

## **2908 Yonge Street – Zoning By-law Amendment Application – Request for Directions Regarding LPAT Hearing**

**Date:** January 26, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 – Eglinton-Lawrence

### **REASON FOR CONFIDENTIAL INFORMATION**

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

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

### **SUMMARY**

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1948630 Ontario Inc. (the "Applicant") is the owner of the property municipally known as 2908 Yonge Street (the "Subject Site"), located on the west side of Yonge Street, on the southwest corner of Yonge Street and Chatsworth Drive, in the Yonge-Lawrence area. The Subject Site abuts Duplex Parkette to the south and west. The Subject Site was formerly the location of a gas station and is currently vacant.

On December 19, 2017, the Applicant submitted a Zoning By-law Amendment application to the City proposing to amend the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 to permit the development of a new 13-storey mixed-use building with an overall height of 47.8 metres (the "Application"). The residential entrance would front onto Yonge Street with garage access from Chatsworth Drive. Parking would be provided in 4 levels of underground parking. A total of 70 parking spaces were proposed.

On April 24, 2018, City Council considered and adopted the recommendations of a Refusal Report (Item NY29.7) from the Chief Planner and refused the rezoning Application.

Following City Council's refusal of the Application, the Applicant appealed the Application to the Local Planning Appeal Tribunal ("LPAT"). The appeal is known as LPAT File No. PL180573. To date, the LPAT has held three case management conferences on the following dates: October 16, 2018; January 16, 2020; and July 27, 2020. In addition to the City and the Applicant, the Lytton Park Residents Organization ("LPRO") is also a party to the appeal.

On August 22, 2020, the Applicant submitted revised plans for the purpose of the LPAT hearing ("LPAT Proposal"). The LPAT Proposal maintained the 13-storey height, but included a proposed on-site parkland dedication of 110.3 square metres along the west side of the Subject Property, abutting Duplex Parkette.

The appeal is currently scheduled to be heard by the LPAT during a 9-day hearing on February 16 to 26, 2021.

The purpose of this report is to request instructions regarding the LPAT appeal and upcoming hearing. The February 3 and 4, 2021 City Council meeting is the last opportunity for the City Solicitor to obtain instructions prior to the start of the LPAT hearing.

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report, if adopted by City Council.
3. City Council authorize public release of Confidential Attachment 2 and Confidential Attachment 3 to this report, if the confidential recommendations contained in Confidential Attachment 1 are adopted by City Council.
4. City Council direct that all other information contained in Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor, as it contains advice subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On April 24, 25, 26 and 27, 2018, City Council considered and adopted the recommendations of a Refusal Report (Item NY29.7) by City Planning regarding the Applicant's zoning by-law amendment Application. In addition to refusing the application, City Council authorized the City Solicitor and City staff to attend the LPAT to oppose the Application, should it be appealed. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.7>

## **COMMENTS**

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The City Solicitor requires further instructions regarding the LPAT Appeal. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential information and should be considered by Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information