



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**89 Avenue Road - Appeal of Rezoning Application  
12 146411 STE 27 OZ**

<b>Date:</b>	March 11, 2014
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reason for Confidential Information:</b>	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	12 146411 STE 27 OZ

**SUMMARY**

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This report addresses a zoning by-law appeal that is now before the Ontario Municipal Board with respect to this development proposal. The Municipal Board has scheduled an appearance on March 26, 2014 in order to determine the position of the parties with respect to a mediation previously conducted by the Board.

**RECOMMENDATIONS**

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The City Solicitor recommends:

1. that Council adopt the recommendations in Attachment 1.
2. that Council’s instructions to staff in respect of the Ontario Municipal Board hearing be authorized for public release at the conclusion of the Council meeting and that the remainder of Attachment 1 remain confidential.

**Financial Impact**

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

## **DECISION HISTORY**

Following the adoption by Toronto and East York Community Council of the recommendations of the Refusal Report of the Director, Community Planning, dated February 6, 2013, City staff and other parties opposed to the development application prepared for the hearing. After the exchange of witness statements, the applicant made revisions to the proposal. As a result, the City, other parties opposed to the application and the applicant engaged in two days of mediation at the Board's offices on January 27 and 29, 2014.

On February 25, 2014 Item TE30.97 of Toronto East York Community Council directed the City Solicitor to report directly to Council at its meeting on March 20, 2014 with respect to this matter.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE30.97>

## **ISSUE BACKGROUND**

The application under appeal originally involved the demolition of the Howard Johnson Hotel at 89 Avenue Road and the construction of a mixed use building with a 28-storey (104 metre) tower facing Avenue Road, a central amenity area, which includes a swimming pool and restaurant/bar area accessible by both the proposed hotel and residential condominium uses and a 6-storey residential component at the eastern edge of the site, adjacent to the low-rise Yorkville-Hazelton heritage conservation district.

## **COMMENTS**

Five parties are opposed to the original proposal. These include: (1) the City of Toronto; (2) the residential condominium to the immediate north; (3) the residential condominium to the immediate south; (4) the ABC Residents Association and a group of residents and business owners in the immediate vicinity who are represented by one law firm; and (5) an individual resident from the condominium to the south.

Concerns of the various parties with the original proposal include the proposed height as it relates to Avenue Road, the impact of the height of the eastern component, which is adjacent to the homes in the heritage conservation district, how the proposed access driveway (shared with the northern condominium) will function and the potential for adverse impact on the neighbourhood from the central pool and restaurant/bar area proposed to be shared by the residential condominium and hotel land uses.

All parties to the hearing participated in the mediation in an attempt to address their concerns.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 - Confidential Information