

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Public Participation Meeting – Amendments to Consolidated Fees and Charges By-law
Dundas Place Street Vendor Pilot Program

Date: March 29, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development on the advice of the Director, Economic Services and Supports, the attached proposed by-law (Appendix “A”) being “A by-law to amended By-law A-57 being “A by-law to provide for Various Fees and Charges” by adding fees related to the Dundas Place Street Vendor Pilot Program, BE INTRODUCED at the Municipal Council meeting to be held on April 12, 2022.

Executive Summary

Purpose

The purpose of this report is to add a fee to the City of London’s Fees and Charges By-law to enable the creation of a new pilot program for Street Vendors on Dundas Place.

Context

The Streets By-Law permits an annual fee to be prescribed for conducting commercial uses in the public right-of-way. Similar commercial activities in the city are charged a such fee as prescribed in the Consolidated Fees and Charges By-law. Doing so during the proposed Dundas Place Street Vendors pilot program will make it consistent with this practice.

Linkage to the Corporate Strategic Plan

Allowing Street vendors on Dundas Place will contribute to Growing our Economy by creating a supportive environment where entrepreneurs, businesses, and talent can thrive. This program forms part of our strategy to revitalize London’s Downtown and urban areas and support entrepreneurs, start-up, and scale-up companies.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- November 28, 2017 – Planning and Environment Committee Dundas Place Management and Dundas Place Field House
- March 8, 2022 – Strategic Priorities and Policy Committee – Core Area Action Plan 2021 Review

2.0 Discussion and Considerations

2.1 New Dundas Place Street Vendor Pilot Program

Dundas Place was designed to support pedestrian-oriented activities including street vendors. The introduction of street vendors aligns with the vision in Our Move Forward: London's Downtown Plan to make Dundas Place London's most exciting street.

In previous years, any vendor on Dundas Place would have been associated with a Special Event booking. This new pilot program would allow certain types of street vendors to sell wares on Dundas Place any day of the week at prescribed locations and times.

Streets By-law 6-1

Section 6.5 of the Streets by-law identifies "Sales on streets" as a permitted use with the following requirements outlined:

It shall be lawful for goods to be sold upon a street (subject to the requirements of other laws) from a cart, vending box or stand approved as to location by the City Engineer upon the payment in advance of such annual fee as may be prescribed by the Council from time to time, and upon the delivery of proof of insurance in a form and amount satisfactory to the City Treasurer, and a pledge to indemnify and save harmless the City of London from all claims and judgments arising from such use of the street.

The new Dundas Place Street Vendor Pilot Program will include a vendor application form and review process, vendor location map, rules and guidelines for street vendors, and a fee prescribed by Council.

Street Vendor Fee

For this new pilot program, Civic Administration proposes a nominal fee of \$25 per quarter or an annual fee of \$100 plus HST. The intention is to make the program accessible to new small businesses, including those operated by individuals from marginalized communities, while covering the base labour cost of processing an application. This fee level is not intended to generate revenue of any kind. Any additional staff needs in managing the program on a day-to-day basis will be incorporated into the duties of the newly formed Ambassador Program and will therefore not need to be offset by the vendor fee during the 2022 pilot.

As a point of comparison within the City of London, the annual cost of a business licence for a Class 2 Refreshment Vehicle (non-motorized food cart) is \$180 plus HST. City of London Special Event vendor fees vary from \$39.20 to \$139.60 depending on a variety of details. These vendor fees are primarily used to control the number of vendor vehicles in the park during an event.

Program Rationale

Based on engagement done in 2021, brick-and-mortar business owners on Dundas Place are highly supportive of the addition of street vendors as part of the strategy to increase foot traffic by expanding the quantity and range of retail offerings. Street vendors increase a sense of personal security by providing additional eyes on the street and help implement Strategic Direction 6 "Create the Buzz" in Our Move Forward: London's Downtown Plan.

Street vendors may also contribute to the reduction of vacancies by incubating small businesses which may eventually transition to brick-and-mortar locations. Street vending provides opportunities to new or small-scale entrepreneurs, start-up, and scale-up companies who may not be ready to open a brick-and-mortar location.

Program Overview

The pilot program will consist of strategically located street vendor spaces on Dundas Place. Locations are selected based on street furnishings, nearby business types, and pedestrian activity.

Vendor types may include a curated range of art, craft, handmade goods, vintage, and specialty retail. This fee and pilot program will only be applicable to non-food related vendors.

Food vendors are currently permitted under the Business Licensing By-law - L.-131-16. Non-motorized food vendors, also known as food carts, are licensed as Class 2 Refreshment vehicles, and are permitted to operate in prescribed locations awarded to licensees through an annual lottery. 6 of the 12 existing food cart locations are on Dundas Place, which aligns well with this pilot program.

Street vendors associated with this pilot program will be subordinate to any 3rd party bookings of Dundas Place. Meaning if a 3rd party rents a block of Dundas Place, street vendors would not be allowed to operate on that part of the roadway for the duration of the event.

Permitted street vendors will be able to sell their wares on the sidewalk at prescribed locations on Dundas Place approved by the City Engineer in consultation with Downtown London BIA, at a first come first serve basis. Pedestrian, bicycle, and motor vehicle traffic will not be impeded by vendor stalls. Based on the flexible design of Dundas Place, vendors may operate when the street is open to traffic (facing inward toward the pedestrian lane) or when the street is closed to traffic (facing toward the middle of the street).

Management of the program will be overseen by the Manager, Core Area Programs through the Core Area Ambassadors with support from Customer Service staff in Neighbourhood and Community-Wide Services.

Program Evaluation

This pilot program will be closely monitored throughout 2022. Evaluation will include the number of vendor applicants and permits issued, vendor success, street safety impacts, and a survey of both permitted vendors and brick-and-mortar businesses. Depending on the results of the evaluation, the program may be expanded to other areas of the downtown and urban areas. Civic Administration will return to the appropriate committee in early 2023 with results and recommendations for next steps.

3.0 Financial Impact/Considerations

There are no significant financial implications as the proposed fee is intended to assist with the cost of the Pilot.

Conclusion

The Civic Administration recommends that the fee outlined in this report related to the Dundas Place Street Vendor Pilot Program be added to the City of London's Fees and Charges By-law.

Prepared by: Jim Yanchula, MCIP RPP
Manager, Core Area and Urban Regeneration

Submitted by: Stephen Thompson, MCIP RPP
Director, Economic Services and Supports

Recommended by: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

APPENDIX "A"

Bill No.
2022
By-law No. A-

A by-law to amend By-law No. A-57 being "A by-law to provide for Various Fees and Charges and to repeal By-law A-56, as amended, being "A by-law to provide for Various Fees and Charges by adding fees related to the Dundas Place Street Vendor Pilot Program.

WHEREAS subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 10(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 10(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS section 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedules 1 and 2 of By-law A-57 entitled "A by-law to provide for Various Fees and Charges and to repeal By-law A-56, as amended, being "A by-law to provide for Various Fees and Charges" be amended in the Neighbourhood and Recreation Services Grouping by adding the following new fee under "Special Events Coordination":

"Dundas Place Street Vendor Pilot Program - \$25 per quarter or \$100 per year (including HST) effective April 12, 2022, to March 31, 2023"

2. This by-law comes into force on the day it is passed.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – April 12, 2022
Second Reading – April 12, 2022
Third Reading – April 12, 2022