

## **CaféTO BIA Pilot Programs Update and Toronto Municipal Code Amendments for 2025**

**Date:** October 22, 2024

**To:** Executive Committee

**From:** General Manager, Transportation Services and General Manager, Economic Development and Culture

**Wards:** All

### **SUMMARY**

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The CaféTO program supports Toronto's neighbourhoods and local economy by providing expanded outdoor dining opportunities for bars and restaurants. Since 2020, the program has continued to improve and evolve with each outdoor dining season (May 1 to October 15) based on a commitment to the city's economic recovery and balancing the diverse needs of Toronto's communities. While the City has expanded outdoor dining programs to include permitting programs for sidewalk and curb lane cafes, hardscaped surfaced parks, and through zoning provisions on private property, the focus of this report will be curb lane cafés located on the right-of-way, which is led by Transportation Services with support from Economic Development and Culture.

Since the CaféTO program became permanent in 2023, staff have implemented the Council-approved BIA Curb Lane Pilot Program. This initiative also enhances the efficiency of program rollout by allowing Business Improvement Areas (BIAs) to design streetscape and curb lane closures that meet the unique needs of their neighbourhoods. Throughout the 2024 CaféTO season and during the implementation of the Pilot Program, staff frequently engaged BIAs, restaurant operators and industry associations for feedback. This input will be used to inform improvements for the program in 2025.

Following an evaluation of the BIA Curb Lane Pilot Program, this report recommends that the pilot program become permanent and include recommended improvements identified over the 2023 and 2024 implementation seasons. In addition, staff have developed a second pilot program to provide the opportunity for retail businesses to temporarily use public parklets within the BIAs that are part of the Curb Lane Pilot program. It is recommended that this second pilot program be extended for another year to collect additional data. The report also outlines the 2024 CaféTO Property Improvement Program and introduces the new Dining District Grant.

Furthermore, this report recommends technical updates to the City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays. The recommended changes include:

- Adjusting the timeline to cancel a café permit application if permit fees have not been paid;
- Amending the community notification process for flankage café applications;
- Allowing permit holders on King Street East and West, between Jarvis Street and Bathurst Street, the option to apply for and operate curb lane cafes seasonally, from both October 16 to April 30, and from May 1 to October 15.

Additional technical and wording amendments to Chapter 742 and 937, Temporary Closing of Highways, Chapter 27, Council procedures and Chapter 441, Fees and Charges are also proposed.

## **RECOMMENDATIONS**

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The General Manager, Transportation Services 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, generally as outlined in Attachment 1 to the report (October 22, 2024) from the General Manager, Transportation Services and General Manager, Economic Development and Culture.
2. City Council amend City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C, Schedule 2, and Schedule 12, by removing the application fee for public parklets, and amending the permit fees for curb lane cafés and transfer fees for sidewalk cafés in accordance with Attachment 3 to the report (October 22, 2024) from the General Manager, Transportation Services and General Manager, Economic Development and Culture.
3. City Council amend City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, as outlined in Attachment 4 to the report (October 22, 2024) from the General Manager, Transportation Services and General Manager, Economic Development and Culture.
4. City Council amend City of Toronto Municipal Code Chapter 27, Council Procedures, as outlined in Attachment 2 to the report (October 22, 2024) from the General Manager, Transportation Services and General Manager, Economic Development and Culture.
5. 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 and General Manager, Economic Development and Culture in order to give effect for Recommendations 1 to 4 above.

6. City Council direct the General Manager, Transportation Services, and the General Manager, Economic Development and Culture, to continue to pilot the expanded use of public parklets for the 2025 CaféTO season, with such guidelines conforming to all requirements in Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, and considering the following as permitted uses in addition to public space:

- a. Promotion of BIA member businesses;
- b. Display of and sale of non-food products.

7. City Council direct the General Manager, Transportation Services, and the General Manager, Economic Development and Culture, to report back on the feasibility of the expanded use of Marketing Displays on curb lanes.

8. City Council direct that the amendment to City of Toronto Municipal Code Chapter 441, Fees and Charges, in recommendation 2 retroactively be deemed to have come into effect on of January 1, 2024.

