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Managing the curb – Public space and use of curbside cafes during the Coronavirus pandemic

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A B S T R A C T

Urban streets, especially curbside spaces, are increasingly complex and often contested. The Coronavirus pandemic created a new demand for street space to enable physical distancing. The urgency of the pandemic and the fear of covid exposure suspended traditional community engagement opportunities, opposition from residents and business owners, and considerations over the privatization of public street space. This exploratory paper uses the case studies of Toronto and Chicago to trace the past and present regulations and programs affecting curbside parking spaces. Through these cases, this paper addresses larger questions that relate the historical conceptions around curbside parking use with those put forward in response to the pandemic. Given the popularity of pandemic-related curbside space programs and their potential to become long-term interventions, this paper also raises several questions around privatization, access and social equity that must be addressed in future iterations of programs affecting curbside space.

1. Introduction

Managing urban streets, especially curb space, is increasingly complex and contested. Within the street right-of-way, vehicles, cyclists, pedestrians, utilities, and cafes, are all competing for space at the curb. In the North American context, traffic engineers and urban planners have historically prioritized traffic movement in the street right-of-way (Blomley, 2007; Hamilton-Baillie, 2004; Hess et al., 2019). In the last decade however, there has been a growing recognition of other users of the street, including pedestrians and bicyclists. Across North America, Complete Streets and Vision Zero policies have begun to challenge the prioritization of moving vehicular traffic fast, and emphasize the safe accommodation of the most vulnerable road users. Similarly, annual Park(ing) Day events, and short- and long-term parklet programs have been developed to create public space from formerly auto-oriented street parking spaces. These ongoing trends have only been further reinforced by the need for physical distancing and economic recovery during the Coronavirus pandemic (hereafter, pandemic). The pandemic highlighted the ‘limitless possibilities for retrofitting local main streets’ to be more people-centric and to foster a ‘neighbourhood ecosystem,’ evident through the many pandemic-related programs affecting main street geographies implemented rapidly by cities across the world, many of which continue today despite the need for physical distancing and economic recovery receding (Mehta, 2022; Pérez, 2020a).

For decades, contentious debates have erupted around proposals to transform curbside parking spaces to alternative uses, especially on commercial streets. In some places, this resistance has been fiercely against bike lanes and more people-centric uses such as public parklets. During the height of the pandemic however, curbside parking spaces were rapidly transformed for use from automobile storage to other uses, primarily outdoor dining. In most cases, municipalities ‘hastily’ approved these cafes, or ‘streateries,’ with minimal community engagement, raising several issues around equity and access (Flynn & Thorpe, 2021; Margolies, 2020). While the sense of urgency for physical distancing may be receding, there is still an ongoing demand from dining establishments to provide outdoor dining and an expectation that cities will continue curbside parking café programs that were rapidly enabled and installed at the height of the pandemic in 2020 and 2021 (Pérez, 2020a). More so, ideas of street design and public space are rapidly shared and disseminated globally through media and professional networks; the pandemic only heightened the urgency and justification for these exchanges (Gregg et al., 2022; Peck, 2015). Curbside cafes and outdoor dining in public spaces are no exception, and their implementation and accommodation has only accelerated in the
pandemic.

While curbside cafes challenge the automobile use of the street, they also effectively privatize part of the public right-of-way by transferring the right to use the curbside space to a paying public. For cities across the globe, the critical questions of privatizing public space for outdoor dining uses often go unexamined, especially in tactical or temporary street design interventions; but also in emergency responses undertaken during the pandemic. Thus, this paper uses these narratives around public property, public space, and the urban commons to critically examine the equity issues that arise from the use and regulation of curbside parking spaces, specifically as curbside cafes along commercial streets, using Toronto, Ontario, and Chicago, Illinois, as case studies. Specifically, we evaluate how curbside parking space was managed prior to the pandemic and how each municipality reacted and enabled adaptation of curbside parking spaces during the height of the pandemic in 2020 and the early months of 2021 by probing the regulatory processes and emergency guidelines developed for curbside cafes. As cases, Chicago and Toronto illustrate vastly different approaches to curbside and parking management prior to the pandemic. Chicago, especially, has an existing legacy of privatization with the parking concessions agreement that privatized the control and management of much of the cities curbside parking spaces in 2008 (Kaplan, 2012). Furthermore, we utilize these cases in an exploratory manner to raise questions regarding the unresolved tensions around the use of public space, accessibility, and social equity that result from shifting the use of the curbside space from public parking space to private outdoor dining. These issues are especially pressing given the interest in developing more permanent curbside outdoor dining programs in many North American cities, and beyond.

This paper focuses on curbside dining in two North American cities. However, there is a growing implementation of outdoor dining in streets and public plazas in many countries across the world. What also unify these cities across their differing contexts are the ongoing tensions over the shifting uses of the public spaces and streets. Even as the pressure of the pandemic has waned, permitting and user fees for outdoor dining have continued to be waived in many cities throughout the summer of 2022. This clearly signals that cities across the globe are prioritizing privatized outdoor dining uses of public street space and the economic recovery of the dining establishments.

In the following sections, we begin by providing a review of literature highlighting discussions about the street, and specifically curbside parking spaces as public spaces and as a part of the urban commons. We then articulate the methods employed for this research, followed by a detailed description of programs in two case study cities – Toronto and Chicago – that affect curbside parking spaces. We conclude by outlining some findings from these case studies and by posing a series of questions ripe for discussion.

2. Background and literature review

This paper focuses on curbside parking spaces along commercial corridors, and, hence, this section shares prominent narratives in scholarly literature that situate the street as public space, public property, and part of the urban commons. It speaks to the importance of the main street as a space for practices of ‘commoning,’ summarizes some legal perspectives on the use and regulation of curbside parking, and outlines the various temporary and permanent ways in which curbside parking spaces have been used for people-centric uses that go beyond storage for automobiles. This section concludes with a brief note on policy mobility, which is an important piece of the puzzle in highlighting the implications of the narratives included in this paper.

2.1. Streets as an urban commons

Beginning in the 1930s, with the broader influence of the automobile, there was a shift toward prioritizing the rapid and efficient flow of vehicular traffic in the street (Ben-Joseph, 2020). Prior to that, however, urban streets functioned not only as transportation corridors, but also as public spaces where activities from adjacent buildings would spill out onto the right-of-way. Commercial streets often served as ‘extended market place[s] where vendors sold from pushcarts and wagons’; while residential streets were vibrant with children playing and neighbourhood events (Jakle & Sculle, 2004; Norton, 2011). When municipalities shifted toward prioritizing traffic movement, their authority to do so was often upheld in the courts (Blomley, 2007). This resulted in the subordination of all other street uses, including curbside parking and public space uses, to the efficient flow of vehicles (Jakle & Sculle; 2004; Norton, 2011).

Despite the predominance of auto-centric uses of streets, they are critical, and often the last remaining, public spaces in cities all over the world. Public spaces are important for their capacity for a wide range of reasons, from offering spaces for people to experience nature and moments of play, to creating conditions for people to encounter cultural, social, and economic differences (Low & Smith, 2013). However, in recent decades, urban public spaces have experienced an ‘erosion’ as a result of increased securitization and privatization, which are often associated with symptoms of ‘issues related to economic inequality, racial and ethnic exclusion and environmental injustice’ (Brain, 2019; Low, 2006). In public spaces, especially on streets, people are forced to coexist with and confront the ‘poor and the powerless’ and their mere presence becomes something that is problematic and in need of policing and control (Brain, 2019; Mitchell, 1995). This is further exacerbated by the neoliberal logics that drive municipal decision-making around public space, which privileges the private sector and ‘market-oriented solutions’ for the control of public space (Brain, 2019). In response to these logics which have resulted in a distrust of state governments as acting on behalf of the public good, scholars and activists have used the conception of a ‘new commons’ which extends traditional definitions of the commons to be purely based on free use of resources to include practices of urban ‘commoning’ where people come together and socially produce spaces through forms of self-governance, care, and interaction (Hou, 2018).

By definition, a commons is ‘non-commodified and inclusive’ (Shields, 2018). Despite the term being coined in reference to natural resources and their protection (e.g. lands for grazing or rivers for fishing), the concept of the commons has been expanded to apply to the urban context (Gidwani & Bavisar, 2011). For a city, a commons provides resources that the public depends on, including members who ‘do not have the option of opting out in favour of private amenities’ (Shields, 2018). Thus, the ‘challenge of the commons’ lies in understanding what is shared in common, how and by whom? – it points to the question of inclusion and exclusion in the practice of commoning in the city (Shields, 2018). In the context of planning and regulation, Shields argues that commoning includes practices which contain a capacity for co-emanicipation (2018). The commons includes spaces such as the urban street where the possibility of improvised interactions take precedence over prescription, where planning practice facilitates a kind of ‘free-zoning’ for users to negotiate space on a daily basis (Shields, 2018).

From a property perspective, legal scholars argue that streets are inherently commons because of their function as a platform for ‘everything society needs to accomplish,’ including sociality (Pérez, 2020b). By promoting sociality, the access to streets as places of commerce, recreation, or speech ‘increases their value’ and serves the ‘public good,’ a phenomenon Rose (1986) refers to as the ‘comedy of the commons’ (Pérez, 2020b). It should be noted that some scholars note a key difference between the idea of the ‘public,’ which is a juridical category, and the ‘commons,’ which is a ‘dynamic and collective resource’ that are constantly dynamic, emergent, and negotiated, and

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1 Examples include: In the United States – New York City, NY; In Canada – Toronto, ON; In The European Union – The Hague, NL.
which exist outside of the State law to avoid becoming capitalist commodity (Gidwani & Baviskar, 2011).

Speaking of the pandemic-related programming affecting public sidewalk space, Pérez (2020a,b) highlights the importance of sidewalks as spaces for people and argues that “local regulations pick winners and losers among the different potential uses favoring powerful interests and monetizable uses and excluding those perceived as disorderly, such as homeless or street vendors” (p.5), a claim supported by Flynn and Thorpe (2021). She highlights the ‘privatization of duties and of governance’ that effectively narrow the definition of the ‘public’ and the activities that the streets remain accessible to (for several legal examples, see Pérez, 2020a,b).

Thus, while street space is undisputedly part of the urban commons, how it is managed and whom it serves continues to be contentious. That said, despite ongoing disagreements among different interests, municipalities have long demonstrated and upheld their authority in managing the street right-of-way, and the management of curb space for parking has broadly been accepted (Blomley, 2007; Hamilton-Baillie, 2004; Jakle & Sculle, 2004).

2.2. Managing curbside parking as a public good

While contested, curb space is not always uniformly managed or even clearly organized by city governments. Some cities delegate curb management to transportation authorities, in others it falls under parking management, still in others it is under the jurisdiction of utility or public works departments. Due to the overlapping organizational interests of public rights-of-way, curb management is often uncoordinated between entities, leaving cities uncertain of their existing inventory of curbside parking even in core areas (De Cerreño, 2004).

Most urban planning literature focuses on the supply, pricing, and land-use issues related to curbside parking (De Cerreño, 2004; Kobus et al., 2013; Shoup, 2021; Willson, 2017). A bit more attention is devoted to street parking and curb management in transportation and engineering literature. However, this research typically addresses parking in terms of demand, pricing, and efficiency (Brooke et al., 2019; De Cerreño, 2004; Kirschner & Lanzendorf, 2020; Kobus et al., 2013; Willson, 2017). Like the bias for traffic movement, curb parking is often framed as an obstacle to the efficient flow of traffic.

In contrast to both planning and transportation literature, there have been robust discussions within legal scholarship surrounding the management of the street right-of-way, especially curbside parking. Blomley (2007) underscores how traffic laws functionally prioritize the management of streets and sidewalks for traffic flow, trumping the use and management of the sidewalk as a public space. Pérez (2018) specifically critiques the management of on street parking from a public property rights perspective. Pérez (2018) argues that regulations around curbside parking demonstrates the complexities of publicly-held property rights, highlighting that public property rights are not directly comparable to those of private property and curbside parking spaces are a part of public property – this means not just owned by a public entity, but also held ‘on behalf of the public for the pursuit of public good’ (p. 369).

While metering of street parking spaces has become widely used and accepted, questions remain about the extent to which a municipality can legally manage and regulate the parking spaces within the street right-of-way. This includes questions about the revenue that is generated through metered parking spaces and parking fines (due to expired meters), the use of technology by private corporations to locate and ‘sell’ curbside parking spaces (like a finder’s fee), and the overall concerns about ‘privatization’ of curbside parking spaces (Pérez, 2018; Shoup, 1995). There are clear conflicts with conceptions of public space for the public good, and municipalities’ interest in the efficient management of parking. This complicates our understanding of various parking management regimes, especially when weighing the costs of the parking against the benefits provided, including questioning who the parking regimes are benefiting. For example, higher cost of parking leads to a higher turnover of parking spaces which benefits local businesses. However, higher cost may also result in an exclusion of low-income individuals for whom the parking cost may prove to be too prohibitive to access a public resource (Pérez, 2018).

Perhaps one of the most contentious examples of parking management would be the City of Chicago’s parking meter concessions agreement, through which the City essentially leased the curbside parking spaces to a private corporation for a profit – a case study further developed later in this paper (Kaplan, 2012). Ideas of inclusion, exclusion, accessibility, equity, and public space as they relate to curbside parking will be further discussed in the discussion section of this paper.

