

City Council**Motion Without Notice**

MM27.28	ACTION			Ward: 14
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139-141 Danforth Avenue - Temporary Use By-law - by Councillor Paula Fletcher, seconded by Councillor Joe Cressy

** 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 Joe Cressy, recommends that:

1. City Council adopt the Temporary Use By-law attached to Motion MM27.28.
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 direct that approval for the patio at 139-141 Danforth 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.

Summary

The City of Toronto has received a request for a rear yard outdoor patio associated with an eating establishment at 139-141 Danforth Avenue. Planning staff have reviewed the matter and have consulted with Toronto Buildings and Legal Services. This request is similar to those received over the summer, including one at 95-107 Danforth Avenue and 749 Broadview Avenue, which received Temporary Use By-laws to expand permissions for outdoor patios for bars and restaurants. These permissions were extended by way of a comprehensive report considered by Planning and Housing Committee on October 20, 2020 (Item PH17.12) and subsequently adopted by City Council. Planning staff is of the view that the proposal is good

planning for the same rationale as the proposals recommended in Item PH17.12.

A Temporary Use By-law pursuant to Section 39 of the Planning Act pertaining to the properties municipally known as 139-141 Danforth Avenue is attached, to permit a rear yard outdoor patio for the eating establishment located at 139-141 Danforth Avenue, provided public health regulations permit operation of such. 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 May 25, 2021, after the conclusion of next year's Victoria Day long weekend.

A Provincial Regulation under the Emergency Management and Civil Protection Act 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 139-141 Danforth Avenue.

This matter urgent as the next opportunity for approval would be February 2 and 3, 2021, 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.

Background Information (City Council)

Member Motion MM27.28

Draft Temporary Use By-law

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-159518.pdf>)