

## **4 and 6 Tippett Road - Official Plan and Zoning Amendment Applications - Request for Direction**

**Date:** September 22, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 10 - York Centre

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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The subject Official Plan and Zoning Bylaw Amendment applications seek permission for 3-towers including a 16-storey tower (plus a 1-storey mechanical penthouse) and 6-storey base building on the southern portion of the site and a mixed use building on the northern portion of the site consisting of two towers of 13 and 16 storeys in height (plus a 1-storey mechanical penthouse on each tower) connected by a 6-storey base building. The proposal would contain 651 residential dwelling units and 1,319 square metres of non-residential space to be located on the ground floor of the shared base building on the north portion of the site. A total of 560 parking spaces are proposed to be provided in a 2-level underground parking garage.

The proposal includes the conveyance to the City of a 1,028 square metre portion of the site towards the creation of a public park and a 4 metre wide area along the northern boundary of the site towards the creation of an 18.5 metre wide new public street.

The owner appealed its applications to the Ontario Municipal Board on January 30, 2017 on account of Council's failure to make a decision within the timeframes set out by the Planning Act. The first prehearing conference at the Ontario Municipal Board was held on June 20, 2017. A two-week hearing has been scheduled to commence on March 26, 2018.

The City Solicitor requires further direction.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
2. If the confidential recommendation(s) contained in Confidential Attachment 1 are adopted, that City Council authorize the public release of:
  - a. the confidential recommendation(s) contained in Confidential Attachment 1, but that the balance of Confidential Attachment 1 remain confidential, and;
  - b. Confidential Attachments 2, 3 and 4.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the Confidential Recommendations.

## **DECISION HISTORY**

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On August 17, 2011, the Downsview Area Secondary Plan was approved by the Ontario Municipal Board. The northern portion of the site is located within the boundaries of the Secondary Plan. The Secondary Plan encourages a mix of land uses that is supportive of existing transit investments and encourages development near subway stations.

On December 16-18, 2013, City Council approved Official Plan Amendment No. 231, part of the City's 5-Year Official Plan Review and Municipal Comprehensive Review, which introduced Site and Area Specific Policy No. 387 (SASP 387) designating the site and the surrounding lands Regeneration Areas. SASP 387 stated that redevelopment should not occur until a Secondary Plan or Site and Area Specific Policy is in place that addresses streets, pedestrian connections, blocks, densities, and land use buffers to separate the area from Highway 401 and William R. Allen Road.

On December 9, 2015, City Council adopted Official Plan Amendment No. 309, the Tippett Road Area Regeneration Study. The study lands are generally bounded by Wilson Heights Boulevard, Wilson Avenue, Champlain Boulevard, Highway 401 and William R. Allen Road.

The Tippett Road Area Regeneration Study was undertaken to develop a comprehensive planning framework to guide the redevelopment of the 12.6 hectares redesignated as Regeneration Areas and Mixed Use Areas through the adoption of OPA 231. Council also adopted a new Site and Area Specific Policy 387 which introduced a framework to guide the Study Area. The Study process was initiated in 2013 and included a community consultation process, discussions with landowners and a review and assessment of the surrounding land uses and policy framework. The

result is a comprehensive policy framework to guide the redevelopment of the Study Area as a complete community. The framework provides for a fine grain network of streets, parks and open spaces, pedestrian connections and an appropriate mix of uses and built form typologies, a mix of housing including the provision of affordable housing and a multi-modal transportation strategy to support a vibrant mixed-use community.

The Council approved Tippet Road Area Regeneration Study can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-85263.pdf>

A supplementary report addressing additional comments on the Tippet Road Area Regeneration Study was also approved by Council on December 9, 2015 and can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-86494.pdf>

The result of the Regeneration Area Study (OPA 309) was appealed to the Ontario Municipal Board (OMB Case number PL160041) by a number of landowners, including the owner of the subject site. A pre-hearing was held on July 4th, 2016. A second pre-hearing occurred on June 20th, 2017. A two-week hearing is scheduled to commence on March 26, 2018.

On October 13, 2016 North York Community Council considered the preliminary report for the subject property, dated September 26, 2016. Its decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY17.21>

## **COMMENTS**

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Tippet Yorkdale Inc. and Wilson Yorkdale Inc. (the "Appellant") appealed OPA 309 on January 5, 2016 and appealed their site specific applications on January 30, 2017 due to Council's failure to make a decision within the timeframes allotted by the Planning Act.

The Appellant has scoped its appeal of OPA 309 on a site specific basis. The first prehearing conference in relation to the site specific applications was held on June 20, 2017. A two-week hearing has been scheduled to commence on March 26, 2017. The City Solicitor requires further direction.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Report from the City Solicitor  
Confidential Attachment 2 - Confidential Information  
Confidential Attachment 3 - Confidential Information  
Confidential Attachment 4 - Confidential Information