

395, 387R & 413 Leslie Street - Official Plan & Zoning By-law Amendment Applications- OMB Appeal - Supplementary Report

Date: December 4, 2017
To: City Council
From: City Solicitor
Wards: Ward 30 - Toronto-Danforth

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The owner of 395, 387R & 413 Leslie Street has an active appeal of its Official Plan and Zoning By-law Amendment applications at the Ontario Municipal Board ("OMB").

A revised proposal for Official Plan and Zoning By-law amendment applications has been submitted for 395, 387R and 413 Leslie Street to permit 11 dwellings consisting of seven detached dwellings and four semi-detached dwellings on a private road. The site is located in the interior of a low-rise residential block at the northeast corner of Gerrard Street East and Leslie Street. The existing detached dwellings at 395 and 387R Leslie Street will be demolished. A total of 11 resident parking spaces and one visitor parking space is proposed in the development.

In accordance with previous directions, the City Solicitor has continued discussions with the applicant. The City Solicitor was requested to report to the December City Council meeting. The City Solicitor must seek further direction on this matter no later than the December 5, 2017 meeting of City Council prior to the OMB hearing commencing on January 29, 2018.

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, at the discretion of the City Solicitor, the public release of the confidential recommendations contained in Confidential Attachment 1, with the remainder of Confidential Attachment 1 and Appendices "A" and "B" to remain confidential (Appendix "B" on file with the City Clerk for the purpose of the December 5, 6 and 7, 2017 Council Meeting).

FINANCIAL IMPACT

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

DECISION HISTORY

On June 14, 2016 Toronto and East York Community Council considered staff's recommendation to refuse the Official Plan Amendment and Zoning By-law Amendment applications for the lands at 395, 387R and 413 Leslie Street contained in Refusal and Supplementary Reports by the Director, Community Planning, Toronto and East York District, dated May 25, 2016 and June 10, 2016, respectively. The Refusal Report was based on plans showing sixteen 4-storey townhouse units. TEYCC adopted the staff recommendations which included authorizing the City Solicitor with other appropriate staff to appear before the OMB in support of the decision to refuse the applications.

On June 20, 2016 the applicant appealed the application to the Ontario Municipal Board OMB due to Council's failure to make a decision on their request for Official Plan and Zoning By-law Amendments applications.

On July 12, 2016 Toronto City Council refused the applications for Official Plan and Zoning By-law Amendments and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision to refuse the application.

On April 26, 2017 Toronto and East York Community Council refused a revised application for Official Plan and Zoning By-law Amendments for fifteen townhouse units and authorized the City Solicitor with other appropriate staff to appear before the OMB in support of City Council's decision.

On November 7, 2017 Toronto City Council directed the City Solicitor and the Director, Community Planning, Toronto and East York District to report to the next meeting of

Toronto and East York Community Council regarding the most recent revised proposal submitted on September 8, 2017.

On November 14, 2017, City Planning reported under Item TE28.93 to the Toronto and East York Community Council regarding the most recent revised proposal (11 units) identifying the outstanding issues with respect to the recent proposal and seeking direction. Toronto and East York Community Council submitted the matter to the December 5, 2017 meeting of City Council without recommendation.

COMMENTS

The City Solicitor requires further direction in anticipation of the hearing on the matter scheduled for January 29, 2018.

CONTACT

Nathan Muscat, Solicitor, Tel. No. 416-397-5475, Fax No. 416-397-5624, E-mail: nathan.muscat@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Appendix "A" - Confidential Information

Appendix "B" - Confidential Information on file with the City Clerk for the purpose of the December 5, 6 and 7, 2017 Council Meeting.