions were right. Two sites at Mississippi have immediate plans for redevelopment.
- **Food carts do not tend to locate in areas with many vacant storefronts:** three of the study sites had one or fewer vacant storefronts.

Online survey Results

To gain a broader perspective of public perceptions of food carts, UVG posted an online public survey, which received 474 completed surveys. Ninety-five percent of respondents were food cart customers, compared to 69% of the public surveyed on the streets. In addition, the population of people who respond to online surveys tend to be self-selected and a different demographic – UVG's online survey respondents had higher incomes than those randomly intercepted on the street: 40% had a household income of \$75,000 and above, compared to 14% of public intercept respondents. Due to these differences, the results of this survey have been considered separately from the public intercept surveys, and are not part of the "overall" statistics given. The differences between surveys may indicate the extent to which people who eat at carts regularly care about the food carts in Portland.

Highlights of the Online Survey:

- 42% of customers eat at food carts 1-2 times per week and 40% eat at carts 3-4 times per week.
- 78% of respondents cited affordability as a reason they patronize food carts.
- 17% of customers said they would eat at food carts if the cart transitioned to a storefront business and the prices were higher.
- Of those who don't eat at food carts the top concerns were:
 - Concerns with unsafe food handling (63%)
 - Lack of shelter from weather (47%)
 - Unappealing condition of cart (46%)
 - Nowhere to sit (33%)
- The top four ways that food cart customers thought food carts could improve:
 - Provide recyclable containers (64%)
 - Install additional shelter (51%)
 - Open evening hours (46%)
 - Provide seating (35%)
- 82% of customers get their food to go.

Findings

Community Economic Development



The study questions that address community economic development potential were:
To what extent do food carts serve as an entry-point into long-term business ownership?
Do carts provide beneficial economic opportunities for residents of Portland?

5. Food carts represent beneficial employment opportunities because they provide an improved quality of life and promote social interactions between owners and customers.

Food cart owners indicated that independence, flexibility of schedule, and opportunity for family involvement are important to their quality of life. Food carts provide their owners and operators an opportunity to interact with customers in more candid way than storefront restaurants.

Characteristics of Vendors

- **Owners of food carts are often minorities and immigrants:** over half of the food cart vendors surveyed outside the CBD are Hispanic, whereas there is a greater mix of ethnicities (Hispanic, Caucasian, and Asian) within the CBD. In addition, more than half (51%) of the vendors surveyed were born outside of the US.

Financial Success

- **Food cart vendors can mostly support themselves and their families:** 63% of vendors agreed or strongly agreed with the statement: *The food cart has been a good way for me to support myself and my family.*
- **Approximately half of vendors own a home:** 49% of the vendors report owning their own home.
- **Several cart owners have other jobs:** 19% of respondents reported having an additional year-round job and another 13% have seasonal jobs in addition to the cart.
- **Push carts and food carts offer a range of start-up costs that require incrementally smaller investments than a small business:** the start-up costs for a small business with one employee is approximately 50% more than those of a high-end food cart (see Table 3).

Community Economic Development

Measures of Success

- **Many vendors enter the food cart business (rather than another industry) because of a desire for independence, flexibility, and as a stepping-stone for opening their own restaurants:** across the city, vendors most frequently cite a desire for independence as important for entering the cart industry (68%). After independence, a desire to have one's own restaurant, wanting to be a cook, and a desire for flexibility were all frequently cited goals (46%, 23% and 20% overall, respectively).
- **The majority of cart owners value getting by independently over profits:** 47% of vendors answered "able to get by independently" when asked how they would measure if their business is successful, whereas only 26% answered "profits." Forty-seven percent also answered "many customers." Other measures of success included using local produce for a majority of food, being happy on a deep and interpersonal level, and making people happy.
- **Food cart vendors often value their relationships with customers and ability to interact more directly than if they were in a storefront:** according to the interviews, vendors reported enjoying interacting with customers and communities in a way they may not be able to as cooks in a restaurant.
- **Food carts are often a family business:** several interviewees felt that family nature of the business was a benefit to them.

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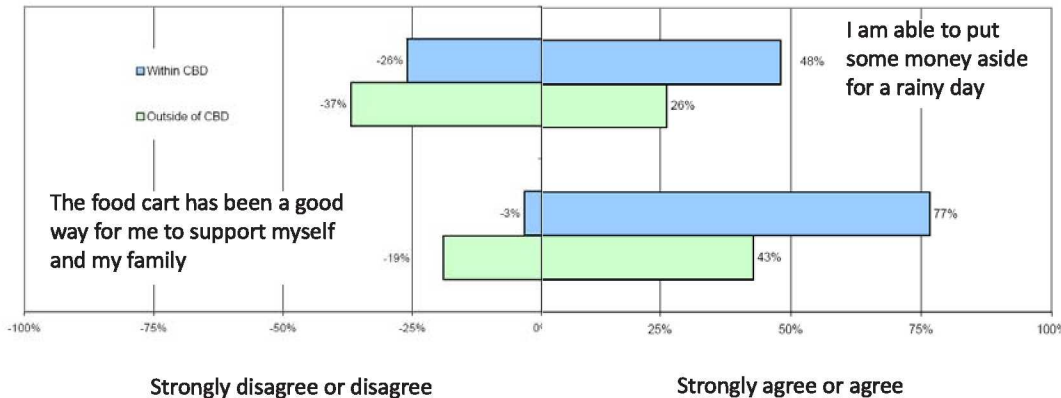


Findings

Community Economic Development

6. Despite the beneficial opportunities that food carts can provide, there are numerous challenges to owning a food cart.

Some of the most frequently-cited challenges include: finding a stable business location, saving money, and realizing long-term business goals.



Ability to Save Money

- Few cart owners are able to save money for a rainy day: Only 40% agreed or strongly agreed with the statement: *I am able to put some money aside for a rainy day*, whereas 31% disagreed or strongly disagreed with the statement

Locational Differences in Profitability

- Food carts within the CBD are more profitable than those outside of the CBD:** vendors operating within the CBD were more likely than those operating outside to agree or strongly agree that the food cart has been a good way for them to support themselves and their families (77% compared to 43%). Of the vendors operating within the CBD, 48% reported being able to save money, whereas of those outside the CBD, only 26% agreed or strongly agreed.
- Finding a site is a challenge:** 52 % of cart owners responded that finding a site for their cart was a challenge to begin their businesses.



Photo: foodcartsporeland.com

Community Economic Development

7. While many food cart owners want to open storefront businesses, there is a financial leap from a food cart operation to opening a storefront.

Additionally, since the size and scale of food cart operations are limited by the physical structure, it is difficult to find a storefront of the appropriate size at the necessary time to incrementally grow a cart-based business. Current codes encourage retail spaces designed to attract specific types of businesses, particularly by conforming to size requirements for chain retail establishments.

Desire to Move into a Storefront

- **Food carts vendors sometimes consider the cart to be a stepping-stone to a storefront business:** over half (51%) of food cart vendors surveyed plan to move into a storefront in the future; there is not a large difference between vendors operating within the CBD (47%) and those outside of it (55%).
- **Vendors who want to open a storefront often do not plan to sell their cart:** several of the vendors interviewed plan to keep their carts if they move to a storefront, either as an additional location or to enhance their storefront location.
- **Some vendors are not interested in expanding, often because of perceived difficulties these including financial difficulties and finding a location.:** several vendors said they were not interested in moving into a storefront. One cart owner was concerned about losing the intimate customer interaction she currently has at her cart.

Difficulty of Moving into a Storefront

- **The largest perceived barrier to expansion or relocation was financial:** 50% of people thought they might be prevented from expanding or relocating because of lack of money, whereas only 17% thought city regulations would be a barrier. Several people also wrote-in concerns about finding the right employees for a larger space.
- **There are only a few examples of businesses that began as carts moving into storefronts successfully:** while several owners reported planning to move to a storefront, only a few cart owners are currently in the process of moving, and fewer have moved successfully.
- **Because the total costs for operating a food cart (or push cart) are substantially less than those of a storefront restaurant, it is quite difficult to make the transition into a storefront:** while the significant difference in costs for a food cart and a storefront is a benefit for market-entry, it is a barrier to growing the business (see Table 3 in page35). Even the most successful food carts, who have the means and business capabilities of making the transition, are limited to specific conditions that will allow for continued success in a storefront, such as finances, timing, and space.

"I like being outside. I see a million faces everyday. Working a kitchen, it is too crowed and sucks your soul." – Food Cart Owner

"I feel good about what I am doing and making people happy." – Food Cart Owner

Findings

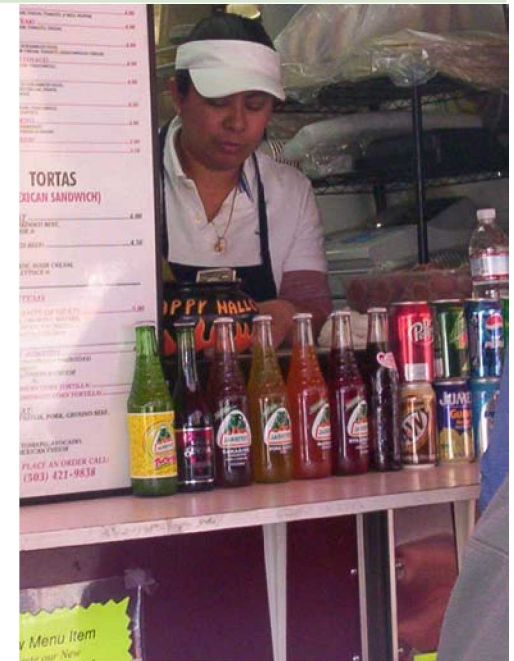
Community Economic Development

8. Food cart owners do not frequently access small business development resources available to them, such as bank loans and other forms of assistance.

The majority of food cart owners do not have business loans through banks or other lending groups, but they do have access to funds through personal means that allow them to start their businesses without institutional debt. The under-utilization of these resources may contribute to difficulties associated with opening and operating a food cart.

Accessing Assistance

- **Few vendors receive job training, help developing a business plan, or financial assistance aside from their family and friends:** only 18% of vendors overall received any initial job training, such as what Mercy Corps NW offers.
- **Most cart owners financed their business with help from family or by using their savings:** over half of vendors (51%) report receiving assistance from family members, and almost half used personal savings (49%) to start their businesses. Only 2% received support from an organization, and 8% used a home equity loan. One vendor interviewed said he talked to his bank about getting a loan, but he thinks that the mortgage crisis is preventing people from getting loans.
- **There are no trade organizations available to food cart vendors in Portland:** vendors' opinions about whether or not they would benefit from such an organization seem varied; one owner thought that vendors compete too much to want to work together, whereas several others felt that it would be beneficial.



50

The cost of doing business comparison indicates the differences in market-entry for push carts, stationary mobile carts, and small businesses. It clearly demonstrates the difficulty of moving from even a successful food cart into a more stable storefront. This study found only one case of a business making the transition, although several cart businesses are at various stages of realizing that goal.

Sources: Portland Development Commission. (2007). Cost of Doing Business Estimator. (Retrieved 4/2008). Mercy Corps Northwest. (2008). Data from 2007 financial forecasts. Costs for push carts and food carts are based on average responses to Food Cartology vendor surveys and interviews.

Table 3: Cost of Doing Business Comparison

		Push Cart		Stationary Mobile Cart		Small Business	
Number of Employees		1	2	1	2	1	2
Range		Low	High	Low	High		
Revenues		\$10,000	\$20,000	\$30,000	\$50,000	\$48,999	\$97,998
Recurring Costs	Land Rent	\$0	\$0	\$6,000	\$7,200		
	Rent	\$100	\$100	\$0	\$0	\$11,186	\$22,372
	Storage	\$200	\$700	\$0	\$0	\$0	\$0
	Commissary Kitchen	\$500	\$4,200	\$0	\$0	\$0	\$0
	Workers' Compensation	\$0	\$0	\$0	\$0	\$990	\$1,980
	Total Recurring Costs	\$800	\$5,000	\$6,000	\$7,200	\$12,176	\$24,352
One-Time Costs	System Development Charges	\$0	\$0	\$0	\$0	\$1,511	\$3,021
	Cart (depreciated cost over 10 years)	\$200	\$600	\$600	\$3,000	\$0	\$0
	Total One-Time Costs	\$800	\$5,000	\$6,000	\$7,200	\$12,176	\$24,352
Building Permits		\$0	\$0	\$0	\$0	\$1,338	\$2,036
Taxes (State and Local Total)		\$100	\$100	\$100	\$100	\$214	\$294
Total Costs		\$1,100	\$5,700	\$6,700	\$10,300	\$15,239	\$29,703

Notes: The small business costs are based on the costs for a small storefront restaurant. The ranges show different costs that various carts may experience. For example, some low-end carts may incur higher-end expenses and vice versa. The one-time cart cost is depreciated over 10 years. Purchase costs range from \$2,000 for push carts to \$30,000 for stationary mobile carts regardless of financing.

Recommendations

The food cart industry will continue to operate in Portland for the immediate future. However, without some degree of planning for the future of carts, the public benefits and micro-enterprise opportunity they provide may be reduced, or even lost. The market for developable land heavily influences food carts' viability, and dictates how and where food carts can survive unless innovative strategies are employed to identify new ways to incorporate them into the urban fabric of Portland. Alternatively, over-regulating food carts can significantly reduce the community and economic benefits they provide.

UVG has developed three strategies to promote the beneficial aspects of food carts and mitigate negative impacts. Each of these strategies is comprised of several proposed actions that various city agencies could implement, which require varying levels of resource commitment. In some cases a partnership with existing community organizations is recommended, and particular organizations have been identified.

Portland's food carts are part of what makes Portland unique!
-Public Survey Respondent

The food carts are great addition to Portland's personality and the DIY attitude of the city's residents. I absolutely love them. They're right up there with the Farmers Market and Saturday Market in my book.

-Public Survey Respondent

Vision PDX

The Bureau of Planning is currently updating the Comprehensive Plan that will guide Portland's development over the next three decades. Promoting food carts will address all three central values of VisionPDX, a guiding document for the comprehensive plan.

Community Connectedness and Distinctiveness: providing funding and programmatic resources to strengthen the food cart sector will contribute to tightly-knit communities by providing avenues for social interactions, improving street vitality and safety. The colorful Mississippi carts are an indication of how diversity of cart design can add to a neighborhood's distinctiveness.

Equity and Accessibility: UVG found that food carts are often owned by immigrants, that the work is often satisfying and that many cart owners are able to support themselves and their families. Promoting this industry will therefore also expand economic opportunities among Portland's increasingly diverse population.

Sustainability: UVG's recommendations advance sustainability—**socially** through the personal interactions common at food carts; **environmentally** as they are usually accessed by non-automobile uses; **economically** by promoting local businesses and neighborhood retail areas; and **culturally** in their reflection of Portland's diversity.

Recommendations

Criteria

A wide variety of alternative actions to address the issues determined in the study were reviewed and evaluated against two types of criteria. First, the proposed action was evaluated on the basis of its ability to accomplish the project goals of promoting the benefits of food carts, mitigating impacts, and overcoming challenges. The second set of criteria evaluates political, financial, and administrative feasibility, answering the following questions:

Political Viability

Is the action acceptable or could it be made acceptable to relevant stakeholders?

Financial Feasibility

Do the benefits of the action justify the costs associated with implementing it?

Administrative Operability

Can the current agency staff implement and manage the action?

The analysis of the most favorable alternatives is shown in Table 4. UVG believes that the following recommendations are most effective and capable of being implemented based on our evaluation.

Strategy 1: Identify additional locations for food carts.

As the city matures and the market conditions that have facilitated food carts locating on surface parking lots begin to change, the City should identify additional locations where food carts can operate. All of the property owners interviewed indicated that they plan to develop the property when the market conditions are right, and the barriers

that exist usually preclude vendors from moving into the new retail spaces. Furthermore, the data indicate that finding a site is a barrier to opening a food cart, which will become increasingly more difficult as vacant lands are developed. It is in the City's best interest that food carts act as interim uses of vacant lands and not preclude development; however, this further diminishes the stability of cart sites. Furthermore, there are many existing public and private spaces that could benefit from the presence of food carts, especially to promote interim infill in commercial nodes outside the central business district. UVG recommends the following actions to expand options for food cart locations:

Action 1.1

Encourage developers to designate space for food carts in appropriate projects. As vacant lands are developed, working with developers to ensure that the public benefits associated with food carts are maintained will be important. Such spaces can help increase the stability of the location for the food cart owner and allow the developer to provide distinctive character to a project that is suitable for food carts.

Action 1.2

Work with neighborhood partners to identify privately-owned sites that could be adapted for food carts and are appropriate for such uses. Sites may include properties with existing shelter or electric hook-ups, space for seating, adequate pedestrian access, and market demand for additional small restaurant uses. Food carts should be especially considered in areas where they could make an area feel safer.

Recommendations

Action 1.3

Provide space for food carts in existing publicly owned locations and consider carts in projects currently under development. Food carts represent an opportunity for the City to provide avenues for local small business development in areas they may not otherwise be able to afford rent. Some examples of existing or proposed locations where food carts could be accommodated include: city parks, the downtown bus mall, MAX stops and transit centers, park and ride facilities, Ankeny Plaza, Centennial Mills, and sidewalks in popular commercial or high-pedestrian-volume districts. The Eastside light rail line is a good example of an opportunity with significant pedestrian traffic that would benefit from the presence of carts.

Strategy 2: Increase awareness of informational resources for stakeholders in the food cart industry by connecting them with existing programs.

The results of this study indicate that food cart owners do not appear to be accessing assistance currently available through existing programs and resources. Many small business programs such as Mercy Corps NW, Hacienda, and other non-profit organizations provide financial planning and other business development services. Cart owners or potential owners could benefit from business plan assistance, help finding a cart and location, guidance maneuvering the regulatory environment, and many other aspects of beginning a business. Such assistance could help increase the profitability of food cart businesses, increase the number of owners that are able to save money, and eventually help those that wish expand or transition to a storefront. UVG recommends the following actions to increase awareness of these resources among food cart owners:

Action 2.1

Partner with community organizations to develop an outreach strategy. Working with Mercy Corps NW, Hacienda, Immigrant and Refugee Community Organization, Community Development Corporations, and other community groups, identify existing and potential food cart entrepreneurs and inform them about existing programs that provide business assistance. Such assistance should include marketing, developing a business plan and financial planning, accessing grants, and navigating the permitting process. A variety of outreach tools could be used including developing a website or hosting a food cart fair, which would connect vendors, farmers, landowners, and small business support providers.

Action 2.2

Expand the business finance and incentive programs at PDC to include targeted support for food carts. Currently, programs provide many types of resources to traditional small business, which could also benefit food carts. PDC should expand their loan and assistance programs to specifically target food cart owners. This assistance could include helping food carts' start-up challenges and assisting them as they transition into storefronts. Assistance could include providing space for storage of additional goods needed for the move to a larger location and a savings program to aid financing the transition.

The trust of a city is formed over time from many, many little public sidewalk contacts. It grows by people stopping by at the bar for a beer, getting advice from the grocer and giving advice to the newsstand man, comparing opinions with other customers at the bakery...

-Jane Jacobs (1961)

Recommendations

Hacienda hosts a micro-enterprise program called Micromercantes. The project which started only last year has already created a buzz in local farmer markets. At fourteen weekly farmers markets, Micromercantes sells the best tamales in town. Seventeen women, mostly Latina single mothers, increased their household income by 25-30% by participating in the program. This year they will open a food cart downtown. The cart will be run by a cooperative of 14 women. Through the program they offer access to MercyCorp's 3-to-1 individual development account (IDA) match program, and business skills training. The staff at Hacienda are providing a key role by navigating many of the hurdles associated with opening a cart including finding a location, purchasing a cart, and getting licensed. Finding a commercial kitchen is also another commonly hurdle to opening a food cart and Hacienda is building a commercial kitchen at one of their affordable housing sites.

Strategy 3: Promote innovative urban design elements that support food carts.

Innovative urban design can promote the benefits of food carts while mitigating their negative impacts by implementing the following actions:

Action 3.1

Support publicly- or privately- provided food cart site improvements that increase public amenities. Such amenities could include seating, shelter, landscaping, and pedestrian-friendly sidewalks. The proposed awning and railing on the bus mall at SW 5th and Oak are examples of such improvements.

Action 3.2

Work with stakeholders to ensure an adequate supply of trash cans. Work with Multnomah County Health Department, private property owners, and/or food cart owners to ensure that sites have adequate trash cans at food carts.

Action 3.3

Sponsor a design competition to incorporate food carts uses on sites. A cost-efficient way of increasing awareness and promoting creative design, such a competition could develop ways of incorporating food carts or smaller retail niches that may be appropriate for cart owners who want to expand.

Action 3.4

Continue to support diversity in design regulations. Currently, the design of carts on private property is not regulated. Push carts on the public right-of-way that undergo design review have minimal design requirements. UVG's study found that the cart design did not influence either the public's perception of food carts or the level of social interaction. Therefore, the City should continue to allow the food carts to reflect design diversity.

Recommendations

Portland Transit Mall Revitalization Project

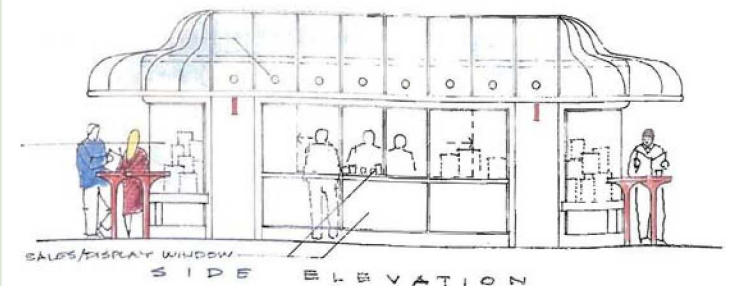
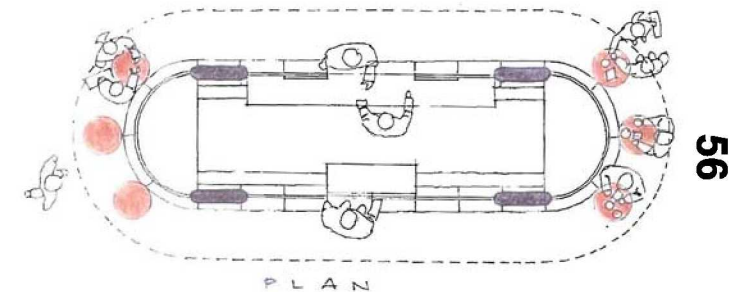
Over the past two years, Trimet's Block By Block (BBB) project has identified opportunities to make the mall safer, livelier and more economically vital. Food carts are a key ingredient in the mall's revitalization and one that will contribute to the activation and animation of downtown, according to a BBB report on street vending.²⁸

Based on research on food cart practices in Portland and other U.S. cities, BBB made four key recommendations for a new food cart program.²⁹

1. The food cart program should be managed and regulated by the non-profit Portland Mall Management Inc.(PMMI). Existing sidewalk push carts should continue to be regulated by the Portland Office of Transportation.
2. Food Carts should be established at seven prime locations that were identified by BBB.
3. Cart operators should be recruited from well-know restaurants and cafés, such as Papa Haydn's, Jake's and Moonstruck Chocolate's.
4. PMMI should lease "off the shelf" carts to vendors and modification should be limited to adding PMMI's logo as well as the cart company's name.

UVG applauds the food cart program as outlined above and recognizes it as a significant step in making the transit mall a vibrant social space. We do, however, recommend adapting the program in light of our findings in order to make the most of the \$200 million public investment in the Transit Mall Revitalization Project. We recommend the following two program adaptations:

1. The food cart program should consider economic equity as a central objective and recruit cart operators, not from high end restaurants, but from low income and minority communities.
2. Creativity in cart aesthetics should be encouraged, rather than limited, in order to allow vendors to creatively participate in the design of the urban fabric. UVG's results show that the aesthetics of a cart's exterior has little impact on the social benefits of the enterprise but may add to a neighborhood's distinctiveness.



A proposed transformation of a 1980s bus shelter into a street vending space in the Transit Mall
Source: Block By Block

Recommendations

Innovative Design for Density and Carts

The mixed-use affordable housing development Hismen Hin-nu Terrace in Oakland, California, demonstrated how vending carts can complement high density development by incorporating vendor niches in its façade at street level. The architect Michael Pyatok included street vending in the design to create livelier, safer sidewalks and to provide entrepreneurial opportunities for the low income immigrant residents of the neighborhood. The sidewalk niches are recessed five feet from the sidewalk and roll-down curtains allow vendors to store their wares safely overnight. Unfortunately, the design was not flawless; views into the indoor retail space located behind these niches were blocked by the street vendors. With slight design modifications, the retail element of the award winning Hismen Hin-Nu Terrace could have been even more successful.²⁷ This project is a good example of ways that cities can foster spaces for food carts even after vacant lands and surface parking have been developed.



Vendor niches at Hismen Hin-Nu Terrace, Oakland, CA
Source: www.wallpa.uic.edu

Next Steps

This preliminary analysis of the food cart industry indicates additional research opportunities into ways that the City of Portland can assist or manage the food cart industry to achieve city-wide goals.

Food Access. Food carts may increase access to food in low-income neighborhoods, which may lack grocery stores or access to fresh fruits or vegetables. After identifying access to food as an equity issue for the City to address, New York made additional food cart permits available to carts that sell fresh produce in low-income neighborhoods. Portland could explore similar ways to increase food access by providing incentives for food carts to locate in target neighborhoods.

Rethinking Zoning. since the placement of mobile food carts on private land is unregulated by the zoning code, there is limited oversight or public involvement for the placement of such a site. The City may want to explore the possible ways to permit food cart sites, especially where several are located on one parcel. However, the City should be aware that increased regulation might be a distinct concern and potential barrier to carts

Recommendations

Table 4: Recommendation alternatives evaluation

		ACTIONS	CRITERIA						
			Benefits Promotion	Impact Mitigation	Overcomes Challenges	Politically Viable	Financially Feasible	Administrative Operability	
STRATEGIES	Identify Additional Locations for Food Carts	Encourage developers to designate space for food cart operations in appropriate projects	X		X	X	X	X	
		Work with neighborhood partners to identify privately owned sites that could be adapted for interim uses like food carts	X		X	X	X		
		Provide space for food carts in new or existing publicly owned locations	X	X	X	X		X	
		Purchase and develop a property explicitly for food carts and other micro-enterprise businesses	X	X	X				
		Develop a referral system to connect property owners with space and food cart owners looking for a site	X		X				
	Increase awareness of informational resources for stakeholders	Partner with community organizations to develop an outreach strategy	X		X	X	X	X	
		Expand the business finance and storefront improvement programs at PDC to include support for food carts and other micro-enterprises	X		X	X		X	
	Promote Innovative Urban Design	Support publicly or privately provided food cart friendly site improvements that increase public amenities	X		X	X		X	
		Sponsor a design competition to incorporate food carts on site	X		X	X	X	X	
		Work with stakeholders to ensure an adequate supply of trash cans at food cart sites		X		X	X	X	
		Continue to support diversity in design regulations	X			X	X	X	

Notes:

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25. Coalition for a Livable Future. Regional Equity Atlas, 2007.
26. ESRI Business Analyst, 2007
27. Rudy Bruner Award for Urban Excellence, Silver Medal 1997.
28. January 24, 2007, p. 1 "Summary of Vendor Cart Investigations"
29. April 2, 2007. Portland Transit Mall Re-vitalization Project. "Final Vendor Cart Recommendations"

Appendix A-Regulatory Session Attendees

Richard Eisenhower, Portland Office of Transportation, City of Portland

Kenneth Yee, Multnomah County Health Department, City of Portland

Randall Howarth, Multnomah County Health Department, City of Portland

Sterling Bennet, Bureau of Development Services, City of Portland

Kenneth Carlson, Bureau of Development Services, City of Portland

Suzanne Vara, Bureau of Development Services, City of Portland

Judy Battles, Bureau of Development Services, City of Portland

Kate Marcello, Bureau of Development Services, City of Portland

Mike Ebeling, Bureau of Development Services, City of Portland

Appendix B-Survey and Inventory Instrument

Site Inventory

Location:			Date/Time:			Name:					
Site											
Total Number of Carts On Site	Odor (1-3)	Smell Pleasant? (Y/N)	Noise (1-3)	Litter on Site (1-3)	# On Street Parking Available directly in front	# Of Off Street Parking on Site	Paved (Y/N)	Shaded Area Provided on site to sit (Y/N)	Side walk width (feet)	Block Side	Speed
PUBLICLY Provided Furnishings											
# of trash cans	# of benches	# of street trees		Other site improvements							
				Pedestrian crossing safety features							

DEFINITIONS

Total Number of Carts On Site	Record the total number of Carts on the Site and others immediately adjacent	# Of Off Street Parking Available on Site	Approximate the number of vehicles that could park on site for FREE
Odor (1-3)	Rank the Odor of the entire site 1-No noticeable food smells	Paved (Y/N)	Is the site paved?
	2-Mild food smells on site	Shaded Area Provided on Site (Y/N)	Is there a shaded area provided to sit under?
Smell Pleasant?	3-Strong food smells across street or 50 feet away	What is the side walk width?	In feet in front of carts
Noise (1-3)	If odor is ranked 2 or 3. Are the food smells pleasant?	Block Side	What side of the block are the carts on? (N,S,E,W)
	Rank the noise level of the entire site	Speed	What is the posted speed limit on the street in front of the site?
	1-No noticeable noise coming from site	Publicly provided furnishings	Record number of publicly provided trash cans, benches and street trees on the block that the carts are located all four sides of block
	2-Some noise coming from site that adjacent neighbors can hear	Other site improvements	List any other improvements to the site including laying down bark, flowers, benches, art....
	3-You hear noise from the site from 50 feet away	Are there pedestrian crossing safety features to the site--curb bulbs, crosswalks?	Describe pedestrian safety access features that provide access to the site (curb bulbs, crosswalks)
Litter on Site (1-3)	Rank the amount of litter on the site (the entire block) 1- No noticeable litter 2- Less than 20 pieces of litter 3- More than 20 pieces of litter	Other Notes: Please note any other relevant street design/public amenities or points of interest surrounding the site:	
On Street Parking Available directly in front	Number of Space available on the street directly in front of block that carts are located (all sides of the block both sides of the street)		

Appendix B-Survey and Inventory Instrument

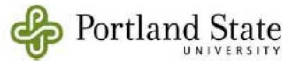
Cart Inventory

Location:				Date/ Time:			Name:			
Carts										
	Awning (Y/N)	Porch (Y/N)	Gar- bage Can (Y/ N)	Side- walk Sign (Y/N)	Cart specific seating#	Exterior Aesthet- ics of Cart (1-3)	Water/ Gas Tank Visibility (Y/N)	Name of Owner	Survey Dropped Off (Y/N)	Survey Picked Up (Y/ N)

Definitions			
Name of Cart	Record Name Of Cart	Exterior Aesthetics of	Rank the aesthetics of the cart
Awning (Y/N)	Is there an awning that is attached to the cart?	Cart (1-3)	1-Cart is not maintained, visibly in disrepair, AND no art or decoration
Porch (Y/N)	Is there a deck or porch?		2-Cart is maintained but no art or decoration
Garbage Can (Y/N)	Does the cart have a garbage can?		3-Cart is maintained and attractive with decorations and art
Sidewalk Sign (Y/N)	Does the cart have a sidewalk sign?	Gas/Water Tank	Are the gas/water tanks clearly visible from the street? (Y/N)
Cart specific seating	Number of seats		
** NOTES			

Appendix B-Survey and Inventory Instrument

Public Intercept Survey



Portland State University
Master of Urban and Regional Planning
Food Cartology Student Group Project

Food Cart Survey (Public Intercept)

1. Do you purchase food from food carts?

<input type="checkbox"/> No	1a. Why not? (Please check all that apply)
	<input type="checkbox"/> Concern about food safety
	<input type="checkbox"/> Unappealing condition of cart
	<input type="checkbox"/> Don't like the food options
	<input type="checkbox"/> Nowhere to sit
	<input type="checkbox"/> Don't like the owner/worker
	<input type="checkbox"/> Waiting time is long
	<input type="checkbox"/> Others (please specify) _____
	GO TO QUESTION #2

<input type="checkbox"/> Yes	1b. How often do you patronize food carts?
	<input type="checkbox"/> 5 or more times a week
	<input type="checkbox"/> 1 to 2 times a week
	<input type="checkbox"/> 3 to 4 times a week
	<input type="checkbox"/> Less than once a week
	1c. Why do you patronize food carts? (Please check all that apply)
	<input type="checkbox"/> Affordable food
	<input type="checkbox"/> Close to work/school
	<input type="checkbox"/> Tasty food
	<input type="checkbox"/> Close to home
	<input type="checkbox"/> Personal relation with cart operator
	<input type="checkbox"/> Outdoor seating/table
	<input type="checkbox"/> Good place for people watching
	<input type="checkbox"/> No other food option nearby
	<input type="checkbox"/> Others (please specify) _____
	1d. How do you usually travel to the food carts?
	<input type="checkbox"/> Walk
	<input type="checkbox"/> Bike
	<input type="checkbox"/> Transit
	<input type="checkbox"/> Drive
	<input type="checkbox"/> Other _____
	To what extent do you agree or disagree with the following statements
	1e. I have good relationship with one or more food cart operators
	<input type="checkbox"/> Strongly agree
	<input type="checkbox"/> Agree
	<input type="checkbox"/> Neutral
	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Strongly disagree
	1f. I have met new people while patronizing food carts
	<input type="checkbox"/> Strongly agree
	<input type="checkbox"/> Agree
	<input type="checkbox"/> Neutral
	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Strongly disagree
	1g. I have become better acquainted with people while patronizing food carts
	<input type="checkbox"/> Strongly agree
	<input type="checkbox"/> Agree
	<input type="checkbox"/> Neutral
	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Strongly disagree
	1h. I have conversations with cart operator(s) other than ordering food
	<input type="checkbox"/> Strongly agree
	<input type="checkbox"/> Agree
	<input type="checkbox"/> Neutral
	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Strongly disagree
	1i. I have conversations with other customers at the food carts
	<input type="checkbox"/> Strongly agree
	<input type="checkbox"/> Agree
	<input type="checkbox"/> Neutral
	<input type="checkbox"/> Disagree
	<input type="checkbox"/> Strongly disagree

Please indicate to what extent you agree or disagree with the following statements.

