

**NOTICE OF MOTION**

2008 JUN -6 A 9:11

**Appeal to Committee of Adjustment Decision and Request for Legal Staff attendance at the Ontario Municipal Board – A0519/07TEY - 586 College Street****SUMMARY:**

On February 27, 2008, the Committee of Adjustment refused an application from 586 College Street to expand the existing restaurant to the second floor of the building, to construct a rear one-storey ground floor addition, and to establish a patio to the rear. In its ruling, the Committee stated that "the variances requested are not minor in nature, are not desirable for the appropriate development and use of the subject property and do not maintain the general intent and purpose of the Zoning By-law and the Official Plan."

There is a long history of community and municipal intervention on College Street/Little Italy between Bathurst Street and Ossington Avenue. In 2004, this involvement led to the first Avenue Study under the City of Toronto's New Official Plan. Extensive meetings were held with area residents, members of the Palmerston Area Residents' Association, Little Italy Business Improvement Association, and City of Toronto Staff.

The results of the College Street Avenue Study resulted in a number of zoning changes including a prohibition on restaurants on the second floor of a building and a prohibition of rear patios in order to protect the privacy, peace, and quiet of the adjacent residential areas. Please see clause 1(ii) in appendix 4 of the attached *Final Report - Avenues Study* for details (attached).

On June 17, 2008, the owners of 586 College Street will present their appeal of the Committee of Adjustment refusal at the Ontario Municipal Board (OMB). This appeal, if permitted, will be in contravention of By-law 537-2005 (see attached) which sets out specific provisions relating to restaurant uses for lands within the Mixed Commercial Residential (MCR) zone on College Street between Bathurst Street and Ossington Avenue.

In order to protect for the comprehensive outcome and the integrity of the 2004 Avenue Study, the City Solicitor needs to be present at the OMB hearing.

**RECOMMENDATIONS:**

That the City Solicitor attend the OMB hearing of A0519/07TEY on June 17, 2008 to uphold the decision of the Committee of Adjustment.