

Preliminary – For Reference Purposes
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Minutes or Council Report

MEETING DATE: February 9, 2009

ITEM NUMBER: TE23.57

MOVED BY: COUNCILLOR VAUGHAN

SUMMARY:

Last year, Allied Properties, owners of the lands municipally known as 544 King Street West and 1-9 Morrison Street, authorized Sweeny, Sterling, Findlayson and Co., to make an application to the Toronto and East York Panel of the Committee of Adjustment to seek relief from the Zoning By-law 438-86, to permit development of a nine-storey building on the subject lands.

The Committee of Adjustment considered the application on December 3, 2008. Variances sought included a building step back, building length, loading space and building height. Planning staff reported to the Committee and recommended refusal of the application, as the proposal did not meet the general purpose and intent of the Official Plan or Zoning By-law, was not minor and was not an appropriate form of development for the lands. There was significant opposition at the hearing from area residents.

The Committee of Adjustment refused the application. The applicant subsequently appealed the Committee's refusal decision to the Ontario Municipal Board.

The Ontario Municipal Board has not set a date for this hearing, but has advised that they expect the matter to be heard mid-March 2009.

RECOMMENDATIONS:

That Toronto and East York Community Council recommend the following to City Council:

1. That Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board hearing to uphold the Committee's decision to refuse the application for 544 King St W and 1-9 Morrison St (Committee of Adjustment file A0907/08TEY) on December 3, 2008. The Committee of Adjustment decision is attached.

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2. That Council authorize the City Solicitor and appropriate City staff to advise the Board if it is inclined to grant the requested variance that it should do so only subject to the following conditions:
- That the use of the building be secured as commercial only;
 - That the proposed loading space on Morrison Street be evaluated and reduced to the greatest extent possible and retail be introduced in its place; and that
 - A contribution of \$150,000 be required as a condition under Section 45(9) of the Planning Act, and that the funds be directed towards \$100,000 for streetscape improvements in the vicinity of the project, \$35,000 for a Heritage Conservation District study for King Street West and \$15,000 for capital improvements in social housing in Ward 20.

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