



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1197 The Queensway - Zoning By-law Amendment Application - Request for Directions

**Date:** October 21, 2019  
**To:** City Council  
**From:** City Solicitor  
**Wards:** Ward 3 - Etobicoke-Lakeshore

#### **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 March 2, 2020.

#### **SUMMARY**

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The applicant has appealed the proposed 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 appealed application proposes to amend the former City of Etobicoke Zoning Code (Site Specific By-law No. 514-2003) to permit a 13 storey (44 m in height including the indoor amenity space on the roof and the mechanical penthouse) mixed-use building containing 159 dwelling units at 1197 The Queensway and 8 Zorra Street. The development would have a total gross floor area of 13,110 square metres, including 347 square metres of retail space at grade, representing a Floor Space Index of 7.93 times the area of the lot. A total of 118 parking spaces within a 3 level underground parking garage are proposed. The appealed application proposes an off-site parkland dedication as part of the 30-44 Zorra Street 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 (October 21, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (October 21, 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 (October 21, 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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A pre-application consultation meeting was held on March 11, 2016 with the applicant to discuss complete application submission requirements and to identify issues with the proposal. Another pre-application consultation meeting was held on June 5, 2017.

The application was submitted on November 2, 2017 and deemed complete on November 24, 2017. A Preliminary Report on the application identified issues to be resolved and was adopted by Etobicoke York Community Council on April 4, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report and City Council's Decision can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY29.9>

The community consultation meeting was held on May 3, 2018.

On March 6, 2018, the applicant appealed the site specific Zoning By-law Amendment application to the Local Planning Appeal Tribunal, citing City Council's failure to make a decision on the application within the time period prescribed by the Planning Act.

A Request for Directions Report dated December 14, 2018, was adopted by City Council on January 30, 2019, the Request for Directions Report and City Council's Decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY2.3>

## 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 March 2, 2020. Procedural Order deadlines commence in December and therefore further instruction is required in advance of those dates.

On October 18, 2019, the Applicant provided the City Solicitor with a "with prejudice" settlement offer contained in Public Attachment "1" and a set of revised plans dated September 23, 2019 contained in Public Attachment "2" (the "**Revised Proposal**").

The Revised Proposal is for a 10-storey mixed-use building, 33.6 metres in height measured to the top of the 10th residential storey. The Revised Proposal will include only an outdoor amenity area on the roof including an accessible washroom and utility sink for convenience. The height of the building measured to the top of the outdoor amenity access hallway and washroom on the roof would be 36.6 metres. In addition, the height of the proposed building measured to the top of the mechanical penthouse would be 38.6 metres.

The Revised Proposal provides for driveway access from Zorra Street to underground parking, a 7.0 metre wide boulevard along the ground level of The Queensway and 4.8 metre boulevard along Zorra Street, unencumbered below and above, permitting tree planting in the public realm.

The Revised Proposal includes a 3 metre setback above the 6th storey along The Queensway (north side) and Zorra Street (east side) and 7.5 m above the 6th storey along the south property line. Above the 8th storey, the setbacks from the property line have been increased to 4.5 m along both The Queensway and Zorra Street, and 10 metres above the 8th storey along the south property line. At the mezzanine level, the majority of the west elevation located behind the building's streetwall is setback 5.5 m to the top of the building. The front streetwall portion of the west elevation sets back 5.5 m above the 6th storey to the top of the building. The streetwall portion of the building, closest to The Queensway, proposes no windows along the west elevation of the building on storeys 1 to 6.

The Revised Proposal maintains the off-site parkland dedication of a minimum of 161.9 square metres located at 30 and 44 Zorra Street. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code. The alternative rate applies to this site. The Statutory

Parkland dedication requirement is at a percentage dedication rate based on a site area resulting in a minimum size of 161.9 square metres.

The City Solicitor requires direction on this litigation matter.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment "A" - Letter from Aird & Berlis LLP dated October 18, 2019 regarding 1197 The Queensway, Toronto

Public Attachment "B" – Revised Zoning by-law Amendment Plans and Drawings dated September 23, 2019, prepared by Graziani + Corazza Architects on file with the City Clerk for the purpose of the October 29 and 30, 2019 City Council Meeting

Confidential Attachment 1 - Report from City Solicitor