2. The presence of food carts in this neighborhood makes the streets feel safer.
<input type="checkbox"/> Strongly agree
<input type="checkbox"/> Agree
<input type="checkbox"/> Neutral
<input type="checkbox"/> Disagree
<input type="checkbox"/> Strongly disagree
3. I want to see more food carts in this neighborhood
<input type="checkbox"/> Strongly agree
<input type="checkbox"/> Agree
<input type="checkbox"/> Neutral
<input type="checkbox"/> Disagree
<input type="checkbox"/> Strongly disagree
4. Food carts in this neighborhood are a better use of the site than a parking lot
<input type="checkbox"/> Strongly agree
<input type="checkbox"/> Agree
<input type="checkbox"/> Neutral
<input type="checkbox"/> Disagree
<input type="checkbox"/> Strongly disagree

A few more questions on the back

5. How do you feel about the following physical qualities of the food cart(s) in this neighborhood?

	Appealing	Unappealing	No opinion
5a. Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5b. Awnings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5c. Exterior of trailer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5d. View into kitchen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5e. Tables and chairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Is there noticeable smell from the food cart(s)?

☐ Yes ☐ No ☐ Don't know

6a. How do you feel about the smell?

☐ Pleasant ☐ Neutral ☐ Unpleasant ☐ N/A

7. Is there noticeable noise from the food cart(s)?

☐ Yes ☐ No ☐ Don't know

7a. How do you feel about the noise?

☐ Pleasant ☐ Neutral ☐ Unpleasant ☐ N/A

8. Is there noticeable litter from the food cart(s)?

☐ Yes ☐ No ☐ Don't know

9. How do you think the food cart(s) can be improved? (Please check all that apply.)

<input type="checkbox"/> Better design of cart exterior/signage	<input type="checkbox"/> Operate more evening hours
<input type="checkbox"/> Appropriate handling of trash	<input type="checkbox"/> Operate fewer hours
<input type="checkbox"/> Appropriate waste water disposal	<input type="checkbox"/> Pedestrian clearance on sidewalk
<input type="checkbox"/> Safer food handling	<input type="checkbox"/> Provide bathroom
<input type="checkbox"/> Use recyclable food containers	<input type="checkbox"/> Provide seating/table
<input type="checkbox"/> Reduce odor	<input type="checkbox"/> Provide shelter from weather
<input type="checkbox"/> Reduce noise	<input type="checkbox"/> Nothing to improve
<input type="checkbox"/> Others (please specify) _____	

10. Of the above issues, which one are you mostly concerned with?

11. What is your overall perception of food cart(s) in this neighborhood?

☐ Very Positive ☐ Positive ☐ Neutral ☐ Negative ☐ Very Negative

12. What is your yearly household income?

<input type="checkbox"/> Less than \$15,000	<input type="checkbox"/> \$45,000-\$54,999
<input type="checkbox"/> \$15,000-\$24,999	<input type="checkbox"/> \$55,000-\$64,999
<input type="checkbox"/> \$25,000-\$34,999	<input type="checkbox"/> \$65,000-\$74,999
<input type="checkbox"/> \$35,000-\$44,999	<input type="checkbox"/> \$75,000 or more

13. Other comments or suggestions for our study?

Thank you for your time!

Appendix B-Survey and Inventory Instrument

Vendor Survey



Portland State University
Master of Urban and Regional Planning
Food Cartology Student Project
Site No. _____ Survey No. _____

The Urban Vitality Group is made up of six students from Portland State University's Urban and Regional Planning program. We are studying the social and economic impacts of food carts in the city and would like your input based on your experience as a food cart owner. Your answers will be kept anonymous. Thank you for taking the 5-10 minutes to finish our survey!

Name of Business _____ Type of food _____
Business Address/Location _____

1. Why did you get into the food cart business, rather than another industry? (Check all that apply)

- ☐a Flexibility of schedule ☐e Hard to find other employment ☐e Want to be a cook
☐b Independence ☐d Knew other cart owners ☐f Want to have my own restaurant

g. Other reasons (please specify): _____

2. What year did you begin operating this cart? _____

Was your cart previously owned by a different owner? ☐ Yes ☐ No

3. How satisfied are you with your current location?

- ☐a Very satisfied ☐e Somewhat Satisfied ☐c Neutral ☐d Somewhat Unsatisfied ☐b Very Unsatisfied

What do you particularly like or dislike about your location? _____

4. What are your hours? (Check all that apply)

- | Weekdays | | Weekends | | Winter | |
|--------------------------------------|---------------------------------------|--------------------------------------|---------------------------------------|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> a Breakfast | <input type="checkbox"/> e Dinner | <input type="checkbox"/> e Breakfast | <input type="checkbox"/> e Dinner | <input type="checkbox"/> i Breakfast | <input type="checkbox"/> k Dinner |
| <input type="checkbox"/> b Lunch | <input type="checkbox"/> d Late-night | <input type="checkbox"/> f Lunch | <input type="checkbox"/> h Late-night | <input type="checkbox"/> j Lunch | <input type="checkbox"/> l Late-night |

5. How many employees do you have, not including yourself? ____ How many are family members? ____

6. What changes would you make to attract more customers? (Check all that apply)

- ☐a Clean-up site around my cart ☐d Provide seating/table ☐e Advertise food
☐b Provide recycleable food containers ☐e Improve signage ☐h Improve marketing
☐c Improve access for pedestrians ☐f Install awning ☐i Create a website

Others (please specify): _____

7. Do you agree with the following statements?

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree	Does not apply
a. I have a friendly relationship with my customers.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6
b. I have a friendly relationship with nearby food cart owners.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6
c. I have a friendly relationship with nearby store-front business owners	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6
d. I have a friendly relationship with my landlord	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6

8. Did you face any of these difficulties when you were opening your business?

- ☐a Obtaining financial support ☐e Finding a trailer ☐e Getting licences
☐b Developing a business plan ☐d Job training ☐f Finding a site

Other (please specify): _____

What was difficult about it? _____

1

9. Did you receive any of the following types of assistance when starting your business?

- | a. Financial: | b. Business Experience: | c. Materials and Licenses: |
|---|---|--|
| <input type="checkbox"/> 1 Assistance from family members | <input type="checkbox"/> 1 Job training | <input type="checkbox"/> 1 Licenses |
| <input type="checkbox"/> 2 Support from an organization | <input type="checkbox"/> 2 Developing a business plan | <input type="checkbox"/> 2 Finding a trailer |
| <input type="checkbox"/> 3 Home equity loan | | <input type="checkbox"/> 3 Finding a site |
| <input type="checkbox"/> 4 I used personal savings | | |

Other (please specify): _____

10. Do you currently have a business plan?

- ☐1 Yes ☐2 No ☐3 Don't know

11. Do you currently have a loan out on your business?

- ☐1 Yes ☐2 No ☐3 Don't know

12. What are your plans for the future of your business?

- | Expand: | Relocate: |
|---|--|
| <input type="checkbox"/> a Larger trailer | <input type="checkbox"/> d Within neighborhood |
| <input type="checkbox"/> b Additional cart | <input type="checkbox"/> e New neighborhood |
| <input type="checkbox"/> c Move into storefront | |

Other (please specify): _____ Other (please specify): _____

13. If you plan to expand or relocate, what do you think might prevent you?

- ☐a Lack of money
☐b City regulations
☐c Do not plan to expand or relocate

14. About how much do you spend each month on the following business expenses:

- a. Rent? _____ b. Utilities? _____ c. Staffing? _____ d. Food costs? _____
e. Do you have a lease? ☐1 Yes; yearly ☐2 Yes; month-to-month ☐3 No ☐4 Don't know

15. Where do you buy your food?

- ☐1 Super market/ warehouse grocery (Costco)
☐2 Local farmer ☐4 Restaurant supply

16. Where do you prepare your food?

- ☐3 On-site
☐4 Commissary kitchen

17. About how much money do you make each day? (gross total) _____ each month? _____

18. Do you agree with the following statements?

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree	Does not apply
--	----------------	----------------	---------	-------------------	-------------------	----------------

- | | | | | | | |
|---|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| a. The food cart has been a good way for me to support myself and my family | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input type="checkbox"/> 6 |
| b. I am able to put some money aside for a rainy day. | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input type="checkbox"/> 6 |

19. Do you own your home? ☐ Yes ☐ No

20. Do you have another job in addition to the cart? ☐ Yes; year-round ☐ Yes; seasonal ☐ No

21. How would you measure if your business is successful?

- ☐1 Many customers ☐3 Make a significant profit ☐4 Able to get by independently
☐2 Move into store front ☐5 Other: _____

Demographic information

22. What is your ethnicity?

- ☐1 Hispanic ☐2 Caucasian ☐3 Asian ☐4 Eastern European ☐5 African American ☐6 Other _____

23. Were you born in the United States? ☐1 Yes ☐2 No a. How long have you lived here? _____ years

24. Where do you live?

- ☐1 Southeast Portland ☐3 Southwest Portland ☐5 North Portland
☐2 Northeast Portland ☐4 Northwest Portland ☐6 Outside city of Portland

25. Do you have any comments or suggestions for our study?

Thank you for your time!

Would you like to talk with us further about our study? _____ 2

Appendix B-Survey and Inventory Instrument

Neighborhood Business Survey

NOTE: Please ask the business owner or manager to complete this survey.

Date _____

Name of Business _____
Business Address _____
Type of Business (restaurant, dry cleaner, etc.) _____
How long has your business been in this location? _____
How many employees work in your business? _____

1. How often do you patronize the food cart(s) in this neighborhood?

- ☐ 5 or more times a week
☐ 3 to 4 times a week
☐ 1 to 2 times a week
☐ Less than once a week
☐ Never

Regarding the food carts in this neighborhood, please indicate to what extent you agree or disagree with the following statements.

2. The presence of food carts has increased foot traffic on the streets.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

3. My sales have increased because of the presence of food carts.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

4. The presence of food carts makes the streets feel safer.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

5. I have a friendly relationship with the food cart operators.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

6. I have a friendly relationship with other store-front business owners.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

7. I want to see more food carts in this neighborhood.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

8. Food carts are a better use of the site than a parking lot.

- ☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

9. Is there noticeable smell from the food cart(s)?

- ☐ Yes ☐ No ☐ Don't know

10. Is there noticeable noise from the food cart(s)?

- ☐ Yes ☐ No ☐ Don't know

11. Is there noticeable litter from the food cart(s)?

- ☐ Yes ☐ No ☐ Don't know

9a. How do you feel about the smell?

- ☐ Pleasant ☐ Neutral ☐ Unpleasant ☐ N/A

10a. How do you feel about the noise?

- ☐ Pleasant ☐ Neutral ☐ Unpleasant ☐ N/A

12. How do you think the food cart(s) can be improved? (Please check all that apply.)

- | | |
|---|---|
| <input type="checkbox"/> Better design of cart exterior/signage | <input type="checkbox"/> Operate more evening hours |
| <input type="checkbox"/> Appropriate handling of trash | <input type="checkbox"/> Operate fewer hours |
| <input type="checkbox"/> Appropriate waste water disposal | <input type="checkbox"/> Pedestrian clearance on sidewalk |
| <input type="checkbox"/> Safer food handling | <input type="checkbox"/> Provide bathroom |
| <input type="checkbox"/> Use recyclable food container | <input type="checkbox"/> Provide seating/table |
| <input type="checkbox"/> Reduce odor | <input type="checkbox"/> Provide shelter from weather |
| <input type="checkbox"/> Reduce noise | <input type="checkbox"/> Nothing to improve |
| <input type="checkbox"/> Others (please specify) _____ | |

13. Of the above issues, which one are you mostly concerned about?

14. Please rank your overall perception of food cart(s) in this neighborhood.

- ☐ Very positive
☐ Positive
☐ Neutral
☐ Negative
☐ Very negative

15. Other comments or suggestions for our study?

Thank you for your time!

Appendix C-Interviewee List

Stakeholder Group	Organization	Representative Name
Private Property Owner (Downtown)	City Center Parking	Mark Goodman
Private Property Owner (Sellwood)	Sellwood Antique Mall	Mark Gearhart
Private Property Owner (Mississippi)	Mississippi Rising LLC	Rachel Elizabeth
Private Property Owner (Cully)	Cully Owner	Gerald Kieffer
Food Trailer/Cart Owner (Pioneer Square)	Shelly's Garden: Honkin' Huge Burritos	Shelly Sandoval
Food Trailer/Cart Owner (Downtown)	Loco Locos Burritos	Ana Maria
Food Trailer/Cart Owner (Downtown)	Tabor	Monika Vitek
Food Trailer/Cart Owner (Downtown)	Rip City Grill	Clint Melville
Food Trailer/Cart Owner (Sellwood)	Garden State Foods	Kevin Sandri
Food Trailer/Cart Owner (Sellwood)	Wild Things	Rick
Food Trailer/Cart Owner (Miss)	Tita's Pista	Judith Stokes
Food Trailer/Cart Owner (Miss)	Moxie Rx	Nancye Benson
Food Trailer/Cart Owner (Cully)	Taqueria Uruapan	Unknown
Food Trailer/Cart Owner (Cully)	Taquería Mendoza	Unknown
Neighboring Business Owner (Downtown)	Avalon Vintage	Paul Bassett
Neighboring Business Owner (Downtown)	The City Sports Bar	Tim Pearce
Neighboring Business Owner (Sellwood)	Elinas	Gary Craghead
Neighboring Business Owner (Miss)	Lovely Hula Hands	Sarah Minnick
Neighboring Business Owner (Cully)	Taqueria Ortiz	Gilberto Ortiz
Neighboring Business Owner (Other)	Tiny's Coffee	Tom Pena, Nicole Pena, Rachael Creagar
Restaurant Owner	Tio's Tacos	Pedro Rodriguez
Regulatory	PDC	Kevin Brake
Regulatory	BDS	Joe Botkin
Regulatory	BDS	Lori Graham
Regulatory/Financial	PDC (former Albina Comm. Bank)	Stephen Green
Regulatory	State of Oregon, Building Codes	Ernie Hopkins
Regulatory/Public Health	Multnomah County Health Department	Ken Yee
Micro enterprise	Mercy Corps	Sarah Chenven
Micro enterprise	Hacienda	Suzanne Paymar
Urban Design	Bureau of Planning	Mark Raggett
Urban Design	Private Consultant	Tad Savinar
Business Development	Alliance of Portland Business Associations	Jean Baker
Portland Street Vending History	Gatto & Sons	Auggie Gatto

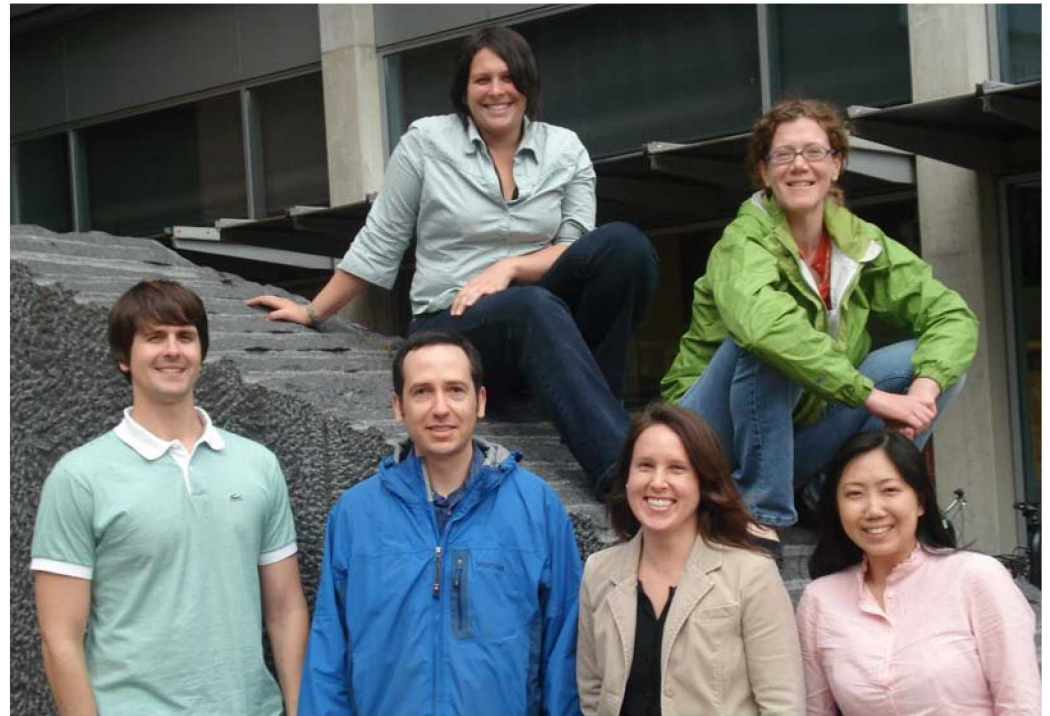
Appendix D-Team Profile

HANNAH KAPELL

A native of Plymouth, Massachusetts, Hannah moved to Portland to study anthropology at Reed College. She joined the MURP program in Fall 2006 to focus on bicycling and sustainable transportation planning. Hannah is currently interning at Alta Planning + Design, where she is conducting a statistical analysis of the Safer Routes to School three-year program. She is also a graduate research assistant in the Intelligent Transportation System Lab, working on a project to determine the freight industry's effects of congestion in Oregon.

AMY KOSKI

Amy is interested in the role of small businesses in creating vibrant local economies. Recently, she worked as an intern at the City of Portland, Bureau of Planning conducting work on the Commercial Corridor Study. She is a graduate research assistant for the Institute of Portland Metropolitan Studies, where she compiled data for the Oregon Innovation Council to inform a statewide economic study and contributed to the Metropolitan Briefing Book 2007. Currently, she is working on a regional food systems assessment. This past fall, Amy studied in Argentina for five months where she had the opportunity to work with the indigenous population and worker-owned cooperatives.



PETER KATON

A native Portlander, Peter is a graduate of Lewis & Clark College with a Bachelor's degree in Psychology. After working for several years in community mental health and employment services, Peter joined the MURP program in Fall 2006. Currently an intern with the non-profit Growing Gardens, he assists with program development, resource acquisition and community outreach. With a keen interest in social justice, Peter is a founding member and secretary of the student group Planning Includes Equity. Outside of his studies, Peter enjoys gardening with native plants and is active in a local effort to bring innovative means of exchange to Portland that supports the triple bottom line.

Appendix D-Team Profile

JINGPING LI

A native of China, Jingping used to work as program officer in China's Ministry of Land and Resources, focusing on land use and natural resource management issues. She joined the MURP program in Spring 2006 with an interest in environmental planning and sustainability. As a Graduate Research Assistant, Jingping is actively involved in the China-U.S. Sustainable Land Use and Urban Planning Program housed in the College of Urban and Public Affairs that also partners with the International Sustainable Development Foundation.

KAREN THALHAMMER

Karen worked as a policy campaign coordinator in San Diego where she worked to pass a living wage ordinance for the City of San Diego. While there, she also organized a labor, housing, and environmental coalition to negotiate on planning policy and development projects. At the Community Alliance of Tenants she served as the Housing Policy Director and worked on a successful campaign to require that 30% of TIF be spent on affordable housing. This work lead her to PSU to work towards the MURP degree and Certificate in Real Estate Development. Most recently Karen worked at the Portland Development Commission. Currently she is the National Association of Realtors Fellow and authors articles on the housing, office, and retail market for the PSU Center of Real Estate Quarterly Report.

COLIN PRICE

Prior to joining the MURP program in Spring 2006, Colin worked as a consultant on environmental planning and site assessment projects in Arizona, San Francisco, and Portland. Currently, he works as a planner for Portland State University's Housing and Transportation Services where he is responsible for conducting and analyzing campus transportation surveys, managing PSU's transportation and housing-related Business Energy Tax Credit applications, and is involved with sustainable transportation research. Colin has also worked as a research assistant at the Institute of Portland Metropolitan Studies developing the Measure 37 claims database and regional food system assessment projects. His interests include creating resilient, equitable communities, examining the intersection of rural and urban interests, and understanding the role of public health in planning.

FOOD ON WHEELS: Mobile Vending Goes Mainstream





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Executive Summary

Mobile food vending generates approximately \$650 million in revenue annually.¹ The industry is projected to account for approximately \$2.7 billion in food revenue over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators. Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order.

Increasingly, city leaders are recognizing that food trucks are here to stay. They also recognize that there is no “one size fits all” prescription for how to most effectively incorporate food trucks into the fabric of a community. With the intent of helping city leaders with this task, this guide examines the following questions: What policy options do local governments have to regulate food trucks? What is the best way to incorporate food trucks into the fabric of a city, taking into account the preferences of all stakeholders?

Thirteen cities of varying size and geographic location were analyzed for this study. Information on vending regulations within each of these cities was collected and analyzed, and supplemented with semi-structured interviews with city staff and food truck vendors.

Based on recurring themes and commonalities, regulations are grouped into four policy areas:

- **Economic activity:** this policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and looks at specific processes that can be barriers to market entry. Two areas of regulation that impact economic activity - streamlining and permit costs – are examined, with recommendations provided for each.
- **Public space:** mobile vending takes place on both public and private property, but public property presents a unique set of challenges. With the rapid expansion of food trucks, there is increased demand for limited space, which increases the likelihood of conflicting interests and encroaches upon the ability of stakeholders to maximize the advantages that public space can offer. Time constraints, proximity rules, and geographic limitations related to density are examined here, with recommendations provided for each.
- **Public health:** this is one of the most basic concerns regarding mobile vending. All stakeholders realize the need for comprehensive regulations around sanitation and food safety. These issues should be addressed within a regulatory framework that is cost-efficient, thorough, and results in a streamlined process for all stakeholders.
- **Public safety:** public safety is a key reason why many cities began regulating food trucks. Regulations examined here include private property, vending near schools, and pedestrian safety, with recommendations provided for each.

All of the recommendations in this guide include regulatory best practices that are currently in place in the selected cities. These best practices provide a balance of the concerns and interests of the four stakeholder groups identified in this report: (1) mobile vendors (this term is used interchangeably with 'food truck' throughout the guide) and food truck/industry associations, (2) restaurants and restaurant associations, (3) the community, and (4) city government.

In addition, five overall recommendations for cities looking to update their regulations for mobile vending are also included:

- 1. Hold Town Hall Forums and Private Meetings with Core Stakeholders.**
- 2. Encourage Dialogue and the Building of Relationships Among Competing Stakeholders.**
- 3. Implement Pilot Programs to Determine What Regulations to Adopt.**
- 4. Use Targeted Practices as a Way to Address Underserved Areas of the City.**
- 5. Identify Private Vacant Lots and Create Partnerships for Mobile Vendors to Gather and Vend in the Same Location.**

The recommendations included here are intended to be flexible enough to accommodate different circumstances, but logical enough to provide useful guidance to local leaders interested in integrating food trucks into city life for the benefit of both their residents and existing businesses.

Introduction

Mobile vending has grown considerably in recent years, generating approximately \$650 million in revenue annually.² The rapid expansion of mobile vending, or food trucks, is attributed to residents' desire for quality, value, and speed; an appreciation for fresh, local food; and a preference for small and sustainable business. As such, mobile vending is also commonly used as a means to expand economic opportunity, and enrich communities by improving access to goods and produce not otherwise available through area merchants. The recent recession has also made food trucks an appealing option for hopeful restaurateurs, as they are an easier and more cost-friendly alternative to opening a brick and mortar restaurant. Many entrepreneurs have capitalized on the mobile vending industry, creating opportunities for self-sufficiency and upward mobility.³

The mobile vending industry is on pace to quadruple its revenue stream over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators.

Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order. Food trucks also take up a significant amount of space, require more safety and health oversight, cater to a different customer than the aforementioned types of mobile vendors, and have a more challenging relationship with brick and mortar restaurants and other vendors.

Advocates of stricter regulations generally assert that mobile vending congests sidewalks and streets, are unsanitary, and diminish urban quality of life. Regulations that currently impede mobile vending operations in U.S. cities commonly include public property bans, restricted zones, proximity bans, and duration restrictions. Supporters tend to argue that food trucks provide affordable, high quality food, rejuvenate public space, and fairly compete with size and open-air limitations. City officials have to balance these interests by regulating food and traffic safety without impeding the creativity and innovation of this popular market, but because the industry is so new, there are few examples of the best ways to amend existing provisions or adopt new laws.

The purpose of this guide is to offer best practices and recommendations to city leaders about how they can most effectively take advantage of the benefits of food trucks, while balancing the need to regulate growth and account for the concerns of key stakeholders: food trucks, restaurants, residents, and city government. It includes an analysis of food truck policies and regulations, specifically as they relate to four policy areas:

- Economic activity
- Public space
- Public health
- Public safety

The guide also includes recommendations on mobile vending policy and regulatory development for cities of all sizes. Using this guide, local leaders will be able to better understand the policy options local governments have for regulating food trucks, and determine the best way to incorporate food trucks into the fabric of a city while taking into account the preferences of all stakeholders.

Selection of Cities

This guide analyzes mobile vending regulations across 13 cities, based on population density, presence of local food truck industry, and availability of mobile vending regulations. Figure 1 shows the cities that are included in the guide.

Very large cities like New York City and San Francisco were not included on the basis that conclusions drawn from analyzing their regulations would not be generalizable to most other cities.

Figure 1: Selection of cities

Cities (population density)



Stakeholders and Stakeholder Values

Stakeholders are identified as: (1) mobile vendors (this term is used interchangeably with food trucks here) and food truck/industry associations, (2) restaurants and restaurant associations, (3) the community at large, and (4) city government. For food truck vendors, it is assumed they would prefer an approach of looser regulations, clear, narrowly tailored laws, and streamlined procedures. For restaurants, it is assumed they favor stricter regulations that limit competition from food truck vendors. Although values are likely to vary among different community groups, it is assumed that — in general — community members hold quality of life concerns, including fear of negative spillovers (congestion, noise, pollution, etc.) as primary concerns, but also harbor a strong desire for community vibrancy. At the same time, community members generally prefer more food options to fewer. For city government, balancing the interests of stakeholders is a key priority, but so is a desire for economic vibrancy and revitalization, administrative ease, effective enforcement through regulatory clarity, and options that are budget friendly and cost-effective.

LOW POPULATION DENSITY

Durham, NC
New Orleans, LA
Indianapolis, IN
Atlanta, GA
Austin, TX

MODERATE POPULATION DENSITY

Cincinnati, OH
Denver, CO
Las Vegas, NV
Portland, OR
St. Louis, MO

HIGH POPULATION DENSITY

Oakland, CA
Washington, DC
Boston, MA

Economic Activity

This policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and specific processes that can be barriers to market entry. This section covers two topics that impact economic activity - streamlining and cost of permits for food trucks - and explores how these issues impact the various stakeholder groups.



Streamlining

Regulations that dictate how centralized the mobile vending permitting process is can greatly impact mobile vendors' level of access to a city's economic activity, as they determine how easy or difficult it is to gain permits and licenses.

Stakeholder Concerns

For food trucks, one of the key objectives is to earn revenue. For brick and mortar restaurants, their goal is the same, and the level of competition food trucks create or are perceived to create can be of concern. For the community and city, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy, and creates a level of attractiveness for business and residents as well as for the city as a whole.

Having a more centralized process for permitting generally allows vendors greater ease in entering the mobile vending arena by reducing the number of city departments they must interact with and receive

approval from. Centralizing the process also reduces the number of intra-department communications. A streamlined process benefits both the mobile vendors and city staff directly, as it diminishes the amount of work for each. Although to be fair, it increases the level of work for whichever department is tasked with overseeing mobile vending permitting process. For the community, a centralized process is in their best interest as it helps to create more efficiency, a greater potential for economic development and ultimately, raise more revenue for the city.

Regulatory Trends

The majority of the cities included here do not have a centralized permitting process in place; they use multiple city departments to permit and license various aspects of the mobile vending business. For instance, mobile vendors must apply for and receive a health permit that inspects the sanitation and food safety of a mobile vending vehicle, a traditional business license, and at times a zoning license and a safety permit. Although the number of permits and departments involved may vary, there is a trend of three to five departments and three to five permits that are typically involved in the permitting process for mobile vendors. Three cities use three departments, four use four or more. Only three cities have centralized the process into one city department for all city permits. Although these cities have centralized the part of the permitting process they control, there is still a need for a county health permit.

Recommendation

Making the permitting process more streamlined has positive impacts on both mobile vendors and city staff. Austin and Cincinnati's streamlined permitting processes can be used as models by other cities looking to implement a more centralized mobile vending permitting process. Austin's comprehensive set of requirements can be found on the city's official government website, and contains everything the vendor needs, including:

- Mobile Food Vendor Permit form, including the cost of the permit,
- Checklist of additional permit requirements for mobile vendors (with exact descriptions of what is expected and who to contact if there are any questions),
- Mobile Vending Unit Physical Inspection Checklist (includes 14 requirements ranging from a current license plate to the specifications of the sinks),
- List of mobile food vendor responsibilities, including the signature of the certified food manager/food handler, the responsibilities of the central preparation facility (the commissary), and the restroom facility agreement.⁴

Austin's webpage is clear and concise. It has detachable forms and blank spots for the necessary signatures, with instructions regarding who to contact to obtain those signatures, specifics about the actual schematics of the truck components required for food preparation and handling safety, and perhaps best of all, nowhere does it suggest the reader refer to a subsection of some code or statute not included in the document.

As of January 2013, the Cincinnati Department of Health is solely responsible for the city's permitting process, application process, and payments associated with the city's mobile food vending.⁵ This change was an effort to streamline the permitting process and give food truck owners a one-stop shop for all their licensing needs.

Cost of Permitting

The actual cost of permitting plays a role in would-be mobile vendors' decision-making process about whether or not to start a business. One of the most basic barriers to entry for many potential entrepreneurs is start-up costs, which include permitting fees.



Stakeholder Concerns

This issue impacts all stakeholder groups. On the vendor side, high permitting costs can serve as a barrier to entry. On the city government and community side, it can mean either an increase in revenue (from the actual permit) or a decrease in revenue (if cost deters some vendors from applying for a permit[s]). For mobile vendors, their self-interest is to keep the costs of permitting low so that there is an ease of entry into the market. For brick and mortar restaurants that believe mobile vendors are their competition, their interests lie in keeping the costs high enough to keep the number of mobile vendors low. City staff want to keep costs high enough to raise revenue, but low enough to keep the amount of mobile vendors growing. For the community, their interests are much the same as city staff - to find the balance between raising costs enough to maximize fees while not increasing them to the extent that they become a deterrent for mobile vendors.

Regulatory Trends

For the cities included in this guide, the cost of permitting fees ranged from \$110 - \$1,500 annually. Although the amount of permits required and the cost for each vary depending on the city, the majority of cities fall within either the \$150-\$400 (five cities) or \$1,000+ range (five cities).

Recommendation

Permit fees should be high enough to generate revenue that off-sets at least some of the costs produced by the presence of food trucks, but not so high that they discourage potential business owners from entering the market. The actual amount is contextually determined, as budgets and administrative expenses vary depending on the city.

Below are examples of permitting costs in three cities:

- Durham: \$75 for a yearly permit (not including health permit costs).
- New Orleans: Annual mobile vending permit fee - \$305.25, Occupational license - \$150.00, Mayoralty permit - \$100.25, Sales tax deposit - \$50.00, and Identification card - \$5.00, totaling \$610.50.
- St. Louis: \$500 mobile vending permit fee to the Director of Streets, a \$200 licensing fee (and \$20 for each employee) to the License Collector, and \$130-\$310 (depending on type of food served) for a health permit to the Director of Health.

Public Space

Mobile vending takes place on both public and private property, but public property presents a unique set of challenges. Flexible access can lead to over-utilization, which in turn can produce unwanted congestion, pollution, and conflicts between different stakeholders trying to use the space at the same time.⁶

With the rapid expansion of the food truck scene, there is increased demand for limited space, which increases the likelihood of unwanted externalities and encroaches upon the ability of other stakeholders to maximize the advantages that public space can offer. In most cases, cities are tasked with managing this property, which includes balancing the needs of all interested parties, diminishing negative externalities, and otherwise preserving the integrity of the space. They are also trying to find appropriate ways to address the higher demand.



This section looks at three issues related to public space: time constraints, proximity rules, and geographic limitations related to density. A variety of approaches are recommended for dealing with these issues that balance stakeholder needs and take into account context and other practicalities.

Time Constraints

One set of regulations that impacts the use of public space for mobile vendors is how much time food trucks are allowed to park and vend in one location.

Stakeholder Concerns

Shorter time limits translate to less time for vendors to sell in one spot, which favors competing stakeholders like restaurants, since less time means less competition. Time limitations have both advantages and disadvantages for members of the public - less time means fewer choices for consumers but it also means less congestion and more parking options. For the city, the issue is also a mixed bag. Longer time limits mean vendors are easier to track down, since they are in fewer spots throughout the day. At the same time, longer time limits have the potential to reduce patronage at area restaurants. Moderate time limits, such as four to five hours, are often the preferred approach for cities, since they usually produce the most balanced results (from a stakeholder perspective).

Regulatory Trends

Most of the cities included in this guide favor moderate or less restrictive parking durations. Five cities have no time limits, while three currently have durations of 45 minutes or less. The rest have provisions of four or five hours. It is worth noting that cities with more restrictive limits often have lax enforcement of these regulations.

Recommendations

Time limits of four hours or longer are recommended. Vendors need approximately one hour to set-up and pack-up once they are done with selling. As a result, anything less than four hours leaves vendors with only one to two hours of actual vending time. Moreover, it is more difficult for city staff to track food trucks for safety or health purposes when they are in several locations throughout the day. However, an unlimited approach may not be feasible in denser regions, where restaurants and other established businesses, pedestrian traffic, and congestion are more significant factors. This four hour or more time limit is included in regulatory amendments and council suggestions of various cities, including Oakland and Durham.

Oakland has a five hour time limit. Originally, the city had a two hour limit for one location. This left little time to actually sell food before having to move again. Vendors complained about the restriction, and were successful in getting it changed to five hours.⁷ Originally, Durham had a regulation on the books that required mobile vendors to move 60 feet every 15 minutes. The police did not enforce this provision because the number of trucks was not large enough to create much conflict with other stakeholders. As the number of trucks started to increase in 2010, push back began, particularly among restaurants that insisted the police enforce the 15-minute rule. This prompted the city to consider amending the rules to more effectively address modern vending. The Town Hall meetings on the topic were well attended, not only by key stakeholders but also by members of the public. Durham is a town with strong public support for small businesses, and regulations that would make vending easier were favored. In late 2012, the rules were amended, and included a repeal of the 15-minute provision. No additional time constraints were adopted, and as a result, food trucks can vend in one location for an unlimited amount of time.⁸

Unlike Durham and Oakland, Atlanta's provision of 30 minutes in no more than two locations per day has not been successfully challenged. Since the 2013 NCAA Final Four basketball game, vending on public property is completely prohibited. Before this, vending in public space was very limited, based on history that dates back to the 1996 Summer Olympics in Atlanta and the more recent contracting

out to a private company the responsibility of mobile vendor management.⁹ Virtually all mobile vending takes place on private property, where the 30-minute rule does not apply.

Proximity Restrictions

This refers to regulations that designate a certain amount of distance that must be maintained between food trucks and other establishments, people, or infrastructure. This section is primarily concerned with the distance restrictions between food trucks and restaurants that impact the use of public space. The limits that concern distance from pedestrians or infrastructure are addressed in other parts of this guide. The cities included here have adopted a variety of proximity requirements.

Stakeholder Concerns

Greater distance requirements favor restaurants and other established businesses, and are a mixed bag for residents for the same reasons discussed under time constraints. Larger proximity rules disadvantage mobile vendors because it reduces the number of places to sell, particularly where clusters of restaurants exist, which are often denser areas with more pedestrian traffic. Many cities prefer a moderate approach in regards to proximity restrictions, since such regulations usually balance competing stakeholder needs most effectively. Unlike parking, there are no tracking advantages related to distance requirements, but such regulations do impact where vendors conduct their business, which means the city still has to deal with congestion and other spillover concerns, particularly in denser regions.

Regulatory Trends

Similar to time constraints, the cities included here have largely moderate or lenient proximity restrictions. Six or seven have either no restrictions or relatively short distances, and four of the cities occupy the middle ground, with 150-200 foot requirements. Only one, New Orleans, has a restriction of 600 feet. New Orleans has a proposal to shorten the distance to 50 feet, but there has been resistance to this proposal from some city council members and the Louisiana Restaurant Association.¹⁰

Recommendations

Proximity restrictions should be no more than 200 feet at the high end. Density issues may call for a tiered structure, or for abandoning proximity altogether. One of the problems with adopting an explicit distance rule is that a “one size fits all” approach ignores context. Three hundred feet may make sense in less dense areas of a city, but such a distance is impractical in very dense neighborhoods. A city right-of-way, with multiple restaurants on both sides of the street where the distance between each side may be less than 300 feet, makes the area entirely off limits to mobile vending. As such, cities may want to loosen or abandon proximity rules in dense neighborhoods with a great deal of commercial and residential activity. A tiered model, where the distance requirements are shortened for denser neighborhoods and widened for others is also an option.

As the food truck scene has expanded within the last few years in St. Louis, conflicts between restaurants and food trucks have surfaced. In order to quell the rising tension, the St. Louis Department of Streets enacted a 200 foot rule.¹¹ Durham has adopted a 50 foot rule.¹²

Geographic Limitations Associated with Density

Another set of regulations relate to whether vending is permitted in particular segments of public space. Like proximity restrictions, these provisions concern access to fixed locations.

Stakeholder Concerns

Like the above issues, the more restrictive provisions advantage established businesses like restaurants, while working against the interests of food trucks. Constraints on the number of places open for selling tend to be more prevalent in denser areas of cities due to the much greater number of players utilizing the space at the same time. These are usually core downtowns where a large number and variety of established businesses and residences are located in close proximity to each other within a relatively limited area. Again, for cities, moderate approaches are generally the best at balancing stakeholder interests. Like parking durations, tracking issues come up here as well. Limiting vending to certain locations makes it easier for cities to find vendors, but might hinder economic growth and opportunity.



Regulatory Trends

Of the cities included here, most currently embrace a patchwork approach, wherein vending is limited to certain zones, districts, parking spaces, or limits on operation in the Central Business District (CBD). Three have lenient provisions, where few public spaces are off limits, while another three are on the more restrictive side, with outright bans on public space or CBD vending.

Recommendations

The greater the density of the area, the greater the case for more restrictions, but an outright ban on all mobile vending is not suggested unless the circumstances are exceptional. For a city like Durham, heavy-handed zoning constraints make little sense, as the interests of other stakeholders are only modestly compromised compared to denser areas, there are fewer negative spillover threats, city residents are given more choice without substantively higher safety concerns, and vendors are given more flexibility to choose where to operate. As a result, street right-of-ways and core downtown parks are open for vending.¹³ In denser cities, the compromises that other stakeholders must make and the risk of negative externalities are increased, suggesting a more moderate regulatory framework should be implemented that requires all parties to relinquish some freedoms without entirely excluding them from the space. One option is the approach taken by Denver, where only the densest section of downtown is off limits to food trucks. Vendors are barred from selling in a section of the southwestern corner of downtown, which is roughly seven by nine blocks. Vendors must also maintain a 300 foot distance from all public parks, unless a special event is taking place, and then they must obtain permission from the city to participate.

Another approach is a lottery or first-come, first-serve system that allows a restricted number of parking spaces or sections of right-of-way to be set aside for mobile vending. Las Vegas currently has a pilot program that adopts a version of this (three spaces are being set aside downtown for food trucks only).¹⁴ Washington, DC is also in the process of establishing a lottery system to increase efficiency and safety, and to balance the competing needs of residents. There could also be higher permit or parking fees associated with more heavily trafficked areas.

Areas where vending is allowed must be clearly delineated and easy to decipher. Several cities have regulations that make it difficult to easily discern permitted regions from unpermitted ones. Regulations that clearly define permitted areas are needed. Distinctions between public and private regulations should also be clear and transparent. A map that explicitly labels the areas where vendors are allowed to operate would be a helpful tool for all stakeholders.

If the political climate or density issues make it difficult to relax restrictions on public space, cities could consider making private space in less dense areas easier for vendors to access. Atlanta has a unique history that has produced provisions that greatly restrict vending on public property, and most recently, an outright ban by the Mayor Kasim Reed. To alleviate the impact of this restriction on mobile vending, Councilmember Kwanza Hall and others have worked to make vending on private property easier. A provision that originally required food trucks to maintain a distance of 1,500 feet from restaurants when at least two mobile vendors are selling on private property was amended to shorten the distance to 200 feet.¹⁵ Trucks have adapted to the ban on public property by moving into private space, and this has kept mobile vending alive in Atlanta.

Public Health

One of the most intrinsic and logical concerns regarding food trucks, and one that has been a basic consideration since their inception, is public health. All stakeholders realize the need to address sanitation and food safety. The role of health departments and commissaries should be continually reevaluated to address these concerns within a regulatory framework that is cost-efficient, thorough but not onerous, and results in a streamlined process with outcomes that provide for the wellbeing of all stakeholders.

Sanitation

Sanitation refers to food trucks' proper cleaning of preparation utensils and disposal of garbage, wastewater (gray water) and remnants of grease traps. Unlike the variety of procedural approaches taken by cities within the sphere of public space, the guidelines adopted for sanitation tend to be similar across cities.

Atlanta's rules provide a typical example of the sanitation provisions that exist in most cities. Mobile food units must have a trashcan that is at least 30 gallons, and it must be emptied at the commissary. Two sinks are required - a three-compartment equipment sink (for washing dishes, etc.) and another sink for washing hands. A wastewater tank that has a 15 percent larger capacity than the potable water tank is also required. To prevent contamination, the connections for each must be distinguishable, and the wastewater tank must be lower than the potable tank.¹⁶ Atlanta is also typical of many cities in that the health code is state law. As such, cities are unable to craft law; they can only enforce provisions established at the state level.

Recommendation

Cities looking to adopt sanitation regulations for mobile vendors should adhere to the standard requirements in cities with an already established food truck industry. These regulations can be found on almost any city government website; Austin has particularly clear processes.¹⁷ Since many cities are unable to enact their own sanitation laws, they may want to articulate their need and concerns to the state legislature when appropriate.

Food Safety

Not surprisingly, the specifics of food safety do not vary that much from city to city. The guidelines for the cities profiled in this guide are common sense and fairly straightforward.

For example, in Atlanta, mobile vendors are mandated to have a "Certified Food Safety Manager" (CFSM). The CFSM could be the owner or an operator; whoever is selected must complete a food safety-training program and pass a "professionally validated" CFSM exam. The mobile unit must always have a designated Person in Charge (PIC). This will be the CFSM when present. When absent,

the CFSM must designate someone else as the PIC. During Health Authority inspections, the PIC may be asked to demonstrate their “knowledge of foodborne disease prevention,” for example. The Food Code lists a variety of ways this can be shown, such as demonstrating knowledge of how to properly handle food, among other things.¹⁸



Recommendation

State laws often require mobile vendors to adhere to the same food safety regulations that are applied to brick and mortar restaurants. This is an effective way to promote proper food handling and accountability. Many vendors report that they actually appreciate the standards because they serve to combat the “roach coach” stereotype. Brian Bottger, a food truck vendor in Durham, is one of these operators. He likes that he can confidently tell patrons that his truck is held to the same health standards as restaurants.¹⁹

Role of Commissaries

One of the most promising and more diversified aspects of mobile food vending is the commissary, a food truck “home base” of sorts. Commissaries are fixed location kitchens where food must be prepped before being loaded onto the truck for cooking and selling. They often operate as storage for various ingredients as well.

Stakeholder Concerns

All stakeholders can benefit from the appropriate utilization of commissaries. If more than one truck may operate out of a commissary, city employees, whether collecting licensing and permit documents and fees, or performing routine inspections for maintaining sanitation and public health standards, have fewer places to visit and can more easily streamline their permit review and inspection process.

Food truck owners can reap the benefits of the economies of scale that commissaries provide. Compliance with many of the regulatory burdens food trucks face are less expensive when shared by several owners. Mobile vendors can also be assured that they are doing their due diligence with regards to regulations, which if not properly followed could mean large fines and even the possibility of being shut down. Commissaries provide new vendors with a central facility to get all the information they need to operate. This can save a significant amount of time and cost, especially when city business codes are difficult to track down. They may also benefit by not having to shoulder the full responsibility for compliance; if they sign a contract with a commissary, it may become the commissary operator's responsibility to see that compliance is achieved.

Commissaries provide brick and mortar restaurant owners with the assurance that food trucks are being held to the same standards and inspections as they are. Lastly, the general public can rest easy knowing that commissaries cut down on the number of unregulated mobile vendors and that health concerns are addressed in a thorough and efficient manner (when considering taxpayer monies spent on health departments).

Regulatory Trends

All of the cities included in this guide have a commissary requirement. Boston requires proof that food trucks are serviced by a mobile food vending commissary and that mobile vendors keep accurate logs indicating that the food truck is serviced at least twice daily by a mobile food commissary for all food, water and supplies, and for all cleaning and servicing operations. In Washington, D.C., all vendors must maintain access to an approved depot location. A copy of the license for the service support facility and/or a recent inspection report is required to be presented. In St. Louis and Denver, trucks must operate from a commissary and report there once a day to clean all supplies and servicing operations.

Recommendations

Mobile vendors should embrace the use of commissaries. It is recommended that cities adopt an approach similar to the ones employed in Austin and Durham, where all food trucks must have a contract with a commissary, but more than one food truck may be associated with a single commissary.²⁰ Food trucks may also negotiate with restaurants to utilize (and pay) them as places to dispose of waste. These contracts foster a sense of community and keep conflicts to a minimum. In Durham, multiple mobile vendors are also able to use a single commissary.

This approach best satisfies the concerns of all stakeholders. The regulation is not terribly onerous to the food truck operators, but still ensures food safety, which the public and the city may be concerned about. It helps give the impression that food trucks are being held to the same standards, which restaurants appreciate, and makes it easier for local food safety enforcement officials to do their job.

Public Safety

Public safety is a key reason why many cities began regulating food trucks. Issues around public safety include private property, vending near schools, and pedestrian safety.



Private Property

Private property options for mobile vendors create opportunities for businesses to extend their market reach, particularly for denser cities or those with very little public space (consider the Atlanta case discussed under public space). The cities included here have adopted a variety of regulatory models to address private space. In some cases, they practice a more informal approach, allowing food truck operators to gain a private space permit and conduct business without further regulatory strings attached. Others restrict mobile vending operations solely to private property. Equally important are existing zoning codes applied to private property that may or may not be zoned for vending.

Stakeholder Concerns

Standard public safety practices used in other city regulatory affairs (within the realm of private property) ought to lead the dialogue and development of relevant rules that empower proprietors to observe

and enforce appropriate safety measures on their property, and communicate those measures with mobile vendors. For cities, responsibility of property maintenance is lessened and is likely to fall on the shoulders of vendors and property owners, who will determine ways to address sanitation, safety, and property upkeep. Mobile vendors generally appreciate the flexibility that private space has to offer, e.g. fewer time restrictions and less government involvement in their daily operations.

Regulatory Trends

When examined through the lens of public safety, the cities selected have adopted a variety of regulatory models to deal with private property. Seven cities had rules regarding private property. Two cities lacked specifics on the issue, perhaps because they do not allow vendors to operate in private space in general. Cities that allow the use of private property for mobile vending have designated specific private zones where food trucks can operate to ensure public safety.

Recommendations

The adoption of more lenient regulatory language is generally the preferred approach for food trucks on private property, with the exception of denser regions. Owners of private property have the power to control what takes place on their land, including the ability to exclude whomever they choose. The issue at stake is not how to best balance the needs of various parties that have access to the land, as it is with public space. Instead, the emphasis shifts to reducing any negative externalities that might spillover onto adjacent or neighboring properties, particularly if an owner grants permission to multiple vendors.



As such, a regulatory framework that is generally less restrictive than for public property is appropriate as long as the owners grant permission for their land to be used by mobile vendors. However, since there is a greater danger of negative externalities when private property is located in denser areas, a modestly more regulated structure may be called for within these regions.

In Indianapolis, few regulations limit mobile vending business on private property. While the time-frame for vending on public space is limited to between 10am and 6pm, a business can get a permit for operating on private property and simply park at parking meters for the same rate as personal vehicles.²¹ The majority of Portland's mobile vending occurs on private property, particularly surface parking lots.²² A zoning permit may be required for development associated with a mobile vending cart, such as changes to an existing parking area, landscaping, and drive-through facilities. Vending carts over 16 feet in length, with or without wheels, are considered Heavy Trucks by the zoning code, and are not allowed in certain zones.²³

Vending Near Schools

Mobile vendors encounter several public safety issues when deciding to operate near schools. Issues of concern include traffic-related safety, increased chances of interaction with predators that may be waiting for children to step off public property, and whether the food offered by mobile vendors meets school food safety standards.²⁴

Stakeholders

Mobile vendors are beginning to recognize the potential opportunity to expand the food options available to local secondary schools and simultaneously capture a new, steady stream of customers, but they may be met with opposition from school administrators and parents who see their presence as a threat to safety and may view their menu options as potentially unhealthy. Cities looking to regulate vending near schools must determine the best precautionary measures in terms of distance requirements that mobile vendors must abide by.

Regulatory Trends

Five of the cities included in the guide have regulations around vending near schools. The regulations emphasized specific distances from schools that are intended to keep students from venturing off campus to patronize mobile vendors, and maintain safety standards for neighboring schools and communities. All other cities have no specific rules around this, perhaps indicating that this is not an issue in their jurisdictions.

Recommendations

Restrictions on operating during school hours are recommended, and mobile vendors should be required to maintain farther proximity from schools compared to restaurants, keeping density in mind. The time restriction is mostly a health-related issue, while the proximity suggestion is largely motivated by safety concerns. The framing of regulations surrounding mobile vendors and schools should be focused on protecting children during school operating hours. This approach keeps vendors from selling to students without adult supervision, but still allows them to benefit from afterschool activities

such as games, competitions, and concerts, where adults are more likely to influence food consumption decisions. However, proximity requirements should not handicap vendors in denser areas from selling in viable spaces that happen to be closer to schools.

In Indianapolis, vendors are prohibited from operating within a distance of 1,000 feet (roughly 0.2 miles) of any part of a public or private grade or junior high school grounds while school is in session. In Durham, a special temporary permit can be obtained for mobile vendors to operate at non-profit or civic events held on public property such as a school.

School districts that want to expand their food options, but wish to do so with minimal budgetary impact should work with city officials to create school vending permits for a limited number of vendors. Designated curb-side parking (which is not adjacent to a main road) could reduce many public safety concerns, particularly if students are generally allowed to roam the school parking lot where the trucks would operate. As long as they continue to comply with the city's food safety standards, this could be a viable option for city and school officials.

Pedestrian Safety

Mobile vendors move from location to location, coming in close contact with pedestrians at intersections and street corners every day. While some city ordinances have distance-from-pedestrian/sidewalk requirements (e.g. Durham has a 4-foot rule), the majority of the cities examined here have no such language in their regulations. Pedestrian safety may be part of a broader regulatory approach in many cities, but that focus often lacks emphasis or enforcement for mobile vendors (although it may be taken up in other sections of city ordinances). Pedestrian and intersection safety measures be included in food truck regulations, as they affect all potential food truck patrons.

Additional Recommendations

In addition to the recommendations included under each policy area, there are other, more general recommendations to help cities adopt new vending policies, amend existing policies, build stakeholder collaboration, and harness the potential for economic growth through the mobile food industry. Five of these recommendations are discussed in detail below:

1. Hold Town Hall Forums and Private Meetings with Core Stakeholders.

Durham decided to embrace a very inclusive approach to their ordinance restructuring. The city brainstormed initial ideas internally then presented the draft suggestions to the public for feedback. They also had private meetings with individual stakeholders to allow them to speak freely without fear of backlash. This tactic was particularly useful for restaurants in a food truck friendly city like Durham. Any fears they may have been afraid to share in Town Hall meetings could still be articulated to decision-makers. The weight of opinion worked against restaurants in this context, but they were still brought to the table.

2. Encourage Dialogue and the Building of Relationships Among Competing Stakeholders.

Cities should look for ways to encourage relationships between the various stakeholders. At the heart of proximity rules are concerns that restaurants (and other established businesses) have about unfair competition. They pay expensive monthly rents and property taxes, but they are also engaged with the community. Because they are stationary, most restaurants see themselves as part of the community fabric. They create employment opportunities and care about neighborhood safety and aesthetics. Some view mobile vendors as profit-driven, fly-by-night operators with few or no ties to the community. Conversely, mobile vendors often feel that restaurateurs are fearful of innovation in food culture.

Collaboration between these stakeholders is something to strive toward, and cities can play an important role in spearheading dialogue between these groups. Conferences, forums, or meetings could be called with stakeholders from both sides invited to the table in a spirit of cooperation, with the intent of encouraging them to see each other as collaborators rather than competitors more often than they currently do. It could also encourage voluntary compromise help craft solutions that balance the needs and concerns of both parties. Cincinnati has achieved this, to some degree. Food Truck Alliance President Matt Kornmeyer explained that food trucks in the city, voluntarily maintain a 100-foot distance from neighboring restaurants as a sign of respect to brick and mortars, and as a preparatory measure.²⁵

3. Implement Pilot Programs to Determine What Regulations to Adopt.

Pilot programs are flexible, encourage innovation, and can help uncover and address issues unique to particular communities. They are usually implemented on a small scale, so they do not create a sudden, large burden on an already existing network, and they provide insight that can inform the decision-making process before regulations are made into law. Their flexibility and emphasis on experimentation make them an especially useful tool for new industries. Pilot programs are being used in a variety of cities, including Oakland, and are recommended for cities with a relatively new food truck scene or a rapidly expanding one.

In 2001, the Oakland City Council created the Pushcart and Vehicular Food Vending Pilot Programs.²⁶ The pilot program was created to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that new and existing pushcart food vendors provide residents and customers with a minimum level of cleanliness, quality and safety.²⁷ This program issued 60 permits and required a 10-step validation process, including a complete application, proof of Business Tax Certificate, and a photocopy of a valid driver's license.²⁸ The program restricted the use of these permits to centralized districts because of the added desire to infuse economic development into the city.²⁹ This pilot program is still active.



4. Use Targeted Practices as a Way to Address Underserved Areas of the City.

The issue of food accessibility has been linked to poverty, decreased public health, and quality of life.³⁰ Moreover, in recent years, food deserts have become an issue of public concern. Although the cities included here are not directly using mobile vending to combat food deserts, some are employing a targeted strategy to get food trucks into various areas of their cities, outside of the core downtown districts, some of which are underserved by brick and mortar restaurants.

Initially, the 2012 Cincinnati City Council approved an ordinance that declared a mobile vendor could not sell food on the curbside or right-of-way. Now, seven zones exist in strategic places around the city, up from four in 2011 per the recommendation of the Department of Community Development.³¹

Denver has actively considered several issues that might impact or encourage economic development. These include whether food truck clustering could be used to combat food deserts, the ability of food trucks to activate underutilized space (like surface parking lots), and food trucks as restaurant incubators in underserved areas.³²

5. Identify Private Vacant Lots and Create Partnerships for Mobile Vendors to Gather and Vend in the Same Location.

The use of private space has been used to create several food truck centers that increase economic activity in various West Coast cities. For example, Portland is known as the food truck capital of the world. This type of clustering can create hot spots for loyal customers, as well as an opportunity for mobile vendors to gain new clients. For city government, it can create an ease of regulation and enforcement by focusing attention and resources on specific parts of the city.

While Portland has a number of the more traditional mobile food trucks around the city, the majority of their mobile vending occurs on private property, particularly surface parking lots and vacant lots.³³ Portland uses food truck centers to create economic vibrancy within various parts of the city. In 2009, the city proposed the use of vacant lots as pods, or areas for food trucks to cluster. The idea was to use vacant lots as catalysts for economic development, deterring blight and encouraging vibrancy in the process. It is important to note that while many of the food trucks (what they refer to as food carts) are mobile, the city has several stationary mobile units. These units are moveable, but primarily remain on private property.³⁴ Many of the pods are hosts to more permanent vending units, particularly in downtown. They are still classified as mobile though because as long as the food carts are on wheels, they are considered vehicles in the eyes of the law, and are therefore exempt from the building code.³⁵

Atlanta often uses private surface parking lots to encourage mobile selling. Atlanta has also had a very active and successful food truck association, the Atlanta Street Food Coalition, which does an admirable job mobilizing vendors and keeping public and private partners informed.

Conclusion

Mobile vending is not just a passing fad. However, it is important to recognize that there is no one size fits all prescription for how best to incorporate food trucks into the fabric of a community. Many characteristics contribute to the complexity and vibrancy of a city, including political climate, state laws, demographics, and the existing restaurant industry. With this in mind, the recommendations included here are intended to be flexible enough to accommodate different circumstances, but logical enough to provide useful guidance. They can serve as a road map that will help cities establish a regulatory framework best suited to their unique circumstances and that takes into account the whole spectrum of stakeholder needs and concerns.



About this Publication

Research for this guide and the original draft of the document were completed by graduate students at the George Washington University Trachtenberg School of Public Policy and Public Administration. Contributors include Anju Chopra, Malia Dalesandry, Garrett Jackson, Ana Jara, and Stephen Tu. These students worked in partnership with J. Katie McConnell, Brett Common, and Christiana McFarland at the National League of Cities to conduct an analysis of food truck regulations in cities across the country. The final report was edited by Christiana McFarland and Emily Pickren at NLC.

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

NLC provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

Acknowledgements

Special thanks to the George Washington University Trachtenberg School of Public Policy and Public Administration faculty and staff, particularly Elizabeth Rigby and Patrick Besha. Special thanks also go to all the interviewees - city staff, food trucks owners, and city officials for their candid and informative perspectives regarding the regulatory concerns and opportunities for their cities.

Appendix

Selection of Cities

This report analyzes mobile vending regulations across a range of cities. First, cities with existing food truck industries (51 in total) were identified, based on information from the Washington, DC Department of Transportation (DDOT). Each city's context and food truck policy/regulatory environment was reviewed, and data was gathered on each city's region, population density, level of the local food truck industry, and availability of mobile vending regulations. The 51 cities were stratified into three groups based on population density. Specifically, we developed a three-tiered density structure in which cities were classified as:

- Low density (cities as those with a density range of 3,500 persons per square mile (ppsm) and below)
- Moderate density, (cities with 3,501-7000 ppsm)
- High population densities (cities with 7,001 ppsm and above)

Ultimately, the sample of cities drawn ranges in population size from 279,641 (Durham) to 827,609 (Indianapolis), in density from 936 ppsm (Durham) to 12,793 ppsm (Boston). Very large cities like New York City (27,000 ppsm) and San Francisco (17,000 ppsm) were not included on the basis that conclusions drawn from analyzing their regulations would not be generalizable to most other cities.

Between three and five cities from each population density tier were selected for a total of 13 cities. The selection process focused on cities with a food truck presence, then cities were divided into geographic regions, and several cities were chosen from those regions. Context and background were also taken into account. That is, cities with mobile vending regulations and histories that insufficiently highlighted particularly noteworthy regulatory conflicts or solutions were ruled out in favor of those that lent themselves better to examination of recurring themes and common pitfalls.

With such an approach, it is possible that a city regulation that was uniquely innovative or informative in some way was overlooked. The low, medium and high density methodological structure, paired with the regional breakdown, is an attempt to minimize this risk.

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Newmarket food truck pilot program 2013

Browser and internet access required

Small Business on Wheels - Gourmet Food Trucks (2010)

http://www.youtube.com/watch?v=yUpyQ_kgvaM

Mobile Food Vendors Using Social Media

<http://www.youtube.com/watch?v=h3mB1dFmoJ8>

Pretty good information. It's from Orlando which is a very new Food Truck industry (year or two old)

<http://www.youtube.com/watch?v=oanljMMQ3jk>

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Profit X.X%	Employment 5,101	Businesses 1,482

Industry Analysis & Industry Trends

The Street Vendors industry has been one of the best-performing industries in the broader food-services sector during the past five years. Since the recession, consumers have been cautious with their spending and street vendors have benefited from serving high-quality food at budget prices. Product innovation has also been a feature of the industry as more audacious recipes have been cooked-up to attract new customers. As a result of these trends, industry revenue is expected to grow in the five years to 2015 and beyond... [purchase to read more](#)

Industry Report - Industry Products Chapter

The industry comprises a variety of mobile operators that earn the majority of their revenue from the sale of food and drinks to customers who eat it on-the go. Vendors do not typically provide tables and chairs for patrons' use, but to attract customers, food truck operators are increasingly providing a comfortable and clean environment in which patrons can eat.

Businesses typically follow one of two models: an owner-operator runs a single cart or truck, or a small-to medium-sized business owns a number of vehicles and hires employees to operate them. An operator may also lease the vehicle to others for a flat fee or percentage of sales... [purchase to read more](#)

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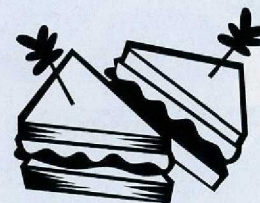
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big mouth ON eat street

How Canadian **James Cunningham** and the hit show **Eat St.** have helped revolutionize the world of food trucks

BY SARAH B. HOOD
PHOTOS BY CHLOE ELLINGSON



James Cunningham sits relaxed and cheerful while two men dribble relish and mustard over the top of his head. Green and yellow streams ooze down his face. Pickle chunks pool up and collect, then plop onto his shirt front. "This is what they call a 'Food Fight Facial' in Seattle," he quips: it's the kind of off-the-cuff line that one has come to expect from this well-known Canadian comic. Then again, if there actually was such a thing, he'd be the one to know: after all, he's travelled across North America as host of Food Network Canada's *Eat St.*, profiling street food.

Cunningham is apparently willing to pose with — and eat — pretty much anything that's put in front of him. "The only thing I don't like to eat is blue cheese. And cantaloupe. I've eaten a whole chicken," he confesses.

It's all par for the course for a man who's become the poster boy for the world's best sidewalk snacks. "People think it's an American show, but it's 100% Canadian," Cunningham says. *Eat St.* is in fact produced by Vancouver's Paperny Entertainment (also the producer of *Glutton for Punishment* with Bob Blumer). This April, it launches its fourth season on Food Network Canada, airing in back-to-back half-hour segments on Mondays at 11 and 11:30p.m. (Eastern) and 8 and 8:30p.m. (Pacific). It also

airs on the Cooking Channel in the United States, and has been syndicated worldwide. "I think we're in 40 countries now," says Cunningham. "I get email from Brazil and the Philippines."

"*Eat St.* has been a big catalyst in showcasing the developing gourmet food truck scene in North America," says Suresh Doss, founder of the Toronto street-food advocacy group Food Truck Eats. "It's been pivotal in bringing the craze to the general audience, the non-foodies, and writer circles. To this day I'll run into people that have started to look for local food trucks just because of the show. It's certainly helped with the Toronto scene for sure."

This year, *Eat St.* was nominated as Best Lifestyle Program or Series in the inaugural edition of the Canadian Screen Awards. A second nomination, for Best Direction in a Lifestyle/Practical Information Program or Series, went to the show's creator, executive producer, and director, Peter Waal (who's also the creative producer for the popular Vancouver-based series *The Cupcake Girls*.)

Penguin Canada is publishing an *Eat St.* cookbook this spring, authored by Cunningham, which will feature 125 recipes from top food truck chefs. Unsurprisingly, there's also an *Eat St.* iPhone app that allows food truck aficionados to locate and share information about their favourite trucks.

"I know why our show is so popular," Cunningham says. "It's really about the food truck owners. It's not so much even about the food. It's about the entrepreneurial spirit; the people who run food trucks are very savvy entrepreneurs." Of course, there's also a certain allure to the one-upmanship inherent in knowing where to go for the best Lobster Cappuccino on the continent (it's actually a thing), but Cunningham isn't especially interested in competitive epicureanism.

"I know why our show is so popular. It's really about the food truck owners. It's not so much even about the food. It's about the entrepreneurial spirit."

— JAMES CUNNINGHAM

"The hipster thing can be a bit pretentious, but the majority of food trucks are not at all pretentious," he asserts. "What I despise is when the knowledge of food impedes the whole experience. I just like to eat. Was it coriander? I don't care; did I like it? You have to trust the person serving it."

He's clearly the right man for the job, but how did Cunningham make the move from *Last Comic Standing* and *Just for Laughs* to tracking down purveyors of carrot cake pierogies and pork shoulder doughnuts? "I've been a comic in Canada for about 15 years now, doing Yuk

Yuk's and corporate hosting. A few years ago, I auditioned for a TV show, and they narrowed it down to four comics; two were going to get it and two weren't," he says. The series (which Cunningham won't identify) went with two of the other comics. But, as sometimes happens, when one door closes, you get invited to hop a ride on a taco truck.

"Three or four weeks later I got a call saying 'Your audition tape has been making the rounds. We're putting together a pilot for a food show. It's going to be called 'Food in the Fast Lane.' They were going to be shooting



the pilot in Washington, DC and New York." Knowing that the glamorous world of food truck television doesn't sit around and wait for the timid, "I hopped on a Greyhound overnight bus," says Cunningham.

He had one secret weapon at his disposal: "My one superpower in life is I can memorize lines instantly," he says. Despite a night on the bus and minimal preparation, he nailed the audition. "He [director Peter Waal] said 'I'm pretty sold. Why don't we just shoot the pilot right now?' The pilot went to The Food Network, and they said 'We love it!'"

It was soon clear that Waal and Paperny Entertainment deserved an award for cool-hunting, because they were in on the beginning of the North American gourmet food truck revolution. "It seemed to happen spontaneously in so many places at once. Suddenly food trucks were no longer roach coaches; you had all this unique fusion happening. Gourmet quality food at street food prices," Cunningham recalls.

