

CaféTO 2023 and Beyond

Date: January 17, 2023

To: Executive Committee

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

Wards: All

SUMMARY

The CaféTO program has provided financial, administrative and technical assistance to Toronto restaurant and bar operators and has been a key economic recovery support program for an industry adversely impacted by COVID-19. The sudden proliferation of on-street outdoor dining opportunities has had a transformational effect on streets across North America. The Toronto context is noteworthy given the involvement of the municipality in taking the lead operational role in procuring equipment and installing safe curb lane closure areas for restaurants. To provide the maximum level of economic support to the restaurant industry during the COVID-19 pandemic, between 2020 and 2022 the City absorbed all operational costs associated with the delivery of the CaféTO program, and waived all café permit, transfer and application fees.

In late 2021, City Council approved a plan to transition many of CaféTO's temporary processes to permanent parameters through a phased approach beginning with a return to standard sidewalk café permits. City Council also provided additional direction to establish criteria for a permanent program for curb lane cafés.

This report recommends a return to the usual permit process for all café types with proposed amendments to the City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays that take into consideration the recent presence of on-street cafés city-wide, including ensuring critical safety, accessibility and aesthetic requirements into the future. This report also recommends updated fees be charged in 2023 and beyond for all café types, enabling the City to partially recover the costs associated with the delivery of the CaféTO program. Finally, this report outlines continued financial supports for business owner/operators and Business Improvement Areas (BIAs), and shares findings from a recent public survey and economic impact analysis.

Together, these recommendations aim to advance the transition of CaféTO from a temporary emergency response initiative for the hospitality sector into a sustainable program that makes Toronto's streets more attractive, safe and accessible; supports the needs of both café operators and other businesses; and balances diverse uses of the right of way and curbside area.

RECOMMENDATIONS

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

1. City Council amend City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, as follows:

a. Replace the words "parklet café" with "curb lane café" throughout the Chapter and amend section 742-1.1 by deleting the definition for parklet café and inserting a new definition for curb lane café, in alphabetical order, to read as follows:

"CURB LANE CAFÉ - A sidewalk café that is a temporary lateral projection into the curb lane, parking lane, designated lane for bicycles or cycle track of a street."

b. Amend Section 742-3.2 A (3) by inserting the word "Metrolinx" after the words "Toronto Hydro".

c. Amend Section 742-7.2 by adding the phrase "and in no case wider than 2.0 metres".

d. Amend Section 742-9.4:

A. to remove the requirement for a letter of consent from adjacent property owner or occupants when a curb lane café applicant or permit holder wishes to extend beyond their frontage; and instead add a clause that despite Subsections A to E, the Executive Director may allow a permit area for a curb lane café to extend across the curb lane or parking area of an adjacent property where approved by the General Manager Transportation Services and the General Manager Economic Development and Culture through the pilot program described in Subsection B.

B. To authorize the General Manager, Transportation Services and General Manager, Economic Development and Culture to establish a pilot program from February 15, 2023 to October 15, 2024, inclusive, to allow for the expansion of curb lane café permit areas in front of a neighbouring property in a Business Improvement Area. In establishing the pilot program, the General Managers shall:

1. Determine which Business Improvement Area(s) a permit area must be in to be eligible for participation in the pilot program.

2. Establish appropriate guidelines for review and approval of expansion requests by the General Managers, including:

- i. A requirement for the requested expansion area to be within and in accordance with a street plan prepared by the local BIA and approved by the City; and
- ii. Requiring permit holders to otherwise be in compliance with Chapter 742.

3. Define location, size and length requirements for expansion areas, having regard to:

- i. Balancing multiple uses of the highway;
- ii. The number of contiguous and/or adjacent permit areas;
- iii. The nature of the use of the neighbouring properties; and
- iv. Applicable traffic safety and accessibility requirements.

e. Amend Section 742-9.5 B to read as follows:

"All curbside café and marketing display permit holders with permit areas not located against the building wall of the associated establishment shall remove all elements including fencing from the permit area, at the sole expense of the permit holder, from November 15 of one year to April 14 of the next year, inclusive."

f. Insert a new Section in Section 742-9.5 C to read as follows:

"All curb lane café and public parklet permit holders shall remove all elements including fencing from the permit area, at the sole expense of the permit holder, from October 15 of one year to May 14 of the next year, inclusive."

g. Amend Section 742-9.7 A (3) to remove the specific removal date requirements for café lighting so that it now reads:

"Is removed in accordance with this Chapter, unless the frontage café or marketing display is permitted to remain on a sidewalk year-round"

h. Amend Sections 742-1.1 and 742-9.9 to permit amplified live music on cafés as follows:

A. by inserting a new definition of "amplified live music performance", in alphabetical order, to read as follows:

AMPLIFIED LIVE MUSIC PERFORMANCE – A live performance for an audience by an individual musical artist or group of musical artists on physical or digital instruments, but excludes the playback of any recorded music without the active use of an instrument.

B. Replace 742-9.9C with the following:

"C. Despite Subsection A, amplified sound on a sidewalk café is permitted if:

1. the amplified sound is an amplified live music performance;
2. the amplified live music performance occurs only between the hours of:
 - i. 5:00 p.m. to 10:00 p.m. on Thursday or Friday;
 - ii. noon to 10:00 p.m. on Saturday; or
 - iii. noon to 6:00 p.m. on Sunday;
3. the permit area is not located on a local road;
4. the permit holder has not been convicted of an offence under the Toronto Municipal Code or provincial legislation in the previous 12 months; and
5. the permit holder complies with Chapter 591, Noise, at all times."

i. Amend Section 742-10.2, as follows:

A. by deleting Section 742-10.2A (2), "does not result in more than 12 metres of curbside café(s), parklet café(s) and/or public parklet(s) fronting along any block of a street";

B. by deleting Section 742-10.2A (3), "provides access between adjacent curbside cafés or parklets for pedestrians from the street to the property line that is unobstructed and at least 1.8 metres in width";

C. by inserting in Section 742-10.2A that curbside cafés, curb lane cafés and public parklets not be in a location that interferes with a designated parking space under Municipal Code Chapter 903, Parking for Persons with Disabilities, local roads within a permit parking area, passenger loading, bus parking, bus loading, school bus loading, delivery vehicle parking, commercial loading, car-share vehicle parking areas, electric vehicle charging station parking, reserved lanes for designated classes of vehicles, or a portion of the highway designated as parking for restricted periods where the maximum period permitted is 30 minutes or less; and

D. by inserting in Section 742-10.2A (9) the phrase "or separation distances provided in prior written approval given by the relevant utility or service." after the phrase "by the General Manager".

j. Amend Section 742-10.3B to update the fencing requirements around curbside cafés to read as follows:

"Permit holders shall ensure that all curbside cafés have full perimeter fencing or cane-detectable planters for the visually-impaired, with gaps only for accessible entrances".

k. Amend Section 742-10.4 as follows:

A. by deleting Section 742-10.4 A (1), "only within parking spaces where there are no restrictions or prohibitions for parking, standing or stopping in effect at any time of day";

B. by inserting in Section 742-10.4A "on only major arterial, minor arterial, collector or local road";

C. by deleting Section 742-10.4 A (7), "no wider than 2.0 metres in depth";

D. Amend the setback requirements in Section 742-10.4 A (8) to provide for a minimum 1.5 metre set back from the adjacent travel lane on a street with streetcar tracks; or 1.2 metres on all other streets; or a greater setback as determined by the General Manager, Transportation Services, if considered on a street where posted and operating speeds are greater than 40 km/hr";

E. by inserting in Section 742-10.4 B "include at least one 1.0-metre wide access point for every curb lane café and public parklet, an access point for every 15 metres of continuous fixed vertical barrier, and any other access points required by the General Manager, Transportation Services to ensure unobstructed street level building emergency access;

F. Amending Section 742-10.4 B to provide that a curb lane café or public parklet is prohibited from obstructing a fire hydrant.

I. Amend Section 742-10.6 A as follows:

A. by inserting "and a minimum height of 1.5 metres" in subsection (1);

B. by amending subsection (2) so it includes the phrase "obstructs or obscures a building entrance" prior to the phrase "traffic control sign".

m. Replace Section 742-10.7 D (1) with "easily removable and located along the full perimeter of the permit area with gaps only for accessible entrances".

n. Amend Section 742-10.7 D (5) by inserting, "(c) a solid base that extends to or rests on the surface of the sidewalk with no gap".

o. Amend Section 742-10.12 as follows:

A. by deleting in Section 742-10.12 B the phrase "on a local road".

B. by inserting in Section 742-10.12 C "not exceed a height of 0.6 metres measured from the surface of the sidewalk".

p. Add a new Section 742-10.13 that:

A. prohibits an associated establishment from having both a sidewalk café on a local road and a curb lane café on a different street;

B. prohibits an associated establishment from having more than one curb lane café permit area.

q. Amend Section 742-11.1 to:

A. Clarify that all wheeled displays and units must be equipped with a wheel-locking mechanism, or other provision to restrict the movement of the wheeled display or display unit.

B. Update the requirements in 742-11.1 A (8) for screens or fencing of marketing display areas, so that any screens or fencing in a permit area are:

"(a) No shorter than 0.9 metres and no taller than 1.2 metres for the height of the top rail of the fence or top of the opaque part of planters and plants;

(b) No taller than 0.9 metres in height for all opaque parts of the fence or planters with plants within 30 metres of any intersection to maintain sightlines"

C. remove the requirements for suitable and uniform materials of screens or fencing around marketing displays.

r. Amend Section 742-14.3 to add the following:

Where an order has been made under this section and a person or permit holder fails to comply with the order, that person or permit holder shall pay an inspection fee for each inspection conducted by the City subsequent to the order where the non-compliance is continued to be found.

s. Amend Appendix B to state that there shall only be one City-wide zone for all permits.

t. Add a new Appendix C, Utility and Infrastructure Clearances to indicate minimum separation distances to utilities or public infrastructure with the content set out in Attachment 6 of this report.

2. City Council amend City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C, Schedule 2 and Schedule 12, and Appendix E Schedule 1 by revising the permit fees for sidewalk cafés, curb lane cafés, marketing displays and adding new fees for patios in hardscaped parks and inspection fees in accordance with Attachment 4 to the report (January 17, 2023) from the General Manager, Transportation Services, Executive Director, Municipal Licensing and Standards and General Manager, Economic Development and Culture.

3. City Council waive the application fee required under Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, and Municipal Code Chapter 441, Fees and Charges, for any application for a public parklet received in the 2023 calendar year.

4. City Council amend section 937-3.13 of City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, by deleting the phrase "214 consecutive days from

April 15 of one year to November 15 of that same year as required for the purposes of permitting parklet cafés" and insert the phrase "153 consecutive days from May 15 of one year to October 15 of that same year as required for the purposes of permitting curb lane cafés".

5. City Council direct that the amendments to City of Toronto Municipal Code Chapters 441, Fees and Charges, 742, Sidewalk Cafés, Parklets and Marketing Displays and 937, Temporary Closing of Highways, come into effect immediately.

