



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue – Proposed Zoning By-law – Request for Directions

Date:	May 31, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 16 – Eglinton-Lawrence
Reason for Confidential Information:	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding litigation.
Reference Number:	12 168197 NNY 16 OZ and 12 141927 NNY 16 OZ

SUMMARY

The purpose of this report is to seek further instruction given the potential for an Ontario Municipal Board (OMB) hearing on the above-noted matter. In general terms, the proposal is for a mixed-use building of 29 stories, with a density of 11.4 times site area. Council previously authorized a settlement in principle for a zoning by-law for the development proposal. This report seeks Council instructions with respect to revisions proposed by the applicant. In the event that Council does not find the proposed revisions acceptable, staff understand that the applicant will seek an OMB ruling on the proposed revisions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the recommendations in Attachment 1 if adopted with the remainder of Attachment 1 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 adjacent owners of the properties at 2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue each filed and then subsequently appealed their zoning amendment applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on each within the time allotted by the *Planning Act*.

Subsequently, the owners of the Yonge Street site purchased the Helendale Avenue site and filed a consolidated application. Council provided approval in principle to that development proposal at its meeting on July 8, 2014. Further information on that approval in principle is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.21>

Thereafter, the applicant sought revisions to the built form along with an increase in the unit count. On February 3, 2016, Council considered the confidential Directions Report of the City Solicitor and authorized the City Solicitor to support those built form revisions. (For an outline of those revisions and a more detailed overview of the development proposal, see

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC12.8>).

ISSUE BACKGROUND

Further proposed revisions to the settlement in principle concept have resulted in the need for further directions from City Council.

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

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information and Recommendations – Request for directions regarding a potential OMB hearing re 2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue