

CaféTO and CurbTO - Pandemic Response Programs

Date: January 13, 2021

To: Executive Committee

From: General Manager, Transportation Services, Executive Director, Municipal Licensing and Standards, Acting General Manager, Economic Development and Culture

Wards: All

SUMMARY

CurbTO and CaféTO are two significant pandemic response programs initiated in Spring 2020 to support local Toronto businesses by accommodating rapid access to the public right-of-way for expanded outdoor dining, customer line-ups and quick parking opportunities throughout the city.

The CurbTO program provided additional space in the right-of-way to local businesses and community agencies to assist with new physical distancing and capacity requirements. The CaféTO program provided a streamlined process and financial assistance to Toronto restaurant and bar operators wishing to install cafés on City sidewalks and streets, which was particularly critical for establishments facing capacity restrictions and without previous access to outdoor dining space.

The CaféTO program had a distinct impact on the economic vitality of participating businesses and their retail main street neighbours as well as a clear effect on the vibrancy of our streets. CaféTO created safe spaces for families and friends to see one another while simultaneously providing an opportunity to support the local economy and animate Toronto's retail main streets.

This report provides details on the CurbTO and CaféTO program activities in 2020, and proposes reprising the CaféTO program with additional enhancements, including registration and implementation efficiencies, additional permissions for decks, platforms and fencing, ongoing financial support through targeted grants and waiving participation fees as well as continuing to deploy equipment and closing curb lanes on behalf of café operators.

RECOMMENDATIONS

The General Manager, Transportation Services, the Executive Director, Municipal Licensing and Standards and the Acting General Manager, Economic Development and Culture recommend that:

1. City Council authorize the General Manager, Transportation Services, in consultation with the Executive Director, Municipal Licensing and Standards, to establish a program to allow for the review, approval and installation of sidewalk cafés, curb lane/parklet cafés or public parklets without applicants having to comply with certain requirements of Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, during the following terms:

a. a café installed on a sidewalk (being a curbside café or frontage café) from no earlier than April 15, 2021 to no later than April 14, 2022, inclusive; and/or

b. a curb lane/parklet café or public parklet from no earlier than May 8, 2021 to no later than November 10, 2021, inclusive.

2. In establishing a program under Recommendation 1, the General Manager, Transportation Services shall consider:

a. which requirements from Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays should apply to the sidewalk cafés, curb lane/parklet cafés or public parklets under the program;

b. appropriate guidelines for the General Manager, Transportation Services to review and approve the sidewalk cafés, curb lane/parklet cafés or public parklets under the program;

c. appropriate indemnification and insurance requirements to protect the City provided that any insurance requirement for the program requires at least \$1,000,000 in general liability coverage;

d. advice from the Medical Officer of Health to ensure the health and safety of all persons using the sidewalk cafés, curb lane/parklet cafés or public parklets under the program;

e. requirements for the location, materials, usage, maintenance and removal of the sidewalk cafés, curb lane/parklet cafés or public parklets under the program to ensure the health and safety of all users of City highways, including:

i. that a café or parklet on a local road be closed and cleared of customers by 11:00 p.m. unless hours of operation have been imposed previously by a Community Council for an existing café or parklet area, in which case both the existing and the extended café or parklet area be operated in accordance with the Community Council-imposed hours;

ii. where conditions other than hours of operation have been imposed previously by Community Council for an existing café or parklet area, that both the existing and the extended café or parklet area must be operated in accordance with the Community Council-imposed conditions; and

iii. where conditions have been imposed by Community Council on sidewalk cafés, curb lane/parklet cafés or public parklets in similar circumstances, that those Community Council-imposed conditions should apply.

3. City Council authorize the General Manager, Transportation Services, to approve applications to install and maintain sidewalk cafés, curb lane/parklet cafés or public parklets where the application complies with the program adopted by the General Manager, Transportation Services, under Recommendation 1, and where the approval conflicts with Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, the approval of the General Manager shall prevail to the extent of the conflict.

4. City Council waive fees required under Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, Municipal Code Chapter 743, Streets and Sidewalks, Use of, and Municipal Code Chapter 441, Fees and Charges, for any sidewalk, curb lane/parklet café or public parklet approved by the General Manager, Transportation Services, under the program described in Recommendation 1.

5. City Council amend Municipal Code Chapter 937, Temporary Closing of Highways, to delegate to the General Manager, Transportation Services, until November 10, 2021 the authority to temporarily close to vehicular traffic the curb lanes or any portion thereof on any highway (with the exception of those highways listed in section 937-4) for a period up to and including 187 consecutive days from May 8, 2021 to November 10, 2021, inclusive, for the purpose of permitting a curb lane/parklet café or public parklet approved by the General Manager, Transportation Services, under the program described in Recommendation 1, and to exempt the General Manager, Transportation Services, in carrying out this delegation from Section 937-5 of Chapter 937.

6. City Council authorize the General Manager, Transportation Services, when approving a sidewalk café, curb lane/parklet café or public parklet under the CaféTO program, to confirm that the City of Toronto does not object to the temporary physical extension of liquor sales under section 97 of regulation 719 under the Liquor Licence Act for that approved area and to withdraw this confirmation if the operator of a sidewalk café, curb lane/parklet café or public parklet, in the opinion of the General Manager, subsequently fails to comply with the CaféTO program, applicable City By-laws or policies, or municipal or provincial orders.