9. City Council direct the General Manager, Transportation Services, to include necessary resources including the 15 positions required for sustaining the CaféTO program for consideration as part of the 2025 Operating Budget submission for Transportation Services.

## **FINANCIAL IMPACT**

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The 15 positions, along with their 2025 annualized costs at \$1,741,744 gross and \$979,973 net, partially offset by CaféTO fees will be included for consideration as part of the 2025 Operating Budget submission for Transportation Services. There is no known financial impact resulting from the adoption of the recommendation in this report for Economic Development and Culture. Any future year financial implications will be absorbed through existing Operating Budgets or requested through future submissions.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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City Council, at its meeting on December 13, 2023, adopted criteria and measures to pilot the expanded use of public parklets in Business Improvement Areas and for CaféTO applicants of two establishments to jointly apply for a curb lane café permit, and requested the General Manager, Transportation Services, and the General Manager Economic Development and Culture to report back following the 2024 CaféTO season on the findings of the public parklet pilot and recommend any amendments for the use of public parklets, including any new fees based on the expanded permitted uses of public parklets.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX10.15>

City Council, at its meeting November 8 and 9, 2023, adopted amendments to the City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, to re-establish specific provisions deleted by Council in October 2021, and apply them specifically to sidewalk cafés in flankage areas.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX9.18>

City Council, at its meeting on February 7, 2023, adopted criteria and measures to make the curb lane CaféTO program stream permanent and requested the General Manager, Transportation Services, and the General Manager, Economic Development and Culture to report back on the pilot program to allow for the expansion of curb lane café permit areas in front of a neighbouring property in a Business Improvement Area to the relevant committee with data and results of the pilot following the 2024 CaféTO season.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX2.4>

City Council, at its meeting of November 9, 10 and 12, 2021, adopted measures to move the CaféTO program toward permanency, and request staff to report back by the first quarter of 2023 on criteria for a permanent program for curb lane cafés.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EX27.10>

## COMMENTS

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### Background

In response to the COVID-19 pandemic, the CaféTO program was launched in June 2020. It was designed to support restaurants and bars with the opportunity for expanded outdoor dining on the right-of-way during the public health restrictions on indoor dining. The program provided a critical lifeline to restaurants facing the loss of clients and revenue, threatening many with closure. Operated as a temporary program with seasonal permits from 2020 to 2022 and became a permanent program as directed by Council, [2023.EX.2.4](#) on February 7, 2023.

From 2020 to 2023, the CaféTO program was managed by interdivisional partners that included Transportation Services, Municipal Licensing and Standards, and Economic Development and Culture. In 2024, purview for permitting and administration for the curb lane café program was transferred from Municipal Licensing and Standards to Transportation Services. The Economic Development and Culture Division continues to act as a liaison to BIAs, provide front-line support and engagement to the business community, administer CaféTO grant programs, and oversee the BIA Curb Lane Pilot Program. Per industry feedback, the CaféTO program remains essential to their viability, opening up critical new revenues to them as financial challenges persist, with Restaurants Canada reporting in October that 52% of restaurants continue to operate at a loss, versus just 12% prior to the pandemic.

Similar to 2023, staff gathered feedback from operators, their industry associations and Toronto BIAs to understand their 2024 experience. The City's Service Design & Delivery Team, conducted individual interviews with 10 BIAs and one-on-one interviews with 15 operators from various establishments that varied in size and operated in different wards. This comprehensive approach provided diverse insights into the local dining and transportation landscape. The feedback centered on improving communications to operators through a proposed regular newsletter, setting clearer program timelines, and updating the Curb Lane Café Guidebook. Operators continue to express financial challenges, and that the restaurant industry has still not recovered from the pandemic, suggesting that many are looking to relevant and accessible City programs to assist them during the present economic challenges. Staff will be considering this feedback and will make adjustments to the program's operations as appropriate.

