

City Council**Motion Without Notice**

MM29.21	ACTION			Ward:4
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405 The Kingsway - Request for Attendance at a Toronto Local Appeal Body Hearing - Appeal of Committee of Adjustment Decision (B0012/17EYK, A0109/17EYK, A0110/17EYK & A0111/17EYK) - by Councillor John Campbell, seconded by Councillor Christin Carmichael Greb

** 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 Etobicoke York Community Council. A two-thirds vote is required to waive referral.
* This Motion relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.*

Recommendations

Councillor John Campbell, seconded by Councillor Christin Carmichael Greb, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions approving Applications B0012/17EYK, A0109/17EYK, A0110/17EYK & A0111/17EYK respecting 405 The Kingsway to the Toronto Local Appeal Body.
2. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body and to retain outside consultants, as necessary, to oppose the consent and minor variances requested in Committee of Adjustment Applications B0012/17EYK, A0109/17EYK, A0110/17EYK & A0111/17EYK respecting 405 The Kingsway.

Summary

On May 4, 2017, the Etobicoke District Panel of the Committee of Adjustment (the "Committee") approved an application for consent to sever and three associated applications for minor variances related to the property municipally known as 405 The Kingsway (the "Applications"). The Applications sought to sever the subject property into three residential lots to allow the construction of two new detached dwellings on each of the conveyed lots and to maintain the existing dwelling on the retained lot.

In a report from the Director, Community Planning, Etobicoke York District dated April 27, 2017, Community Planning staff recommended that the Committee defer the Applications to allow the Applicant an opportunity to submit a Natural Heritage Impact Study in order to assess the proposal's impact on the natural heritage system and identify measures to mitigate potential

negative impacts on the natural heritage system, which may alter the proposal. The Applicant has not submitted a Natural Heritage Impact Study to the City.

In a report from Urban Forestry, Ravine and Natural Feature Protection staff dated May 3, 2017, staff recommended refusal of the Applications on the basis that the Applications do not conform to the tree protection policies in the Official Plan. Ravine and Natural Feature Protection staff are of the opinion that the Applications will require the removal of 10 healthy privately owned trees on the subject site, and the injury of five healthy privately owned trees. If the Applications are approved, Ravine and Natural Feature Protection standard compensation ratios would require an estimated 37 new trees on the site. However, Ravine and Natural Feature Protection estimate the subject site can only accommodate eight new trees.

This matter is urgent because the last day to appeal the Committee's decisions to the Toronto Local Appeal Body is May 24, 2017. In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee's decisions to the Toronto Local Appeal Body. The City Solicitor requires further instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM29.21

Committee of Adjustment, Etobicoke York Panel Notices of Decision on Consent and application for Minor Variance/Permission for 405 The Kingsway
(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104084.pdf>)