



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

160-200 Chalkfarm Drive - Zoning By-law Amendment Application - Request for Directions

Date: December 7, 2020

To: City Council

From: City Solicitor

Wards: 7 - Humber River-Black Creek

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 the Local Planning Appeal Tribunal case management conference that is scheduled for March 22, 2021.

SUMMARY

Greenboard Holdings Ltd. (the "**Applicant**"), the owner of 160-200 Chalkfarm Drive (the "**Site**"), has appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (the "**LPAT**") due to Council's failure to make a decision on the application within the time prescribed by the Planning Act.

The application under appeal proposes Zoning By-law amendments to permit the development of the Site with a two tower mixed-use rental apartment building with an 8-storey podium and a 12-storey and 36-storey tower above, which would contain 590 residential units and 330 square metres of at-grade retail/commercial space (the "**Appealed Application**"). The Site is comprised of three existing 23-storey rental apartment buildings and one existing 28-storey rental apartment building. The proposed gross floor area of the development is 41,044 square metres that would result in a Floor Space Index (FSI) of 2.84 times the area of the lot for the entire 5 building development.

The LPAT held a status hearing on this matter on June 26, 2020, and LPAT-led mediation took place on October 20, 22 and November 2, 2020. An LPAT case management conference took place on November 30, 2020.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (December 7, 2020) 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 (December 7, 2020) 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 (December 7, 2020) 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

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

Planning staff held a number of pre-application consultation meetings and discussions with the Applicant in 2016, to discuss the proposal and complete application submission requirements. At the meetings, City staff expressed concerns with the proposed built form regarding the overall building height, podium height, scale, density and massing. In addition, staff expressed concerns with shadow and traffic impacts, as well as impacts on tenants in the existing rental buildings. The Applicant submitted a proposal similar to the one discussed at the pre-application meetings.

A Preliminary Report on the Appealed Application was adopted by Etobicoke York Community Council on April 4, 2017, authorizing staff to conduct a community consultation meeting.

The Preliminary Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY21.2>

The Applicant submitted a site plan application on November 4, 2019.

The Applicant appealed the Zoning By-law Amendments to the LPAT on August 30, 2017 citing Council's refusal or neglect to make a decision on the application within the time frame specified in the Planning Act. A status meeting was held on June 26, 2020. The City, the Applicant and the Toronto and Region Conservation Authority (the "TRCA") took part in LPAT-led mediation on October 20, 22 and November 2, 2020. A

case management conference took place on November 30, 2020 at which the TRCA was granted party status, and a further case management conference was scheduled for March 22, 2021.

COMMENTS

The purpose of this report is to request further instructions for the LPAT case management conference that is scheduled for March 22, 2021.

The City Solicitor requires direction on this matter in litigation.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice
Subject to Solicitor-Client Privilege

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

Confidential Appendix "B" to Confidential Attachment 1 - Confidential information