



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1750, 1790, 1800, 1830, 1850 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street - Request for Direction Regarding LPAT Hearing

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.

The purpose of this report is to request further instructions for a matter that has been appealed to the Local Planning Appeal Tribunal.

SUMMARY

On October 7, 2013, the City received an application to amend the Zoning By-law for 1750, 1790, 1800, 1830, 1850 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street (the "**Development Site**") to facilitate its redevelopment, such redevelopment consisting of three twenty-seven storey residential buildings containing a total of 904 units and 13,942 square metres of commercial floor space, the retention of two existing commercial buildings and the demolition of various buildings totalling 9,454 square metres of existing commercial space.

The application was deemed complete on November 18, 2016, after the applicant submitted an application for an Official Plan Amendment on October 25, 2016. The Official Plan Amendment requested relief from Policy 3.2.1.9 of the Official Plan, which requires that large residential developments, seeking an increase in height and/or density, provide an opportunity to achieve a mix of housing in terms of types and affordability by, among other means, providing as a first priority community benefit, 20 per cent of the additional residential units as affordable housing.

The applicant appealed City Council's neglect or failure to make a decision on its applications for Official Plan and Zoning By-law Amendments (the "**Appeals**") to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the "**LPAT**") on November 1, 2017.

The purpose of this report is to request further instructions for a matter that has been appealed to the LPAT.

This report has been prepared in consultation with City Planning staff and other relevant divisions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this Report (October 22, 2019) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" to this Report (October 22, 2019) from the City Solicitor at the discretion of the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this Report (October 22, 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

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Zoning By-law Amendment application was received on October 7, 2013 and on January 15, 2014 Etobicoke York Community Council adopted a Preliminary Report on the application. A Community Consultation Meeting was subsequently scheduled for April 29, 2014 for Development Site. The Preliminary Report is available at: <https://www.toronto.ca/legdocs/mmis/2014/ey/bgrd/backgroundfile-64749.pdf>

The applicant, FIMA, appealed Council's failure to make a decision with respect to the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board on November 1, 2017. A Pre-Hearing Conference was conducted on September 19, 2018. LPAT-sponsored mediation took place in April 16, 2019. The LPAT has not scheduled a hearing date.

On September 10, 2013, Etobicoke York Community Council deferred a staff report dated August 23, 2013, seeking direction to undertake a review and update of the planning policy framework for the Sherway Area, to its October 17, 2013 meeting. The

Community Council decision can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.8>

On October 17, 2013, Etobicoke York Community Council approved the recommendations of the August 23, 2013 staff report and also requested the Director, Community Planning, Etobicoke York District, to report to the November 19, 2013 meeting of Etobicoke York Community Council, with a preliminary study terms of reference. The City Council decision to adopt Community Council's recommendations can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY28.4>.

On November 19, 2013, Etobicoke York Community Council approved the preliminary study terms of reference from the Director, Community Planning, Etobicoke York District, as the basis for preparing and issuing a formal study terms of reference for the City-initiated Sherway Area Study. The City Council decision to adopt Community Council's recommendations can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY29.8>

On December 13, 2016 City Council adopted the Directions Report on the City-initiated Sherway Area Study, which directed staff to update the existing planning framework for the Sherway Area with a Secondary Plan based on the key findings of the Study, bring forward Urban Design and Streetscape Guidelines for the Sherway Area, and finalize the Transportation and Servicing Master Plans. The Directions Report can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY18.8>

On October 10, 2019, Etobicoke York Community Council considered and adopted the Final and Supplementary Reports - Sherway Area Secondary Plan. These reports will be considered by Council at its meeting on October 29 and 30, 2019. The decision of Etobicoke York Community Council can be viewed here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

COMMENTS

The Site and Surrounding Area

The lands are located opposite the Sherway Gardens Shopping Centre along the north side of The Queensway, between North Queen Street and The West Mall and are currently occupied by a mix of retail, commercial, restaurant and office uses.

The lands subject to this application (South Parcel) are 6.03 ha in area and are currently occupied by 10 buildings of which four are low-rise office buildings and the remainder include a mix of retail, commercial restaurant and personal service uses such as Jack Astor's, Canyon Creek, LCBO, Staples, Red Lobster and Tiger Direct among others. Surrounding land uses in the area are as follows:

North: Hydro One Corridor, retail commercial and restaurant uses within the FIMA North Parcel, industrial uses, City of Toronto Works Yard, and the Canadian Pacific Rail corridor.

South: Sherway Gardens Shopping Centre, high-rise residential uses, The Queen Elizabeth Way highway and the Trillium Health Centre to the southwest.

