

## City Council

### Motion with Notice

MM16.32	ACTION			Ward: 13
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### **Authorization to Install a Curb Lane CaféTO Patio - 17 St. Nicholas Street, Bar Volo - Waiving requirement to operate in a public laneway - by Councillor Chris Moise, seconded by Councillor Brad Bradford**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

### **Recommendations**

Councillor Chris Moise, seconded by Councillor Brad Bradford, recommends that:

1. City Council exempt curb lane café permit areas at 17 St. Nicholas Street, Bar Volo, from the requirement of § 742-10.4A (1) of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays.

### **Summary**

Bar Volo, a family-owned Italian restaurant located at 17 St. Nicholas Street, are in rare placement as a restaurant that directly fronts onto a laneway with no sidewalks and no conventional outdoor patio space. They received a CaféTO permit in 2021, 2022 and 2023 to operate an outdoor dining area on St. Nicholas Street, which is designated as a public laneway, which was successful and popular.

In November 2023, Transportation Services sent emails to 2023 CaféTO Curb Lane Café Program participants across the City, informing them of their conditional pre-approval for 2024. A conditional pre-approval means that if the operator (restaurant/bar/café) intends on making no changes to their curb lane café configuration from their 2023 setup, they can participate in 2024 by simply renewing their permit.

The owners wish to renew their CaféTO permit once again for the upcoming season. However, they were informed in January 2024 that their CaféTO permit was denied because under Chapter 742 café patios are not permitted to operate in public laneways as of right. The restaurant has been able to safely operate with the traffic safety measures installed by Transportation Services previously. They should be allowed to operate and renew their CaféTO permit for the upcoming season and in subsequent years if they can continue to operate safely at this location. Therefore, the operator requires relief from § 742-10.4A (1) of the Municipal Code to operate a patio café at 17 St. Nicholas Street.

Further, as the sidewalk is at grade with the road at this location, an accessible temporary platform or a ramp is required for this permit area.

This matter is time-sensitive and urgent as City Council approval is required to enable the installation of this CaféTO patio within a reasonable timeframe.

**Background Information (City Council)**

Member Motion MM16.32