



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**411 Church Street – Proposed Zoning By-law
Amendment Application – Request for Directions**

Date:	July 4, 2016
To:	City Council
From:	Interim City Solicitor
Wards:	Ward 27 – Toronto Centre Rosedale
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:	15 205116 STE 27 OZ

SUMMARY

The purpose of this report is to provide Council with additional information with respect to potential community benefits pursuant to section 37 of the *Planning Act* as Council gives consideration to the Community Planning Directions Report relating to this matter in preparation for an Ontario Municipal Board hearing on this matter scheduled for August 22 and 23, 2016.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report be made public at the end of the Council meeting if adopted. All other information contained in Confidential Attachment 1 is 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

On August 12, 2015 the applicant submitted a zoning by-law amendment application for a development proposal at 411 Church Street. This original submission was to permit a 45-storey residential building, including a 7-storey base with commercial and retail uses. The City held community consultation meetings in December 2015 and in February, 2016. The applicant subsequently appealed its zoning amendment application to the Ontario Municipal Board due to Council's failure to make a decision within the time allotted by the *Planning Act*.

On April 27, 2016 the applicant revised its application. It now proposes a 38-storey residential building, including a 6-storey base building with ground floor retail space fronting Church Street. That correspondence expressed optimism that a resolution might be achieved and advised that the applicant would separately provide an offer of community benefits pursuant to section 37 of the *Planning Act*. This would be made on a "without prejudice" basis, which involves keeping the details of the offer confidential in the event that the City does not support the revised zoning by-law amendment.

On June 27, 2016 the Ontario Municipal Board refused the City's motion to turn the August 22 and 23, 2016 hearing dates back into a one day prehearing. As a result, the two day hearing will go forward on the dates scheduled.

ISSUE BACKGROUND

Communication from the applicant with respect to proposed community benefits under the *Planning Act* have resulted in the need for 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

Brian Haley, Interim City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information and Recommendations – Request for directions regarding an OMB hearing re 411 Church Street.