

422-436 Roncesvalles Avenue and 76 Howard Park Avenue, Zoning By-law Amendment Application - Request for Direction

Date: December 15, 2016
To: City Council
From: City Solicitor
Wards: Ward 14 - Parkdale-High Park

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On August 31, 2015 the applicant filed a zoning by-law amendment for the lands known as 422-436 Roncesvalles Avenue and 76 Howard Park Avenue, to permit a 29.5 metre tall, 8 storey condominium building with 93 units as well as six four storey townhouse units. On April 20, 2016, the applicant appealed the zoning by-law amendment to the Ontario Municipal Board (the OMB) due to Council's failure to make a decision on the application within the statutory time limit. The OMB has now scheduled a 3 day hearing for the appeal commencing on January 25, 2017.

City Planning and Urban Design staff, as well as several area residents and residents associations have consistently opposed both the 29.5 metre condominium tower and the four storey townhouses for a number of planning and urban design reasons.

In an effort to resolve issues between the stakeholders, a number of working group meetings were arranged by the Ward Councillor at which the Ward Councillor, area residents, City staff and representatives of the developer attended.

This report contains advice from the City Solicitor and seeks Council direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the confidential recommendation(s) contained in Confidential Attachment 1 if it is adopted by City Council, but that the balance of Confidential Attachment 1 remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the Confidential Recommendations.

DECISION HISTORY

On August 31, 2015, the applicant filed a Zoning By-law Amendment application with the City to permit a mixed-use redevelopment of the lands known as 422-436 Roncesvalles Avenue and 76 Howard Park Avenue (File No. 15 215438 STE 14 OZ).

At its meeting of November 10, 2015, Toronto and East York Community Council adopted Item TE12.32 Preliminary Report – 422-436 Roncesvalles Avenue and 76 Howard Park Avenue – Zoning Amendment Application, with amendments:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.32>

On April 20, 2016, the applicant appealed the Zoning By-law Amendment application to the OMB for Council's failure to make a decision on the application within 180 days (Case No. PL160368).

At its meeting of November 15, 2016, Toronto and East York Community Council adopted Item TE20.13 Request for Directions report and directed the City Solicitor and appropriate staff to oppose the Zoning By-law Amendment application in its present form and authorized City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in the report. The report can be found at:
<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-98274.pdf>

Two working group sessions were held with the applicant on November 21, 2016 and December 5, 2016, which included members of the community, the local City Councillor, City Planning Staff, the applicant and their respective consultants. The two meetings were productive and the main issues discussed were regarding height and building mass of both the mixed use condominium building and the four storey townhouses, rear balconies related to privacy and overlook, rooftop patios, retail spaces and store front

design, architectural design, parking and traffic and sidewalk conditions on Roncesvalles.

COMMENTS

The applicant has appealed their Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A hearing has been scheduled to commence on January 25, 2017.

Planning staff have recommended refusal of the original proposal in an earlier report to Community Council. It was the position of Planning and Urban Design staff, that the proposal was too tall and massive for the site, given its proximity to an existing residential neighbourhood.

CONTACT

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SIGNATURE

Brian Haley
Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1 - 422-436 Roncesvalles Avenue and 76 Howard Park Avenue
- Request for Direction