



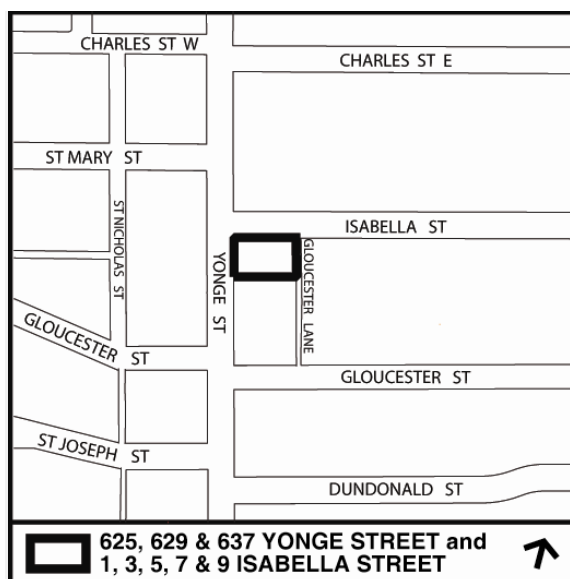
**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**625, 629 and 637 Yonge Street and 1, 3, 5, 7 and 9
Isabella Street – Request for directions regarding the
July 24, 2014, OMB hearing**

Date:	July 8, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre-Rosedale
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The Ontario Municipal Board (the “OMB”) has set a prehearing for July 24, 2014, to establish the City's position and set a date for the appeal of a zoning amendment for the site at for 625, 629 and 637 Yonge Street and 1, 3, 5, 7 and 9 Isabella Street. Discussions have been held between the owner of the site and City staff, which have resulted in the need for directions from City Council for the July 24 OMB prehearing.



RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of Recommendations No.1 and No. 2 as well as Appendix "1" of the confidential Attachment 1, if adopted by Council, the remainder of Attachment 1 to 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

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

DECISION HISTORY

In its Preliminary Planning Report submitted to the January 22, 2013, Toronto and East York Community Council meeting, Planning staff advised it could not support, in its current form, this zoning application for a 40-storey mixed-use building. A Supplementary Report was considered at the City Council meeting of November 13-18, 2013, resulting in a direction to report further pending continued discussions with the applicant. At its meeting of February 19, 2014, City Council considered the matter again and requested a further report, pending a continuation of the discussions. These discussions have now led to this report for directions for the upcoming July 24, 2014, OMB prehearing and any subsequent hearing.

Related to this matter, City Council also adopted OPA No. 255 at its meeting of June 10 and 11, 2014, to create a site and area specific policy limiting the number of towers on this block to two, with a minimum separation of 25 metres.

The site is also within the area covered by OPA No. 183 adopted by Council at its meeting of October 8, 9, 10 and 11, 2013, which establishes policies for the North Downtown Yonge Site and Area Specific Policy Area, generally between the north side of College/Carlton Streets, the south side of Charles Street, the west side of Bay Street and the east side of Church Street. This OPA, which is currently under appeal to the OMB, requires development in this part of Yonge Street to comply with an angular plane of 75 degrees, starting at a height of 18 metres, from Yonge Street.

ISSUE BACKGROUND

The applicant originally proposed to amend the Zoning By-law to redevelop the site with a mixed-use development consisting of a 40-storey building (127.9 metres including mechanical penthouse), with a 4-storey podium, with a total gross floor area of approximately 25,905 sq.m. A total of 326 residential units were proposed in the 36 storey tower element with 1,331 sq.m. of retail space and 1,615 sq.m. of office space within the 4 storey podium. The proposed density was 22 times the lot area.

Planning staff had concerns, particularly with regard to the failure to comply with the requirement for an angular plane of 75 degrees imposed by OPA No. 183.

The OMB had previously scheduled a two week hearing commencing on July 14, 2014, for the applicant's zoning application but this was deferred on consent at a February 19, 2014, prehearing to allow further discussions between the City and the applicant. The OMB established a second prehearing for July 24, 2014, and expects to be informed on that date as to the City's position.

Discussions between staff and the applicant have now resulted in this report seeking directions for the July 24, 2014, OMB prehearing. At this matter is urgent it should be considered by Council at the July 8 and 9, 2014, meeting of City Council.

COMMENTS

As 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

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENT

Attachment 1 - Confidential Information

Appendix "1" – Confidential Communication dated July 4, 2014