"What I think happened is, in 2008, there was this massive financial crisis and a lot of high-end chefs finding themselves out of work," he explains. "Do you open up a restaurant, or do you start a food truck? You used to think 'fry truck', but people said, 'I'm a five-star chef. I'm not just going to do burgers and fries.' So suddenly they're deep frying kale."

Add to the economic climate the explosion of social media. "Before, a truck would have to park and find a crowd. Now that everyone's got a smartphone and favourite food trucks they're following on Twitter, you'll see a truck pull up and there's already a lineup of forty people. Social media changed the game in a big way," Cunningham says.

"The reason I think it's so trendy is there's no rules. There's all this crazy fusion. Like, I've had Korean barbecue before, but never a Korean barbecue grilled cheese sandwich. Chicken wings stuffed with mac and cheese. Because the trucks are North American, it's a lot of North American comfort food — but in fusion ways. Comfort food is the one buzzword that keeps coming up."

Can you learn about a city's eating habits from its food trucks? "I don't think so. Every city has its own way of doing stuff," Cunningham says, but adds that street food throws norms of regional cuisine out the window. "Some of the best Japanese food I've ever had was at Fukuburger in Las Vegas; some of the best cheesesteaks [a Philadelphia specialty] have been in LA; some of the best Chinese food was in Houston, Texas, at The Rice Box. Some of the best Mexican burritos were in England."

There are pan-North American trends — "A lot of these food trucks are locavores.") There are also clichés — "In LA, every fifth or sixth truck is a taco truck or a burrito truck." However, "a good truck can adapt its menu every day. People have even switched the style. It would be very difficult to find anything that was not represented somewhere in a food truck."

"The explosion of food trucks is insane," he says. "It's not going away anytime soon. There are foodies and there are street foodies. The next big thing is pop-up kitchens, where a pickup truck drops the kitchen [in a temporary public location]."

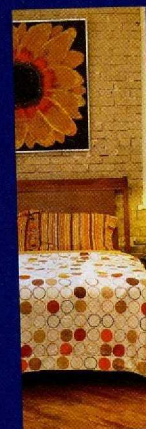
And Cunningham and Paperny have played a part in the revolution. When the show started, it was following the burgeoning trend. "Now," says Cunningham, "people say we have a food truck because we saw your show." ↑



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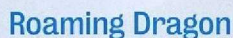
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WHERE: VANCOUVER TWITTER: @DRAGONTRUCK
Vancouver's first mobile gourmet food truck (launched by buddies Jason Apple and Jory Simkin in 2010) serves up a quirky West Coast-inspired Pan-Asian fusion cuisine that embraces such dishes as Risotto Balls with Curry Mayo and Asian Aioli, Korean Short Rib Tacos, Malaysian Lime Chilli Tofu Grilled Burritos, and Indonesian Beef Rendang Poutine. In 2001, they won a Vancouver magazine Restaurant Award in the newly created "Best Food Truck" category.



WHERE: ST. CATHARINES

TWITTER: @ELGASTRONOMO

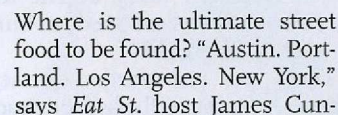
Often found serving up tacos and fusion fare amidst the vineyards of Niagara, this food truck is the brainchild of chef Adam Hynam-Smith and his wife Tamara Jensen. They have a strong sustainability mandate, sourcing local ingredients (including from their own garden), using plant-based and biodegradable supplies, and recycling their cooking oils. The truck positively cleaned up at AwesTrUCK 2012, Ontario's first food truck awards, taking home three prizes.



WHERE: CALGARY TWITTER: @ALLEYBURGER

This truck began as an urban culinary experiment when co-chefs Connie DeSousa and John Jackson of the upscale CHARCUT Roast House decided to see what would happen if they let it be known via social media that they would be selling gourmet burgers in the alley outside the back door. The ensuing foodie stampede inevitably led to the creation of the iconic graffiti-covered truck with its cheerful pig icon.

What makes a great street food city?



ningham. "Let me tell you, the food truck experience in Austin, it is unfreaking-believable. But Canadian trucks, given that there's so few of them, have food that is comparable to the best food trucks in the world. We should be very proud; what we lack in quantity, we make up in quality."

Cunningham is a big booster for his hometown of Toronto. "And my other favourite Canadian city for street food is Vancouver, but it has an unfair advantage — the weather," he says. "The big problem we have here in Toronto is the licences are grandfathered."

In certain respects, Toronto is its own worst enemy when it comes to nurturing mobile food entrepreneurship. Trucks must obtain Refreshment Truck Licences costing about \$1,000 for the owner and over \$300 each for any other

drivers or assistants in the first year of operation alone. In comparison, Vancouver charges a total of about \$350 per year to license a truck. Calgary charges \$678 — of which \$500 is in lieu of taxes — plus \$700 for a street vending permit.

In order to park and sell from a permanent position on a public street in Toronto, trucks also need a Designated Vending Area permit. However, the City has declared a moratorium on issuing any new ones in the downtown core. A food truck is allowed to operate on commercially-zoned private property, except a lot that charges a fee for parking, in which case their time is limited to ten minutes per visit — an arrangement that might suit a construction site canteen truck or a soft ice cream vendor, but not a gourmet lunch truck.

"In Portland, they did it right. The Council will go where there's a vacant lot and tell the landlord 'Clean it up or we'll make it a food truck pod,'" says Cunningham. When the City of Portland's Bureau of Planning and the Urban Vitality Group (UVG) undertook a study of how food carts can affect street vitality and neighborhood livability, the resulting report, titled *Food Cartology, Rethinking Urban Spaces as People Places*, found that "food carts have positive impacts on street vitality and neighborhood life in lower density residential neighbourhoods as well as in the high density downtown area."

It recommended that the City should identify more potential food cart locations, help people interested in running food carts to connect with existing support programs (the City of Portland offers a one-stop web page for people looking to start a food truck business), and even “promote innovative urban design elements that support food carts.” (Contrast this with the embarrassing non-starter that was Toronto’s food cart program *À La Cart!*)

CUNNINGHAM ON FOOD TRUCKS

"In Portland, they did it right. The Council will go where there's a vacant lot and tell the landlord 'Clean it up or we'll make it a food truck pod.'"

"In Canada, given that there's so few [food trucks], the food is comparable to the best food trucks in the world. We should be very proud; what we lack in quantity, we make up in quality."

"In Hamilton, they were really smart. They opened up a food truck parking area in Gore Park. It's a beautiful park but it was being used by crack dealers. I was there for their one-year anniversary; there were two-hour line-ups, families, dogs, people having picnics."

Photo by Devin Serink



Edmonton food truck festival

Portland's food cart information site refers readers to a study report called *No Vacancy! A Guide to Creating Temporary Projects in the Central Eastside Industrial District*, which points out that "in times of recession, temporary use of vacant spaces can keep a business district an active and attractive destination. With access to monetary capital severely curtailed, temporary projects can keep undeveloped land from becoming an eyesore while it sits vacant awaiting redevelopment."

Vancouver has been expanding the ranks of its mobile food vendors and recently decreased the minimum required distance between a cart or truck and a bricks-and-mortar restaurant selling similar food. Vancouver's helpful information webpage includes convenient links to application forms and even an app for locating vendors. The City positions its 103 (so far) mobile vendors as part of its strategy to provide residents with healthy, accessible, locally sourced and culturally diverse food choices — as well as "to enliven street life."

Even smaller centres are being creative. "In Hamilton, Ontario they were really smart," says Cunningham. "They opened up this food truck parking area in Gore Park. It's a beautiful park but it was being used by crack dealers. I was there for their one-year anniversary; there were two-hour lineups, families, dogs, and people having picnics. Those food trucks transformed the area for the entire time they were there."

Food trucks are just one component of the project called the Gore Park Summer Promenade, an initiative of the Downtown Hamilton Business Improvement Area. Three days a week through the summer and early fall the park is open not only to food carts, but also to craft vendors and musicians, while the Pedestrianization Pilot Project is upgrading gardens and walkways.

Toronto's mobile food choices are expanding despite short-sighted municipal policies. Still, Cunningham has hope for change. First, he says, "We need more food trucks at the CNE." ↑

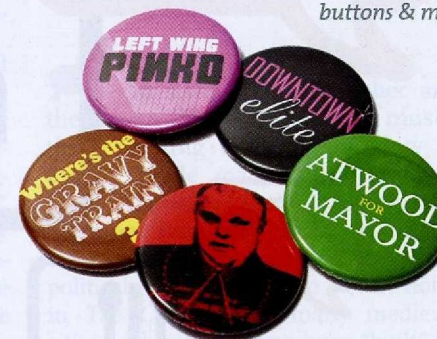
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 mailed-by: gmail.com

Anita,

Thank you for taking the time to review our concerns and proposed changes to Newmarket's existing Food Truck Pilot Project and for allowing us the opportunity to make recommendations for creating new Refreshment Vehicle bylaws.

Making these changes to the Pilot Project will provide the Town with an opportunity to gather actionable and trackable community information. Public feedback via social media, direct mailings, questionnaires etc would assist with the process of creating specific food truck bylaws similar to those already adopted by cities across Ontario.

As we discussed previously, there were several stipulations in the Newmarket pilot project that did not work well and we are proposing that they be modified for the 2015 season.

1. Rotating locations - Based on our previous experience, the only location out of the four Newmarket pilot project locations that provided the public with a positive social experience was Riverwalk Commons. This location provided us with good visibility within the community and there was ample parking available for those that may travel by vehicle to take advantage of our newly revitalized downtown community. We would like the opportunity to park exclusively in this location for the 2015 season and to have a discussion to determine what the Town requires in order for us to plug-in and pay for power (as the vendors at the Farmer's Market do).

2. Hours and days of operation - Based on our previous Newmarket pilot project experience, the restrictions placed on our business pertaining to hours and days of operation is undesirable to the public. In order to be a successful local small business owner, the public needs to know where they can find us on a consistent basis. Customer feedback we

received during the pilot project indicated that the public wanted the flexibility to find us more regularly than just during a weekday lunch. As a result, we would like to request the opportunity to operate per the existing bylaw (4.1 (13)) for each day of the week, including weekends.

3. Non-dedicated Pilot Project location parking - Due to the restrictions on hours of operation, parking spaces needed for us to operate in the designated areas as outlined in the pilot project was often not available. In an attempt to secure our space, we placed pylons in parking spaces however they often would be removed by Town of Newmarket employees who were unaware of the pilot project and our requirement for parking. Going forward, we request an alternate solution, such as a dedicated space on the concrete pad location adjacent to the splash pad. We occupied this space during Newmarket's Buskerfest and the Newmarket Jazz festival and it was ideal. Not only did it provide us with access to power, but it also provided a safe area for people to congregate and socialize while waiting to be served. If an alternate position is preferred, we ask that the Town make the necessary arrangements with parking enforcement for additional solutions to ensure a space is always available for our business.

4. Licensing for our employees - Like other goods & service businesses, we have the potential to have high employee turnover. With the current bylaw, we must obtain non-transferable licenses for each member of our staff which is not only costly, but also difficult to coordinate given the extensive documentation requirements. Other businesses are not required to have all of this for each of their employees. With that in mind, we request that the licensing of employees be eliminated and that only Owner/Operators/Drivers be subject to licensing and additional documentation requirements (Doctor's note, Police background check, Driver's Abstract).

Long term, we would like to see greater freedom for the growing generation of food Entrepreneurs to operate in Newmarket, as is already being done in cities like London, Hamilton, Waterloo and numerous others. As local residents and business owners, we encourage Newmarket to use this pilot project to progressively move forward as other communities have - creating vending bylaws that are on trend with the public's desire to socialize and help shape this evolving food culture. Food tourism is a rapidly emerging market and showcasing the diversity that we have in this community will help to draw people to all businesses in Newmarket and York Region.

In preparation for this, we have attached the current bylaws links for the above-mentioned cities along with contact information for several Councillors who could share more details

involved in shaping them. These bylaws will help to serve as a foundation in developing Newmarket's own Mobile Food Truck legislation. Should you require any further information, we would be happy to assist you in sourcing it.

Thanks, and we look forward to hearing from you.

Regards,

Andrew & Jennifer Tedford

Wickedly Sinful a York Region food truck

Contacts-----

Councillor Jesse Helmer

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Councillor Virginia Ridley

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Councillor Josh Colle

email - councillor_colle@toronto.ca

Councillor Mary Margaret McMahon

email - councillor_mcmahon@toronto.ca

Jon Bell -Supervisor of Recreation Services

Township of King - jbelle@king.ca

[905-833-5321](tel:905-833-5321) ext. 5224

Sally Davidson -Community Engagement Co-ordinator

Town of East Gwillimbury - sdavidson@eastgwillimbury.ca

[905-478-3820](tel:905-478-3820)

City vending programs-----

London

<http://bit.ly/1B7Jkph>

<http://bit.ly/17V4DmF>

Hamilton

<http://bit.ly/1MOrFv6>

Waterloo

<http://bit.ly/1B7KTUp>

<http://bit.ly/1B7L81x>

Whitby

<http://bit.ly/1yDAx1H>

Ottawa

<http://bit.ly/1yEk1ye>

<http://bit.ly/1xkBJZy>

Vancouver

<http://bit.ly/18MPxQM>

City Food vending reports -----

PORTLAND (PDF)

<https://www.portlandoregon.gov/bps/article/200738>

Food on Wheels (PDF)

<http://www.nlc.org/Documents/FoodTruckReport.pdf>

2014 Market research report-----

2014 Food Trucks market research report (Canada)

<http://www.ibisworld.ca/industry/default.aspx?indid=1683>

Wickedly Sinful Eat Here York Region (PRESS)-----

<http://bit.ly/1yT38C5>

Andrew Tedford

WickedlySinful / Culinary Ringleader

a York Region Food truck



DEVELOPMENT & INFRASTRUCTURE SERVICES – PUBLIC WORKS SERVICES
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January 18, 2016

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
 PUBLIC WORKS SERVICES 2016-08**

TO: Committee of the Whole

SUBJECT: Northern Six Waste Collection Contract, 2017-2027
 Request for Proposal Preparation Update #3

ORIGIN: Director, Public Works Services

RECOMMENDATIONS

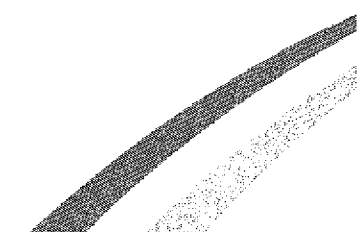
THAT Development and Infrastructure Services Report - Public Works Services – PWS 2016-08, dated January 8, 2016 regarding Northern Six Waste Collection Contract 2017-2027 – Request for Proposal Preparation Update be received and the following recommendation(s) be adopted:

- 1. THAT staff be directed to work collaboratively with the Northern Six municipalities on the preparation of the Request for Proposal (RFP) for a Northern Six Waste Collection Contract for up to a 10-year term beginning September 1, 2017;**
- 2. AND THAT Council approve a Bylaw authorizing the Mayor and Clerk to execute a Memorandum of Understanding between Newmarket and the Towns of Aurora, Georgina, East Gwillimbury, Whitchurch-Stouffville and the Township of King that provides for the administration of the joint waste collection contract between the Northern Six Municipalities and a future waste collection contractor successful in an RFP selection process;**
- 3. AND THAT the Service Level Criteria for Customer Service and other performance objectives as noted in this Report be included in the Request for Proposal, noting best management practices;**

PURPOSE

The purpose of this report is to seek Council approval authorizing the Mayor and Clerk to execute a Memorandum of Understanding (MOU) between Newmarket and the Towns of Aurora, Georgina, East Gwillimbury, Whitchurch-Stouffville and the Township of King also known as the Northern Six Municipalities (N6) for the administration of a joint waste collection contract between the N6 and a future waste collection contractor.

This report also provides a further update on what is to be included in the Contract and provides Council the opportunity for input into the Request for Proposal.



BACKGROUND

This report provides Council with an update with respect to the preparation of the Northern Six Waste Collection Contract Request for Proposal and provides Council with a further opportunity for comments related to contract priorities respecting levels of service, waste diversion and contract costs.

In 2007 the Northern Six Municipalities (N6) of York Region entered into a ten-year waste collection contract. This award winning contract expires on August 31, 2017, and N6 staff have been directed to prepare a follow-up Request for Proposal (RFP) to continue the collaborative waste collection services.

A collaborative savings of one million dollars per year was projected over the life of the contract. York Region conducted an audit on behalf of the municipalities and this audit confirmed that the 2008 savings were higher and costs were lower than expected. It is staff's estimate that \$2.26 Million will be saved over the ten-year lifespan of the contract for Newmarket alone compared to the previous contract, including implementing the Green Bin program and absorbing additional costs of population growth.

In addition to the N6 waste collection contract, a companion document referred to as the N6 Memorandum of Understanding (MOU) was executed by the municipalities. The purpose of this MOU was to describe how the Municipalities would work together in dealing with issues arising during the term of the contract and to put into place mechanisms to ensure that the N6 supported each other during the contract period. This MOU also provided for the governance of the waste collection contract including any financial understandings between the municipalities.

ANALYSIS

Memorandum of Understanding

To ensure a seamless transition of services, the Town of Newmarket will issue a Waste Collection Services RFP on behalf of the N6 in Q2, 2016. This new waste collection contract will be awarded in Q3, 2016 with commencement of services September 1, 2017. The term of the next contract will be 2017 to 2025 and will include two one-year contract extensions at the sole discretion of the N6 potentially extending the contract until 2027.

As was done with the original waste contract, it is appropriate for the N6 to enter into a Memorandum of Understanding (MOU) for the governance of the contract, and to put into place tools to ensure the municipalities support each other during the contract period and identify any financial arrangements between the N6.

Minor revisions have been made to the original MOU with respect to the administration of the next waste collection contract based on collective N6 experience.

The updated Memorandum of Understanding (attached as Appendix A) provides governance of the contract and includes, but is not limited to the following sections:

1. Municipal Representatives (respective staff roles/ responsibility/ authority)
2. Municipal Relationship Manager (contract administration)
3. Meetings (frequency)
4. Reports to the Chief Administrative Officers (format/ frequency)
5. Escalation Procedures (related to services/ Contractor)

6. Termination for Convenience or Cause
7. Cost Sharing Formula

Request for Proposal

Using the current N6 waste collection contract as a basis, staff are preparing the new Request for Proposal (RFP), taking into consideration the current contract performance, customer service levels, cost containment/savings, impact on the environment and implementation of new technologies. Staff will also incorporate such improvements as directed by Council for the benefit the residents of the Northern Six municipalities.

Before finalizing the RFP documents, staff wish to consult with each of the respective N6 Councils one last time to ensure the new contract meets Council priorities.

Contract Priorities

Providing the highest level of service at the lowest possible cost to residents is the key consideration for any publically provided service. Staff have identified the following priorities for the future contract and will evaluate bids accordingly:

- Experience
- Certificates of Approval
- Organizational Plan/Levels of Service
- Health and Safety Plan
- Training Plan
- Facilities
- Vehicles and Equipment
- Transition / Start-up / Operating Plan
- Quality Control / Quality Assurance
- Customer Service / Complaint Management
- Financial/Cost Containment

Staff identified early on in the Request for Proposal preparation that efficiencies and cost containment may be realized if the municipalities were to more closely align collection services. These aligned services are expected to help contain costs. Aligned services also provide the contractor flexibility in collection services, other efficiencies, and staff training.

Different variables within the Draft RFP and related explanations are listed below. Newmarket staff have collaborated with the solid waste staff from all six municipalities and their respective Councils, and have come up with these inclusions for the RFP. This comprehensive list ensures that the Level of Service provided by the next Contractor will be increased, realistic and performance orientated with incentives and Liquidated Damages to ensure that the Contract is adhered to.

- Frequency of collection (remaining the same for Newmarket)
 - Garbage – every 2 weeks
 - Recycling – every week
 - Source Separated Organics – every week

- Yard Waste – seasonal every other week
 - Bulky items – call in service
- Escalation Clause - contract pricing submitted shall be subject to an annual increase of the Consumer Price Index (CPI), for the immediately preceding seasonal year (June to June). The annual rate increase will be between 0% and a maximum of 5%.
 - Bag limits - The By-laws regulating bag limits for the collection of garbage varies for each municipality, however there is an option for the Contractor to note any potential cost savings if all municipalities conform to two bags every two weeks. This option will be brought back to the respective Councils for consideration if there is a noted cost saving in this submitted section of the RFP.
 - Sale/Transfer of Company - In the event, the Contractor sells the Corporation, the Contract shall terminate unless prior written consent has been granted by the Town(s). The Contractor shall promptly notify the Town of any change in, transfer of or acquisition by another party. Any approval by the Town of transfer of ownership shall be contingent upon the perspective controlling party becoming a signatory to the Contract and otherwise complying with all the terms and conditions herein.
 - GPS - All primary vehicles will be equipped with a GPS tracking system that has a web-based interface capable of allowing staff at the Municipality the ability to track collection vehicles via a website. This will allow the municipality to track vehicle speed, direction of travel and time of day placement. This ability is intended to improve contract conformance, increase the service level, ensure accuracy of billing and allow the municipalities to quickly resolve potential customer service issues that may arise. *There is a Liquidated Damage provision that applies if the GPS information is accessible less than 95% of the time.*
 - Radio-frequency identification (RFID) - To maximize waste collection efficiencies and cost savings to the municipalities, front end containers used to service Industrial Commercial Institutional (ICI) locations are to be equipped with RFID tags. Radio-frequency identification (RFID) is the wireless use of a small electronic device to transfer data, for the purposes of automatically identifying tags attached to objects. RFID will allow municipal staff to track the collection and weight of containers emptied by the contractor, and therefore, facilitate cross boundary collection which increases efficiency and reduces cost.
 - Bin Storage and Delivery - Currently an inventory of recycling and SSO containers is maintained by each of the N6 municipalities for new residents and to replace broken containers, free of charge. In the new contract this function is to be transferred to the waste collection contractor. This will free up space at municipal facilities and will also create delivery efficiencies since the contractor's supervisors are in the collection area and monitor routes daily and would be able to bring the bins direct to the resident.
 - Electronic Waste - As a provisional item, the Contractor may provide an unlimited curbside collection of electronic waste from single family residential locations within the designated collection area, four (4) times per year. Examples of electronic waste include:
 - Computers, Printers, scanners and typewriters,

- Televisions,
 - Single use dry cell batteries.
- *Fleet* - The primary collection vehicles for Garbage and Recyclable Material must be new at the commencement of the Contract. The Contractor will maintain a sufficient number of spare collection vehicles to ensure the work is completed as specified in the RFP. *There are Liquidated Damages that apply if the Fleet is not in good working order or routes are not collected on time.* As with the current contract, decals may be placed on the trucks every other year.
 - *Length of Contract* - The 2017 contract term is recommended to be 8 years which allows time for the contractor to amortize the cost of capital equipment and should result in savings to the municipalities. The term of the 2017 contract will also include an option for 2 one year extensions with the expectation that if the contract is extended, the contractor will demonstrate savings to the municipalities. The RFP will include a provisional option for a cost to provide a 1 year extension in year 9 and a second year extension for year 10.
 - *Enforcement* - The contractor is expected to enforce municipal By-Laws as per the contract, when appropriate, by collecting or not collecting certain material, receptacles and limits. With the harmonization of the N6 By-Laws, this enforcement is more uniform, training is efficient and it reduces confusion which lead to calls from residents and confusion with respect to collection processes. It also allows the N6 to communicate, promote and educate the public as a collective on appropriate practices for solid waste collection.

Call Centre - Customer Service Approach

In previous discussions with Council, option other than a contractor operated call centre were requested to be explored. The options in the previous draft RFP Included:

- Contractor operated call centre for N6 collectively
- Contractor operated call centre for individual municipalities if others opt out
- Assigning this service under agreement to a third party under a separate contract
- Assigning this service under agreement to one of the N6 municipality's call centre for all of the N6 or individually

Upon further discussions among the N6 Public Works Directors, it is recommended that the Waste Collection Contractor be responsible for the main Customer Service interaction with the public.

It was noted that if there was to be a third party assigned for the public facing interface, the Waste Collection Contractor still has to provide at minimum a base customer service centre. There would be a substantial number of occurrences where the third party would have to contact the Contractor anyway for investigative works and back and forth communication which could delay responding to the resident. There could also be additional instances of miscommunication, misinformation, passing of blame and potential contractual conflict. There would likely be substantial additional costs for the logistics of collaborating two contractors for one service and would mean additional administrative cost for the municipalities.

Assigning the service to one of the N6 municipalities is also not recommended. If this proposal were to be drafted allowing it to be awarded in whole or in part; for example Waste Collection to one contractor and Customer Service to an N6 Municipality, it does create some additional issues, such as:

- I. A conflict of interest arising for Newmarket Procurement to be the lead agency for issuing, receiving and evaluating this proposal, if Newmarket Customer Service is submitting a proposal.
- II. Newmarket staff would not be eligible to evaluate some or all of the proposal due to a conflict of interest.

If the two parts (Waste Collection and Customer Service) were issued as two separate proposals, another N6 member would need to be the lead agency for the Customer Service RFP and again Newmarket staff would be in a conflict to evaluate those submissions. It would be the responsibility of other N6 members to evaluate and award. Also, if a second RFP, specifically for Customer Service, were to be let, the waste collection RFP would still need to have the Customer Service section as a provisional item. This may influence the Contractor provide a non-competitive bind for this service. It was determined that the logistics of having an N6 Municipality "compete" with the Contractor would be to the detriment of the RFP process. Also, as with the previous third party option, this would require additional logistics and communication that could delay the response time to the resident and result in increased costs for administration.

Currently the contractor's call centre addresses missed collections, damaged collection containers or other complaints. Residents are also able to schedule special waste collections, such as white good collection, using the call centre. The call centre has reduced the number of calls to N6 front-line staff; however, the individual municipalities still receive a number of calls and there have been some complaints with respect to the Contractor's service level. Recently, Whitchurch-Stouffville conducted a public survey with respect to solid waste collection and within that survey residents were asked to rate the Contractor's Customer Service Experience. Below are the results:

Customer Service Experience
Excellent 18%
Good 47%
Fair 25%
Poor 10%
Total Respondents 193

Although these numbers indicate that the satisfaction of the Contractor's Customer Service is acceptable (65% responding good or excellent), they could be improved. To this point, staff has developed Service Level Criteria (SLC) and Key Performance Indicators (KPIs) to include in the upcoming RFP. These are based on the current Town of Newmarket Service Level Criteria and KPIs from the award winning Customer Service Department. Within the Proposal, the bidder will indicate how they plan to abide by the SLC and KPIs. The variables that will be tracked include response times on call pickups, field operations and performance, and email/phone call follow up along with Abandonment rate – the number of people who hang up because they can't get through relative to all calls received.

The first priority of any Service Level Model is to provide an excellent service to N6 residents. Staff feel that by identifying KPIs and SLC this will lead to the best possible option for customer satisfaction and it can be measured and reported. Penalties for non-compliance will also be included as part of the Contract

to ensure that the Contractor provides the service to the residents of the N6 municipalities in line with expectations. Below are the KPIs and SLC.

	Incident	Unit
1	Failure to Clean up spillage of material	Per incident
2	Failure to submit reports	Per report
3	Collecting untagged waste beyond Municipal bag limit	Per location
4	Failure to resolve damage claim to resident's property within specified time	Per incident
5	Contractor's staff scavenging recyclable materials	Per incident
6	Inappropriate behaviour by contractor's staff	Per incident
7	Improperly replaced containers	Per route
8	Failure to return to collect materials as directed by the Designated Municipal Official	Per incident
9	Failure to follow up and resolve complaints/issues within 48 hours	Per incident
10	Failure to answer 75% of customer calls within 20 seconds (for the previous month)	Per day
11	Failure to conclude 75% of customer calls on first contact (for the previous month)	Per month
12	Failure to maintain a customer call abandonment rate of less than 10% per day	Per day
13	Allowing waste streams to become cross contaminated	Per incident
14	Recyclable Material compacted to a ratio greater than 2.5 to 1.	Per load
15	Failure to complete collection services within the specified hours of operation	Per non collected route
16	Failure to complete route (3 or missed locations per route)	Per route
17	Failure to ensure collection of only Collectable Waste	Per incident
18	Failure to maintain vehicles as described in the Contractor's preventative maintenance schedule	Per vehicle
19	Failure to provide notification that CVOR may fall below satisfactory rating and/or failure to provide written plan for improvement.	Per incident
20	Failure of AVL system to operate 95% of the time averaged monthly	per month

The N6 Public Works Directors recommendation is **not** to award a separate contract for Customer Service, but rather to ensure that the Waste Collection RFP assigns a higher evaluation weighting to evaluate Waste Contractors' customer service capabilities, technology, experience, etc. With the expectations of Customer Service clearly identified within the RFP and Liquidated Damages setting incentive for the Contractor to meet the SLC, staff expect enhanced compliance with customer service expectations with respect to the Contractor providing the best possible Customer Service to the residents of the N6 municipalities.

CONCLUSION

The Northern Six Municipalities of York Region are preparing the "Northern Six Waste Collection Contract, 2017-2027" Request for Proposal documents for the collection and haulage of collectible waste for the term 2017-2027.

Procurement documents will ensure that the future waste collection contract meets or exceeds the current level of service provided to residents.

By-Law harmonization will allow for more efficient and cost effective bids from proponents as it standardizes variables between municipalities, reduces confusion for the contractor and homogenizes the level of service for all N6 residents.

Staff from all six municipalities are participating in the preparation of the Proposal documents and direction from this report will be incorporated into the future contract.

Proposal results will be reported to Council no later than summer 2016 at which time Council can provide further direction regarding service levels.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well Equipped and Managed

Deliver affordable, efficient and effective water distribution, wastewater and solid waste collection services that meet or exceed provincially mandated requirements, Council and the public's expectations, while promoting and encouraging solid waste diversion through recycling, composting, rethinking, reusing, reducing and implementing programs to achieve a realistic diversion rate and environmental protection.

HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

There are no 2016 budgetary implications related to the execution of the Memorandum of Understanding.

Future costs related to the administration of the 2017-2025 waste collection contract will be based on the Town's tonnage of waste collected as a percentage of the total N6 waste collected for the year immediately preceding the current year.

Future financial implications related to this contract will be addressed during the 2017 budget processes and for future consecutive years based on the length of the contract.

Staff are expecting to release the Request for Proposal in Q1 of 2016 for the Contractor to bid in Q2. This will allow the successful bidder to order and obtain vehicles to start with the full implementation of the contract in September 2017.

Capital Budget

No impact to the Capital Budget.

CONTACT

For more information on this report, please contact Christopher Kalimootoo at extension 2551; ckalimootoo@newmarket.ca.



C. Kalimootoo, BA, P. Eng., MPA, PMP
Director, Public Works Services



P. Noehammer, P. Eng.
Commissioner, Development & Infrastructure Services



R. Shelton
CAO

MEMORANDUM OF UNDERSTANDING

BETWEEN

The Corporation Of The Town Of Aurora

AND

The Corporation Of The Township Of King

AND

The Corporation Of The Town Of Georgina

AND

The Corporation Of The Town Of Newmarket

AND

The Corporation Of The Town Of East Gwillimbury

AND

The Corporation Of The Town Of Whitchurch-Stouffville

February 2016

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "**Agreement**") made this _____ day of February 2016, by and between The Corporation of The Town of Aurora, and The Corporation of The Township of King, and The Corporation of The Town of Georgina, and The Corporation of The Town of Newmarket, and The Corporation of The Town of East Gwillimbury, and The Corporation of The Town of Whitechurch-Stouffville (each a "**Municipality**", and collectively the "**Municipalities**"), each of which is an incorporated entity under the provincial statute applicable to municipal corporations.

Capitalized terms appearing in this Agreement but not defined herein shall have the meaning ascribed thereto in the Contract of even date between the Municipalities.

WHEREAS the Municipalities will issue a Request for Proposals ("**RFP**") in February 2016 for the purpose of selecting a company to provide certain collectible waste services to the Municipalities (the "**Contractor**"),

AND WHEREAS the Municipalities and the Contractor will execute a Contract which sets out the terms and manner in which the collectible waste services are to be provided.

AND WHEREAS the purpose of this Agreement is to describe how the Municipalities will work together in dealing with the issues that will arise in respect of the Contract, and to put certain mechanisms in place that will help to ensure that the Municipalities support each other during the Contract Period.

NOW THEREFORE for good and valuable consideration, the sufficiency of which is acknowledged hereto, the parties hereto agree as follows:

1. GENERAL

- 1.1 The Municipalities agree that during the term of the Contract, their relationship to each other in respect of the Services shall be governed by the terms of this Agreement and the Contract.
- 1.2 The Municipalities agree that no Municipality shall have any right to assert or make any request, demand or claim whatsoever for any financial compensation against any other Municipality in respect of any matter related to the Services unless such right is expressly stipulated in this Agreement.
- 1.3 For certainty, the Municipalities acknowledge that outside the scope of the Services which are provided by the Contractor for the benefit of the Municipalities, the legal relationship of each Municipality to the others individually and collectively shall remain as it was the day prior to the Execution Date of this Agreement and the Contract.

2. MUNICIPAL REPRESENTATIVES

- 2.1 The Municipality shall designate a municipal representative that has the authority to administer the requirements of this Agreement (each a "**Municipal Representative**") for the purposes of this Agreement.
- 2.2 The Municipal Representatives recognize that they will each make every effort to attend every scheduled meeting of the Municipal Representatives, and will avoid delegating the responsibility to attend personally.
- 2.3 The Municipal Relationship Manager shall be responsible to ensure that minutes of each meeting of the Municipal Representatives are prepared within ten (10) Working Days of each meeting, and shall arrange to circulate such minutes to all Municipal Representatives for their review and approval within five (5) Working Days of receipt. Where any Municipal Representative does not respond within the prescribed timeframe, such Municipal Representative shall be deemed to have approved the minutes.
- 2.4 Where any Municipal Representative disagrees with any aspect of the account of the minutes circulated under section 2.3, above, such Municipal Representative shall notify the Municipal Relationship Manager within the timeframe prescribed in section 2.3, and if the matter cannot be immediately resolved, the Municipal Relationship Manager shall put the matter on the agenda for the next meeting of the Municipal Representatives for resolution.
- 2.5 At the invitation of the Municipal Representatives, any meeting of the Municipal Representatives may be attended by persons who are employees of any Municipality.

3. MUNICIPAL RELATIONSHIP MANAGER

- 3.1 The Municipalities agree that for the purposes of discharging the obligations of the Municipal Relationship Manager described in the Contract, the Municipal Relationship Manager shall be selected from among the Municipal Representatives identified in section 2.1, above or a mutually agreed to alternative person, who shall occupy such position until the Municipal Representatives agree unanimously to a replacement of who will perform the functions of the Municipal Relationship Manager. If the replacement is provided by a professional services consultant retained jointly by the municipalities, the costs shall be shared as per Section 9. For clarity, the duties of the Municipal Relationship Manager include:
 - Administration of the Contract including reviews of all invoices
 - Managing of all communications and correspondence and education
 - Review and track/monitor the performance of the Contractor
 - Other duties as assigned by the collective Municipal Representatives

4. MEETING OF MUNICIPAL REPRESENTATIVES

- 4.1 The Municipal Representatives shall meet at least once every three months, or at any such time as may be determined by the Municipal Representatives, during the Contract

Period, at a location to be determined by the Municipal Relationship Manager for the following purposes, among any other that may be put on the agenda by any Municipal Representative:

- a) To review the performance of the Services by the Contractor; including the reports submitted by the Contractor; the details of any Liquidated Damages which may have been, or are about to be, assessed against the Contractor; any health and safety question or concern of the Municipalities; and the charges and payment in respect of the Services Contract;
 - b) To consider any estimate or other change management issue that may arise pursuant to the Contract (such as Additional Services or changes in the scope of the Services);
 - c) To discuss any potential pilot project being considered pursuant to the Contract;
 - d) To consider any proposal received from the Contractor, or any proposal to be submitted to the Contractor, in respect of arrangements to secure continuous improvement in the way the Services are being delivered, in accordance with the Contract;
 - e) To assess any dispute or difference between the Municipalities and the Contractor where either has notified the other pursuant to the Contract; and
 - f) To review any matter that is proposed to be discussed at any upcoming Relationship Committee meeting.
- 4.2 In their deliberations regarding any position to be taken in respect of the Contractor, the Municipal Representatives agree to act reasonably with the objective of arriving at a consensual view on the matter at hand.

5. REPORTING TO THE CHIEF ADMINISTRATIVE OFFICERS

- 5.1 The Municipal Relationship Manager shall provide an annual Report to the Chief Administrator Officers prior to the anniversary of the Contract. Or any other frequency requested by the Chief Administrator Officers.
- 5.2 The purpose of the report shall include the following:
- a) To brief the Chief Administrative Officers on the current status of the Contract and the Services;
 - b) To provide an opportunity to the Chief Administrative Officers to provide input on any relevant aspect of the Contract and the Services, as may come within the mandate of the Chief Administrative Officers; and
 - c) To generally communicate and review any other matter related to the performances of the Services by the Contractor.

6. ESCALATION PROCEDURE

- 6.1 Where any matter related to the Services and/or the Contractor cannot be resolved among the Municipal Representatives and the matter is of sufficient importance that failure to resolve it may be detrimental to the interest of any one or more Municipality, the Municipal Representatives shall promptly bring the matter to the attention of their respective Chief Administrative Officers, who shall make reasonable efforts to resolve the matter as expeditiously as possible in the circumstances.
- 6.2 Where a decision is made to escalate any matter pursuant to this section, each Municipal Representative shall do so on a timely basis, providing to his or her Chief Administrative Officer all relevant background and documentation which may assist in expediting a resolution of the matter.
- 6.3 Where a matter has been escalated pursuant to this section, the Chief Administrative Officers shall take all appropriate steps to resolve the matter on a timely basis.

7. TERMINATION FOR CONVENIENCE OF THE CONTRACT

- 7.1 The Municipalities agree that the purpose of collectively issuing the RFP was to obtain a better price for the Services as a group than each Municipality could have obtained individually. The Municipalities further agree that where a Municipality individually terminates its relationship with the Contractor in respect of the Services for any or no reason, and such termination leads to or results in an increase in the Contract Price to the Municipalities that continue to receive the Services under the Contract, the Municipality that terminated its relationship with the Contractor (for convenience, not for cause) shall reimburse each other Municipality to the extent of the increase in the Contract Price payable by each Municipality for the duration of the Contract Period. The remaining Municipalities shall have the onus to demonstrate to the terminating Municipality that they have suffered a legitimate financial impact as a result of the withdrawal of the terminating Municipality. For certainty, the increase in the Contract Price shall be measured by the difference between the Contract Price the month immediately preceding the termination and the adjusted Contract Price, where applicable immediately following such termination. A decision to terminate under this clause is required to be made by a motion of the terminating Municipality's Council.

8. TERMINATION FOR CAUSE OF THE CONTRACT

- 8.1 The Municipalities agree that where the Contractor fails to perform its obligations under the Contract in respect of one or more of the Municipalities, the Municipalities individually or collectively shall have recourse to every remedy available in the Contract to bring pressure to bear on the Contractor in order that the Contractor may remedy its failure to perform as soon as possible.
- 8.2 Where, under section 8.1, above, one or more of the Municipalities have exhausted the remedies available in the Contract in their effort to cause the Contractor to meet its performance obligations under the Contract, the Municipal Representatives shall meet to consider terminating the Contract in accordance with the terms of the Contract,

provided at all times that the Municipalities shall consider the best interests of all of the Municipalities.

- 8.3 Where, under section 8.2, above, a dispute arises between the Municipal Representatives regarding whether the Contract should be collectively terminated in accordance with the terms of the Contract, the matter shall be brought to the attention of the Chief Administrative Officers in accordance with the procedure described in section 6, above.
- 8.4 A decision to terminate is required to be made by a motion before each of the respective Municipality Councils.
- 8.5 If the Municipalities unanimously agree to terminate the contract for cause, then all additional costs arising from that termination shall be shared as per the formula in Section 9. Otherwise, should one or more, but not all, of the Municipalities proceed to terminate its/their obligations under the Contract, then Section 7 of this Agreement shall apply.

9. COST-SHARING FORMULA

- 9.1 Each Municipality shall assume its share of the costs including incentives arising from the administration of the Contract by the Municipalities, apportioned to reflect the amount of Waste collected by the Contractor as verified by York Region Transfer Site records for each Municipality in the calendar year immediately preceding.

For clarity the 2014 tonnage proportion chart is below:

2014						
Municipality	Blue Box	SSO Inbound	Leaf & Yard Waste	Residual Waste	Total	% allocation
Aurora	5,105	4,274	2,565	5,917	17,861	
Aurora Works			124	20	145	
Aurora Town Hall				125	125	
Sub total for Aurora	5,105	4,274	2,690	6,062	18,131	21%
East Gwillimbury	2,034	1,905	1,472	2,109	7,520	
E-G Works				30	30	
Sub total for EG	2,034	1,905	1,472	2,138	7,549	9%
Georgina	4,121	3,322	1,350	4,695	13,489	
Georgina - Town Hall				32	32	
Sub total for Georgina	4,121		1,350	4,727	13,521	16%
King	2,166	1,999	1,240	2,304	7,709	
King Works			42	41	82	
Sub total for King	2,166	1,999	1,281	2,345	7,791	9%
Newmarket	7,282	6,578	3,709	7,991	25,560	
Newmarket Works			186	35	202	
Sub total for Newmarket	7,282	6,578	3,875	8,027	25,762	30%
Whitchurch-Stouffville	3,671	3,803	1,492	4,372	13,338	
W-S Works			7	114	121	
W-S Town Hall				18	18	
Sub total for W-S	3,671	3,803	1,499	4,504	13,477	16%
N6 2014 Total collected by GFL	24,379	18,560	12,167	27,803	86,231	100%

10. LAW AND JURISDICTION

- 10.1 This Agreement shall be considered an agreement made under the laws of Ontario and the federal laws applicable therein and shall be subject to the exclusive jurisdiction of the courts of Ontario to which the parties hereby submit.
- 10.2 This Agreement is legally binding on the Municipalities, their successors and assignees.

11. GENERAL

- 11.1 This Agreement shall come into force on the day and year first above written after an authorized representative of each Municipality has executed the Agreement and shall remain in force for as long as the Contract shall remain in force.
- 11.2 The Municipalities agree to execute and deliver such further documents and assurances or do such other things as may be reasonably required from time to time by one or the other party to give effect to this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

THE CORPORATION OF THE TOWN OF NEWMARKET

Mayor

Date

Town Clerk

Date

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

Mayor

Date

Town Clerk

Date

THE CORPORATION OF THE TOWN OF AURORA

Mayor

Date

Town Clerk

Date

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

Mayor

Date

Town Clerk

Date

THE CORPORATION OF THE TOWN OF GEORGINA

Mayor

Date

Town Clerk

Date

THE CORPORATION OF THE TOWNSHIP OF KING

Mayor

Date

Town Clerk

Date



DEVELOPMENT AND INFRASTRUCTURE SERVICES
 TOWN OF NEWMARKET
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 info@newmarket.ca
 905.895.5193

January 11, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES,
 COMMISSIONER REPORT 2016-01**

TO: Members of Council

SUBJECT: Asset Management Policy & Strategy

ORIGIN: Asset Management Committee

RECOMMENDATIONS

THAT Development and Infrastructure Services Commissioner Report – 2016-01 dated January 4, 2016 regarding Asset Management be received and the following recommendation be adopted:

- 1. THAT Council adopt Corporate Policy CAO. 4-01 “Asset Management” attached as Appendix A;**

PURPOSE

The purpose of this report is to recommend approval of the Corporate Asset Management Policy which will govern the practice of asset management within the Town. This report also provides the basics of the asset management principles as well as a framework for asset management practices to enable a coordinated, cost effective and organizationally sustainable approach towards asset management for the Town of Newmarket. This report also recommends the Town retain a consultant to assist staff with developing an Asset Management Strategy and implementation plan for the Town.

BACKGROUND

To assist Municipalities in developing their asset management plans, in 2012 the Provincial Ministry of Infrastructure released “Building Together: Guide to Municipal Asset Management Plans”. This guide provided a structure for standardization and consistency in municipal asset management. The Province also required Municipalities to have an Asset Management Plan (AMP) in place by the end of 2014 to be eligible for Provincial grants. The Town met this requirement as reported in Joint Development and Infrastructure Services Commission, Corporate Services Commission and Office of the CAO Information Report 2014-10. Our current Asset Management Plan can be found on the Town's website at <http://www.town.newmarket.on.ca/recreationplaybook/resourcelibrary/assetmanagementplan2014.pdf>

Many municipalities, including the cities of Calgary and Ottawa, have instituted asset management policies to guide the way they manage assets. Other local and regional municipalities including York Region also have various asset management initiatives underway. To continue to support asset management within the Town, a cross-corporate staff Committee was established in Q2 2015. With the Commissioner of Development & Infrastructure Services providing Strategic Leadership Team sponsorship, this Committee is working to improve and implement an Asset Management Strategy that aligns with Council's Strategic Priorities of Ensuring Effective and Efficient Services. This policy also aligns with the Community Vision of being Well Beyond the Ordinary and our Corporate Mission of Making Newmarket even better by being well-equipped & managed, and well-planned & connected.

COMMITTEE MANDATE

The Asset Management Committee was formed to undertake the following:

- Develop an Asset Management Strategy (AMS) that provides a framework for the long term maintenance of the Town's municipal assets. This would consist of:
 - an Asset Management Policy
 - an Asset Management Program that reflects an appropriate organizational structure
 - a work plan to implement the Asset Management Strategy
 - a functional map of the Town's Asset Management System
- Update the Town's Asset Management Plan (AMP) with respect to:
 - current state of infrastructure assets
 - expected levels of service
 - planned actions to achieve expected levels of service
 - financing strategies to implement planned actions
 - all municipal assets being included
- Develop a performance measurement system to evaluate and document the Asset Management Program
- Collaborate and coordinate communication, education and information needs of Council, the community and employees
- Position the Town to maximize opportunities for alternative funding
- Support a corporate culture of continuous improvement of asset management best practices

In support of this mandate and to help establish priorities for the group, a self-assessment was performed to identify the Town's asset management maturity level as well as priority focus areas. While the results indicate that the Town is in the early stages with regards to asset management, the largest gap in the self-assessment was found to be in understanding and defining our asset management requirements. To close this gap, the Committee agreed to focus on three areas: AM Policy and Strategy, Asset Data Register and Asset Condition Assessment. This report focuses on the Policy and Strategy components.

POLICY

Staff has prepared a Policy (see Attachment 1) to guide the organization as it continues to develop in the area of asset management. The policy is intended to provide clear direction for staff and defines the key principles for sound asset management being:

1. Customer Focused
2. Forward looking
3. Service Focused
4. Risk-based
5. Value-Based / Affordable
6. Holistic
7. Systematic
8. Innovative

The objectives of the Asset Management Policy are to:

1. Deliver services at approved levels;
2. Improve decision-making accountability and transparency;
3. Better demonstrate the long term consideration of decisions;
4. Improve customer service;
5. Reduce life cycle costs while maintaining acceptable levels of service; and
6. Link infrastructure investment decisions to service outcomes.

Sustainability plays a prominent role in the AM Policy by:

- Connecting Economic, Environmental, social and cultural elements
- Applying the right intervention, to the right asset, at the right time and
- Ensuring that an expanded asset base has adequate maintenance and rehabilitation funding

STRATEGY

A complete asset management strategy typically answers three questions:

1. What is our current situation?
2. Where do we want to be?
3. How will we get there?

A strategy could include an assessment of our current situation by performing a review of the condition of our assets, their utilization, operating and maintenance costs, and user satisfaction with services being provided. A review of current procedures, systems and training could also be provided to aid with the implementation of the strategy.

To continue implementing asset management within the organization, staff will issue an RFP for consulting services to work with the Committee to develop an Asset Management Strategy for the Town by the end of Q1. This will continue to build the Town's processes, tools and resources for

the long term. The full requirements of the RFP are still being developed however, in line with the committee mandate; the RFP will request recommendations to address an appropriate organizational structure for the Town as well as a work plan to implement the Asset Management Strategy which will include: implementation costs associated with initial and ongoing resource requirements for such items as capital, staffing and training costs, performing further asset condition assessments, potential system acquisition and/or undertaking other work that is vital to the AM Strategy.

Staff anticipates reporting back to Council with the budget requirements, consultant selection and work plan for the consulting assignment phase of the project by the end of Q2. At the end of Phase 1 of the project staff will report to Council on the next steps for implementation and operationalization of the Strategy, likely towards year end.

CONCLUSION

Asset management ensures the Town's assets receive appropriate investment and attention. The Corporate Asset Management Policy establishes a framework for a consistent and coordinated approach to the Town's asset management practices. The proposed Corporate Asset Management Policy has been developed based on best practice asset management principles and practices. Council's approval of the policy will enhance the Town's asset management practices ensuring long-term sustainability and fiscal stewardship for the Town's existing and future base.

In keeping with best practices, staff is asking Council to approve the attached policy that reflects Council and organizational strategic goals, while providing a consistent, logical framework for identifying the Town's AM requirements and necessary actions.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The Corporate Asset Management Policy is a key initiative and action identified in the Town's 2014 to 2018 Strategic Plan objectives to develop an asset management strategy.

CONSULTATION

The Asset Management Committee is comprised of senior staff from Engineering, Public Works, Information Technology, Finance and Strategic Initiatives. As these areas manage the majority of the Town's assets they are providing their expertise and taking the lead in helping to form the Town's Asset Management practices.

The attached Corporate Asset Management Policy has also been reviewed by the Operational Leadership Team and the Strategic Leadership Team.

Procurement Services has been consulted to provide guidance on the potential prices of the consulting assignment as identified within this report.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not immediately impacted by the recommendations in this report; however, as part of the RFP, staff will be asking the Consultant to provide recommendations regarding ongoing resource requirements to identify the appropriate level of staffing resources required to continue this project. It is anticipated that this information will be provided to Council as part of the outcome from the Consultant assignment and that any additional resource requirements will come forward as part of the budget process.

FINANCIAL / BUDGET IMPACT

Operating Budget (Current and Future)

Pending the completion of an Asset Management Strategy a further report will be provided to Council identifying the potential operating budget impacts of the implementation of the strategy.

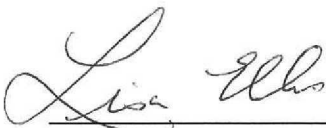
Capital Budget

As part of the 2015 Capital Budget, Council approved the use the Ontario Community Infrastructure Fund Formula Based funding of \$317,700 towards improving asset management planning within the Town. It is the intention of staff to use these some of these funds to develop the strategy and implementation plan. Based on the requirements identified within this report Procurement Services projects the preliminary prices of consulting for this project may range from \$100,000 to \$150,000. As previously indicated staff will provide an update to Council on the outcome of the RFP at which time the budget requirements will be known.

Based on the Province's information it is anticipated that this funding will continue until 2016. For the 2016 Budget, staff recommends these funds continue to be dedicated towards the Asset Management Program, within the parameters set out by the Province.

CONTACT

For more information on this report contact Lisa Ellis at (905) 953-5300 ext. 2515 or lellis@newmarket.ca or Peter Noehammer at ext. 2201 or pnoehammer@newmarket.ca.



Lisa Ellis

Business Performance Coordinator, Development and Infrastructure Services



Peter Noehammer

Commissioner of Development and Infrastructure Services



CORPORATE POLICY

Sub Topic:	Asset Management	Policy No.CAO.4-01
Topic:	Corporate Asset Management Policy	Employees Covered:
Section:	Office of the CAO	Council Adoption Date:
Effective Date: February 8, 2016		

Policy Statement & Strategic Plan Linkages

This Corporate Asset Management (AM) Policy applies to assets of the Town, such as roads, sidewalks, bridges, watermains, sewers, stormwater ponds, pumping stations, fleet, IT systems, buildings, parks, art and trees.

The Town of Newmarket is committed to good governance through fiscal responsibility and financial sustainability in striving to meet the program and service needs of the community and its customers, including residents, local businesses and visitors. Town of Newmarket will adopt and apply recognized AM practices in support of delivering services to its residents and customers.

This policy aligns with the Town's Strategic Plan directions in being Well-equipped & managed and Well-planned and connected by implementing policy that reflects sound and accountable governance and is the foundation of the Town's Key Strategic Asset Management Documents outlined in Appendix A.

The Corporate Asset Management Framework (Appendix B) encompasses all aspects of the management of each asset through its lifecycle in that it:

- Integrates the strategic objectives of the Town, with key business systems, legislation, and regulations;
- Creates a framework that establishes the mechanism for a clear line of sight between our AM program and Corporate objectives and strategies; and
- Commits to providing approved levels of service for present and future customers and communities, in the most effective and efficient way, through

the planning, design, construction, acquisition, operation and maintenance, renewal, and disposal of assets.

The basis for our asset related decisions are:

- Anchored on the four pillars of sustainability – economic, environmental, social and cultural - that support the Town's long-term sustainability goals approved by Council
- Based on applying "the right intervention, on the right asset, at the right time" recognizing risk and the Town's fiscal constraints; and
- Founded on a sustainable approach to ensure that asset base increases or enhancements consider the impact on the ability of the Town to fund future maintenance and rehabilitation.

Purpose

The purpose of this policy is to detail the guiding principles to be applied to AM:

- **Customer Focused**
The Town will aim to have clearly defined Levels of Service and applying AM practices to maintain the confidence of customers in how Town assets are managed.
- **Forward looking**
The Town will make decisions and provisions that enable our assets to meet future challenges, including changing demographics and populations, customer expectations, legislative requirements, technological and environmental factors.
- **Service Focused**
The Town will consider all the assets in a service context and taking into account their interrelationships as opposed to optimizing individual assets in isolation.
- **Risk-based**
The Town will manage the asset risk associated with attaining the agreed levels of service by focusing resources, expenditures, and priorities based upon risk assessments and the corresponding cost/benefit recognizing that public safety is the priority.
- **Value-Based / Affordable**
The Town will choose practices, interventions and operations that aim at reducing the life cycle cost of asset ownership, while satisfying agreed levels of service. Decisions are based on balancing service levels, risks, and costs.

- **Holistic**
The Town will take a comprehensive approach that looks at the “big picture” and considers the combined impact of managing all aspects of the asset life cycle.
- **Systematic**
The Town will adopt a formal, consistent, repeatable approach to the management of its assets that will ensure services are provided in the most effective manner.
- **Innovative**
The Town will continually improve its AM approach, by driving innovation in the development of tools, practices, and solutions.

The use of these principles in applying AM will better position the Town to:

- Deliver services at approved levels of service;
- Improve decision-making accountability and transparency;
- Better demonstrate the long term consideration of short term decisions;
- Improve customer service;
- Reduce the life cycle costs while maintaining acceptable levels of service; and
- Link infrastructure investment decisions to service outcomes.

Definitions

AM is an integrated business approach involving planning, finance, engineering, maintenance and operations geared towards effectively managing existing and new infrastructure to maximize benefits, reduce risk and provide safe and reliable levels of service to community users. This is accomplished in a socially, culturally, environmentally and economically conscious manner. AM relies on four key organizational components integrating together to achieve the desired service outcomes: well-planned strategies, good physical assets, highly trained professionals with respect to practices and procedures, and integrated business processes. These components, supported by appropriate technologies, provide a robust foundation for efficient service delivery.

AM Program refers to the collective documents that encompass the AM Policy, AM Strategy and AM Plans.

AM Strategy is a document that articulates the practical implementation of Town’s goals as they pertain to AM.

AM Plan is a document that reports on how assets are being managed through their lifecycle in support of the services being delivered.

Responsibilities

In meeting the goals and objectives of this policy, the **Strategic Leadership Team** will:

- 1) Create and maintain an asset management governance structure that leads the development of asset management tools and practices across the organization;
- 2) Adopt a Asset Management Strategy;
- 3) Seek funding and service delivery opportunities to address infrastructure investment pressures;
- 4) Provide regular updates to Council on the state of the Town's assets and forecasted trends.

In meeting the goals and objectives of this policy, the **Operational Leadership Team** will:

- 1) Oversee the development of asset management tools and practices application across the organization;
- 2) Implement the Asset Management Strategy:
 - a) Establish, document and continually adhere to industry recognized asset management protocols;
 - b) Define levels of service that balance customer expectations with risk, affordability and timing constraints;
 - c) Adopt risk-based decision-making processes that consider the likelihood of asset failure and the consequence of a failure with regards to impacts on safety and levels of service;
 - d) Develop asset management knowledge and competencies aligned with recognized competency frameworks;
 - e) Entrench lifecycle costing when evaluating competing asset investment needs across Town assets; and
 - f) Monitor the performance of the assets and track the effectiveness of Asset Management practices with a view to continuous improvement.
- 3) Where practical, strive to go beyond minimum legislative solutions as an enabler to make Town assets more resilient to changing social, environmental and economic conditions.

Appendix A

Key Strategic Asset Management Documents

The following key strategic asset management documents form part of the Town's overall approach to asset management:

Corporate Asset Management Policy: This document establishes Council's expectations around the management of the Town's physical assets. (This document)

Asset Management Strategy: This document defines Senior Management's commitment and approach to achieving the Council approved policy. (Pending approval of the Asset Management Policy staff will be coming forward with a recommendation on the approach to be taken regarding a strategy)

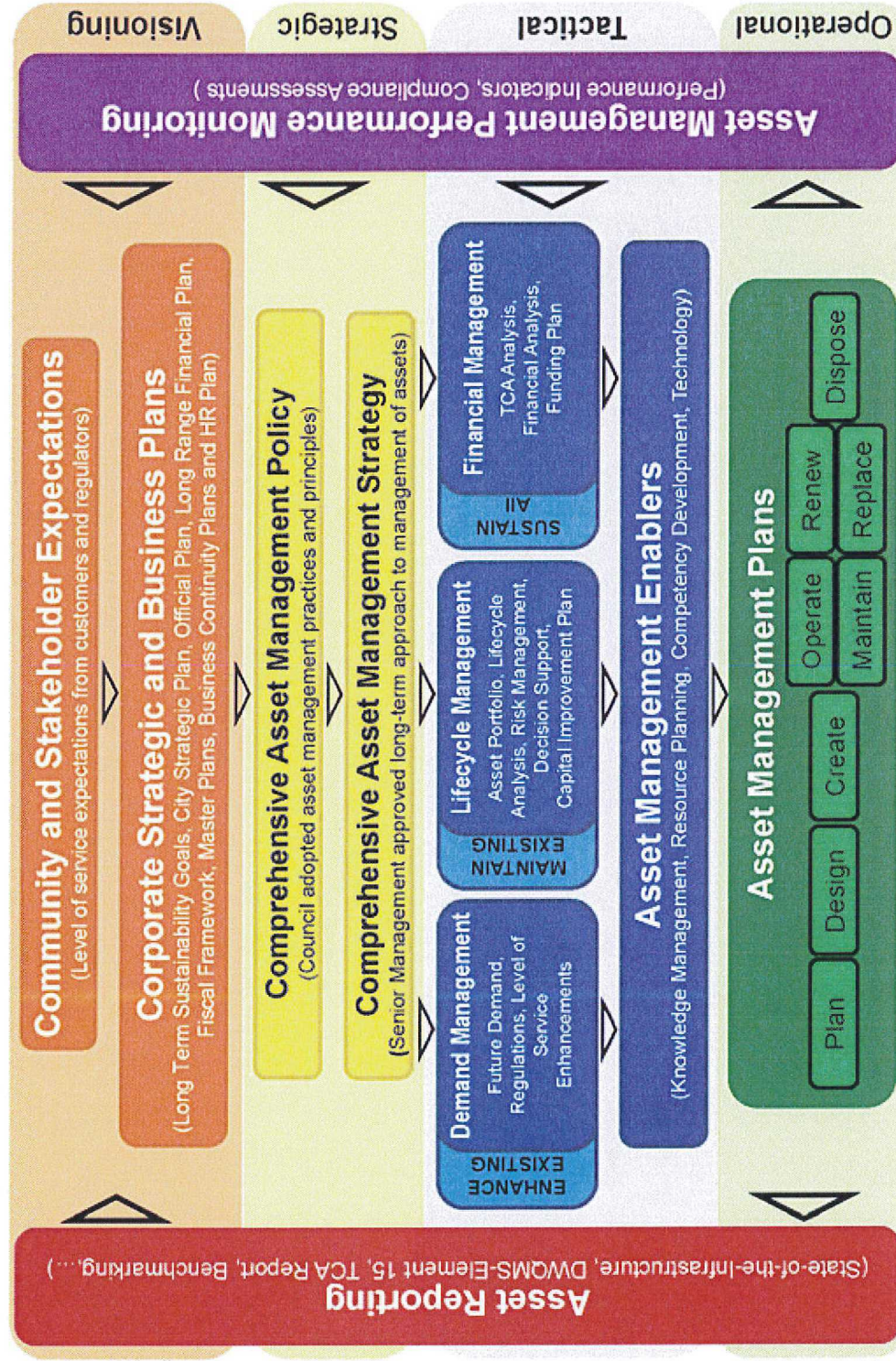
Customer Levels of Service: This document defines the level to which assets are to be maintained to achieve defined levels of service. (To be developed and approved by Council)

Asset Management Plans: These documents show how assets are being managed through their lifecycle in support of the delivery of services. (To be approved at the Departmental Management level for all service areas. The plans will be updated annually and submitted to Council annually for information purposes.)

State of the Asset Report: This document provides information on the state of the Town's physical assets which can then be referenced when making infrastructure asset investment decisions as part of the annual budget planning processes. (To be refined and submitted to Council annually for information purposes)

Appendix B

Corporate Asset Management Framework





February 1, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES – PLANNING & BUILDING SERVICES
REPORT 2016-01**

TO: Committee of the Whole

SUBJECT: Development Coordination Service Arrangement

ORIGIN: Development & Infrastructure Services – Planning & Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services – Planning & Building Services Report 2016-01 dated February 1, 2016 regarding the Development Coordination Service Arrangement be received and the following recommendation(s) be adopted:

- 1. THAT the Town continue with the best practice model of the Development Coordination Committee with an outsourced “Development Coordinator” role at a “preferred client discounted rate” for all residential subdivision developments outside of the Urban Centres Secondary Plan area;**
- 2. AND THAT the current Professional Consulting Services Agreement with HBR Planning Centre as the Town’s Development Coordinator be extended for a period of three years, plus two one-year renewal options.**
- 3. AND THAT the following be advised of this action:**
 - Howard Friedman, HBR Planning Centre, 66 Prospect St, Newmarket, ON L3Y 3S9**

COMMENTS

Role of the Development Coordination Committee and the Development Coordinator

The Development Coordination Committee (DCC) is comprised of staff from Planning, Engineering Services, and Legal Services, together with the Town’s engineering checking consultant, RJ Burnside. Staff from other departments, as well as other Town consultants, attend to address specific issues, as needed. The DCC is led by a third party consultant (the Development Coordinator), the duties of which are outlined later in this report.

The DCC takes over the subdivision approval process following draft plan approval by Council and generally undertakes the following technical processes:

- engineering design review and acceptance
- ensuring clearances of draft plan conditions are met and all requirements are satisfied for plan registration
- subdivision agreement preparation

Specific timelines and requirements for both the development community and staff are established to ensure that these overlapping processes are kept on track towards the ultimate goal of plan registration within a maximum of four engineering design submissions. The entire process is outlined in the Town's subdivision process manual titled: "Subdivision Approval Process: Design Submission Requirements and Final Plan Registration Document".

The Development Coordinator oversees and coordinates these overlapping processes and ensures the timelines and requirements established in the subdivision process manual are met by both the Committee members and the development community. Typically the Development Coordinator's role includes:

- receipt and review of engineering design drawings for completion
- dialogue and written correspondence with the developer and its consultants, as well as Town staff and its checking consultant regarding the status of engineering design drawings and timing for completion of outstanding issues
- review of staff comments and coordination for distribution to the developer
- arranging, attending, and overseeing Development Coordination Committee meetings
- developing and coordinating pre-servicing agreements and subdivision agreements

This third party approach to the role helps coordinate staff in all departments given that all staff, including the Town's checking consultant, are responsible to the Development Coordinator. The costs incurred by the Town through the services of the Development Coordinator are forwarded directly to the development community for payment, ensuring that the Development Coordinator position is revenue-neutral to the Town. The total amount billed by the Development Coordinator over the past 5 years is approximately \$108,000.00, which represents an annual average of approximately \$21,600.00 per year. As noted, all of these costs are transferred directly to the appropriate developers through invoices that reflect the time and material costs spent by the Development Coordinator on their individual submissions and work performed on their subdivisions. The DCC process is considered a best practice in York Region by the development community.

HBR was initially hired as the Development Coordinator in 1998 and operated in this role in an informal capacity until 2001 when Council formalized its first formal contract with HBR as the Development Coordinator. This contract was last updated in 2010 and expired at the end of 2015.

Staff has considered three potential options to secure this on-ongoing service. A brief description of the options and the advantages and disadvantages of each is presented below:

Option #1 (Recommended): Extend the Professional Consulting Services Agreement with HBR Planning for a period of three years, plus two one-year renewal options

The land available for typical greenfield or subdivision development is decreasing, with only a few undeveloped parcels remaining. As such, the number of new subdivision applications can be expected to decrease as the Town transitions to a new form of intensified development in the Urban Centres. As a result, it is unadvisable to proceed now with an RFP and risk having a new consultant who is not familiar with the Town's development practices and DCC procedures for a few remaining subdivision developments. The learning curve required for a new consultant at this stage would end up costing the Town and developers significantly, as the transition from one consultant to another is being made.

The extension of the Development Coordinator contract as recommended in this report aligns with the recent extension of the Town's Engineering Checking Consultant (RJ Burnside) as approved by Council (i.e. 3 years plus 2 one-year renewal options), and would ensure the DCC process continues to function in a seamless manner over that time.

Notwithstanding the expected decline in new subdivision applications, the DCC is currently in the midst of processing previously-approved subdivision applications, some which can be expected to continue for a number of years. As the Development Coordinator, HBR is familiar with the history, specific issues, and past decisions made associated with each of these developments.

As the Town transitions to more intensified development along our corridors, an RFP would better serve the development community if it was aimed at new services that would involve high-rise development and site-plan applications. Staff is reviewing this idea as part of the Marketing Davis Drive initiative.

