



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Appeals of City-wide Zoning By-law 569-2013 - Request for Direction

Date: September 3, 2019
To: Planning and Housing Committee
From: City Solicitor
Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

On May 8, 2019 the Local Planning Appeal Tribunal (LPAT) issued its Decision and Order on the Phase 3 Hearing of the appeals of the city-wide Zoning By-law 569-2013 concerning the regulations of the Chapter 15 Residential Apartment Zone Category and Chapter 30 the Commercial Zone Category. The LPAT ordered the City to prepare revised regulations to include townhouses as a permitted building type in the Residential Apartment zone in consultation with the appellant.

The LPAT ordered to City to advise the Tribunal of the revised regulations and any other provisions or changes to By-law 569-2013 required to give effect to the permissions for townhouses in the RA zone by November 8, 2019. The City Solicitor is seeking direction from City Council.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 of this report.

2. City Council authorize the public release of the confidential instructions to staff in Confidential Attachment 1 and Confidential Appendix "A" to Confidential Attachment 1, if they are adopted by City Council.
3. City Council direct that all other information in Confidential Attachment 1 is to remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The City-wide Zoning By-law was approved by City Council at its meeting on April 3 and 4, 2013 and enacted on May 9, 2013. The Council decision of Item 2013.PG21.1 - Final Report on the City-wide Zoning By-law can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG21.1>

A total of 323 were appeals filed under Subsection 34(19) of the Planning Act from various appellants. Approximately 201 of these appeals have been settled or withdrawn. The majority of the remaining appeals are site specific. There are 45 appeals that have City-wide objections to regulations in By-law 569-2013 with many concerning specific uses or issues.

On May 3, 2016, City Council authorized the City Solicitor to proceed with settlements of By-law 569-2013 by way of motion if the settlement results in changes that in the opinion of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, are minor and substantially in accordance with Council's approved intent in By-law 569-2013. The Council decision of Item 2016.PG11.2 - Directions Report with Respect to By-law 569-2013 and Settlements can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG11.2>

COMMENTS

The Phase 3 Hearing of the appeals of regulations of Chapter 15 the Residential Zone Category and Chapter 30 Commercial Zone Category of By-law 569-2013 was heard by the LPAT on May 14 to 18, 2018. The only appellant participating in the hearing was the Conservatory Group.

As it was enacted by City Council, By-law 569-2013 only permits dwelling units to be in apartment buildings in the RA Zone. The LPAT determined that townhouses should also be permitted as-of-right in the RA zone, subject to conditions that assist in

alleviating the City's concerns about permitting townhouses in the RA zone, including restrictions on the location of parking spaces so as to prevent numerous curb-cuts for driveways leading directly to individual townhouse units.

The Phase 3 Hearing was chaired by Vice-Chair C. Conti who issued his Decision and Order on May 8, 2019. The decision can be found at this link:

<http://www.omb.gov.on.ca/e-decisions/pl130592-May-08-2019.pdf>

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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