

City Council

Notice of Motion

MM19.16	ACTION			Ward: 13
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Permitting a Seasonal Outdoor Patio at 460 Adelaide Street East - by Councillor Chris Moise, seconded by Deputy Mayor Ausma Malik

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Chris Moise, seconded by Councillor Ausma Malik, recommends that:

1. City Council permit the owner or tenant of an at-grade and adjacent retail unit in Toronto Standard Condominium Corporation 2756 to operate a seasonal outdoor patio with associated obstructions on an portion of the Privately Owned Publicly-Accessible Space (Instrument AT5116765) located at 424-460 Adelaide Street East, for a temporary period ending October 15, 2025, provided the same is in accordance with the following terms to the satisfaction of the Director, Community Planning, Toronto and East York District:

- a. the total area of the seasonal outdoor patio does not exceed 126 square metres;
- b. any portion of the seasonal outdoor patio located within the Privately Owned Publicly-Accessible Space is situated in the westerly portion of the Privately Owned Publicly-Accessible Space and does not extend past 13.3 metres measured from the east property line;
- c. the retail unit(s) within Toronto Standard Condominium Corporation 2756 operating the patio must have direct access to the patio area within the Privately Owned Publicly-Accessible Space;
- d. any fencing and patio furniture (including tables, chairs, and plants) are entirely removed from the Privately Owned Publicly-Accessible Space during the "off-season period" (between October 15 and April 30) of each calendar year and no portion of the Privately Owned Publicly-Accessible Space shall be used for storage of furniture or fencing during this "off-season" period;
- e. no structure shall be erected on any portion of the Privately Owned Publicly-Accessible Space to cover the seasonal outdoor patio;
- f. the daily operation hours of the seasonal outdoor patio are limited to 10:00 a.m. to 10:30 p.m.; and

g. the patio area will be installed and maintained substantially in accordance with the seasonal outdoor patio plans prepared by Kirkor Architects & Planners and NAK Design Strategies, dated January 9, 2024, on file with City Planning.

Summary

The purpose of this motion is to permit the owner or tenant of an at grade and adjacent retail unit in Toronto Standard Condominium Corporation 2756 to operate a seasonal outdoor patio on a portion of the Privately-Owned Publicly Accessible Space located at 424-460 Adelaide Street East on a temporary basis until October 15, 2025.

The Privately Owned Publicly-Accessible was secured through a Section 37 Agreement, dated July 5, 2015 (Instrument AT3956752), associated with the redevelopment of 424-460 Adelaide Street East (By-law 811-2015). The Privately Owned Publicly-Accessible Space area is described as Parts 10 and 52, Plan 66R-30479 in the associated registered easement (Instrument AT5116765).

The Section 37 Agreement states "... no trees, structures or obstruction will be placed or permitted to remain thereon unless the City in writing permits the same for such period as may be specified and upon written application by the Owner to the City." On February 26, 2024, the owner of at grade and adjacent retail units in Toronto Standard Condominium Corporation 2756 (TSCC 2756) submitted a written request to the City for permission to operate a seasonal outdoor patio that includes a portion of the POPS together with placement of associated obstructions, including removable patio furniture and fencing.

City Planning staff have advised that a seasonal outdoor patio on a portion of the Privately Owned Publicly-Accessible Space is supported by Official Plan Policy 3.1.1.20(a), which states that POPS may include temporary commercial uses which animate the Privately Owned Publicly-Accessible Space. The temporary permission to operate the Privately Owned Publicly-Accessible Space until October 15, 2025 would allow the City to assess the potential impacts of the patio, and extension of the timeframe for which the seasonal outdoor patio use is permitted may be considered by City Council after October 15, 2025 upon request from the owner and recommendation from City Planning staff.

Background Information (City Council)

Member Motion MM19.16