Since 1998 when the DCC was established and HBR was hired as the Development Coordinator, the Town has experienced a large amount of staff turnover whereas HBR's Planning staff (including the Development Coordinator himself), has remained unchanged. HBR therefore has an extensive corporate memory that some new staff does not have. This is particularly helpful given that it can take a number of years for a subdivision to build-out. HBR's history with the Town as the Development Coordinator allows the firm to provide valuable insight as to why certain decisions were made or why certain Town practices are in place, as well as past issues that may have resulted in the current processes or practices (e.g. security reduction requests; landowner agreements; when it is appropriate to accept partial submissions; specific subdivision agreement clauses that have been amended from time-to-time, etc.).

HBR has managed to ensure a balance between the Town's best interests being protected while respecting the challenges that face developers. In doing so, HBR has demonstrated excellent communication skills in terms of the flow and accuracy of information transferred between the developers, peer reviewers and the Town and in keeping the Town informed of all issues that may arise. HBR's problem solving approach has also earned the respect of the development community.

Extending HBR's contract without going to a competitive RFP process is supported by the Town's Procurement Bylaw inasmuch as it meets all four conditions, notwithstanding the requirement to meet only one. The Town's Procurement Bylaw states that "*Single Source*

purchasing may be conducted for the procurement for goods service(s) or construction of any contract value without the competitive Bid process, when any of the following circumstances apply:

- i) For reasons of standardization, warranty, function or service, such as: technical qualifications. The technical qualifications possessed by HBR are required for this service and relate to the background, knowledge, and history attained by HBR that is required for the work (e.g. the evolution of the Subdivision Manual, preparation of subdivision and pre-servicing agreements, and specific technical knowledge of Town servicing issues and Town, Region, and Provincial requirements related to environmental matters and Town Official Plan requirements).*
- ii) Where compatibility with an existing product, equipment, facility or service is a paramount consideration. In this case, compatibility with the Development Coordination Committee, the development community, and the Town's external checking consultant (RJ Burnside) is essential to ensuring that the service is provided seamlessly, efficiently and in a timely and continual basis without any delays. HBR has proven its functionality and compatibility with the DCC, other senior Town staff and members of Council, as well as developers and RJ Burnside and therefore the service can continue without interruption if HBR's contract is continued.*
- iii) Where the contractor possesses the unique and singularly available capability to meet the requirements, such as, skills related to and/or existing knowledge of the nature of the service. HBR possesses the unique capability to meet these requirements and in particular the "existing knowledge of the nature of the service". HBR prepared the original "Subdivision Manual" for use by the DCC and the development community and has updated it over the years to reflect new information or processes as the DCC requirements have evolved. HBR has developed a unique understanding of the timelines required to prepare agreements, the time required for other departments and external agencies to review and provide information necessary to get a plan registered, and the many other issues the DCC addresses in processing a plan of subdivision, such as insurance requirements, environmental standards and requirements, security reduction requests, financial contributions for parkland development as it relates to Development Charges, and the Town's evolving Low Impact Development (LID) standards. A new consultant would require an extended period of time to reach the level of knowledge attained by HBR regarding the nature of the services and the background required to perform the work, and this in turn would lead to a delay to the development community during which the work would not be done efficiently and in a timely manner. It is anticipated that for some period of time the development community would actually be paying for two consultants through the transition from HBR to another consultant.*

- iv) *Ability to deliver at a particular time.* HBR is the only contractor who can deliver continuously and seamlessly due to the reasons outlined above.

Option #2: Proceed to a Request for Proposal (RFP)

In this option, a Request for Proposal (RFP) could be issued seeking a Planning consulting firm to take over the Coordinator role. Staff would review the submissions and provide a report to Council with a recommendation to execute an agreement with the consultant who has provided the best (not necessarily the lowest-cost) proposal.

Going to a RFP process at this stage would not necessarily produce any advantages in terms of processing times or cost savings to the developers. It is expected that during the transition time the development community would likely be paying for both the current Development Coordinator and the new Coordinator while the new Coordinator becomes familiar with the process and expectations of the DCC. The exact costs and length of delays cannot be quantified at this time.

As noted earlier, staff is considering the appropriateness of preparing an RFP related to the processing of intensified developments in its next phase of growth within the Urban Centres.

Option #3: Provide in-house resources to act as the Development Coordinator

This option would require the hiring of additional staff to carry out the duties of the Development Coordinator, or add to the existing workload of staff, which is not currently feasible.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The extension of the Development Coordinator contract with HBR supports the following branches of the Town's Strategic Plan:

Well-equipped and managed: Implementing policy and processes that reflect sound and accountable governance; service excellence.

CONSULTATION

There has been no internal or external consultation as part of this report. The development community has consistently advised staff that the DCC and the use of an external Development Coordinator is a best practice in York Region.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

The Town does not pay for the services rendered by the Development Coordinator. HBR provides the development community with a significantly reduced rate from its normal and usual consulting fees.

Operating Budget (Current and Future)


Based on the recommendation provided in this report, there would be no impact to the Operating Budget.

Capital Budget

Based on the recommendation provided in this report, there would be no impact to the Capital Budget

CONTACT

For more information on this report, contact J. Unger, Assistant Director of Planning at 905 953-5300 or at junger@newmarket.ca.



Jason Unger, Assistant Director of Planning

Rick Nethery, Director of Planning &
Building Services

Peter Noehammer, Commissioner
Development and Infrastructure Services



January 21, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2016-03**

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Technical Amendment
Copper Hills (Goldstein) Subdivision 19T-90064
East side of Leslie Street south of Mulock Drive

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-03 dated January 21, 2016 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendation(s) be adopted:

THAT the proposed zoning amendment for the subject lands re-establishing the 45 metre setback be approved and that staff be directed to prepare the necessary Zoning By-law Amendment.

COMMENTS

Location

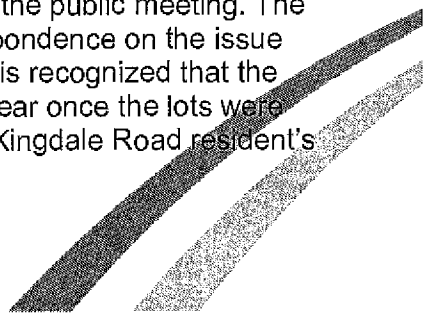
The subject lands are located within the Copper Hills (Goldstein) subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 118, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378. (See Location Map attached)

Proposal

Comprehensive zoning By-Law 2010-40 is proposed to be amended to include an increased setback for lots within the Copper Hills Plan of Subdivision that abut existing Kingdale Road properties. This setback is being proposed due to an unintentional omission in the comprehensive by-law for this development. Detailed background information on the OMB/Minutes of Settlement/Order is provided in the Planning Department's preliminary report 2015-37 which is attached to this report. Report 2015-37 referred the matter to the required statutory public meeting which was held on October 20, 2015.

Residents impacted by this proposal attended the public meeting and indicated that it is important that the 45 metre setback, agreed to by all parties at the time of the subdivisions approval, be re-established as it creates an appropriate buffer between the residential uses.

The owners of the subject lands or their consultants did not make submissions at the public meeting. The planning consultant representing the Copper Hills developer has provided correspondence on the issue after the public meeting which is attached to his report. They indicate that while it is recognized that the setback was agreed to at the time, the implications of the setback only became clear once the lots were being developed, which only began recently and are requesting a setback to the Kingdale Road resident's rear property line of 30 metres.



The submission continues to provide a rational point for their requested 30m setback. They indicate that the 45m setback, if implemented, will not leave enough space to construct estate homes that are appropriately sized for the lots. They wish to construct dwellings on these lots with floor areas of 5,000 to 6,000 square feet. The house sizes, if the 45m setback is reinstated, would be limited to approximately 3,000 square feet. They also indicate that the 45m setback would cause the building envelope to be close to the road allowance resulting in a built form that will be a streetscape comprised mainly of garage doors. The attached letter continues by suggesting there is no planning basis for the 45 metre setback.

Finally, the letter discusses accessory structures and the limitations imposed by the original by-law approved by the Ontario Municipal Board and the apparent discrepancy with the Minutes of Settlement. The way the by-law approved by the Board was worded required all structures to be setback from the mutual property line a minimum of 45m including accessory structures. The planning consultant asserts that there is no basis for this restriction in the Minutes of Settlement.

Discussion

The purpose of the rear yard setback, in general terms is to provide private outdoor amenity space for the homeowner. In cases where new development is being constructed adjacent to existing development, the depth of the rear yards can also act as a buffer for adjacent uses. A 20 metre landscaped and bermed buffer strip along the entire northern most limit of the subdivision zoned Open Space and restricted to private passive open space uses was also a requirement of the OMB through the Minutes of Settlement. No structures are permitted to be erected within this 20m buffer strip.

The existing rear yard setback for the Kingdale Road properties (zoned R1-C) is 15 metres however the actual dwellings are built between 45 and 75 metres from the rear property line.

While buffering is encouraged from an Official Plan perspective and is an established planning tool to address incompatibilities between uses, the amount of buffering and mitigation techniques required to address an issue are somewhat subjective.

It is the Planning Departments position that, as this amendment is a technical amendment to the Comprehensive Zoning By-law to correct a transcription error that occurred while drafting the new comprehensive by-law, the appropriate course of action is to approve a by-law that includes the 45 metre setback.

With regard to the issue of accessory structures, planning staff agree with the comments of the developers planning consultant in that the setback is intended for the main dwelling and would not impact the ability to site accessory structures closer the property line than the 45 metres. There is already a prohibition of structures within the Open Space zone being 20 metres in width and traverses the entire mutual property line between subdivisions.

If Council chooses to pass a by-law that reinstates the 45 metre setback, the options of the developer of the Copper Hills subdivision will be to build dwellings that meet the requirement, appeal the approval of by-law to the Ontario Municipal Board or, once the by-law is approved, submit an application to the Planning Department to request a lesser setback (either Minor Variance or Zoning By-law Amendment).

Comprehensive Zoning By-law 2010-40

Council adopted Zoning By-Law 2010-40 on June 1, 2010 as the Town's new comprehensive zoning by-law. The new By-law 2010-40 replaced the previous Zoning Bylaw 1979-50 and is a set of regulations

governing land uses, buildings, and structures within the Town. As Council are aware, a zoning bylaw is a prescriptive document that inherently has little flexibility.

As the setback was based on Minutes of Settlement and approved through the Ontario Municipal Board, it is appropriate to amend the comprehensive zoning by-law to re-establish the 45m setback.

Official Plan Considerations

The subject lands are designated Emerging Residential in the Town's 2006 Official Plan which permit this form of dwelling unit. The Official Plan does not provide details on standards for specific zones, but rather recognizes that the zoning by-law regulates the use of land including the erection, location and use of buildings. The requested setback would conform to the general intent and purpose of the Official Plan.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. This technical amendment is consistent with the PPS.

Departmental and Agency Comments

No concerns or objections were received by internal departments and external agencies on this proposal.

Conclusion

The purpose of this zoning by-law amendment is to correct a transcription error in Comprehensive By-Law 2010-40 as it relates to the building setback to the property line shared with Kingdale Road residents. It was on this basis that notice was provided. While we understand the rationale behind the justification for a lesser setback provided by the planning consultant for the Copper Hills subdivision, we must recommend that Council reinstate the agreed upon 45m building setback as provided for through the Minutes of Settlement. We do agree that the setback is for the main building and accessory structures may be sited closer than the 45m but may not encroach into the 20m landscaped buffer that is zoned Open Space and continues along the entire interface.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

COMMUNITY CONSULTATION POLICY

The statutory public meeting was held on October 20, 2015. The comments from the community are discussed above in this report.

BUDGET IMPACT

N/A

CONTACT

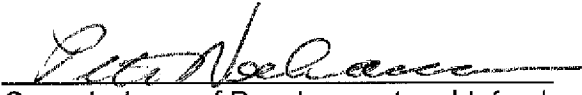
For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

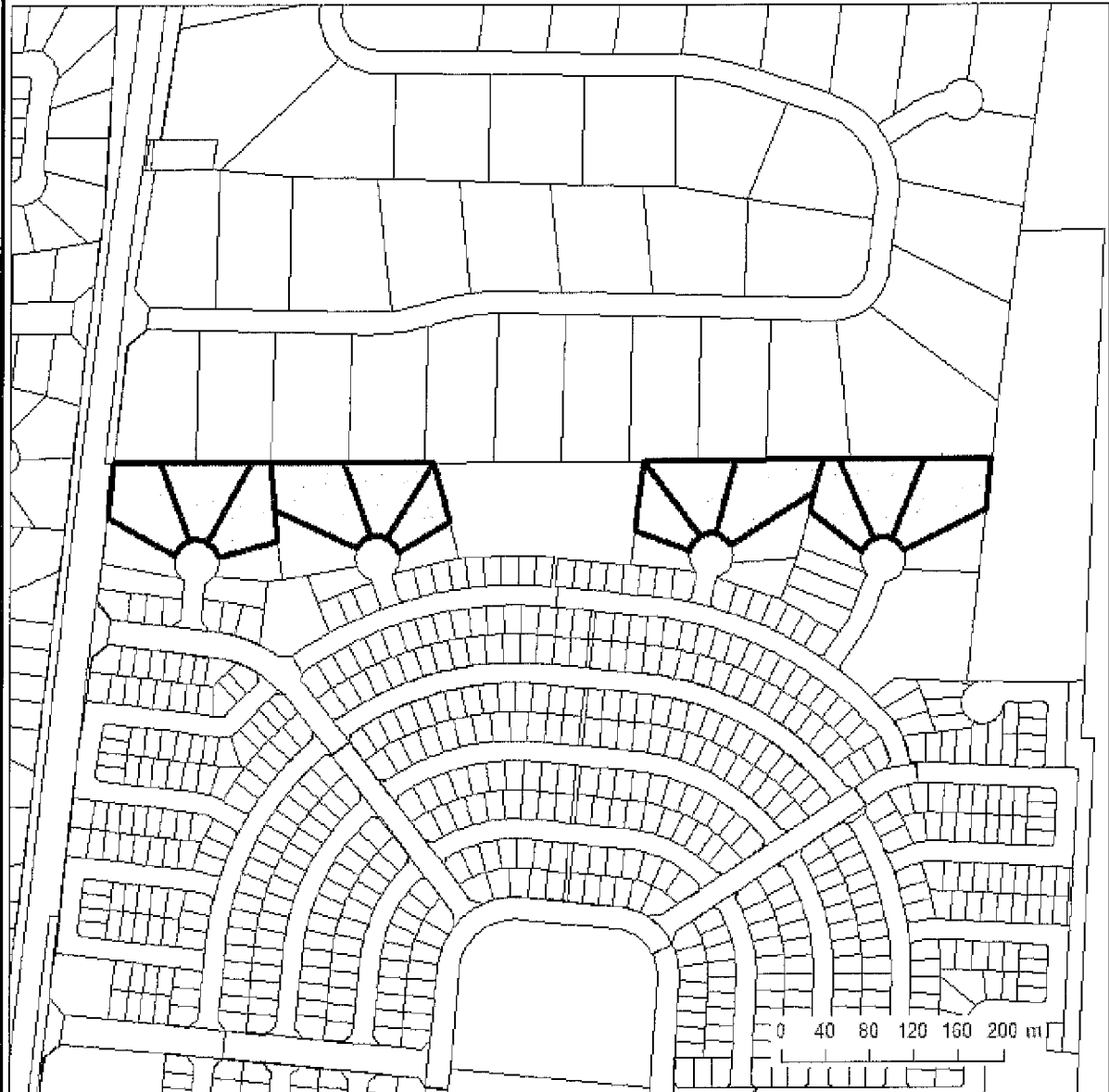
1. Location Map
2. Report 2015-37
3. Letter from Goldberg Group

 Director of Planning and Building Services

 Senior Planner – Community Planning

 Commissioner of Development and Infrastructure Services

Lots 105, 106, 107, 118, 119, 120, 140,
141, 142, 157 and 158 on Registered Plan 65M-4378
Town of Newmarket
Regional Municipality of York



☐ Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology - GIS Group, August, 2019. Land Owner: Boudonville & Partners, Inc. and its successors. All rights reserved. NCTA PLAN OF SURVIVOR 2013. Editing - Team of November 2019. © 2019 NCTA. This mapping is based on the PCNTR parcel data provided, compiled using land registry, tax data and recent surveys and control points where available. This mapping is a representation of the earth surface and is not intended to be used for legal purposes only. It is not a substitute for a real survey.

* 本報記者採訪、整理，未經受訪者同意，請勿隨意引用或轉載。如有需要，請先向本報編輯部洽詢。

**PLANNING AND BUILDING SERVICES**

Town of Newmarket

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Newmarket, ON L3Y 4X7

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August 20, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2015-37**

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Technical Amendment
Copper Hills (Goldstein) Subdivision 19T-90064
East side of Leslie Street south of Mulock Drive

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendation(s) be adopted:

1. **THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;**
2. **AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;**

COMMENTS**Location**

The subject lands are located within the Copper Hills (Goldstein) subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 118, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378. (See Location Map attached)

Background**Copper Hills (Goldstein) subdivision and zoning approvals**

Applications for draft plan of subdivision and zoning by-law amendment were appealed to the Ontario Municipal Board by the developer, 724903 Ontario Inc. for the Copper Hills (Goldstein) subdivision on the east side of Leslie Street from Council's refusal to enact the proposed amendment in 2001.

As a result of a two day mediation effort with the Town, developer, the Kingdale Road Residents Group and the Region of York, Minutes of Settlement had been entered into by all parties. A zoning by-law was prepared and conditions of draft approval were drafted, as agreed to by all parties, and approved by the OMB through Order 1597 on November 15, 2002. Specifically, these Minutes of Settlement and Zoning By-law amendment included a provision that required a 45m setback to the northerly lot line of the subdivision adjacent to existing estate lots on Kingdale Road. Specifically item 13 of the Minutes of settlement read:

The Parties agree that the proposed zoning by-law for the subject property will be amended to provide the following siting specifications for proposed lots any parts of which are located within 45m of the northernmost limit of the subject property:

- (i) a rear yard (minimum) from any north rear lot line: 45m;*
- (ii) a side yard (minimum) from any north side lot line: 45m*

The site specific by-law included a provision that read:

Providing that notwithstanding any other provisions of the by-law to the contrary, no building or structure or any part thereof, save and except for any structures associated with stormwater management facilities, shall be located within 45 metres of the north boundary of the lands affected by this by-law and shown of Schedule "X" attached hereto.

Comprehensive Zoning By-law 2010-40

Council adopted Zoning By-Law 2010-40 on June 1, 2010 as the Town's new comprehensive zoning by-law. The new By-law 2010-40 replaced the previous Zoning Bylaw 1979-50 and is a set of regulations governing land uses, buildings, and structures within the Town. As Council are aware, a zoning bylaw is a prescriptive document that inherently has little flexibility.

In reviewing proposed sitings for a lot adjacent to the northerly property line of the subdivision, staff realized that the requirement for the 45m setback was inadvertently omitted from the Comprehensive Zoning By-Law 2010-40 and the normal and usual 9m setback would apply to these lands. As the setback was based on minutes of settlement and approved through the Ontario Municipal Board, it is appropriate to amend the comprehensive zoning by-law to re-establish the 45m setback.

However, it is our understanding that the owners of the land (Copper Hills) would prefer to have a lesser setback than the 45m to allow for a house design that the developer indicates would be better suited for the established lots that cannot be achieved with a 45m setback. We assume the owner of the lands will provide formal comments on this proposed technical amendment either at the recommended public meeting or otherwise.

Official Plan Considerations

The subject lands are designated Emerging Residential in the Town's 2006 Official Plan which permit this form of dwelling unit. The Official Plan does not provide details on standards for specific zones, but rather recognizes that the zoning by-law regulates the use of land including the erection, location and use of buildings. The requested relief would conform to the general intent and purpose of the Official Plan.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. This technical amendment is consistent with the PPS.

Departmental and Agency Comments

Comments received from department and agencies will be addressed throughout this process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw.

BUDGET IMPACT

Should the technical amendment process be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

Location Map



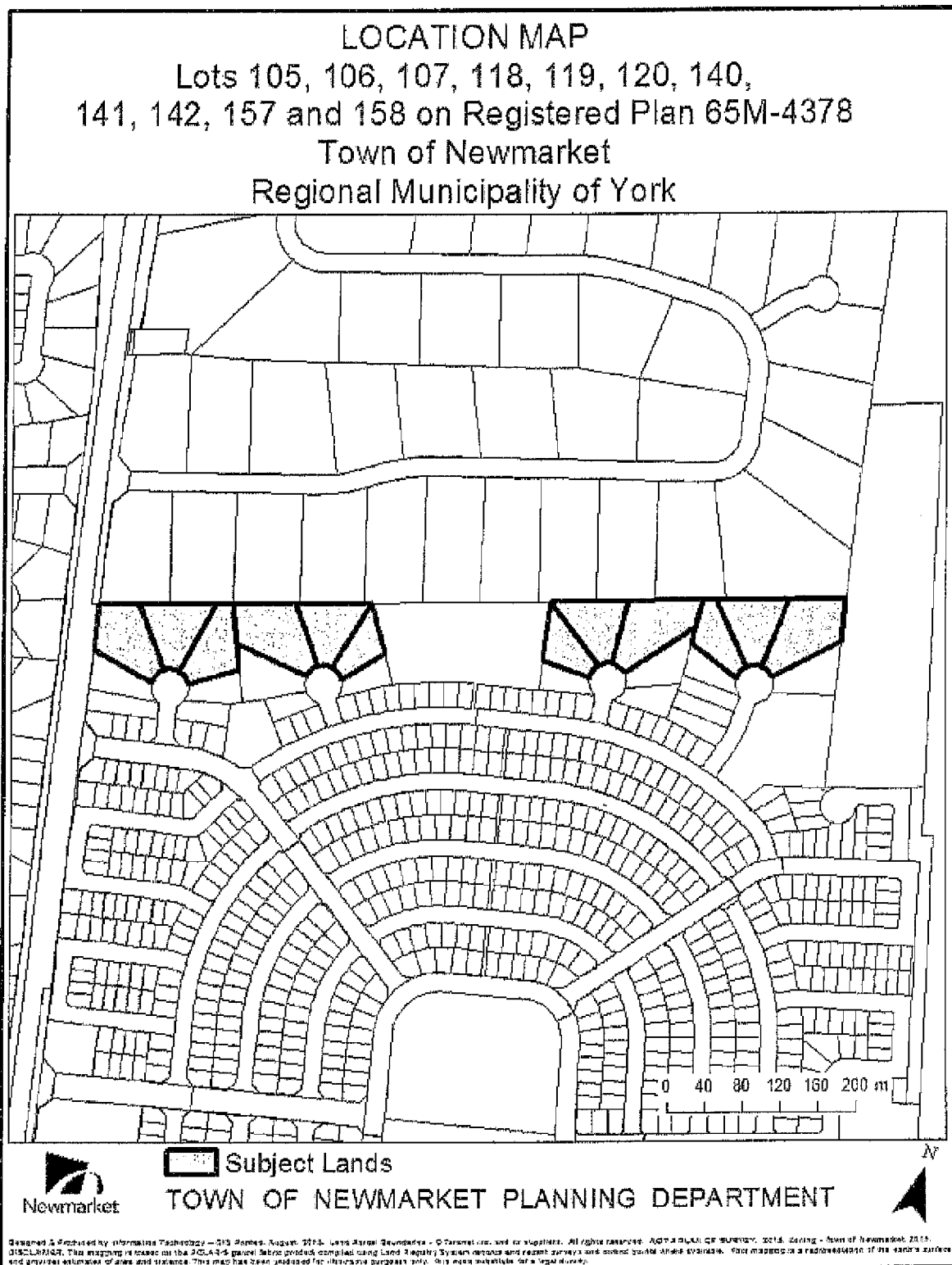
Director of Planning and Building Services



Commissioner of Development and Infrastructure
Services



Senior Planner – Community Planning



GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
2098 AVENUE ROAD, TORONTO, ONTARIO M5M 4A8
TEL: 416-322-6364 FAX: 416-932-9327



JANICE A. ROBINSON MCIP RPP
jrobinson@goldberggroup.ca
(416) 322-6364 EXT. 2105

October 27, 2015

Planning and Building Services
Town of Newmarket
395 Mulock Drive
Newmarket, Ontario
L3Y 4X7

Attention: Mr. R. Nethery, Director of Planning and Building Services

Dear Mr. Nethery:

**Re: Proposed Zoning By-law Technical Amendment
Copper Hills (Goldstein) Subdivision 19T-90064
East Side of Leslie Street south of Mulock Drive**

We are the planning consultants representing 724903 Ontario Inc., also known as Preston Homes, developers and builders of the Copper Hills subdivision. Twelve lots located along the north boundary of the Copper Hills subdivision are subject to the above noted proposed zoning by-law that was the subject of a Public Meeting on October 20, 2015. This letter provides our comments on behalf of the owner in opposition to the proposed Zoning By-law.

As indicated in the staff report dated August 20, 2015, the Copper Hills subdivision was approved by an OMB Order in 2002 and subject to Minutes of Settlement executed by the Town, the Kingdale Road Residents Group, the Region of York and 724903 Ontario Inc. The Minutes of Settlement contain provisions regarding various matters related to the development, including the requirement for a 45m building setback from the north boundary and provisions for storm drainage improvements, well monitoring, zoning of the northerly 20m of the subdivision as Open Space and construction of a landscaped berm across the northerly boundary.

The requirement for side and rear yard setbacks a minimum of 45m from the north boundary of the property required by the Minutes of Settlement was incorporated into the site-specific zoning by-law for the subdivision. However, it was not included in Zoning By-law 2010-40 adopted on June 1, 2010 and therefore the 45m setback requirement does not apply at this time. The current situation is that the Town will not issue building permits that comply with the 9m rear yard setback in the zoning by-law and are enforcing the 45m setback by citing the Minutes of Settlement, leaving no mechanism for requesting relief at the Committee of Adjustment.

I note for your attention that the Minutes of Settlement do not include a clause that no buildings or structures, save and except for structures associated with stormwater management facilities, are allowed within the 45m setback. This clause was included in the subdivision zoning by-law (that is no longer in effect), but there is no authority for that restriction in the Minutes of Settlement. Including this clause in a zoning by-law in combination with the 45m setback would have the effect of preventing decks, accessory structures such as storage sheds, gazebos and cabanas as well as swimming pools in the rear yards of the dwellings. There is no basis for this restriction in the Minutes of Settlement, a restriction that amounts to prohibition of any structures in the rear yards of these lots. It is unreasonable and overly restrictive to include such a provision in the zoning by-law and is not what should be intended for future owners of these estate lots.

With respect to the 45m setback requirement, it is our position that it is unreasonable and overly restrictive, particularly given that there is a landscaped berm approximately 10m in width along the rear of these lots in accordance with the requirements of the Minutes of Settlement. The Minutes of Settlement that included the 45m setback requirement were signed 13 years ago in 2002. While it is recognized that the setback was agreed to at the time, the implications of the setback only became clear once the lots were being developed, which only began recently. The setback requirement is considerably higher than the 9m rear yard setback requirement in the Town's by-law and exceeds all rear yard setback standards known in the industry for residential interface situations. The setback does not leave enough space on the lots to construct estate homes that are appropriately sized for the lots. Estate homes are perhaps larger now than in 2002, with purchasers of lots in the range of 80 ft. frontage now expecting to have a home in the 5,000 to 6,000 sq.ft. range. The 45m setback allows for homes that are in the range of 3,000 sq.ft. and those homes would be considered deficient in size in the estate home category. The setback forces the building envelope very close to the road allowance, resulting in built forms that will be a streetscape comprised mainly of garage doors. A less restrictive setback will allow for design opportunities that will hide the garage doors, allowing for a much more attractive streetscape. In our view, it would be more advantageous for the Town and even the residents of Kingdale Road to allow development of these lots as true estate homes.

In considering the appropriateness of a 45m setback requirement on its planning merits, notwithstanding the earlier agreement to the setback, there is no justification for such an excessive setback. The 45m setback is an unprecedented setback for residential buildings next to other residential lots and much higher than required to "protect" the lots on Kingdale Road. There is no true planning basis for any buffering or additional setbacks between residential dwellings on Kingdale Road and Copper Hills. If the estate lots were built according to that standard, it imposes an unfair burden on future residents to seek variances at the Committee of Adjustment to permit rear additions such as solariums and rear yard amenities such as pools and accessory structures. It is unreasonable to zone these lots to include a 45m setback and there is no sound planning rationale to support the setback requirement. Furthermore, there is no basis for prohibiting decks, pools and accessory structures in the rear yards of these estate lots.

In recognition of the higher setback requirement that was intended for the benefit of the lots to the north, a setback of 30m is proposed for dwellings and a setback of 10m is

proposed for accessory structures and pools. These proposed setbacks are considerably higher than the 9m rear yard setback for dwellings and 1m setback requirement for accessory structures in the Town's zoning by-law. These setbacks, together with the berm that was constructed along the north boundary of these lots and will be maintained within the estate lots, will provide a substantial separation between the dwellings in Copper Hills and Kingdale Road.

Thank you for your consideration of our position on this matter and this alternative proposal for the zoning standards for the estate lots of Copper Hills. The setbacks proposed will provide a substantial setback from the lots on Kingdale Road, will allow for the development of appropriately sized estate homes that were originally envisioned for these lots and avoid placing an unfair burden on future residents to obtain minor variances for rear yard amenities that should be allowed as-of-right. The proposed 30m setback maintains the spirit of the setback agreed to in the minutes of settlement as it allows for a similar typology of built form, significant setback and a transition from the Kingdale neighbourhood to the Copper Hills neighbourhood. We strongly urge Council to consider the merits of the setbacks we are proposing and direct staff to incorporate those setbacks into the implementing by-law.

Yours truly,

GOLDBERG GROUP



Janice Robinson, MCIP, RPP
Senior Associate

Cc Mayor and Member of Council
Edward Goldstein



January 21, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES
REPORT 2016-04**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning By-law Amendment**
 260 Eagle Street
 Town of Newmarket
 711371 Ontario Corp. (Oxford homes)
 File No.:D09NP1515, D14NP1515

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-04 dated January 21, 2016 regarding Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

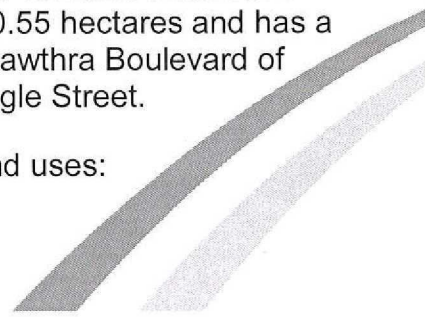
- a) **THAT the Application for Official Plan Amendment and zoning by-law amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, Municipally known as 260 Eagle Street be referred to a public meeting.**
- b) **AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- c) **AND THAT Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are located at the southeast corner of Eagle Street and Cawthra Boulevard (See Location Map attached). The property has an area of approximately 0.55 hectares and has a frontage on Eagle Street of approximately 115 metres and a frontage on Cawthra Boulevard of approximately 46 metres. The properties are municipally known as 260 Eagle Street.

The subject property is currently vacant. The following are the adjacent land uses:



North: Convenience and Service Commercial uses

South: Single Detached Dwellings

East: Retail Commercial (the Arts Music Store)

West: Convenience Commercial uses and Townhouse Dwellings

Proposal

The applicant is proposing a 6 storey residential apartment building accommodating 124 dwelling units with rental tenure on the subject lands. The proposed building is positioned towards Eagle Street with surface parking south of the building and one level of underground parking. Two points of access are proposed at the existing access points on Eagle Street and on Cawthra Boulevard.

Preliminary Review

Official Plan Considerations

The subject property is dually designated. The westerly two thirds of the site is designated Stable Residential and the easterly one third is designated Commercial on Schedule “A” Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude apartment uses. The Commercial designation contemplates a number of commercial uses but precludes residential uses. The applicant is applying to amend/replace the existing designation on the subject lands to Stable Residential with special provisions to permit the proposed six storey apartment.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. Any development or redevelopment in stable residential areas must respect the existing character of the area.

The “Residential Areas” policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings however, only permit single detached and semi detached dwellings through new infill development. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the Plan direct new developments of non-ground related residential to the Urban Centres in order to manage change in a manner that will maintain neighbourhood character. Should opportunities for intensification occur in the Stable Residential Areas in accordance with Section 3.9, the policies of this Plan will ensure that the character of these neighbourhoods is preserved in accordance with the policies of the Plan.

The focus of future intensification is directed by this Plan primarily to the Urban Centres. Limited intensification is permitted in Stable and Emerging Residential Areas in a form and location that will maintain the residential character and amenities.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with

the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements. While these applications do not propose the creation of a new lot, they remain applicable to any proposed intensification in the stable residential designation.

Compatibility with the scale of the surrounding neighbourhood

The existing neighbourhood is predominantly low density with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the Regionally owned and operated building to the west and the pioneer cemetery to the north. The properties containing detached dwellings to the south and southeast of the proposal are the most impacted.

The proposal for a 6 storey 124 unit apartment building represents a Floor Space Index (FSI) of 1.81 and 225 units per hectare. The Official Plan would encourage and contemplate this type of development within the Low and Medium density areas of the urban centres.

Staff have a concern with the height and density being compatible with the existing low density residential immediately south and southeast of the site. The Emerging Residential designation, which can consider uses more dense than the detached and semi-detached dwellings permitted in the Stable Residential Area, includes a policy that addresses compatibility indicating that new housing directly abutting existing homes in the Stable Residential Areas should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights, and minimum setbacks.

