

City Council**Motion without Notice**

MM9.40	ACTION			Ward: 11
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100 Edward Street - Appeal of Committee of Adjustment Decision - by Councillor Mike Layton, seconded by Councillor Joe Cressy

** 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 Mike Layton, seconded by Councillor Joe Cressy, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend at the Local Planning Appeal Tribunal hearing to support the Committee of Adjustment's decision in Application A0454/18TEY respecting 70 and 100 Edward Street and 636 Bay Street.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in application A0454/18TEY respecting 70 and 100 Edward Street and 636 Bay Street and authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Ward Councillor and with the Director, Community Planning, Toronto and East York District.

Summary

On April 17, 2019, the Committee of Adjustment refused a minor variance application brought by the owner of 70 and 100 Edward Street and 636 Bay Street to construct a new 19-storey and 22-storey mixed use building with a connected 7-storey base building and five levels of below grade parking (Application A0454/18TEY). Variances from the applicable Zoning By-laws were sought for the building height and penetration of an angular plane, tower setbacks, building setbacks, floor space index and gross floor area, number of dwelling units, amenity space, and location of long-term bicycle parking spaces. The Owner appealed the refusal to the Local Planning Appeal Tribunal in order to consolidate the appeal with the previously-appealed Site Plan application.

In the report (April 10, 2019) from the Director, Community Planning, Toronto and East York District, Community Planning Staff recommended that the application be refused. Planning Staff identified a number of outstanding issues with the proposal which were previously identified through review of the Site Plan application, including building heights which must comply with Official Plan policies 3.1.5.45 and 3.1.1.9 and 10; building heights which demonstrate compliance with the City's helicopter flight path protection policies and

regulations; appropriate building massing including tower setbacks and separation distances which provide for adequate light and privacy; building setbacks which provide for a suitable interface with the public realm; and appropriate design of bicycle parking areas. The requested variances do not meet the intent of the Official Plan and Zoning By-law, and are not a desirable use of the land.

This Motion would give the City Solicitor and appropriate City Staff authority to attend at the Local Planning Appeal Tribunal to defend the position set out in the Planning Staff report dated April 10, 2019.

This Motion is time sensitive and urgent as the applicant has appealed the Committee's decision to refuse the Application to the Local Planning Appeal Tribunal and the City Solicitor requires instructions to attend the hearing.

Background Information (City Council)

Member Motion MM9.40

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 100 Edward Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-136076.pdf>)

(April 10, 2019) Report from the Director, Community Planning, Toronto and East York District on 70 and 100 Edward Street and 636 Bay Street Committee of Adjustment Application

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-136053.pdf>)