



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3002, 3004, 3006, 3010 and 3014 Islington Avenue LPAT Appeals - Request for Direction

Date: July 11, 2018
To: City Council
From: City Solicitor
Wards: Ward 7 - York West

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On December 23, 2015 applications were submitted to amend the Official Plan and Zoning By-law, and for a Plan of Subdivision, for the lands at 3002 - 3014 Islington Avenue to permit the construction of 136 stacked townhouses. After receiving comments from planning staff, the application was amended to include 60 residential dwelling units (street townhouses) within 9 townhouse blocks, with access from a proposed private driveway system. At its meeting on January 31 and February 1, 2018, City Council refused the Official Plan and Zoning By-law Amendment applications, and City Council was advised that the Acting Chief Planner, and Executive Director, City Planning would not be approving the Plan of Subdivision application.

The owner appealed City Council's refusal of the Official Plan and Zoning By-law Amendments to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT), and the owner has appealed their Plan of Subdivision application and referred their subsequent Site Plan approval application to the LPAT citing City Council's failure to make a decision on either application. A pre-hearing is scheduled at the LPAT on December 18, 2018.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on July 23, 2018.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. The recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. All of Confidential Attachment 2, including Appendices 1, 2 and 3.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

On November 14, 2017, Etobicoke York Community Council considered a report from the Director, Community Planning, Etobicoke York District dated October 27, 2017, regarding the applications to amend the City's Official Plan and Zoning By-law Nos. 569-2013 and 7625 and a Plan of Subdivision. This report recommended a refusal of the applications. The report can be viewed at:

<https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-108378.pdf>

Etobicoke York Community Council considered the report and recommended that it be received for information and recommended that City Council direct the Chief Planner and Executive Director, City Planning to submit to the January 16, 2018 Etobicoke York Community Council meeting, a Final Report, which includes an implementing Official Plan Amendment and amendment to Zoning By-law No.'s 7625 and 569-2013, to permit and implement the development as currently outlined in the October 27, 2017 report from the Director, Community Planning, Etobicoke York District.

At its meeting on January 31 and February 1, 2018, City Council considered Item No. EY27.1, a Final Report from the Director, Community Planning, Etobicoke York District, dated December 12, 2017. City Council amended the Recommendations of the report and refused the Official Plan and Zoning By-law Amendment applications. The City Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY27.1>

The owner subsequently appealed City Council's refusal.

COMMENTS

The City Solicitor requires further direction on this matter prior to the conclusion of the July 23, 2018 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor
Confidential Attachment 2 - Additional Confidential Material
Confidential Appendix 1 to Confidential Attachment 2 - Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Appendix 2 to Confidential Attachment 2 - Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Appendix 3 to Confidential Attachment 2 - Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)