



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

400 Front Street West - Zoning By-law Amendment Application - Request for Direction

Date: March 27, 2018
To: City Council
From: City Solicitor
Wards: Ward 20 Trinity Spadina

REASON FOR CONFIDENTIAL INFORMATION

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

This report seeks instruction to City Staff respecting the revised plans/revised application which the Applicant submitted on January 19, 2018 and February 16, 2018 for the purposes of the Ontario Municipal Board hearing of the Zoning By-Law Amendment appeals respecting 400 Front Street West, and to provide staff the opportunity to finalize the City's Issues List for the procedural order by March 29, 2018, as directed by the Board.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to this report if adopted by City Council.

3. City Council direct that all other information in Confidential Attachment 1 to this report is to remain confidential at the discretion of the City Solicitor, as it contains advice that is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of May 24, 25 and 26, 2017, City Council authorized amongst other matters respecting 400 Front Street West- Zoning Amendment Application – Request for Direction Report (TE24.7), that:

1. The City Solicitor, together with City Planning staff and any other appropriate staff to attend an Ontario Municipal Board hearing to oppose the appeal of the currently proposed Zoning By-law Amendment for 400 Front Street West and to support the position outlined in the report (April 11, 2017) from the Director, Community Planning, Toronto and East York District; and
2. In the event the Ontario Municipal Board approves the Zoning By-law Amendment application, in whole or in part, City Council require that on-site parkland dedication pursuant to Section 42 of the *Planning Act* be conveyed to the City to the satisfaction the General Manger, Parks, Forestry and Recreation.

The Request for Directions Report, April 11, 2017 from the Director, Community Planning, Toronto & East York District can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bqrd/backgroundfile-102977.pdf>

The City Council Decision, Item TE24.7 adopted on May 24, 2017, can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE24.7>

The Zoning By-law Amendment application appealed by the Applicant did not include provision for any Section 42 *Planning Act* on-site parkland dedication. Following the May 24, 25, 26, 2017 Council Decision, the Applicant was advised in writing by the City Solicitor on July 20, 2017, of the size, configuration and location of the on-site parkland required by the General Manager, Parks, Forestry and Recreation in connection with the Zoning Amendment Application for 400 Front Street West. The City Solicitor requested the Applicant revise their application and draft by-laws to incorporate such parkland dedication in the size, configuration and location satisfactory to the City, failing which the City would bring a motion before the Board in advance of the commencement

of the hearing to the have the issue and jurisdiction of the Board to address such matters at the hearing determined.

At the third Prehearing Conference on January 9, 2018, the Applicant confirmed to the Board its intention to provide revised plans incorporating on-site Section 42 parkland for the rezoning appeal, and the Board, required amongst other matters:

1. at the City's request, that to the extent the Applicant is prepared to include Section 42 parkland on the site, it is to provide the City with their revised plans for the hearing by January 19, 2018, identifying the park and relationships to proposed buildings and is to provide to the City detailed architectural design drawings by February 16, 2018; and
2. that the Procedural Order for the hearing be finalized, by March 29, 2018, including the City's Issues List, failing which the hearing dates may be cancelled.

The Applicant has since submitted revised plans and revised the zoning application, to amongst other matters, include the required on-site Section 42 parkland.

CONTACT

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SIGNATURE

City Clerk's Office

Original signed by

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information