



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 390 - 398 Spadina Road - Request for Directions

**Date:** March 19, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 21 St. Paul's

#### REASON FOR CONFIDENTIAL INFORMATION

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

#### SUMMARY

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Further direction from City Council is required on this matter which has been appealed to the Ontario Municipal Board.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (March 19, 2018) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Appendix "A" and "B" to the report (March 19, 2018) from the City Solicitor.
3. City Council direct that the balance of Confidential Attachment 1 to the report (March 19, 2018) from the City Solicitor remain confidential as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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City Council on July 12, 13, 14 and 15, 2016 adopted TE17.22 and refused the proposed Zoning By-law Amendment at 390-398 Spadina Road. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.22>

The May 27, 2016 Refusal Report from the Director, Community Planning, Toronto and East York District can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-93683.pdf>

City Council on January 31 and February 1, 2018 adopted CC36.6 and continued to oppose the revised proposal submitted on January 19, 2018. The City Solicitor was authorized to seek modifications to the revised proposal at mediation scheduled for February 20 and 22, 2018 and to report back to City Council on March 26, 27, and 28, 2018 for Council's consideration. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC36.6>

The January 31, February 1, 2018 Request for Directions Report from the City Solicitor can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-111783.pdf>

## **COMMENTS**

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The original application, relating to lands located at the northeast corner of Spadina Road and Montclair Avenue, proposed to amend City-wide Zoning By-law 569-2013 to permit the redevelopment of a 9-storey mixed-use building with commercial at grade and residential uses above at 390-398 Spadina Road. The project proposed to contain 46 dwelling units with 6,587 square metres of residential gross floor area and 684 square metres of commercial gross floor area with 62 residential parking spaces, 9 visitor parking spaces, 57 bicycle parking and 7 visitor parking spaces. The project also proposed a Type B loading space and a drop-off/lay-by parking loading along Montclair Avenue adjacent to the site. The proposed building height was 35.5 metres (including wrapped mechanical penthouse). The total gross floor area was 7,271 square metres and the density is 5.4 times the area of the lot.

On July 12, 2016, Council adopted item TE17.22 of the Toronto and East York Community Council to refuse the application. Reasons to refuse the application, as set out in the Report of the Director, Community Planning Toronto and East York District dated May 27, 2016, included concern that the proposed development represented an overdevelopment of the site, did not conform to the Official Plan, including policies related to Healthy Neighbourhoods, Built Form and Mixed Use Areas, and the proposal was not consistent with the City Council approved Forest Hill Village Urban Design Guidelines.

An Ontario Municipal Board hearing has been scheduled for two weeks commencing on April 16, 2018 until April 27, 2018.

A revised with prejudice resubmission was received on January 19, 2018 and the City continued to oppose the revised proposal for an 8-storey building with a height of 35.5 metres.

As directed by Council item CC36.6, the City Solicitor along with City Staff attended the mediation at the Ontario Municipal Board on February 20 and 22, 2018. The City Solicitor was instructed to report to City Council on March 26, 27, and 28, 2018 on the outcome of the mediation.

## **CONTACT**

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## **SIGNATURE**

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City Clerk's Office
Original signed for

Wendy Walberg  
City Solicitor  
Legal Services

## **ATTACHMENTS**

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Confidential Attachment 1  
Confidential Appendix "A" - Confidential Information  
Confidential Appendix "B" - Confidential Information on file with the City Clerk for the purpose of the March 26, 27 and 28, 2018 City Council Meeting.