



STAFF REPORT ACTION REQUIRED

51 Drewry Avenue, 8-28 Inez Court – Revised Site Plan Settlement Proposal

Date:	August 25, 2014
To:	City Council
From:	City Solicitor
Wards:	Wards 23 and 24 - Willowdale
Reference Number:	08 145788 NNY 23 OZ

SUMMARY

This report advises City Council of a slightly revised settlement proposal received from Yolanda Flanders Developments Limited ("Yolanda Flanders") in respect of its applications for approval of a development at 51 Drewry and 8-28 Inez Court. The report seeks Council's direction on the revised site plan in principle, at the request of the applicant before they formally submit a revised rezoning application. City Planning has been consulted in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council endorse Yolanda Flanders' Revised Site Plan ("Option B – Revised Site Plan"), as preferred by the local Ward Councillor, and as set out in Attachment 3 to the report from the City Solicitor (August 25, 2014) in principle.

Financial Impact

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

DECISION HISTORY

On April 1, 2 and 3, 2014, City Council considered a Request for Direction Report dated 20 March 2014, with respect to Yolanda Flanders' development application and settlement proposal for 51 Drewry Avenue and 8-28 Inez Court:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC50.5>

That report outlined the history of the applications and related OMB appeals, and resulted in City Council endorsing a settlement proposal in principle.

REVISED SETTLEMENT PROPOSAL

Following the April, 2014 Council meeting, the applicant met with planning staff and presented a number of site plan alternatives. The alternative plans were presented to the local community at a community consultation meeting organized by the local Ward Councillor on Thursday, July 31, 2014.

"Option B – Revised Site Plan" was the option that was deemed to be most preferred by local residents, in preference to the original site plan that was endorsed by City Council in April. Option B is also the preferred option of the local Ward Councillor. The total density and site statistics for Option B are consistent with the previously-endorsed site plan, but the density is deployed on the site slightly differently, increasing the overall height of one of the two residential towers proposed, and improving the landscaping provided on-site, and the design of the base building.

On August 6, 2014, Yolanda Flanders' development consultant wrote to the Ward Councillor requesting that this matter be brought before City Council for a determination that Option B constitutes an acceptable alternative to the version previously endorsed by Council. Planning staff have been consulted and have no objection to this request at this time; however, as Option B – Revised Site Plan represents a proposed increase in height from the 87 metres provided by the current North York Centre Secondary Plan to 100 metres in height, this plan will still need to be evaluated by Planning staff and reported to Council after the OMB appeal has been withdrawn, and as part of a subsequent Zoning By-law Amendment and Site Plan application.

The settlement proposal endorsed by Council in April, 2014 contemplated that the applicant would submit a revised rezoning application to the City in order to implement the proposed settlement. The revised application is to be processed through the normal public process, including a statutory public meeting pursuant to the *Planning Act* prior to enactment of the implementing zoning by-law. It is expected that further refinements to the proposal and site plan may be generated through the processing of the application.

Yolanda Flanders is seeking confirmation from City Council that the "Option B – Revised Site Plan" is an acceptable alternative to the version previously endorsed before it formally submits a revised rezoning application.

CONTACT

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Solicitor, Planning and Administrative Tribunal Law
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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

- Attachment 1: Letter dated August 6, 2014 from Yolanda Flanders' Development Consultant to Councillor John Filion
- Attachment 2: Option A Site Plan, endorsed by Council on April 1, 2 and 3, 2014
- Attachment 3: Option B - Revised Site Plan

**Attachment 1 – Letter dated August 6, 2014 from Yolanda Flanders' Development
Consultant to Councillor John Filion**

ANALOGICA

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Partner

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E-MAILED

06 August 2014

Councillor John Filion
City of Toronto
North York Civic Centre
5100 Yonge Street
TORONTO M2N 5V7
E: councillor_filion@toronto.ca

Re: City Council Resolution CC50.5 - Settlement - 51 Drewry Avenue & 8-28 Inez Court

Dear Councillor Filion:

As you know, I act for Yolanda Flanders in the above-captioned matter.

At its meeting on 1-3 April 2014, City Council endorsed Yolanda Flanders' settlement proposal, dated 20 March 2014, for ending adjudication of its development application at 51 Drewry Avenue and 8-28 Inez Court. Under that proposal, Yolanda Flanders is to withdraw its OMB Appeals (File Nos. PL111252 and PL111240) before submitting a revised zoning application substantively consistent with the site plan attached thereto.

That site plan deploys the density permitted by the North York Centre Secondary Plan in conformity with the Secondary Plan's height limits, but sub-optimally so. However, as you are aware, s 5.4.2 of the NYCSP allows the height limits to be increased in such circumstances to the extent necessary to provide for desirable flexibility in built form so long as the density remains within the limits specified by the NYCSP, the Secondary Plan's urban design objectives are met, and the residential amenity of nearby stable residential areas is not appreciably affected. Following consultation with planning staff, Yolanda Flanders has

Page 1 of 2

ANALOGICA

proposed an improved site plan that complies with the aforementioned requirements of s 5.4.2, only minimally increasing the height of one of the two towers (the one furthest away from low and mid-rise development) in order to provide for superior built form and, consequently, better development.

