

2189 Lakeshore Boulevard West – Zoning By-law and Official Plan Amendment Applications – Request for Directions

Date: July 8, 2022

To: City Council

From: City Solicitor

Wards: Ward 3 – Etobicoke Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The applicant appealed its Zoning By-law amendment application and Official Plan amendment application to the Ontario Land Tribunal (the "Tribunal") on April 7, 2022.

The Tribunal has scheduled the first case management conference in this matter on July 19, 2022. The Tribunal's rules expect parties to the appeal to be prepared with issues in respect of the appeal by the first case management conference.

The Notice of Appeal filed by the applicant indicates the applicant is agreeable to mediation of the appeals.

Further direction from City Council is required on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the Report (July 8, 2022) from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 to the Report (July 8, 2022) from the City Solicitor in the event City Council adopts Recommendation 1.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report (July 8, 2022) 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

Adopting this Report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Preliminary Report from the Director, Community Planning, Etobicoke District, dated March 28, 2022 was considered by Etobicoke-York Community Council on April 19, 2022. Community Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EY31.2>

COMMENTS

A Preliminary Report from the Director, Community Planning, Scarborough District, dated March 28, 2022 set out staff's concerns with the development proposal. Those concerns included:

- Consistency with the Provincial Policy Statement and conformity with the Growth Plan for the Greater Golden Horseshoe;
- Appropriateness of the proposed Official Plan amendment;
- Appropriateness of the proposed transition, separation distances, setbacks, step-backs, as well as the relationship to adjacent properties;
- Appropriateness of the proposed building heights, massing, siting, scale and floor plate size;
- Appropriateness of the location and quantity of indoor and outdoor amenity space;
- Appropriateness of the proposed driveway location, access, site circulation, vehicular and bicycle parking, loading and garbage spaces;

- Appropriateness of the increase in density and the impact to existing services in the area, including infrastructure, public transit, roads and community facilities and services;
- Appropriateness of the transition to neighbouring lands including parks;
- Tree removal/injury, planting and soil volume information required;
- Proposed mix of units and their sizes to ensure housing is provided for a broad range of households, including families with children;
- Shadow and wind impacts and appropriate mitigation measures; and
- Toronto Green Standard compliance.

A final recommendation from the Chief Planner has not yet been made in respect of the proposal discussed in the Preliminary Report.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 – Confidential Report and Instructions from the City Solicitor