



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

462 Eastern Avenue - OMB Appeal - Further Request for Direction - TE30.13

Date: March 16, 2018
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

In January 2012, applications for an Official Plan Amendment and Zoning By-law Amendment were submitted to the City to permit a 7-storey mixed-use development at 462 Eastern Avenue. In March 2015, the applicant appealed its application to the Ontario Municipal Board (OMB) due to Council's failure to enact the requested amendments within the time allotted by the *Planning Act*. A two-week hearing is scheduled at the OMB commencing on July 9, 2018.

On November 30, 2016, a with-prejudice, revised proposal was submitted to the City for a 9-storey mixed-use building containing 308 residential units and 1033 square metres of ground floor employment space fronting onto Eastern Avenue. The revised proposal includes the retention of the original 4-storey bakery building situated at the corner of Eastern Avenue and Booth Avenue. On November 3, 2017, a Heritage Impact Statement proposing alterations to the existing 4-storey building on the site was submitted to the City. Staff reports seeking direction for the OMB appeal on the revised proposal, and an application under the *Ontario Heritage Act* to alter the existing building on the site, were on the agenda for the Toronto and East York Community Council (TEYCC) meeting on January 16, 2018. Both items were deferred until the February 21, 2018 meeting of the TEYCC, and both matters were submitted to the March 26, 2018 meeting of City Council without recommendations.

The City Solicitor requires direction from Council no later than the completion of the City Council meeting which starts on March 26, 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 the public release of 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 the public release of Confidential Attachment 2 (On file with the City Clerk).

FINANCIAL IMPACT

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

DECISION HISTORY

On November 10, 2016, Toronto and East York Community Council (TEYCC) adopted a motion from Councillor Paula Fletcher to request the Senior Manager, Heritage Preservation Services to research and evaluate the property at 462 Eastern Avenue for potential inclusion on the City's Heritage Register and to report to the Toronto Preservation Board and the Toronto and East York Community Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.71>

On July 5, 2017, City Council listed the property at 462 Eastern Avenue on the City's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.25>

Item No. TE30.13, a Request for Direction Report dated December 14, 2017, from the Acting Director, Community Planning, Toronto and East York District, was deferred from the January 16, 2018 meeting of TEYCC until the February 21, 2018 meeting of the TEYCC, and has been submitted to the March 26, 2018 meeting of City Council without recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.13>

Item TE30.19, an Alterations to a Heritage Property, Intention to Designate Report dated November 21, 2017, from the Acting Chief Planner and Executive Director, City Planning Division, was deferred from the January 16, 2018 meeting of TEYCC until the February 21, 2018 meeting of the TEYCC, and has been submitted to the March 26, 2018 meeting of City Council without recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.19>

COMMENTS

The City Solicitor requires further direction on this matter prior to the conclusion of the March 26, 2018 meeting of City Council.

CONTACT

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SIGNATURE

City Clerk's Office

Original signed for

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor
Confidential Attachment 2 - Additional Confidential Material (On File with the City Clerk)