



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**2800 Keele Street - Request for Direction for OMB
Hearing – Zoning Amendment and Site Plan Control
Applications**

Date:	July 2, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 9 – York Centre
Reason for Confidential Information:	This report relates to a litigation matter before the Ontario Municipal Board and includes advice that is subject to solicitor-client privilege.
Reference Number:	12 268121 NNY 09 OZ & 12 268129 NNY 09 SA

SUMMARY

The applicant has appealed its rezoning and site plan control applications to the Ontario Municipal Board due to Council’s failure to make a decision on the applications within the time prescribed by the *Planning Act*. A one day hearing is scheduled for July 16, 2014. North York Community Council considered a Request for Directions report (Item NY33.52) at its meeting of June 17, 2014 and the matter is now before City Council without recommendation.

The purpose of this report is to seek instructions from City Council with respect to the upcoming Ontario Municipal Board hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize that Attachment 1 remain confidential as it contains advice that is subject to solicitor-client privilege and information regarding pending litigation before the Ontario Municipal Board.

Financial Impact

There are no financial implications arising from the adoption of this report.

DECISION HISTORY

North York Community Council on June 17, 2014 considered a Request for Directions report from the Director, Community Planning, North York District recommending that Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing in support of the Zoning By-law Amendment application for 2800 Keele Street. Community Council did not adopt a position with respect to the report, which is now before City Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY33.52>

ISSUE BACKGROUND

The applicant proposes to amend the Zoning By-law for the subject site to permit the development of the lands for a mixed use building on an identified Avenue. This application proposes an eleven (11) storey mixed-use building fronting Keele Street. The proposed building would contain 216 residential units, including a variety of ground related one- and two-storey townhouse units fronting Victory Drive and the north side of the building at the west end, and 375m² of ground floor commercial space fronting Keele Street. The proposed unit mix is 34 studio units, 118 one-bedroom units, 64 two-bedroom units and 2 three-bedroom units.

In its report of June 13, 2014, the City Planning Division recommended that:

- The City Solicitor and appropriate staff be directed to attend the Ontario Municipal Board (OMB) hearing in support of the Zoning By-law Amendment application;
- That any final order of the Board on site plan be held until such time as the Site Plan Notice of Approval Conditions has been issued by the Director of Community Planning, North York District, and all pre-approval conditions met including an executed Site Plan Agreement; and
- City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving the Zoning By-law Amendment until such time as the Owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, requiring the Owner to:
 - a) Provide a cash contribution of \$400,000 to be used towards capital improvements at the Downsview Public Library including an Early Literacy Centre and a Computer Centre; and

- b) Provide a cash contribution of \$50,000 to be used towards streetscape improvements along Keele Street and Victory Drive in the immediate vicinity of the proposed development.

An appeal to the Ontario Municipal Board was filed by on behalf of the applicant. A one day hearing has been scheduled for July 16, 2014.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information