



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

30 and 44 Zorra Street - Zoning Amendment Application - Further Request for Direction

Date: October 22, 2019

To: City Council

From: City Solicitor

Wards: Ward 3 - Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

Marlin Spring Investments Ltd. (the "Applicant") is the owner of lands municipally known as 30 and 44 Zorra Street (the "Subject Site").

On October 28, 2015, the former owners of the Subject Site, 11277292 Ontario Limited (the "Former Owners"), submitted a Zoning By-law Amendment application to the City proposing to amend the Etobicoke Zoning Code to permit the development of a 36-storey residential building containing 379 units on the Subject Site (the "Application").

On May 26, 2017, the Former Owner appealed the 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.

In September 2017, the Applicant entered into a conditional agreement to purchase the Subject Lands from the Former Owner and assumed the Application and the appeal.

On July 23, 2018, City Council adopted recommendation from the City Solicitor to accept a settlement offer dated March 2, 2018 (the "Settlement Offer") and authorized the City Solicitor and appropriate City Staff to attend the LPAT hearing in support of the revised proposal of a 35-storey residential building containing 423 units, as detailed in the Settlement Offer. City Council also accepted an on-site parkland dedication, approved a development charge credit, and authorized the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act.

As was instructed by City Council on July 23, 2018, the Section 37 agreement will secure a cash contribution of \$1,370,000.00, on-site parkland dedication with base improvements, the development charge credit, an acknowledgement by the City that any parkland dedication overage may be used for parkland dedication credit for development applications related to specified sites, and the future conveyance for public road purpose of approximately 733.4 square metres of land to the City for the future extension of Caven Street. The future extension of Caven Street will be designed to the City's DIPS standards. At such time as the City requires the future Caven Street to be assumed as a public road, the road will either form part of a future through public road connection to the west or, if the western connection is not achieved, it will alternatively be required to terminate at a properly-designed DIPS turning basin prior to becoming a public road.

On November 9, 2018, the City Solicitor and City Staff attended the settlement hearing before the LPAT. On December 6, 2018, the LPAT issued a written decision approving the Application. The LPAT is withholding its order pending notification from the City Solicitor that the requisite conditions have been satisfied.

The purpose of this report is to request further instructions.

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 Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, and Confidential Attachment 2, to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is 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 April 5, 2016 the Etobicoke York Community Council adopted the Preliminary Report on the subject Zoning By-law Amendment Application for 30 and 44 Zorra Street. The

report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY13.6>

On July 23, 2018, City Council adopted recommendations from the City Solicitor on the subject 30 and 44 Zorra Street - Zoning Amendment Application - Request for Directions Regarding Local Planning Appeal Tribunal Hearing. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.23>

COMMENTS

The City Solicitor requires further instructions. 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 advice 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