East: Retail, commercial and restaurant uses, and Highway 427.

West: Retail, commercial and restaurant uses, an automotive dealership within the FIMA North Parcel, Hydro One Corridor, The West Mall and Etobicoke Creek valley.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2014 ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure and public service facilities to support growth; and creating complete communities. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

City of Toronto Official Plan

The lands within the South Parcel are designated *Mixed Use Areas* on Land Use Map 15 of the Official Plan. The Plan also identifies the lands along The Queensway as an Avenue on Urban Structure Map 2.

On Map 3 Right-of-Way Widths Associated with Existing Major Streets, The Queensway is identified as having a right-of-way width of 36 m and North Queen Street as having a right-of-way width of 27 metres.

The lands are also within a Transit Corridor and GO/TTC Interchange on the Higher Order Transit Corridors Map 4. The corridor reflects the Bloor-Danforth Subway Westerly Extension Environmental Assessment alignment, which was approved by the Ministry of the Environment in 1993.

The Official Plan characterizes *Mixed Use Areas* as being made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The objective of the development criteria for *Mixed Use Areas* (Section 4.5.2) is to direct the design, orientation and massing of new buildings to provide attractive, comfortable and safe pedestrian environments that limit adverse impacts and take advantage of nearby transit services.

Avenues

Avenues identified on Map 2 of the Official Plan are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities. This reurbanization is to improve the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Reurbanization of the Avenues is to be achieved through the preparation of an Avenue Study that sets out contextually appropriate as-of-right zoning and other regulations to achieve high quality development. Section 2.2.3 of the Official Plan contains policies stating that development may be permitted on the Avenues prior to an Avenue Study where it implements all the policies of the Plan including the policies of the relevant designation area(s).

The owner submitted an Avenue Segment Review with its application. Policy 11.24 of the proposed Sherway Area Secondary Plan also recognizes that the City-initiated Study satisfies the requirement for an Avenue Study, if adopted by City Council.

Public Realm and Built Form

The Public Realm and Built Form policies of the Official Plan (Sections 3.1.1, 3.1.2 and 3.1.3), recognize the importance of good design in creating a great city. The Public Realm policies provide direction regarding the provision and design of new streets, blocks and development lots, and parks and open spaces. The Built Form policies provide direction regarding the location and organization of new development to ensure its fit within its existing and planned context, the massing and design of new buildings and their relationship to the public realm, and the provision of amenity space.

The Tall Buildings policies (Section 3.1.3) identify the larger civic responsibilities of tall buildings and the additional built form principles to be applied when considering their location and design.

Housing

Staff Report for Action with confidential attachment on 1750, 1790, 1800, 1830, 1850 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street LPAT
Hearing

The Housing Policies (Section 3.2.1) set out policy objectives with respect to achieving a range of housing type, tenure and affordability across the City and within neighbourhoods. Policy 3.2.1.9 of the Official Plan states that large residential developments on sites greater than 5 hectares shall provide a mix of housing in terms of type and affordability. The objective of this policy is to stimulate production of new private sector rental housing, preserve affordable rental housing, make efficient and effective use of the City's own housing resources to achieve a range of housing objectives and work in partnerships to take advantage of emerging opportunities in both the public, private and non-profit sectors.

Community Services and Facilities

Section 3.2.2 of the Official Plan, Community Services and Facilities, identifies the importance of providing ready access to community service facilities such as recreation centres, arenas, schools, libraries and community health clinics across the City and within neighbourhoods. This section of the Plan identifies that the provision of such services and facilities in areas experiencing major or incremental physical growth is a responsibility to be shared by the City, public agencies and the development community. To ensure a timely response to the need for new or additional services and facilities, a strategy is required. The policies require that such strategies and implementation mechanisms will be required for residential or mixed use sites generally larger than 5 hectares and all new neighbourhoods in order to inform the range of facilities needed to support development.

Parks and Open Spaces

The proposed development is located within an area identified as having less than 300 people on Parkland Provision Map 8B of the Official Plan, reflecting that the lands are in a non-residential area. The Parks and Open Space policies of the Plan identify the addition of new parks and amenities and the expansion and improvement of existing parks as actions for the maintenance of the City's parks and open space system.

Building New Neighbourhoods

Section 3.3 Building New Neighbourhoods provides policy direction where a new neighbourhood is proposed, identifying the requirement for a comprehensive planning framework to address infrastructure, streets, parks and local services needs to support new development and connect it with the surrounding land use fabric.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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 October 29 and 30, 2019 City Council Meeting)