

City Council

Motion without Notice

MM51.18	ACTION			Ward: 23
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Request to Authorize the City Solicitor to appeal the Committee of Adjustment decision on 4917- 4975 Yonge Street (File #A0221/10NY) - by Councillor Filion, seconded by Councillor Jenkins

** This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

Recommendations

Councillor Filion, seconded by Councillor Jenkins, recommends that:

1. In order to safeguard the City's position until Planning staff have been able to report to the North York Community Council on the minor variance application for 4917-4975 Yonge Street and City Council has considered the North York Community Council's recommendations in August, City Council authorize the City Solicitor to appeal the Committee of Adjustment decision on 4917-4975 Yonge Street (File #AO221/10NY) to the Ontario Municipal Board; and that the issue regarding what attendance at the Board is required to protect the City's interest be determined by City Council, following consideration of the report to North York Community Council at its August meeting.

Summary

At its meeting of June 22, 2010, North York Community Council asked Planning staff for information on a minor variance application from Rosedale Developments (the Conservatory Group) for 4917 - 4975 Yonge Street. This property was the subject of an Ontario Municipal Board (OMB) decision and a site-specific bylaw. A copy of the Community Council resolution of July 22 is attached.

The variances seek, among other things, to add a residential fourth floor to the Yonge Street podium of the development. However, no written information has yet been provided by either the applicant or the Planning staff detailing the origin of the additional gross floor area for the added floor and how this conforms to the bylaw approved at the OMB. There is also a variance request for a reduction in landscaped area, without explanation, below what was required by the site specific bylaw.

In addition, although part of the rationale provided by Planning staff for the proposal is an increase in street level public open space, there is no variance or condition requiring that enhanced performance standard.

On June 23, the Committee of Adjustment - North York Panel approved the application, with some conditions, which the applicant may or may not be able to meet (decision attached).

(Submitted to City Council on July 6 and 7, 2010 as MM51.18)