



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

685 Lake Shore Boulevard East – Ontario Land Tribunal Hearing – Request for Directions

Date: October 31, 2024

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto-Danforth

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On September 2, 2022, the City received a Zoning By-law Amendment application for 685 Lake Shore Boulevard East (the "Site") to permit the construction of two 35-storey residential towers connected by a 4-storey commercial base building. A resubmission of the application was received on June 22, 2023, revising the height of the residential towers to 38 and 43-storeys respectively.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on July 10, 2023.

On September 27, 2024, the City received a revised application, proposing two towers with heights of 59 and 56 storeys.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for February 10, 2025.

This matter is urgent as staff require instructions to meet procedural deadlines in advance of the hearing, including witness statements which are due on December 6, 2024. Accordingly, this matter should not be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1 and Confidential Appendices "A", "B", "C" and "D" to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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

On September 2, 2022, the City received a Zoning By-law Amendment application to permit a mixed-use development in the Port Land's McCleary District. This application proposed two 35-storey residential towers connected by a 4-storey commercial base building. A resubmission of the application was received on June 22, 2023, proposing two residential towers of 38 and 43-storeys, above a four-storey mixed-use podium, containing approximately 74,054 square metres of gross floor area inclusive of 58,459 square metres of residential gross floor area, 15,595 square metres of non-residential space and 899 residential units, resulting in a gross FSI of 7.48x and two levels of underground parking. The plans also reflected a future conveyance of lands for the extension of Broadview Avenue, and included a private street along the south edge of the site.

On July 1, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on November 17, 2023, and a subsequent Case Management Conference on February 1st, 2024. A hearing is scheduled to commence on February 10, 2025.

A Request for Direction Report on the application was adopted by City Council on December 13, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue

discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE9.27>

On September 27, 2024, the City received a resubmission of the application including revised plans (the "September Proposal"). The revised plans submitted with the September Proposal include a number of modifications, including reflecting a future public street along the south edge of the site, a midblock connection, 40 metre tower separation distances and revised heights providing for 59 and 54 storey towers. The September Proposal also provides for 4,250 square metres of Production, Interactive and Creative ("PIC") and retail/services uses on the ground and second floors and proposed to satisfy the 4 percent Community Benefit Charge through an in-kind contribution of affordable housing.

The September Proposal included an application for an Official Plan Amendment.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

McCleary District Precinct Plan

The Port Lands Area Specific Policy, a component of the Central Waterfront Secondary Plan (the "PLASP") states that precinct plans will be developed prior to or concurrent with applications to rezone lands.

A report from the Executive Director, Development and Interim Chief Planner and Executive Director, City Planning in item PH16.8, which proceeded to Planning and Housing Committee on Wednesday, October 30 (the "Precinct Plan Report"). An update regarding the status of the McCleary Precinct Plan is provided through that report.

CONTACT

Sarah O'Connor, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5378; Fax: (416) 397-5624; Email: sarah.oconnor@toronto.ca

Lauren Pinder, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-0797; Fax: (416) 397-5624; Email: lauren.pinder@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information
5. Confidential Appendix "D" - Confidential Information