



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3000 Dufferin Street – Zoning By-law Amendment and Draft Plan of Subdivision Application – Request for Further Direction Regarding LPAT Hearing

Date: July 9, 2019

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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

3000 Dufferin Street Limited and Finch-Main Plaza Limited (together the "Applicants") are the owner of the property municipally known as 3000 Dufferin Street (the "Subject Site"). The Subject Site is located at the northwest corner of Dufferin Street and Playfair Avenue. The Subject Site is currently occupied by an 18 storey rental apartment building containing 287 dwelling units.

On July 18, 2017 the Applicants submitted a zoning by-law amendment application, with accompanying draft plan of subdivision application, to permit the development of two additional residential apartment buildings of 16 and 23 storeys and 7 townhouse units on the Subject Site. The original 18 storey apartment building was proposed to be retained (the "Original Proposal"). The Original Proposal included 613 parking spaces, which includes the existing parking spaces used for the existing apartment building.

On November 16, 2018, the Applicants appealed their zoning by-law amendment application to the Local Planning Appeal Tribunal ("LPAT") for non-decision by City Council. On January 16, 2019, the Applicants also appealed their draft plan of

subdivision application to the LPAT as well. These appeals are collectively known as LPAT Case No. PL PL171293.

On May 27, 2019 and June 20, 2019, the City and the Applicants attended mediation before the LPAT.

On July 5, 2019, the Applicant's counsel, Aird Berlis LLP, submitted to the City Solicitor a with prejudice settlement offer (the "Settlement Offer") based on revised architectural plans dated July 2, 2019 and prepared by IBI Group (the "Architectural Plans"). The Settlement Offer is attached to this report as Public Attachment 1, and the Architectural Plans are attached to this report as Public Appendix A to Public Attachment 1. The Settlement Offer and Architectural Plans are described further in the "Comments" section below.

The purpose of this report is to request instructions for the upcoming LPAT hearing, which is scheduled for October 21, 2019 to November 1, 2019.

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 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

On March 26, 2018, City Council adopted the recommendations of a Request for Directions Report by City Planning authorizing the City Solicitor and City Staff to oppose the Original Proposal at the LPAT and to continue discussions with the Applicants to

address City Planning's outstanding issues, including parkland issues. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY28.3>

COMMENTS

The Settlement Offer and the Architectural Plans show changes to the design of the proposal, including the following:

- The height of the proposed building closest to Dufferin Street, known as Building A, has been reduced, with a podium height reduction of 9 storeys down to 6 and 7 storeys and a tower height reduction of 16 storeys down to 14 storeys. Commercial and retail uses are provided for at grade along a portion of the Dufferin Street frontage.
- The height of the proposed building at the north-west corner of the Subject Site, known as Building B, has been reduced, with a podium height reduction of 6 and 9 storeys down to 3 storeys and a tower height reduction of 23 storeys to 18 storeys.
- The proposed townhouses located along the west side of the Subject Site have been shifted northward to accommodate a public park at the south-west corner of the property.
- A new public north-south street running along the west side of the Subject Site and connecting to Playfair Avenue is proposed to be conveyed to the City. An east-west vehicular and pedestrian connection is proposed across the north side of the Subject Site.
- The gross floor area ("GFA") of the revised proposal, inclusive of the existing apartment building, has been reduced from 59,290.43 square metres to 55,929.43 square metres. Similarly, the floor space index ("FSI") of the revised proposal, inclusive of the existing apartment building, has also been reduced from 3.67 FSI to 3.47 FSI.
- A total of 445 new dwelling units are proposed to be provided in Buildings A, B, and the townhouses.
- Tower floor plate sizes have a gross construction area ("GCA") of 750 square metres.
- The proposal includes indoor and outdoor amenity space at a rate of 2 square metres per new dwelling unit.
- Parking spaces are proposed to be provided at a rate of 0.68 residential spaces and 0.12 visitor spaces per residential unit. The parking is proposed to be provided in three levels of a common underground parking garage to serve all buildings on site. There will be a proposed total of 576 parking spaces plus 2 car share spaces. A total of 472 bicycle parking spaces (includes 20 existing spaces) are proposed to be provided.

- Various improvements to the existing rental apartment building are proposed.

In addition to the design changes described above, the Settlement Offer also proposes an on-site parkland dedication of 448 square metres and shown on the Architectural Plans as being located in the south-west corner of the Subject Site. The Subject Property is located in a parkland acquisition priority area. The parkland dedication proposed by the Applicants only represents a parkland conveyance of approximately 5 percent of the site area. The applicable City of Toronto alternative rate for parkland dedication applicable to the Subject Site pursuant to Section 42 of the *Planning Act* and Chapter 415, Article III, of the Toronto Municipal Code requires an on-site dedication of 15 percent of the site area for the residential component of the development and 2 percent of the site area for the non-residential component of the development.

Finally, the Settlement Offer has proposed a Section 37 financial contribution of \$1,000,000 for allocation to community benefits.

The City Solicitor requires further instructions regarding the Settlement Offer. 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. Public Attachment 1 - Settlement Offer dated July 5, 2019
2. Public Appendix A to Public Attachment 1 - Architectural Plans dated July 2, 2019 (on file with the City Clerk for the purpose of the July 16 and 17, 2019 City Council meeting)
3. Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Report for Action with Confidential Attachment 1 – 3000 Dufferin Street – Zoning By-law Amendment and Draft Plan of Subdivision Application – Request for Further Direction Regarding LPAT Hearing