

## City Council

### Motion without Notice

MM35.45	ACTION			Ward: 3
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**25 The West Mall - Sherway Gardens Temporary Outdoor Patio and Technical Amendment to By-law 198-2021 - Final Report - by Councillor Mark Grimes, seconded by Stephen Holyday**

*\* 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 Mark Grimes, seconded by Councillor Stephen Holyday, recommends that City Council adopt the following recommendations in the report (July 13, 2021) from the Chief Planner and Executive Director, City Planning:

1. City Council enact the zoning by-law amendment substantially in accordance with Attachment 2 to the report (July 13, 2021) 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

City Planning has received a request from Cadillac Fairview Corporation - Sherway Gardens at 25 The West Mall, for a temporary outdoor patio associated with the restaurants within the shopping mall. Cadillac Fairview Corporation - Sherway Gardens is located north of the Gardiner Expressway and west of the Highway 427. The proposed outdoor patio is on private property on the existing parking lot on the northwest portion of the site. The site is not part of the CaféTO program.

Since the beginning of the COVID-19 pandemic, the food court and restaurants

have been closed or significantly impacted by the limitations on indoor public gatherings. The proposed outdoor patio would provide an opportunity for the food services vendors in Cadillac Fairview Corporation - Sherway Gardens to extend the outdoor patios of restaurants and permit take-out seating for other food vendors that mainly operate within the mall. The restaurants that will be extending their outdoor patios meet the definition of a restaurant or bar as set out in O.Reg.345/20, to which the patio is an accessory. Staff are of the opinion that adding a temporary site-specific relief for an outdoor patio is supportable at this site as it does not cause undue impacts on the surrounding residential neighbourhoods and allows for expanded safe dining options during the transition period between reduced capacity indoor dining (Step 3) and the eventual lifting of public health restrictions.

The proposed by-law also includes a technical amendment to ensure that properties across the City that remain subject to the former municipal zoning by-laws benefit from the same intended easing of limitations on maximum outdoor patio size as City-wide Zoning By-law 569-2013, which is temporarily amended by By-law 197-2021.

By-law 197-2021 allows outdoor patios to have a maximum area equal to the greater of 50 square metres or 50 percent of the interior floor area of the premises it is associated with. However, By-law 198-2021 which affects former municipal zoning by-laws, only allows for a maximum area of 50 square metres, which does not provide the same scaled benefit (a maximum outdoor patio area based on 50 percent of the premises) for larger indoor dining facilities. The proposed change would ensure By-law 197-2021 and 198-2021 share the same intent.

To complement the CafeTO and CurbTO Pandemic Response Programs, this Motion is urgent because site-specific zoning relief for a temporary outdoor patio proposal on private property requires City Council consideration, upon request, per City Council's March 10, 2021 direction on Item PH21.7

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH21.7>

## **Background Information (City Council)**

Member Motion MM35.45

(July 13, 2021) Report from the Chief Planner and Executive Director, City Planning on 25 The West Mall - Sherway Gardens Temporary Outdoor Patio and Technical Amendment to By-law 198-2021 - Final Report and Attachment 1, Proposed Patio Location

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-169328.pdf>)

Attachment 2 - Draft Temporary Use By-law

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-169329.pdf>)