

## City Council

### Notice of Motion

MM30.23	ACTION			Ward: 3
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### **0 Skeens Lane - Request for City Solicitor to Attend at the Local Planning Appeal Tribunal - by Councillor Mark Grimes, seconded by Councillor Michael Ford**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

*\* This Motion relates to an Local Planning Appeal Tribunal Hearing and has been deemed urgent.*

### **Recommendations**

Councillor Mark Grimes, seconded by Councillor Michael Ford recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing in order to oppose the variance requested in Application Number A0252/20EYK respecting 0 Skeens Lane, in particular as the variance is premature in the absence of a related Official Plan Amendment application.

### **Summary**

The Applicant has applied to the Committee of Adjustment (Application A0252/20EYK) (the "Application") for a variance to the applicable Zoning By-law to permit the addition of nine (9) supplementary visitor parking spaces for the adjacent 5-storey mixed-use condominium development at 3418 Lake Shore Boulevard West on a different lot at 0 Skeens Lane (the "Subject Property"). The Subject Property is designated Neighbourhoods in the Toronto Official Plan on Map 15, whereas 3418 Lake Shore Boulevard West and the 5-storey condominium building is designated Mixed-Use Areas on Map 15.

The Subject Property was included as part of a previous minor variance application and related site plan application for the 5-storey mixed use condominium building at 3418 Lake Shore Boulevard West (together the "Original Application"). The minor variance component of the Original Application was refused by the Committee of Adjustment on April 12, 2018, and both the minor variance and site plan applications were subsequently appealed to the Local Planning Appeal Tribunal. The Original Application initially proposed parking spaces in Skeens Lane on the same Subject Property. City Planning staff opposed the inclusion of parking spaces on the Subject Property because the Neighbourhoods policies in the Official Plan do not provide for uses accessory to the Mixed Use Areas, such as parking spaces, to be accommodated on abutting Neighbourhoods designated lands. As a result, the parking spaces as proposed were

not supportable in the absence of a related Official Plan Amendment application, which had not been submitted. A settlement of the Local Planning Appeal Tribunal appeal of the Original Application was reached between the Applicant and the City. As part of that settlement, the Original Application was revised to remove the proposed parking spaces on the Subject Property in Skeens Lane, and a related variance permitting a reduction of the residential and commercial parking spaces required for the development was supported by both the Applicant and the City (the "2019 Settlement"). The 2019 Settlement of the variance appeal was approved by the Local Planning Appeal Tribunal in its written decision and order dated January 8, 2019 (the "2019 Local Planning Appeal Tribunal Decision"). As part of that settlement, the site plan application was adjourned sine die to allow the Applicant to continue working with the City to provide revised site plan drawings and appropriate conditions of approval reflecting the revised proposal.

Despite the 2019 Settlement reached between the City and the Applicant regarding the appeal of the Original Application, which specifically removed parking spaces in Skeens Lane as a term of the settlement, the Applicant has now brought forward a new Minor Variance Application to again allow parking spaces related to the condominium building at 3418 Lake Shore Boulevard on the Subject Property.

City Planning staff remain opposed to the new Minor Variance Application. City Planning submitted a report to the Committee of Adjustment dated September 29, 2020 recommending that the Application be deferred until such time as a related Official Plan Amendment application is submitted by the Applicant. In the absence of such an Official Plan Amendment application, staff recommended the minor variance be refused.

At its hearing on November 24, 2020, the Committee of Adjustment refused the Application. A copy of the Notice of Decision of the Committee of Adjustment is attached. The Applicant has now appealed the Committee of Adjustment Decision to the Local Planning Appeal Tribunal (File PL210019).

This Motion will give the City Solicitor, along with other appropriate City Staff, authority to attend the Local Planning Appeal Tribunal in order to oppose the variance requested in the Application.

### **Background Information (City Council)**

Member Motion MM30.23

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 0 Skeens Lane

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-164683.pdf>)

(September 29, 2020) Report from the Director, Community Planning, Etobicoke York District on 0 Skeens Lane

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-164684.pdf>)

Local Planning Appeal Tribunal Decision and Order on 3418 Lake Shore Boulevard and 0 Skeens Lane dated January 8, 2019

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-164686.pdf>)