



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

75 Broadway Avenue - Zoning By-law Amendment and Rental Housing Demolition Applications - LPAT Appeal - Request for Direction

Date: November 29, 2018
To: City Council
From: City Solicitor
Wards: Ward 12 - Toronto-St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On April 27, 2017, an application was submitted to amend the Zoning By-law for the lands at 75 Broadway Avenue to permit the construction of a 40-storey residential building (126.65 metres to the top of the mechanical penthouse) attached to an existing 10-storey residential building at 75 Broadway Avenue. A portion of the existing building containing 20 rental dwelling units would be demolished. The new 40-storey tower would contain 402 apartment units (including 20 rental replacement units). A total of 184 rental dwelling units would remain in the existing 10-storey building. An application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has been filed to permit the demolition of the 20 existing rental dwelling units.

The Zoning By-law amendment application was appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal) on November 28, 2017 for Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. A 3-day hearing has been scheduled starting on January 23, 2019, accordingly this matter is urgent.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on December 13, 2018.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. The recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. All of Confidential Attachment 2, including Confidential Appendix 1.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

City Council on August 25, 2014 adopted the Midtown in Focus - Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area. The Midtown in Focus - Parks, Open Space and Streetscape Plan is a master plan for the public realm. It establishes a comprehensive vision and presents a flexible, phased approach for improving the parks, open spaces and streetscapes to create a high quality public realm for the Yonge-Eglinton study area. The Midtown in Focus Plan is a guide for creating more liveable, walkable and memorable public spaces within Midtown at Yonge and Eglinton. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.21>

City Council on June 10, 11 and 12, 2015 adopted the Midtown in Focus – Official Plan Amendment – Final Report. Official Plan Amendment 289 (OPA 289) integrates the Council-adopted Midtown in Focus Plan into the existing planning framework of the Yonge-Eglinton Secondary Plan. City Council also directed the Chief Planner and Executive Director, City Planning, in consultation with the General Managers of Transportation Services, Toronto Water, Parks, Forestry and Recreation, Economic Development and Culture and Children's Services, as well as other applicable divisions and agencies, to undertake further review of the Yonge-Eglinton Secondary Plan in accordance with the planning priorities identified in the report (April 17, 2015) from the Chief Planner and Executive Director, City Planning, use the robust and high standard of public consultation used throughout the Midtown in Focus process and bring forward

a Proposals Report in early 2016 to the Planning and Growth Management Committee on the emerging directions. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

On December 10, 2015, City Council adopted Official Plan Amendment No. 320. OPA 320 strengthens and refines the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in Apartment Neighbourhoods.

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA 320. OPA 320 has been appealed in its entirety to the OMB. On July 4, 2017, City Council adopted confidential Recommendations in a Request for Direction report from the City Solicitor dated June 27, 2017, related to the OMB appeal. The City Council Decision and City Solicitor Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC31.15>

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

On July 23, 2018, City Council referred Item No. CC44.37, a Request for Direction report (July 16, 2018) from the City Solicitor, back to the City Solicitor for a report to the December 13, 2018, City Council Meeting. The City Council Decision and City Solicitor Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.37>

COMMENTS

The City Solicitor requires further direction on this matter prior to the conclusion of the December 13, 2018 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Attachment 2 - Confidential Material

Confidential Appendix 1 - Additional Confidential Material (on file with the City Clerk for the purpose of the December 13, 2018 City Council meeting)