



**STAFF REPORT  
ACTION REQUIRED  
With Confidential Attachment**

**2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue- Request for directions regarding OMB hearing**

<b>Date:</b>	July 8, 2014
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reason for Confidential Information:</b>	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding litigation.
<b>Reference Number:</b>	12 168197 NNY 16 OZ and 12 141927 NNY 16 OZ

## **SUMMARY**

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The purpose of this report is to seek further instruction for the Ontario Municipal Board (OMB) hearing on the above-noted matters. A pre-hearing conference for the matters is scheduled for July 17/18, 2014. The joint hearing into these two matters is scheduled to commence on November 12, 2014, for ten days.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. That City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. That the recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendix "A" be made public at the discretion of the City Solicitor. All other information 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

The owners of the properties at 2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue each appealed their zoning amendment applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. The OMB agreed to consolidate these matters, which pertain to contiguous sites. A third pre-hearing conference is scheduled for July 17/18, 2014. A two week hearing is scheduled to begin on November 12, 2014.

The Yonge Street application proposes a 28-storey mixed-use building (89.6 metres excluding mechanicals) with 234 dwelling units and 2,695 square metres of commercial floor space. The Helendale application proposes a 24-storey apartment building (74.15 metres excluding mechanicals) with 242 dwelling units.

At its meeting of June 11-13, 2014 City Council adopted items NY32.20 and NY32.21, directing the City Solicitor and other City Staff to attend the joint OMB hearing for the above-noted matters to oppose the proposed Zoning By-law Amendments. The Staff reports recommended opposing the proposals because they are inconsistent with the planning vision for the area, as supported by the City's Official Plan and the Yonge-Eglinton Secondary Plan, and did not adequately address Council approved guidelines including the Tall Building Design Guidelines and the Urban Design Guidelines for the Yonge, Duplex, Helendale, Orchard View Planning Study area. The built form of each of the proposals was considered to be inappropriate for its respective site.

Each of the Request for Directions reports also authorized City staff to “continue discussions with the applicant on a revised proposal which addresses the issues set out in the report (April 23, 2014) from the Director, Community Planning, North York District and report directly to the July 8 and 9, 2014 meeting of City Council in the event that the applicant makes a settlement offer.”

For more detailed Decision History, see the Request for Directions reports April 23, 2014 from the Director, Community Planning, North York District, at the following links:

<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-68833.pdf>  
<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-68832.pdf>

## ISSUE BACKGROUND

Further information has been received from the applicants which has resulted in the need for further directions from City Council prior to the July 17/18 pre-hearing conference and the November 12, 2014 OMB hearing.

## **COMMENTS**

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

## **CONTACT**

Jessica Braun, Solicitor, Planning & Administrative Law;  
Tel: (416) 392-7237; Fax: (416) 397-5624; Email: [jbrown@toronto.ca](mailto:jbrown@toronto.ca)

## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

- Attachment 1 - Confidential Information and Recommendations – Request for directions regarding the OMB hearing re 2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue
- Appendix A - Confidential Built Form Terms
- Appendix B - Confidential map
- Appendix C - Confidential map