### **Making the BIA Curb Lane Pilot Program Permanent**

Staff recommend that the BIA CaféTO Curb Lane Pilot Program be made permanent. The Pilot Program was launched in 2023 to allow BIAs to customize the curb lane closures to allow restaurants to expand or shift their curb lane patios beyond their frontage. BIAs have been able to bring balance to the streets and implement solutions that address the needs of local businesses, including identifying parking and loading zones, installing public parklets, shifting waste collection areas, and adding bicycle parking, while also supporting the vitality of our local commercial main streets and addressing the needs of other street users like drivers, pedestrians and cyclists.

In the 2023 CaféTO season, 25 BIAs participated in the Pilot Program, representing 248 of 334 operators, or roughly 72% of all participants. In 2024, 6 more BIAs joined the Pilot Program for a total of 31 of the 45 BIAs with curb lane patio cafés. This was largely due to restaurants, who are members of BIAs, requesting more space and flexibility in their curb lane patio café setup. In 2024, out of a total of 304 curb lane patio cafés, 252 were in a pilot BIA, or roughly 83% of all participants.

Through surveys, interviews, and feedback, BIAs expressed that the Pilot Program was a net positive for participating restaurants, allowing more flexibility in curb lane placement for locations that had limited frontage. The ability to create temporary loading zones, add bicycle parking, and designate waste collection areas was positively received by BIAs. The Pilot Program also allowed some businesses to test new patio configurations, including use of the space in the taper delineating the cycle track. BIAs also faced challenges when implementing the Pilot Program in their neighbourhoods, including mediating conflicts, finding compromise between neighbouring businesses, allocating the appropriate level of BIA staffing resources, and balancing the space needs of street festivals and restaurants.

If the Pilot Program becomes permanent for the 2025 season, participating BIAs would be able to use the same customized curb lane plans, or the same curb lane plans with minor changes. In addition to continuing the goodwill and consensus achieved by the BIAs with their member businesses supported by staff from EDC, other benefits of making the Pilot Program permanent include:

- Restaurants would not have to revert to using solely their frontage dimensions for a café space.
- They would be able to renew their currently approved space and would not incur the costs of redesigning and constructing a new platform to meet program requirements.
- The City would be able to leverage the existing traffic plans from 2024.
- Building on the vibrancy of some of Toronto's most established and beloved dining districts and increasing the predictability of the CaféTO season for both businesses and customers.

This report details the process by which a local BIA may apply for, and receive, approval for their streetscape plan. The streetscape plan is reviewed by the City to ensure it meets safety requirements, does not conflict with infrastructure maintenance or construction, and follows the regulations set out in the City of Toronto Municipal Code Chapter 742. The BIA streetscape plans are considered guiding documents for staff, as they review permit applications and prepare traffic safety plans. In those rare instances where consensus and balance of user needs cannot be met, the General Manager of Transportation Services, and the General Manager of Economic Development and Culture have the authority to approve or rescind the placement of curb lane cafés in the proposed BIA curb lane plans.

For a BIA to take part in the permanent program, they must apply before the start of the 2025 CaféTO program; this includes BIAs that had participated in the 2024 Pilot program. Requirements include:

- An application to the program, signed by the Chair of the BIA Board of Management, and includes the roles and responsibilities of BIA program participants.
- A detailed plan and accompanying details indicating the lengths and locations of cafés and related assets, such as temporary loading zones, and bicycle parking.
- An end of season report including key learnings, participation numbers and other relevant information.

Should a BIA choose to leave the Curb Lane Program, they must inform City staff of their intent to exit the program which would necessitate the re-design of the curb lane cafes in the BIA. The re-design of the curb lane and exit from the program would be effective in the following year's CaféTO season. If a BIA chooses to remove their endorsement of an extended curb lane café, the curb lane café in question would be re-sized in the following CaféTO season from when the endorsement was revoked. All proposed Curb Lane Café Pilot Program amendments to the Municipal Code are described in Attachment 1 - Proposed Amendments to City of Toronto Municipal Code Chapter 742, Sidewalk Café, Parklets and Marketing Displays.