The Planning Justification Report (PJR) submitted with the proposal acknowledges that the proposal is a significant increase in height, massing, and density when reviewed along with the existing low-density residential housing in the area and that every effort has been made to create a visual and spatial distance between the proposed building and the existing adjacent residential by siting the building as close as possible to Eagle Street.

Stating that this site is one of the larger vacant sites in the area, the PJR suggests that every opportunity should be made to review the development potential of the site as a whole rather than to assume that a division through lot creation is the more efficient method to implement development in order to be consistent with adjacent homes. Justifying this approach, the PJR goes on to indicate that there are a range of existing uses and lot sizes along Eagle Street; this is an area that is experiencing some transition. The PJR continues to suggest that development of this site should be considered not just with respect to the existing lots to the immediate south of the property (in accordance with Section 3.9) but also with regard to the changing nature of the overall area. The PJR concludes that the property's large size should lend itself to be considered in terms of its significant potential for the area, not just its potential limitations due to some older homes nearby that may not always remain in their current form and lot fabric.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification. While

acknowledging this is a fairly large vacant site on an arterial road, it would appear that the proposal is not in keeping with the Official Plan policy to preserve the character of existing neighbourhoods due to the significant height and density of the proposal.

A shadow study has also been submitted in support of this proposal. The study indicates that the rear yards of the residential lots to the south are the most impacted with significant shadows over the rear yards in the evenings of the summer months. The PJR indicates that the shadow impact of this proposal is no greater than that of the existing hedgerow along the property interface with the low density residential to the south. We are requesting a shadow impact of the existing trees to confirm this assertion.

Physical Suitability of the site to accommodate the proposal

The subject lands are relatively flat with no significant grades to take into account. The proposal is sited on the subject lands with setbacks appropriate to the proposed zone category. There are 51 proposed surface parking and 115 below grade parking spaces which represent a parking ratio of 1.3 spaces per unit compared to the 1.75 spaces per unit required by the zoning by-law. The below grade parking extends to the lot limits. Staff are unsure how, if the parking reduction request is not supported, additional parking could be accommodated on site.

The Town's Greenspace Development coordinator has noted insufficient landscape buffers to appropriately accommodate plantings on site.

Availability of hard services and road access requirements

As noted below under the Engineering Services Department review, there remain some outstanding issues related to the provision of hard services and traffic impact that the applicant will have to address.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Apartment Dwelling 2 (R5-T) Zone to implement the plan. The applicant will also require relief from the R4-R performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

- "3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
 - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
 - c. potential nuisance effects upon adjacent uses are mitigated;
 - d. adequate municipal services are available;
 - e. the size of the lot is appropriate for the proposed use;
 - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

- g. the on-site parking, loading and circulation facilities are adequate; and,
- h. public notice has been given in accordance with the *Planning Act*.”

Servicing Allocation

Servicing allocation has not been granted for this proposal. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The relevant sections of the PPS as they relate to Newmarket are found in the “Building Strong Communities” policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The “Settlement Areas” and “Housing” policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. Finally, planning authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

Departmental and Agency Comments

Engineering Services have provided comments on the submitted reports outlined below:

Roads and Traffic

Engineering Services have reviewed the Traffic Impact Study which requires some further analysis related to the parking justification and the left hand turn movements from Cawthra

Boulevard on to Eagle Street. They also note a daylighting triangle has not been accommodated for at the intersection of Eagle St. and Cawthra Blvd.

Stormwater Management

Stormwater from the proposed development will be controlled on site to pre-development levels with quantity and quality controls provided by way of on-site storage tanks and quality control unit. Low impact development measures were considered by the Owners Engineer. A rainwater harvesting tank and small green roof is proposed. The information will be required at the detailed design stage if this proposal is approved. Engineering Services are satisfied that the stormwater management system proposed can adequately service the proposed development.

Water Distribution

Calculations have been provided in the Functional Servicing Report (FSR) which demonstrate that adequate water flow and pressure is available in the existing municipal watermains to service the proposed development. A booster pump may be required in the building to provide adequate pressure to the upper floors of the building. This is a typical practice.

Sanitary Sewage

Engineering Services have reviewed the FSR and note additional work is required related to the flow analysis within the existing sanitary sewage system to confirm that the system can accommodate flows from the proposed development.

Grading

Engineering Services note that the grading plan included with the submission demonstrates that the site can be adequately graded for the proposed development. Some modifications to the grading plan will be required if this proposal is approved to preserve the trees located at the south side of the property.

An underground parking structure is proposed which spans across the entire site with zero setback from the north, east, and west property lines, and has an approximate 3.0 metre setback from the south property line. If this proposal is approved, the owner will be required to demonstrate that the parking structure can be constructed without encroaching on any neighbouring properties including road allowances.

Environmental

Engineering Services have reviewed the submitted Phase One and Phase Two Environmental Site Assessments. They note that a Letter of Acknowledgement of the filing of a Record of Site Condition for residential land use from the Ministry of Environment and Climate Change (MOECC) for the property is required. The property is not legally approved for residential land use in accordance with Ontario Regulation 153/04, as amended. Engineering Services suggest the zoning on this property should not be approved until this issue has been resolved. The holding provision under the Planning Act could be considered with the conditions that it not be removed until a Letter of Acknowledgement of Filing of a Record of Site Condition for residential land use from the MOECC is provided for the property.

Agency Comments

Lake Simcoe Region Conservation Authority: are satisfied from a watershed management perspective that these applications are consistent with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the Conservation Authorities Act. As a result, the LSRCA has no further requirements as they relate to these official plan and zoning amendment applications.

The Regional Municipality of York have no objection to the proposed Official Plan Amendment application; however, they do note minor comments related to source water protection and traffic impact.

The Town has also received comments from various agencies that will be addressed throughout the planning process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of these lands in the event the applications are approved.

Capital Budget

There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed site plan
- 3 – Proposed Elevations



Commissioner Development and Infrastructure
Services



Senior Planner – Community Planning



Director of Planning and Building Services



Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS & ESDS 2018, Land Use Boundaries – 2-Datasets, and its sub-products. All rights reserved. NOT A PUBLIC USE SURVEY. 2018. Zoning - Town of Newmarket. 2018. © 2018. This mapping is based on the CADastre's parcel fabric product, including Land Registry System records and recent surveys and control points available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.





JULIAN JACOBS ARCHITECTS

260 EAGLE STREET APARTMENT BUILDING

January 21, 2016

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT – 2016-04

TO: Committee of the Whole
SUBJECT: Ward 2 Egg Laying Hens Pilot Project
ORIGIN: Andrew Brouwer, Director, Legislative Services/Town Clerk & Licensing Officer

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2016-04 dated January 21, 2016 regarding “Keeping of Hens” be received and the following recommendation be adopted:

That Council endorse a 12 month pilot project in Ward 2 for up to five (5) residential properties regarding the keeping of egg laying hens in backyards commencing March 1, 2016;

AND THAT regulations for the keeping of backyard hens and coops be put in place, (attached as Appendix “A”) to come into effect on March 1, 2016;

AND THAT Schedule “A” of the Animal Control By-law 2008-61 prohibiting chickens be waived for the duration of the pilot project;

AND THAT staff report back to Council regarding the outcome of the Ward 2 egg laying hens pilot project.

COMMENTS


Purpose

The purpose of this report is for the implementation of a 12 month pilot project to allow up to 20 residential properties in Ward 2 to have backyard laying hens with regulations.

Background

On October 9, 2012 Committee of the Whole received a PowerPoint presentation from Mr. Mantha regarding egg laying hens in the Town. Mr. Mantha's presentation included a guide to create a supporting by-law allowing households to keep three egg laying hens. Mr. Mantha prepared a follow-up presentation at the March 26, 2013 Committee of the Whole meeting.

On September 23, 2013 Committee of the Whole received Corporate Services – Legislative Services Report 2013-38 Keeping of Egg Laying Hens and referred the matter to the 2014-2018 term of Council.



On June 15, 2015 Committee of the Whole received Mr. Marc Mantha's deputation regarding implementation of a pilot project in Ward 2 to allow egg laying hens. Council directed staff to bring back a report on the implementation of a 12 month pilot project in Ward 2 for up to 20 residential properties. Following a review of staff resources and as a result of the public consultation, it is recommended that the pilot project be limited to five (5) residential properties.

The Town's Animal Control By-law (By-law 2008-61) prohibits the keeping of some types of birds either on a temporary or permanent basis, including pheasants, grouse, guinea fowls, turkeys, chickens, and pea fowls.

A number of municipalities in Ontario have recently considered allowing a small number of egg laying hens in residential areas. The municipalities of Hamilton, St. Catharines, Toronto and Waterloo decided against permitting residents to keep egg laying hens in residential areas. Other Canadian municipalities including Brampton, Guelph, Kingston, Nelson, BC, Niagara Falls, Quinte-West, ON, Saanich, BC, Surrey, BC, Vancouver, BC and Victoria, BC decided to allow egg laying hens in residential areas. Attached as Appendix "B" is the staff report 2013-38 which provides further background information.

Staff have developed regulations based on the experiences of other municipalities. These regulations will be evaluated at the conclusion of the pilot project.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

On October 28, 2015 a public information centre was held to provide an overview of the draft regulations regarding the keeping of backyard hens. There were 11 residents in attendance, including 3 from Ward 1, 3 from Ward 2, 3 from Ward 3 and 2 from Ward 5. Attached as Appendix "C" is written submissions provided to the Town from various residents.

Staff have consulted with various municipalities, York Region Community and Health Services Public Health Branch, the York Region Food Network and the Town's Environment Advisory Committee. Staff also referred to the materials provided by Mr. Mantha in his deputations to Committee of the Whole. It should be noted that the 2010 – 2014 term Environmental Advisory Committee did not take a position on the matter.

HUMAN RESOURCE CONSIDERATIONS

Staff estimate the following activities required to support a pilot project.

- Preparation of application materials, education and website content: 14 hours
- Review of completed application materials (per applicant): up to 1 hour
- Inspection required to confirm setback, coop and run regulations (per applicant): up to 30 minutes
- Compliance inspection for approval, following installation: up to 30 minutes

It is unknown how many calls/complaints will result following the installation of the coop and run. Given that all abutting neighbours are required to give their permission to allow backyard hens, the potential for enforcement complaints/concerns may be less.

The short term nature of the pilot project will allow staff to access the human resources input of potentially expanding the pilot Town wide.

BUDGET IMPACT

The pilot project costs, including education and enforcement will be accommodated with the 2016 budget and existing staff levels.

CONTACT

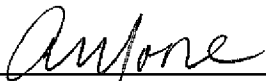
For more information on this report, contact Florence DiPassio, Licensing Officer, 905-953-5300, extension 2206 or via email at fdipassio@newmarket.ca.



Florence DiPassio, Licensing Officer



Andrew Brouwer, Director, Legislative Services/ Town Clerk



Anita Moore, Commissioner of Corporate Services

Appendix "A"

Regulations for the keeping of backyard hens and coops

Application must be submitted to the Town for approval with required documentation.

A limit of 5 residential properties.

A maximum of 3 hens per lot is permitted on any residential property (excludes Multi-Residential).

All hens must be at least 4 months old.

The keeping of roosters is prohibited.

A Tenant must obtain permission from the property owner to keep hens on the owner's property.

Permission from all abutting property owners.

The owner of the hens must reside on the property where the hens are kept.

Hens must be kept in their coops from 9:00 p.m. to 6:00 a.m.

A minimum enclosure size of 10 square feet per hen.

Hens must be kept in an enclosed hen run when not in their coop.

Hen coops and runs shall be a distance of 1.2m from the rear lot line and 1.2m from any side lot line of the dwelling lot on which the hen coop is located.

Hen coops and hen runs shall be a minimum distance of 3m from all windows and doors of dwellings that are located on an abutting property.

Hen coops shall be less than 2.4m in height.

A minimum enclosure of 10 square feet per hen.

Hen coops are not permitted in any front yard.

Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.

Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.



September 11, 2013

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT – 2013-38

TO: Committee of the Whole

SUBJECT: Keeping of Egg Laying Hens

ORIGIN: Andrew Brouwer, Director, Legislative Services/Town Clerk & Licensing Officer

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2013-38 dated September 11, 2013 regarding "Keeping of Hens" be received and that Council adopt either Option A or B as outlined in the report:

Option A

1. That the Town of Newmarket continue to prohibit the keeping of chickens (including egg laying hens) as provided for in the Animal Control By-law (By-law 2008-61).

Option B

2. That staff be directed to prepare the appropriate best practice regulations to allow for and regulate the keeping of egg laying hens in the Town of Newmarket for a trial period of one (1) year, following input by the public for consideration at a future Committee of the Whole meeting.

COMMENTS


Purpose

The purpose of this report is to provide background information about the keeping of chickens (including hens) and to seek direction with respect to the regulating hens in the Town of Newmarket.

Background

On October 9, 2012 Committee of the Whole received a PowerPoint presentation from Mr. Marc Mantha regarding egg laying hens in the Town (see Appendix A). Mr. Mantha's presentation included a guide to create a supporting by-law allowing households to keep three egg laying hens. Mr. Mantha prepared a follow-up presentation at the March 26, 2013 Committee of the Whole meeting (see Appendix B).

The Town's Animal Control By-law (By-law 2008-61) prohibits the keeping of some types of birds either on a temporary or permanent basis, including pheasants, grouse, guinea fowls, turkeys, chickens, and pea fowls.



A number of municipalities in Ontario have recently considered allowing a small number of egg laying hens in residential areas. The municipalities of Hamilton, St. Catharines, Toronto and Waterloo decided against permitting residents to keep egg laying hens in residential areas. Other Canadian municipalities including Brampton, Guelph, Kingston, Nelson, BC, Niagara Falls, Quinte-West, ON, Saanich, BC, Surrey, BC, Vancouver, BC and Victoria, BC decided to allow egg laying hens in residential areas.

As requested by Council, staff have undertaken background research, including information gathered from other municipalities, literature prepared by public health authorities and information provided by Mr. Mantha in his deputations. Staff also consulted with the Environmental Advisory Committee, which did not take a position on the issue.

Although not exhaustive, the following sections highlight key considerations related to the keeping of hens in residential areas.

Potential Benefits

- Access to fresh eggs;
- Control of hen diet and upkeep;
- Provides for an alternative to farm produced eggs;
- Supports a local food diet. The Town has received correspondence from the York Region Food Network indicating support for allowing/regulating egg laying hens;
- Reduced carbon emissions associated with transporting eggs and hens;
- Possible reduction of municipal solid waste through consumption of table scraps and other organic waste by hens; and
- Companionship.

Potential Concerns

- Public health;
- Nuisance, including odour, pests and noise; and,
- Animal welfare.

Public Health

Research suggests that public health concerns associated with backyard chickens are similar to those resulting from the keeping of domestic animals such as dogs and cats. Proper hygiene including hand washing, maintaining and regularly cleaning chicken coops have shown to significantly mitigate the risk of transmitting and acquiring diseases commonly found in chickens.

Chicken-keeping public health concerns often result from:

- Improper disposal of dead birds (especially if a bird has a contagious disease);
- Improper management of bird feces, litter disposal and general backyard operations; and,
- Improper food safety including egg handling or home slaughtering techniques.

Common bacteria present with improper chicken and egg handling, care and disposal include salmonella, campylobacter, yersinia and listeria. The risk of infections from exposure to these bacteria, particularly salmonella, is especially high for young children, the elderly, pregnant women and people with weakened immune systems. Chickens can be infected through contact with livestock, waterfowl and wild/domestic animals and may not show symptoms of disease.

Risk of pathogen transmission is present, but can be mitigated with proper housing and hygiene when handling chickens and eggs. According to research, the risk of avian influenza development is not appreciably increased by backyard hens.

Some protocols recommended by B.C. Interior Health's Public Health sectors include:

- Mandatory chicken enclosures and construction standards;
- Limiting the number of birds per household;
- Prohibiting the mix of commercial poultry and egg laying hens;
- Establishing minimum feed control practices and enclosure cleaning practices;
- Outlining safe disposal of waste (feed, feces and chicken carcasses);
- Limiting egg distribution to personal use;
- Prohibiting home-based slaughter of chickens; and,
- Prohibiting sale of chicken meat.

The Ontario Ministry of Agriculture and Food and the Canadian Food Inspection Agency have prepared recommendations related to preventing and detecting disease in chickens kept in residential areas:

1. Prevent contact with wild birds and other animals;
2. Eliminating the risk of disease spread by routinely cleaning coops, gardening tools, and water and feed containers;
3. Contacting a veterinarian or a local office of the Canadian Food Inspection Agency where illness is suspected;
4. Limit exposure to visitors; and,
5. New chickens should be physically segregated and monitored for at least thirty days before being introduced to other chickens.

Nuisances

Noise

Residents have raised concerns that chickens introduced into residential areas may create noise nuisances. Research indicated that it is unlikely that hens (female chickens) will become a significant nuisance as noise is relatively quiet and sporadic. Egg laying hens produce a variety of vocalizations, none of which are very loud. In an investigation conducted by staff from the City of Pleasanton, California noise readings of a "squawking" hen registered at 63 decibels at two feet away and would not register at nine feet away. The average human conversation registers at about 60 decibels, and a barking dog can be as loud as 100 decibels. A crowing rooster (male chicken) can reach decibel levels of 85-90, and for this reason some municipalities prohibit the keeping of roosters.

Guidelines that provide setbacks and other measures to ensure sufficient separation between hen enclosures and neighbouring properties may also assist to mitigate the risk of creating a noise nuisance.

Odour

Unpleasant odours from accumulation of manure and/or food scraps can result if chicken enclosures are infrequently cleaned and food is left in pens. While chickens produce only a few tablespoons of manure per day, accumulations of manure can produce ammonia, which is both harmful for chickens and unpleasant for others.

It is recommended that manure and scraps be removed at least weekly, and preferably daily. Requiring enclosures to be maintained in sanitary condition and free from offensive smells should diminish the possibility that odour will become a nuisance.

Pests

Hen enclosures can attract unwanted animals, including rodents seeking food scraps, and larger animals, such as raccoons, foxes, skunks, and coyotes, seeking eggs or a chicken for consumption.

The risk of attracting pests can be addressed by taking necessary precautions.

- Rodents are not attracted to chickens; they are attracted to chicken feed and other food scraps. Ensuring that all chicken feed is stored in a closed container inaccessible to other animals is an effective means to address the potential problem of rodents.
- Hen enclosures should be constructed to prevent access to the enclosure by any other bird or animal. Owners should be required to keep hens, as well as their food and water, in the coop between sunset and sunrise, and that the coop remains locked during that time.

Animal Welfare

Hens need shelter, food, water, adequate space, environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours. There are several animal welfare concerns that can be addressed through appropriate guidelines for care.

Housing requirements

- City of Vancouver recommended a minimum space requirement of 0.37m² (4ft²) of coops space and 0.92² (10 ft²) of outdoor enclosure in order to provide adequate space for hens; and,
- A nest box, to provide for the need for seclusion during egg-laying, and one (greater than 15cm²) perch per bird, to allow for hens to engage in roosting.

Euthanasia

- Urban backyard hens typically live up to 4 of 5 years;
- The municipalities of St. John, NB and Vancouver, BC both provide restrictions for euthanizing backyard hens. At the end of their lives, hens may be euthanized by a veterinarian, or taken to a farm or abattoir for slaughtering;
- The City of Niagara Falls, ON specifies that chicken carcasses must be disposed of within 24 hours; and
- Slaughtering or attempts at euthanasia by those who keep hens should be prohibited as slaughtering by untrained individuals can result in unnecessary suffering.

Abandonment

- Inexperienced hen owners may not anticipate the large responsibility that may be involved in raising hens. Concerns have been raised that this may result in an influx of abandoned hens at animal shelters; and,
- A restriction on hens younger than four months is intended to reduce the impulse purchasing of chicks and subsequent abandoning of "no-longer-cute" hens.

Many municipalities permitting egg laying hens have only done so within recent years, so staff were unable to identify a documented history of abandoned hens at animal shelters. Currently, the Town's

contract with the Town of Georgina for animal shelter services does not include provisions addressing abandoned chickens; however, the shelter indicated that it does not have the facilities to provide for upkeep of abandoned chickens. The Town of Georgina animal shelter would be required to contract care of abandoned chickens to a third party (likely a local farm or other facility). Costs for such upkeep would be charged to the Town of Newmarket. The Town of Georgina was unable to determine a cost for contracted services associated with abandoned chickens at the present time.

Town of Newmarket Enforcement History

Over the past year, the Town's Customer Service Center received four complaints regarding backyard chickens at four separate addresses. Complaints were investigated and Orders were issued to remove the chickens in accordance with the Animal Control By-law. Compliance was achieved with all four Orders issued.

Complaint history reveals that concerns raised by complainants related to the presence of chickens generally, as well as odour.

Regulatory Options

Staff propose that the Town has two practical options for the regulation of egg laying hens:

Option A: Prohibit Chickens (Hens and Roosters)

Option A provides that the Town continue to prohibit chickens (both hens and roosters) in the Town of Newmarket. No changes are required to the Animal Control By-law (By-law 2008-61).

Option B: Regulate Egg Laying Hens

Option B provides that egg laying hens (female, egg bearing chickens) would be permitted and regulated in the Town of Newmarket through By-law 2008-61 and/or a separate regulatory by-law. Male chickens (roosters) and the remaining species of birds currently prohibited through By-law 2008-61 would continue to be prohibited.

Staff will be required to develop regulations which provide for best-practice standards for the keeping of egg laying hens, including the number of hens permitted to be kept, care and control standards for hens and their eggs over their lifetime and enclosure construction and placement standards among other things.

Some municipalities have created a registry system whereby owners of egg laying hens register their property as having egg laying hens annually or bi-annually. Staff do not recommend this model given the additional administrative burden associated with managing a registry.

Should Council wish to proceed with Option B, staff recommend that public consultation be undertaken to seek input on applicable regulations prior to consideration at a future Committee of the Whole meeting. A consultation plan has not been developed, but could take the form of online input, a public information meeting and input from the public at the Farmer's Market. Staff would be required to further examine impacts related to the Town's contract with the Town of Georgina animal shelter.

It is also recommended that should Council wish to allow for and regulate egg laying hens, it do so on a trial basis of one year, to allow for staff to evaluate the effectiveness of the regulations and enforcement model. Following the passage of the regulations, outreach and education would be required to inform the public about the Town's standards established for egg laying hens.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

Staff have consulted with York Region Community and Health Services Public Health Branch, the York Region Food Network and the Town's Environment Advisory Committee. Staff have also referred to the materials provided by Mr. Mantha in his deputations to Committee of the Whole.

HUMAN RESOURCE CONSIDERATIONS

It is unknown how the introduction of new regulations related to egg laying hens will impact on enforcement-specific activity as this may depend on the number of residents who currently or plan to keep egg laying hens. Any new regulatory by-law would require additional staff time above and beyond existing priorities, which have recently included an enhanced focus on accessory dwelling unit enforcement and a comprehensive review of the Town's sign by-law. A year long trial period would assist to assess the effectiveness of a regulatory by-law and evaluate the impact on enforcement resources.

Existing staff resources would be required to provide initial and then periodic outreach and education related to the regulations, which could be undertaken in partnership with community organizations and ratepayer groups.

BUDGET IMPACT

Staff will be required to further review and advise Council on any budget impacts related to the Town's current contract with the Town of Georgina animal shelter to address the potential of abandoned hens, which is anticipated to be the most substantive budget impact. Outreach and education required as part of the implementation of the regulations has not been currently accounted for in the 2014 Budget, and would require further review, although such costs are expected to be nominal.

CONTACT

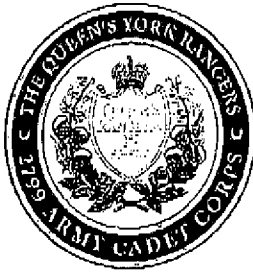
For more information on this report, contact Florence DiPassio, Licensing Officer, 905-953-5300, extension 2206 or via email at fdipassio@newmarket.ca.

Florence DiPassio, Licensing Officer

Andrew Brouwer, Director, Legislative Services/ Town Clerk

Anita Moore, Commissioner of Corporate Services

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**Queen's York Rangers
2799 Army Cadet Corps**

#6-14845 Yonge Street, Box 363

Aurora, Ontario • L4G 6H8

T 905-726-8600 • F 905-726-8660

2799army@cadets.gc.ca • www.rangers2799.com

**VIA FACSIMILE
(905) 953-5100**

January 18th, 2016

Mr. Andrew Brouwer
Town Clerk
Town of Newmarket
395 Mulock Drive
PO Box 328
Newmarket, ON L3Y 4X7

Dear Mr. Brouwer,

**RE: PERMISSION FOR TAGGING FUNDRAISING IN 2016,
QUEEN'S YORK RANGERS 2799 ARMY CADET CORPS**

It would be greatly appreciated by the Cadets and Officers of the Queen's York Rangers Army Cadet Corps that we be permitted to conduct tagging in the Town of Newmarket on **Thursday, September 15th to Sunday, September 18th, 2016**. We are also seeking permission to tag at LCBO locations only on **Saturday, April 16th 2016**.

Many of our cadets are residents of the Town of Newmarket and we hope our presence will not only serve as a fundraising activity but also promote interest in joining the Corps.

The Cadet Program takes young adults and teaches them how to be fair and responsible leaders. Cadets benefit from increased self-confidence and physical fitness, learning how to take initiative, and how to make decisions. Cadets are encouraged to become active, responsible members of their communities. They learn valuable life and work skills such as teamwork, leadership, and citizenship.

Please confirm your consent in writing to the above address at your earliest convenience.

If you have any questions or concerns, I can be reached at 905-841-1778.

Thank you for your support and consideration.

Yours truly,

Andrea McKechnie
Support Committee
Queen's York Rangers 2799 Army Cadet Corps

The meeting of the Accessibility Advisory Committee was held on Thursday, November 19, 2015 in Magna Centre - Multi-Purpose Room #1, 800 Mulock Drive, Newmarket.

Members Present: Councillor Bisanz
Steve Foglia, Chair
Gloria Couves
Linda Jones
Jeremy Slessor

Absent: Michael Morrison
Richard Wilson

Staff Present: P. McIntosh, Recreation Programmer
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 10:34 a.m.

S. Foglia in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations/Deputations

None.

Approval of Minutes

1. Accessibility Advisory Committee Minutes of September 17, 2015.

Moved by: Councillor Bisanz
 Seconded by: Jeremy Slessor

THAT the Accessibility Advisory Committee Minutes of September 17, 2015 be approved.

Carried

Items for Discussion

2. Verbal Report regarding accessible taxicabs.

The Council/Committee Coordinator provided a verbal update regarding the accessible taxicab proposal from the City of Vaughan and advised that an update may be available in early 2016 regarding the proposal.

3. 2015 Status Update - Town of Newmarket Multi-year Accessibility Plan.

The Council/Committee Coordinator provided a verbal update regarding the 2015 Status Update – Town of Newmarket Multi-year Accessibility Plan and summarized the amendments to the plan since its circulation to the Committee in October, 2015.

Moved by: Jeremy Slessor
 Seconded by: Gloria Couves

a) THAT the 2015 Status Update - Town of Newmarket Multi-year Accessibility Plan be received;

b) AND THAT the 2015 Status Update - Town of Newmarket Multi-year Accessibility Plan be forwarded to Council for approval.

Carried

4. National Access Awareness Week Update.

The Recreation Programmer provided a verbal update regarding plans for National Access Awareness Week and advised that planning has been deferred to January, in order to prepare the communications plan and event outline.

5. Accessibility Advisory Committee Workplan.

The Committee discussed its workplan and identified priority projects for 2016, being creation of an annual Accessibility Award, development of an approved Town Accessibility logo and accessibility audits of Town facilities.

New Business

- a) The Chair provided a verbal update on the last meeting of the York Region Accessibility Advisory Committee. Plans for the Regional Annex building and amendments to the Municipal Act to permit alternate forms of meeting attendance were discussed. In addition, he advised that York Region is seeking the assistance of the Committee to prepare plans for National Access Awareness Week events.
- b) The Chair expressed concern with respect to the safety of the pedestrian crosswalk on Water Street. Interlocking pavers on the street are the same colour as the Tom Taylor Trail, which creates the perception that there is a crosswalk on Water Street and causes pedestrians to assume that cars will yield to them.

Moved by: Linda Jones
Seconded by: Jeremy Slessor

THAT staff be directed to look at the installation of a crosswalk and associated safety measures at Water Street and Doug Duncan Drive.

Carried

- c) The Committee discussed declaring Michael Morrison's seat on the Committee vacant as he has not attended any meetings to date and has not provided regrets.

Moved by: Jeremy Slessor
Seconded by: Linda Jones

WHEREAS Michael Morrison has been absent from three Accessibility Advisory Committee meetings without regrets, that his position on the Committee be declared vacant in accordance with the Committee Administration Policy;

AND THAT the Appointment Committee appoint a replacement member to the Committee.

Carried

- d) The Recreation Programmer provided a verbal update on an upcoming sledge hockey series.

Adjournment

Moved by: Jeremy Slessor
Seconded by: Linda Jones

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 11:50 a.m.

Date

Steve Foglia, Chair

Tuesday, December 15, 2015 at 7:30 PM
Community Centre - 200 Doug Duncan Drive
- Hall # 3

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, December 15, 2015 in Community Centre - 200 Doug Duncan Drive - Hall # 3, Newmarket.

Members Present: Glenn Wilson, Chair
Elizabeth Buslovich
Anne Martin
Carmina Pereira
Olga Paiva
Jackie Playter
Rory Rodrigo
Siegfried Wall (7:46 to 9:15 p.m.)

Absent: Councillor Sponga

Guests: Ken Sparks
Dave Robinson (7:35 to 8:00 p.m.)

Staff Present: C. Kallio, Economic Development Officer
C. Service, Director of Recreation and Culture (7:35 to 8:00 p.m.)
L. Moor, Council/Committee Coordinator

The meeting was called to order at 7:35 p.m.

G. Wilson in the Chair.

Additions and Corrections to the Agenda

The Chair advised that the agenda items would be altered to accommodate the guests in attendance being heard.

Declarations of Pecuniary Interest

None.

Approval of Minutes

1. Main Street District Business Improvement Area Board of Management Minutes of November 17, 2015.

Moved by: Carmina Pereira

Seconded by: Elizabeth Buslovich

THAT the Main Street District Business Improvement Area Board of Management Minutes of November 17, 2015 be approved.

Carried

Items

2. The Director of Recreation and Culture addressed those present to provide facts with respect to the possible venue relocation of the Jazz Festival to the Ray Twinney Recreational Complex. He advised that the festival has outgrown the Riverwalk Commons space and there are challenges associated with weather conditions over a four day festival. He further advised that an indoor location would be suitable for a big name entertainment act without fear of cancellation due to inclement weather. Discussion ensued regarding the feasibility of using the Ray Twinney Recreational Complex as well as lead up events in the downtown core.

Siegfried Wall arrived at 7:46 p.m.

Discussion ensued regarding having an opportunity to determine the Main Street Merchants opinions with respect to relocation of this event.

Moved by: Olga Paiva

Seconded by: Siegfried Wall

THAT the Jazz Festival relocation update by the Director of Recreation and Culture be received.

Carried

3. Marketing Sub-committee Report

The Chair distributed copies of the September 29, 2015 and the October 14, 2015 Marketing Sub-committee Minutes.

Moved by: Carmina Pereira
 Seconded by: Elizabeth Buslovich

THAT the Marketing Sub-committee Minutes of September 29, 2015 and October 14, 2015 be received.

Carried

Financial Report

4. Verbal Update/Account Balance

The Economic Development Officer distributed a balance sheet document and advised of a bank balance of approximately \$13,000.00 at November 30, 2015.

Moved by: Rory Rodrigo
 Seconded by: Siegfried Wall

THAT the verbal update by the Economic Development Officer regarding the bank balance at November 30, 2015 be received.

Carried

5. Website Update Report

The Chair provided an update regarding securing the services of Mr. Jason Griffin, operator of Website Studio.ca, a Main Street entrepreneur to provide customized website production. He distributed a copy of the quotation provided detailing \$499.00 for set-up and \$50.00 per month for the first year and \$150.00 per month thereafter for website maintenance.

Moved by: Jackie Playter
 Seconded by: Carmina Pereira

THAT the quotation provided by Mr. Jason Griffen, Website Studio.ca for customized website production be approved.

Carried

6. November/December events review

The Chair read aloud the expense amounts associated with the November and December events totaling \$782.11 payable to Adline Co.

Moved by Elizabeth Buslovich
 Seconded by Rory Rodrigo

THAT the expense amounts associated with the November and December events totaling \$782.11 payable to Adline Co. be approved.

Carried

Discussion ensued regarding the method applied to offering complimentary tickets to various individuals for the Main Street Merchants Christmas gathering.

Moved by: Anne Martin
 Seconded by: Olga Paiva

THAT the nine tickets offered as complimentary for the Main Street Merchants Christmas gathering held on December 7, 2015, and as listed in the requested expense amount referenced in the November/December events be approved for reimbursement.

Carried

7. Newmarket Winter Wonderland Sponsorship

The Chair requested approval of sponsorship funding in the amount of \$500.00 for Winter Wonderland lighting in Riverwalk Commons.

Moved by: Jackie Playter
 Seconded by Carmina Pereira

THAT an amount of \$500.00 be approved for the sponsorship of Winter Wonderland lighting in Riverwalk Commons.

