



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2795-2799 and 2801 Bathurst Street– Zoning By-law Amendment Application - Zoning Amendment Application and Official Plan Amendment Application - Request for Directions Report

Date: December 3, 2018

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton - Lawrence

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 Local Planning Appeal Tribunal (LPAT) appeals 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 to this report and the information contained in Appendix "A" and Appendix "B" to the Confidential Attachment 1 be made public at such time as Council adopts the recommendations. All other information (Appendices "C", "D", "E", "F", and "G") 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 May 2015, an application for a Zoning By-law Amendment was submitted to the City to permit a 10 storey (35 metre high) mixed use residential building fronting onto Bathurst Street with a total of 175 dwelling units, including two wings of four storey grade related townhouses on the eastern portion of the site. A total gross floor area of 14,745 square metres and Floor Space Index (FSI) of 4.4 times the area of the lot was proposed.

On September 8, 2015 North York Community Council adopted a Preliminary Report on the application. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82967.pdf>

A revised proposal was submitted in June 2017 with a reduced height of 9 storeys (31.35 metres high) with a total of 150 residential units and two rear wings of four and five storeys. A total gross floor area of 14,490 square metres and a FSI of 4.11 times the area of the lot is proposed.

The Zoning By-law amendment (ZBA) was appealed by the applicant to the Ontario Municipal Board (now Local Planning Appeal Tribunal) on June 20, 2017 for failure of the City to make a decision on the application within the statutory timeframe.

At its meeting on December 5, 6, 7 and 8, 2017 City Council adopted the recommendations in a Request for Direction Report from the Director, Community Planning, North York District dated November 8, 2017, (the "Request for Direction Report"). The report made reference to the need for an Official Plan Amendment to be added for the redevelopment as well as revisions to the proposal to address concerns with the proposed setbacks, height, massing, density and transition.

For a more detailed Decision History, see City Council Item NY26.5 - Request for Direction - Zoning By-law Amendment Application - 2795-2799 and 2801 Bathurst Street:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY26.5>

Subsequent to the submission of the Request for Direction Report dated November 8, 2017, an Official Plan Amendment (OPA) application was submitted on November 21, 2017 and was deemed complete as of January 9, 2018. The applicant appealed the OPA to the LPAT on August 31, 2018 on the grounds that the City failed to make a decision on the application within the statutorily prescribed time.

COMMENTS

Three pre-hearing conferences have been held on December 13, 2017, February 12 and September 21, 2018. City Staff participated in mediation session at the LPAT on September 21, 2018.

An LPAT hearing has been scheduled for January 16, 2019 on the appeal of the Zoning By-law application.

A Case Management Conference for the appeal of the Official Plan application has been scheduled for January 16, 2019.

Further information has been received which has resulted in the need for directions from City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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