7. City Council authorize the General Manager, Transportation Services to review and approve variations to the CaféTO program and guidelines, in consultation with the local Councillor and in consideration of past complaints reported at the address and conditions imposed by Community Council in similar local circumstances.

8. City Council direct the General Manager, Transportation Services, the Executive Director, Municipal Licensing and Standards and the Acting General Manager,

Economic Development and Culture to report back to Executive Committee by Q4 2021 on the feasibility of continuing the CaféTO program in 2022 and beyond, including budget, staffing requirements, a proposed financial model, the results of a traffic and economic impact analysis and any necessary modifications to Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays.

9. City Council request the Chief Planner and Executive Director, City Planning Division, to report to the Planning and Housing Committee by no later than April 22, 2021 on whether to extend the expiration of city-wide temporary use zoning by-laws that ease restrictions on outdoor patios on private property.

10. City Council authorize the City Solicitor to introduce the necessary bills to give effect to City Council's decision and City Council authorize the City Solicitor to make any necessary clarifications, refinements, minor modifications, technical amendments, or by-law amendments as may be identified by the City Solicitor to give effect to the reasonable operation of the sidewalk cafés, curb lane/parklet cafés or public parklets under the program as described in the report from the General Manager, Transportation Services, dated January 13, 2021.

11. City Council authorize the General Manager, Parks, Forestry and Recreation, in consultation with the Executive Director, Municipal Licensing and Standards, to extend the CafeTO program (including the authority with respect to liquor sales, and the waiving of any applicable fees under Municipal Code Chapter 608, Parks) to allow for the review, approval, installation and maintenance of food and beverage patios operated by established restaurants and cafés immediately adjacent to, or located in, park spaces with hard surfacing from April 15, 2021 to April 14, 2022, inclusive, where the application complies with the program adopted by the General Manager, Parks, Forestry and Recreation, and where the approval conflicts with any provision of Municipal Code Chapter 608, Parks, the approval of the General Manager, Parks, Forestry and Recreation shall prevail to the extent of the conflict.

12. City Council confirm that it does not object to the temporary physical extension of liquor sales under section 97 of regulation 719 under the Liquor Licence Act for an outdoor patio located on private property that is permitted under applicable zoning by-law(s) in the City of Toronto, including any temporary use Zoning By-law adopted by Council.

13. City Council authorize the Executive Director, Municipal Licensing and Standards to withdraw the non-objection under Recommendation 12 above, if the operator of an outdoor patio, in the opinion of the Executive Director, Municipal Licensing and Standards, subsequently fails to comply with applicable Zoning By-law(s), including any Temporary Use Zoning By-law adopted by Council, applicable City by-laws or policies, or municipal or provincial orders.

14. City Council amend sections 742-14.3D, 742-14.5A and 742-14.5B of Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, so that the word "person" is also used wherever the phrase "permit holder" is used, and replace the phrase "in a permit area" with "on a street" in section 742.14.5A.

FINANCIAL IMPACT

All anticipated CurbTO installations in 2021 will be accommodated with existing equipment inventories. The cost of installation will be accommodated within the 2021 Staff Recommended Operating Budget for Transportation Services, subject to the approval of funding through the 2021 Budget Process.

A breakdown of the proposed program expenditures for the CaféTO program in 2021 can be found in Table 1 below.

Table 1 – CaféTO 2021 Proposed Expenditures

Division	2021 Proposed Budget	Details
Transportation Services	\$987,000	Curb lane closure equipment, traffic services consultant, additional operational requirements
Economic Development and Culture	\$270,000	Café Enhancement Grants

Transportation Services and Economic Development and Culture's funding for CaféTO in 2021 are included in divisional 2021 Staff Recommended Operating Budgets for consideration as part of the 2021 Budget Process.

Transportation Services Financial Impact

Funding of \$987,000 is required for a consultant assignment to prepare traffic plans and oversee the technical review and approval of curb lane closures; equipment for enhanced curb lane closures to improve the streetscape and provide additional public seating; a traffic analysis study; and staff overtime to deliver the program while maintaining current service levels.

Economic Development and Culture Financial Impact

Economic Development and Culture (EDC) proposes a continuation of cost-sharing grants to BIAs who opt to receive planters as their curb lane closure equipment type. The operating budget impact for grants to BIAs will be \$270,000 and has been included in EDC's 2021 Staff Recommended Operating Budget.

EDC is also proposing amendments to the Commercial Façade Improvement Program that will allow grants to be applied to interior alterations that would help businesses meet public health guidelines and for exterior improvements to outdoor patios on sidewalks and curb lanes to create more functional and aesthetically pleasing outdoor patio space. Commercial Façade Improvement Grants are permitted under the Community Improvement Plan provisions of the Planning Act and are funded through the EDC Capital Budget. A required report on amending the Commercial Façade

Improvement Program to allow for these additional improvements, extending grant eligibility to areas outside of BIAs, and the financial impact and funding sources will be submitted in Q2 of 2021 as previously identified in the Economic Development Report received by the Economic and Community Development Committee on November 12, 2020 ([EC17.7](#)).

Municipal Licensing and Standards Financial Impact

It is proposed to continue to waive fees in 2021 for existing licensed sidewalk café and parklet permit holders resulting in an estimated revenue loss of \$775,000, which has been factored into the 2021 Staff Recommended Operating Budget for Municipal Licensing & Standards.

Toronto Parking Authority Financial Impact

The Toronto Parking Authority has reported an estimated revenue loss of \$2,500,000 in 2020 for the CurbTO and CaféTO programs due to existing pay and display parking spaces being taken out of revenue service. A \$2,500,000 revenue loss is forecasted for 2021.

