



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

64 Prince Arthur Avenue - Zoning By-law Amendment Application - Request for Directions

Date: May 20, 2020
To: City Council
From: City Solicitor
Wards: Ward 11 - University Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

The purpose of this report is to request further instructions for a potential Local Planning Appeal Tribunal hearing that is currently scheduled to commence on July 6, 2020 for three weeks.

SUMMARY

The purpose of this report is to request further instructions for the potential Local Planning Appeal Tribunal (the "**LPAT**") hearing that is currently scheduled to commence on July 6, 2020 for three weeks. The applicant has appealed the proposed rezoning of 64 Prince Arthur Avenue to the LPAT due to Council's failure to make a decision on the application within the time prescribed by the Planning Act (the "**Appeal**").

The appealed application was revised and it proposes to amend the former City of Toronto Zoning By-law 438-86 and City-wide Zoning by-law 569-2013 to permit a 19-storey (66.7 metres plus a 7-metre mechanical penthouse) residential building with 178 dwelling units and 25 parking spaces in a 3-level below ground garage at 64 Prince Arthur Avenue. The original proposal was for a 29-storey (120 metres plus a 10-metre mechanical penthouse) residential building with 60 dwelling units and 73 parking spaces with a 2-level below grade garage.

On July 23, 2018, City Council directed the City Solicitor, along with appropriate staff, to oppose the 29 storey proposal and oppose the Appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (May 20, 2020) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (May 20, 2020) from the City Solicitor at the discretion of the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (May 20, 2020) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

In 1983, the Ontario Municipal Board ("OMB"), permitted an 8-storey (26-metre) residential building with a maximum floor space index of 2.25 times the area of the site at 64 Prince Arthur Avenue. The decision also permitted non-retail commercial uses on the site provided that the existing number of parking spaces be maintained. The decision further requires specific side, rear and front yard setbacks.

On August 31, 2017, the applicant submitted a zoning by-law amendment for a 29 storey building.

On December 21, 2017, the applicant appealed the Zoning By-law Amendment Application for a 29 storey building to the OMB for the City's failure to make a decision on the application within the required timeframe.

A Request for Directions Report (dated June 13, 2018) from the Acting Director, Community Planning, Toronto and East York District was considered by City Council at its meeting of July 23, 24, 25, 26, 27 and 30, 2018. City Council directed the City Solicitor and Planning staff to attend at the LPAT and oppose the Zoning By-law Amendment Application. The report can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.33>

The Tribunal held four prehearing conferences between June 27, 2018 and July 12, 2019. A 15-day hearing was scheduled to commence February 10, 2020.

However, on December 16, 2019, the applicant submitted a revised proposal for a 19-storey residential building. As a result of the timing of the re-submission, the LPAT adjourned the scheduled hearing and rescheduled the hearing to now commence on July 6, 2020.

COMMENTS

On December 16, 2019, the owner submitted a revised application, along with updated reports, plans and drawings illustrating a revised development concept for the subject property (the “**Revised Proposal**”). The property is located at 64 Prince Arthur Avenue (the “**Development Site**”).

The Revised Proposal

The application proposes a 19-storey (66.7 metres tall plus a 7-metre mechanical penthouse) residential building. The total floor area is 10,736 square metres of residential floor space which represents a density of 8.86 times the area of the subject lands.

The building consists of 178 dwelling units with a breakdown of 30 studio units (17 percent), 48 one-bedroom units (26 percent), 12 one-bedroom plus den (7 percent), 71 two-bedroom units (40 percent) and 17 three-bedroom units (10 percent).

The current proposal incorporates numerous revisions from the original application below:

- Reduced building height from 29-storeys (130 metres) to 19-storeys (73.7 metres);
- Reduced density from 10.1 to 8.86 times the lot area;
- Increased dwelling units from 60 to 178;
- Reduced parking spaces from 72 to 25;
- Relocated driveway access from the west to east side of the site; and,
- Replacement of the car stacking system with a standard drive aisle and parking spaces.

Detailed project information can be found on the City's Application Information Centre at: <https://www.toronto.ca/aic>

Public Attachment "1" contains the analysis from Community Planning on the revised 19-storey proposal. The revised plans may be found on the City's Application Information Centre.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the Revised Proposal:

- Survey
- Context Plan
- Architectural Plans, Elevations and Sections
- Renderings and Perspectives
- Sun/Shadow Study
- Toronto Green Standard Checklist
- Cover letter
- Detailed Revision List
- Planning Rationale Addendum
- Urban Design Report - Addendum Letter
- Transportation Impact Assessment Addendum
- Hydrological Assessment
- Stormwater Management and Functional Servicing Report
- Noise Impact Study
- Environmental Vibration Assessment
- Pedestrian Wind Comfort Letter
- Pedestrian Wind Assessment
- Project Data Sheet

Reasons for Application

The application proposes to amend Zoning By-laws 438-86 and 569-2013 to permit a 19-storey building (66.7 metres plus a 7-metre mechanical penthouse) with a density of 8.86 times the lot area, exceeding the height and density limits on the site. The proposed building also does not meet the minimum required setbacks. A Zoning By-law amendment is required for non-compliance with these and a number of other performance standards.

Agency Circulation Outcomes

The application together with the applicable reports noted above have been circulated to all appropriate agencies and City Divisions for the resubmission. Responses received have been used to assist in evaluating the application by City Planning. This Report has been prepared in consultation with City Planning, Parks, Forestry and Recreation, Transportation Services and Engineering and Construction Services.

Community Planning has reviewed the submitted documents, along with other agencies and divisions and their general analysis on the revised 19-storey proposal is found in Public Attachment "1".

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment "1" - Community Planning Analysis on the Revised Proposal regarding 64 Prince Arthur Avenue

Confidential Attachment 1 - Confidential Information