

CaféTO Webinar

March 2nd, 2021

Questions and Answers

Licensing & Registration

Q) As a new business, can you advise of what we can do to be proactive when preparing to open and take care of our guests?

A) Ensure that you have applied for and received the correct licence for your business (B71 Eating Establishment), please allow 2 weeks for processing of the application. You should be sure to apply for CaféTO as soon as possible, especially if applying for a curb lane café.

Also be sure to monitor and understand the latest public health regulations from the City and the Province.

Q) Are non-food businesses able to use this CaféTO program?

A) The CaféTO program is designed to support restaurants and bars with added outdoor dining options when permitted. Other business types will not be able to register for the program.

Q) My business is new and is still in construction and will be opening up in mid-April. May I still apply for the CaféTO Curb Lane Café?

A) You may apply for CaféTO if you have obtained your B71 business licence from the City and have obtained the requisite insurance. Your curb lane will be closed in accordance with the application window you have successfully registered for.

Q) How long would it take to obtain the permit after registration?

A) We will have all registrations for curb lane cafés in the first registration window, vetted and approved by end of March. The first round of curb lane cafés will be installed in May. Registration for sidewalk cafés are reviewed on a first-come, first-serve basis.

Q) Are businesses able to "borrow"/use curb or sidewalk space that neighbouring business do not wish to use (with their permission)? If so how would one go about properly applying?

A) Sidewalk cafés, on public property, may be expanded in front of a neighbouring business if written permission is granted from the adjacent tenant and/or property owner. In your application, you will have an option to choose, "expand your café in-front of an adjacent property." Permission letters from any impacted neighbour are required to be submitted as part of your application.

Q) If you apply for the first window, starting in May, when does that run until and is there a need to re-apply for the second window?

A) There are two different end dates for the CaféTO program, depending on what kind of café you have. For those of you with curb lane cafés, they must be removed in early November, in order to accommodate for winter maintenance. The City will advise you when your curb lane closure will be removed. Sidewalk Cafés are permitted to be installed all winter, until April 14, 2022, if public health permits outdoor dining. There are winter maintenance requirements for operating a café on the sidewalk in the winter and a CaféTO Winter Guidebook will be released in the fall. There is no need to reapply again in the 2nd registration window if you were approved during the first registration window.

Permissions for expansion of dining on private property is also expected to run until April 14, 2022.

Q) How long does the application take?

A) If you have all the required documentation prepared, the application will take approximately 10 minutes to complete.

Q) Does the extended café include a liquor license?

A) A Liquor Licence is still required from the AGCO if you wish to serve alcohol in your café. Please be prepared to provide your liquor licence number when you apply.

On public property, when you expand your café, you are given a letter of municipal non-objection, which allows you to serve liquor in your expanded space. This year, the AGCO has relaxed requirements expansion of liquor licenses. This letter of non-objection gives café operators the right to serve alcohol in their café area.

On private property, there is blanket permission to expand the liquor licence onto expanded patios in 2021.

Please note that all requirements set out by the AGCO for your liquor licence must continue to be followed in the expanded area.

Q) Is there a difference in application requirements if the restaurant does not have a liquor licence?

A) Application requirements are the same for all restaurants.

Public Property Cafés

Q) Will installation of curb lane cafés be for everyone at the same time, or will some areas get their cafés days or weeks ahead of others (like last year)?

A) The installation process of curb lane cafés requires a significant amount of resources and time to complete. Last year, we installed over 400 curb lane closures, requiring several thousand pieces of traffic equipment. We are working hard to ensure that the installation process is as efficient and speedy as possible, but it is not possible to install all of the curb lane closures on the same day.

Q) Will we be able to run power or water to the curb lane patios?

A) No power cables or water hoses are permitted to be run across the pedestrian clearway into the café.

Q) I am not in a BIA and I would like to explore having a TTC stop temporarily relocated. How can we accomplish that?

A) Please ensure you have registered successfully and email the specifics of your request, including address to CafeTO@toronto.ca. Not all requests to remove or relocate TTC stops will be possible.

Q) Are pods or tents allowed on Curb Lane Cafés? Can I have a tent or structure on the sidewalk or on the public boulevard?

A) No tents or structures, which includes private dining pods, are permitted to be placed in the public right of way, either in the curb lane or sidewalk. Tents and structures on sidewalk and roads are not permitted due to safety and accessibility concerns. Tents and related guy wires impede on the pedestrian clearway and reduce accessibility. They also would impact sightline for cars, pedestrians and cyclists travelling on the road, which is a safety concern. Also, operators are not permitted to affix anything to the street, sidewalk or any utility fixtures.

Q) If I apply for a curb lane café, am I guaranteed a space directly in front of my restaurant?

A) Although we will do our best to locate cafés directly in front of restaurants, there is a possibility that your café may be offset from the frontage of your establishment. When placing cafés in the street, we must take into consideration a number of factors related to traffic safety, including proximity to the intersection, proximity to TTC stops, and equitable distribution of space for all participating restaurants who have applied for curb lane cafés.

Q) When can we begin constructing a platform or deck?

A) On public property, temporary platforms are only permitted to be installed on curb lane cafés, with explicit approval from the City. In the CaféTO application, you will have a chance to indicate interest in building a platform. Staff will conduct a preliminary review of the site, and will contact you directly about next steps, which include drawings submissions. You may not construct your patio in the roadway until receiving written approval.

If you are looking to construct a deck on private property, you may require a building permit. Please consult with Toronto Buildings Customer Service before beginning construction.

