



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

30 and 44 Zorra Street - Zoning Amendment Application - Request for Directions Regarding LPAT Hearing

Date: July 17, 2018

To: City Council

From: City Solicitor

Wards: Ward 5 - Etobicoke-Lakeshore

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

Marlin Spring Investments Ltd. (the "Applicant") is the owner of lands municipally known as 30 and 44 Zorra Street (the "Subject Site").

On October 28, 2015, the former owners of the Subject Site, 1127792 Ontario Limited (the "Former Owners"), submitted a Zoning By-law Amendment application to the City proposing to amend the Etobicoke Zoning Code to permit the development of a 36-storey residential building containing 379 units on the Subject Site (the "Application"). The proposed building has a total gross floor area of 28,170 square metres and an overall density of 5.4 times the area of the land. The building includes 401 vehicular parking spaces to be located in 5 levels of underground garage. The Application also proposes to convey to the City approximately 738 square metres of the Subject Lands for a future public street (the "Future Caven Street Extension"). A dedication to the City 1,118 square metres of land for an on-site park is also proposed.

On May 26, 2017, the Former Owner appealed the Application to the (the "OMB") (now known as the Local Planning Appeal Tribunal) (the "LPAT") due to City Council's failure to make a decision. These appeal is known as LPAT Case No. PL170604.

In September 2017, the Applicant entered into a conditional agreement to purchase the Subject Lands from the Former Owner and assumed the Application and the appeal.

At this time no hearing has been scheduled by the LPAT for this appeal.

The purpose of this report is to request further instructions regarding the LPAT appeal.

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

RECOMMENDATIONS

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, Confidential Attachment 2, Confidential Appendix "A" to Confidential Attachment 2, and Confidential Attachment 3 to this report, 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

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

DECISION HISTORY

On April 5, 2016 the Etobicoke York Community Council adopted the Preliminary Report on the subject Zoning By-law Amendment Application for 30 and 44 Zorra Street. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY13.6>

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

Alexander J. Suriano, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4827; Fax: (416) 397-5624; Email: alexander.suriano@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Appendix "A" to Confidential Attachment 2 on file with the City Clerk for the purpose of the July 23, 24, 25, 2018 City Council meeting
4. Confidential Attachment 3 - Confidential Information