6. City Council authorize the General Manager, Economic Development and Culture to administer funding through the CaféTO BIA grant to Business Improvement Areas to cover 50% of costs, to a maximum of \$5,000 per BIA, for plants, soil, other materials, watering services, and maintenance costs for planters as well as equipment, furniture, temporary platforms and other materials for public parklets and customized BIA design plans for individual curb lane café alignments.

7. City Council direct the General Manager, Transportation Services and General Manager, Economic Development and Culture to report on the pilot program in Part 1 d, above, to the relevant committee with data and results of the pilot following the 2024 CaféTO season.

8. 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 in consultation with the General Manager, Transportation Services, Executive Director, Municipal Licensing and Standards, or the General Manager, Economic Development and Culture or in order to give effect to Parts 1 to 5 above.

FINANCIAL IMPACT

Municipal Licensing and Standards

This report proposes changes to the sidewalk café permit fee structure to harmonize sidewalk café permit fees to \$44.14 per m² across the City. With this change, the 493 sidewalk cafés expected to be permitted in 2023 are projected to result in revenues of \$642,860 for 2023.

This report also proposes changes to the marketing display permit fee structure to harmonize permit fees to \$40.57 per m² across the City. With this change, the 121 marketing displays expected to be permitted in 2023 are projected to result in total revenues of \$89,518 for 2023.

The proposed changes in this report to the location and placement criteria for curb lane cafés will allow for a greater uptake of curb lane cafés in 2023 than originally anticipated when Chapter 742 was first adopted in 2019. With the reintroduction of application fees in 2023, it is anticipated that there will be 400 applications for new curb lane cafés, with an additional projected 2023 revenue of \$346,000.

Economic Development and Culture

Economic Development and Culture (EDC) is projected to spend \$389,600 in 2023. The continuation of the CaféTO program requires two (2) temporary positions to support the program and has been included in the 2023 Operating Base Budget submission for Economic Development and Culture.

The BIA CaféTO grant program for planter maintenance and curb lane closure design will continue in 2023 and has been included in the 2023 Operating Base Budget submission for Economic Development and Culture.

Additionally, for 2023, EDC will continue to offer the CaféTO Property Improvement Program grant, fully funded by the Federal Economic Development Agency for South Ontario as part of its support for the Toronto Main Street Recovery and Rebuild Initiative (MRRRI). Funding for this program is included the 2023 Operating Base Budget submission for Economic Development and Culture.

Transportation Services

The recommendations in this staff report from the curb lane fees will result in \$1,980,407 in additional revenue in the 2023 Operating Budget for Transportation Services.

Parks, Forestry and Recreation

Parks, Forestry and Recreation (PFR) is proposing that applicable fees for Patios on Hard Surfaced Park Spaces be added as a permit fee under Chapter 441. The proposed fee structures are aligned with the sidewalk café permit fee structure and based on market analysis and full cost recovery as outlined in Attachment 4 of this report. It is anticipated that these new fees, upon Council approval, will be charged commencing for the 2023 season. PFR will monitor the uptake of these new fees in 2023 and adjust future operating budget to align with the fee revenue, if materialized.

The financial impacts noted above will be processed as part of an in-year budget adjustment in 2023. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council, at its meeting of June 15 and 16, 2022, requested the General Manager, Transportation Services to develop design guidelines for CaféTO installations that will help create a beautiful streetscape that is safe and accessible.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.MM45.28>

City Council, at its meeting of April 6 and 7, 2022, requested the General Manager, Transportation Services, to facilitate CaféTO applications adjacent to raised cycle tracks in 2023. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.IE28.7>

City Council, at its meeting of April 6 and 7, 2022, extended the Amplified Music on Patios pilot project to include Ward 4, 9, 10, 11, 13, 14, 19 and 21.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EC28.2>

City Council, at its meeting of March 9, 2022, extended the temporary use zoning by-law easing restrictions associated with eating establishments, take-out eating establishments and recreation uses to permit outdoor patios on private property, under certain conditions to December 31, 2023.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH31.8>

City Council, at its meeting of November 9, 10 and 12, 2021, made the CaféTO program permanent, with a request to report back the first quarter of 2023 to establish criteria for curb lane/parklet cafés.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX27.10>

City Council, at its meeting of October 1 and 4, 2021, approved a new Community Improvement Plan which established the Commercial and Industrial Property Improvement Program, the initial instance of which allows for the implementation of the CaféTO Property Improvement Program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH26.1>

City Council, at its meeting of February 2, 3 and 5, 2021, approved an enhanced CaféTO program for expanded outdoor dining in the public right-of-way until April 14, 2022.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX20.6>

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>

City Council, at its meeting of March 27 and 28, 2019 adopted a harmonized by-law for outdoor dining and marketing in the Right-of-Way, establishing Toronto Municipal Code Chapter 742, Sidewalk Cafés, Public Parklets and Marketing Displays.

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

COMMENTS

CaféTO was introduced in 2020 as a temporary program to support restaurants and bars impacted by COVID-19. During the first three years of the program, the City waived application, transfer and permit fees for this use of the Right of Way (ROW). In addition to forgoing fee revenues, the City also enabled participation in the temporary program by developing site-specific traffic plans and placing and removing safety equipment for curb lane café closure areas. Comprehensive program support was provided with dedicated staff across the three partner divisions of Economic Development and Culture (EDC), Municipal Licensing and Standards (MLS) and Transportation Services.

Many long-term benefits resulted from the quick-start nature of the temporary CaféTO program, including streamlining administration and approval processes for outdoor dining permissions. Staff adopted extensive communication strategies and plans with

the intent to provide comprehensive educational material to café operators about the importance of safety and accessibility requirements. Building on this success, Council authorized amendments in 2021 that simplified the application process for sidewalk café permits, resulting in the issuance of 96 new sidewalk café permits in 2022.

The temporary approval process for parklet cafés, now referred to as curb lane cafés, have remained unchanged since the program's launch in June 2020. In 2022, staff assessed several aspects of curb lane cafés operations including, but not limited to: program costs, safety, accessibility, traffic impacts, built structures, appropriate fees for ROW use, economic impact, and general public opinion about the program.

Based on this assessment, as detailed below, staff recommend that curb lane cafés return to being regulated by the standard processes contained in Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays ("Chapter 742"), with a series of proposed modifications, along with charging fees for the use of public property. This proposed approach will ensure restaurant and bar owners co-invest with the City in their curb lane café installations; promote safety and accessibility; and support a more balanced, active use of valuable ROW curb lane space.

History of Outdoor Dining Opportunities in Toronto

Outdoor dining has long been a part of Toronto's vibrant retail main streets, including on both public and private property. Between 2017 and 2019, significant public consultation and stakeholder engagement resulted in the Council approval of Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays ("Chapter 742"), a harmonized bylaw and fee schedule intended to foster a progressive business climate and ensure consistent application, processing and enforcement standards were applied across the city. Chapter 742 created new café location possibilities including curb lane cafés, curbside cafés located in the furnishing zone of the sidewalk, and two new "as-of-right" small-scale sidewalk café types that do not require a permit from the City. Chapter 742 contains strict accessibility regulations designed to reflect the current needs of the general public and relevant accessibility legislation.

Chapter 742 came into force in September 2019 and staff were preparing for an influx of applications in time for the 2020 café season when the pandemic began. In response to pandemic related restrictions on indoor dining, staff proposed that Council approve the creation of a temporary CaféTO program and accompanying guidelines, which bypassed certain elements of Chapter 742 in order to quickly expand available outdoor dining space in the ROW. The key allowances included:

- Streamlined application processes which did not require site plans or drawings of proposed café areas and removed the ability of individuals other than City staff or utility entities to stop an application by objecting to it;
- Allowing curb lane cafés to be in areas with parking restrictions, as long as safety criteria were met;
- Pausing the requirement for operators to provide their own café set-out materials, including temporary platforms, fencing and safety equipment;

- The City providing services related to traffic safety plans and the equipment required to safely close live lanes of traffic, which was never previously contemplated to be a City-provided activity; and
- Waiving all application, transfer and permit fees.

To date, the mandate and full focus of the CaféTO program has been to offer support to the restaurant industry to assist with guiding operators through extraordinary times. The program also provided an exceptional test ground of Council's 2019 adoption of Chapter 742. The recommended return to some existing regulations in the bylaw along with other proposed amendments based on new learnings are designed to retain the vibrancy CaféTO has created while simultaneously restoring balance to city streets and establishing a sustainable level of City support to the restaurant industry.

This report proposes utilizing the underlying regulatory processes and requirements for all cafés types which maintain safety and accessibility requirements that were extensively consulted on with the business, resident and accessibility communities in 2019 and through ongoing outreach via public surveys, working with local BIAs and direct communications from program participants and Torontonians since 2020. This report proposes amendments to Chapter 742 to reflect the transformative and supportive nature of CaféTO, including a response to existing Council direction to establish criteria for a permanent program for curb lane cafés.

2022 CaféTO Participation and Use of Space

In 2022, the City issued 837 approvals for individual businesses to operate curb lane cafés, resulting in approximately 15,000 metres of closed curb lanes. Additionally, 96 new sidewalk café permits were issued in 2022 for a total of 493 such permits city-wide. To address requests received from local business operators and residents to achieve more balance in curbside uses, 26 temporary loading zones and 12 bicycle parking racks were deployed in the vicinity of saturated café areas. Attachment 1 provides details on the number of 2022 sidewalk and curb lane cafés by ward.

In response to public feedback regarding the negative appearance of unused curb lane café spaces, Council requested that staff implement an operational policy to ensure operators made noticeable and sustained use of their assigned space or face removal of their café area. The Use of Space policy implemented for the 2022 CaféTO season required café operators to:

- Occupy and use their café area within the first 30 days of installation;
- Consistently use their café area regularly throughout any given 30 day period during the café season; and
- Operate their café during at least one meal service a day, a minimum of three times a week.

Enforcement action related to the Use of Space policy in 2022 was required for 165 café areas. Through this enforcement activity, it became apparent that some CaféTO participants applied for curb lane café permits to safeguard against a return to public health restrictions on indoor dining but ultimately did not either activate or make full use of their permitted spaces. Additional outreach to operators that had 'stand-alone' cafés

(e.g. not physically adjacent to other curbside cafés, therefore not requiring additional safety equipment relocations) were approached for early removal if their cafés were not in use. In total, safety equipment was removed for 106 cafés that were deemed to be not in use or requested early removal. Observations from staff indicated that only 50-60% of the remaining cafés were intensively utilized.

It is not anticipated that continued enforcement of the Use of Space policy will be required in the future given the proposed return to fees and operator investment in their permit areas (e.g. building a temporary platform) that will clearly illustrate that they are in use. The increase in curbside cafés and their appropriate use has identified a lack of ability to charge an inspection fee for repeat visits to non-compliant operators. A new fee is proposed to be added to Chapter 441 for re-inspection purposes when an enforcement officer is required to issue a second or subsequent notice to a permit holder when they do not comply with an initial notice. The new proposed fee aligns with existing charges for ROW inspection fees.