2.3. Curbside parklets

Previous ideas of rethinking curbside space were in some ways accelerated with the popularity of the Park(ing) Day movement, that began in 2005 with a two-hour experiment in one metered curbside parking space in San Francisco (Morhayim, 2014). Since then, Park(ing) Day has become an annual open-source event with participation across the globe (Schneider, 2017). For one day in September, people come together to temporarily create public spaces out of curbside parking places. According to Rebar, the urban design group that originally initiated the Park(ing) Day concept, “the vast majority of outdoor urban space is dedicated to the private vehicle, while only a fraction of that land is allocated to open space for people;” the idea of Park(ing) Day provides a direct challenge to the dominance of automobiles in public space (Rebar, 2011; p. 1). Park(ing) Day installations offer a rich and diverse opportunity for citizens to reimagine their use of public space from the bottom-up. “From public parks to free health clinics, from art galleries to demonstration gardens, Park(ing) Day participants have claimed the metered parking space as a rich new territory for creative experimentation and activism.” (Rebar, 2011; p 1). However, it should be noted that tactical interventions such as Park(ing) Day, can also be inequitable and problematic in their representation. Scholars have noted how often tactical or Do-It-Yourself forms of urbanism are expressions of privilege and can be exclusionary – when done by ‘white, educated, middle class’ residents, they are much more accepted and even celebrated, and when undertaken by communities of colour, they are more likely to be perceived as ‘illegal’ (Douglas, 2018).

Rebar’s first park(ing) spot received attention and support from the mayor of San Francisco; this bottom-up effort ultimately influenced San Francisco’s pavement-to-parks program (Morhayim, 2014). Similar to Park(ing) Day, public parklet programs and implementation have also spread globally; a growing number of cities are developing programs to guide parklet implementation and some have initiated building them in key locations (Pérez, 2020b). These parklets also occupy curbside parking spaces as semi-permanent or seasonal public space installations. The National Association of City Transportation Officials (NACTO) defines parklets as “public seating platforms that convert curbside parking spaces into vibrant community spaces. Also known as street seats or curbside seating, parklets are the product of a partnership between the city and local businesses, residents, or neighborhood associations.” (NACTO, 2013; p.73).

Both Park(ing) Day and parklet installations alter the use of public parking spaces, from static automobile storage to active public spaces. Unlike Park(ing) Day, that is largely a bottom-up effort, parklets can be bottom-up citizen-initiated, and/or top-down city-guided efforts. They often fall somewhere in-between bottom-up and top-down, with a number of cities developing an application process for communities to build or request a public parklet. New York City’s Plaza Program is one such example. In New York communities and organizations can apply for a plaza or parklet to be installed; the city will then work with the community to design and install the project (City of New York, 2022).

While some parklets are built and maintained by municipalities, many curbside parklets are built and maintained by business improvement districts/areas or directly by dining establishments often to serve as additional outdoor seating (Morhayim, 2014). Chicago’s People Spots...
are permitted by the city and occupy public curbside parking spaces but are typically organized, funded, and maintained by the sponsoring community group or business improvement district (Chicago DOT, 2017). Municipalities often support the installation of parklets because they are built and maintained by private entities (Pérez, 2020b). Regardless of who builds or maintains the parklets, the majority of parklet policies specify that the curbside spaces are to be publicly accessible, at least in theory, and some require signage to clarify their publicness (Morhayim, 2014; Pérez, 2020a,b). However, despite clear intentions that parklets are publicly accessible, many parklets mimic café décor and contain removable furniture, often hinting at associations with nearby businesses and thus creating ambiguity around the publicness of these spaces (Pérez, 2020b). These spaces are also often concentrated along prominent main street corridors – spaces where ‘businesses want to invest in them,’ instead of being more equally distributed throughout the city (Pérez, 2020b).

This ambiguity was only further compounded as cities rapidly adapted parklet programs to enable physical distancing and outdoor dining during the pandemic. Numerous cities shifted their focus from promoting parklets for public space uses to more narrowly employing them for outdoor dining for restaurants. This was to encourage both the safe operation and economic survival of the businesses. This confusion of concept and public accessibility is understandable given that many cities did not clearly develop new programs or policies for the pandemic curbside cafés but rapidly adapted existing programs in an ad-hoc nature (Gregg et al., 2022).

2.4. Curbside dining during the pandemic

Prior to the pandemic, there was a slowly emerging shift away from singularly prioritizing vehicle movement in the street right-of-way. Beginning in 2020, the pandemic created a new demand for street space to enable physical distancing and spurred a rapid response by municipalities in rethinking the use and function of streets. There was a ‘hasty, real-time’ implementation of numerous types of tactical street designs to respond to these needs (Gregg et al., 2022; Flynn & Thorpe, 2021). The implementation included: the closure of streets around parks; limited access residential ‘shared streets’; pop-up bicycle accommodation; full street closures; and outdoor dining opportunities (Gregg et al., 2022). The use and demand for street space shifted overnight; commercial streets required more space – for pedestrians to physically distance; for food pick-ups; for increased deliveries; for outdoor dining; and for cyclists, as many urban residences shifted to cycling as an alternative to public transit.

Curbside cafés emerged as a lifeline for dining establishments, during the height of the pandemic in 2020 and 2021. At that time, it was assumed that allowing outdoor dining opportunities in the public street right-of-way was in the best interest of the public and businesses. In adapting to the pandemic, multiple cities including Toronto and Chicago developed their pandemic outdoor dining programs from pre-existing parklet and café programs.

Curbside cafés are often conceptually collapsed with other public parklet type interventions, such as Park(ing) Day installations and public parklets. However, they differ substantially over their appropriation of the public realm for the use and benefit of private restaurants, effectively transferring curbside parking spaces from the public to the private realm. Speaking specifically about Park(ing) Day, Morhayim (2014) argues that participants of Park(ing) Day and other events are participating in advocacy and “communicate their desired uses of urban streets not in city hall meetings, but on the streets...” (p. 229). Additionally, prior to the pandemic, curbside and sidewalk café programs, among other public space interventions, went through extensive application and vetting processes, including measuring compliance with fire safety and accessibility codes, as well as gaining feedback from the public through community engagement efforts, most of which were suspended during the pandemic. Application and renewal fees for these outdoor dining spaces also formed a municipal revenue, which was forfeited by many municipalities during the pandemic (Margolies, 2020). While curbside cafés were a clear lifeline for restaurants during the pandemic, it is unclear what consensus has been built to more permanently concede the use of the public right-of-way to restaurants. Surely, dining at the curbside cafés is not the same as vocally supporting them in a public meeting. Prior to the pandemic, businesses vocally supported curbside parking for their customers and often actively resisted the removal of any curbside parking for bike lanes or other uses, arguing that a loss of ‘car-based convenience’ will directly correlate to a loss in business revenue (Lee & March, 2010). During 2020 and the early months of 2021, there was little opposition among dining establishments for shifting the curbside parking spaces to outdoor dining areas (Gregg et al., 2022). Dining establishments already viewed the parking spaces as serving their needs in parking, and thus, shifting the use of the curbside space to outdoor dining was simply a response to their shifting needs during the pandemic. Just as municipalities supported these establishments with parking, they correspondingly broadly supported curbside cafés to enable outdoor dining opportunities.

To what extent does the public good argument for allowing the curbside cafés continue to apply as we emerge beyond the pandemic? Writing about Park(ing) Day broadly, Morhayim (2014) notes “the events themselves may be temporary appropriations of urban space, but their impact on urban spaces is greater than that.” (p.236). Arguably, this is also true of the emergency street design responses to the pandemic and how those interventions have rapidly shifted our understanding and expectations of the urban street right-of-way and specifically the privatization of public space through curbside cafés.

2.5. A note on policy mobility

In the early months of 2020, in response to the need for physical distancing in public spaces, ideas for street design interventions spread globally through news media and more traditional professional networks (Gregg et al., 2022). As is common with idea sharing, policy transfer, and policy mobility (Peck, 2015), cities looked to one another as they experimented with ways to maintain physical distancing in public spaces. What was exceptional was the accelerated rate that these transfers occurred in response to the pandemic, thus leaving little time to understand the outcomes or impacts of the previous implementation before it was repeated in a different city.

As the emergency response to the pandemic has warned, many cities that rapidly implemented these interventions are now trying to determine how to manage them, and again they are looking to one another. Even prior to the pandemic there have been debates about how to balance the public use of public spaces against the demands for cafés from restaurant owners. These tensions have only increased as cafés continue to encroach on public space and reappropriate it for private restaurant use.

Though our research is specifically focused on curbside cafés and their impacts on the use and accessibility of public space, there are parallel debates that could be extended to the impacts of sidewalk cafés, and cafés that occupy public plazas on the public use of these spaces. One such example of sidewalk cafés is shown in Fig. 1 below. This demonstrates of how sidewalk cafés in Rotterdam, NL have encroached on the sidewalk to such an extent that it limits the original pedestrian function of the sidewalk space.

3. Methods and research applications

Research for this paper began with an environmental scan of global case studies that had implemented a variety of pandemic response programs that affected the use of streets, including sidewalks, curbside parking, and street rights-of-way. Given the broad spectrum of interventions and the differences in street design and use at a global scale, we focused this paper on two case studies within North America that
specifically spoke to changes in curbside parking space. We sampled a selection of cities across the United States of America and Canada that have either extended pre-pandemic programs or created new programs related to curbside space. We chose Toronto, ON, Canada, and Chicago, IL, United States, as our primary case study cities due to their comparable geographies, sizes and populations, and their drastically different approaches to curbside parking regulation in the past and more recently, in response to the pandemic. Toronto had an existing, though minimal, sidewalk café and public parklet program, and Chicago had a legacy of privatization of parking spaces and the revenue generated from them, which made them interesting cases for the purpose of this paper. Toronto also received much attention from scholars due to its differential approach to the enforcement of pandemic-related regulations in different types of public spaces affecting different publics throughout the city (Flynn & Thorpe, 2021; Lehrer and March, 2021).

The goal of this paper is primarily exploratory. It does not aim to provide an exhaustive inventory of curbside parking space interventions prior to or during the pandemic. Using these two case studies allows us to explore two (out of many) ways in which cities with different legacies of regulation surrounding curbside parking spaces are actively implementing programs that effectively transfer space from the public realm into the private during the pandemic. The cities were also chosen due to the geographic proximity for the authors, especially since travel was heavily restricted during the pandemic, when this paper was written. We do not intend for these cases to be comparative.

For each of these cities, we conducted extensive reviews of city websites for specific programs and updates in response to the pandemic, including identifying the type of intervention, its timeline, its reception by the public, the roles of various groups in implementing the intervention, past history of programs affecting curbside parking space, the intentions or goals of the interventions, and the application procedures. This review was carried out between July and October 2020, with some additional research done in January–March 2021 to update the information gathered in 2020. Even during this short span of time, the regulations changed rapidly. The following case study sections document the past and present regulations related to the use of curbside parking spaces in Toronto and Chicago. The subsequent discussion section uses the case studies to raise questions around the accessibility and effective privatization of this critical public space.

From the literature review presented in the previous section, it is evident that literature that focuses on identifying how curbside parking space can be repurposed for more active uses by people, and less automobile-centric uses, is limited and relatively recent. Through this paper, we aim to broaden the perception of curbside parking spaces as being primarily storage spaces for cars, and raise questions that can help inform future research and program development. This paper aims to address larger questions that relate the historical conceptions around curbside parking use with those put forward in response to the pandemic. By raising questions around social equity and the impacts of the privatization of public space, the paper’s findings are also applicable to a variety of other cities around the world where public space is often co-opted for use by private businesses, such as the outdoor café model in plazas in many cities in Europe. We hope that the case studies presented in this paper, and the questions raised about them, offer a basis for a re-evaluation of urban programs all over the world that effectively transfer the use of and access to a public resource within the city to use by private businesses, where one must pay to enter.

3.1. CafeTO and CurbTO – Toronto’s pandemic response to managing curbside parking space

The City of Toronto had been hesitant to implement any permanent or radical changes to curbside parking spaces prior to the pandemic. Despite being a global city, the city has seen only a handful of Park(ing) Day installations, and summer parklet permits have a strenuous application process to go through before approval (Parklets, 2017; Skinner, 2017). Over-regulation had also squashed previous efforts to implement street vending programs, such as the ‘a la Cart’ program that was briefly implemented in 2007 (Powell, 2010). Even the conversion of curbside parking spaces into bicycle lanes had seen a lot of pushback from neighbouring business owners and business improvement area groups (Arancibia et al., 2019). The City has, however, implemented some successful pilot parklet programs, such as those along King Street (Aboelsaud, 2018). The pandemic catalyzed the creation of several new programs focused on repurposing the street right-of-way from being vehicle-oriented to serving people.

