

City Council**Motion Without Notice**

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| MM44.92 | ACTION | | | Ward:28 |
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15 York Street, Amendment to Section 16 Agreement - by Councillor Lucy Troisi, seconded by Councillor Mark Grimes

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Lucy Troisi, seconded by Councillor Mark Grimes, recommends that:

1. City Council authorize the City Solicitor to enter into an amendment to the Section 16 Agreement registered on 15 York Street in order to permit the York Street Patio to be permanent, subject to approval of any required minor variances by the Committee of Adjustment.

Summary

15 York Street is owned by York Bremner Developments, which is co-owned by Maple Leaf Sports and Entertainment. 15 York Street is the mixed-use building located directly adjacent to Maple Leaf Square and the area commonly known as “Jurassic Park.”

At the southeast corner of York Street and Bremner Boulevard is a seasonal outdoor restaurant patio currently operated by E11even Restaurant. The patio is located entirely on private property, but is in an area regulated by a 2006 Section 16 Agreement between the City of Toronto and property owner, which prescribes in detail when the patio may be operated.

On three separate occasions, the Committee of Adjustment has approved the patio (2011, 2013, 2016) to allow it on a seasonal, “temporary” basis. The applicant intends to request Committee of Adjustment approval to make the patio permanent and year-round. However, because it is specified as “temporary” in the Section 16 Agreement, a City Council amendment to that agreement is required. If not approved by July 2018, City Council approval could not be obtained prior to the patio having to be removed in November 2018. This Motion will authorize amendments to the Section 16 Agreement, so that it does not prevent implementation of any minor variance approval by Committee of Adjustment with respect to permanency of the patio. This Motion will not fetter the Committee of Adjustment's decision-making with respect to any minor variances.

This Motion is urgent as it relates to a Committee of Adjustment application that will be heard

before the next meeting of City Council.

Background Information (City Council)

Member Motion MM44.92