



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**300 Valermo Drive – Zoning By-law Amendment and
Draft Plan of Subdivision Applications - Request for
Direction Report**

| | |
|---------------------------------------------|-----------------------------------------------------------------------------------------------|
| Date: | December 10, 2014 |
| To: | City Council |
| From: | City Solicitor |
| Wards: | Ward 6 – Etobicoke –Lakeshore |
| Reason for Confidential Information: | This report contains advice or communications that are subject to solicitor-client privilege. |
| Reference Number: | 13 180561 WET 06 OZ and 13 180583 WET 06 SB |

SUMMARY

The applications that are the subject of this report relate to the redevelopment of a former school site (Alderwood Collegiate Institute) located at 300 Valermo Drive. The applications were appealed by the owner to the Ontario Municipal Board and the hearing was scheduled December 9 – 12, 2014. Council previously authorized the Chief Planner and Executive Director, City Planning to continue discussions with the appellant in an effort to settle on a modified proposal. The zoning by-law and all built form matters have been settled. This is with the exception of the community contributions pursuant to Section 37 of the Planning Act that would be appropriate for the proposed 98 freehold lots, including a new looped street system. The subdivision aspects were adjourned indefinitely pending completion of technical submissions in the usual course with direction from the Board, if necessary.

On December 9, 2014, the Board heard evidence with respect to the proposed by-law and built form which had been agreed to between the appellant and the City. The hearing was adjourned in order for the City Solicitor to obtain instruction from City Council on the Section 37 matters. The hearing resumes Friday December 12, 2014. Instructions are required.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions in Attachment 1.
2. City Council authorize the public release of the confidential instructions in Attachment 1 if adopted by Council and the balance of Attachment 1 and the information contained in Appendix "A" remain confidential and not be released to the public.

Financial Impact

Financial impact is addressed in the confidential information at Attachment 1.

DECISION HISTORY

At its meeting August 25, 26, 27 and 28, 2014 City Council adopted the recommendations in a Directions Report of the Chief Planner and Executive Officer, City Planning Division, dated July 22, 2014 (Item EY35.10). Council did not support the proposal in the form submitted and authorized the City Solicitor and appropriate City staff to attend at the OMB and oppose. Council also authorized continued discussions with the appellant to potentially settle on a modified proposal that responds to the concerns with the original submission as were raised by Planning and the community. Authority was given to the City Solicitor to settle should matters be resolved to the satisfaction of the Chief Planner. Recommendations include direction on the Section 37 contributions to be obtained.

The Ontario Municipal Board hearing was scheduled December 9 - 12, 2014 and has commenced.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.10>

ISSUE BACKGROUND

The Zoning By-law Amendment and all built form matters have been resolved in accordance with Council authority and to the satisfaction of the Chief Planner and Executive Director, City Planning. The only aspect of the Zoning By-law Amendment that remains unresolved relates to the community contribution pursuant to Section 37 of the Planning Act that would be appropriate for the form of development now contemplated. The development now proposed includes 98 freehold lots and a new looped street system. The subdivision aspects were adjourned indefinitely pending completion of technical submissions in the usual course with direction from the Board, if necessary.

On December 9, 2014, the Board heard evidence with respect to the proposed by-law and built form which had been agreed to between the appellant and the City. The hearing was adjourned in order for the City Solicitor to obtain instruction from City Council on the Section 37 matters. The hearing resumes Friday December 12, 2014 to either advise the Board that settlement has been reached or to call evidence in connection with the Section 37 contribution for the development.

This report has been prepared in consultation with Community Planning. Instructions are required.

COMMENTS

Please see confidential information at Attachment 1

CONTACT

Leslie Forder, Solicitor, Planning and Administrative Tribunal Law
Tel. No.: (416) 392-1078 Fax No.: (416) 397-5624 email: lforder@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information