

290 Old Weston Road - Official Plan and Zoning By-law Amendment Application - Request for Directions

Date: May 4, 2022

To: City Council

From: City Solicitor

Wards: Ward 7 - Humber River - Black Creek

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The application described in the April 29, 2021 Request for Direction Report proposed a 29-storey (99 metres, inclusive of the mechanical penthouse) mixed-use building with a four to six-storey base building and 23,509 square metres of gross floor area (GFA), including 4,643 square metres of office space and 277 dwelling units, resulting in a floor space index (FSI) of 5.4 times the net site area, which deducted the land that will be acquired for the Davenport Road extension and proposed on-site park. The proposal also contemplated an on-site parkland dedication and identified land that would be acquired for the future northwesterly extension of Davenport Road, which was approved through the St. Clair Avenue West Transportation Master Plan and associated Environmental Assessment.

This application has been appealed to the Ontario Land Tribunal (the "OLT") and has been set down for a ten day OLT hearing commencing on May 30, 2022. As a result, consideration of this matter by City Council is urgent.

This report contains advice from the City Solicitor and requests further direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the City Solicitor Report dated May 4, 2022.
2. City Council authorize the public release, at the discretion of the City Solicitor, of the recommendations and the Financial Implications section contained in Confidential Attachment 1, if the recommendations are adopted by City Council, but direct that the remainder of Confidential Attachment 1 remain confidential, as it contains advice which is subject to solicitor-client privilege.
3. City Council authorize the public release, at the discretion of the City Solicitor, of Confidential Appendix A and Confidential Appendix B, if the recommendations are adopted by City Council.

FINANCIAL IMPACT

The financial impact arising from the adoption of the confidential recommendations is set out in Confidential Attachment 1.

DECISION HISTORY

A preliminary report on the applications was adopted by Toronto East York Community Council on November 10, 2020, authorizing staff to conduct a community consultation meeting with an expanded notification area. This report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE20.18>

On May 19, 2021, Toronto East York Community Council approved the recommendations of a Directions Report, authorizing staff to attend at the Local Planning Appeal Tribunal to oppose the Official Plan Amendment and Zoning bylaw applications, and these recommendations were adopted by Council on June 8, 2021. The report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE25.5>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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