



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1648-1670 Avenue Road and 405 and 407 Brookdale Avenue – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing - Request for Directions

Date: March 17, 2023

To: City Council

From: City Solicitor

Wards: Ward 8 – Eglinton-Lawrence

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The purpose of this report is to seek further instruction in relation to a development application for an appeal at the Ontario Land Tribunal (the "OLT").

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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

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 October 25, 2022, the City received a Zoning By-law Amendment application to permit a 9-storey (32.25 metre) mixed use building with commercial uses at grade and 58 residential units (the "Application"). The Preliminary Report and Community Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.10>

COMMENTS

This report has been prepared in consultation with City Planning staff, Urban Design, Transportation Planning, Urban Forestry - Ravine & Natural Feature Protection, and SIPA.

On October 25, 2021, Starbank West Corporation (the "Applicant") submitted an application to amend City of Toronto Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 (the "Application") for the properties municipally known as 1648-1670 Avenue Road and 405 and 407 Brookdale Avenue (the "Site" or "Lands").

The Applicant appealed City Council's neglect or failure to make a decision on its Application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on October 20, 2022. A Case Management Conference ("CMC") will be held on April 4, 2023. A hearing has not yet been scheduled.

In terms of applicable policies, the Site is designated *Mixed Use Areas* in the Official Plan. The Official Plan states that infill development such as this proposal will fit within the existing and planned context. This includes massing new buildings to provide a transition to lower scale *Neighbourhoods* through means such as setbacks and stepping down of heights. The Mid-Rise Performance Standards guide the design of mid-rise buildings in a manner appropriate to the Avenues.

CONCLUSION

The City Solicitor requires further instructions. Part of 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 and Confidential Appendix "A" to this report contain confidential information advice and should be considered by City Council *in camera*.

CONTACT

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: marc.hardiejowski@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Information
2. Confidential Appendix A – Confidential Information