

100 Broadway Avenue and 223-225 Redpath Avenue - OMB Appeal - Request for Direction

Date: October 30, 2017
To: City Council
From: City Solicitor
Wards: Ward 25 - Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

An application was submitted to amend the Zoning By-law for the lands at 100 Broadway Avenue and 223 to 225 Redpath Avenue to permit the construction of a 34-storey (107 metre) apartment building. The proposed building would contain a total of 329 residential dwellings units including 52 rental replacement dwelling units, and 120 square metres of non-residential uses. An application was also submitted under Chapter 667 of the Municipal Code, pursuant to Section 111 of the City of Toronto Act, for the demolition of 52 residential rental units existing on site. The Zoning By-law amendment application was appealed to the Ontario Municipal Board (OMB) for Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. Pre-hearings were held at the OMB on January 11, 2017 and August 11, 2017, and a three-day hearing has been scheduled to commence on December 18, 2017.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on November 7, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. all of Confidential Attachment 2.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

City Council on August 25, 2014 adopted the Midtown in Focus - Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area. The Midtown in Focus - Parks, Open Space and Streetscape Plan is a master plan for the public realm. It establishes a comprehensive vision and presents a flexible, phased approach for improving the parks, open spaces and streetscapes to create a high quality public realm for the Yonge-Eglinton study area. The Midtown in Focus Plan is a guide for creating more liveable, walkable and memorable public spaces within Midtown at Yonge and Eglinton. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.21>

City Council on June 10, 11 and 12, 2015 adopted the Midtown in Focus – Official Plan Amendment – Final Report. Official Plan Amendment 289 (OPA 289) integrates the Council-adopted Midtown in Focus Plan into the existing planning framework of the Yonge-Eglinton Secondary Plan. City Council also directed the Chief Planner and Executive Director, City Planning, in consultation with the General Managers of Transportation Services, Toronto Water, Parks, Forestry and Recreation, Economic Development and Culture and Children's Services, as well as other applicable divisions and agencies, to undertake further review of the Yonge-Eglinton Secondary Plan in accordance with the planning priorities identified in the report (April 17, 2015) from the Chief Planner and Executive Director, City Planning, use the robust and high standard of public consultation used throughout the Midtown in Focus process and bring forward a Proposals Report in early 2016 to the Planning and Growth Management Committee on the emerging directions. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

City Council on July 4, 5, 6 and 7, 2017 adopted confidential Recommendations in a Request for Direction report from the City Solicitor dated June 27, 2017, related to the OMB appeal. The City Council Decision and City Solicitor Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC31.15>

COMMENTS

The City Solicitor requires further direction on this matter prior to the conclusion of the November 7, 2017 meeting of City Council.

CONTACT

Mark Crawford, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-392-8864, Fax 416-397-5624, Mark.Crawford@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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