



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 105-109 Vanderhoof Avenue and 10 Brentcliffe Road Zoning Amendment Application and Appeal of By-law 569-2013 - Request for Direction regarding Local Planning Appeal Tribunal Appeal

**Date:** June 15, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

---

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

### **SUMMARY**

---

The purpose of this report is to seek instruction for two Local Planning Appeal Tribunal appeals on the above-noted municipal addresses.

### **RECOMMENDATIONS**

---

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report; and
2. The recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendix "A" to the Confidential Attachment 1 be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

## FINANCIAL IMPACT

---

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

## DECISION HISTORY

---

A Preliminary Report was considered by Planning and Growth Management Committee on June 20, 2013 (PG 25.9) and was adopted without amendment.

The zoning amendment application was submitted in March 2013 and proposes to amend former Town of Leaside Zoning By-law No. 1916 to permit expanded permissions for retail stores, interior design supply stores, sample and showrooms and recreation uses, and to permit additional uses including commercial schools, restaurants, art galleries, production studios, caterer's shops and tailor's shops within the existing buildings at 105-109 Vanderhoof Avenue and 10 Brentcliffe Road.

The subject site is designated *Employment Areas* on Land Use Map 17 of the Official Plan. The proposal requires an amendment to the Official Plan Employment Areas designation to permit the proposed uses, some of which are existing on the subject site. The applicant had submitted a request on October 30, 2012 to the City Planning Division for a Site and Area Specific Policy for the subject site as part of the Five Year Review of the Official Plan to allow a broader range of retail and service uses on the subject site.

For a more detailed Decision History, see the Preliminary Report Final from the Chief Planner and Executive Director:

<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-59289.pdf>

On May 9, 2013, City Council enacted the City-wide Comprehensive Zoning By-law 569-2013. The applicant appealed By-law 569-2013 to the then Ontario Municipal Board (OMB) with respect to the subject site on June 3, 2013 as a precautionary measure.

In December 2013, City Council adopted Official Plan Amendment No. 231 (OPA 231) and the Minister of Municipal Affairs and Housing approved OPA 231 in July 2014. Portions of OPA remain under appeal at the Local Planning Appeal Tribunal.

On December 20, 2016 the OMB brought into full force and effect the Core Employment Areas Designation, including on the subject site. Core Employment Areas policies state that they are places for business and economic activities. Uses that are permitted in Core Employment Areas include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities and vertical agriculture. Additionally, uses that are ancillary to and intended to serve the Core Employment Area in which they are located are also permitted, which include hotels,

parks, small-scale restaurants, catering facilities, and small-scale services uses such as courier services, banks, and copy shops.

The site is also subject to Site and Area Specific Policy (SASP) 393, which was approved by City Council along with OPA 231. SASP 393 allows for a broader range of retail and service uses on the subject site, but limits the size of retail developments to a maximum of 6,000 square metres. There were no OPA 231 Appeals regarding SASP 393, and the OMB issued an Order on January 15, 2016 to bring it into full force and effect. This approval was in response to a City motion requesting approval of this and a number of other SASP's that were not subject to appeals.

## **COMMENTS**

---

On December 5, 2017, the applicant appealed Council's failure to issue a decision on their application for zoning by-law amendment within the timeframe set out in the Planning Act. No hearing dates have been scheduled at the Local Planning Appeal Tribunal.

Further information has been received which has resulted in the need for directions from City Council.

## **CONTACT**

---

Ellen Penner, Solicitor, Tel. No. 416-392-8941, Fax. No. 416-397-5624, E-mail: [Ellen.Penner@toronto.ca](mailto:Ellen.Penner@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

Confidential Attachment 1 - Confidential material

Confidential Appendix "A" to the Confidential Attachment 1