



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **150 Bronoco Avenue – Official Plan Amendment and Zoning By-law Amendment Applications – Offer to Settle Appeals to the Local Planning Appeals Tribunal**

**Date:** April 16, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 17 - Davenport

#### **REASON FOR CONFIDENTIAL INFORMATION**

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

#### **SUMMARY**

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The applicant appealed its Official Plan Amendment and Zoning By-law Amendment applications and referred its Site Plan Control application to the Ontario Municipal Board ("the Board") on May 29, 2017. The two appeals and referral were consolidated by the Board. The first prehearing conference was held before the Board on January 16, 2018. A second Prehearing conference is scheduled for June 5, 2018. Notwithstanding recent amendments to the *Planning Act* and their proclamation on April 3, 2018, the newly formed Local Planning Appeal Tribunal will maintain jurisdiction over the appeals according to the rules of the former Ontario Municipal Board.

Following settlement discussions with the appellant during the first quarter of 2018, the appellant provided a final settlement offer on April 12, 2018. The final settlement offer is attached as Appendix "A" (the "Settlement Offer").

Further direction from City Council is required in advance of the second Prehearing Conference.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
2. If the confidential recommendation(s) contained in Confidential Attachment 1 are adopted, that City Council authorize the public release of the confidential recommendation(s) contained in Confidential Attachment 1 and Appendix "B" (on file with the City Clerk for the purpose of the April 24, 25 and 26, 2018 City Council Meeting) of the Confidential Attachment but that the balance of Confidential Attachment 1 remain confidential.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations.

## **DECISION HISTORY**

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A Preliminary Report from the Director, Community Planning, East York District, dated August 24, 2016 was considered by Planning and Growth Management Committee on September 8, 2016. The Committee's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG14.1>

## **COMMENTS**

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### **The Site and Surrounding Area**

The site is generally located in the northwest quadrant of Rogers Road and Caledonia Road, bounded by Bronoco Avenue to the east, Alessia Circle to the south and the Metrolinx Rail Corridor to the west.

The roughly rectangular lot has an area of approximately 3,731 square metres and dimensions of approximately 65 metres fronting on Bronoco Avenue, a depth of 53.5 metres on the north lot line, 60.4 metres depth along the south lot line abutting Alessia Circle, and a width of 65.8 metres along the rear lot line abutting the rail corridor.

The site was recently occupied by a building materials supply business, operating within a single-storey building with accessory outdoor storage. The building is proposed to be demolished. Vehicular access to the site is from Bronoco Avenue.

Land uses surrounding the sites are:

North: non-residential uses in a one-storey building, followed by Summit Avenue, and then a building materials (roofing) business;

South: semi-detached dwellings;

East: single-detached and semi-detached dwellings; and

West: rail corridor, followed by single-detached and semi-detached dwellings to the west of the rail corridor.

## **Provincial Policy Statement and Provincial Plans**

*The Provincial Policy Statement 2014 ("PPS")* provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

*The Growth Plan for the Greater Golden Horseshoe (2017)* provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **The Official Plan**

The lands are designated *Employment Areas* and are subject to Site and Area Specific Policy 154 ("SASP 154"). SASP 154 permits residential uses on the site in addition to employment uses, subject to the satisfaction of certain criteria.

SASP 154 reads as follows:

"A mix of employment and residential uses are permitted provided that:

- (a) if the property is designated *Employment Areas*, the building will provide for a satisfactory living environment compatible with employment uses in the building and adjacent areas; or
- (b) if the property is designated as any designation other than *Employment Areas*, the employment uses are restricted to those compatible with residential uses in terms of emissions, odour, noise and generation of traffic."

Official Plan Amendment No. 231 ("OPA 231") was adopted by City Council on December 18, 2013 and contains new policies and designations for *Employment Areas* as part of the Official Plan and Municipal Comprehensive Reviews. OPA 231 was forwarded to the then Minister of Municipal Affairs and Housing for approval on January

2, 2014. On July 29, 2014, the Ministry issued a Notice of Decision approving OPA 231 with modifications on, and the amendment was appealed by various parties to the Ontario Municipal Board. The Board approved some portions of OPA 231 on June 22, 2015.

The site continues to be subject to SASP 154 notwithstanding the adoption of OPA 231. OPA 231 has amended the policy language of SASP 154 but that language continues to permit residential uses on the site subject to certain criteria being met. SASP 154, as amended by OPA 231, reads as follows:

"(a) Employment, place of worship and residential uses are permitted within single use or mixed use buildings provided that:

i) if the property is designated Employment Areas, any building containing a place of worship and/or residential units will provide for a satisfactory environment compatible with any employment uses in the building and the adjacent area;

ii) if the property is designated Neighbourhoods, the employment uses are restricted to those compatible with residential uses in terms of emissions, odour, noise, and generation of traffic;

iii) the height, density and massing of new development respects and reinforces the existing and planned physical character of the adjacent area; and

iv) residential and place of worship uses are located a minimum of 30 metres from the nearest rail corridor.

(b) Despite (a) above, hotels are not permitted."

The Official Plan is available online at <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Zoning**

The lands are not subject to City of Toronto Zoning By-law No. 569-2013, as amended. City of Toronto Zoning By-law No. 569-2013, as amended is available online at: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

The lands are subject to former City of North York By-law No. 1-83. Under that By-law, the lands are zoned Prestige Employment (PE) which permits a variety of non-residential employment uses including industrial uses, office uses, ancillary retail and recreational uses.

Residential uses are not permitted on the lands which results in an absence of regulations and performance standards related to residential use and the need for such standards to be established through the approval of a site-specific zoning by-law amendment.

A maximum building height of 20 metres or 6 storeys is permitted.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice  
Subject to Solicitor-Client Privilege

Appendix "A" – Letter dated April 12, 2018 from Overland LLP to Legal Services

Confidential Appendix "B" – Confidential Material (on file with the City Clerk for the purpose of the April 24, 25 and 26, 2018 City Council Meeting)