The City launched a range of initiatives in response to the pandemic between April and July 2020, many of which have been implemented in 2021 and 2022 as well. Specifically, the ActiveTO, CurbTO, and CafeTO programs aimed at addressing business recovery and street and public space uses. ActiveTO expanded the city’s network of bicycle lanes, provided local street closures on weekends for pedestrian and cyclists,
and developed a network of ‘quiet’ (or shared) streets that constrained vehicular access on certain local streets to prioritize pedestrian and cyclist use. CurbTO created temporary free parking pick-up zones near businesses, and addressed the need for physical distancing and pedestrian crowding in key areas by extending sidewalks into the curb lane at a few key locations. In parallel, CaféTO managed the expansion of outdoor dining space for restaurants, including encroaching on sidewalk space and into curbside parking lanes. In addition to these programs, a few public parklets were developed on commercial streets across the city, many by Business Improvement Areas (BIAs).

### 3.2. CaféTO

For the CaféTO program, the City of Toronto partnered with the Toronto Association of Business Improvement Areas (TABIA) to encourage economic recovery and enrich commercial streets by enabling restaurants and bars to open curb lane, sidewalk, and expanded sidewalk cafes; the program also waived fees, and expedited the permitting process for business owners (City of Toronto, 2020b, p. 1; COVID-19, 2020). CaféTO, which began in early summer in 2020, temporarily replaced an existing city ordinance (Chapter 742) that managed sidewalk cafes, parklets and marketing displays. As a part of the program, the city funded traffic planning studies, curb lane closures, and other associated costs, while the BIAs covered planting and maintenance costs; some additional funding was provided by the City’s Economic Development and Culture office (City of Toronto, 2020b).

The CaféTO program established clear spatial parameters for locating sidewalk cafes (see Fig. 2, below); cafes were not permitted near intersections and crosswalks or where parking would otherwise be prohibited. The guidelines also mandated that a clear (2.1 m) path for pedestrians be maintained. It also enabled restaurants to install a ‘single line of seating directly in front’ or ‘small frontage cafes’ without a permit (COVID-19, 2020). For some images of sidewalk and curbside cafe installations in Toronto, see Fig. 3. Decisions to allow or deny applications to eliminate parking and allow curb lane cafes were ultimately delegated to local city council representatives (City of Toronto, 2020b). Initially CaféTO was just intended for the 2020 summer cafe season, but to address the winter demand, permits for small frontage and curbside cafes were extended through April 2021, and a second iteration of the program was implemented in 2021. Cafes in the curb lane were not allowed during the winter months due to snow clearing needs (Fig. 3).

In 2020, the CaféTO program enabled outdoor seating for 897 restaurants across 62 different BIAs (Fig. 7); 44 public parklets were also ‘activated’. 9683 linear metres of traffic and curb lanes were converted into outdoor dining spaces (City of Toronto, 2021a). A survey with 2800 respondents, conducted in September and October 2020, showed overall satisfaction with the CaféTO program. Among the survey respondents, restaurant owners showed strong support for the program to be extended into the long-term, and called for allowing expanded built structures. Patrons supported the program for bolstering local business, adding vibrancy and enjoyment to street life, and prioritizing people over cars. There were some concerns expressed, however, including the impacts on traffic and retail from parking removal, and the accessibility of sidewalks. Some respondents indicated that improving the décor and safety measures would have enhanced the outdoor dining experience, while surprisingly, few respondents indicated that they had visited the public parklets (City of Toronto, 2021b). Detailed information on the public parklets was not available publicly.

In its first iteration in 2020, the CaféTO program was temporary and excluded structures in the curb lanes; in fact restaurants were asked to remove furniture by 11 pm every night (City of Toronto, 2020b, 2020c). However, the success of the program propelled it forward. On January 27, 2021, the City of Toronto Executive Committee extended the CaféTO program to allow curb lane cafes and public parklets from May 2021 to November 2021, and sidewalk cafes from April 2021 to April 2022. A report also outlined requests for expanding the program, including allowing built structures (such as decks, platforms, and fencing), increasing ongoing financial support, and improving efficiencies with registration and implementation (City of Toronto, 2021c). The report also reported an estimated 2.5 million CAD in lost parking revenue due to the CaféTO and CurbTO programs (City of Toronto, 2021c, p. 6). Finally, there were recommendations for improving accessibility including standards for asphalt ramps, an ‘inspection and enforcement schedule,’ and ‘standards of design of curb lane patios’ (City of Toronto, 2021c, pp. 7–8) (Fig. 4).

### 3.3. CurbTO

CurbTO consisted of curb lane closures for two initiatives: Temporary Parking Pickup Zones which allowed ‘temporary parking for quick curbside pick-ups,’ and Curb Lane Pedestrian Zones to create ‘spaces to queue retail customers and restaurant and bar patrons’ (City of Toronto, 2020b, p. 6, 2020d, p. 1) (Fig. 5). By June 2021, 130 spots were marked as pick-up zones, while a total of 108 sites were identified as curb lane pedestrian zones in 2020 (City of Toronto, 2020d; City of Toronto (2020); Cressy, 2020). These sites were primarily around areas where ‘there are lineups or pinch points on sidewalks’ including near grocery stores, pharmacies, restaurants/bars, and near community services like food banks (City of Toronto, 2020a; Cressy, 2020; Peksa, 2020). The Curb Lane Pedestrian Zones were placed in the curb lane to prevent

Fig. 2. Diagram showing CaféTO options for the summer program.
Source: https://www.toronto.ca/home/covid-19/covid-19-protect-yourself-others/covid-19-reduce-virus-spread/covid-19-cafeto/.
disruption of travel on the sidewalk, and were ‘designed to provide extra space for travelling public to physically distance from customer queues’ (City of Toronto, 2020d). The Curb Lane Pedestrian Zones program was discontinued during the winter season due to snow clearing requirements, but was re-implemented during the summer of 2021, with increased guidelines as shown in Fig. 6.

3.4. Community responses to the CaféTO program

Broadly, community organizations, business owners, and BIAs supported the 2020 CaféTO program. However, there were concerns about outdoor dining encroaching in the sidewalk space, especially given the demand for physically distancing due to the pandemic. In response to CaféTO, Walk Toronto, a pedestrian advocacy group urged the city to establish sidewalk extensions, specifically, space where pedestrians could step off the sidewalk and maintain physical distance from outdoor diners, and parklets for sitting (Reid & Walk Toronto, 2020). Likewise, the St.Lawrence and the York Quay Neighbourhood Associations emphasized the need to maintain a balance between restaurants and pedestrians; they specifically noted ‘adequate and uncluttered sidewalk space for pedestrians and those with disabilities’. Additionally, concerns for noise generated by the outdoor dining were raised (Crawford & St. Lawrence Neighbourhood Association, 2020; York Quay Neighbourhood Association, 2020). Concerns around waste collection, especially in ‘constricted areas such as Yorkville and the downtown core,’ were also voiced (Lorusso & Wasteco, 2021).