Proposed Modifications to Chapter 742

The temporary CaféTO program has been governed through a combination of existing Chapter 742 regulations and temporary guidelines established in the CaféTO Guidebook. The transition of CaféTO from an emergency response initiative to a standard and consistent curbside café program is contingent upon three key elements:

- Requiring all café operators to build a temporary accessible platform and fencing for their café area, along with other operational adjustments to address mobility and other ROW needs;
- Aligning café areas with the frontage of the establishment, with options for expansion; and
- A return to fees for the use of the ROW.

This section of the report details the rationale for these elements based upon the key learnings of the temporary CaféTO program. Additional information pertaining to proposed modifications to Chapter 742 that will improve safety, mobility and program aesthetics and align Chapter 742 with the temporary conditions established by CaféTO are detailed in Attachment 2 (Recommended Amendments to Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays) and Attachment 3 (Proposed Technical Amendments to Chapter 742).

Return to the Requirement for Temporary Platforms in Curbside Cafés

For 2023 and beyond, it is essential that all café spaces in the ROW are made fully accessible in order to meet the City's accessibility objectives and ensure all Torontonians can equitably access the city's ROW. Installing a temporary platform level with the sidewalk addresses a key barrier to equitable program access by implementing a design solution that improves accessibility and navigability of curbside cafés for various users and is the only way that accessibility can be completely achieved for this café type. Temporary platforms also have the benefit of addressing the concerns received about the design and aesthetic qualities of curbside cafés from Council and the general public.

In 2020, staff resources did not allow for site plan reviews or inspections of temporary platforms or decks in curb lanes. As a result, temporary platforms or decks were not permitted. To address accessibility requirements, the City poured temporary asphalt ramps into curb lane café areas. In 2021 and 2022, operators were permitted to construct temporary platforms provided that signed and stamped drawings by at minimum a BCIN licensed designer were submitted to city staff, who reviewed the drawings and inspected individual locations prior to approving an application. 55 restaurant operators were approved to construct a temporary accessible platform in their curb lane café areas in 2022.

For 2022, staff received significant feedback from restaurant operators and BIAs that they wished to have more flexibility in the placement of temporary ramps in their café permit areas. In response, the City stopped the practice of providing temporary asphalt ramps and advised restaurant operators that they must provide their own accessible access into their café areas through the provision of a temporary platform or a temporary ramp which had to be deployed whenever the restaurant was open and operating. A substantial amount of enforcement resources were needed to monitor the appropriate deployment of temporary ramps as they were not always made readily available in all instances.

In 2022, City Council directed staff to identify requirements to ensure that curb lane café spaces are accessible and aesthetically pleasing. This report recommends returning to the Chapter 742 requirement of operator-installed temporary platforms for curb lane cafés. Requiring operators to submit drawings and construct temporary platforms will make all curb lane cafés accessible and remove the requirement for construction materials setting out the lateral edge of the café area. This requirement will also:

- Support the long-term success of the program by ensuring aesthetic improvements and appropriate streetscape and neighbourhood integration;
- Encourage thoughtful investment from operators into the design and integrity of their curb lane café and reduce the appearance that café spaces are not being used;
- Improve safety for cyclists and other road users by eliminating moveable equipment on the roadway (e.g. candlestick pylons and freehold fencing) which is especially critical on streetcar routes;
- Offer an increased sense of comfort for patrons while dining on the roadway; and
- Minimize enforcement resources throughout the dining season.

In November 2021, a staff report to Council acknowledged that continuing to allow temporary ramps was a transitory solution only and the mandate in Chapter 742 to construction a platform on a curb lane café would be reinstated in future years. Given the transition to a standard permit program and the benefits listed above, it is necessary to return to the requirement for operators to build a temporary platform in 2023. To date, there has been an expected level of hesitancy from restaurant operators to invest in re-useable temporary platforms without the promise of permanent permits. Given the transition to annual permit renewals, staff anticipate an increased desire from café operators to upgrade their café spaces and invest in their local streetscapes. Returning to the requirement for operators to install temporary platforms is the best design

guideline available to beautify streetscapes while ensuring the CaféTO program achieves universal accessibility.

To assist with this transition for operators, temporary platform design support will be provided through the provision of platform templates that can be downloaded and customized to fit individual curb lane café permit areas.

Curb Lane Café Alignment

It is critical for all existing and potential business operators to have a consistent understanding of the potential for ROW space to be used for café operations. Following Council direction, a review of curb lane café alignment policies was undertaken. Among other factors, this review considered the return to pre-pandemic indoor dining capacities; demands on the curbside for other functions; Wheel-Trans and parking; the potential for inter-business conflicts; community feedback; and best practices in other jurisdictions.

Prior to the temporary CaféTO program, a letter of consent from the adjacent property owner was required if a permit holder wished to extend a curb lane café permit area in front of a neighbouring property. In response to the length and severity of indoor dining capacity restrictions, the City worked with local BIAs to provide opportunities for expanded curb lane spaces to be made available to restaurants, enabling cafés to extend beyond the frontage of their own establishment in some cases without following the letter of consent process.

Analogous to sidewalk café requirements, it is recommended that the length of a curb lane café be aligned directly with the business' frontage and that the provision in Chapter 742 allowing for expansion of a curb lane café beyond the business' frontage with a letter of consent from adjacent property owner or occupants be removed.

At the same time, recognizing the unique character and importance of vibrant, restaurant-rich streets, this report recommends that opportunities for expansion of a curb lane café beyond the business' own frontage be made available for businesses participating in a new CaféTO Curb Lane Pilot Program to be implemented in 2023 and 2024 in partnership with local BIAs.

This pilot will aim to develop an approach that:

- Simplifies requirements for potential participants and the curb lane space allocation process;
- Provides a consistent, equitable and coordinated understanding of potential café set-outs now and in the future for existing and prospective business operators;
- Balances competing curbside uses by recalibrating available space for cafés;
- Addresses feedback received from the public about underutilized curb lane café space; and
- Will reduce inter-business conflict by providing a more objective and consistent approach to curb lane café space allocation.

CaféTO Curb Lane Pilot Program

In Toronto, vibrant and attractive main streets are supported by a range of animation and beautification efforts undertaken by local businesses, BIAs and the City, often working in partnership with one another. The proposed CaféTO Curb Lane Pilot Program builds on this understanding and aligns with the mandate of BIAs under Municipal Code Chapter 19, which identifies overseeing the improvement, beautification and maintenance of municipally-owned land beyond City standard levels as a core BIA purpose.

This pilot will enable the City to:

- Test concepts such as ‘block planning’ and other criteria that could trigger the opportunity for a local organization to animate and revitalize their main streets;
- Test operational capacity and validate resource requirements prior to any broader roll out across Toronto; and
- Provide some businesses with the opportunity to expand their café permit areas beyond their own establishment's frontage over the next two CaféTO seasons.

Hyperlocal knowledge from BIAs makes them well-positioned to work with the City and business operators to provide local, tailored curb lane solutions for cafés on main streets and to test how and where establishments may expand curb lane cafés beyond their frontage.

In recent engagement, certain BIAs indicated a strong desire to take a lead role in designing curb lane closures. It is recognized, however, that developing customized approaches to curb lane closures can be a resource-intensive process for all parties concerned, including City staff. Accordingly, the proposed CaféTO Curb Lane Pilot Program would allow the General Managers of Transportation Services and Economic Development and Culture to set clear timelines, criteria and other requirements for BIA participation in the pilot.

A process will be developed to review and approve BIA eligibility for participation in the pilot program, including the following criteria:

- Strict adherence to program timelines;
- A motion from the BIA Board of Directors to participate in the pilot;
- Demonstrated operational capacity and readiness;
- A commitment to collecting ongoing qualitative and quantitative data and metrics; and
- A signed Letter of Understanding with the City of Toronto.

Additional criteria for participation in the pilot program may include:

- Representation of BIAs from across Toronto, including the downtown core and outer zones;
- Number of contiguous and/or adjacent businesses participating in the program;
- Previous participation by BIA members in CaféTO; and

- Other criteria to be determined by General Manager of Transportation Services and General Manager of Economic Development and Culture.

Results from this two year pilot will be used to inform future recommendations to Council regarding customized curb lane closures and the allocation of curb lane café space beyond an establishment's frontage. Through this pilot, data will be gathered on participation rates; the number and type of issues raised through the program; the economic impact on businesses; feedback from participating BIAs and businesses; and operational impacts, costs and benefits.

Fees and Program Costs

2022 Program Costs

CaféTO resulted in a total financial impact of \$5,654,534 on MLS, EDC and Transportation Services in 2022. This financial impact includes direct and in-kind expenditures. Table 1 details the program costs for CaféTO in 2022.

Table 1 – CaféTO 2022 Program Costs

Division	Item	Expense
Economic Development and Culture	Salary and Benefits	\$123,000
	Grants to BIAs	\$121,000
Municipal Licensing and Standards	Salary and Benefits	\$510,000
Transportation Services	Salary and Benefits (including overtime)	\$2,560,650
	Traffic Engineering Consultant	\$623,319
	Operational Materials	\$1,111,529
	Contracted Services	\$604,856
Total		\$5,654,354

Forgone Revenue

To support restaurants and bars impacted by COVID-19, City Council authorized the waiver of all existing sidewalk café permit fees, resulting in forgone revenue of \$815,000 for Municipal Licensing and Standards in 2022.

In 2022, the Toronto Parking Authority reported forgone revenue of an estimated \$2,370,000 due to the temporary removal of 1,897 pay and display parking spaces for curb lane cafés.

2023 Program Costs

It is anticipated that CaféTO will result in an estimated financial impact of \$4,385,791 on MLS, EDC and Transportation Services in 2023. This financial impact includes direct and in-kind expenditures. Table 2 details the estimated program costs for CaféTO in 2023.

Table 2 – Estimated CaféTO 2023 Program Costs

Division	Item	Expense
Economic Development and Culture (EDC)	Salary and Benefits	\$253,600
	Grants to BIAs	\$136,000
Municipal Licensing and Standards (MLS)	Salary and benefits	\$510,000
Transportation Services	Salary and Benefits, contracted services, and materials	\$3,486,191
Total		\$4,385,791

Fee Background

In 2019, the adoption of Chapter 742 resulted in a restructured café fee model focused on central and outer geographic zones. The café fees adopted in 2019 can be found in Table 3 below. These fees came into effect in September 2019 for the expected 2020 café season but were not collected due to the onset of the pandemic.

