



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**146 and 150 Laird Drive - Zoning Amendment - Request
for Direction Report - OMB**

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| Date: | February 1, 2016 |
| To: | City Council |
| From: | City Solicitor |
| Reason for Confidential Information: | This report contains advice/communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation. |
| Wards: | Ward 26 – Don Valley West |
| Reference Number: | 14 169650 NNY 26 OZ |

SUMMARY

The applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) based on the failure of Council to have made a decision within the time prescribed by the *Planning Act*. The application submitted proposes an 8 storey (9 storey including a greenhouse area), 175 unit rental retirement building (Phase 1) and a 7 storey, 109 unit condominium targeted to seniors (Phase 2) at 146 & 150 Laird Drive. 150 Laird Drive is a property included on the City of Toronto Heritage Register since 2007 (former Durant Motors of Canada, Ltd.) and Council has recently stated its intention to designate.

At its meeting of September 30, October 1 and 2, 2015 Council did not support the proposal and adopted the recommendations in the Request for Direction Report of the Director of Community Planning, North York District (August 18, 2015). The City Solicitor and Staff were directed to attend at the Ontario Municipal Board to oppose the application. The hearing is scheduled to commence February 29, 2016 for a two-week period. Further direction is required from City Council prior to commencement of the hearing.

City Planning has been involved in preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the Recommendations in Confidential Attachment 1;
2. The recommendations contained in Confidential Attachment 1 as well as Appendix "A", "B" and "C" to Confidential Attachment 1, be made public at the discretion of the City Solicitor; and
3. Except as provided in Recommendation 2 above, all other information contained in Confidential Attachment 1 is to remain confidential.

Financial Impact

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

Decision History

The applicant appealed the application to the Ontario Municipal and at its meeting of September 30, October 1 & 2, 2015, City Council adopted Item NY8.42 and directed the City Solicitor and City Staff to attend at the Ontario Municipal Board to oppose the zoning amendment application. The link to Item NY8.42 and related background reports is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY8.42>

At its meeting of December 9 and 10, 2015, City Council adopted Item NY10.16 to state its intention to designate the property at 150 Laird Drive (Durant Motors of Canada, Ltd.) and to revise the Statement of Significance. The link to Item NY10.16 and related background reports is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY10.16>

COMMENTS

The application proposes phased construction of two buildings for seniors. Phase 1 includes an 8 storey rental retirement building (27.86 m in height excluding mechanical penthouse) (9 storeys and 31.81 m in height excluding mechanical penthouse if a proposed rooftop greenhouse area is included) and Phase 2 is a 7 storey (26.96 m in height excluding mechanical penthouse) condominium building targeted to seniors. Phase 1 includes 175 units and Phase 2 includes 109 condominium units. Amenity space for both buildings is proposed to be located in Phase 1 and the two buildings are proposed to be connected by a 3-storey link to allow access to the amenity areas. Below grade parking for both buildings is proposed beneath the Phase 1 building only. A drop-off area is proposed at-grade between the two buildings with three vehicular access locations from the street.

An Amendment to former Town of Leaside Zoning By-law No. 1916, as amended, as well as City of Toronto Zoning By-law No. 569-2013, as amended, is required to implement this proposal. Both by-laws permit a maximum height of 12.2 metres. Both by-laws require minimum development and setback requirements, in particular rear yard setbacks which, in this case, relate to a residential neighbourhood to the west. The by-laws contemplate commercial and residential uses subject to certain parameters being achieved in terms of the relationship of those uses relative to one another.

The primary issues with the initial application as identified by City Staff relate to the appropriateness of siting, organization, massing, transition, height and scale. In particular Staff indicated that the proposed built form did not adequately address the existing and planned context for Laird Drive, nor did it provide appropriate transition to the stable residential neighbourhood to the west. The extent and nature of the proposed heritage conservation as well as the treatment of many of the heritage attributes were also identified as issues.

In 2007, the property at 150 Laird Drive was included on the City of Toronto's Heritage Register. In August 2014, North York Community Council requested Heritage Preservation Services to undertake an assessment for heritage designation and, as a result, in December 2015, City Council stated its intention to designate the property at 150 Laird Drive. The Statement of Significance that was approved includes, among other aspects, all elevations of the building as part of the heritage attributes. Council's intent to designate the property occurred after the matter had been appealed to the Ontario Municipal Board. The owner has appealed the designation to the Conservation Review Board and the appeal is pending.

Further Council instruction is required for the purpose of attendance at the Ontario Municipal Board.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information