



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

386-394 Symington Avenue 405 Perth Avenue and 17 Kingsley Avenue – Official Plan and Zoning By-law Amendment Appeals –Request for further Directions

Date: May 11, 2018
To: City Council
From: City Solicitor
Wards: Ward 17 – Davenport

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

This application proposes to permit the development of a mixed-use residential development at 386-394 Symington Avenue 405 Perth Avenue and 17 Kingsley Avenue. The proposed building would be comprised of a 6 storey mid-rise component along Symington Avenue that steps up to 9 storeys and connects to a 24 storey tower element. Three storey grade-related townhouse units would be incorporated into the base of the tower element and would front onto the proposed new public-park and outdoor amenity area. The portion of the building fronting onto Symington Avenue would comprise a 3-storey base element at the northern portion of the building and stepping up to 5 and 6 storeys at the southern portion of the site.

The total gross floor area of the proposed development would be approximately 26,442 square metres, representing a density of approximately 3.5 times the lot area. There would be approximately 233 square metres of non-residential gross floor area and 26,675 square metres of residential gross floor area. The proposed non-residential uses would be located on the ground floor of the building fronting onto Symington Avenue and would be for retail uses.

A total of 355 residential units are proposed with a unit mix of: 210 one-bedroom units (59 percent); 145 two-bedroom units (41 percent).

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (now the "LPAT"). Prehearing conferences were held on September 19, 2017 and April 4, 2018. A mediation session was held at the LPAT on February 18 and 19, 2018 and included all of the parties to the proceeding. A further prehearing conference is scheduled for June 8, 2018 and a two-week hearing is scheduled to commence on October 22, 2018.

The City Solicitor requires further direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 and that such confidential recommendation and all confidential attachments to this report remain confidential.

FINANCIAL IMPACT

There is no financial impact arising from the Confidential Recommendations.

DECISION HISTORY

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment No. 231 to amend the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas. This amendment proposes to redesignate the properties known municipally as 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue from Employment Areas to Neighbourhoods.

Official Plan Amendment (OPA) No. 231 was approved, with minor modifications, by the Minister of Municipal Affairs and Housing on July 29, 2014. The Minister's decision was appealed to the Ontario Municipal Board (OMB). On June 22, 2015 the OMB issued an order partially approving OPA 231. The partial approval brings into effect the redesignation of sites from Employment Areas to other land use designations, as well as a number of other Official Plan policies. The property owner of 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue appealed OPA 231, including Site and Area Specific Policy No. 438, which requires residential uses at the subject site to be setback 30 metres from the rail corridor.

On April 1, 2016 the owner withdrew the appeal of OPA 231 as it related to 386-394 Symington Avenue, 485 Perth Avenue and 17 Kingsley Avenue. As the appeal to OPA

231 for this site was withdrawn the Neighbourhood designation and including Site and Area Specific Policy No. 438, which requires residential uses at the subject site to be setback 30 metres from the rail corridor is in effect.

The Preliminary Report was considered by Etobicoke York Community Council on May 10, 2016. The Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY14.9>

The Directions Report was considered by City Council on December 5, 6, and 7, 2017. The Directions Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.9>

COMMENTS

The parties to the proceeding - the City, the applicant (Symington Holdings Ltd.), Conseil Scolaire Viamonde, resident Derrick Rasbach and the Perth Symington Kingsley Residents Association - have concluded a two-day mediation session at the LPAT. A two-week hearing has been scheduled to commence on October 22, 2018. The City Solicitor requires further direction.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Attachment 2 - Confidential Communication, dated May 10, 2018

Confidential Attachment 3 - Confidential Plans dated April 23, 2018 (on file with the City Clerk for the purpose of the City Council meeting of May 22, 23 and 24, 2018)