Table 3 - 2019 Chapter 742 Permit and Application Fees

Zone Location	Café Type	Annual Permit Fee	One-Time Application Fee	One-Time Transfer Fee
Central	Sidewalk Café	\$88.31 per m ²	\$865	\$676.27
	Curb Lane/ Parklet Café	\$1,093 per parking space per month	\$865	\$676.27
Outer	Sidewalk Café	\$44.14 per m ²	\$865	\$676.27

Zone Location	Café Type	Annual Permit Fee	One-Time Application Fee	One-Time Transfer Fee
	Curb Lane/ Parklet Café	\$683 per parking space per month	\$865	\$676.27

Introduction of Fees in 2023

Between 2020, and 2022, as part of the temporary CaféTO program's on-going support to the hospitality industry, City Council waived permit and application fees for outdoor dining in the ROW. These fee waivers represented a significant financial support for the hospitality industry, equating to over \$2.3 million in subsidy by the City and \$6.8 million of forgone revenue by the Toronto Parking Authority between 2020 and 2022.

A return to the collection of application, transfer and permit fees is now recommended for all café types in 2023 in keeping with the standard practice of charging payments (e.g. rent) from commercial entities for the use of the public ROW. The revenue from these fees will partially fund the updated sidewalk and curb lane café programs. Based on the experience of other jurisdictions who have implemented fees for their pandemic response outdoor dining programs, the updated regulations and the introduction of fees are expected to affect program uptake - in some cases operators will opt to streamline their café permit areas while others may decline participation entirely.

The fees established for Chapter 742 in 2019 reflect dated assumptions of cost and market value. COVID-19 and the temporary CaféTO program have challenged many of these assumptions, introducing new operational pressures and staffing resources required to manage café permitting and set-outs. In 2021, City Council directed staff to review the fees for all permitted café types. Table 4 is a summary of the proposed fees and projected revenue for 2023 that reflect a combination of the original fee consultation for Chapter 742 and program implementation experience.

Table 4 - Proposed 2023 CaféTO Program Fees

Fee Type	Proposed Fee 2023	Projected 2023 Volume	Projected 2023 Revenue
Sidewalk Café Application Fee	\$865	75 Applications	\$64,875
Sidewalk Café Transfer Fee	\$676.27	10 Transfers	\$6,763
Sidewalk Café Annual Permit Fee	\$44.14 per m ² *	493 Cafés*	\$642,860
Curb Lane Café Application Fee	\$865	400 Applications	\$346,000

Fee Type	Proposed Fee 2023	Projected 2023 Volume	Projected 2023 Revenue
Curb Lane Café Annual Permit Fee	\$132.42 per m ²	400 Cafés	\$1,980,407
		Total Revenue	\$3,040,905

*includes legacy cafés with permit fees less than the full rates, phasing in to full fees by 2029

Application and Transfer Fees

Application and transfer fees are one-time costs borne by the operator at the time of application or transfer of the permit. These fees are designed to partially offset the costs of reviewing and processing new applications, including administrative intake, site plan review and circulation to partner divisions.

The application fee rate of \$865 and transfer fee rate of \$676.27 established in 2019 for both sidewalk cafés and curbside cafés remain consistent with the level of administrative work involved in processing applications. While CPI was added to the fees in 2021 and 2022, the collection of the fee was waived. It is proposed to remove the inflationary increases from the past 2 years and set the rate of application and transfer fees in 2023 to those adopted in 2019 to reduce the impact of the re-introduction of these fees on businesses. All operators applying for a curbside café permit in 2023 will be required to pay a one-time application fee.

Operators who apply for a curbside café in 2023 will be able to renew their permit in future years and the number of new curbside café applications and associated revenue is therefore expected to be lower in future years.

Sidewalk Café Permit Fees

Businesses are required to pay an annual fee for sidewalk café permits to use of public space for a commercial purpose. The revenue from these fees partially covers the costs associated with the enforcement and administration of sidewalk cafés.

The sidewalk café permit fees established in 2019, which were the result of significant public and industry consultation, have been used to determine the resumption of fees moving forward. It is recommended that annual permit fees for sidewalk cafés in 2023 be set at the same value of the lowest sidewalk café permit fee from 2019 or \$44.14 per m² of permitted space. An average sidewalk café is 32.83m² results in an annual permit fee cost of \$1,449.

Geographic Zones

In 2019, Chapter 742 harmonized seven different fee zones, each with a different fee rate, into two zones, a central zone and an outer zone. The fees for these zones were connected, with the outer zone fee being priced at half the price of the central zone fee.

No other permit or business licence that is issued by MLS has different fees based on the geographic location of the permitted area or business. Throughout the pandemic, the downtown core has been particularly affected by capacity restrictions and office closures. As of November 2022, pedestrian volumes downtown remain at 66 percent and office occupancy rates in the downtown core remain at 35 percent of pre-pandemic levels.¹ To further harmonize the bylaw, improve fairness and align with the fee structure of other permits and business licences, it is recommended to apply a single fee, regardless of geographic location for all permits regulated by Chapter 742, including sidewalk cafés and marketing displays in 2023.

Table 5 below shows the impact that removing the central zone sidewalk café and marketing display fees will have on program revenues.

Table 5 –Permit Fee Revenue – 2023

Permit Type	2023 Potential Revenue (Central/Outer Zone)	2023 Projected Revenue (Single Zone)	Reduction in Revenue
Sidewalk Café	\$826,301	\$642,860	\$183,441
Marketing Display	\$96,611	\$89,518	\$7,092

In 2019, City Council established a 15 percent fee discount for businesses located in the Kensington Market and any Neighbourhood Improvement Area. It is recommended that this discount be maintained to continue to support establishments serving these communities.

Legacy Permit Fees

As part of the establishment of Chapter 742 in 2019, all existing sidewalk café and marketing display permit holders had a planned incremental phase in for their fees, with the intention that all permit holders would pay full permit fees by 2029. No change to this approach is recommended. Should the proposal to remove the central permit fee zone be adopted, all legacy sidewalk cafés in the central zone will have their fees reduced to \$44.14 per m² and all marketing displays in the central zone will have their fees reduced to \$40.57 per m² in 2023.

Curb Lane Café Permit Fees

When Chapter 742 was introduced in 2019, curb lane cafés were intended to have their permit fee be based on the number of parking spaces occupied per month. CaféTO operations created an opportunity to harmonize curb lane cafés on a per square metre basis, similar to other café types.

¹ <https://srraresearch.org/covid/category/Occupancy%20Index>

As directed by Council, staff reviewed the curb lane café permit fee. The goals of the review were to:

- Ensure that the permit fee is set at a level that continues to allow participation in the program for restaurants across the city;
- Review other similar permit types to ensure the curb lane café fees applied are comparable;
- Restructure the curb lane café fees to be reflective of the operational costs required to install curb lane cafés; and
- Determine an appropriate level of cost recovery that helps fund the program but recognizes the public benefit of outdoor dining on vibrancy and streetscapes.

The proposed seasonal permit fee of \$132.42 per m² represents triple the rate of the sidewalk café permit fee. This fee is levied to operators for the use of the curb lane and represents a portion of the costs associated with the planning, installation, maintenance, enforcement and removal activities required for curb lane café operations. This fee is significantly lower than the 2019 curb lane fees and recognizes the community benefit, streetscape enhancement and vibrancy created by CaféTO. Curb lane café permits are proposed to be issued for a season, not on a monthly basis. To align with the removal of geographically-based zones for sidewalk café fees, it is proposed that the same permit fee apply to all curb lane cafés in the city.

Table 6 - Comparison of Average Permit Fee Cost - 2019 vs 2023 (proposed)

Location	2019 Fee for Average Curb Lane/Parklet Café*	Proposed 2023 Fee for Average Curb Lane Café*	% Reduction in Permit Fee Cost
Central	\$10,930	\$3,077	72%
Outer	\$6,830	\$3,077	55%

*assuming average 2022 curb lane café area of 23.27 m²

It is expected that the introduction of permit fees and required accessible platforms will reduce the overall uptake of curb lane cafés in the 2023 CaféTO program. Assuming a 50% reduction in participation occurs in Toronto, it is projected that curb lane café permit fees will generate \$1,980,407 in revenue under the proposed fee model. Taking all proposed 2023 café fees into account, the revenue generated will cover approximately 68% of the costs of the CaféTO program with the remainder recovered from the tax base.

Economic Impact and Support for Businesses

CaféTO continues to have a positive overall economic impact on main streets and participating business operators by allowing engaged operators to generate more revenue and offer increased seating options to customers during the summer months. A 2022 study commissioned by the Toronto Association of Business Improvement Areas

(TABIA) showed that CaféTO delivered more than \$203 million in economic benefit to Toronto.

Supporting Small Businesses

The CaféTO Property Improvement Program is a grant available to restaurant and bar operators for their outdoor patio spaces. Funded by the Government of Canada through the Federal Economic Development Agency for Southern Ontario (FedDev Ontario), the grant is part of the Toronto Main Street Recovery and Rebuild Initiative (MRRI). It covers half of the costs for eligible expenditures up to a maximum of \$5,000 based on a minimum of \$10,000 of improvements. An additional grant of up to \$2,500 is available for exterior accessibility improvements, including temporary platforms level with the sidewalk (for a total maximum grant of \$7,500 per operator). In 2022, the grant supported 89 operators with \$489,399 in funding for their outdoor patio spaces. Accessibility improvements were undertaken by 38 applicants, of which 19 installed temporary platforms. The average cost of those temporary platforms was approximately \$14,000. In 2023, at least \$500,000 will be made available through the CaféTO Property Improvement Program to support operators with the cost of installing a temporary platform.

Working in Partnership with Business Improvement Areas

BIAs have been valuable partners in the implementation of the CaféTO program. In 2022, 752 curbside cafés or approximately 90% of 2022 curbside cafés were located in a BIA catchment area. BIAs hold deep knowledge of their unique streetscape and are well suited to ensure the diverse needs of their member businesses are met.

In 2022, BIAs animated 43 public parklets with City-supplied furniture and curbside closure equipment. Some BIAs also provided plants and maintenance for their planters along their curbside café areas. To support this initiative, EDC provided a matching grant of up to \$5,000 per BIA to fund the cost of plants, soil, watering services, maintenance costs, furniture, ramps, and other materials for public parklets. In 2022, matching grants for this purpose totalling \$121,000 were issued to 32 BIAs. To continue to support the partnership with BIAs and further encourage street animation, Transportation Services is proposing to waive application fees for public parklets in 2023, with a view to remove the charge entirely from Chapter 441 in 2024.

CaféTO Operational Considerations

Safety

As part of CaféTO's commitment to continuous improvement regarding the safe integration of curbside cafés on Toronto streets, traffic safety equipment was significantly upgraded in 2022. The improved equipment types and traffic safety plans enhanced visual safety cues for road users and provided more robust treatments for vehicle attenuation purposes. Despite engineered traffic safety plans and safety equipment, café set-outs in the curbside lane are not without risk. Program staff were made aware of three vehicle incursions in a curbside café area in 2022, six in 2021 and four in 2020. Safety in the vicinity of curbside café areas is continually being reviewed. The

City will continue to install traffic safety equipment based on engineered traffic plans for individual café areas and it is expected that the return of temporary platforms on all curb lane cafés will help preserve the integrity and safety of the cycling setback.

