

2-4, 6, 8, 10-12 Oakburn Crescent - Official Plan and Zoning By-law Amendment Application - Request for Direction

Date: March 15, 2023

To: City Council

From: City Solicitor

Wards: 18 – 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

The lands are located within the Oakburn/Avonshire project, which is a comprehensive, phased redevelopment of the Oakburn Crescent and Oakburn Place lands. The overall Avonshire project generally consists of five residential towers (21-22 storeys) and several townhouse blocks, for a total of 1,383 proposed residential units, and includes a reconfigured road network and the provision of a large central park. The subject applications are intended to permit the development of the final blocks of this larger redevelopment project.

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on September 18, 2023, for 9 days. The applicant appealed the proposed Zoning By-law and Official Plan amendments to the OLT due to Council's failure to make a decision on the applications within the times prescribed by the *Planning Act*.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.

2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of the recommendations contained in the Confidential Attachment 1 as well as Confidential Appendices "A" and "B", with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On September 25, 26 and 27, 2006, City Council adopted the recommendations of the Request for Direction Report of the Director, Community Planning, North York District, regarding the original comprehensive redevelopment application filed in 2005.

<https://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-17336.pdf>

At its meeting of February 5, 6, 7 and 8, 2007, City Council endorsed a settlement in relation to the proposed development of 1,195 new residential units, in the form of five residential apartment buildings (including a replacement rental building). Council's direction concerning the settlement included a specific reference to permitting the one-storey garages that do not comply with an angular plane requirement for the northern part of the lands. The proposal endorsed by City Council in 2007 provided for two and three storey townhouse blocks on the Northern portion of the site, which area forms the subject site in the current application.

<https://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-02-05-cc02-dd.pdf>

The site-specific Official Plan Amendment for the project was approved by the Ontario Municipal Board on February 28, 2007. The site-specific zoning, as well as the related draft plan of subdivision to create the road and lot pattern, was approved by the Ontario Municipal Board on November 1, 2007 and came into force on July 7, 2008.

On July 16, 2021, Official Plan and Zoning By-law Amendment applications were submitted to permit two 18-storey (57.5 metre) rental apartment buildings connected by a 2- to 6-storey base building, with a total gross floor area (GFA) of 35,776 square metres resulting in a density of 5.51 times the area of the lot. The application was deemed complete on September 7, 2021.

A preliminary report was adopted by North York Community Council on November 23, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY28.11>

On January 13, 2022, the applicant filed an appeal with the OLT on the application due to Council not making a decision within the timeframes in the *Planning Act*.

A Request for Directions Report (dated March 25, 2022) from the Director, Community Planning, North York District was considered by City Council on May 11, 2022 and was adopted, directing the City Solicitor and Planning staff to attend at the OLT to oppose the Zoning By-law and Official Plan Amendment applications and to continue discussions with the Applicant in an attempt to resolve outstanding issues. The Council decision and related report can be accessed via this link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY31.11>

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information