



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Zoning By-law Appeal to OMB
Wilson Avenue Study By-law 1147-2007
2737 Keele St.
Request for Instructions Report**

Date:	September 22, 2008
To:	City Council
From:	City Solicitor
Wards:	Ward 9
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The purpose of this report is to seek instructions for the City Solicitor in connection with an ongoing Ontario Municipal Board hearing currently adjourned until Friday, September 26, 2008. It is a time sensitive matter. On October 23, 2007, City Council passed By-law No. 1147-2007 to provide for the enhanced zoning permissions derived from the Wilson Avenue "Avenue Study" undertaken pursuant to the policies of the new Official Plan. The City is now in a position to seek OMB approval for that by-law with the exception of 3 site specific appeals, one of which concerns the property at 2737 Keele Street, the subject of this report. Through the submission of further supporting materials and the filing of a site plan control application in the lead-up to the OMB hearing, the appellant has altered its proposal in a manner which now permits the presentation to Council of the settlement set out herein.

RECOMMENDATIONS

In the event City Council is in agreement with the settlement proposal for 2737 Keele Street, the City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Attachment 1; and
2. City Council authorize the public release, at the end of the Council meeting, of the confidential instructions if adopted by Council.

DECISION HISTORY

At its meeting held on October 22 and 23, 2007, City Council adopted North York Community Council Item 9.21 which recommended the adoption of Official Plan Amendment No. 1 and Zoning By-law No. 1147-2007. OPA1 provided for a reduction of right-of-way widths for certain portions of Wilson Avenue to achieve streetscape design objectives and it is now in force. By-law No. 1147-2007 rezoned the lots on either side of Wilson Avenue from approximately Keele Street to Bathurst Street to implement an Avenues re-urbanization study. Of 3 remaining site specific appeals, 7-9 Tippet Road is proceeding at the OMB to a separate site specific resolution likely in the later Fall or by early 2009, and 545-555 Wilson Avenue has submitted a site specific rezoning application and is currently being processed as such by North York staff. 2737 Keele Street has proceeded to an OMB hearing which was scheduled for 2 weeks to commence September 15, 2008.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of this report.

ISSUE BACKGROUND

Council has previously dealt with the property at 2737 Keele Street by refusing a motion seeking to simply include it within the boundaries of the Wilson Avenue By-law at its meeting held on October 22 and 23, 2007. The site specific appeal of the Wilson Avenue By-law made by the owner now raises the issue of the appropriate development permissions for the site at the OMB.

COMMENTS

This report sets out a revised development proposal including Section 37 benefits which constitutes a settlement offer.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Recommendations and Confidential Information