Impact on Road Maintenance

Most of the work to install, maintain and remove curb lane cafés is completed by Transportation Services' Operations and Maintenance Unit with some contracted service support in specific areas. To meet the novel safety requirements that came with the introduction of expanded curb lane café locations, Transportation Services acquired the necessary equipment and used in-house labour to safely close curb lanes.

In 2022, approximately 49,325 labour hours were recorded for CaféTO installation, maintenance and removal work. As CaféTO activities were completed using existing in-house staffing complement levels, there was a direct impact on the ability of Operations and Maintenance staff to fulfill other operational objectives and service level commitments for activities like street sweeping, repairing potholes and other road maintenance obligations. This challenge was further compounded in 2022 by a number of front-line vacancies.

In 2023 and beyond, Transportation Services will continue to safely close curb lanes where café permits have been approved. It is anticipated that the expected reduction of total curb lane café permit holders, along with a decrease in staff vacancies, will allow the division to meet its other operational objectives in 2023. As a result, no changes are recommended to Operations and Maintenance current staff complement levels. Once participation levels in the CaféTO program normalize in 2023, staff will have a better understanding of divisional resource requirements and will submit any new funding requests as part of the regular budget process.

Capital work and coordination

The time period when curb lane cafés occupy streets is also a critical time for the construction community as essential state of good repair and infrastructure improvements are completed. In accordance with Chapter 742, operators must temporarily remove their café, at their expense, if it is determined that civil work must take place. In accordance with Chapter 742, any permit fees covering a period of disturbance where the café is required to be removed will be pro-rated to reflect the period where the permit area was not usable and that portion will be credited to the permit holder.

Prior to the installation of any curb lane cafés, long-term construction conflicts were identified and co-ordination occurred with the associated project owner. In most cases, the curb lane café may have been installed late or removed early to accommodate the civil work. In 2022, 20 applicants were denied a curb lane café due to long-term civil work and where there was no opportunity for a late installation or early removal.

Short-term work is generally maintenance work done by utilities on their infrastructure, lasting a few weeks at most. In these situations, conflicts cannot be identified early as short-term work tends to be associated with utility cut repairs, emergency repairs and

other work which do not have a long planning horizon. In situations where the project owner is required to displace the curb lane café to complete their work, it is incumbent on them to work with the impacted café operator directly.

Feedback from the construction community was generally positive but did note impacts relating to repair work deferrals. In 2023 and beyond, language around construction conflicts will be reinforced in the CaféTO Guidebook and on café permits.

Impacts on TTC Conventional and Wheel-Trans Services

The majority of curb lane cafés were located on main streets that provided TTC service, specifically along the downtown streetcar network. Curb lane cafés are generally located in areas that normally accommodate vehicle parking except during peak travel periods on Monday to Friday in some locations. The following impacts were provided by the TTC:

- Transit routes operating in mixed traffic experienced variation of headways (i.e. the time between vehicles), specifically the 501 Queen, 505 Dundas and 506 Carlton streetcar service; travel reliability was also impacted, specifically on the 511 Bathurst streetcar service;
- During state of good repairs to streetcar track and overhead wires, delays were experienced as a result of curb lane café conflicts; and
- Continuous curb lane cafés increased the walking distance for Wheel-Trans customers, as embarking and disembarking at the curbside from the point of service may not be immediately available.

Staff will continue to work with the TTC, including reviewing any areas where concerns about transit service reliability and accessibility are identified.

Mobility

Transportation Services completed an analysis of the traffic impacts around CaféTO installations in three different study areas² with high curb lane café concentrations: the downtown west end, the downtown east end and midtown west and reviewed travel times and traffic volumes before (April 2022) and after (June 2022) curb lane cafés were installed, compared to a wider downtown area.

Travel times can be affected by many factors including construction, changing seasons and the overall growth in traffic levels. Of particular note is that the City was still in

² The three study areas included:

- Downtown west end - major N/S and E/W streets in the area bounded by Roncesvalles Ave. in the West, Bloor St W in the North, Spadina Ave in the East and King St W to the South,
- Downtown east end - major N/S and E/W streets in the area bounded by Broadview Ave in the West, Mortimer Ave / Danforth Ave in the North, Victoria Park Ave in the East and Eastern Ave/Queen St. E to the South,
- Midtown west - major N/S and E/W streets in the area bounded by Runnymede Ave in the West, St Clair Ave W/Rogers Rd in the north, Bathurst St in the East and Bloor St W to the South.
- Control area - major N/S and E/W streets in the area bounded by South Kingsway / Jane St in the West, St Clair Ave in the North, Victoria Park in the East and Lake Ontario to the South.

"Modified Stage 2" of public health measures in April 2022, and the state of emergency and all COVID restrictions were lifted by June 2022. All changes measured are occurring against a backdrop of city-wide increasing vehicle travel times and congestion. While CaféTO installations have had a role in increasing vehicle travel times, it is not possible to isolate which changes are solely due to the presence of curb lane cafés in a given area.

Some observations include:

- Travel times increased from the baseline period to June 2022 across all time periods in all study areas and the wider control area due to increasing city-wide traffic levels.
- The downtown west end saw the most evidence of impact from cafés comparing the period directly before (April 2022) to the period after the cafés were installed (June 2022). Travel times increased by 9% in the downtown west during the PM peak compared to an increase of 6% in the wider control area, and travel times on weekends also increased more rapidly than the control area (3% vs 9% during the Saturday mid-day period).
- These travel time increases were seen during weekday afternoon peak periods and evenings, and were mostly concentrated in the westbound direction on east-west corridors (College St, Dundas St, Queen St and King St), as well as on Roncesvalles Ave. where travel times increased by 10-15% across several corridors.
- The other two study areas did not show any evidence of impact from cafés, the downtown east study area saw less increase in travel time compared to the wider control area and the midtown west area saw increases equivalent to the control area.
- A multi-modal analysis looked at total travellers crossing east-west over Bathurst St by car, bike and walking and their modes of travel. Overall, the total number of travelers in both the morning and afternoon peak periods stayed consistent before and after the installation of cafés, while the volume of cars decreased by about 10%, shifting to pedestrian and bike modes.
- Traffic counts were also conducted on local streets surrounding the busiest CaféTO corridors and some increase in traffic volumes was observed mostly during weekday evenings. This increase is also consistent with expected impacts of the general increase in economic activity as the city transitioned out of public health measures.

Traffic impacts will continue to be monitored as the program shifts to more permanent café locations. In addition to proposing adjustments to allowable curb lane café permit areas (e.g. loading zones, accessible parking spaces), the feasibility of traffic congestion management techniques such as adjusting traffic signal timings, turning restrictions or dedicated turning bays and the deployment of traffic wardens can be investigated in the vicinity of curb lane café areas. A particular focus of these techniques would be most appropriate in areas where congestion-related delays are impacting reliable transit service on the street.

It is expected that over time, traffic will integrate with and adjust to the curb lane café locations that are part of a permanent and predictable CaféTO program, as drivers alter their travel routes or even choose to sometimes use an alternative mode of transportation in the vicinity of established café areas at peak times. In 2022, 93% of all curb lane café operators were located in a curb lane that had a parking prohibition,

mainly locations with morning or afternoon rush hour clearance parking restrictions. Outside of these periods, the curb lane cafés are occupying space that is typically used for on-street parking which reduces the direct impact on vehicle travel times.

Public Survey and BIA Feedback

To gather feedback from residents, CaféTO operators and other business owners, the City of Toronto launched a public survey on November 2, 2022, which remained open for 17 days. The survey was intended to gauge public sentiment on the program, inform policy change, and identify areas for improvement. In total, 7,941 responses were received, with 283 more businesses participating this year than in the 2021 CaféTO survey. Survey respondents included:

- 338 restaurant owners or operators that participated in CaféTO
- 198 businesses located next to outdoor dining spaces
- 7,405 members of the public

Full survey results can be found in Attachment 5.

Staff also held feedback sessions with *BIAs* participating in CaféTO and TABIA. *BIAs* indicated their general support for the continuation of the CaféTO program and its contribution to economic vibrancy. *BIAs* asked for more consistent and timely communication from the City to *BIAs* and operators about timelines and construction impacts on curb lane cafés. Some *BIAs* indicated a desire to provide input into the curb lane closure designs but noted it should be in partnership with, and with support from, the City. Several *BIAs* raised concerns about having to resolve CaféTO-related conflicts between member businesses and wish to continue to receive support from the City to help manage such conflicts.

Applying Conditions on Café Permits on the Flankage

In November 2021, City Council requested staff to report back on options that would permit Community Councils to apply conditions on sidewalk café permits located in flankage areas (typically along a local road).

Staff issue sidewalk café permits in accordance with delegated authority in Chapter 742. This process does not require a report to Community Council. However, in Chapter 742, there are a few instances where staff would report to Community Council.

Under Chapter 742-4.1, if a café application is rejected by staff, an applicant has 14 days to request an appeal. If the grounds for rejection are limited to the location, design and safety of a curb lane café or public parklet, or a failure of a sidewalk café to meet pedestrian clearway requirements under Chapter 742, the appeal is considered by the General Manager, Transportation Services. If the application is rejected for other reasons, and an appeal is made, a report is brought to Community Council for its consideration.

On hearing an appeal, Community Council can uphold the rejection of the application or allow the appeal and approve the application, either with or without conditions.

Under Article 13 of Chapter 742, staff may also report to Community Council if staff have suspended a permit due to non-compliance with Chapter 742 or other applicable law and/or feel Community Council should consider revoking a permit.

On receiving such a report, Community Council may decide to revoke the permit, add conditions to the permit or take such other action as it may direct. If Community Council cancels a permit, the permit holder is not eligible to apply for a new permit for a year following the cancellation.

The clauses described above allow Community Council to impose conditions on a permit or cancel the permit of an establishment if deemed appropriate. Staff do not recommend further requirements to report to Community Council during the café application process at this time. Such a requirement would significantly extend the timeline between applications and permit issuance for businesses, and require additional staff resources to manage.

Structures and Enclosures on Sidewalk Cafés

The advent of widespread café operations via the CaféTO program coupled with the desire for restaurant operators to create more robust areas for outdoor dining in order to provide weather protection for their patrons has accelerated the need to determine whether structures or enclosures will be allowed on city property. Multiple divisions have responsibility for the review, inspection and permitting of this use of the ROW. Chapter 742 does not currently contemplate any provisions or an application process for the installation and operation of structures and enclosures for any ROW café configuration, in any geographic location. A report will be presented to Council in spring 2023 on a proposed approach.

Amplified Live Music

Chapter 742 prohibits any amplified sound on any permitted café unless a Street Event Permit has been obtained.

During the CaféTO 2021 and 2022 seasons, a pilot project was adopted to allow amplified live music on cafés on public property. Close to 80% of the total number of businesses supported by CaféTO were located in the eight wards that participated in the pilot in 2022. The pilots in 2021 and 2022 have been successful, with substantial positive benefits for businesses and musicians, and without excessive music-related complaints. Data from the pilot programs show that 79% of participating businesses reported an increase in sales on days there were live music performances while 74% reported a very positive response from their community (regular patrons, staff, and business associates).

In 2022, a total of 79 complaints were received and 7 charges issued for amplified sound related to bands and live music in participating wards during the pilot duration. It cannot be confirmed whether these service requests or charges are directly related to

non-compliance stemming from amplified live performances permitted by the pilot or for unrelated noise concerns.

It is recommended that amplified live music be permitted city wide as a permanent element of Chapter 742, including a new definition of "amplified live music performance" in order to ensure the program is limited to live music performances, and not general amplified sound. The following conditions would be retained:

- All performances are subject to restrictions laid out in Chapter 591, Noise. Retaining this requirement will ensure that MLS can continue to monitor and enforce the Noise Bylaw provisions as required.;
- Only cafés on main streets are included – cafés on local roads are not permitted to host amplified live music performances through this program;
- Day and time restrictions remain in place to reduce community nuisance complaints; and
- Permit holders that have been convicted of an offence under the Toronto Municipal Code or provincial legislation in the past 12 months are not permitted to have an amplified live music performance.

Given the CaféTO program is exclusive to cafés on public property and there have been no significant adverse impacts, enforcement staff do not have concerns with the proposed expansion of the program citywide. Staff will continue to ensure that participating establishments are aware of Chapter 742 and Chapter 591 requirements.

Zoning Regulations for Outdoor Patios on Private Property

Outdoor patios on private property are subject to use requirements in applicable Zoning By-laws. As Chapter 742 only regulates cafés on the public ROW, it does not apply to those private patios. During the COVID-19 pandemic, temporary use by-laws were issued to allow for expanded outdoor dining options to address physical capacity restrictions in eating establishments and other venues. The enacted temporary use by-laws will expire on December 31, 2023. City Planning staff are currently reviewing all zoning regulations for outdoor patios on private property and plan to bring a final report and recommended zoning by-law amendment by Q3 2023.

Patios in Hard Surfaced Parks

To align with CaféTO, Parks, Forestry and Recreation (PFR) developed a process to consider patio requests from restaurants located directly adjacent to hard-surfaced park space. In 2022, eight locations for patios in Parks were approved. Parks Supervisors and Managers reported positive feedback at all eight CaféTO in Parks locations, and no issues have been reported since the program's inception. To date, no fees have been charged as part of this program.

To remain consistent with CaféTO, PFR is recommending the introduction of applicable fees for Patios in Hard Surfaced Park spaces. An amendment to Chapter 441, Fees and Charges, Appendix E Schedule 1, Parks, Forestry and Recreation, to add a new Patio in Parks permit is recommended. This new permit fee will be directly aligned with the proposed CaféTO sidewalk café permit fees, and is included in Attachment 4.

Program criteria will guide the issuance of this permit, and permit conditions will be tailored as appropriate by the General Manager, Parks Forestry and Recreation, to ensure there are no negative impacts to parks spaces.

AGCO - Temporary Extension of Premises

In 2020, in response to the pandemic and temporary patio programs being introduced across the province, the Alcohol and Gaming Commission of Ontario (AGCO) streamlined their process for approving temporary extensions of licensed alcohol serving areas to allow establishments to temporarily extend their licensed areas without the need for an application or fee. The streamlined process required that the municipality not object to the extension in order for it to be approved, and as a result, when adopting the CaféTO program over the past few years, City Council authorized staff to not object to extensions for areas with a temporary CaféTO approval. Staff were also authorized to withdraw this non-objection in certain circumstances. This temporary policy was maintained by the AGCO through 2022.

In 2022, the provincial government amended Regulation 746/21 to the Liquor Licence and Control Act to establish new options for approving temporary outdoor physical extensions, which took effect January 1, 2023. The new framework replaces the temporary AGCO policy that was in place between 2020 and 2022 and allows municipalities to approve temporary outdoor physical extensions if certain criteria are met. This new regulatory authority and its effect on liquor licensing for cafés is currently under review, with a report on how to proceed anticipated to be brought before City Council in March 2023.

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Attachment 1: CaféTO 2022 Participation by Ward

Ward	Sidewalk Cafés	Curb Lane Cafés			Total # of Restaurants supported by CaféTO*
	Total # of Sidewalk Cafés	Curb lane cafés in BIAs	Curb lane cafés in Non-BIAs	Total # of Curb Lane Cafés	
Ward 2 Etobicoke Centre	1	0	1	1	2
Ward 3 Etobicoke-Lakeshore	15	20	4	24	39
Ward 4 Parkdale-High Park	35	74	5	79	114
Ward 5 York South-Weston	3	3	0	3	6
Ward 6 York Centre	1	0	0	0	1
Ward 8 Eglinton-Lawrence	15	19	2	21	36
Ward 9 Davenport	41	85	5	90	131
Ward 10 Spadina-Fort York	73	128	12	140	213
Ward 11 University-Rosedale	108	115	19	134	242
Ward 12 Toronto-St. Paul's	32	48	1	49	81
Ward 13 Toronto Centre	47	59	12	71	118

Ward 14 Toronto-Danforth	79	122	15	137	216
Ward 15 Don Valley West	19	27	1	28	47
Ward 18 Willowdale	3	12	1	13	16
Ward 19 Beaches-East York	19	40	7	47	66
Ward 20 Scarborough Southwest	2	0	0	0	2
Grand Total	493	752	85	837	1330

*Some Restaurants may have both a sidewalk and a curb lane café area

Attachment 2: Recommended Amendments to Chapter 742

The sections below describe recommended amendments to Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays.

1. Curb Lane Café Locations

Current regulation: Chapter 742 permits curb lane cafés only in areas where parking is available 24 hours a day, 7 days a week, primarily in parking laybys in very limited geographic locations. The temporary CaféTO program allowed for more expanded outdoor dining spaces by bypassing the prohibition of cafés in curb lanes where there were restrictions for parking, standing or stopping, most notably in peak travel lanes on retail main street areas.

Recommendation: Staff propose permitting curb lane café and public parklet locations on any major arterial, minor arterial, collector or local road where other existing and proposed eligibility criteria can be met. In order to ensure a balance of street uses, including parking, loading and general mobility in the vicinity of the café areas, there are additional recommendations on changes to specific curbside locations that will be ineligible to receive a permit to operate a curb lane café.

Rationale: City Council began moving CaféTO approvals towards the standard process in 2021, focusing on returning to the issuance of standard Chapter 742 sidewalk café permits in 2022 and directing staff to determine the criteria necessary to incorporate aspects of the curb lane café portion of the temporary program into Chapter 742. Staff have determined that allowing curb lane cafés in areas with time of day restrictions is an essential component to continuing the spirit of the temporary program.

2. Extent of Curb Lane Café Locations in the Streetscape

Current regulation: Chapter 742 currently states that in any one city block face, the total amount of space that may be allocated to curbside cafés, curb lane cafés and/or public parklets is restricted to a total of 12 metres.

Recommendation: In order to preserve the spirit of the CaféTO program, which saw a proliferation of continuous curb lane café layouts, particularly in neighbourhoods known for dining, it is recommended that the 12m restriction for continuous curbside café, curb lane café and public parklet closures be removed.

Rationale: Since the inception of CaféTO, staff have made continuous improvements to the program to ensure the functionality of the curb lane, specifically in continuous curb lane closure areas measuring longer than 12 metres. In 2022, the following interventions were deployed:

- 25 temporary advisory loading zones were newly created, amounting to over 500 metres of curb lane space repurposed for short-term loading and unloading;
- 12 bike racks were temporarily installed in the curb lane to provide additional bike parking spaces;

- 43 public parklets were installed in conjunction with local BIAs to support space for the public to enjoy main streets; and
- Modified waste collection service was provided in communal areas for businesses who could not place their waste directly in front of their establishment.

Discussion with internal stakeholders did not yield major concerns on this issue but there were requests for additional loading space in particularly long closure areas from Wheel-Trans and Toronto Paramedic Services in order to facilitate increased access to the sidewalk which will be looked at in 2023.

3. Cycling Facilities

Current regulation: Chapter 742 only permitted curb lane cafés in 24/7 parking areas. During CaféTO, certain cycling facilities including the Destination Danforth and Midtown Yonge ActiveTO projects were realigned during café season to allow for the placement of cafés, wherever safety and accessibility conditions could be met.

Recommendation: The definition of parklet café did not contemplate such cafés existing within or immediately adjacent to cycling facilities. It is recommended that the new definition for curb lane café contemplate this placement of curb lane cafés in or immediately adjacent to cycling facilities, where practicable.

Rationale: Real-world testing has shown that curb lane cafés can effectively co-exist with cycling facilities and the general public response to the initiative has been positive. In some cases, the presence of non-elevated cycle track, specifically on the ActiveTO Midtown Complete Street pilot project, provided opportunities to add additional cafés in locations that were not possible in the pre-pilot configuration. As implementation continues on the Cycling Network Plan, the combination of cafés and cycling facilities will continue to transform our retail main streets, improve mobility and assist the City in achieving its greenhouse gas emission reduction goals

4. Supporting Traffic Mobility Requirements

Current regulation: Chapter 742 prohibits curb lane cafés from being placed in transit stop zones, designated taxicab stands and loading zones. This prohibition was adhered to during the temporary program however, in several instances, the TTC accommodated requests to temporarily relocate transit stops to accommodate a curb lane café for an applicant where feasible.

Recommendation: It is recommended that curb lane cafés and public parklets not be permitted in the following additional locations:

- Parking spaces for persons with disabilities
- Residential permit parking areas (local roads only)
- Passenger loading, bus parking, bus loading, school bus loading, delivery vehicle parking and commercial loading
- Car-share vehicle parking areas or electric vehicle charging station parking

- Reserved lanes for designated classes of vehicles (e.g. public transit, High Occupancy Vehicle lanes)
- Free parking for restricted periods zones of 30 minutes or less (e.g. day care parking)

Rationale: At the inception of the CaféTO program in 2020, an excessively permissive approach to the permitted locations of curbside cafés was taken, which was reflective of the significant reduction of traffic during the pandemic and the desire to support the highest amount of potential restaurant operators. Now that normal traffic levels and demands for curbside access have returned to city streets, it is necessary to consider techniques that will better manage traffic congestion and parking inventories in the vicinity of café areas. Significant feedback was received through the public survey and direct complaints on this issue which identified the need to reassess in which locations curbside cafés should not be permitted. As a result, it is expected that there will be broad support for these proposals however an application denied based on the location, design and safety of a curbside café can be appealed to the General Manager, Transportation Services or their delegate to review and assess any such appeals.

5. Curbside Café Depth

Current regulation: Chapter 742 requires that curbside cafés be no wider than 2 metres and does not provide for the cycling offset between the edge of a curbside café and the closest lane of traffic that was established for safety purposes in the CaféTO Guidebook. The maximum 2 metre width restriction of curbside cafés was bypassed during the temporary CaféTO program. Instead, all curbside cafés were required to be setback from the adjacent travel lane by at least 1.2 metres. If streetcar tracks are present, this measurement was increased to 1.5 metres. The average curbside café width in 2022 was 1.8 metres.

