



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2450 Victoria Park Avenue - Zoning By-law Amendment Application - Request for Directions

Date: June 23, 2020

To: City Council

From: City Solicitor

Wards: Ward 17 - Don Valley North

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On October 30, 2017, the applicant submitted a Zoning By-law Amendment Application for the lands municipally known as 2450 Victoria Park Avenue. The Zoning By-law Amendment Application proposes to redevelop the lands with a total of four residential buildings containing retail uses on the ground floor ranging in height from 11 to 44 storeys, for a total of 1,247 residential units and 1,606 square metres of ground floor retail space. The proposed total gross floor area is 96,405 square metres, which results in a proposed density of 4.99 times the area of the lot. A total of 1,266 vehicle parking spaces and 952 bicycle parking spaces are proposed. A new 2,915 square metre on-site public park and two new east-west private roads are also proposed as part of the application. The existing seven-storey (7,755 square metres) office building on the lands is also proposed to be demolished.

The applicant also proposed that a Class 4 noise area classification be applied to the proposed development, as set out in the Ministry of the Environment and Climate Change's Environmental Noise Guideline - Stationary and Transportation Sources (NPC-300) as the site is in proximity to stationary noise sources such as the Enbridge head office located opposite the site, on the north side of Consumers Road, which operates under an existing Environmental Compliance Approval for the air cooled condenser units, exhaust fans, and cooling towers on site.

On March 23, 2018, the applicant appealed their proposal to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision within the statutory timeframe.

The purpose of this report is to request further instructions for the fifteen-day LPAT hearing that is scheduled to commence August 10, 2020.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (June 23, 2020) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Attachment 2, Confidential Attachment 3 and Confidential Attachment 4, to the report (June 23, 2020) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (June 23, 2020) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which 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

On August 20, 2012, the owner filed a request to consider the conversion of the site's designation in the Official Plan from Employment Areas to Mixed Use Areas. This request was followed by a formal Official Plan Amendment (OPA) application to convert the lands from Employment Areas to Mixed Use Areas. On January 28, 2013, Planning and Growth Management Committee considered a preliminary report on the requested Official Plan Amendment application. The decision of Planning and Growth Management Committee may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG20.7>

On December 18, 2013, City Council approved Official Plan Amendment No. 231 (OPA 231), which was the result of the City's 5-Year Official Plan Review and Municipal Comprehensive Review. OPA 231 re-designated the lands fronting onto Sheppard Avenue East and Victoria Park Avenue, including the subject site, from Employment Areas to Mixed Use Areas, and created Site and Area Specific Policy 386. SASP 386 required that an implementation plan be established as official plan policy to address matters including: an incentive program for Council adoption to encourage office development, the provision of amenities throughout the area to create an attractive

environment for existing and new offices, development densities and the creation of new streets and development blocks.

City Council's Decision on OPA 231 may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

On March 26, 2018, City Council adopted the ConsumersNext Secondary Plan (OPA 393). The Secondary Plan was appealed to the Local Planning Appeal Tribunal. The Council decision approving the Secondary Plan can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.2>

On May 10, 2018, the City's Design Review Panel considered the Zoning By-law Amendment application and provided a set of comments on the proposal. The minutes of the Design Review Panel meeting may be found here: <https://www.toronto.ca/wp-content/uploads/2018/06/8fec-UrbanDesignDesignReviewPanel-MtgMinutes-10May2018.pdf>

On April 4, 2018, North York Community Council deferred consideration of a preliminary Report on the Zoning By-law Amendment application for the site. The decision of North York Community Council may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.12>

On February 26, 2019, City Council adopted a Request for Direction Report directing the City Solicitor, together with appropriate staff, to attend the LPAT hearing to oppose the Zoning By-law Amendment Application in its present form for the reasons set out in the January 23, 2019 Request for Directions Report from the Director, Community Planning, North York District (the "Request for Directions"). City Council also authorized City staff to continue discussions with the applicant to address the issues set out in the Request for Directions. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.4>

A fifteen-day LPAT hearing is scheduled to commence August 10, 2020.

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Nathan Muscat, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5475; Fax: (416) 397-5624; Email: Nathan.Muscat@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Attachment 2 - Confidential Information

Confidential Attachment 3- Confidential Information on file with the City Clerk for the purpose of June 29 and 30, 2020 City Council meeting.

Confidential Attachment 4 - Confidential Information on file with the City Clerk for the purpose of June 29 and 30, 2020 City Council meeting.