



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

579-585 Lawrence Avenue West - Zoning By-law Amendment Application - Request for Directions

Date: July 2, 2021

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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 an ongoing matter before the Ontario Land Tribunal (the "**OLT**").

SUMMARY

On August 24, 2017, the City received applications to amend the Official Plan and Zoning By-law for 579 - 585 Lawrence Avenue West to permit the construction of 12 freehold townhouses in 2 blocks fronting Lawrence Avenue West. The total gross floor area of the proposal was 2,885 square metres which resulted in a density of 1.62 times the lot area. The proposed height of the buildings was 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at the rear of the unit and two visitor parking spaces would be provided on site to serve the 12 residential units. Vehicular access was proposed from Lawrence Avenue West with a two-way service driveway.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendments (the "**Appeal**") to the Local Planning Appeal Tribunal (the "**LPAT**"), now the OLT, on March 27, 2018.

On May 2, 2019, City Council directed the City Solicitor, along with appropriate staff, to oppose the applications, in their current form, and oppose the Appeal. City Council also directed that staff continue to work with the applicant and seek revisions to the applications and report back to City Council on the outcome of those discussions. The applicant continued discussions with the City and submitted a "with prejudice" settlement offer to the City on July 5, 2019 for consideration by City Council. City Council adopted the settlement offer at its meeting of July 16, 17 and 18, 2019.

The LPAT approved the settlement in principle on December 2, 2019, and withheld its final Order pending the satisfaction of a number of conditions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (July 2, 2021) 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 the report (July 2, 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 (July 2, 2021) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice 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 pre-application meeting was not held for this particular application. The applications were submitted on August 24, 2017 and deemed complete as of September 14, 2017. A Preliminary Report on the applications was adopted by North York Community Council on November 14, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Preliminary Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-108304.pdf>

The applicant appealed the Official Plan and Zoning By-law Amendment applications to the LPAT, citing Council's lack of decision on the applications within the time frame specified in the Planning Act. A Pre-Hearing Conference was held on November 29, 2018. A second Pre-Hearing Conference was held on May 9, 2019. A Hearing was scheduled for five (5) days commencing on November 18, 2019.

At its meeting of June 18 and 19, 2019, City Council adopted the recommendations in a Request for Directions Report dated May 2, 2019 from the Director, Community Planning, North York District, to oppose the appeal respecting the Official Plan and Zoning By-law Amendment Applications at the LPAT in their then current form for the lands at 579 to 585 Lawrence Avenue West. The recommendations also authorized the

City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the May 2, 2019 Request for Directions Report. City Council's consideration and the Request for Directions Report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.7>

On June 18 and 19, 2019, City Council adopted the recommendations in a Final Report from the Chief Planner and Executive Director, City Planning, dated May 3, 2019 to adopt Official Plan Amendment No. 433 ("**OPA 433**") and Site and Area Specific Policy 559 ("**SASP 559**").

City Council's adoption of the Block Study Report, OPA 433 and SASP 559 can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.6>

SASP 559 is in full force and in effect.

At its meeting of July 16, 17 and 18, 2019, City Council adopted the recommendations from the City Solicitor on a Settlement Offer from the applicant for 579 to 585 Lawrence Avenue. City Council's decision item CC9.20 may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.20>

Following a settlement hearing on November 18, 2019, the LPAT issued a decision on December 2, 2019 in which it approved the Settlement Offer in principle, and withheld its final Order pending the satisfaction of a number of conditions.

COMMENTS

The Development Site is located on Lawrence Avenue West and is designated *Neighbourhoods* on Map 17 (Land Use Map) of the Official Plan.

OPA 433 and SASP 559 provide specific policy direction so as to permit that form of intensification as contemplated by the Official Plan and in a manner that respects the policies of the Official Plan and the local context of the area of Lawrence Avenue West. Staff recommended, as part of those Official Plan Amendments, policy language in the SASP which provides for the housing typologies permitted in the Neighbourhoods designation alongside the required conditions respecting public realm; built form; site access, parking and servicing; and required infrastructure matters. Permitting these building typologies along Lawrence Avenue West within the lands subject to OPA 433 and SASP 533 provide clarity to applications and ensure that an Official Plan Amendment respecting building type is not required for each individual redevelopment application.

The Original Proposal

The original application proposed to amend the Official Plan and Zoning By-law at 579, 581, 583 and 585 Lawrence Avenue West to permit the construction of 12 four-storey, freehold townhouses (excluding staircase access to roof top terrace) in 2 blocks fronting Lawrence Avenue West. The total gross floor area of the proposal was 2,885 square

metres which resulted in a density of 1.62 times the lot area. The proposed height of the buildings was 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at grade in the rear of the unit and two visitor parking spaces would be provided on site to serve all 12 residential units. Vehicular access was proposed from Lawrence Avenue West with a two-way access driveway.

The Revised Plans Accepted by City Council on July 16, 2019

On July 5, 2019, the applicant submitted a "with prejudice" revised development proposal for 579 - 585 Lawrence Avenue West for 12 freehold townhouses in 2 blocks fronting Lawrence Avenue West (the "**Revised Plans**"). The total gross floor area of the proposal was 3,185 square metres which resulted in a density of 1.78 times the lot area. The proposed height of the buildings was 16.06 metres for Block 1 at the eastern end and 15.78 metres for Block 2 at the western end. Each unit would be provided with one integral parking space at the rear of the unit and 2 visitor parking spaces would be provided on site to serve the 12 residential units. Vehicular access was proposed from Lawrence Avenue West with a two-way service driveway.

The Revised Plans had proposed a set of twelve (12) four-storey freehold townhouses (excluding staircase access to the roof top terrace) fronting onto Lawrence Avenue West and served by a common shared driveway. The Revised Plans had proposed two blocks of townhouses – a block consisting of 4 units to the east (Block 1) and a block consisting of 8 units to the west (Block 2).

The details of the Revised Proposal accepted by City Council on July 16, 2019 may be found generally detailed in the City Solicitor's Report here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135723.pdf> . The LPAT approved the Revised Proposal in principle and withheld its Order on the requested Zoning By-law Amendments, subject to conditions.

The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT 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 City Council in camera.

CONTACT

Kasia Czajkowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5725; Fax: (416) 397-5624; Email: kasia.czajkowski@toronto.ca

Daniel Elmadany, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5709; Fax: (416) 397-5624; Email: daniel.elmadany@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Report from City Solicitor
Confidential Appendix "A" - Confidential Information
Confidential Appendix "B" - Confidential Information