As detailed in Chapter 742, businesses not located within a BIA are permitted the length of their frontage or 12.0 meters, whichever is greater. Businesses within BIAs who participated in the BIA Curb Lane Café Pilot Program were allocated space based on the BIA streetscape plans.

## **Pilot of Expanded Use of Public Parklet by BIAs**

Under the City of Toronto Municipal Code Chapter 742, public parklets are only permitted for use as public space. On December 13, 2023 City Council adopted the recommendations in the report titled, [Curb Lane CaféTO Program: Review of 2023 and Changes for 2024](#), and requested staff to develop guidelines to pilot the expanded use of parklets for the promotion of BIAs member businesses and the display of and sale of non-food products by the membership. Guidelines for these purposes were developed and distributed to BIAs at the start of the 2024 season.

Public Parklet Pilot uptake by BIAs in 2024 was low with only 3 BIAs participating. Although the impact was moderate in the 2024 season, the opportunity for expanded use of the parklets by the BIAs was well received. It is expected that with advanced planning, more BIAs can take advantage of the expanded use of public parklets to sell non-food related items. Staff recommend allowing another season to pilot and gather further feedback and data from BIAs and identify any potential issues prior to recommending a permanent program.

## **Update on CaféTO Property Improvement and Dining District Grant Programs for 2024**

This year, the City continued to support restaurant and bar operators through the [CaféTO Property Improvement Program](#), which helps reduce costs and enhance the accessibility and aesthetics of patios. This program offers a 50% matching contribution for eligible improvements, including the rental, lease, or purchase of temporary accessible platforms, with a funding cap of \$7,500 per operator. For the 2024 season, the City has committed \$212,000 to support 61 business operators city-wide. Now in its third year, the program has played a critical role in subsidizing the costs for restaurants to participate, who continue to feel the lasting effects of the COVID-19 pandemic on their operations. The Property Improvement Program is fully funded by the Government of Canada through the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) as part of the [Toronto Main Street Recovery and Rebuild Initiative \(MRRI\)](#). Given that MRRI funding is scheduled to conclude in 2025, the City has applied to FedDev Ontario to continue funding this program in future years, although a renewal is not guaranteed. Should federal funding not be received, the City will be forced to reduce its support to restaurants via these initiatives.

In 2024, the City launched the [Dining District Grant Program](#), committing approximately \$275,000 to its implementation in round one. The program was designed to help BIAs beautify their main street during patio season and support creative, community driven projects that enhance outdoor dining across the city, particularly in areas with a low concentration of CaféTO participation.

The program consists of two streams:

1. Stream one, formerly known as the CaféTO BIA Grant, has allocated \$75,000 to cover 50% of eligible BIA costs (up to \$5,000 per BIA) for items such as plants, soil, materials, watering services, planter maintenance, furniture, platforms, and public parklet elements.

2. Stream two is designed to support dining districts beyond CaféTO. For the first round, eight non-profit organizations and BIAs were awarded funding. A second round of funding is planned for fall/winter activations to encourage creative proposals that will invigorate outdoor dining spaces during the slower season. Preference is given to projects focused in areas where CaféTO sidewalk and curb lane cafes are not highly concentrated, particularly in Scarborough, North York, and Etobicoke. Some highlights include:

