



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2150-2194 Lake Shore Boulevard West and 23 Park Lawn Road - Appeal of OPA 231 - LPAT Hearing Request for Directions

Date: July 8, 2019
To: City Council
From: City Solicitor
Wards: All

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

FCR (Park Lawn) LP ("FCR") are appellants to Official Plan Amendment No. 231 ("OPA 231") currently at the Local Planning Appeal Tribunal ("LPAT"). FCR's appeal is regarding the properties known municipally as 2150-2194 Lake Shore Boulevard West and 23 Park Lawn Road. City Council adopted OPA 231 policies for the entire city following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City Solicitor requires further directions for an upcoming LPAT pre-hearing conference.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in the Confidential Attachment 1, with the remainder of Confidential Attachment 1 and all of Confidential Attachment 2 to remain confidential, as they contain advice subject to solicitor-client privilege; and
 - b. Confidential Attachment 3.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the recommendations in this report.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for *Employment Areas* following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City's decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

The Minister approved the majority of OPA 231 with some modifications in July 2014 and the LPAT subsequently received a total of 178 appeals to OPA 231. At that time, Mondelez Canada Inc. owned the Lands and appealed OPA 231 on a site-specific basis. FCR assumed the appeal upon becoming owner of the Lands.

The LPAT has issued Orders partially approving OPA 231. In December 2016 the LPAT brought into force the *Core Employment Areas* and *General Employment Areas* designations, except for sites under appeal and regarding particular uses that remained contested. In January 2019 the LPAT brought into force the remainder of the policies for the two *Employment Areas* designations, except with regard to the retail policies which remain subject to appeal. LPAT Decisions can be accessed at this link: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

COMMENTS

Although under appeal, the Lands are designated *Core Employment Areas* in OPA 231, a designation that for the most part applies to lands geographically located in *Employment Area* interiors. Uses that would attract the general public into the interior of *Employment Areas* and possibly disrupt industrial operations are generally not permitted in *Core Employment Areas*. OPA 231 also amends existing Site and Area Specific Policy (SASP) 15 for the Lands and adds criteria for a comprehensive plan in response to the *Employment Area* and economic health policies of OPA 231.

The Lands are approximately 11.1 hectares (27 acres) in area and located at the northeast corner of Lake Shore Boulevard West and Park Lawn Road, and south of the CNR rail corridor and Gardiner Expressway. Lake Shore Boulevard West, Park Lawn Road and the Gardiner Expressway are identified on Map 3 of the Official Plan as major streets with planned right-of-way widths of 45, 23 and 45 metres, respectively.

The Lands are the site of the former Mr. Christie's factory which closed in late 2013 and was demolished in 2017. The Lands are vacant, except for a retained water tower and a stand-alone bank located at the Lake Shore Boulevard West and Park Lawn Road intersection.

An Official Plan Amendment application for the Lands, except for the 2194 Lake Shore Boulevard West property (existing bank) was submitted in December 2013. The application sought permission for residential and other uses through a re-designation to *Regeneration Areas*. The application is not finalized and is currently under review. At its meeting on April 10, 2014, the Planning and Growth Management Committee considered the Preliminary Report on the application, the Decision History can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.7>

In 2018 and early 2019 the owner hosted their own consultation events, including an "Ideas Fair" with members of the community.

This report requests direction from City Council for an upcoming prehearing conference scheduled by the LPAT on the appeal to OPA 231. The development application remains under review.

CONTACT

Kelly Matsumoto, Practice Lead, Planning and Administrative Tribunal Law, Tel. 416-392-8042, kelly.matsumoto@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information

Confidential Attachment 3 - Confidential Information