



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: July 22, 2020

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 (July 22, 2020) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A" , Confidential Appendix "B", and Confidential Appendix "C" to this Report (July 22, 2020) from the City Solicitor at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 and all the information in Confidential Appendix "D" to this Report (July 22, 2020) from the City Solicitor is to remain confidential, 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 submitted 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 the Development Site. The Preliminary Report is available at: <https://www.toronto.ca/legdocs/mmis/2014/ey/bgrd/backgroundfile-64749.pdf>

The applicant, FIMA, appealed City 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 on 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 29 and 30, 2019, City Council adopted the ModernTO - City-Wide Real Estate Strategy and Office Portfolio Optimization. The decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.2>

On October 29 and 30, 2019, City Council adopted, as amended, the Sherway Area Secondary Plan and the Final and Supplementary Reports - Sherway Area Secondary Plan. The decision of City Council may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY9.1>

On October 29 and 30, 2019, City Council adopted recommendations from the City Solicitor from the report dated October 22, 2019 for the properties at 1750, 1790, 1800, 1830, 1850 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street - Request for Direction Regarding a Local Planning Appeal Tribunal Hearing. The Confidential Recommendations to staff were not made public. The decision of City Council may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC11.5>

COMMENTS

The site and surrounding areas, and the provincial and municipal policy context were outlined and reviewed in the Report from the City Solicitor dated October 22, 2019. The City Solicitor's comments may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX9.2>

Since the October 22, 2019 report, the only policy change has been to the Provincial Policy Statement 2014, which was replaced by the Provincial Policy Statement 2020 (the "PPS"). The PPS continues to provide 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; providing housing choices, including affordable housing; wise use and management of resources; and protecting public health and safety.

CONTACTS

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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 July 29 and 30, 2020 City Council Meeting)
Confidential Appendix "C" to Confidential Attachment 1 - Confidential information
Confidential Appendix "D" to Confidential Attachment 1 - Confidential Information