As you also know, this improved site plan was overwhelmingly endorsed by local residents, in preference to the original site plan, at a well attended community consultation meeting that you convened last Thursday.

While Yolanda Flanders remains willing to proceed with the original site plan (Option A) in accordance with Council Resolution CC50.5, it would be preferable for all concerned, including the local community, to instead proceed with the improved site plan (Option B). Accordingly, Yolanda Flanders will submit a revised zoning application substantively consistent with the Option B site plan, instead of the Option A site plan, provided that Council determines that Option B is an acceptable alternative to Option A.

To this end, I ask that you kindly bring this matter before City Council for such a decision at the earliest possible opportunity.

City Council Resolution CC50.5 is enclosed together with Option A (the original site plan attached to the settlement proposal endorsed by Council) and Option B (the improved alternative preferred by the Community).

If you have any questions, or would like to discuss this letter or require clarification of any of its contents, I would be happy to speak with you at your convenience.

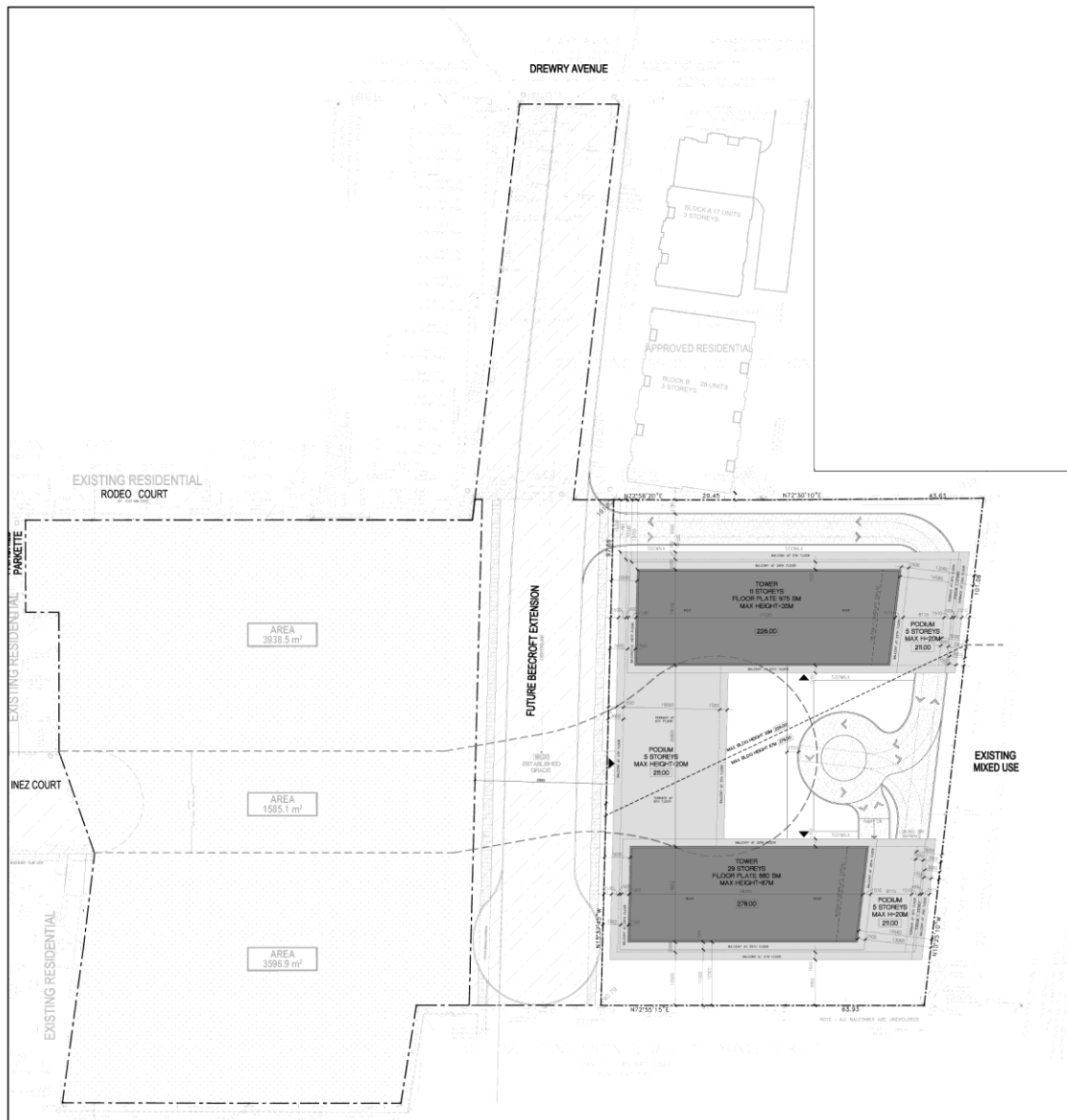
Sincerely,



G.S. Belza

c John Alati
Counsel to Yolanda Flanders

Attachment 2 – Option A Site Plan, endorsed by Council on April 1, 2 and 3, 2014



Site Plan

51 Drewry Avenue, 8-28 Inez Court

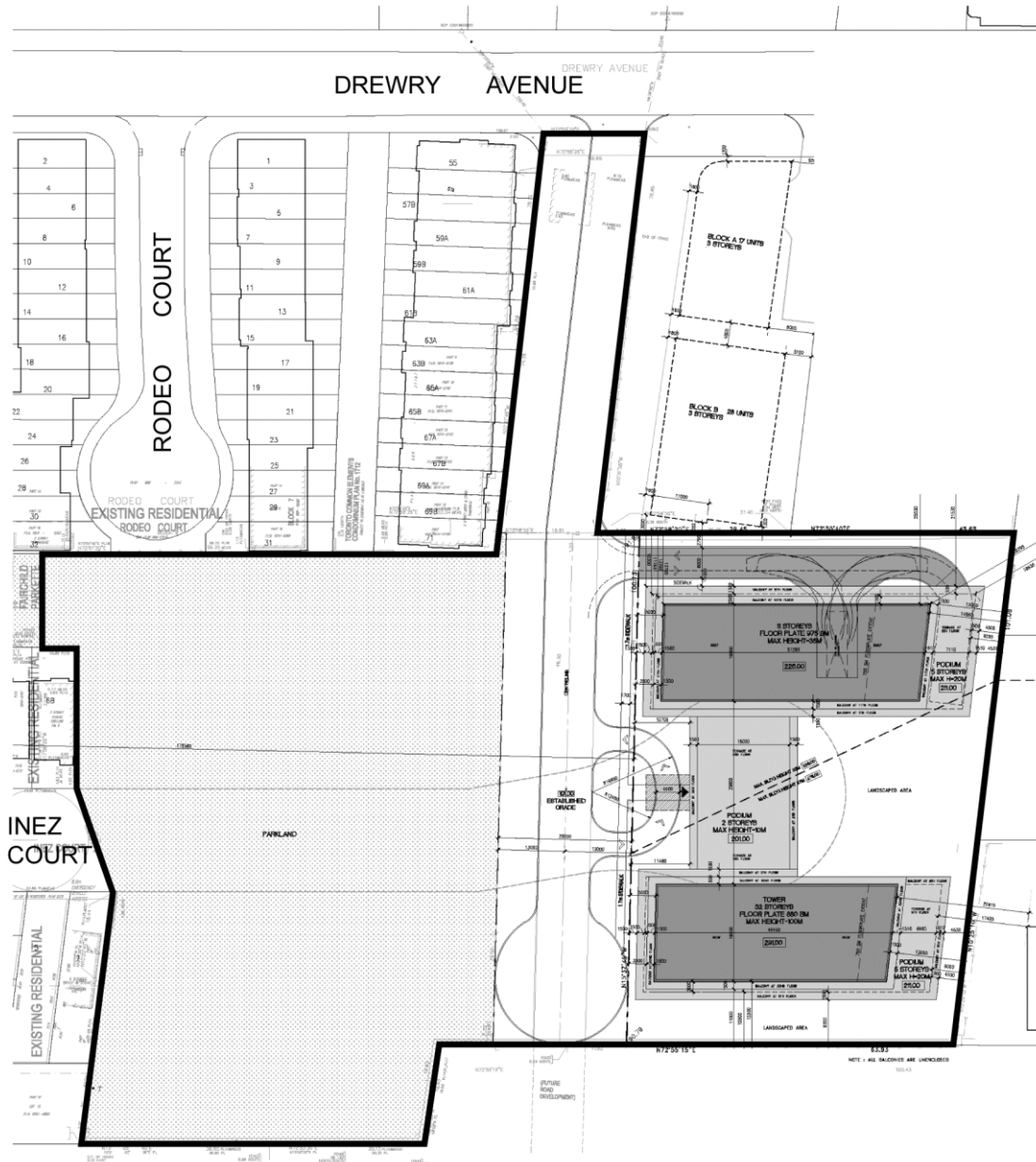
Applicant's Submitted Drawing

Not to Scale
03/20/2014



File # 08 145788 NNY 23 0Z

Attachment 3 – Option B - Revised Site Plan



Site Plan

51 Drewry Avenue, 8-28 Inez Court

Applicant's Submitted Drawing

Not to Scale
08/21/2014



File # 08 145788 NNY 23 02