

City Council**Motion without Notice**

MM7.17	ACTION			Ward:29
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Request for Attendance at an Ontario Municipal Board Hearing for 888 Danforth Avenue - by Councillor Mary Fragedakis, seconded by Councillor Frank Di Giorgio

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.
* This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent by the Chair.*

Recommendations

Councillor Mary Fragedakis, seconded by Councillor Frank Di Giorgio, recommends that:

1. City Council confirm the instructions to the City Solicitor to appeal the approval of the minor variances for 888 Danforth Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement of the appeal with the applicant, and authorize the City Solicitor to settle the appeal on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor.
3. In the event a settlement cannot be reached, City Council authorize the City Solicitor to attend at the Ontario Municipal Board Hearing in opposition to the Committee of Adjustment's approval of the minor variances, and to retain an outside planning consultant, as necessary, to support the City's position.

Summary

An application for Minor Variances was submitted by the owner of 888 Danforth Avenue to permit the alteration of the existing three-storey mixed use building by converting the rear one-storey attached garage into a catering kitchen. At its meeting of Wednesday, May 13, 2015, the Toronto and East York Panel of the Committee of Adjustment approved the minor variance application, approving variances for the elimination of parking on lot (whereas four parking spaces are required); for pedestrian access to the building in proximity to a residential zone; and to gain access from a flanking street.

The subject site is located in an area of the City that faces significant parking demand and pressure. While the catering use is permitted on the site, it is expected that it will add to the need for parking for the building, not reduce it. Eliminating the parking provided on site would

not be desirable for the appropriate development of the land, and would risk creating undesirable adverse impacts on the adjacent residential community and on surrounding commercial uses, and would set an undesirable precedent. Attempts should be made to work with the applicant to mitigate the potential impacts and to address the parking deficiency.

This matter is urgent as the deadline for filing the appeal has passed, and it is likely that the OMB hearing could be scheduled without another opportunity for instruction from City Council.

Background Information (City Council)

Member Motion MM7.17

Committee of Adjustment, Toronto and East York Panel Notice of Decision on Minor Variance/Permission for 888 Danforth Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-81247.pdf>)