Recommendation: There are a number of streetscape conditions in the city where road widths can safely accommodate wider cafés provided cycling offsets continue to be met. Therefore, it is recommended that the maximum 2 metre width restriction be replaced with city-wide minimum setback requirements of 1.2 metre (with no streetcar tracks) or 1.5 metre (with streetcar tracks) from the adjacent travel lane to provide a safe and predictable path for cyclists. The discretion of the General Manager, Transportation Services to increase or decrease minimum setback requirements based on a review of street context factors will remain.

Rationale: Safety concerns have been raised via targeted consultation with the cycling community and further confirmed through feedback received from the public survey about the consistency of the cycling offset located between the edge of curbside cafés and the adjacent traffic lane. A consistent minimum setback measurement requirement will safeguard the cycling setback. The re-introduction of temporary accessible platforms will also formally delineate curbside café spaces and prevent encroachments into the cycling offset for the duration of the café season, eliminating the need for City-supplied candlestick pylons which on occasion were knocked over or shifted into the cycling offsets.

6. Fire Safety Access Gaps

Current regulation: Chapter 742 requires a 1.8 metre gap between every curb lane/parklet café. This requirement was amended as part of the temporary program maximize outdoor café space while indoor dining was restricted. This approach allowed for coordinated streetscape designs and connected cafés, while maintaining emergency access requirements. The bypassing of the temporary platform requirement provided an opportunity to provisionally create additional café locations. The temporary nature of these cafés continued to permit ready access to emergency facilities as intended by Chapter 742.

Recommendation: Replace the 1.8 metre gap between curbside cafés, curb lane cafés and public parklets with a new requirement for curb lane cafés and public parklets to have a minimum of one 1-metre wide emergency access point in a fixed vertical barrier for every temporary platform/permit area, and when a vertical barrier exceeds 15 metres. An emergency access point is a 1-metre wide space with an easily identifiable and removable piece of fencing, which allows quick access from the road to the sidewalk for emergencies. The General Manager, Transportation Services, can also require other access points where appropriate to ensure unobstructed street level building emergency access.

Rationale: The return of mandatory temporary platforms and associated vertical barriers necessitated a review of emergency access requirements to ensure ready access to the main entrance of a building and/or fire department connections for Toronto Fire Services. In addition, interlocked fencing along continuous lengths of curb lane cafés can block immediate access from the street to the sidewalk, impacting Toronto Fire Services' ability to effectively respond. In 2021, Toronto Fire Services conducted an assessment that identified the need to provide a minimum of a 1 metre emergency access gap for every 15 metres of curb lane café space. Given the uncertainty in potential curb lane café lengths in 2023 and to provide clarity to potential participants, it is proposed that all applicants be required to provide at minimum, one 1-metre emergency access gap in their temporary platform and fencing in order to ensure immediate access to all buildings for Toronto Fire Services. Requiring all applicants to incorporate this access point in their platform and fencing set-outs also allows for an equitable and uniform curb lane design process and removes any future unpredictability of proposed additions and/or deductions to neighbouring café set-outs.

7. Condensing the Curb Lane Café Season

Current regulation: The curb lane café season set out in Chapter 742 allows cafés to occupy the road from April 15 to November 14 annually. In 2021 and 2022, CaféTO installations began in early May with full removal by early November.

Recommendation: It is recommended that the operating season for curb lane cafés be shortened from May 15 to October 14 to better align with the operational realities of the installation and removal of safety equipment using in-house city resources.

Rationale: The original café season was established when curb lane cafés were only permitted in 24/7 parking bays and the entire set-out requirement was the responsibility

of the restaurant operator. Given the assumption of installation by Transportation Services, the operation window must be condensed to ensure staff are able to complete other critical work during the seasonal shoulder months, including mechanical sweeping, leaf collection and pothole repairs in the spring, and winter readiness work in the fall. The condensed season also provides the construction community with increased access to the ROW to complete civil works.

8. Equitable Program Access for All Operators

Current regulation: Chapter 742 does not prohibit how many curb lane cafés a single applicant may have. Applicants with a sidewalk café are eligible for a curb lane café and applicants on a corner lot may have two curb lane cafés located on a flanking street and a main street.

Recommendation: Staff have received feedback that businesses and residents are seeking a more balanced approach to curbside management, particularly in areas with high levels of curb lane café saturation. To provide this desired equilibrium, it is recommended that each associated establishment be limited to one curb lane café permit area per operator. Furthermore, restaurant operators located on a corner lot may not have both a sidewalk café on a flankage and a curb lane café on a different street.

Rationale: Limiting each establishment to only one curb lane café location allows for greater curbside access to other businesses and ensures limited street space is available for other curbside uses.

Attachment 3: Proposed Technical Amendments to Chapter 742

Section	Recommended Amendment	Rationale
§ 742-1.1. Definitions	<p>Replaces the word parklet café with curb lane café throughout the Chapter, and replaced the definition of parklet café with a definition for curb lane café. The new definition will clarify a curb lane café may occupy cycle track.</p> <p>"CURB LANE CAFÉ - A sidewalk café that is a temporary lateral projection into the curb lane, parking lane, designated lane for bicycles or cycle track of a street."</p>	Updates and clarifies the definition
§ 742-3.2. A(3) Refusal	<p>Adds Metrolinx to section A(3), so that it now reads:</p> <p>"The City receives an objection from Transportation Services, Toronto Transit Commission, Toronto Fire Services, Parks, Forestry and Recreation, City Planning, Enbridge, Toronto Hydro, Metrolinx, or any other utility company deemed necessary by the Executive Director"</p>	Added a circulation partner that can object to applications received, triggering a refusal.
§ 742-7.2. Accessible entrances	<p>Adds in a maximum width of the accessible entrance of 2.0m, so that it now reads:</p> <p>"All permit areas shall be designed so as to permit access by a person in a mobility device, and contain at least one entrance of minimum width equal to the entrance of the associated establishment but in no case less than 1.0 metre, and in no case wider than 2.0 metres.</p>	Clarifies the requirement of accessible entrances
§ 742-9.7. A(3) Lighting	<p>Removes specific removal date requirements for café lighting, so that it now reads:</p> <p>"Is removed in accordance with this Chapter, unless the frontage café or marketing display is permitted to remain on a sidewalk year-round"</p>	Updated the definition to be in-line with the operating season

Section	Recommended Amendment	Rationale
<p>§ 742-10.2. A(8) Curbside cafés and parklets.</p>	<p>Amends the setback requirement from utilities and public infrastructure, in cases where written approval has been provided, so that it now reads:</p> <p>"Meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager, or separation distances provided in prior written approval given by the relevant utility or service "</p>	<p>Allows cafés where utilities have provided approval</p>
<p>§ 742-10.3. B Additional requirements for curbside cafés</p>	<p>Updated the requirements of fencing around curbside cafés, so that it now reads:</p> <p>"Permit holders shall ensure that all curbside cafés have full perimeter fencing or cane-detectable planters for the visually-impaired, with gaps only for accessible entrances"</p>	<p>Updated to provide clarity to applicants on delineation requirements</p>
<p>§ 742-10.6. A(1) Visual screens</p>	<p>Adds in a minimum height of a visual screen, so that it now reads:</p> <p>"A maximum height of 1.8 metres, and a minimum height of 1.5 metres"</p>	<p>Ensures visual screens provide the necessary separation from neighbours</p>
<p>§ 742-10.6.A(2) Visual screens</p>	<p>Updates the requirement of visual screens to not block a building entrance, so that it now reads:</p> <p>"not be installed in a permit area if the Executive Director or General Manager determines the visual screen poses a risk to the safety of any member of the public or obstructs or obscures a building entrance, traffic control sign or heritage building feature or sightlines for transit safety and operations "</p>	<p>Ensures compliance with the <i>Ontario Building Code</i></p>

Section	Recommended Amendment	Rationale
§ 742-10.7.D(1) Fencing	<p>Updates the requirement that full perimeter fencing is required, so that it now reads:</p> <p>"Easily removable and located along the full perimeter of the permit area with gaps only for accessible entrances"</p>	<p>Ensures cafés have full perimeter fencing</p>
§ 742-10.7.D(5) Fencing	<p>Clarifies that cane detectability can be achieved by fencing with a solid base, so that it now reads:</p> <p>"a solid base that extends to or rests on the surface of the sidewalk with no gap"</p>	<p>Adds an option available to ensure detectability for visually-impaired individuals</p>
§ 742-10.12.B Decks	<p>Removes the restriction of decks only on local roads, so that it now reads:</p> <p>"Decks are only permitted on frontage cafés with permit areas where the sidewalks exceed a slope of 5 percent or special accommodation is being made to protect mature trees."</p>	<p>Broadens where decks are permitted</p>
§ 742-10.12.C Decks	<p>Adds a new restriction on deck height, so that it now reads:</p> <p>"not exceed a height of 0.6 metres measured from the surface of the sidewalk"</p>	<p>Clarifies how high a deck can be</p>
§ 742-11.1. A Marketing display requirements	<p>Adds a new requirement for wheeled marketing displays, that reads:</p> <p>" Ensure all wheeled displays and display units are equipped with a wheel-locking mechanism, or other provision to restrict the movement of the wheeled display or display unit"</p>	<p>Ensures the restricted movement of wheeled marketing displays</p>

Section	Recommended Amendment	Rationale
§ 742-11.1.A(8) Marketing display requirements	Adds new requirements for screens or fencing in marketing display permit areas that read: " (a) No shorter than 0.9 metres and no taller than 1.2 metres for the height of the top rail of the fence or top of the opaque part of planters and plants; (b) No taller than 0.9 metres in height for all opaque parts of the fence or planters with plants within 30 metres of any intersection to maintain sightlines"	Clarifies barrier requirements
§ 742-11.1.A(8)(b) Marketing display requirements	Removes the requirements for suitable and uniform materials of screens or fencing around marketing displays	Updates the requirements of marketing displays to be in-line with sidewalk cafés and curb lane cafés
Appendix C, Table 1: Utility and Infrastructure Requirements	Adds table for minimum separation distances to utilities or public infrastructure for fixed and unfixed café elements	Provides clarity for minimum required clearance measurements from common utilities, public infrastructure and public realm elements

Attachment 4: Proposed Amendment to Chapter 441, Fees and Charges

Amend Appendix C – Schedule 2, Transportation Services by adding the fees in the table below:

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
172	Permits & Applications	Seasonal Fee: Curb Lane Café Permit	City Policy	Per Square Metre	\$132.42	Yes
173	Sidewalk Cafés, Parklets and Marketing Displays	Inspection fee	City Policy	Per Inspection	\$94.29	Yes

Amend Appendix C – Schedule 12, Municipal Licensing and Standards by amending the fees in the table below:

