



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

6080 Yonge Street and 11 Homewood Avenue - Zoning By-law Amendment Application - Request for Direction Regarding Ontario Land Tribunal Hearing

Date: September 21, 2021

To: City Council

From: City Solicitor

Wards: Ward 11 - Willowdale

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 June 19, 2020, the applicant submitted the subject application to amend the Official Plan and Zoning By-laws (Application 20 158233 NNY 18 OZ) to permit a 20-storey mixed use building at 6080 Yonge Street and 11 Homewood Avenue. A total of 262 residential units (19,879 square metres of GFA) were proposed with 808 square metres of ground floor retail.

The applicant appealed the application to the Ontario Land Tribunal (the "**OLT**") (known then as the Local Planning Appeal Tribunal), citing Council's failure to make a decision within the statutory timeframe. The OLT conducted the first Case Management Conference in the proceedings by video hearing on April 22, 2021 at which point the OLT scheduled a 9 day hearing beginning January 10, 2022.

The purpose of this report is to request further instructions for the purposes of the OLT hearing.

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 this report.

2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, and Confidential Appendices A and B, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor.

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 on the subject application was adopted by North York Community Council (Item NY17.8) on September 10, 2020 directing staff to conduct a community consultation meeting. A virtual community consultation meeting was held on October 15, 2020 where the applicant and Planning staff presented members of the public with details of the subject application. The Preliminary Report and Community Council's direction can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY17.8>

In June of 2011, North York Community Council adopted a report summarizing and initiating the 'Yonge Street North Planning Study' (the "Study") in the context of increasing development pressures and the appropriateness of current and potential future amendments to Official Plan policies and designations. The subject site is within the study area. In November of 2013, City Council received for information the consultant's final report on the Study and directed Planning staff to undertake further work. This work included consulting with the community on an implementation plan for the study area. Planning staff have relaunched the Study following Council's decision on the 2013 implementation plan and have held community consultation meetings to further consult with the community and other stakeholders. Additional information on the study and the draft implementation plan can be found on the study website:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/yonge-street-north-planning-study/>

To date, a final implementation plan for the Study has not yet been prepared for Community Council's consideration.

On May 5, 2021, City Council adopted a Request for Direction Report directing the City Solicitor, together with appropriate staff, to attend the OLT hearing to oppose the Application for the reasons set out in the March 24, 2021 Request for Direction Report from the Director, Community Planning, North York District (the "**Request for Direction**"). City Council also authorized City staff to continue discussions with the applicant to address the issues set out in the Request for Direction, including site

organization, built form, public realm, and appropriate benefits to be secured pursuant to Section 37 of the Planning Act. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY23.4>

COMMENTS

This report has been prepared in consultation with staff from City Planning including Community Planning and Urban Design Staff, and other Divisional Staff.

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential information