

City Council**Motion without Notice**

MM23.35	ACTION			Ward: 14
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95-107 Danforth Avenue and 749 Broadview Avenue - Temporary Use By-law - Final Report - by Councillor Paula Fletcher, seconded by Councillor Ana Bailão

** 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 Paula Fletcher, seconded by Councillor Ana Bailao, recommends that:

1. City Council adopt the following recommendations in the report (July 24, 2020) from the Chief Planner and Executive Director, City Planning and that approval for the patio at 95-107 Danforth Avenue and 749 Broadview Avenue be contingent on the following conditions:
 - a. signage will be posted in a prominent location to remind people to be considerate of the surrounding community;
 - b. a telephone number will be provided for neighbours to register concerns or complaints directly with restaurant management; and
 - c. there will be no outdoor music or amplified sound on the patio, and doors and windows to the establishment will not be left open or propped open while there is music or amplified sound in the interior.

Report Recommendations

1. City Council enact the 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.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the zoning by-law amendment as may be required.

Summary

The City of Toronto has received a request from the Macedonian Village Ltd. for a rear yard outdoor patio associated with an eating establishment at 107 Danforth Avenue. The rear yard

outdoor patio would be located on the property municipally known as 95-107 Danforth Avenue and would extend into the property at 749 Broadview Avenue. The same landowner owns these properties. This report recommends a temporary use by-law pursuant to Section 39 of the Planning Act pertaining to the properties municipally known as 95-107 Danforth Avenue and 749 Broadview Avenue, to permit a rear yard outdoor patio for the eating establishment located at 107 Danforth Avenue.

The proposed site-specific Temporary Use By-law complements the CaféTO program and the Ministerial Order in supporting the ability of the eating establishment at 107 Danforth Avenue to respond to physical distancing requirements associated with the COVID-19 pandemic, by increasing the amount of outdoor space for patrons.

Further, a provincial Regulation under the Emergency Management and Civil Protection Act (EMCPA) amends S. 39 of the Planning Act by removing notice requirements and appeal rights to temporary use by-laws that authorize outdoor patios associated with eating establishments.

The By-law would allow an outdoor patio, with restrictions, to be provided in the rear yard of 95-107 Danforth Avenue and 749 Broadview Avenue. 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 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.

The next opportunity for approval would be September 30, 2020, which would both delay the opportunity to begin to recover from the impacts of the pandemic closure and result in the loss of two full months of business during the prime warm weather patio season.

Background Information (City Council)

Member Motion MM23.

(July 24, 2020) Report from the Chief Planner and Executive Director, City Planning on 95-107 Danforth Avenue and 749 Broadview Avenue - Zoning Amendment Application - Final Report and Attachment 1 - Location Map and Attachment 2 - Draft Zoning By-law (<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-154274.pdf>)