
City Council**Motion without Notice**

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| MM20.70 | ACTION | | | Ward:23 |
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4954-4990 Yonge Street - Request for Representation at the Ontario Municipal Board - by Councillor John Filion, seconded by Councillor Joe Mihevc

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision regarding Application A0048/16NY respecting 4954-4990 Yonge Street.
2. City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the proposed variances requested in Application A0048/16NY respecting 4954-4990 Yonge Street.
3. City Council request the Director of Community Planning, North York District, to report to the September 12, 2016 meeting of the North York Community Council, answering the following:
 - a. What is the as-built gross floor area of the buildings at 4954-4990 Yonge Street in relation to the maximum permitted under the North York Secondary Plan?
 - b. How much additional density did the applicant receive at the time of construction for providing an exempt retail use on the ground floor of the site?
 - c. Would the proposed replacement of a portion of the retail site with a non-exempt use cause the development to exceed the gross floor area permitted under the North York Secondary Plan?
 - d. Should additional Section 37 or Section 45 funding be required of the applicant?
 - e. Where else in the North York Centre has an applicant received a density exemption or bonus for a ground floor medical office?

Summary

Ultima Retail Inc. has applied to the Committee of Adjustment (Application A0048/16NY) for variances from Zoning By-law 601-2001 to permit a medical office within the existing building at 4956 Yonge Street. The proposed variances would allow the applicant to replace a use which received a density exemption with a use that does not qualify for such an exemption. On June 10, 2016, the Committee of Adjustment issued a revised notice adding a variance to the list of exempted uses at this address. At its hearing on June 22, 2016, the Committee of Adjustment approved the application for minor variances

City Planning staff wrote a report in favour of this application but failed to address several key issues which would determine whether the substitution of a non-exempt use for an exempted use would cause the site to exceed its maximum allowable density, and further, whether the applicant should be subject to the payment of additional funds to the City as a result of an increase in their density. The Notice of Decision and Planning Staff Report are attached.

This Motion is urgent because the final deadline for an appeal was July 12, 2016.

Background Information (City Council)

Member Motion MM20.70

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 4954-4990 Yonge Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95016.pdf>)

(June 15, 2016) Report from the Director, Community Planning, North York District on 4954 Yonge Street File No. A0048/16NY

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95017.pdf>)