



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

859 The Queensway – Zoning By-law Amendment Application – Request for Direction Regarding LPAT Hearing

Date: February 15, 2019

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

Latch Developments Ltd. (the "Applicant") is the owner of the property municipally known as 859 The Queensway (the "Subject Property"). The Applicant applied for a zoning by-law amendment, with accompanying plan of subdivision application, in order to facilitate a proposed mixed-use redevelopment of the Subject Property (the "Application"). The Application proposes a 14-storey mixed use building.

On January 24, 2018, the Applicant appealed the zoning by-law amendment application to the Ontario Municipal Board (the "OMB") (now known as the Local Planning Appeal Tribunal) (the "LPAT") due to City Council's failure to make a decision. The first Prehearing Conference for this matter was held on October 4, 2018. A second Prehearing Conference is scheduled for March 21, 2019. A four day Hearing is scheduled to be heard by the LPAT on November 5 to 8, 2019.

The purpose of this report is to request instructions for the upcoming LPAT Prehearing Conference and Hearing.

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 to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 and Confidential Attachment 2 to remain confidential at the discretion of the City Solicitor, as it contains advice 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

In 2002, the City undertook an Avenues Study for The Queensway between Kipling Avenue and Mimico Creek (The Queensway Avenue Study). The Subject Property falls within the study area. The purpose of the study was to identify a vision and develop implementation strategies to revitalize The Queensway as an *Avenue* consistent with the objective of the Official Plan to re-urbanize corridors along major streets in the City. Generally, the Avenues Zoning By-law permits a mix of uses at a maximum density of 3.0 times the lot area and building heights of 6 and 8 storeys. In June 2003, City Council enacted The Queensway Avenues By-law (By-law No. 514-2003) to implement The Queensway Avenue Study. A copy of By-law No. 514-2003 can be found at the following link:

<https://www.toronto.ca/legdocs/bylaws/2003/law0514.pdf>

On November 14, 2017, Etobicoke York Community Council considered Item EY26.12 pertaining to a Preliminary Report from the Director, Community Planning, Etobicoke York District dated October 23, 2017 regarding the proposed 14-storey mixed use

development (the "Preliminary Report"). For more information, see the Preliminary Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY26.12>

On January 24, 2018, the Applicant appealed the zoning by-law amendment application to the LPAT due to City Council's failure to make a decision within the time allotted by the *Planning Act*.

On November 30, 2018, the Applicant submitted a related Site Plan Approval application with revised plans that modified certain elements of the original proposal (the "Revised Proposal"). The Revised Proposal remains for a 14-storey mixed use building. The Revised Proposal contains 238 residential units and 1,168 square metres of at-grade non-residential floor area. The Revised Proposal would have an FSI of 5.27 times the area of the lot. The Revised Proposal also proposes a total of 213 residential vehicular parking space in two levels of below-grade garage and 40 visitor/retail vehicular parking spaces at-grade at the rear of the site.

COMMENTS

Description of Revised Proposal

The Subject Property is designated *Mixed Use Areas* in the Official Plan, which allows for a broad range of uses. The Zoning By-law also allows for both residential and non-residential uses. The application is for a mixed-use building with retail uses at-grade and residential uses above, both of which are permitted.

The Revised Proposal proposes to amend the former City of Etobicoke Zoning Code and Site-Specific By-law No. 514-2003 to permit a 14-storey (47.2 m in height, excluding the mechanical penthouse) mixed-use building containing retail uses at-grade and residential uses above. The Revised Proposal would have 1,168 square metres of retail space and 18,937 square metres of residential gross floor area, yielding an overall density of 5.27 times the area of the lot.

The Revised Proposal L-shaped building would consist of a 6-storey tower sited above an 8-storey base. The base building would have a height of 29 metres and steps back 3.5 metres at the 6th storey along The Queensway frontage. The building would be setback 6 metres from the south property line to accommodate a 6 metres wide driveway to access the proposed at-grade visitor/commercial parking and the below-grade parking garage. Along The Queensway, the building would be setback 1.6 metres from the property line at-grade to accommodate a varying boulevard width of 4.4 metres to 6 metres. The existing vehicular lay-by parking is proposed to remain. Along Plastics Avenue, the building would be setback approximately 1 metres to 2 metres from the property line to accommodate a boulevard width of 3.2 metres to 4.2 metres.

The proposed retail space would be situated at-grade along The Queensway frontage and would be accessible from both The Queensway frontage and the proposed at-grade

parking located at the southwest corner of the site. The residential lobby entrance would be accessible from Plastics Avenue.

The Revised Proposal includes 238 residential units, of which 1 would be a studio unit, 122 would be 1-bedroom units, 106 would be 2-bedroom units, and 9 would be 3-bedroom units. Approximately 460 square metres (1.93 square metres/per unit) of indoor amenity space and approximately 476 square metres (2.0 square metres/per unit) outdoor amenity space would be provided for this development.

The Revised Proposal has 213 residential vehicular parking spaces and 1 car share parking space in a 2 level below-grade garage. An at-grade parking area is proposed at the southwest corner of the site containing 40 commercial/visitor vehicular parking spaces. The proposed at-grade parking area would not be visible from The Queensway or Plastics Avenue. Both the below-grade garage and the at-grade parking would be accessible from a proposed driveway at the southeast corner of the site via Plastics Avenue. A Type 'G' loading space is also proposed at the rear of the building with access from the proposed driveway. A total of 179 bicycle parking spaces are proposed, of which 162 would be residential spaces located within the below-grade garage and 17 visitor spaces located at grade.

Site and Surrounding Area

The Subject Property is located on the south side of The Queensway, on the west side of Plastics Avenue. It is square in shape and is currently occupied by a one-storey building tenanted by the development's condominium sales centre. The site is approximately 3,813 square metres in size with a frontage of approximately 61 metres on The Queensway and 62 metres on Plastics Avenue. The Queensway has a right-of-way width of 30 metres in this location.

North: Chartwell Road intersects with The Queensway immediately north of the site. On the west side of Chartwell Road on The Queensway is a 3-storey vacant medical building, which is subject to a Zoning By-law Amendment application for an 8-storey mixed-use building that has been approved by the. East of Chartwell Road are 2-storey mixed-use buildings and north of the properties on The Queensway are single-detached dwellings.

East: Directly across Plastics Avenue are two 1-storey retail buildings. Southeast of the site are multiple commercial buildings located within an Employment Areas designation.

South: Directly south are commercial and warehousing buildings located within an Employment Areas designation.

West: Immediately to the west is a 1-storey building occupied by The Queensway Car Wash and Gas Station, and further west is a 1-storey retail building.

City Solicitor Comments

The City Solicitor requires instructions regarding the Applications and the applicant's LPAT appeal for the purpose of the upcoming Prehearing Conference and Hearing. 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 information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information