



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3526 Lake Shore Boulevard West - Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control Applications – LPAT Appeals - Request for Directions

Date: December 3, 2018

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke Lake Shore

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

The applications are for the development lands located at 3526 Lake Shore Boulevard West with a mixed use development comprised of 380 stacked condominium townhouses, 35 freehold standard townhouses (for a total of 415 residential units), and approximately 879 square metres of retail uses.

The applicant appealed its Zoning By-law Amendment and Draft Plan of Subdivision applications (Applications 15 170337 WET 06 OZ and 15 170350 06 SB) and referred its Site Plan Control application (Application 16 269688 WET 06 SA) to the former Ontario Municipal Board on May 25, 2017 citing City Council's failure to make a decision on the applications within the timeframes required by the *Planning Act*.

The first prehearing conference was held before the former Ontario Municipal Board on January 3, 2018. At that time counsel for the City, the appellant, and FCA Canada Inc., a neighbouring landowner with existing industrial uses on its site, advised that there was a settlement of the appeals in principle subject to the parties implementing the principles of that settlement.

A second prehearing conference took place before the Local Planning Appeal Tribunal on June 4, 2018 for the purpose of providing a status update regarding the

implementation of the settlement in principle. At that time, issues relating to the implementation of the settlement remained between the parties.

During the second prehearing conference, the Local Planning Appeal Tribunal set hearing dates of January 8-11, 2019 at which time the parties would lead evidence and make arguments in the event there were any outstanding disagreements regarding the implementation of the settlement in principle.

Further direction from City Council is required in advance of the January 8-11, 2019 hearing.

This report has been prepared in consultation with City Planning.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
2. If the confidential recommendation(s) contained in Confidential Attachment 1 are adopted, that City Council authorize the public release of the confidential recommendation(s) contained in Confidential Attachment 1, Appendix "A" of Confidential Attachment 1, and Appendix "B" to the Confidential Attachment 1, but that the balance of Confidential Attachment 1 remain confidential.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations.

DECISION HISTORY

The subject lands are partially located within an area subject to Official Plan Site and Area Specific Policy 23 ("SASP 23"). SASP 23 applies to lands approximately 17 hectares in area located north of Lake Shore Boulevard West and south of the CN rail corridor, between Thirty Second Street and Brown's Line. The subject lands are 3.99 hectares in area and located partially within SASP 23. SASP 23 evolved from the Central/Western Lake Shore Area Secondary Plan which was approved in 1993 as a part of the former City of Etobicoke Official Plan. SASP 23 envisions this area's eventual transformation into a residential and/or mixed use area.

On September 8, 2015, Etobicoke York Community Council adopted a Preliminary Report, with amendments, from the Director, Community Planning, Etobicoke York District in respect of the Zoning By-law Amendment and Draft Plan of Subdivision applications. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.12>

On November 14, 2017, Etobicoke Community Council adopted a Request for Directions Report, with amendments, from the Director, Community Planning, Etobicoke York District in respect of the Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.7>

City Council adopted the Request for Directions Report at its meeting on December 4, 2017. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.7>

COMMENTS

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council *in camera*. The City Solicitor requires further direction prior to the January 8-11, 2019 hearing.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 – Plans and Drawings (On file with the City Clerk for the purpose of the December 13, 2018 Council meeting)

Public Attachment 2 – Draft Plan of Subdivision

Confidential Attachment 1 - Report from the City Solicitor

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

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