



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1861 O'Connor Drive - Zoning By-law Amendment Application - Request for Directions

Date: March 3, 2021

To: City Council

From: City Solicitor

Wards: 16 - Don Valley East

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 hearing that is scheduled to commence on March 15, 2021.

SUMMARY

Artlife Developments (the "**Applicant**"), the owner of 1861 O'Connor 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 Applicant has also appealed its Site Plan Control application to the LPAT.

The Applicant submitted an application in December 2018, which was then further revised in September 2019 and November 2020. The application currently under appeal proposes Zoning By-law Amendments to permit the development of the Site with a nine-storey midrise building measuring 27 metres in height (exclusive of the mechanical penthouse), with 250 residential units and commercial space at grade (the "**Appealed Application**"). The proposed total gross floor area of the development is 15,857.6 square metres that would result in a Floor Space Index (FSI) of 3.97 times the net area of the lot excluding the road widening.

The LPAT held case management conferences on this matter on September 21 and December 9, 2020. A ten day LPAT hearing has been scheduled to commence on March 15, 2021.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the Report (March 3, 2021) 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 (March 3, 2021) 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 (March 3, 2021) 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

A Preliminary Report on the original December 2018 zoning by-law amendment application was adopted by North York Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting.

The Preliminary Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.8>

The Applicant revised the original submission in September 2019, and submitted a Site Plan Control application on May 13, 2020. A Request for Direction Report on this revised application was adopted by City Council on November 25, 2020. City Council directed City Planning Staff to continue to work with the Applicant to resolve the issues detailed in this report.

The Request for Directions Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY19.2>

The City is currently undertaking the Golden Mile Secondary Plan Study in Scarborough District which will develop a vision and comprehensive planning framework for the Golden Mile area. The vision and planning framework will form the foundation for the Secondary Plan, Urban Design Guidelines and other planning tools to be developed by the City Planning Division. At a Community Meeting held on June 26, 2018,

Scarborough Community Planning Staff presented three development alternatives which illustrated the potential realignment of O'Connor Drive and the O'Connor Drive and Victoria Park intersection. The proposed realignment would impact the North York District and the Site.

On July 17, 2020, Scarborough Community Council adjourned the statutory public meeting for the Golden Mile Secondary Plan until October 16, 2020. The report recommends that City Council adopt the Golden Mile Secondary Plan (the "Secondary Plan") and associated amendments in Official Plan Amendment ("OPA") No. 499. The Final Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2020/sc/bgrd/backgroundfile-148359.pdf>

The Applicant appealed the Zoning By-law Amendments to the LPAT on October 16, 2019 citing Council's refusal or neglect to make a decision on the application within the time frame specified in the Planning Act. A case management conference was held on September 21, 2020, with a second taking place on December 9, 2020. A hearing has been scheduled to commence on March 15, 2021.

COMMENTS

The purpose of this report is to request further instructions for the LPAT hearing that is scheduled to commence on March 15, 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