



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 406 - 410 Keele Street - Official Plan and Zoning By-law Amendment Appeal - Directions Report

**Date:** July 13, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 – Parkdale-High Park

#### **REASON FOR CONFIDENTIAL INFORMATION**

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

#### **SUMMARY**

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This application proposes to amend the Official Plan and former City of Toronto Zoning By-law No. 438-86, to permit the construction of a six storey (including a mezzanine level above the ground floor and a roof-top stairway enclosure/clerestory) residential building containing 30 dwelling units at 406 - 410 Keele Street, having a site density of 3.2 times the area of the lot. The five ground floor units fronting Keele Street are designed to accommodate live/work uses.

The lands are currently developed with a surface parking lot and an illuminated billboard display sign. The development would have a total of 26 below grade parking spaces accessed via Vine Avenue. Approximately 159 square metres of outdoor amenity space and no common indoor amenity space is proposed.

A preliminary report from the Director of Community Planning, Etobicoke York District, (September 20, 2018) on the applications was adopted with amendments by Etobicoke York Community Council on October 17, 2017. Community Council directed Planning staff to provide additional notice in addition to the statutory notice required by the *Planning Act*, and also directed staff to hold a community consultation. Planning staff held a community consultation meeting, circulated the applications for comments, received comments back from operating divisions and relevant agencies, and provided comments to the applicant in the fall of 2017. However, no further report has yet been provided to City Council or Community Council.

The applicant appealed the Zoning By-law Amendment Application to the Ontario Municipal Board on November 10, 2018 due to City Council's failure to make a decision. Report for Action with Confidential Attachment #1 - 406 - 410 Keele Street Official Plan and Zoning By-law Amendment Appeal

On January 9, 2018, the applicant also appealed the Official Plan Amendment Application to the Ontario Municipal Board due to City Council's failure to make a decision.

On April 3, 2018, amendments to the *Planning Act* came into force and the Ontario Municipal Board was continued as the Local Planning Appeal Tribunal ("LPAT"). The Appeals will be heard by the LPAT.

On July 3, 2018, the LPAT held a prehearing conference to identify parties, participants, and schedule further proceedings. At the July 3, 2018 prehearing, the LPAT ordered the parties to prepare a procedural order and an issues list for a second prehearing conference on August 31, 2018, at which time the LPAT will schedule a hearing. The purpose of this report is to update City Council on the status of the appeals and seek instructions for the August 31, 2018 prehearing conference and subsequent LPAT hearing.

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On October 17, 2017, Etobicoke York Community Council approved the recommendations, with amendments, of the Preliminary Report on the applications. The report identified various issues to be resolved, including: consistency with the provincial policy and the City's Official Plan, the existing pattern of development and open space within the block, site layout, organization, scale, massing and density of the proposal, shadow impacts, noise attenuation, provision of landscaping and amenity

space, provision of appropriate setbacks and separation distances to surrounding properties, as well as a number of technical servicing matters. The decision and report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY25.4>

## **COMMENTS**

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This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential information and should be considered by City Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information.