

**City Council****Motion Without Notice**

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| MM18.30 | ACTION |  |  | Ward: 9 |
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**Desotos Eatery/Atomic 10 (1079 St. Clair Avenue West and 145 Lauder Avenue) - Exemption of Certain Requirements under Chapter 742 - by Councillor Alejandra Bravo, seconded by Councillor Paula Fletcher**

*\* 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 Alejandra Bravo, seconded by Councillor Paula Fletcher, recommends that:

1. When 1807297 Ontario Inc., operating as Desotos Eatery/Atomic 10, applies for a sidewalk café permit for the 2024 summer café season in relation to the establishment at 1079 St. Clair Avenue West, City Council exempt that application from the notice requirements in section 742-2.3 and the objection provisions in sections 742-3.2A(2) and 742-4.3B(2) in City of Toronto Municipal Code Chapter 742, Sidewalk Cafes, Parklets and Marketing Displays.
2. City Council exempt 1807297 Ontario Inc operating as Desotos Eatery/Atomic 10 from the visual screen requirements in section 742-10.6 in City of Toronto Municipal Code Chapter 742, Sidewalk Cafes, Parklets and Marketing Displays.

**Summary**

Desotos Eatery/Atomic 10 (1807297 Ontario Inc.) is a treasured local restaurant in the Regal Heights neighbourhood of Davenport. Since 2016, Desotos Eatery has operated a sidewalk café (flankage) patio which has been well attended by local residents.

Since 2022, Desotos Eatery (1807297 Ontario Inc.) has been actively working with Transportation Services, Municipal Licensing and Standards, Toronto Building, and Toronto Fire Services to ensure that their patio is compliant with all applicable by-laws and regulations. As part of this process, an application for a Sidewalk Café Permit must be submitted.

Given these circumstances, where the patio has been operating for many years already and was previously permitted, it is recommended that the requirement for notice under Chapter 742 of the Toronto Municipal Code is waived. This will allow for Desotos Eatery to begin permitted operations as quickly as possible in anticipation of the busy summer patio season.

It is also recommended that the business be exempted from the requirement for a visual screen as the patio was previously permitted to operate without a visual screen and has been doing so

for many years without complaint from the local area. This exemption will regularize the existing built condition.

Reason for Urgency: Providing clarity on these requirements are required for the business to ensure compliance before the 2024 patio season which has already begun.

**Background Information (City Council)**

Member Motion MM18.30