



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

740 and 750 York Mills Road and 17 Farmstead Road - Request for Directions Report

Date: December 3, 2018
To: City Council
From: City Solicitor
Wards: 15 - Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

The purpose of this report is to seek instruction for a Local Planning Appeal Tribunal appeal on the above-noted municipal addresses.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report; and
2. The recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A" to this report be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

In June 2013, MLYM Inc, the owners of the site filed an application to amend the Zoning By-law to permit the development of 260 new apartment units in a stacked townhouse form, three and four storeys in height in seven new buildings on site, in addition to maintaining the existing three 18 storey rental apartment buildings.

City Council at its meeting of June 7, 2016 refused the application to amend the zoning by-law for the subject site for reasons including that it represented over-intensification of the site; the loss of green space and mature trees; and, the increase in traffic from the proposed development. Subsequently, on July 14, 2016 the refusal was appealed to the Ontario Municipal Board by MLYM Inc.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.28>

A settlement offer from MLYM Inc. was considered by City Council at its meeting of December 13, 2016 and made public on December 22, 2016. The revisions in the settlement included the removal of three of the seven proposed blocks of townhouse units on the southern portion of the site, a reduction in units from 260 to 192; an onsite parkland dedication at the west of the site adjacent to Mossgrove Park; and, the creation of a Privately Owned Public Space (POPS) along the York Mills Road frontage of the site. Council accepted the settlement offer and directed staff to appear at the Ontario Municipal Board hearing in support of the settlement in accordance with the settlement offer.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC23.7>

The Ontario Municipal Board held a hearing on January 20, 2017, where the Board approved the settlement agreed to by City Council and withheld its order on the By-laws until being advised that the form and content of the zoning by-laws are satisfactory to the City Solicitor and that the owner of the site has entered into the required Section 37 Agreement to the satisfaction of the City Solicitor.

Site Plan Application

The applicant filed a Site Plan Application on December 21, 2016 for the townhouse proposal as reflected in the settlement.

On September 24, 2017, the Ward Councillor requested in writing that the Chief Planner submit the Site Plan Application to the North York Community Council and to Council for its approval.

On May 4, 2018, the applicant re-submitted Site Plan drawings showing the erection of two 2-storey temporary parking structures along with temporary surface parking areas. One structure is proposed to be located in an existing landscaped courtyard/amenity space between the existing apartment buildings on site, and one structure is proposed to be located at the southeast corner of the site on the future POPS space secured via the settlement. The temporary parking structures and surface parking areas are

required to allow the applicant to reconstruct the existing parking structures and construct the new townhouse units while continuing to provide on-site parking for the existing residents. The applicant advises that the structures would be required for a period of two years.

Alternatively, the applicant has advised that the townhouse development and reconstruction of the existing parking structures could be phased over a four year period not requiring the temporary parking structures.

COMMENTS

The Local Planning Appeal Tribunal (LPAT) has scheduled a two day hearing commencing January 31, 2019 to consider the merits of two proposed temporary parking structures and any associated zoning provisions in order to accommodate construction phasing on the site.

The applicant has also appealed their Site Plan Application to the LPAT, however the hearing in January is only to deal with the content of the Zoning By-law, not the Site Plan Control application. The City and the applicant agreed to not consolidate the January LPAT hearing and the Site Plan appeal on the basis that if the form of the Zoning By-law is resolved, a settlement on the Site Plan Control application may ensue.

The City Solicitor requires direction regarding the proposed temporary parking structures prior to the two-day LPAT hearing scheduled for January 31 and February 1, 2019.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information
Confidential Appendix "A" - Confidential Information (On file with the City Clerk for the purpose of the December 13, 2018 Council meeting)