Q) Is it possible to put up higher barriers for the street safety? What extra safety measures are going to be in place for curb lane cafés?

A) This year's CaféTO guidelines contain clearer criteria for the building of fences in curb lane café areas to guide operators when installing fencing. Fences may not be taller than 1 metre or shorter than 0.9 metres, measured from the street, in order to preserve sightlines for road-users.

Safety of dining patrons is a key principle of CaféTO and all curb lane cafés are designed in accordance with provincial best practices and standards for long-term lane closures.

Q) Can we have a curb lane café if our property is at the top of a "T" intersection? Can a curb lane café be next to a traffic light or stop sign?

A) Curb lane cafés are not possible in every location, and in order to ensure the safety of the café and of road users there are certain setback requirements from intersections. Each curb lane café undergoes a review process to determine whether it can be safely placed. Please submit an application for CaféTO so that a specific review can be undertaken for your business.

You can review the curb lane café placement requirements in the CaféTO guidebook on page 25-26.

Q) Can we leave out furniture in the CaféTO patio overnight if it's a large space?

A) Please refer to page 28 of the CaféTO guidebook

Q) Can this café on the side walk be permanently on there after this summer?

A) Permission to expand a café on the sidewalk is granted until April 14, 2022. This is not permanent permission to expand a café, and participation in CaféTO does not guarantee a sidewalk café in the future. Sidewalk café operators are not to affix any element of their café permanently to any element of the sidewalk.

Private Patios

Q) How can we expand on private property?

A) If you can accommodate a patio entirely on private property, and you meet the requirements of the zoning by-law, you do not need to seek permission from the City prior to installation. If you are not sure if your patio complies with the zoning by-law, you may request a preliminary project review from the Toronto Building Division, where staff will determine compliance.

Q) What are the criteria for the installation of Private Property patio in the rear of the restaurant?

A) The primary criteria is the patio must be at least 30 metres from a lot in the residential zone (40 metres if above the first floor), its size must not be greater than 50 square metres or 50% of the interior of the restaurant (whichever amount is greater), a fence must be installed between the patio and the lot in the residential zone, and entertainment such as performances, music or dancing is not permitted.

You can find the full details for installation of Private Property Patios on page 37 of the CaféTO guidebook.

Q) Will requirements for private property patio be released for quick implementation this year?

A) The regulations for a patio on private property are already released, and further described in the Patios on Private Property section on page 37 of the CaféTO guidebook,

Q) Will the City consider any exceptions to the zoning by-law for a private patio expansion in a rear yard or side flankage?

A) All private patios, regardless of whether they are in a rear yard or side flankage, must meet all the requirements of the zoning by-law. If they don't meet the requirements and you are not able to modify the patio to comply, then you may submit an application for a minor variance to the zoning by-law to the Committee of Adjustment where a panel will determine the appropriateness of the request.

Q) What are the rules for laneways that are connected to a restaurants private property? Is there a distance that has to be insured?

A) If you are operating a patio on private property that is adjacent to a laneway, you must ensure that all café materials are placed with a distance of 1 metre from the travelled portion of the lane. You must also ensure that your private patio is at least 30 metres away from a lot in a residential zone.

General

Q) What are our responsibilities if the public doesn't obey rules?

A) It is your responsibility as the restaurant operator to ensure you and your patrons are in compliance with the CaféTO guidelines at all time. Failure to do so could risk enforcement action and risk your permission to participate in the CaféTO program. If you see any restaurant or bars who are not compliant with the CaféTO guidelines, please contact 311 with the specific complaints.

Q) Is this City providing dividers or fencing for patios? If not, can we simply provide our own?

A) The City of Toronto is not providing dividers or fencing for either Cafés on the sidewalk or on private property. It is up to the owner to provide their own materials. Any fencing or delineation on public property, must meet all CaféTO guidelines, found in the "temporary fencing" section of the guidebook.

We will provide traffic equipment to restaurants accessing curbside cafés. Restaurants may choose to build their own fencing for a curbside café, if the fencing meets all requirements in the CaféTO guidebook, after the curbside closure has been laid down.

Q) Is there a resource within the City that can help businesses source planters, and other temporary barriers that are required for curbside and private property?

A) The City cannot make any recommendations for specific vendors that supply café materials.

Q) Are heaters permitted and will heaters be provided by the City?

A) Heaters are permitted this year under CaféTO, as long as you maintain all the required guidelines set out on page 23 of the CaféTO guidebook. Heaters will not be provided by the City.

Q) Is amplified music permitted this year?

A) Amplified music is not permitted on either cafés on the public right of way or on private patios. This restriction pre-dates CaféTO and is in place to reduce the impact on neighbouring residential properties.

Q) When is outdoor dining expected to start?

A) Like you, we are anxious for the outdoor dining season to start and for cafés to begin operating. We do not have any indication on when this might be, please continue to monitor public health information for the latest details on permission for outdoor dining.

Q) How long will CaféTO last?

A) Currently, the end date of CaféTO is on April 22, 2022. Curbside Cafés, cannot be in place during the winter and will be removed in early November, 2021 to accommodate winter maintenance activities.

Q) How many installations can you have altogether?

A) There is no specific limitation on numbers of installations. However, installations will only be permitted where they meet the guidelines of the program.

Q) What hours can I operate the sidewalk and curb lane cafe patio area?

A) Please refer to Page 22 of the CaféTO Guidebook.