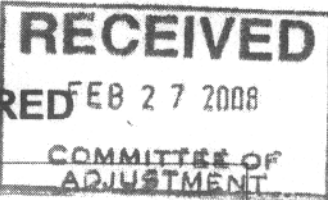




**STAFF REPORT
ACTION REQUIRED**



Date:	February 27, 2008
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Director, Community Planning, Toronto and East York District*
Wards:	Ward 19, Trinity-Spadina
Reference:	A0519/07TEY – 586 College Street Agent: Carlo Pierozzi To be heard: February 27, Item No. 32

APPLICATION

This application proposes to enlarge the existing restaurant by expanding the restaurant use to the second floor of the building and to construct a rear one-storey ground floor addition. The existing rear ground floor patio will be maintained. Variances are requested with regards to non-residential gross floor area and a restaurant use on the upper storey of the building.

BACKGROUND

The application was originally before the Committee of Adjustment at the September 18, 2007 hearing proposing to enlarge the existing restaurant by expanding the restaurant use to the second and third floor of the building, enclosing the existing rear patio on the ground floor, and creating a new rear patio on the second floor. At that hearing, the Committee had before it a report from Planning staff indicating that the proposal was not in keeping with the intent of the Official Plan, was not appropriate development, nor was it minor.

The Committee deferred the application at that hearing so that the applicant could consult with planning staff and address their concerns.

COMMENTS

Since the previous hearing, the applicant has made revisions to the proposal to address planning concerns. The proposal has been revised from a restaurant of three storeys to a two storey restaurant and the rear patio on the second floor has been eliminated in the revised plans.

City Council enacted By-law 537-2005 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. While the intent of the provision aims to protect adjacent residential uses from impacts such as noise, overlook, privacy, and lighting, it is the opinion of Planning staff that the revised plans to limit restaurant uses to the first and second floor will not contribute to such impacts as long as no outdoor amenity space use be permitted on the second and third storey.

RECOMMENDATION

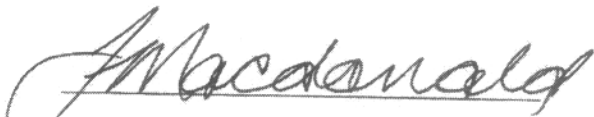
Should the Committee approve application A0519/07TEY, Planning staff respectfully recommend that the following conditions be imposed:

1. That the proposal be constructed substantially-in-accordance with the plans on file with the Committee of Adjustment date stamped January 30, 2008.
2. That no decks or patios associated with the restaurant use be permitted on the second and third storey.

CONTACT

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SIGNATURE



for Gary Wright
Director, Community Planning, Toronto and East York District

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Carlo Pierozzi (by fax: 416-622-6380)
Deputy Mayor Joe Pantalone, Ward 19 Trinity-Spadina (by hand)