- plazaPOPS: Wexford Heights Dining District Dhabas. plazaPOPS transformed Colony Plaza at 2020 Lawrence Ave E into a vibrant community hub. Partnering with the Wexford Heights BIA and local restaurants, these events featured markets, performances, and interactive food tours, celebrating local culture, and supporting local businesses. The initiative aimed to enhance the economic, social, and ecological vitality of Wexford Heights by creating an engaging outdoor dining atmosphere.
- Scarborough Food Security Initiative: Food Hall TO, located in North York, expanded its outdoor dining space to double the capacity of its five kiosks, aligning with the objectives of increasing foot traffic and promoting outdoor dining. By hosting community events and offering training for newcomers in food business operations, the initiative bolsters local engagement and economic activity. This project revitalizes underutilized spaces, and strengthens community and business connections, advancing the broader goals of the Dining District Grant Program.
- Rexdale Community Hub: Rexdale Dining District Initiatives. The Rexdale Community Hub is transforming underutilized strip mall parking lots into dynamic public spaces that enhance community interaction and strengthen local economic vitality. Through a blend of events, public markets and cultural programming, the initiative enriches outdoor dining experience while creating opportunities for local businesses to thrive. Rexdale Community Hub's partnerships with Hub organizations, resident-led groups, and businesses from diverse communities, have helped revitalize neglected areas, increase foot traffic, and build community pride. Inspired by the success of plazaPOPS, this initiative exemplifies how thoughtful placemaking can elevate both the economic landscape and the vibrancy of public spaces.
- York Eglinton BIA: Little Jamaica Festival: The York-Eglinton BIA continues to tackle the economic challenges that delays in the Eglinton Crosstown LRT construction pose for businesses in Little Jamaica. In response, the BIA was able to spotlight restaurants through the Little Jamaica Festival, using the Dining District Grant to create inviting spaces that highlight the area's diverse culinary offerings. The expanded outdoor dining area offered greater visibility and accessibility to local businesses through the integration of food vendors, food trucks, and local restaurants within the festival. The funding was able to enhance Little Jamaica's vibrant cultural and culinary legacy while fostering economic



resilience and deepening residents' connection to the neighbourhood's unique character.

These projects helped transform underutilized spaces, create public space, and support local businesses while creating long lasting community-driven impact.

### **Amendments to City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays**

Several amendments are proposed to City of Toronto Municipal Code Chapter 742 Sidewalk Cafés, Parklets and Marketing Displays, which are intended to improve the expediency of the CaféTO program, allow staff to administer the program efficiently and in alignment with policy standards of other permanent City programs. In addition, wording amendments are also proposed that will clarify divisional permitting authority under the CaféTO program. These proposed amendments to City of Toronto Municipal Code Chapter 742 are outlined in Attachment 1, appended to this report.

#### **Invoicing Payment Period**

*Current regulation:* City of Toronto Municipal Chapter 742 permits a 90-day period for the payment of all permit fees.

*Recommendation:* the period for the payment of all permit fees be reduced to 30 days.

*Rationale:* the curb lane café program operates on a model that requires commitment from participants once it enters the traffic plan design phase, after registration for the program closes. Without a binding financial investment for their curb lane café participation, program participants may withdraw from the CaféTO program within the 90-day period without penalty. Late withdrawals from the program affect the traffic plan development phase, as neighbouring businesses are designed together on a block-by-block traffic plan. The withdrawal of an applicant requires the revision of a traffic plan, which may delay the finalized design and the BIA streetscape plan.

#### **Flankage Cafés Notification and Community Objection**

*Current regulation:* when an application is received for a café located on the flankage of a business on a local road, staff must notify the applicant, the local Ward Councillor, the local BIA (where applicable), any resident associations registered with the City Clerk, and all property owners and occupants located within a 60-metre radius of the proposed café location. If the City receives multiple objections to the flankage café application, the application is refused. Since the by-law does not prescribe a specific number, an application will be refused if multiple objections are received. The applicant may then appeal the refusal, initiating a staff report to the appropriate Community Council for final decision.

*Recommendation:* Amending the requirement for notice and objection process to include cafés with permit areas on collector roads, and to reduce the notification radius from 60-metre to 30-metre.

**Rationale:** Feedback from community members indicates an interest in continuing the community notification and objection process, and to include collector flankage cafés in this framework. To better target those potentially affected, notifications will be issued to those within a 30-metre radius of the proposed location, rather than the current 60-metre radius. Additionally, to allow all community members the opportunity to voice their objections, the applicant will be required to post a notice at their establishment for 21 days, outlining the process for submitting objections to the City.

Additionally, the application process for permanent liquor licences for establishments under the Alcohol Gaming Commission of Ontario provides an opportunity for community input in their process. For residents who have concerns about the actions of a specific operator, the City has multiple options available to investigate these actions. The City has by-laws that set out minimum standards and requirements that must be met with respect to waste, noise, and appropriate use of the public right-of-way to ensure health and safety. If required, enforcement steps may be taken by staff to ensure compliance.

Eating establishments are also subject to additional requirements and screening criteria as a licensed business category under Chapter 545, Licensing. Business operators that are not compliant with the conditions of their business licence may have their licence refused, suspended, revoked, or have conditions imposed upon it by the Toronto Licensing Tribunal.

### **King Street Transit Corridor**

**Current regulation:** only curb lane cafés that were issued permits under their own unique criteria in 2019 and 2020 within the King Street transit corridor (and/or transferred to new permit-holders) are permitted to operate seasonally, from both October 16 to April 30, and from May 1 to October 15.

**Recommendation:** All permit-holders on King Street East or West, between Jarvis Street and Bathurst Street may be permitted to operate seasonally, from both October 16 to April 30, and from May 1 to October 15.

**Rationale:** This amendment is technical in nature as the King Street Transit Corridor envisioned year-round operation of curb lane cafés and public parklets given the removal of straight through traffic at most intersections and special maintenance arrangements made with the local BIAs.

### **Vertical Barrier Heights for Curb Lane Cafés**

**Current regulation:** all curb lane cafés must have a vertical barrier at least 0.9 metres in height and any opaque portions of any barrier must not be greater than 0.9 metres in height, measured from the surface of the street, to preserve sight lines.

**Recommendation:** change the maximum vertical barrier height for opaque portions of the barrier to 1.2 metres.

**Rationale:** requirements for vertical barrier heights of curb lane cafés under the temporary program from 2020 - 2022 permitted heights up to a maximum of 1.2 metres. The opaque portion of all fencing for frontage and curbside cafés located on the sidewalk is 1.2 metres, measured from the surface of the sidewalk. Applications for all café types are reviewed on an individual basis for sight line concerns, during which a submitted vertical barrier or fencing design revision may be requested if a concern is identified.

## **Permit Suspensions**

**Current regulation:** a curb lane café permit must be suspended if a permit-holder has violated any law or by-law. A report must then be forwarded to the local Community Council for consideration.

**Recommendation:** amend the suspension requirement to only include violations specifically within the permit area that have resulted in a conviction.

**Rationale:** of the 2024 curb lane café participants, 10 permit-holders had violated a by-law with a conviction imposed. These convictions were unassociated to curb lane cafés and predominantly related to unreasonable levels of noise. No business licences were suspended or canceled for these convictions. It is impractical for staff to go before Community Council for each violation on record given the timelines for the curb lane café program. Each curb lane café permit-holder is responsible to maintain a licence under Toronto Municipal Code, Chapter 545, if a business licence were suspended or canceled due to a serious conviction, the curb lane café may be immediately suspended at the same time. The permit-holder will follow the procedure under Chapter 545, and if applicable, appear before the Toronto Licensing Tribunal.

## **Seasonal Operation and Removal of Curb Lane Café and Public Parklet Elements**

**Current regulation:** a curb lane café or public parklet permit holder must clear all café elements from the permitted area from October 15 of one year to May 1 of the next year.

**Recommendation:** amend the dates curb lane café or public permit holders are required to clear all café elements to read from October 16 of one year to April 30 of the next year.

**Rationale:** curb lane café permits have been issued with a start and end date from May 1 to October 15. This amendment would align the removal period to begin once the permitted operating period has completed.

## **Usage of Permit Area**

**Current Regulation:** a curb lane café or public parklet permit holder must ensure their permit area is open and in use from May 2 to October 14, inclusive.

*Recommendation:* amend the dates curb lane café or public permit holders are required to open and utilize their café to read from May 1 to October 15, inclusive.

*Rationale:* curb lane café permits have been issued with a start and end date from May 1 to October 15. This would align the operating period with the current permitting period.

### **Clearances for In-Ground and Above Ground Telecom**

*Current regulation:* the required clearance for temporary, fixed elements from in-ground telecom infrastructure is 0.6m, and clearance from above-ground telecom infrastructure is not defined for both temporary fixed elements, and temporary removeable elements.

*Recommendation:* amend the required clearance from in-ground telecom infrastructure to 2.0 metres and create a new row in the Utility and Infrastructure Clearance chart to include the required clearance from above-ground infrastructure as 1.0 meters for temporary, fixed elements, and 0.3 metres for temporary removable elements.

*Rationale:* maintenance being performed for in-ground telecom utilities require a 2.0m radial clearance be provided for the installation and use of fall-arrest equipment by workers, and to install and maintain the equipment required for a temporary work zone as per the Book 7 of the Ontario Traffic Manual. Additionally, above ground telecom infrastructure commonly contains outward swinging doors/panels, requiring space for workers to access the interior electrical and/or computer components.

### **Amendments to Chapter 27, Council Procedures**

Staff recommend wording changes to City of Toronto Municipal Code Chapter 27, Council Procedures as it pertains to permit appeals, to clarify the new terminology for cafés on the roadway, now called curb lane cafés, replacing the old terminology of parklet cafés. Full wording amendments are outlined in Attachment 2, appended to this report.

### **Amendments to Chapter 441, Fees and Charges**

Proposed amendments to Municipal Code Chapter 441, Fees and Charges include the removal of the application fee for public parklets. Public parklets are permit areas similar to curb lane cafés, however, are not associated with an adjacent business. Public parklets are fully public spaces deployed by BIAs or Community Centres and are subject to the same technical requirements as curb lane cafés. Other amendments include clarifications to the annual adjustment of fees, updating the permit transfer fee retroactive to January 1, 2024, which may result in the processing of refunds for affected curb lane café and sidewalk café operators. Additionally, the fee discount applicable to businesses located within Neighbourhood Improvement Areas and the Kensington Market District. Full wording amendments are outlined in Attachment 3, appended to this report.

### **Elimination of the Public Parklet Application Fee**

*Current regulation:* City of Toronto Municipal Code Chapter 441, Fees and Charges, the current application fee (per parking space) for public parklets is \$693.96, with an annual adjustment.

*Recommendation:* remove the application fee for public parklets from City of Toronto Municipal Code Chapter 441, Fees and Charges.

*Rationale:* the application fee for public parklets has been paused since the launch of the CaféTO program in 2020. Public Parklets offer community benefits through expanded outdoor spaces available to everyone, without patronizing a local business. Public Parklet applicants are most commonly BIAs or community centres.

## **Amendments to Chapter 937, Temporary Closing of Highways**

Proposed amendments to Municipal Code Chapter 937, Temporary Closing of Highways include technical amendments to clarify the year-round operation of curb lane cafés on the King Street Transit Corridor (as described previously), and delegating authority to the General Manager of Transportation Services to close curb lanes up to seven days earlier. Full wording amendments are outlined in Attachment 4, appended to this report.

## **Delegated Authority to the General Manager to Close Curb Lanes**

*Current regulation:* Curb lanes (outside of the King Street Transit Corridor) may only be closed from May 1 to October 15 (inclusive) for the purpose of a curb lane café.

*Recommendation:* Curb lanes (outside of the King Street Transit Corridor) may be closed from April 24 to October 15 (inclusive) for the purpose of a curb lane café, if in the opinion of the General Manager there are favourable weather conditions and there is operational readiness.

*Rationale:* During the seasonal shoulder months, where temperatures fluctuate, Transportation Services may be able to begin closing roads up to seven days earlier, starting April 24. The General Manager, Transportation Services will base this on several factors, including, long-range weather forecasts, winter operations, spring cleaning and operational readiness. The General Manager, Transportation Services will advise impacted Council members if roads will be closed earlier.

## **CONTACT**

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## **SIGNATURE**

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Patrick Tobin  
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## **ATTACHMENTS**

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Attachment 1 - Proposed Amendments to Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays

Attachment 2 - Proposed Amendments to Municipal Code Chapter 27, Council Procedures

Attachment 3 - Proposed Amendments to Municipal Code Chapter 441, Fees and Charges

Attachment 4 - Proposed Amendments to Municipal Code Chapter 937, Temporary Closing of Highways