

City Council

Notice of Motion

MM16.2	ACTION			Ward: 21
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1957 - 1961 Kennedy Road - Appeal to the Toronto Local Appeal Body of Committee of Adjustment Decision - by Councillor Michael Thompson, seconded by Councillor Jennifer McKelvie

**** Notice of this Motion has been given.***

**** This Motion is subject to referral to the Scarborough 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 Michael Thompson, seconded by Councillor Jennifer McKelvie, recommends that:

1. City Council confirm and authorize the City Solicitor's appeal of the Committee of Adjustment, Scarborough Panel to oppose the approval of the applicant's proposed development at 1957 – 1961 Kennedy Road under Application A0284/19SC.
2. City Council authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body to oppose the Committee of Adjustment's decision and to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

The owner of the lands municipally known as 1957 – 1961 Kennedy Road and 7 – 9 Progress Avenue applied to the Scarborough Panel of the Committee of Adjustment for variances to the former City of Scarborough By-law 24982 in order to facilitate the conversion of the basement and an adjacent unit within the Subject Property to restaurant use. The changes requested through the Application are interior alterations and renovations that maintain the floor area of the existing buildings, as well as the existing surface area of the parking lot. One variance was sought for the number of parking spaces, and two were sought for relief from gross floor area restrictions.

In an email from Transportation Services on December 3, 2019 (Attachment 1), the City indicated that a parking study would be required in order to justify the variance to the parking requirement. No parking study was provided by the applicant to the Committee in advance of

the hearing. The Committee approved the Application on February 13, 2020 (Attachment 2). The last day to appeal the Committee's Decision is March 4, 2020.

This Motion will confirm and authorize the City Solicitor's appeal of the Committee's Decision to the Toronto Local Appeal Body. It will authorize the City Solicitor and appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the Committee's Decision and to retain outside consultants as necessary. This Motion will also authorize the City Solicitor to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Background Information (City Council)

Member Motion MM16.2

(December 3, 2019) Email from the Transportation Services

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-146294.pdf>

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 1957 - 1961 Kennedy Road

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-146295.pdf>