



**STAFF REPORT
ACTION REQUIRED**

6039 Kingston Road; Appeal of Official Plan Amendment and Zoning Bylaw Application Amendment to the Ontario Municipal Board

Date:	May 18, 2011
To:	Scarborough Community Council
From:	City Solicitor
Wards:	Ward 44 Scarborough East
Reference Number:	ID no.202976371

SUMMARY

To seek Council instructions in respect of an appeal of official plan and zoning bylaw applications for a multi-unit residential development at 6039 Kingston Road.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize the City Solicitor, City Planning and other appropriate staff to oppose the appeal of the official plan amendment and zoning bylaw applications at the Ontario Municipal Board hearing on June 14, 2011.
2. City Council authorize City Planning staff to continue discussions with the Applicant to see if the proposed built form can be clarified to better ascertain the number of residential units, the appropriate setbacks from public streets, the height of the buildings and number of storeys and related matters such as urban design, transportation and waste collection. In the event that these issues can be resolved to the satisfaction of the Director of Community Planning, the City Solicitor be authorized to implement a settlement at the OMB hearing.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

Namara Developments Limited ("Namara") is the proponent of a multi-unit residential development proposal at the northeast corner of Kingston Road and Highway 2A in the City, known as 6039 Kingston Road.

ISSUE BACKGROUND

Namara has appealed its planning applications to the Ontario Municipal Board and a hearing has been set to commence on June 14, 2011, with four days scheduled for hearing. Staff have worked with the applicant to address some of the issues. For example, it has now been verified that an existing cellular tower at the east end of the property will meet the City's policy of prudent avoidance in terms of the radio frequency waves near a residential development.

Although the applicant's site plan application has not been appealed to the Board, planning staff have been working with the applicant on the understanding that a three-storey apartment building would be the built form on the site.

Until a better understanding can be gained as to the ultimate built form and layout of the site, it is appropriate to oppose the official plan amendment application and the zoning bylaw amendment application which have been appealed to the Board.

COMMENTS

The proposed use and density for this multi unit proposal are generally acceptable, but there remain matters to be satisfactorily addressed. These include:

- the access from Kingston Road;
- the ultimate built form of the multi-unit housing;
- the orientation of the units to the adjacent public streets;
- and clarification of the number of storeys.

CONTACT

Gary McKay, Solicitor,
Legal Services, Planning and Administrative Tribunal Law
Tel: 416-397-5422; Fax: 416-397-5624; E-mail: gmckay@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor