



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 57 Linelle Street - Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications - Request for Directions

**Date:** July 8, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 18 - Willowdale

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

The purpose of this report is to request further instructions for the Local Planning Appeal Tribunal hearing that is scheduled to commence on August 12, 2019.

#### **SUMMARY**

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The applicant has appealed the Draft Plan of Subdivision and proposed amendments to the Official Plan and Zoning By-law to the Local Planning Appeal Tribunal (the "**LPAT**") due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act* (the "**Appeal**").

The application proposes an Official Plan and Zoning By-law amendment to re-designate the subject lands from "Other Open Spaces" to "Neighbourhoods" to permit 23, three-storey detached dwellings with single integral garages within three residential blocks accessed by the proposed Linelle Street extension. The proposed gross floor area is 6,624 square metres that would result in a Floor Space Index (FSI) of 1.11 times the lot area. A Draft Plan of Subdivision application had also been submitted to delineate the public road and new park and to create separate blocks to facilitate the development.

On January 30, 2019, City Council directed the City Solicitor, along with appropriate staff, to oppose the applications, in their current form, and oppose the Appeal. City Council also directed that staff continue to work with the applicant and seek revisions to the applications and report back to City Council on the outcome of those discussions.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (July 9, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, Confidential Appendix "A", and Confidential Appendix "B" to the Report (July 9, 2019) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 9, 2019) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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Planning staff met with the applicant on June 8, 2011 to discuss the possibility of re-designating the southern portion of the subject lands to residential condominium. Planning staff advised that there were major issues with the proposal as there are land challenges such as access, grading, shadow and compatibility with the existing neighbourhood as well as Ravine and Natural Heritage System and Toronto and Region Conservation Authority constraints.

A subsequent pre-application meeting was held on May 23, 2012 at which the applicant presented a low density residential neighbourhood proposal, similar to the original proposal for 23 townhouses, a pair of semi-detached dwellings and one single family detached dwelling, and this proposal was presented at a community consultation meeting on April 8, 2013, held by the ward Councillor prior to the development application submission to the City. Additional community consultation meetings were held on September 30, 2013 and February 12, 2014, organized by the ward Councillor and attended by the applicant and City staff, to facilitate community input and discuss the revised proposal.

A Preliminary Report on the applications was adopted by North York Community Council on October 17, 2013 authorizing staff to conduct a community consultation meeting with an expanded notification area and work with the local community, planning staff and the Councillor on revisions to the applications.

The Preliminary Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-62000.pdf>

The applicant has appealed the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications to the LPAT citing Council's lack of decision on the applications within the time frame specified in the *Planning Act*. A Pre-Hearing Conference was held on November 20, 2018. A second Pre-Hearing Conference was held on March 8, 2019. A Hearing has been scheduled for seven (7) days commencing on August 12, 2019.

At its meeting of January 30 and 31, 2019, City Council adopted the recommendations in a Request for Directions Report dated December 17, 2019 from the Director, Community Planning, North York District, to oppose the appeal respecting the Official Plan Amendment, Plan of Subdivision and Zoning By-law Amendment Applications at the LPAT in the current form for the lands at 57 Linelle Street. The recommendations also authorized the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the December 17, 2019 Request for Directions Report.

City Council's consideration and the Request for Directions Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY2.6>

## **COMMENTS**

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The purpose of this report is to request further instructions for the LPAT hearing that is scheduled to commence on August 12, 2019.

The City Solicitor requires direction on this matter in litigation.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Report from City Solicitor

Confidential Appendix "A" to Confidential Attachment 1 - Confidential Information

Confidential Appendix "B" to Confidential Attachment 1 - Confidential information (On file with the City Clerk for the purpose of the July 16 and 17, 2019 City Council Meeting)