The TABIA wrote in support of the program on behalf of 83 BIAs and, for the 2021 cycle, they requested expediency in implementation and flexibility with licensing, including finding solutions for patio space when sidewalk or curb lane cafes were not possible due to space constraints; the suggested variations included side street frontages, rear parking lots, and roof tops (Kiru & Toronto Association of Business Improvement Areas, 2020). The proposal for the 2021 CaféTO program was also broadly supported by businesses and BIAs. However, they suggested some modifications that would better suit their needs. First, they requested the program begin in March – three months earlier than was initially proposed (Alves & Kensington Market BIA, 2021). Other requests included:

- eliminating the 11 pm curfew,
- defining the roles and responsibilities between the BIAs and the city,
- allowing patio furniture outdoors overnight,
- extending the program in November if weather is favourable,
- providing variances for laneways and side streets, enabling daytime use of spaces for retail sales,
- extending liquor sales for non-adjacent spaces,
- and closing streets several days a week for better pedestrian movement

(M. Marshall & College Promenade BIA, January 26, 2021; M. Marshall & Ossington BIA, January 25, 2021; M. Marshall & Queen Street West BIA, January 25, 2021).

Overall, many stakeholders support making the CaféTO program permanent, including Cycle Toronto, an advocacy organization, which...
has been petitioning since October 2020 for both CaféTO and ActiveTO to become permanent (Shissler & Cycle Toronto, 2020). The Toronto Entertainment District BIA advocated for year-round use; additionally they suggested an expansion in the types of uses such as ‘kitty corner areas’ and food truck parking areas, an expansion into spaces such as parking lots, and opportunities for public-private partnerships to enhance the cafés (Solomon & Toronto Entertainment District BIA, January 27, 2021). One restaurant owner argued that, aside from creating certainty for businesses and lively public spaces, the program creates jobs, bolsters the economy, and reinforces Toronto as a ‘leading, global city’ (Dagnino & Eataly Toronto, 2021). For most other public space and streetscape improvement projects in the city, the City requires some form of community input, usually through public engagement meetings. However, the CaféTO and CurbTO programs were implemented without any public engagement. Individuals and organizations were able to submit letters in support of or against the programs during the City Council hearings, and a voluntary public survey was conducted by the City to gauge the success of the 2020 cycle of the program. However, public input on the design of the program or the guidelines themselves was not actively sought. This is similar to the processes in many other cities where democratic, public participation processes for the programming of urban public space were suspended during the pandemic (Flynn & Thorpe, 2021).

4. Outdoor dining programs, public parklets, and the parking concessions agreement – Chicago’s pandemic response to curbside spaces

Public debates about managing sidewalk cafés, curbside parklets, and on street parking in the City of Chicago were nothing new when the pandemic forced the closure of all indoor dining in the spring of 2020. The pandemic and resulting closures only further intensified discussions about effectively managing the street right-of-way and debates on the acceptable uses of the public street space. As the city looked to reopen outdoor dining during the summer of 2020, many of the existing programs and permitting processes were modified, at least minimally, to meet the needs of businesses during the pandemic. However, while many cities across Europe and North America rapidly adapted their street space by enabling restaurants to occupy curbside parking spaces, the city of Chicago faced barriers due to the 2008 Parking Meter Concessions Agreement (hereafter concessions agreement), which is described later in this section.

Aside from the concessions agreement, Chicago had established multiple management structures for sidewalks and curbside space prior to the pandemic (Hansmann, 2016). These include Chicago’s seasonal sidewalk café program that manages permitting for restaurants to establish outdoor dining on sidewalk spaces. Where the sidewalks are too narrow for a sidewalk café, the corresponding curbside café program allows restaurants and eateries to establish seasonal outdoor dining space in the adjacent curbside parking spaces (Hansmann, 2016). The closure of indoor dining during 2020 only increased demand for the outdoor cafés; where in the past outdoor dining served as supplemental dining capacity for eateries, in the summer of 2020 it became a lifeline for business. In addition to the café programs, Chicago had also established a public parklet program prior to the pandemic (Hansmann, 2016). This program promotes repurposing metered parking spaces into publicly accessible spaces that the city calls “People Spots”. People spots are typically initiated and partially funded by area business improvement associations. They differ from the café programs however, as the people spots must remain completely accessible to the public. While
customers from nearby or adjacent businesses are encouraged to use the parklet spaces, service establishments are not permitted to provide table service to them (Hansmann, 2016).

4.1. Sidewalk café and curbside café programs

Sidewalk cafés are defined by the City of Chicago as “an immobile retail food establishment on the public right-of-way, adjacent to a licensed retail food establishment or a food hall” (City of Chicago, 2019; Greenebaum, 2019). They are built where sidewalks are wide enough for a six-foot clear walkway; in addition to the space needed for planters and seating, the sidewalk cafés must maintain one foot clearance from the curb. Since 2006 the number of sidewalk cafés has been growing (Ramos, 2013). However, it is unclear if the distribution of sidewalk cafés is equitable among Chicago’s neighborhoods as the majority of the cafés continue to be in wealthier and already thriving north and west side neighborhoods (Elliot, 2013).

Initially, when the sidewalk café program was established, it permitted cafés to be active for nine months, from March through November. However, in 2019, permitting was extended to twelve-month terms (City of Chicago, 2019). This year-long sidewalk café accommodation was extremely beneficial for restaurants during the pandemic. Additionally, due to the pandemic, in the spring of 2020, the City of Chicago made emergency modifications to sidewalk café permitting, including a 75% permit fee reduction, the ability to extend cafés to the front of neighbouring properties that didn’t require a sidewalk café, and
an expedited permitting process (City of Chicago, 2020). These accommodations were extended in December of 2020 to accommodate the 2021 café season (City of Chicago, 2020).

Despite extensive interest in the sidewalk café program, many city sidewalks are not wide enough to accommodate sidewalk cafés which led to the passing of a ‘curbside café ordinance’ by City Council in January 2016 (Greenfield, 2016; Hansmann, 2016). This ordinance allows eateries with narrow sidewalks to develop outdoor seating in the parking lanes directly in front of their establishments. However, these curbside cafés can only be established on city-designated pedestrian streets or p-streets (Fig. 8) – streets that have an existing concentration of retail and restaurants and where buildings are close or directly adjacent to the sidewalk (Ramos, 2013). These initial limitations and restrictions resulted in very few locations actually being eligible for the program. The first year of the program (2016) brought much criticism for the restrictions. Specifically, initially, the fees for curbside café permits were the same as sidewalk café permits, even though the former were allowed to operate for five months, and the latter for nine months (Greenfield, 2016). Additionally, if the City was unable to replace the metered parking space near the businesses using the parking space as a curbside café, the businesses would need to pay about $168 per week per space, due to the parking meter concessions agreement (Greenfield, 2016).

As the pandemic continued into the later months of 2020, the City of Chicago sponsored a design competition to solicit ideas for outdoor dining and entertainment during cold weather, in anticipation of the ongoing need for outdoor dining. Three winners were selected from a pool of over sixty submissions. While the implementation of the selected designs remains unknown, the initiative by the City for the competition itself makes it evident that outdoor dining is an ongoing priority.

During a site visit to Chicago in July 2022, the authors also located several curbside cafés on major commercial streets (see Fig. 9), which clearly indicates the popularity of these spaces despite the pandemic-related regulations having reduced. Many of these cafés were well-built, indicating a perceived level of permanence. However, their location did not always correspond to the designated pedestrian streets, indicating a relative ad-hoc nature of implementation.
4.2. People Spots (parklets)

The City of Chicago introduced People Spots in 2011 as a placemaking and economic development strategy to enliven street life on numerous commercial corridors throughout the city (Metropolitan Planning Council, 2014). People spots are placemaking strategies organized by the Chicago Department of Transportation’s “Make Way for People” initiative (City of Chicago Department of Transportation, n.d.). According to the Chicago area Metropolitan Planning Council:

“People Spots repurpose existing parking spaces into seasonal parklets for public use to generate community and economic development by attracting more people to retail corridors where they are shopping, people watching or just plain having fun.”

The Make Way for People initiative has detailed design guidelines for the development of people spots, including making them accessible for wheelchairs (City of Chicago Department of Transportation, n.d.). The guidelines also outline the dimensions for the platforms, planters, and functional requirements.

According to a study conducted in the summer of 2014 which included site observations and interviews of people spot users and local business owners and business associations, people spots were noted to be good for business as they increased sales and foot traffic along the commercial streets. One clothing store owner said: “Build it and they will come, … Every time I look at the Spot, people of different ages are enjoying it. It has taken on its own life. The community has made it its own.” (Metropolitan Planning Council, 2014).

Previously, Chicago disallowed table service and alcohol consumption in public street rights-of-way, including in curbside parking spaces. This regulation was intended to encourage the development of public people spots along commercial streets. Despite the popularity and success of the people spots, there are noted exceptions where spots were mistaken for curbside café spaces and thought to belong to the adjacent store fronts (Greenfield, 2016). Addressing both the ambiguity of people spots and the limitations of sidewalk cafés, the curbside café ordinance in 2016 overruled the table and alcohol service restriction for curbside space and enabled businesses to open dedicated cafés in the curbside parking lane (Greenfield, 2016). Additionally, though people spots were documented in detail prior to the pandemic, sidewalk cafés and curbside cafés took priority as a means of sustaining restaurant businesses in the spring and summer of 2020.

4.3. The Parking Meter Concessions Agreement of 2008

Chicago’s 2008 Parking Meter Concessions Agreement has had lasting impacts on the adaptation of the street right-of-way for non-automobile uses and specifically for the development of both curbside cafés and people spots. The concessions agreement, between the City and various for-profit corporations, guarantees the parking revenue to corporations from metered curbside parking spaces in the street right-of-way (Greenfield, 2016; Waguespack, 2008). Under the agreement, when the City is unable to relocate a metered parking space to a nearby and comparable location, it must pay for the lost revenue that would otherwise be generated from the parking space (Greenfield, 2016; Waguespack, 2008). This cost, estimated to be about USD168 per space per week, can be passed on to the individual businesses in the case of curbside cafés, or the sponsoring business association in the case of the people spots (Greenfield, 2016). Though the city has made notable strides in developing curbside cafés and bike lanes, the concessions agreement remains a barrier to larger scale changes to the public street right-of-way.

It is unknown the full impact that the concessions agreement has had in adapting the street rights-of-way in Chicago, and specifically curbside parking spaces, for other non-automobile uses. As the pandemic has demonstrated, there is clearly an ongoing tension. Where Toronto, New York City and others have made more radical modifications to the street use during the pandemic through larger scale street closures and adaptations, Chicago was tempered in their approach despite the seeming widespread demand.

5. Discussion

As is described in the case studies above, both Chicago and Toronto had clear sidewalk café policy and regulations in place before the pandemic. However, they had very different approaches to regulation, especially around the role of private businesses in managing curbside space. These different approaches led to drastically different pandemic response programs.

For both cities, the goals behind nearly all of the pandemic-related policies were economic, as was suggested by the narratives in the
official media releases by the cities. Where previous (pre-pandemic) parklet and sidewalk cafe programs allowed restaurants, bars, and cafes to occupy the public space as a means of creating vibrancy and activity on the street and sidewalk right-of-way, these pandemic-related policies or updates to existing policies were predominantly framed in terms of survival of the businesses and economic recovery for the city. Likewise, most of the policies or programs were initiated by the city, or through partnerships with the city and local business improvement areas, thus raising questions about the publicness of these interventions. In keeping with the economic goals behind the programs, both cities substantially reduced the cost and timeline of permitting for the interventions, or waived the fees all together. For both cities, eateries were the primary beneficiary of the interventions.

As shown in this paper, the conception and use of curbside parking spaces in cities in the US and Canada have historically evolved in response to larger trends surrounding automobility and the provision of public space. More recent initiatives such as Park(ing) Day, parklet programs, and now pandemic-related changes to curbside parking spaces have challenged the perception of these spaces as being wholly dedicated to parking private vehicles. The rapidly evolving conditions of the pandemic have led to several rapid shifts in the planning of urban regions. The urgency of failing economies and the needs of increased
public space for urban residents have resulted in expedited institutional decision-making as it relates to the use of street space. The programs and regulations highlighted in this paper raise a series of questions surrounding privatization, advertised reasons behind the reallocation of street space, interaction with other COVID-related programs affecting street space management, and the permanency of these initiatives. This section discusses these and provides some questions that have emerged through this research.

5.1. The effective privatization of curbside parking spaces

Streets and curbside parking spaces are part of public property which is “collectively ‘owned’ and ‘managed’ by society at large, with claims independent and indeed superior to the claims of any purported governmental manager” (Rose, 1986, as cited in Pérez, 2018, p. 385). Public agencies need to act as ‘trustees’ for streets and find ways to guarantee their use by the public. However, the management of curbside parking space has been questioned in several legal cases when members of the public have challenged initiatives by municipal governments around charging parking fees and outsourcing the maintenance of parking meters to private companies, and by private companies around developing mobile applications to trade curbside spaces (Pérez, 2018).

In such cases, the central concern that has arisen is that of the perceived privatization of curbside space. The negotiation that has informed these legal cases includes consideration of public property rights, the greater public good, and the spatial exclusion of certain urban communities.

In evaluating Chicago’s concessions agreement along the same lines, Kaplan (2012) concludes that the concessions agreement is exactly the type of privatization of publicly controlled assets that the court ruled to limit in the case of Illinois Central vs. Illinois and subsequent public trust case law. The concessions agreement unequivocally traded long term control and management of the public street right-of-way for short term economic gains. Kaplan (2012) writes:

“shortsighted state and local governments will continue to succumb to the temptation of selling rights in vital public infrastructure for temporary, short-term profit, in opaque, potentially corrupt transactions, sacrificing the ability of future generations to regulate as public necessity, safety and welfare require.”

(p. 136)

Given the concessions provided to businesses during the pandemic in Chicago, we can conclude that by the City enabling eateries to adapt the street right-of-way for outdoor dining despite the cost associated with the concessions agreement, it defined the public good to be support of these businesses. In Toronto as well, through the dedication of programs that largely served private businesses, the City implicitly defined the public good to be economic stimulation and recovery. This was also evident in Toronto’s decisions to forcefully remove encampments by people experiencing homelessness in city parks during the pandemic, all the while reducing barriers for private businesses to expand their operations onto curbside parking spaces, both of which constitute the public realm (March and Lehrer, 2021). While both Chicago and Toronto have activated some public parklets both pre-pandemic and during the pandemic, the scale of these public spaces is severely limited and there remains ambiguity around the possibility of bottom-up initiatives for the creation of these public spaces. In these two cities, and in the broader...
discourse, there are many parallels drawn between the pandemic-era curbside cafés and public parklets that also occupy and repurpose curbside parking spaces. However, the primary distinction is that the parklets remain open to public use for all, often regardless of who built or maintains them (Morhayim, 2014; Pérez, 2020b). In contrast, the curbside cafés that proliferated during the pandemic are often much more exclusive to the businesses that build them and their use is reserved for those who pay to eat or drink at these businesses (Fig. 10); and yet questions over the privatization of the street have mostly been shelved (Lehrer & March, 2021). Coupled with the closure of several public spaces like neighbourhood parks and beaches during the pandemic in many cities, the ‘uneven distribution and accessibility’ to open space has become starkly apparent (Flynn & Thorpe, 2021).

Municipal decision-making during the pandemic has followed the “predominant, neoliberal paradigm that has dictated the transformation of cities and privatization of urban spaces in the recent decades” (Hou, 2018, p. 10).

Thus, pandemic-related programs by cities to promote the reopening of urban economies by allowing retail businesses, especially restaurants, to occupy curbside parking spaces with minimal fees and licensing requirements, raises several questions around privatization and commodification of public space. If we transfer the use of curbside spaces from parking to use by private businesses, does that amount to a level of transference of property rights? Who gets served and who gets excluded from these spaces? Is the greater public good being served by this transference? Can the success of curbside retail programs during COVID create the required push and justify the suspension of community engagement and participation in decision-making around dedicating more curbside spaces for public space use in the long-term?.

5.2. Curbside cafes and the impacts on pedestrian circulation

Additionally, in several cities, in addition to outdoor dining and retail programs, governments have also initiated pedestrian-oriented programs such as Toronto’s Quiet Streets Program. Through these initiatives, the speed limits on these streets have been lowered or streets have been closed off to vehicular traffic to allow pedestrians more space to physically distance while walking. However, in many cases, where these designated streets overlap or intersect with curbside parking space conversions for outdoor dining use, conflicts occur, as is evident by the Toronto case study. Outdoor seating on curbside parking spaces or on sidewalks results in the creation of pedestrian bottle-necks which limit the ability of pedestrians to physically distance. These conflicts between economically-motivated curbside retail initiatives and pedestrian safety-motivated initiatives raise several questions. Did local governments, in their hurry to implement pandemic-related programs, make decisions that contradict each other? Are there ways to provide safe outdoor retail spaces without hindering pedestrian and bicyclist mobility on already congested streets? Are there models from Park(ing) Day installations or other urban pilot programs that governments should look to for ideas for balancing the interests of businesses with those of various urban communities?

6. Conclusion

Street management programs in various cities in response to the
pandemic have had several overlaps, as can be seen in the case of Toronto and Chicago. Most cities began the programs in response to the pandemic and expected these programs to end when the threat of the pandemic subsided. However, as the pandemic has progressed, cities have seen the benefits that these programs have brought to the vitality and vibrance of urban streets, and have thus proposed for them to be made permanent. For some cities like Toronto, this has meant requiring more permanent measures around outdoor seating spaces for increased safety, and for some, like Chicago, identifying design interventions which will allow residents to dine outdoors during harsh winters. Considerations for permanence of programs in cold climate cities have also included the requirements of curbside space for snow removal. As such, for cities in cold climates, will the pandemic lead to effective and practical solutions for outdoor dining and other activities? Will the success of these programs translate to longer-term conversion of curbside parking spaces into public use?

In both Toronto and Chicago, parking authorities and City departments reported extra costs and loss of parking revenue, but despite these economic losses, the pandemic-related outdoor dining programs have been considered a success. Additionally, business owners and business improvement areas who have historically claimed that curbside parking spots are essential for business, are now fully supporting long-term implementation of curb lane café spaces. However, despite the popularity of these outdoor curbside dining spaces, several details of the programs need to be thought through if they are to be made permanent. In Toronto, the media has raised questions about the expanded liability and insurance of outdoor dining spaces, as restaurants are now conducting business beyond their typical property limits on city-owned sidewalks and curb lanes (Fielding & Vining, 2020). Concerns for safety and accessibility have also been raised. In Toronto, a driver drove into and destroyed a CaféTO patio on Queen Street West (CBC News, 2020).

The decisions regarding COVID-related curbside space management are rapidly evolving and there is no way to predict their long-term impact. However, years of advocacy around the conversion of curbside parking spaces to public use, combined with the success of outdoor retail spaces during the pandemic, have shown the true potential and opportunity that lies in transitioning these curbside spaces to more public and sustainable uses. It remains to be seen how these initiatives are made permanent, if at all, and in what ways they interact with other transportation and planning related issues that affect urban areas. However, governments need to ensure that the economic interests of private businesses do not overshadow the interests of the many different communities in cities, and that any longer-term program is considered against the measures of equity, spatial justice, and social sustainability to ensure that streets remain a part of the urban commons. The shift from automobile-oriented streets to streets for people, while positive, needs to accompany efforts to ensure that the reallocation of space does not purely serve private interests, and instead focuses on serving the larger public good.

CRediT authorship contribution statement

Sneha Mandhan: Conceptualization, Methodology, Formal analysis, Investigation, Resources, Writing – original draft, Writing – review & editing, Visualization. Kelly Gregg: Conceptualization, Methodology, Formal analysis, Investigation, Resources, Writing – original draft, Writing – review & editing.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

No data was used for the research described in the article.

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