



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Mimico-by-the-Lake Secondary Plan - OMB Hearing - 2491 Lake Shore Boulevard West - Request for Direction Report

Date: July 16, 2018

To: City Council

From: City Solicitor

Wards: Ward 6 - Etobicoke - Lake Shore

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City of Toronto. The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

Mimico-by-the-Lake Secondary Plan (OPA 197) was adopted by City Council in July 2013. General appeals and two site specific appeals were subsequently filed (PL130885). The proceedings were divided into 3 phases. Following the first phase on the general appeals, pursuant to the Decision of the Ontario Municipal Board issued March 31, 2016, OPA 197, as modified with approval of Council, came into full force and effect subject to the two site specific appeals and determination as to a lakeside street in Precinct B.

1026046 Ontario Limited is the owner of 2491 Lake Shore Boulevard West and the appellant of the site specific appeal relating to that property. Since December 2014, the parties participated in various Board assisted mediation sessions respecting this appeal. The purpose of this report is to provide a status update and seek direction from City Council for proceeding before the Local Planning Appeal Tribunal (LPAT) (formerly the Ontario Municipal Board). City Planning has been involved in preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council consider Confidential Attachment 1 respecting the site specific appeal of OPA 197 relating to 2491 Lake Shore Boulevard West and adopt the Recommendations set out therein.
2. City Council authorize the public release of only Recommendations 1, 2 and 3 in Confidential Attachment 1 if they are adopted and, if Recommendation 1 therein is adopted, Appendix "A" and Appendix "B" of Confidential Attachment 1 may also be released.
3. Except as provided in Recommendation 2 above, all other Recommendations, Appendix "C" (including Confidential Schedules A, B and C) and information contained in Confidential Attachment 1 is to remain confidential

FINANCIAL IMPACT

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

DECISION HISTORY

The link to EYCC Item 25.15 adopted by City Council at its meeting July 16, 17, 18 & 19, 2013 adopting OPA 197 (By-law No. 1103-2013) is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY25.15>

The link to MM3.39 adopted by City Council at its meeting February 10 & 11, 2015 outlining certain terms of settlement on the general Phase 1 general appeals is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.39>

COMMENTS

City Council adopted the Mimico-by-the-Lake Secondary Plan (OPA 197) at its meeting July 16, 17, 18 & 19, 2013 by enactment of By-law 1103-2013. Its approval had been the culmination of a process that began in 2006 and involved significant community involvement. Following adoption, general and two site specific appeals were filed.

The hearing was phased. Phase I dealt with the general appeals and, in its Decision of March 31, 2015, the Ontario Municipal Board approved OPA 197 with modifications that had either been endorsed by Council in partial settlement of some of the issues (MM 3.39 adopted by Council February 10 and 11, 2015) or had been supported by the City in evidence. As a result, OPA 197, as modified, is in full force and effect subject to site specific appeals and one related general issue. Phase II of the hearing commenced in November 2016 and dealt with the site specific appeal relating to 2313 and 2323 Lake Shore Boulevard West and the remaining general issue. Although a decision was

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rendered in August 2016, no Order has been issued and an attendance before the Local Planning Appeal Tribunal (LPAT) (formerly the Ontario Municipal Board) is pending respecting implementation of the Decision. The site specific appeal of 2491 Lake Shore Boulevard West was not included as part of the Phase II hearing because the opportunity for continued mediation was considered to be beneficial. Accordingly, the final phase of the proceedings relates to 2491 Lake Shore Boulevard West and is the subject of this report.

2491 Lake Shore Boulevard West is adjacent to Amos Waites Park and is currently occupied by a two storey mixed use building which was originally a Studebaker Company car dealership. The property was identified in the background study to OPA 197 (Mimico 20/20 Revitalization Cultural Heritage Resource Assessment (May 2012)) as having potential cultural heritage value or interest and, as such, further evaluation was recommended.

The site is located within Precinct E in OPA 197 which is envisioned as a primarily stable residential precinct where revitalization through renewal is encouraged. As set out in policy 3.2.1 of OPA 197, redevelopment is intended to "relate appropriately to the Lake Shore Boulevard West Avenues, adjacent parkland and existing development". It is designated Mixed Use and is included within a pedestrian enhancement area. The policies contemplate height restrictions of six to eight storeys along the Avenue, Lake Shore Boulevard West. Certain built form requirements apply as a result of its proximity to Amos Waites Park.

The Parties had initially agreed to participate in Board assisted confidential and without prejudice mediation. Since December 2014 there have been three formal mediation sessions. The purpose of Confidential Attachment 1 is for the City Solicitor, in consultation with City Planning, to provide a report to Council on the outcome of the Board assisted mediation on the site specific appeal relating to 2491 Lake Shore Boulevard West and to seek instruction for this pending phase of the hearing relating to OPA 197.

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

Confidential Appendix B to Confidential Attachment 1 - Confidential Information

Confidential Appendix C to Confidential Attachment 1 - Confidential Information

Confidential Schedule A to Confidential Appendix C - Confidential Information

Confidential Schedule B to Confidential Appendix C - Confidential Information

Confidential Schedule C to Confidential Appendix C - Confidential Information