

## **Allowing Community Councils to Apply Conditions on Café Permits Located in Flankage Areas**

**Date:** October 30, 2023

**To:** Executive Committee

**From:** Executive Director, Municipal Licensing and Standards

**Wards:** All

### **SUMMARY**

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On October 17, 2023, Councillor Paula Fletcher wrote to the Executive Committee requesting the Executive Director, Municipal Licensing and Standards Division (MLS) to report directly to the November 8, 2023 meeting of City Council with an update on allowing Community Councils to continue to apply conditions and oversee the issuances of flankage patio permits.

Staff have previously addressed this issue in the [CaféTO 2023 and Beyond report](#), which explains how staff issue sidewalk café permits in accordance with delegated authority in Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays. This process does not require a report to Community Council, except for a few instances. In the report, staff did not recommend further requirements to report to Community Council during the café application process and had determined that such a requirement would significantly extend the timeline between applications and permit issuance for businesses and require additional staff resources to manage.

This report reconfirms the recommendations in the CaféTO 2023 and Beyond report to not establish further requirements to report to Community Council during the café application process.

### **RECOMMENDATIONS**

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The Executive Director, Municipal Licensing and Standards recommends that:

1. The Executive Committee receive this report for information.

### **FINANCIAL IMPACT**

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There is no financial impact resulting from this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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On February 7, 2023, City Council adopted [EX2.4 - CaféTO 2023 and Beyond](#). Council made the CaféTO program permanent and amended Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, which included changes to the requirements and permissions for the permitting of curb lane cafés. The report also outlined staff's delegated authority to issue sidewalk café permits without having to report to Community Council, except for a few instances.

## COMMENTS

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In November 2021, City Council requested staff to report back on options that would permit Community Councils to apply conditions on sidewalk café permits located in flankage areas (typically along a local road).

Staff issue sidewalk café permits in accordance with delegated authority in Chapter 742. This process does not require a report to Community Council. However, in Chapter 742, there are a few instances where staff would report to Community Council.

Under Chapter 742-4.1, if a café application is rejected by staff, an applicant has 14 days to request an appeal. If the grounds for rejection are limited to the location, design and safety of a curb lane café or public parklet, or a failure of a sidewalk café to meet pedestrian clearway requirements under Chapter 742, the appeal is considered by the General Manager, Transportation Services. If the application is rejected for other reasons, and an appeal is made, a report is brought to Community Council for its consideration.

On hearing an appeal, Community Council can uphold the rejection of the application or allow the appeal and approve the application, either with or without conditions.

Under Article 13 of Chapter 742, staff may also report to Community Council if staff have suspended a permit due to non-compliance with Chapter 742 or other applicable law and/or feel Community Council should consider revoking a permit.

On receiving such a report, Community Council may decide to revoke the permit, add conditions to the permit or take such other action as it may direct. If Community Council cancels a permit, the permit holder is not eligible to apply for a new permit for a year following the cancellation.

The clauses described above allow Community Council to impose conditions on a permit or cancel the permit of an establishment if deemed appropriate. Staff do not recommend further requirements to report to Community Council during the café application process at this time. Such a requirement would significantly extend the timeline between applications and permit issuance for businesses, and require additional staff resources to manage.

## **CONTACT**

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## **SIGNATURE**

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