

City Council**Notice of Motion**

MM20.39	ACTION			Ward:17
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1771 St. Clair Avenue West and 367 and 375 Osler Street - Request for City Solicitor to Attend at the Ontario Municipal Board and direction to settle - by Councillor Cesar Palacio, seconded by Councillor David Shiner

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Cesar Palacio, seconded by Councillor David Shiner, recommends that:

1. City Council authorize the City Solicitor to continue the appeal of the Committee of Adjustment decision regarding Application No. A143/16EYK respecting 1771 St. Clair Avenue West and 367 and 375 Osler Street.
2. City Council authorize the City Solicitor to support a settlement at the Ontario Municipal Board based on revised plans and refined variances that provide an appropriate transition between the proposed development on the Mixed Use lots to the Neighbourhoods lands to the south, on condition that 367 Osler Street is conveyed to the City, for a nominal sum, for the purpose of a public laneway, subject to the owner retaining the legal right to construct, use and maintain a below grade garage and associated facilities beneath the laneway.
3. If a settlement is reached between the City and the applicant on the terms described above, City Council direct that:
 - a. the settlement be confirmed through minutes of settlement, in a form satisfactory to the City Solicitor, to be signed by the appropriate City official(s); and
 - b. the City Solicitor request the earliest possible hearing date from the Ontario Municipal Board.

Summary

The applicant applied to the Etobicoke York Committee of Adjustment (Application No. A143/16EYK) for variances from Zoning By-law Nos 438-86 and 569-2013 to permit the construction of a six-storey residential condominium building with retail at-grade and underground parking (the "Application").

At its hearing on April 28, 2016, the Committee of Adjustment approved the Application. A copy of the Notice of Decision is attached. On May 17, 2016, the City Solicitor appealed the Committee's decision to the Ontario Municipal Board in order to preserve the City's appeal rights.

The Application is of concern to City Planning because one of the three lots comprising the site, being 367 Osler Street, is designated by the Official Plan as Neighbourhoods (the other two lots are designated Mixed Use). Utilizing a lot with a Neighbourhoods designation as part of a consolidated development site to accommodate a six-storey building is contrary to the City's Official Plan.

Appropriate City representatives including the Ward Councillor, City Planning and Legal Services staff have met with the applicant since the appeal was filed, in order to resolve the issues. The applicant has made positive revisions to its plans that include, among other matters, the conveyance of 367 Osler Street to the City for the purpose of a public laneway, subject to the owner retaining the legal right to construct, use and maintain a below grade garage and associated facilities beneath the laneway.

This Motion will give the City Solicitor authority to continue the appeal at the Ontario Municipal Board, and further to support a revised application that appropriately addresses the relationship between the proposed development and the Neighbourhoods lands to the south. Any settlement would require, as a condition of the variances, that the applicant convey 367 Osler Street to the City, at no cost to the City, for the purpose of a public laneway.

This matter is urgent as the City Solicitor has already appealed the Committee of Adjustment's decision to the Ontario Municipal Board and requires further direction to proceed.

Background Information (City Council)

Member Motion MM20.39

Committee of Adjustment, Etobicoke York Panel Notices of Decision on applications for Minor Variance/Permission and Consent for 1771 St. Clair Avenue West and 367 and 375 Osler Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94795.pdf>)