

City Council

Motion Without Notice

MM44.113	ACTION			Ward:18
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Authorization for Local Planning Appeal Tribunal Section 35 Review - 158, 164, 181 and 200 Sterling Road - by Councillor Ana Bailão, seconded by Councillor Gord Perks

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Ana Bailão, seconded by Councillor Gord Perks, recommends that:

1. City Council endorse changes to the official plan amendment and zoning amendment maps appended to By-law 942-2015(OMB) and By-law 943-2015 (OMB), respectively, relating to 158, 164, 181 and 200 Sterling Road as illustrated in the Attachments to this Motion to address discrepancies in underlying survey information.
2. City Council authorize and direct the City Solicitor and appropriate City staff to attend at the Local Planning Appeal Tribunal in support of a review of the Order of the Ontario Municipal Board, dated July 23, 2015 (PL130380) respecting the changes referred to in Recommendation 1 and to request that the Order be varied as necessary to allow for corrected mapping to be included in the approved by-laws that is to the satisfaction of the City Solicitor.

Summary

Site Specific OPA 260 (By-law 942-2015(OMB)) and Site Specific Zoning By-law 943-2015 (OMB) relating to 158, 164, 181 and 200 Sterling Road (collectively "158 Sterling Road") were the result of settlement at the former Ontario Municipal Board as set out in the Board Order dated July 23, 2015 (Case 130380). By adoption of Item CC 51.5 at its meeting on May 6, 7, and 8, 2014, City Council had endorsed the settlement and the official plan and zoning amendments (the "Amending By-laws").

The Amending By-laws provided for the conversion of certain employment lands and resulted in the southerly blocks remaining designated as Employment Area and the balance being re-designated as either Mixed Use Areas or Neighbourhoods Area. They contemplated 9 potential development blocks, a public park block, publicly accessible open space, a new private street with the realignment of Perth Avenue/easterly extension of Sterling Road. Approval included Section 37 obligations secured in a Section 37 Agreement with the owner, Castlepoint Greystock Sterling Inc., pursuant to the Planning Act.

The owner made subsequent applications to sever and develop two of the original zoning blocks independent of the subdivision that corresponded to Block 1 (northerly townhouse block) and Block 3C (MOCCA heritage building site) in the site specific zoning amendment. Related applications for variances were also submitted. A consent application, variances and the site plan application for Block 1 were also appealed to the former Ontario Municipal Board but resolutions were reached.

The remainder of the site is the subject of a current subdivision application (12 226212 STE 18 SB). The plan is intended to generally implement the proposed block and street structure set out in the Amending By-laws on the remaining lands. Although the applicant appealed the subdivision application, efforts continue with City staff to reach resolve. In the event there are remaining issues, the Local Planning Appeal Tribunal (LPAT)) (formerly Ontario Municipal Board) has scheduled hearing days on September 20 and 21, 2018. Pursuant to delegated authority from Council under the Municipal Code, the Chief Planner will be giving the City Solicitor and Staff direction on draft plan conditions and subdivision hearing matters.

In the context of the technical review of the draft plan of subdivision, it was identified that certain dimensions of various blocks shown on the maps for By-laws 942-2015 (OMB) and 943-2015 (OMB) did not accurately correspond to the draft plan of subdivision submission. Through further investigation by the applicant and updated survey work, it was determined that there were discrepancies in the underlying survey information that was provided and relied upon for the maps related to dimensions of the blocks in the Amending By-laws. The discrepancies and required changes are illustrated in the Attachment to this Motion being Maps 1, 2 & 3 of By-law 942-2015 (OMB) and Maps 1, 2, 3, 4 & 5 of By-law 943-2015 (OMB). The proposed changes to address the discrepancies do not alter or provide any additional development permissions (ie. density, built form or height).

Accurate mapping in the Amending By-laws is critical to ensure proper implementation of the plan of subdivision consistent with previous approvals. The proposed mapping exercise will ensure that the actual areas of the blocks, the parkland and the road alignment will be reflected as intended for the purpose of permit issuance.

Given that the Amending By-laws were the result of a Board Order and also relate to the same property that continues to be the subject of an active appeal on the plan of subdivision with a hearing scheduled in September, the applicant's legal counsel proposes to initiate a request to LPAT to invoke its authority for review of the OMB Order and the Amending By-laws pursuant to Section 35 of the Local Planning Appeal Tribunals Act and its Rules of Practice and Procedure. LPAT would be asked to vary the OMB Order to allow the updated mapping in the Amending By-laws.

The purpose of this Motion is to request that City Council endorse the proposed revisions to the maps appended to the Amending By-laws in accordance with the attachments to this Motion and provide authorization to the City Solicitor and City staff to attend at the Local Planning Appeal Tribunal in support of such request and revisions.

This matter requires urgent direction and is related to the hearing before the Local Planning Appeal Tribunal scheduled for September 20 and 21, 2018 in connection with the plan of subdivision.

Background Information (City Council)

Member Motion MM44.113

Attachment 1: Mapping changes to By-law 942-2015(OMB) and By-law 943-2015 (OMB)
(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119328.pdf>)