



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**143 Avenue Road – Zoning Amendment – OMB Hearing
– Request for Directions**

Date:	July 8, 2015
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:	13 223368 STE 27 OZ

SUMMARY

This development involves an application for a zoning by-law to enable construction of a 12-storey mixed-use building at 143 Avenue Road. The Ontario Municipal Board has facilitated a mediation of the dispute among the affected parties. This report seeks Council's direction with respect to the zoning by-law that is under appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential recommendations in Attachment 1 and authorize the public release of those recommendations, if adopted, with the balance of Attachment 1 to remain confidential.

Financial Impact

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

DECISION HISTORY

The application for a zoning by-law to permit the development proposal was filed on August 20, 2013 and a notice of complete application was issued on September 20, 2013. On November 19, 2013 the Toronto and East York Community Council considered the Preliminary Report of the Director, Community Planning, Toronto and East York District dated October 18, 2013. Item TE28.39 authorized notices for a community consultation meeting and for the statutory public meeting.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.39>

A community consultation meeting was held on February 18, 2014 with over 70 persons in attendance. A further meeting was held on May 14, 2014 with the applicant, its solicitor and consultants, City Planning staff, the ABC Residents Association and with representatives of the adjacent "Dakota" condominium to the east at 225 Davenport Road (MTCC 795) to discuss potential revisions to the proposal.

On December 2, 2014, the applicant appealed its proposed zoning by-law, citing Council's failure to make a decision within the time frame prescribed by the *Planning Act*. On March 31, 2015 Council considered the Request for Directions Report of the Director, Community Planning, Toronto and East York District, dated January 21, 2015. Council adopted the recommendations of the Director and Item TE4.13 authorized the City Solicitor and staff to oppose the application at the Municipal Board. Further, Item TE4.13 authorized staff to advise the Municipal Board that Council would support an alternate built form as set out in that report.

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.13>

Parties identified at the pre-hearing on February 26, 2015 consisted of the applicant and the City, the Dakota condominium, ABC Residents Association and the owners of the office building at 165 Avenue Road (MTCC 1048 and 165 Avenue Road Inc.). At the request of the parties, the pre-hearing was converted to a mediation assessment. Subsequently, the Municipal Board facilitated a mediation on May 14, June 9 and 10, 2015.

ISSUE BACKGROUND

Proposal

The application proposed to amend the zoning by-law to permit a 12-storey mixed-use building (42 metres including the mechanical penthouse). The proposed building would cover most of the site except for the ground floor setback at Avenue Road (2.77 metres). The second to 10th floors extend forward to the Avenue Road property line and then stepback 1.0 metres at the mid-point of the 10th floor. The rear wall set back (adjacent to the Dakota) would be 0 metres at grade, with curved terraces on upper floors setback (1.6 - 7.5 metres).

The total floor area would be 9,381 square metres with a density of 8.3 times the area of the lot. The Avenue Road frontage would consist mainly of retail uses, with a residential pedestrian entrance next to the driveway entrance to the parking garage and loading area.

COMMENTS

One key area of concern with the development proposal, as expressed in the Directions Report and by area residents, included the built form as it would relate to the Avenue Road frontage. The alternate built form included in the Directions Report sought a reduction in overall height and increased step back of the front wall above the 5th floor. Additional concerns included the feasibility of increasing the curb to building face (sidewalk) dimension.

Another key area of concern involved the overall height and adjacency with respect to the mid-rise Dakota condominium to the immediate east. These concerns included loss of privacy, sunlight and sky-view for these residents.

The mediation facilitated by the Municipal Board focussed upon the above concerns.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information