



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**470 Sentinel Road and 1, 35 and 40 Fountainhead Road
– Official Plan Amendment, Rezoning and Draft Plan of
Subdivision – Ontario Municipal Board Hearing
(NY33.46)**

Date:	May 10, 2010
To:	City Council
From:	City Solicitor
Wards:	Ward 8 – York West
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions. This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The purpose of this report is to provide confidential advice and recommendations regarding an appeal to the Ontario Municipal Board of Council's indecision on applications for an Official Plan Amendment, a Rezoning for the properties at 470 Sentinel Road and 1, 35 and 40 Fountainhead Road and a Draft Plan of Subdivision for 35 Fountainhead Road.

This report also addresses a Motion that was passed at the April 27, 2010 meeting of the North York Community Council and how it may affect the upcoming Ontario Municipal Board hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential recommendations contained in Attachment 1; and
2. Council authorize the public release of the confidential instructions and Attachment 2 remains confidential at the end of the Council meeting.

FINANCIAL IMPACT

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Final Report dated October 8, 2009 from the Director, Community Planning, North York District recommended approval of Official Plan and Zoning By-law amendments and a Draft Plan of Subdivision for the lands at the northwest corner of Finch Avenue West and Sentinel Road subject to a number of conditions.

At the November 10, 2009 Public Meeting to consider the subject applications, North York Community Council deferred consideration of the report to the January 12, 2010 North York Community Council meeting and referred a motion to the Director, Community Planning for a report back.

At its meeting of January 12, 2010 North York Community Council recommended that City Council amend the Official Plan and Zoning By-law for the lands subject to a number of amendments. Community Council also recommended revised Section 37 benefits.

City Council at its meeting of January 26 and 27, 2010 referred this matter back to North York Community Council and requested the Chief Planner and Executive Director, City Planning:

- To report as soon as possible on what density would be recommended if there was no vehicular access to Finch Avenue West; and
- In consultation with the local Councillor, to continue discussions with the applicant on an appropriate level of community amenities to meet the needs of the existing and increased population of the area.

At its meeting of March 9, 2010 North York Community Council deferred consideration of the applications to allow the Chief Planner and Executive Director, City Planning Division to report on the above matters.

At its meeting of April 27, 2010 (NY33.46) North York Community Council considered a report from the Director, Community Planning, North York District and adopted a motion recommending that the staff recommendations contained in the October 8, 2009 report be adopted with amendments that:

- The indoor amenity space for Phase I of the development be 1.5m² per unit.
- Prior to the construction of Phase II, the Planning Division shall, at the expense of the applicant, undertake a review of the existing rental buildings and the occupancy of Phase I buildings (excluding the seniors building) to determine the number of units that are occupied by university students.
- The number of m² of indoor amending above 1.5m² per dwelling unit for Phase II shall be determined by this review in order to ensure that amenities of the type that can provide study and recreation facilities suitable for students are included in Phase II.
- Should it be found that there are a significant number of students, Phase II amenity space ratio shall be increased up to 2.5m² per dwelling unit to accommodate students in Phase I and the rental buildings as well as the anticipated university occupants of Phase II.
- Approvals for on site tree replacement and planting shall be subject to a report from Urban Forestry to be considered by the North York Community Council.
- The parking ratios at the existing rental building remain as at present.

ISSUE BACKGROUND

On February 10, 2010, the owner of the property appealed the applications for Official Plan Amendment, Rezoning and Draft Plan of Subdivision to the Ontario Municipal Board and a hearing has been scheduled to commence on June 21, 2010.

COMMENTS

As a hearing date has been set, the City Solicitor requires instructions regarding the appeal of these matters to the Ontario Municipal Board.

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Information -Sentinel Road and 1, 35 and 40 Fountainhead Road – Official Plan Amendment, Rezoning and Draft Plan of Subdivision – Ontario Municipal Board Hearing
2. Letter dated April 15, 2010 from Aird & Berlis