The Chief Financial Officer and Treasurer has been advised of the financial impacts associated with this program to be considered along with other priorities in the 2021 Budget process.

DECISION HISTORY

City Council, at its meeting of March 27 and 28, 2019 adopted a harmonized by-law for sidewalk cafés, public parklets and marketing displays by establishing Toronto Municipal Code Chapter 742.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EC2.3>

City Council, at its meeting of June 29 and 30, 2020 authorized the establishment of the CaféTO program, which facilitated expanded outdoor dining space in the public right-of-way.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX14.1>

Executive Committee, at its meeting of September 23, 2020, requested the City Manager to report on lessons learned from the 2020 CaféTO, CurbTO and ActiveTO programs, and to include recommendations for modification to these programs for 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX16.27>

City Council, at its meeting of October 27, 28 and 30, 2020, approved an extension of the CaféTO program, for sidewalk frontage and curbside cafés only, until April 14, 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX17.7>

On July 2, 2020, the Province of Ontario issued Ontario Regulation 345/20, which exempts a by-law that would authorize the temporary use of land for a restaurant or bar patio under Section 39 of the Planning Act from subsections 34 (12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsection 6 (9) of Ontario

Regulation 545/06. The effect of this regulation is that City Council may adopt a Temporary Use Zoning By-law to Expand Permissions for Outdoor Patios Page 3 of 8 for Bars and Restaurants temporary use by-law respecting a restaurant or bar patio without holding a statutory public meeting under the Planning Act and that such a by-law is not subject to appeal.

On July 8, 2020, the Province of Ontario issued Ontario Regulation 358/20, being Ministerial Zoning Order to expand zoning permissions for outdoor patios in the City of Toronto, generally consistent with the June 29 and 30, 2020 request of City Council. The regulation expired on November 16, 2020.

City Council, at its meeting of October 27, 28 and 30, 2020, adopted a temporary use zoning by-law to ease restrictions associated with eating establishments, take-out eating establishments and recreation uses to permit outdoor patios on private property, under certain conditions.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH17.12>

Economic and Community Development Committee, at this meeting of November 12, 2020, adopted a report for information on Support for the Retail Sector.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EC17.7>

The Toronto Accessibility Advisory Committee, at its meeting of November 20, 2020, recommended that City Council direct the General Manager, Transportation Services in consultation with accessibility stakeholders to develop accessibility guidelines and workshops on the CurbTO and CaféTO program prior to the implementation of the programs in 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.DI11.6>

COMMENTS

The COVID-19 pandemic has placed significant strain on local Toronto businesses, and has required many business operators to pivot their operations and business models to adapt. The CaféTO and CurbTO programs strived to support local Toronto businesses through expanded access to the right-of-way, in particular by re-purposing the curb lane in the roadway for expanded outdoor dining, customer queues and quick parking opportunities throughout the city. This report provides details on both programs, including activities in 2020 and proposed programming for 2021.

CurbTO

The CurbTO program was launched in late April 2020 to assist businesses and community agencies with new physical distancing and store capacity requirements and to facilitate easier access to quick pick-up opportunities. The City offered two programs: Temporary Parking Pick-up Zones (TPPZ) and Curb Lane Pedestrian Zones (CLPZ). TPPZs were intended to support quick food and medicine pick-ups by allowing residents to park for free for up to 10 minutes in close proximity to a business offering pick-up or curbside delivery services. CLPZs provided additional space in the curb lane for the

public to line-up to enter an establishment while providing physical distancing space for other pedestrians using the sidewalk.

Transportation Services and Toronto Public Health reviewed and investigated over 600 site requests which resulted in 154 TPPZs and 108 CLPZs. A breakdown of CurbTO installations by ward can be found in Attachment 1.

In 2020, the CurbTO program cost \$113,000 to execute. Equipment used for the CurbTO program was drawn from the inventory purchased for the ActiveTO program and costs will be accounted for in a separate report to the Infrastructure and Environment Committee.

The Toronto Parking Authority, Toronto Police Service and the local Councillors and BIA were informed of the location of the zones to ensure parking inventory and enforcement activities were adjusted, respectively. Staff will continue to monitor the CurbTO program based on the current impact and reality of the pandemic response and will determine which aspects of the program to continue based on current public health guidance.

CaféTO

The restaurant industry in Toronto was particularly impacted by the effects of pandemic related closures and safe re-opening requirements. According to Statistics Canada, total food service sales were 26% lower in July 2020 than in July 2019 while restaurants were limited to take-out and delivery. Employment in accommodation and food service in Toronto was 46% lower in July 2020 compared to July 2019. To support the local business community, the CaféTO program was created to facilitate the expeditious roll-out of sidewalk and curb lane café extensions, which assisted with increasing space for dining opportunities for Toronto restaurant and bar operators (being those with an active license for an "Eating Establishment") in the public right-of-way.

In order to accomplish this critical task, an inter-divisional team formed to streamline the process to expand existing permitted cafés and install new sidewalk and curb lane dining opportunities. The central divisions and their roles are as follows:

- Transportation Services: Approval of cafés, technical studies, guideline development, site visits for curb lane closures, enforcement and overall project management
- Municipal Licensing and Standards: Registration and administration, enforcement
- Economic Development and Culture: coordinating CaféTO installations with Transportation Services and BIAs and funding for participating BIAs
- City Planning: Temporary site-specific zoning bylaws for private property patios
- Parks, Forestry and Recreation: Administration for cafés on adjacent park lands
- Toronto Public Health: Ongoing advice and support

Several other divisions, including the City Clerk's Office, Fire Services, Legal Services, Purchasing and Materials Management Division, Solid Waste Management Services, Strategic Communications, Toronto Building, as well as the Toronto Parking Authority, Toronto Transit Commission and Toronto Police Service, also contributed to the success of the program.

A key component of the CaféTO program involved "pausing" the standard application, permitting and fee requirements for cafés and parklets under Municipal Code Chapter 742 (Sidewalk Cafés, Parklets and Marketing Displays), hereinafter referred to as "Chapter 742". Chapter 742 came into force on September 1, 2019, but the start of the pandemic coincided with the first anticipated influx of new applications under its regulations. To respond to the immediate need to support the restaurant industry, staff developed and deployed a program which allowed for the review, approval and installation of sidewalk cafés and public parklets without applicants having to comply with all requirements of Chapter 742. This program facilitated curb lane closures for restaurant access, defined essential café placement guidelines in an easy-to-understand format with safety and accessibility as paramount considerations, and established an education and enforcement campaign to ensure compliance with the streamlined guidelines.

In a public survey conducted about the program, 66% of restaurant and bar owner/operators who participated in CaféTO indicated that their restaurant would not have been financially viable without the supplementary dining space provided by CaféTO. In addition to the positive impact CaféTO had for participating businesses and their neighbours economically, there was also a significant and immediate influence on the vibrancy and vitality of our streets. CaféTO was a transformative program particularly in terms of creating safe spaces to see friends and family after an unprecedented lockdown, and for bringing street animation back to Toronto while simultaneously supporting local main-street businesses. The place-making impact of the program had a visible effect on the streetscape which was confirmed by the feedback received via a public survey on the program. Additional cultural programming activities offered under the ShowLoveTO umbrella will serve to enhance the experience in 2021, where feasible.

CaféTO Participation

In 2020, 801 restaurants were officially registered and supported by the CaféTO program, through expanded outdoor dining areas within the public right-of-way. 62 Business Improvement Areas (BIAs) had at least one restaurant participating in CaféTO and 96 participating restaurants were registered outside BIAs. Details about café types and supported restaurants by ward can be found in Attachment 2.

As an extension of the CaféTO program, Parks, Forestry and Recreation accepted applications for extended patio space from restaurants and cafés immediately adjacent to or in hard-surfaced park space and 5 restaurants were approved to participate.

To support the creation of expanded patios on private property, the Province of Ontario issued a Ministerial Zoning Order (MZO) in June 2020. When the MZO expired, City Council authorized a city-wide temporary use zoning by-law that eased restrictions for outdoor patios on private property, which is set to expire May 25, 2021. This report includes a recommendation requesting the Chief Planner and Executive Director, City Planning Division, to report to Planning and Housing Committee no later than April 22, 2021 on extending the expiration of the current city-wide temporary use zoning by-law. Patios on private property were not required to register with the City, and are therefore not accounted for in this report.

Registration

Registration for the CaféTO program opened on June 15, 2020. The registration and application process was designed to make it as easy and fast as possible for restaurants and bars to open for outdoor dining when permitted by provincial regulations.

When CaféTO registration officially closed on August 11, 2020, 1,151 applications had been submitted. Restaurant applications may not have been accepted if the proposed patio was located on private property which did not require registration, an incorrect business license type was provided, or if there were accessibility or safety issues preventing the installation of a café.

Small frontage cafés, which are a permitted encroachment and consist of a single line of seating on the sidewalk against the frontage wall of the establishment, were extensively installed throughout the city. As registration was not required for this café type, an official tally of small frontage cafés is not available but it was observed that small frontage cafés had a significant impact on animating streetscapes.

Council's direction for the CaféTO program in 2020 required operators to retain at least \$1,000,000 in general liability insurance coverage, which is a reduction from the customary \$2,000,000 program requirement.

Recommendations for 2021

To expedite the roll-out of the curb lane closures, staff propose multiple registration periods for CaféTO that will each coincide with a curb lane closure installation window. The first registration window for curb lane closure requests will open in February and close in April. Successful registrants in this window will have their curb lane closure equipment in place in May should public health requirements for restaurants allow for outdoor dining at that time. Further registration windows will occur throughout the summer based on demand.

Registration for expanded sidewalk dining will be ongoing throughout the program term of April 15, 2021 through April 14, 2022 and approval will be issued as registration is confirmed.

In order to encourage additional participation for expanded outdoor dining in all areas of the city, staff will work with local Councillors on available opportunities and provide assistance where required with understanding eligibility requirements.

Revised guidelines for sidewalk and café installation requirements in 2021 will be available to restaurant and bar owners and operators when registration opens. They will be based largely on the guidelines for the 2020 program with additional permissions for temporary decks, platforms and fencing as well as enhancements resulting from upcoming consultation activities with the accessibility community.

Staff have been advised that the restaurant industry continues to face challenges with insurance requirements. In addition, many café operators may have insurance policy

periods valid throughout 2021 with a \$1,000,000 value as per Council's original direction. It is proposed to maintain this Council-directed insurance requirement.

Curb Lane Closure Area Design, Installations and Equipment

City Council approved the CaféTO program on June 29, 2020, and preparation for the first CaféTO curb lane closures began on June 30, 2020. Individual restaurant closure requests were accommodated wherever possible, with the bulk of the curb lane closures installed by August 5, 2020.

77% of restaurants who participated in CaféTO installed cafés in the curb lane. Transportation Services staff installed 439 curb lane closures for 620 individual restaurants, totalling 9,683 metres of closed curb lane. 44 public parklets comprising 163 seats were installed, which was particularly important for operators concentrating on take-out operations.

BIA Site Visits and Drafting Traffic Plans

Throughout June and July of 2020, 44 site visits with BIA officials, city staff and a consulting firm were conducted in BIAs throughout the City. The site visits were an opportunity to take an urban streetscape design approach to the installation of widespread curb lane closures and specifically sought to accomplish the following tasks:

- identify restaurants who were interested in operating a café in the curb lane;
- answer questions about the program from BIA representatives;
- determine suitable locations for public parklets;
- incorporate CurbTO CLPZs and TPPZs into the curb lane closure areas;
- identify streetscape placement and specific site safety issues that would impact the ability of restaurants to receive a curb lane closure; and
- create traffic safety and curb lane closure plans.

Staff continued to work closely with BIA staff and the Toronto Association of Business Improvement Areas (TABIA) throughout the roll-out, and the program benefited from the ongoing feedback provided directly through weekly TABIA meetings, which staff attended regularly.

The retained consultant drafted preliminary streetscape plans followed by technical traffic plans, which ensured that the curb lane closures were installed in accordance with proper traffic operation principles and were safe for both road users and patrons dining within the café.

With the goal of installing curb lane closures as quickly as possible, the consultant began drafting individual curb lane traffic plans on the assumption that all restaurants who had been identified by the BIA during the preliminary site visit would successfully register. However, many restaurants who had been originally identified on the site visit did not apply, which led to the drafting of traffic plans that were not used. There were also several instances of restaurants who successfully applied but did not use the café area that was installed for their individual use.

The consultant drafted 311 unique traffic plans for curb lane cafés. They also made 60 modifications to existing traffic plans to accommodate requests for changes of the placement of existing closures. Of the 311 traffic plans drafted, 47 (or 15%) of plans drafted by the consultant were never used due to the operator not registering, or the BIA not ultimately participating in CaféTO. Transportation Services' Traffic Operations unit drafted a further 66 traffic plans for registered restaurants.

Staff acknowledge that the novelty of the program, the importance of a timely rollout, and the unique pressures on individual restaurant and bar operators made it difficult for complete precision in the initial roll-out and anticipate that the 2021 program will have a reduction in traffic plans that ultimately don't get used. Additionally, staff have retained the 2020 traffic plans and will endeavor to use them in the 2021 program wherever possible.

Curb Lane Closures - Installations

Transportation Services' road operations crews required a quick adjustment to their normal planned activities to accommodate the ActiveTO, CurbTO and CaféTO pandemic response programs which impacted street maintenance (i.e. street sweeping, pothole repair) service levels.

Operationally, there were several issues that limited the speed in which curb lane closures could be installed. The CaféTO program required the use of over 7,000 pieces of traffic equipment (i.e. concrete blocks, planters, pylons, lane closure signage) which were not available in Transportation Services' existing asset inventory. Many jurisdictions across Canada and the United States were establishing similar on-street COVID-19 response programs to that of Toronto, resulting in a much higher demand on this equipment than usual. As a result, there were supply-chain issues that prevented the equipment from being readily available, most notably with cement blocks and planter boxes.

Curb Lane Closures - Equipment

Curb lane closure areas were typically delineated using five key pieces of equipment - concrete blocks, "candlestick-style" pylons and connectors, construction barrels, lane closure signage, and road-worthy planter boxes. The equipment chosen met with normal lane closure safety requirements and was cost-effective and generally available, with the exception of temporary supply chain issues for some items.

Given the rapid deployment of the program, and the unknown number and location of participants, the CaféTO guidelines prohibited built structures, including decks and platforms in the curb lane.

Once the curb lane closure installations began, CaféTO guidelines were updated to allow planters or other like structures to be installed in the curb lane closure as long as they met specifications for height, weight and reflectivity. Many operators used innovative methods to customize their café areas within program guidelines and their efforts at personalizing the space were attractive and enhanced the streetscape, becoming some of the most well-loved aspects of the program. EDC also provided

grants to BIAs to assist with planting and maintaining planter boxes provided by the City.

Recommendations for 2021

Traffic Plans and Curb Lane Closure Installations

To successfully execute the CaféTO program in 2021, and ensure that restaurant and bar operators have prompt access to the curb lane where appropriate, the drafting of traffic plans must continue to be performed by a traffic engineering consultant. While staff anticipate that many of the existing traffic plans from 2020 can be reused in 2021, it is inevitable that the creation of new plans and modifications to existing plans will be required to accommodate the shifting realities of restaurant operations in the city.

An additional consultant site visit to participating BIAs is proposed as a program enhancement in 2021. This will create further efficiencies by ensuring the correct placement of curb lane closure equipment, thus preventing modification requests after equipment is already in place.

Temporary Fencing, Decks and Platforms

Operators widely requested the ability to build a platform in their curb lane closure areas. A deck or platform is a temporary constructed or pre-fabricated structure placed in the curb lane that provides a raised, level walking and seating surface for café patrons that conforms to Building Code and AODA standards. Given the additional lead-time expected for CaféTO in 2021, it is recommended that platforms in the curb lane be permitted provided select requirements in Chapter 742 and the CaféTO guidelines are met, including maximum allowable platform dimensions and site plan submission requirements, where applicable.

Additional guidelines will be developed for 2021 that outline design and installation criteria for built enhancements (i.e. temporary fencing, screens, planter boxes) in curb lane space in the absence of a deck or platform and in consideration of accessibility and safety criteria. Operators will be cautioned that although staff continue to investigate the feasibility of modifications to Chapter 742, CaféTO remains a temporary program and parking prohibitions, applicable fees and other requirements may potentially limit the use of decks, platforms and fencing in some locations in future years.

Equipment

Staff are investigating alternative curb lane closure area equipment options for the CaféTO program in 2021 including the purchase of an additional 1,000 planter boxes to distribute in an equitable fashion to BIAs for 2021 to augment the 600 planter boxes purchased in 2020.

Public Parklets

Public parklets were identified as an opportunity to provide equitable access to the CaféTO program through the creation of outdoor seating for use by all members of the

public. These spaces were proposed entirely for general public use as dining or respite areas and not to cater to customers of any specific establishment. 44 city-funded parklets were installed containing 163 individual seats. Some BIAs funded additional parklets that were incorporated into their streetscape design, which were supported through the CaféTO program with traffic plans and closure equipment.

Parklet layouts were based on spatial constraints, physical distancing requirements, and AODA standards. Participating BIAs were offered a six (6) metre parklet consisting of 4 Adirondack chairs. Supply chain issues limited staff's ability to offer the intended option of accessible picnic tables as an additional furniture choice.

Due to resource constraints, furniture assembly, delivery, installation and removal of the public parklets was completed by a current Transportation Services contractor using existing funds.

Recommendations for 2021

Public parklets were a popular addition to the CaféTO areas and most participating BIAs have indicated that they would like the option of public parklets again in 2021. Staff are recommending an expansion of the public parklet program, and commit to consulting with the accessibility community to determine alternative public parklet options, which may include furniture enhancements like accessible picnic tables and/or alternate seating arrangements.

Curb Lane Closure Removals

When the CaféTO program was initially authorized by City Council, a program end date of November 15, 2020 was established to align with existing Chapter 742 requirements.

Given the quantity of curb lane closures that remained installed in October 2020, Transportation Services staff reviewed the program end date and determined that it was necessary to remove all equipment from the curb lane prior to November 15 given the potential impact to winter maintenance activities. In two of the last five years, Toronto experienced significant snowfalls requiring salting and plowing prior to November 15, which would not be possible if widespread curb lane closures were still in place. Staff responsible for removing curb lane closures also play a key role in preparation for and conducting of winter maintenance activities.

Staff attempted to maximize the amount of time operators could keep curb lane cafés open and equipment removals were scheduled between November 2 and 13. Operators and BIAs were informed of removal dates at the end of October.

Recommendations for 2021

It is clear that there was concern from operators about the scheduling of the curb lane closure removals, which many perceived as early based on the initially announced program end date of November 15. For 2021, staff are proposing a removal schedule between November 1 and November 10 of the curb lane café portion of CaféTO, which will be clearly communicated to operators.

Coordination with the BIAs

The Toronto Association of Business Improvement Areas (TABIA) and staff at each of the BIAs across Toronto were key partners in the implementation and success of CaféTO. 88% of all CaféTO participants were located in a BIA.

As part of the evaluation process of the 2020 CaféTO program, staff conducted a survey of BIA staff and board members to gather feedback. TABIA also provided feedback on the program directly to staff. Overall, BIAs reported that the CaféTO program was a positive experience for their member businesses, and helped them through the impacts of the pandemic. When asked if they recommend a similar CaféTO program for 2021, 100% of BIA survey respondents said yes.

BIAs did indicate that there was room for improvement in aspects of the program design and processes and CaféTO staff have incorporated comments received from the BIAs and TABIA to improve the program for 2021, including allowing additional permissions for decks and platforms and adjustments to the registration process. Ongoing consultation and collaboration with BIAs will continue throughout the development of the CaféTO program in 2021.

Recommendations for 2021

Economic Development & Culture is proposing to continue with its cost-sharing grants for BIAs to assist with plant material and maintenance for planter boxes. Additional funding will be provided to accommodate additional planter boxes that are expected to be provided.

Economic Development & Culture is also proposing amendments to the Commercial Façade Improvement Program that will allow grants to assist businesses with interior alterations to meet public health guidelines and make improvements to their outdoor café areas. These grants would also be made available for all restaurants in the City, not just those in BIAs.

Accessibility

Accessibility was a key consideration in the development of the CaféTO program. Due to the speed of program development, delivery and response to evolving provincial regulations, a consultative process with the accessibility community was not possible before the CaféTO program was launched in 2020. However, CaféTO guidelines required café operators to adhere to the same accessibility requirements found in Chapter 742, which were based on extensive consultation conducted with the accessibility community prior to its adoption.

Fundamental requirements related to accessibility include:

- A minimum 2.1 metre pedestrian clearway on the sidewalk. If this clearway could not be maintained, the café was not permitted.
- An accessible entrance of at least 1 metre wide into the café area.
- Café boundaries must be cane-detectable for people with low to no vision.

- Incorporation of pronounced colour contrast between decorative fencing or other café delineation items and the surrounding environment.

Where there was no existing curb cut within the boundaries of a curb lane café, an asphalt ramp was installed by the City to provide the required accessible entrance into the café area. Approximately 375 asphalt ramps were installed to make curb lane cafés accessible. This program represented the first time that asphalt ramps were installed on such an extensive basis across the City.

Recommendations for 2021

Staff acknowledge that there were challenges in the widespread deployment of the asphalt ramps to café areas, and ramps were not deployed simultaneously with the closure of the curb lane for individual restaurants. In 2021, where required, ramps will be installed at the same time as the curb lanes are closed. Staff are working to establish a uniform design and will incorporate improvements to make ramps more visible.

At a presentation to the Toronto Accessibility Advisory Committee (TAAC) on November 20, 2020, staff proposed a consultative process in 2021. It is anticipated that staff will hold this session at TAAC in early 2021 to incorporate feedback into the CaféTO program guidelines.

Safety

To ensure the safety of patrons and staff utilizing the curb lane café, and in response to the rapid deployment of the program, curb lane closures were designed and installed as if they were active construction zones, based on the principals of the Ontario Traffic Manual (OTM) Book 7: Temporary Conditions. OTM Book 7 requirements include lane tapers, concrete barriers, reflective material and specific signage, and aim to provide consistency and predictability of lane obstructions for vehicle drivers. Staff also created and installed 98 custom advisory signs, which cautioned drivers about the presence of upcoming curb lane closures for café areas.

Comments were submitted about the equipment used to close curb lanes for café operations. Some restaurant operators specifically identified that their patrons did not feel comfortable sitting adjacent to a live lane of traffic with only pylons used as a linear barrier. Traffic safety staff reviewed and confirmed that the design of the curb lane closures are in line with best practices and safety requirements, however, adding additional planter boxes and allowing operators to build decks and temporary fencing may assist with increasing public confidence in the perceived safety of the curb lane closure areas.

Recommendations for 2021

Staff will continue to install lane closures and create traffic plans as per the safety specifications prescribed in OTM Book 7. Staff will update CaféTO guidelines to include more flexibility in terms of allowable built features that operators may install in their curb lane closure areas, in consideration of safety and accessibility requirements.

Enforcement

City of Toronto enforcement officers played a key role in educating operators about the program guidelines and ensuring that the right-of-way remained safe and accessible for all users. Staff determined that an education-first approach was appropriate in most cases given the novelty of the CaféTO program and the speed with which it was deployed. It was found that compliance was often achieved immediately following a site visit and conversation with the operator. Officers were provided with literature referencing the CaféTO guidelines to distribute to operators when needed.

Some of the most common complaints were related to:

- Encroachment into the required 2.1 metre pedestrian clearway on the sidewalk;
- Encroachment into the travel lane, not maintaining the required clearway for cyclists;
- Unauthorized use of structures or enclosures, which became especially predominant as colder weather arrived;
- Excessive noise; and
- Lack of physical distancing, capacity concerns or other public health related complaints.

311 fielded calls from residents but were limited in their ability to create service requests for enforcement beyond public health related complaints, given the lack of a specific problem code for CaféTO and the pausing in use of a comparable code for right-of-way encroachments to support the pandemic response. As a result, many complaints were handled by CaféTO staff managing the general CaféTO email inbox and forwarded directly to enforcement officers in MLS and Transportation Services' Construction Activity units who were both trained on CaféTO's detailed guidelines.

A table of enforcement activity highlights between July 1 and November 30, 2020 is below:

Activity	Municipal Licensing and Standards	Transportation Services	Total
Inspections related to complaints	357	883	1240
Proactive inspections	373	10,713	11,086
Educational brochures distributed	136	297	433
Notices to Comply issued	23	71	94
Charges laid	8	N/A	8

Recommendations for 2021

In 2021, staff will continue with enforcement for café operations with adjustments to the education-first approach given the exposure most restaurant and bar operators have now had to program requirements. In particular, staff intend to adjust the enforcement response in the following ways:

- Increased coordination with 311 for CaféTO specific complaints;
- Development of a framework for coordination of inter-divisional enforcement activity;
- Proactive patrols in corridors with a high saturation of café operations; and
- Utilizing the City's enforcement powers, including those in Article 14 of Chapter 742, such as orders, remedial action, and seizure of goods, where appropriate to gain compliance from repeat or other offenders.

Staff are also recommending amendments to sections 742-14.3D, 742-14.5A and 742-14.5B in Article 14 of Chapter 742 to ensure that Chapter 742's notice and seizure provisions are clear and applicable to any person who places or installs items on the highway contrary to Chapter 742. These amendments will clarify enforcement authority for staff and café operators alike.

Program Costs

There were significant costs and staff resources involved in installing curb lane cafés as part of the CaféTO program. The total cost of operating the CaféTO program in 2020 was \$1,570,000 for Transportation Services, Economic Development and Culture and Municipal Licensing and Standards. These costs included:

- generating individual closure traffic plans either through the engineering consultant or in-house Traffic Operations staff;
- purchasing closure equipment, including concrete blocks, linear closure materials (i.e. planter boxes, barriers) and traffic control signage;
- staff overtime for registration, installation and overall program administration; and
- grants for BIAs for material and maintenance for planter boxes.

The pausing of parklet and café fees caused a revenue loss of \$775,000 for Municipal Licensing and Standards. Toronto Parking Authority reported a \$2,500,000 revenue loss due to the reduction in on-street pay-and-display parking due to widespread curb lane café installations.

Staff understood that there were some installed curb lane closures where restaurant operations were abandoned without advising the City. While this is anecdotal evidence as staff resources were not available to audit curb lane café use, this impacted the overall administration and cost of the program, in particular lost parking revenue and streetscape attractiveness.

