

## **50 Humberwood Boulevard - OMB Appeal - Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control Applications - Request for Direction Report**

**Date:** January 30, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 2 - Etobicoke North

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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This application is for the development of the lands at 50 Humberwood Boulevard (abutting the Humber River valleylands) with a townhouse development consisting of twelve building blocks and a new public street (connecting to both Humberwood Boulevard and Rexdale Boulevard).

On June 30, 2016, the owner of 50 Humberwood Boulevard appealed the Zoning By-law Amendment (15 192495 WET 02 OZ) and Site Plan Control (16 133600 WET 02 SA) applications to the Ontario Municipal Board ("OMB"), citing City Council's failure to make a decision within the time frame prescribed by the *Planning Act*. An appeal to the OMB, for the Draft Plan of Subdivision (16 133595 WET 02 SB), was submitted on September 27, 2016.

The three appeals have been consolidated into one OMB hearing, which is scheduled to commence on March 13, 2017. The City Solicitor must seek further direction on these three appeals in advance of the scheduled hearing. This report seeks instructions for direction on this matter.

This report has been prepared in consultation with City Planning.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the Recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the Confidential Recommendations contained in Confidential Attachment 1 and Confidential Attachments 2A and 2B, if they are adopted by City Council, but that the balance of Confidential Attachment 1 remain confidential at the discretion of the City Solicitor.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the Confidential Recommendations.

## **DECISION HISTORY**

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The subject site forms part of a comprehensively planned residential community known as Riverwood Village. In April 1989, Etobicoke City Council approved Site Specific Zoning By-law No. 1989-78, amending the former City of Etobicoke Zoning Code to implement development standards for Riverwood Village. The subject site currently has permissions for the development of 440 dwelling units within two apartment buildings, having a maximum height of 29-storeys.

Site Specific Zoning By-law No. 1989-78 is available at:

<http://www.toronto.ca/legdocs/pre1998bylaws/etobicoke%20-%20city%20of/1989-0078.pdf>

The subject Zoning By-law Amendment application was submitted to the City on July 17, 2015. A Preliminary Report dated September 14, 2015, which outlined a number of concerns and issues to be addressed, was considered by Etobicoke York Community Council at its meeting of October 6, 2015. The decision of Community Council and a copy of the Preliminary Report can be accessed at this link:

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83859.pdf>

On March 30, 2016, the applicant submitted a revised rezoning proposal, along with a Draft Plan of Subdivision and Site Plan Control applications. These applications did not address the significant concerns and issues outlined in the Preliminary Report. The revised proposal included a reduction in the total number of proposed townhouse building blocks and in the number of residential units. The revisions did not address the issue of providing an acceptable built form on Rexdale Boulevard nor modifications to conform to the Official Plan and the City's Infill Townhouse Guidelines.

On June 30, 2016, the owner appealed the Zoning By-law Amendment and Site Plan Control applications to the OMB, citing City Council's failure to make a decision within the time frame prescribed by the *Planning Act*. An appeal of the Draft Plan of Subdivision to the OMB was submitted on September 27, 2016.

A Pre-Hearing Conference for the appeals was held on September 29, 2016, to set the parameters and the future date of the OMB hearing.

At its meeting of December 13, 2016, City Council adopted the Request for Direction Report (dated October 27, 2016) which included various recommendations, in particular, that City staff continue discussions with the applicant to negotiate an appropriate development proposal and that the City Solicitor report back to City Council with any settlement proposal arising from ongoing discussions. This Item (EY18.7) was considered by the Etobicoke York Community Council on November 15, 2016 and was adopted without amendment.

The decision of City Council and a copy of the Request for Direction Report can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY18.7>

On December 19, 2016, a second Pre-Hearing Conference was held, during which the City Solicitor advised the OMB that the City now had instructions to oppose the appeals while continuing discussions with the applicant to negotiate an appropriate development proposal for the lands, and to report back to City Council with any settlement proposal arising from ongoing discussions.

The OMB issued a Procedural Order which will govern the hearing, and consolidated all three of the applicant's appeals. A hearing for these matters at the OMB is scheduled for six days commencing March 13, 2017.

## **COMMENTS**

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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*.

## **CONTACT**

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## **SIGNATURE**

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Brian Haley  
Interim City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1  
Confidential Attachment 2A  
Confidential Attachment 2B