

740 and 750 York Mills Road and 17 Farmstead Road - Request for directions regarding Ontario Municipal Board Appeal

Date: December 14, 2016

To: City Council

From: City Solicitor

Wards: Ward 25 – Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

The purpose of this report is to seek instruction for an Ontario Municipal Board Appeal on the above-noted matter. The hearing is scheduled for January 10-12, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report; and
2. The recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendix "A" and Appendix "B" to the Confidential Attachment 1 be made public at such time as Council adopts the recommendations. All other information contained in the 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

A Final Report and Request for Direction by the Director, Community Planning, North York District, was considered by North York Community Council on May 10, 2016 and was adopted with amendments.

The application is to amend former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 to permit the infill addition of 260 new apartment units in a stacked townhouse form, 3 and 4 storeys in height, on underutilized space on an existing apartment building site with three 18 storey rental apartment buildings with 409 rental units. The proposed new gross floor area for the site would be 27,756 square metres. The existing apartment buildings would be maintained as rental housing.

On June 7, 2016 City Council considered a Final Staff Report from the Director, Community Planning, North York dated April 22, 2016. The report reviewed and recommended approval of the application to amend the Zoning By-law.

For a more detailed Decision History, see the Final Report from the Director, Community Planning, Toronto North York District, at the following link:
(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrrd/backgroundfile-78580.pdf>)

North York Community Council at its meeting of May 10, 2016 adopted amended recommendations to refuse the Zoning By-law amendment application for the following reasons:

- a. over-intensification of the site;
- b. a loss of green space and mature trees;
- c. increase in traffic; and
- d. any other valid planning reasons.

City Council adopted the amended recommendations on June 7, 2016 without amendment. The decision can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.28>

North York Community Council also directed the General Manager, Parks, Forestry and Recreation, in consultation with the Chief Planner, to report to City Council for its meeting on June 7, 2016, on the feasibility of requesting an on-site parkland dedication adjacent to Mossgrove Park and the corresponding density decrease required to implement a parkland dedication on the subject lands.

In the supplemental report, dated May 31, 2016, the General Manager of Parks, Forestry and Recreation recommended that City Council require that an on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City in the event that the development proposal for the property at 740 and 750 York Mills Road and 17 Farmstead Road, in some form, is approved. The preferred parkland dedication was identified as adjacent to Mossgrove Park, with frontage on Farmstead Road measuring 30 metres or greater to enhance access and visibility from the local road.

For a more detailed Decision History, see the Supplementary report from the General Manager, Parks, Forestry and Recreation, at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/cc/bgrd/backgroundfile-93853.pdf>

Council adopted the recommendations from the Supplementary Report when it adopted the Item.

COMMENTS

On June 13, 2016, the applicant appealed Council's failure to issue a decision in this matter within the timeframe set out in the Planning Act.

An Ontario Municipal Board Hearing is scheduled for this matter January 10, 11 and 12, 2017.

Further information has been received which has resulted in the need for directions from City Council.

CONTACT

Ellen Penner, Solicitor

Tel. No. 416-392-8941, Fax. No. 416-397-5624, E-mail: Ellen.Penner@toronto.ca

SIGNATURE

Brian Haley
Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1 - 740 and 750 York Mills Road and 17 Farmstead Road
OMB Hearing

Staff Report with Confidential Attachment on 740 and 750 York Mills Road and 17 Farmstead Road OMB
appeal