



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

69 Yorkville Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: November 12, 2024

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

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 November 4, 2021, the City received an Official Plan and Zoning By-law Amendment application for 69 Yorkville Avenue (the "Site") to permit the construction of a 29-storey mixed use building containing 143 dwelling units.

The applicant appealed City Council's refusal of the application to amend the Official Plan and Zoning By-law (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on February 23, 2023.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for December 2 to December 18, 2024. This matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in 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 November 4, 2021, the City received an Official Plan and Zoning By-law Amendment application to permit the construction of a 29-storey mixed use building containing 143 dwelling units. The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.35>

A Refusal Report on the application was adopted by City Council on February 7, 2023 recommending that City Council refuse the application for the Zoning By-law Amendment at 69 Yorkville Avenue and authorizing the City Solicitor and appropriate staff to appear before the OnLT in support of City Council's decision to refuse the application, in the event it is appealed. The Refusal Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE2.3>

On February 23, 2023, the applicant appealed City Council's decision to refuse its application to the OLT. The OLT held the first Case Management Conference on August 31, 2023. A hearing is scheduled to commence on December 2, 2024.

On June 21, 2024, the applicant submitted revised "with prejudice" plans (the "June 2024 Revised Plans") to the OLT and the other parties to the proceedings, noting their intention to proceed with this proposal at the hearing scheduled for December 2-18, 2024.

The following chart outlines the key revisions to the proposal, most notably, the floorplate was reduced and the height of the proposed tower increased from 29 to 39 storeys:

| Development Statistics | November 2021 (Initial Zoning By-law Amendment Application) | June 2024 (Revised Application) |
|------------------------|---|------------------------------------|
| Lot Area | 759 square metres | 759 square metres |
| Height of Tower | 29 storeys | 39 storeys |
| Height of Podium | 3 storeys plus mezzanine | 3 storeys plus mezzanine |
| Tower Floorplate | 540 square metres to 546 square metres (typical) | 410 square metres |
| Floor Space Index | 21.4 | 19.3 |

| Development Statistics | November 2021 (Initial Zoning By-law Amendment Application) | June 2024 (Revised Application) |
|-------------------------------|--|---|
| Total Gross Floor Area (GFA) | 15,630 square metres | 14,654 square metres |
| Residential GFA | 14,189 square metres | 13,041 square metres |
| Office GFA | 1,293 square metres | 0 square metres |
| Retail GFA | 148 square metres | 133 square metres |
| Museum GFA | 0 square metres | 1,480 square metres |
| Total Unit Count | 143 units 42 1-bedroom (29 percent) 82 2-bedroom (57 percent) 19 3-bedroom (14 percent) | 199 units 137 1-bedroom units (68 percent) 42 2-bedroom units (22 percent) 20 3-bedroom units (10 percent) |
| Indoor Amenity | 393.56 square metres | 461 square metres |
| Outdoor Amenity | 372.5 square metres | 250 square metres |
| Vehicle Parking | 95 spaces | 111 spaces |
| Bicycle Parking | 155 spaces | 223 spaces |
| Loading | 1 Type 'G' | 1 Type 'G' |

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

1. Public Attachment 1 - June 2024 Revised Plans
2. Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "A" - Confidential Information