

City Council**Motion without Notice**

MM23.27	ACTION			Ward: 10
----------------	---------------	--	--	----------

229 Richmond Street West - Temporary Use By-law and Licence Extension and Amending Agreement - Final Report - by Councillor Joe Cressy, seconded by Councillor Michael Thompson

** 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 Joe Cressy, seconded by Councillor Michael Thompson, recommends that City Council adopt the following recommendations in the report (July 24, 2020) from the Chief Planner and Executive Director, City Planning, and the Executive Director, Corporate Real Estate Management:

1. City Council enact zoning by-law amendment substantially in accordance with Attachment 2 to the report (July 24, 2020) from the Chief Planner and Executive Director, City Planning and the Executive Director, Corporate Real Estate Management.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the zoning by-law amendment as may be required.
3. City Council authorize the Director, Real Estate Services, to extend and amend the Licence Agreement between the City of Toronto and 2249487 Ontario Limited (o/a The Ballroom) and Easy & The Fifth Inc. (collectively, the "Licensees") to extend the licence term until November 16, 2020 and waive the licence fee as set out in the Licence Agreement thereby granting a nominal sum licence to the Licensees, and including such other terms as deemed appropriate by the Director, Real Estate Services, or their designate from time to time, and in a form satisfactory to the City Solicitor.
4. City Council authorize the Director, Real Estate Services, to execute and deliver any amendments to the Licence Agreement on behalf of the City.
5. City Council authorize the Director, Real Estate Services, or their designate, to administer and manage the Licence Agreement and amendments, including the provision of any consents, approvals, waivers, notices, and notices of termination, provided that the Director, Real Estate Services, may, at any time, refer consideration of such matters to City Council for its determination and direction.

Summary

The report from the Chief Planner and Executive Director, City Planning, and the Executive Director, Corporate Real Estate Management, recommends: 1) a temporary use by-law pursuant to Section 39 of the Planning Act pertaining to the city-owned site at 229 Richmond Street West to permit outdoor patios for eating establishments located on a lot within the area bounded by Richmond Street West on the north, Duncan Street on the east, Nelson Street on the south and John Street on the west; and 2) the City enter into a licence extension and amending agreement with the abutting business owners to extend the licence term and waive the licence fee as set out in the licence agreement between the City and the abutting business owners dated July 17, 2020.

1) Temporary Use By-Law

The proposed site-specific temporary use by-law at 229 Richmond Street West complements the CaféTO program and the Ministerial Zoning Order in supporting the ability of nearby eating establishments to respond to physical distancing requirements associated with the COVID-19 pandemic, by increasing the amount of outdoor space for patrons.

The by-law would allow an outdoor patio, with restrictions, to be provided at 229 Richmond Street West in conjunction with nearby restaurants and bars which themselves are not located on the subject site. The temporary use by-law is proposed as a site-specific amendment to the City-wide harmonized Zoning By-law 569-2013 and also to the former City of Toronto Zoning By-law 438-86. The by-law is proposed to expire on November 16, 2020, to coincide with the end of the CaféTO program and the Ministerial Zoning Order.

Per a provincial Regulation under the Emergency Management and Civil Protection Act, which amends S. 39 of the Planning Act, notice of this by-law is not required, nor can it be appealed.

2) Licence Extension and Amending Agreement

Due to the immediate needs of the abutting restaurant owners, 2249487 Ontario Limited (o/a The Ballroom) and Easy & The Fifth Inc. (the "Licensee"), the City of Toronto entered into a licence agreement dated July 17, 2020 with each Licensee for a licence term of fourteen (14) days at fair market value (the "Licence Agreement") with the support from the Mayor's office, the local Business Improvement Area and the Alcohol and Gaming Commission of Ontario, under Corporate Real Estate Management's delegated authority, DAF 2020-202 and DAF 202-203. The intention was to permit the Licensees to operate their business as soon as possible using outdoor patios while Corporate Real Estate Management subsequently sought Council authority for an extension of the licence term until November 16, 2020 and waiver of the licence fee in the amount of \$5,450 + HST (per licence) in order to align the City's arrangement with the Licensees with the CaféTO program and Council's previous decisions to support the reopening of local eating establishments following closures resulting from the COVID-19 pandemic.

This Motion is urgent because the temporary licence expires at the end of this week.

Background Information (City Council)

Member Motion MM23.

(July 24, 2020) Report from the Chief Planner and Executive Director, City Planning and the

Executive Director, Corporate Real Estate Management on 229 Richmond Street West - Zoning
Amendment Application and Licence Extension and Amending Agreement - Final Report
(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-153895.pdf>)