Carried

New Business

a) Rory Rodrigo advised that he had recently attended the Town of Newmarket's Sponsorship recognition ceremony held at Ground Burger Bar on December 2, 2015 where the Newmarket BIA received the 'Best Connection Award'. Discussion ensued regarding sponsorship opportunities and the feasibility of different levels of sponsorship from the BIA membership for the 2016 Winter Wonderland event.

The Economic Development Officer suggested that the BIA members work with Town staff to jointly promote Town and Main Street events.

b) The Chair requested a formal appointment of a Main Street District Business Improvement Area Board of Management representative to the Newmarket Arts Council.

Moved by: Olga Paiva
Seconded by: Siegfried Wall

THAT Rory Rodrigo be appointed as the Main Street District Business Improvement Area Board of Management representative to the Newmarket Arts Council.

Carried

c) The Chair advised that in response to recent disclosures made at the November 23rd, 2015 BIA Annual General Meeting regarding the property known as the Clock Tower, Anne Martin wished to present a motion for consideration. Copies were distributed and Anne Martin read aloud the proposed motion as follows:

Moved by: Anne Martin
Seconded by: Carmina Pereira

THAT the BIA Board of Management only supports responsible development within the 3 storey height limitations permitted in the Downtown Newmarket Heritage Business District under the Heritage Act, in order to retain the charm, historic character and positive business climate of the District;

And, in keeping with this position,

THAT the BIA Board of Management opposes the Forrest Group's intended plan to build a multi-storey, high density residential project ("The Clock Tower Project") in the heart of the Heritage Business District;

And further,

THAT the BIA Board of Management objects to and opposes any proposed transfer or swap of Town-owned Heritage land (specifically the land on or below the critically important Market Square parking block) by the Town to the Forrest Group or any other developer for the purpose of providing space to build an underground parking lot for its intended project, the construction of which would have catastrophic effects on BIA Member businesses;

And further,

THAT the BIA Board of Management objects to and opposes the use of Town-owned Heritage property (specifically the current Market Square parking block) by the Forrest Group or any developer for the purpose of staging its massive proposed private development project because the loss of crucial public parking spaces in the Town-owned Market Square over a lengthy construction period would have devastating effects on BIA Member businesses in the Downtown Heritage District;

And further,

THAT the BIA Board of Management makes a timely deputation advising the Newmarket Town Council of the BIA's position on these serious matters;

And lastly,

THAT this motion be reported verbatim in the Minutes of this meeting.

A lengthy discussion ensued during which the Economic Development Officer provided a verbal update regarding the recent re-activated development application for the property known as the Clock Tower. He suggested that a Planning Department representative could be invited to a future Main Street District Business Improvement Area Board of Management meeting to provide information with respect to the process involved with development applications. Discussion ensued regarding the public meetings held regarding this specific application. The Economic Development Officer advised that the public meetings held when the original application was submitted were organized by the developer as a manner of assessing interest from the community and did not form part of the statutory process.

The Chair requested a recorded vote.

In Favour: Siegfried Wall, Elizabeth Buslovich, Olga Paiva, Carmina Pereira, Anne Martin, Glenn Wilson, Rory Rodrigo
Opposed: Jackie Playter

Carried

Adjournment

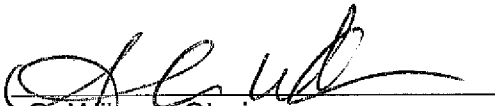
Moved by: Olga Paiva
Seconded by: Anne Martin

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:15 p.m.

JANUARY 19, 2016
Date


G. Wilson, Chair

The meeting of the Audit Committee was held on Tuesday, October 13, 2015 in Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Councillor Hempen
Terrance Alderson
Michael Tambosso
Cristine Prattas

Absent: Councillor Bisanz

Staff Present: R.N. Shelton, Chief Administrative Officer
A. Moore, Commissioner of Corporate Services
M. Mayes, Director of Financial Services/Treasurer
L. Lyons, Deputy Clerk
D. Schellenberg, Manager of Finance
C. Finnerty, Council/Committee Coordinator

Guests: T. White, BDO Canada LLP
M. Jones, BDO Canada LLP

The Chief Administrative Officer welcomed those present and introductions were made.

The Chief Administrative Officer called the meeting to order at 8:32 a.m. and advised he would chair the meeting until a Chair has been officially appointed.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations

1. Orientation

The Council/Committee Coordinator provided a PowerPoint presentation highlighting the contents of the Orientation binders, the Terms of Reference, the Committee Administration Policy and the Town's Procedural By-law. She distributed copies of the Conflict of Interest Act and briefly reviewed the Accessibility of Ontarians with Disabilities Act and the legislation associated. Staff was requested to provide confirmation that members are covered by the Town's insurance policy.

Items

2. Appointment of Chair and Vice-Chair.

The Deputy Clerk opened the floor for nominations.

Moved by: Mayor Van Bynen

Seconded by: Councillor Hempen

THAT Cristine Prattas be appointed as Chair of the Audit Committee for a two year term. Ms. Prattas advised she would accept the role of Chair.

Carried

Moved by: Mayor Van Bynen

Seconded by: Terrance Alderson

THAT Michael Tambosso be appointed as Vice-Chair of the Audit Committee for a two year term. Mr. Tambosso advised he would accept the role of Vice-Chair.

Carried

Moved by: Michael Tambosso

Seconded by: Councillor Hempen

THAT BDO Canada LLP be appointed as the Town of Newmarket Auditors for a one year term.

Carried

3. Mr. Michael Jones and Ms. Trudy White, BDO Canada LLP addressed those present with a review of the 2015 Audit Plan. Ms. White distributed a handout providing details of the Audit Plan for the Town of Newmarket. The Members requested that the auditors provide a fraud/risk dialogue with the Committee. The Chief Administrative Officer provided some background information regarding the Northern 6 internal audit service and he advised that he could invite Mr. Paul Duggan, York Region Audit Services to provide additional material.

The Vice-Chair requested that the Audit Plan specifically address the risks which directly affect the Town of Newmarket. Mr. Jones advised that the internal auditors examined the waste management contract as well as user fees and water/wastewater revenues. A suggestion was made to have more information provided as part of the audit plan.

Moved by: Mayor Van Bynen
Seconded by: Councillor Hempen

THAT the verbal presentation by Mr. Michael Jones and Ms. Trudy White and the Audit Plan handout be received.

Carried

Approval of Minutes

4. Audit Committee Minutes of June 22, 2015.

Moved by: Mayor Van Bynen
Seconded by: Councillor Hempen

THAT the Audit Committee Minutes of June 22, 2015 be approved.

Carried

Closed Session

The Deputy Clerk advised that although there was no requirement for a Closed Session at this meeting, she reviewed the closed meeting process for the Audit Committee.

New Business

- a) The Director of Financial Services/Treasurer advised of adjustments to the 2015 allocations. He reviewed the adjustments of reserves that should have been established as liability and he further advised that deposits with the Region of York should also be recognized as assets.
- b) Mr. Tambosso inquired about the Town of Newmarket's long term capital budget. Discussion ensued regarding capital planning.

Adjournment

Moved by: Mayor Van Bynen
 Seconded by: Councillor Hempen

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:55 a.m.

Date

C. Prattas, Chair



MINUTES

Tuesday, December 15, 2015 at 9:30 AM
Council Chambers
Town of Aurora

The meeting of the CYFS - JCC was held on Tuesday, December 15, 2015 in the Council Chambers, Town of Aurora.

Members Present:	Aurora:	Councillor Abel Councillor Mrakas Councillor Thompson
	Newmarket	Councillor Twinney Councillor Hempen Councillor Sponga
Staff Present:	Aurora:	P. Moyle, Interim CAO D. Elliott, Director of Financial Services
	Newmarket:	A. Moore, Commissioner of Corporate Services L. Georgeff, Director of Human Resources L. Lyons, Deputy Clerk
	CYFS:	I. Laing, Fire Chief R. Volpe, Deputy Fire Chief R. Comeau, Deputy Fire Chief

The meeting was called to order at 9:31 a.m.

Councillor Abel in the Chair.

Open Forum

None.

Additions & Corrections to the Agenda

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

- a) THAT the addendum items being Central York Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy and Central York Fire Services Report 2015-10 dated December 15, 2015 regarding 55' Aerial/Quint Cost Increase be included.

Carried

Declarations of Pecuniary Interest

None.

Items

1. Verbal Update from Fire Chief regarding proposed budget reductions and staffing requirements.

The Fire Chief advised that the Town of Newmarket Council has final budget approval entitlements for Central York Fire Services. He advised that Newmarket Council made a motion to reduce certain aspects of the Central York Fire Services budget and today's meeting of CYFS-JCC was to review the proposed changes and present options. He advised that the growth amount reduction request pushes staff hires from April, 2016 to June, 2016, removal of the second growth portion is to be taken out of the fire reserve and placed into a Newmarket reserve account until a hiring strategy is developed. The Fire Chief stated that operational risks are reduced if crews are in place sooner.

Moved by: Councillor Twinney

Seconded by: Councillor Sponga

THAT the verbal update by the Fire Chief regarding the proposed changes and options related to the CYFS-JCC budget be received.

Carried

The Director of Financial Services/Treasurer, Newmarket explained to those present the impact of the motion made by Newmarket Council being a .25% would result in tax savings of \$15,000.00. This would reduce the Central York Fire Services budget by \$240,000.00. The Fire Chief advised that there would be impacts on the Training Division if the staff hires are deferred until a new fire hall is constructed and if all hires are being conducted at the same time. He further advised that incremental training lessens the demand on the Training Division and additional staff also provide a cushion to cover vacation and sick time lessening the impact on the overall overtime budget.

2. Central York Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy. (Related to Item 1)

The Fire Chief reviewed the hiring options listed in the report and advised that spreading the costs of staff hires over a longer period of time make it easier for municipalities to distribute costs over time and lessen impacts including wage increases, overtime etc. He advised that Aurora Council has based their budget statistics to fund certain equal increments between each of the years to meet overall costs.

An alternate motion was presented and discussion ensued:

Moved by: Councillor Sponga

Seconded by: Councillor Mrakas

- a) THAT Fire Services Report 2015-09 dated December 14, 2015 regarding Fire Master Plan Staffing Strategy be deferred to the January 12, 2016 CYFS-JCC meeting to obtain additional cost information related to a deferred hiring schedule.

Carried

3. Central York Fire Services Report 2015-10 dated December 15, 2015 regarding 55' Aerial/Quint Cost Increase.

The Fire Chief advised that there has been a 30% increase in the U.S. dollar exchange rate and there are financial challenges that did not exist when this budgeted item was brought forward early in 2014. Deputy Chief Volpe advised there are 30 days remaining in the proposal and approval is being sought.

Moved by: Councillor Sponga

Seconded by: Councillor Mrakas

- a) THAT Central York Fire Services Report 2015-10 dated December 15, 2015 regarding 55' Aerial/Quint Cost Increase be received and the following recommendations be adopted:

i) THAT the Joint Council Committee (JCC) approve additional funds from reserve to purchase a replacement Aerial / Quint device due to a shortfall in the budget;

ii) AND THAT JCC authorize the Director of Finance and the Manager of Procurement to fund from reserve the replacement apparatus by \$366,000.00 CDN (excluding any applicable taxes).

Carried

The Committee requested a capital requirements report be provided.

New Business

None.

Adjournment

Moved by: Councillor Mrakas

Seconded by: Councillor Thompson

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:54 a.m.

Date

Councillor Abel, Chair

TOWN OF NEWMARKET

Outstanding Matters

	Item Subject	Recommendation	Date to come back to Committee	Comments
1.	Council – June 23, 2014 – Item 3	<p>Mr. Scott Cholewa regarding a petition for a splash pad in the Copper Hills subdivision (Ward 1)</p> <hr/> <p>THAT the deputation of Mr. Scott Cholewa regarding a petition for a splash pad in the Frank Stronach Park be received;</p> <p>AND THAT the request for a splash pad in Frank Stronach Park be referred to the 2015 budget process and added to the Recreation Master Plan.</p>	<p>Council Report to come forward in Q1, 2016 outlining a strategy for selecting sites and building 3-4 additional spray pads in Newmarket over the next 10 years.</p>	<p>Item referred to as part of the Recreation Playbook process.</p>

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting

Bold indicates that the item will be on the upcoming agenda

Last revisions made on January 21, 2016

(Updated and including the Committee of the Whole Minutes of January 11, 2016)

	Item Subject	Recommendation	Date to come back to Committee	Comments
3.	Council – March 30, 2015 – Item 33 Corporate Services Report – Financial Services 2015-20 regarding Decision Packages and Infrastructure Levy.	<p>THAT Council direct staff to bring back a report providing phasing options that allow for achieving Council enhancement priorities related to traffic mitigation, sidewalk plowing and CreateIT at Southlake while maintaining the Council motion to target a budgeted tax increase of 2% to 2.5%;</p> <p>a) AND THAT staff provide a report within 120 days on the use of the funds budgeted for the Business Development Officer;</p> <p>b) AND THAT staff advise of the recommended approach for realignment of the added resource and provide goals, timelines, implementation and projected outcomes for each of the next five years;</p> <p>c) AND THAT staff provide a report within 90 days outlining the required resources, related costs and sources of funding available to implement a targeted marketing program to advance the redevelopment of Davis Drive properties for implementation by Q4 2015;</p> <p>d) AND THAT the report include how this can be accomplished without impacting the current and proposed economic development plans initiatives.</p>	<p>Report subject to actions taken related to c) and d) as they may inform the approach taken in the report</p> <p>Information Report provided that addressed approach taken to date / potential next steps. Council Workshop held. Staff targeting submit a report to COW in Q4.</p> <p>January 11, 2016</p>	<p></p> <p>Information Report 2015-29 distributed</p>

	Item Subject	Recommendation	Date to come back to Committee	Comments
4.	<p>Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>THAT Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services – Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered.</p> <p>THAT staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p>		
5.	Council – April 20, 2015 – Item 7	THAT staff provide a report within six months related to internet voting.	Q2, 2016	Workshop held October 5, 2015

	Item Subject	Recommendation	Date to come back to Committee	Comments
6.	Committee of the Whole – May 25, 2015 – Item 2 – Parkland Dedication By-law	<p>THAT the Parkland Dedication By-law for the Town of Newmarket as contained in Attachment 1 be received;</p> <p>ii) AND THAT staff be directed to provide notice to the public, the development community and BILD of the proposed by-law;</p> <p>iii) AND THAT following public input that staff summarize in a report to the Committee of the Whole the issues identified and the comments received along with the final recommendation for the Parkland Dedication By-law for Council's approval;</p> <p>iv) AND THAT staff be directed to report back to Committee of the Whole on the other funding strategies to address the identified shortfall of Town-wide parkland in conjunction with the Parkland Implementation Strategy identified in the Implementation Strategy for the Newmarket Urban Centres Secondary Plan.</p>	Q1, 2016	Refer to Development & Infrastructure Services Information Report 2015-41 dated September 22, 2015
8.	Council – June 22, 2015 – Item 31 D & I Services Report – ES 2015-34 – McCaffrey Road – Traffic Review	<p>THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk;</p> <p>AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project.</p>	Q1, 2016	
9.	Committee of the Whole – August 31, 2015 Item 30 – Stormwater Management Rate	<p>THAT staff be directed to inform and consult with the public regarding the potential of establishing a stormwater management rate;</p> <p>AND THAT staff report back on the feedback received in January, 2016.</p>	Information Report being prepared for distribution in February, 2016	

	Item Subject	Recommendation	Date to come back to Committee	Comments
10.	Committee of the Whole – September 28, 2015 – Item 15	THAT the deputation by Mr. Paul Jolie regarding Ontario Municipal Cycling Infrastructure be received and referred to staff for a report back to Council related to cycling infrastructure on Mullock Drive.	Q2, 2016	Information Report distributed
12.	Committee of the Whole – November 30, 2015 – Item 21	THAT Development and Infrastructure Services Report – Engineering Services 2015-63 regarding Woodspring Avenue – Bonshaw Avenue to Town Limit – Bicycle Lanes and On-Street Parking be referred to staff for additional information, including costs.	Q2, 2016	
13.	Committee of the Whole – September 28, 2015 – Item 24 – Motion	THAT staff be directed to report back within 120 days on the potential of demolishing the Old Fire Hall at 140 Main Street South with the intent to repurpose it as a parking lot that would be in keeping with the downtown area and that the report include any other options for parking enhancements in the downtown core.	Information Report Q1, 2016	Referred to Community Centre Lands Tasi Force Parking Strategy
14.	Committee of the Whole – October 20, 2015 - Community Services - Recreation and Culture Report 2015-28 dated September 16, 2015 regarding Hollingsworth Arena Replacement Follow-Up.	<p>1. THAT staff work with Pickering College to:</p> <p>i) Finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College;</p> <p>ii) Bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days;</p> <p>2. AND THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.</p>	Q1, 2016	

	Item Subject	Recommendation	Date to come back to Committee	Comments
15.	Committee of the Whole – October 20, 2015 - Motion - Regional Councillor & Deputy Mayor Taylor	In keeping with recommendations in the Recreation Playbook, staff be directed to investigate the potential for an outdoor arena in the Town of Newmarket. The analysis should examine options for the rink, including amenities, costs, location criteria and potential funding sources. The report is to be brought back to Committee of the Whole within 120 days.	To be addressed at workshop scheduled for February 22, 2016	Addressed in Community Services – Recreation and Culture Report #2016 -02. Further discussion to occur within a Q1 Council Workshop regarding the Recreation Playbook Implementation: Facility Needs / Location Planning
16.	Committee of the Whole – October 20, 2015 - New Business	THAT staff research and advise Council regarding potential municipal regulation of propane tank installation for home heating purpose.	Q1, 2016	
17.	Committee of the Whole – November 9, 2015 – Item 3	Motion: Councillor Twinney THAT staff bring back a report to Council on a third party insurance program for residents to insure their water and sewer pipes that run under private property and are not covered by the Town.	Q1, 2016	
18.	Committee of the Whole – November 9, 2015 – Item 12 Development & Infrastructure Services Report PWS 2015-58 regarding N6 Waste Collection Contract 2017-2017 Request for Proposal Preparation Update.	THAT staff work with the N6 partners to develop service level criteria for customer service and response and opportunities to provide customer services outside the scope of the waste control contract and report back to Council; AND THAT staff explore the option of separate proposals for standard bag limits (2 bags and 3 bags) with the N6 partners and report back to Council.	Q1, Q2, 2016	

	Item Subject	Recommendation	Date to come back to Committee	Comments
19.	Committee of the Whole – November 9, 2015 – Item 16 Petition/Petitioning Newmarket Council to 'Save Hollingsworth Arena'.	a) THAT the petition/petitioning Newmarket Council to 'Save Hollingsworth Arena' be received and referred to staff for a report that clarifies the petition preamble as part of the public consultation process related to the disposition of the Hollingsworth Arena.	Information Report to be distributed during public consultation process Q1, 2016	
20.	Committee of the Whole – November 9, 2015 – Item 20 Community Services - Recreation and Culture Report 2015-31 dated October 19, 2015 regarding Recreation Playbook Recommendations Requiring Land.	i) THAT staff be directed to continue discussions related to the former York Catholic District School Board Lands on the north side of Woodspring Avenue, in the northwest quadrant, per Section 239 (2) of the Municipal Act; ii) AND THAT staff report back within 90 days with detailed capital costs and operating expenses of three options outlined in the report for consideration as part of the 2017 budget process.		Will form part of a February 22, 2016 Workshop
21.	Council – June 22, 2015 – Item 14	THAT the deputation by Mr. Marc Mantha regarding a pilot project in Ward 2 for backyard egg laying hens be received; AND THAT Council reconsider regulation of egg laying hens in this term of Council to allow for a pilot project in Ward 2; AND THAT staff be directed to bring back a report on the implementation of a 12 month pilot project in Ward 2 for 20 homes for backyard egg laying hens.	February 1, 2016	
22.	Committee of the Whole – January 11, 2016 – Item 19 – Magna Centre Leases and Potential Fitness Centre	THAT the Town of Newmarket convert the existing restaurant space into an equipment based, membership oriented fitness facility within the capital costs identified; AND THAT staff report back on options for the kitchen and kiosk spaces, including an expanded fitness centre in the kitchen area and/or maintaining a food kiosk; AND THAT the funding be added to the draft 2016 Capital Budget.	Q3, 2016	



Committee of the Whole Council

Northern Six Waste
Collection Contract RFP
Update #3

Background

- Current contract 2007 – 2017 (September)
- 8.5 years of experience
 - N6 Contractor and MOU
 - Individual flexibility
 - SSO
 - Customer Service
 - Growth
- Good experience, efficiencies realized, but can use improvement
 - Annual Budget of \$2.53 Million
 - Estimated Savings \$2.26 Million
 - Customer Service – approximately 25,500 collections = 2.4 Million touches per year with 520 Complaints (Town 2015) 99.98% with no issues
 - Winter Collection (2013 – 2014) Action Plan
 - Curbside Collection Inspector
 - By-Law Harmonization

Previous Reports

Municipality	Report Title	Report Date
King	N6 Waste Contract Update	November 30th, 2015
	Memorandum of Understanding for the N6 Waste Contract	February, 2016
Aurora	N6 Waste Collection Contract Update	March 3rd, 2015
	N6 Waste Collection Contract RFP Preparation	November 3rd, 2015
	N6 Waste Collection Contract Renewal Update- MOU and Council Lobbying Framework	January 19th, 2016
Whitchurch-Stouffville	Waste Collection Contract Tender Preparation Update	February 3rd, 2015
	N6 Joint Procurement For Municipal Waste Collection Services Contract and MOU	January 19th, 2016
East Gwillimbury	N6 Waste Collection Contract, 2017-2025, Request for Proposal Preparation Update	February 3rd, 2015
	N6 Waste Collection Contract, 2017-2025, Request for Proposal Preparation Update # 2	September 22nd, 2015
	Lobbyist Registry for the N6 Waste Collection Contract and MOU	January 19th, 2016
Newmarket	N6 Waste Collection Contract, 2017-2027 Tender Preparation Update	January 29th, 2015
	N6 Waste Collection Contract, 2017-2027 Request for Proposal Preparation Update	October 26th, 2015
	Lobbyist Registry for the N6 Waste Collection Contract (2017-2027)	November 5th, 2016
	Lobbyist Registry for the N6 Waste Collection Contract (2017-2027)	November 19th, 2016
	N6 Waste Collection Contract, 2017-2027 Request for Proposal Preparation Update #3	February 1st, 2016
Georgina	N6 Waste Collection Contract Request For Proposal Preperation Update	March, 2016

Memorandum of Understanding

- Municipal Representatives
- Municipal Relationship Manager
- Meetings
- Reports to the CAOs
- Escalation Procedures
- Termination of Contract
- Cost Sharing Formula



Customer Service

- Previously presented three options
 - Contractor CS Call Centre
 - Third Party Call Centre
 - Outsourced Call Centre
 - N6 Municipality Call Centre
- Efficiency
 - Middle man – 25% of calls
 - Logistics – managing multiple contracts
 - Risk – miscommunication
 - Provisional pricing higher
- Service Level Criteria
- Conflict of Interest
- Can always call Town if problem with Contractor

CUSTOMER SERVICE



Performance Penalties

Failure to Clean up spillage of material	Per incident
Failure to submit reports	Per report
Failure to resolve damage claim to resident's property within specified time	Per incident
Inappropriate behaviour by contractor's staff	Per incident
Improperly replaced containers	Per route
Failure to return to collect materials as directed by the Designated Municipal Official	Per incident
Failure to follow up and resolve complaints/issues within 48 hours	Per incident
Failure to answer 75% of customer calls within 20 seconds (for the previous month)	Per day
Failure to conclude 75% of customer calls on first contact (for the previous month)	Per month
Failure to maintain a customer call abandonment rate of less than 10% per day	Per day
Failure to complete collection services within the specified hours of operation	Per non collected route

Highlights of the RFP

- Customer Service Enhancement
- Frequency of Collection – As is
- Escalation Clause – Based on CPI
- Bag Limits – As is with option for 2 bags
- GPS – Tracking of trucks
- Bin Delivery Option – By contractor when called + As is
- Optional Electronic Waste – Collection up to 4 times per year
- Fleet – new, never more than 10 years old, 5 year repaint
- Length of contract – 8 years with possible two -1 year extensions



Next Steps

- January – February = Updates to all Councils
- January = N6 CAO's meeting
- February = N6 Director's meeting
- March = Finalize and Release RFP
- May/June = Close and evaluation of RFP
- June – September = Council Reports on RFP and award
- September 2016 – 2017 = Promotion and Education
- September 2017 = Contract Start



Asset Management Policy Overview



Policy Overview



Alignment with the Town's Strategic Plan directions

Foundation of the Town's Key Strategic Asset Management Documents outlined in Appendix A.

8 guiding principles will continue to guide staff actions:

- Customer Focused
- Forward looking
- Service Focused
- Risk-based
- Value-Based / Affordable
- Holistic
- Systematic & Innovative

Asset Management Framework Review



Asset Management Framework

Review cont.'s

Part 1 - Visioning



Part 2 - Strategy



Asset Management Framework

Review cont.'s

Part 3 - Execution of the Strategy



Part 4 – Update Asset Management Plans



Asset Management Framework Benefits



Deliver services at approved levels of service;

Improve decision-making accountability and transparency;

Better demonstrate the long term consideration of short term decisions;

Improve customer service;

Reduce the life cycle costs while maintaining acceptable levels of service; and

Link infrastructure investment decisions to service outcomes.





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January 27, 2016

COMMUNITY SERVICES – Recreation & Culture
CORPORATE SERVICES – Finance
Joint Report # 2016-08

TO: Committee of the Whole

SUBJECT: Potential Hollingsworth Arena Replacement Next Steps

ORIGIN: Community Services – Recreation & Culture
 Corporate Services - Finance

RECOMMENDATIONS

THAT the Community Services – Recreation & Culture and Corporate Services – Finance Report #2016 - 08 dated January 27, 2016 regarding Potential Hollingsworth Arena Replacement Next Steps be received and the following recommendations be adopted:

- 1. THAT Council provide direction to staff with respect to Option A or Option B:**

Option A:

THAT Council direct staff to work on an operating and capital agreement related to the construction of a new arena at Pickering College with the agreement to come back to Council for approval prior to execution;

AND THAT while the agreement is being developed a joint public meeting with Pickering College be held to seek public input on the concept of new arena at Pickering College.

OR

Option B:

THAT the Town not advance arena negotiations further with Pickering College but to instead look at any other future partnerships that might arise with Pickering College;

AND THAT staff report back with new arena options that would be constructed on Town owned land within the next 45 days.

- 2. AND THAT final direction with respect to replacing Hollingsworth Arena be subject to the SanMichael Developments negotiations being completed and a Letter of Intent being approved by Council.**

COMMENTS

The purpose of this report is to seek council direction with respect to potential replacement of Hollingsworth Arena.

BACKGROUND

Hollingsworth Arena is a forty-three year old single pad arena. A proposed development opportunity related to its current location that aligns with Council's strategic priorities, the Secondary Plan and emerging strategic frameworks (e.g. NEDAC's preliminary discussions regarding an economic development strategy re-fresh). The proposed development also financially enables the development of enhanced community park amenities in the corridor for current neighborhoods and future residents along with the replacement of an aging facility.

Review of Hollingsworth Arena Pre and Post Magna Centre Opening

Community Services – Recreation and Culture Report # 2006 02: *THAT a decision whether to sell Hollingsworth Civic Arena and property be subject to staff conducting a utilization and future options analysis to commence January 5, 2009 with public consultation and a report coming back to Council within 90 days from the start date;*

Community Services – Recreation and Culture Report # 2008 – 07: *THAT the future use of Hollingsworth Arena be considered prior to the scheduling of contracts in that facility for the 2009/10 season and following the scheduling of the new Magna Centre for two full seasons, with staff recommendations to Council including, among other things, a list of potential service level modifications;*

Community Services – Recreation and Culture and Public Works Services Joint Report # 2008 – 17: *THAT subject to further direction with respect to the service priorities of the municipality, Hollingsworth Arena remain in operation as an ice facility; AND THAT staff continue to monitor ice supply/demand and facility capital requirements against service philosophies of the Town and report back to Council in future as necessary;*

Arena Needs Assessment Study (dmA Planning and Management Services) – in 2013 looked at utilization of Town's current supply/demand and service level. Specific review of Hollingsworth Arena utilization as well in a study addendum;

Community Services – Economic Development and Recreation and Culture Joint Report #2013 – 32: *Davis Drive /Patterson Street Property Matter be received;*

Arena Needs Assessment Study done in 2013 was peer reviewed by Monteith Brown Planning Consultants in 2014/15 as part of the Recreation Playbook process;

May 25, 2015 Committee of the Whole meeting staff received direction to bring forward in open session the recommendations adopted by Council in June 2014 in closed session (Report # 2014 – 41);

CAO/Commissioner of Development and Infrastructure Services/ Commissioner of Community Services/Commissioner of Corporate Services Joint Report # 2015- 38: *THAT.... the sale of the Hollingsworth Arena site be subject to satisfactory arrangements being made to maintain 7 (seven) municipally permitted ice surfaces for the continuity of service for Town residents. From the above referenced # 2014 – 41 report the recommendation associated with Hollingsworth Arena specifically was, THAT staff be authorized to enter into discussions with Pickering College on the exclusive basis for the development of a joint venture for the development of a single pad arena on that site to replace Hollingsworth Arena with staff to report back to Council with options for an agreement in Q1 2015;*

Community Services – Recreation and Culture Report # 2015 – 28: *THAT staff work with Pickering College to finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College and bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days and THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena.*

Pickering College Partnership Negotiations

As summarized above, Council adopted that, *“...staff be authorized to enter into discussions with Pickering College on an exclusive basis for the development of a joint venture for the development of a single pad arena on that site to replace the Hollingsworth Arena with staff to report back to Council with options for an agreement in Q1, 2015”.*

In June, 2015 related to the go forward continuity of service level for municipal ice pads Council adopted that, *“...the sale of the Hollingsworth Arena site be subject to satisfactory arrangements being made to maintain 7 (seven) municipally permitted ice surfaces for the continuity of service for Town residents”.*

In June, 2015 in the same report Council also adopted that, *“...the sale of the Hollingsworth Arena site be subject to Council's declaration of the property as surplus to municipal needs and staff being directed to following the Town's land disposition process”.* To support the initiation of the land disposition process staff has provided replacement plans and associated recommendations within this report outlining a course of action and reporting back process to ensure Council is able to provide financial and strategic directions with respect to the replacement of Hollingsworth Arena.

Staff has prepared and received positive feedback from Pickering College on a draft MOU that relates to capital and operating of a facility to be constructed at Pickering College. A facility floorplan and site plan has been discussed and has been costed by an architect.

At the October 26, 2015 Council Meeting it was adopted that , *“staff work with Pickering College to finalize an agreement subject to Council approval with respect to capital and operating costs regarding a replacement arena at Pickering College and bring back a professionally prepared project estimate and recommended capital and operating agreement to Council for review within the next 45 days and that staff initiate a public process addressing the replacement arena and proposed disposition of land at Hollingsworth Arena.”*

Since this most recent direction from Council, a professionally prepared project estimate has been established and is under review. In addition, forecasted operating costs are also under review by Pickering College and the Town.

CONSULTATION

There are ongoing discussions with Pickering College.

It is recommended in the report that public processes be initiated specific to decommissioning Hollingsworth Arena at its current location, as well as, a public process with area residents, sport user groups and the community as a whole regarding a replacement arena at Pickering College should a capital and operating financial framework be approved by both parties.

If negotiations with Pickering College do not lead to an agreement then following the Council workshop and subject to a subsequent report for Council consideration related to Playbook implementation, that potential locations for a new arena (along with other Recreation Playbook facility locations/re-locations) would be taken out to a public engagement process with area residents, sport user groups and the community as a whole.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Council 2014- 2018 Strategic Themes and Priorities Alignment:

- *Economic Development/Jobs:* Creating a strategy for vibrant and livable corridors along Davis and Yonge Street
- *Economic Development/Jobs:* Supporting innovative projects and partnerships with various sectors
- *Enhanced Recreational Opportunities:* Enhancing recreational and community facilities
- *Efficiency / Financial Management:* Ensuring effective and efficient services

Well-balanced

- Recreation facilities and services
- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Fiscal responsibility
- Service excellence
- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Clear vision of the future and aligned corporate/business plans

Well-respected

- Being well thought of and valued for our judgment and insight
- Discovering innovative and creative solutions for future well-being
- Being a champion for co-operation and collaboration
- Being tradition-based and forward-looking

BUDGET IMPACT

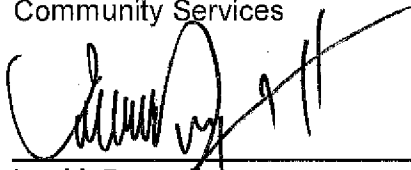
It is not anticipated that there will not be any impact on the 2016 operating and capital budgets. Dependent upon the option selected by Council, the budgetary impacts would be reported to Council when finalized and considered as part of future budget deliberations. Specifically detailed budget impacts would be subject to ongoing negotiations with Pickering College if Council directs staff to advance Option A or additional costing being done if Council directs staff to advance Option B.

CONTACT

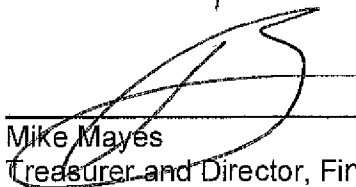
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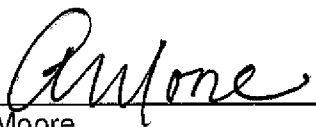
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