Staff Resources

Considerable internal staff resources were required to develop and execute the CaféTO program at the speed it was deployed. Transportation Services and Municipal Licensing

and Standards each temporarily reassigned 8 program staff at the height of the program and Economic Development and Culture's BIA Office allocated 3 staff members to assist with BIA management. In addition, Transportation Services' Traffic Operations staff drew up 15% of traffic plans for CaféTO, 262 plans for CurbTO and provided technical feasibility reviews and advice for specific requests originating from BIAs, which was only possible due to the pausing of standard traffic reviews.

Recommendations for 2021

Given the ongoing financial hardships faced by the restaurant industry, staff propose waiving fees under Chapter 742 and elsewhere for the extended term of CaféTO. In order to assist with offsetting implementation costs for CaféTO, staff are seeking financial support from other levels of government.

In order to manage CaféTO in 2021, Transportation Services will need to reallocate staff resources within the existing complement and reassess divisional priorities. This is anticipated to impact advancement of the city wide parking strategy and some enforcement, operations, and maintenance activities.

The changing streetscape will require the adjustment and creation of new traffic plans for curb lane closure areas. A traffic services consultant needs to be retained to conduct this work, at an estimated cost of \$525,000. Transportation Services' Traffic Operations unit does not have program resources available for CaféTO in 2021 as all staff will have assumed their regular duties, most notably a return to the normal service standard for completing traffic studies for the 2021 program.

Municipal Licensing and Standards will manage the administrative aspects of the CaféTO program with the existing staffing complement. Economic Development and Culture will allocate an additional Economic Partnership Advisor within the current staffing complement to provide additional support to BIA coordinators.

Public Survey

A public survey about CaféTO was developed by Transportation Services in collaboration with Municipal Licensing and Standards. The purpose of the survey was to inform City staff on the program's value for both businesses and residents and gather feedback for future program enhancements. The survey ran from September 11 to October 31, 2020. The survey was shared via the City's social media, TABIA and individual BIA outreach channels, industry partners (Ontario Restaurant Hotel & Motel Association and Restaurants Canada), and emailed to all registered CaféTO participants. Over 200 decals with a URL and weblink advertising the survey were also placed on City sidewalks in areas with a high saturation of cafés.

In total there were 2,800 survey respondents comprised of restaurant and bar owner/operators and members of the public. Overall, 95% of respondents indicated a desire to see CaféTO operate in 2021.

Of operator respondents, 52% reported not having a patio prior to the pandemic and 66% said their restaurant would not have been financially viable without CaféTO.

Of responses by members of the public, 93% indicated feeling safe with the available measures being used to prevent the spread of COVID-19. 88% were in support of extended sidewalk and curb lane cafés being allowed in the City even after the pandemic has passed.

The results of the survey are further detailed in Attachment 3.

Future Considerations

The restaurant industry will continue to face unprecedented impacts resulting from pandemic restrictions and public health requirements throughout 2021, and reprising the CaféTO program will provide participants with an opportunity to generate much needed revenue derived from an increase in outdoor dining space while providing Toronto residents with the opportunity to support local business in a safe environment. Staff are exploring existing data sources to identify readily available measures to quantify economic impacts of CaféTO.

There are several important considerations that may impact the way that CaféTO operates going forward for some program participants depending on their physical location in the city.

An immediate concern relates to the delay of construction projects in 2020 to accommodate curb lane cafés. In 2021, café operations may be impacted in some areas due to scheduled construction work.

Additionally, the provisions of Chapter 742 do not permit curb lane cafés in locations with a parking prohibition. 75% of all curb lane closure areas permitted under CaféTO in 2020 were located in an area where parking is restricted at some point during the day, primarily in rush hour lanes. As such, parking prohibitions in specific locations as well as applicable fees and other program requirements, may prohibit or cause difficulties for some operators under future iterations of the CaféTO program. Given this, a caution must be raised for operators that may wish to invest in the financial resources required to install a deck or platform in the curb lane this year as the program parameters for future years will not be contemplated until later in 2021.

In order to better inform any modifications to Chapter 742 that may be necessary to continue the CaféTO program in 2022 and beyond, staff will conduct a traffic study between June and September 2021 that will consider the impact that cafés have on traffic flow, particularly those located on major transit routes and arterial roads. Staff will report back to Executive Committee in Q4 2021 on the feasibility of continuing the CaféTO program based on information gathered during 2021, including a request for an appropriate staffing complement should the program become permanent, a proposed financial model including program fees, feedback from the accessibility community and any proposed changes to Chapter 742.

CONTACT

Elyse Parker
Director, Policy & Innovation
Transportation Services
Tel: 416-338-2432
Email: Elyse.Parker@toronto.ca

Fiona Chapman
Director, Business Licensing and
Regulatory Services
Municipal Licensing & Standards
Tel: 416-392-3070
Email: Fiona.Chapman@toronto.ca

Mike Major
Manager, Business Improvement Areas
Economic Development & Culture
Tel: 416-392-0623
Email: Mike.Major@toronto.ca

SIGNATURE

Barbara Gray
General Manager, Transportation Services

Carleton Grant
Executive Director, Municipal Licensing and Standards

Patrick Tobin
Acting General Manager, Economic Development and Culture

ATTACHMENTS

Attachment 1 - CurbTO Installations by Ward

Attachment 2 - CaféTO Participation by Ward

Attachment 3 - CaféTO Public Survey Result Summary