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
455	Licence and Permit Issuance	Application Fee: Sidewalk Café Permit	Full Cost Recovery	Per application	New \$865.00	Yes
457	Licence and Permit Issuance	New Annual fee: Sidewalk Café permit	Market Based	Per Square Metre	New \$44.14	Yes
459	Licence & Permit Issuance	New Annual fee: Marketing Display permit	Market Based	Per Square Metre	\$38.88	Yes

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
464	Licence and Permit Issuance	Permit Transfer Fee: Sidewalk Café and Marketing	Full Cost Recovery	Per application	New \$676.27	Yes

Amend Appendix C – Schedule 12, Municipal Licensing and Standards by removing the fees in the table below

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
Remove 456	Licence and Permit Issuance	Annual Fee: Sidewalk Café Permit: Central Zone	Market Based	Per Square Metre	\$90.08	Yes
Remove 458	Licence & Permit Issuance	Annual fee: Marketing Display permit: Central zone	Market Based	Per Square Metre	\$63.90	Yes
Remove 462	Licence and Permit Issuance	Monthly Fee Parklet Café Central Zone	Market Based	Each Parking Space	\$1,093.00 **subject to increase in accordance with Toronto Parking Authority	No

Ref No.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adjustment
Remove 463	Licence and Permit Issuance	Monthly Fee Parklet Café Outer Zone	Market Based	Each Parking Space	\$683.00 **subject to increases in accordance with Toronto Parking Authority	No

Amend Appendix E – Schedule 1, Parks, Forestry and Recreation by adding the fees in the table below:

Ref No.	Service	Fee Description	Category	Fee Basis	Fee	Annual Adjustment
8.7023	Parks	Application Fee: CaféTO Patio in Hardscaped Park Permit	Full Cost Recovery	Per application	New \$865.00	Yes
8.7024	Parks	New Annual fee: CaféTO Patio in Hardscaped Park Permit	Market Based	Per Square Metre	New \$44.14	Yes

Attachment 5 - CaféTO 2022 Public Survey Results Summary

General

To inform the 2023 CaféTO program, guide policy decisions and improve operations, the City of Toronto launched the CaféTO survey on November 1, 2022 for 17 days. The survey was promoted on City of Toronto social media accounts and through direct communication to CaféTO operators, BIAs and hospitality industry stakeholder organizations. Overall, 7,941 surveys were completed. The survey consisted of three separate streams, each targeting a specific stakeholder group with detailed questions.

- 338 surveys were completed by restaurant owners or operators
- 198 surveys were completed by other businesses located next to outdoor dining spaces
- 7,405 surveys were completed by members of the general public

Notably, the number of responses from businesses to the 2022 survey (536) was higher than the number of responses received from business in the 2021 survey (253).

Age of respondents

- 1% between the ages of 15-19
- 9% between the ages of 20-29
- 61% between the ages of 30-54
- 16% between the ages of 55-64
- 10% over 65 years old
- 3% did not indicate their age

Ability

7% identified as a person with a disability

- of whom, 45% identified as a person with a mobility disability

- of whom, 4% identified as living with blindness or low vision (not including correctable by glasses or contact lenses)

Business Owner/Operator Experience

Business owners representing 58 BIAs from across Toronto responded to the survey. Operators were asked about the benefits of opening an outdoor patio in 2022:

- 81% reported an increase in sales attributing to their outdoor patio
- 76% reported an increase in new customers
- 61% hired additional staff to support the increase in business
- 57% saw an increase in their profits
- 55% said that it allowed them to retain staff that would otherwise have been let go

Operators were also asked about their current staffing levels in comparison to 2021:

- 11% reported current staffing levels less than the prior year
- 47% reported current staffing levels approximately equal to the prior year
- 42% reported current staffing levels more than the prior year

These are significant improvements than the staffing levels reported in last year's survey, with 67% of operators reporting in 2021 that they had less staff than the prior year.

Operators were asked how likely the re-introduction of fees would impact their decision to open a curb lane café:

- 38.5% indicated very likely
- 22% indicated likely
- 18.5% indicated neutral
- 12% indicated unlikely
- 9% indicated very unlikely

Temporary Platforms

Among the 187 operators with a curb lane patio that responded to the survey:

- 22% indicated they had installed a temporary platform
- 69% indicated they had an accessible ramp
- 9% gave no answer to the question

Among operators with a temporary platform, 76% purchased the platform, while 24% rented.

Neighbouring Business Experience

198 survey responses were received by business operators near an outdoor CaféTO installation. They were asked about their experience with the CaféTO program:

- 69% said that the program removed customer parking in front of their business
- 59% said the program made it harder to access
- 56% said that it removed loading zones in front of their business
- 37% said that it created an extra vibrancy on the main street
- 21% reported an increase in customers to the area and their business as a result of the program

Amplified Live Music Pilot Program

The survey also asked operators about their participation in the Amplified Live Music Pilot Program to assess the benefit the program has had for them. Among these operators, 74% reported an increase in sales on the days performances were held, and

77% reported that participating in the program helped to attract more customers to their business.

General Experience

In total, 7,405 survey responses were received from residents and visitors to Toronto. 82% of these respondents indicated they had been a customer on a restaurant patio while 66% said they had travelled past a restaurant patio. 55% of respondents live, work or attend school near a restaurant patio. Overall, feedback from the survey on the program was positive. People were asked whether they agreed with the following statements regarding the CaféTO program:

- 71% of respondents agreed that the program benefits local businesses
- 70% of respondents agreed that the program offers more options for dining outside
- 66% of respondents agreed that the program adds to the vibrancy of the city
- 60% of respondents agreed that the program prioritizes people over cars
- 45% of respondents agreed that eating or drinking next to a moving vehicle isn't nice
- 45% of respondents agreed that the program makes streets more congested
- 39% of respondents agreed that the program expands sidewalk or pedestrian space
- 37% of respondents agreed that the program reduces their ability to get around by car
- 33% of respondents agreed that the program makes sidewalks less accessible
- 29% of respondents agreed that the program inhibits their ability to shop because there is less parking
- 28% of respondents agreed that unused curb lane cafés are not nice to look at
- 23% of respondents agreed that cafés are not pleasant to look at
- 21% of respondents agreed that the program takes away from loading zones for businesses
- 21% of respondents agreed that the program reduces their ability to get around the city by foot
- 20% of respondents agreed that the program increases levels of noise and nuisance

When asked what would have enhanced the CaféTO experience, 52% of respondents indicated making cafés more attractive and using comfortable furniture, 35% suggested ensuring sidewalks are free of obstacles in the path of travel, 19% indicated making accessible step-free access to curb lane cafés, and 18% provided no response.

Respondents were asked about their experience travelling around restaurant patios based on mode type.

As a pedestrian on the sidewalk	44% never a problem 22% mostly no problem 18% sometimes a problem 16% often a problem 1% no opinion/not applicable
As a cyclist on the road	18% never a problem 14% mostly no problem 11% sometimes a problem 16% often a problem 41% no opinion/not applicable
As a motor vehicle driver on the road	30% never a problem 14% mostly no problem 11% sometimes a problem 30% often a problem 15% no opinion/not applicable

Respondents who identified that they sometimes or often had a problem were asked to explain their experience. Among these pedestrians who either sometimes (18%) or often (16%) experienced a problem traveling around a patio, the majority indicated crowding of the sidewalk and difficulty passing, in some cases due to furniture that was blocking the path. Among cyclists who either sometimes (11%) or often (16%) experienced a problem traveling around a patio, the majority indicated there was not enough space between the café enclosure and a vehicle in a traffic lane, often due to barriers or furniture extending into the road or bike lane. Of the motorists who either sometimes (11%) or often (30%) experienced a problem traveling around a patio, the majority noted difficulty parking where they wanted, and that cafés impacted their sightlines while driving.

Attachment 6: Appendix C to Chapter 742 - Utility and Infrastructure Clearances

Utility or Infrastructure Element (measured from edge of element / utility)	Required Clearance	
	Temporary Fixed Elements	Temporary Portable Elements
Hydro Infrastructure		
Cable Chamber*	2.0 metres	0.3 metres
Hydro Vault*	1.0 metres	1.0 metres
Transformer/Switchgear*	3.0 metres	3.0 metres
Distribution Pole	0.6 metres	0.3 metres
Street Lighting Pole [^]	0.6 metres	0.3 metres
Guy wire/anchor	0.6 metres	0.3 metres
BIA lighting access hatch [^]	0.3 metres	0.3 metres
Traffic Infrastructure		
Traffic signal pole	0.3 metres for local street or 1.0 metres	0.3 metres
Traffic control box	1.5 metres from front, sides 0.6 metres	0.3 metres
Traffic or parking sign pole	0.3 metres	0.3 metres
Fire Services and Water Infrastructure		
Fire Hydrant*	1.2 metres	1.2 metres
Fire Standpipe Connection*	1.2 metres	1.2 metres
Water Valve (post indicator/isolation)	0.6 metres	0.3 metres
Catch basin ^{^^}	0.6 metres	0.3 metres
Storm/Sanitary maintenance access covers	0.6 metres	0.3 metres
Gas Infrastructure		
Gas valve (and other assets)	0.6 metres	0.3 metres
Telecom Infrastructure		
In-ground access covers	0.6 metres	0.3 metres
Public Realm Infrastructure		
Street Furniture (bench, litter bin, newspaper corral, postering column)*	1.0 metres	1.0 metres
Transit shelter: with advertising ^{^^}	5.0 metres	5.0 metres
Transit shelter: without advertising ^{^^}	2.5 metres	2.5 metres
Transit stop poles ^{^^}	2.5 metres	2.5 metres
Wayfinding columns*	3.0 metres	3.0 metres
Wayfinding sign poles*	1.0 metres	1.0 metres
Bicycle locking ring ^{**}	2.5 metres	2.5 metres
Bike Share station ^{^^}	1.0 metres	1.0 metres
Toronto Parking Authority ticket kiosk*	1.0 metres	1.0 metres

Trees and Horticulture		
Street tree* and***	1.0 metres	0.3 metres
Above and in-ground planters***	1.0 metres	0.3 metres
Pedestrian Safety		
Intersection or Pedestrian Crossover****	3.0 metres	3.0 metres

Street furniture or utility listed without an asterisk (*^) may be located within proposed permit area if approved by the City

^ or other clearance as determined by the local BIA for BIA owned lighting infrastructure

^^ must be measured as a minimum linear distance along the curb edge; and for transit stops/shelters must have a minimum 2.4m width for the transit platform area

* must be measured as a minimum radius width from the street element or utility

** clearance may be less if approved by the City in consideration of the streetscape context and bike parking facilities in the immediate area

*** café elements must not be placed on open soil or soft surfaces adjacent to street trees, nor be fixed to the tree pit surface

**** intersections and pedestrian crossovers require adequate space for people of all ages and abilities waiting to cross the street and for safety and visibility. Additional separation distances are required for curbside and curb lane cafés for visibility and road safety