

## City Council

### Motion without Notice

MM22.27	ACTION			Ward: 3
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### **1306 The Queensway - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Amber Morley, seconded by Councillor Gord Perks**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### **Recommendations**

Councillor Amber Morley, seconded by Councillor Gord Perks, recommends that:

1. City Council direct the City Solicitor to appeal the Minor Variance Application and attend the Toronto Local Appeal Body, with appropriate City staff, to oppose the variances requested in Application No. A0266/24EYK respecting 1306 The Queensway.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal of the decision respecting 1306 The Queensway and to resolve the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

### **Summary**

In July 2024, the applicant applied to the Committee of Adjustment (the "Committee") requesting variances from site-specific By-law 199-2022 for the property located at 1306 The Queensway (Application Number A0266/24EYK) (the "Minor Variance Application"). The Minor Variance Application seeks to vary the permissions for height, gross floor area, and loading.

For context, By-law 199-2022 was enacted by City Council in March 2022. This by-law permits a mixed-use development consisting of 1,018 square metres of retail space at grade and 840 residential dwelling units. The development contemplated a 10-storey mid-rise building, and two towers of 24- and 25-storeys, connected by an 8-storey base building, with total gross floor area of 67,458 square metres (Floor Space Index of 5.72 times the area of the lands). The proposed development complied with angular plane requirements, and was designed to achieve an appropriate fit and transition with the surrounding context.

The Minor Variance Application seeks an overall increase of 12-storeys and a gross floor area increase of 7,333 square metres, which penetrates angular plane requirements and casts additional shadows on the Neighbourhoods. In a report from the Director of Community Planning, Etobicoke York District dated August 19, 2024, Community Planning Staff recommended refusal of the Minor Variance Application on the basis that it does not meet any

of the four tests for a minor variance under Section 45(1) of the Planning Act. The Staff Report is attached as Attachment 1.

On August 29, 2024, the Etobicoke York District of the Committee approved the Minor Variance Application. The Committee's Decision is attached as Attachment 2. In order to preserve the City's appeal rights, the City Solicitor filed an appeal of the Committee's Decision on September 18, 2024 with the Toronto Local Appeal Body. This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate City staff, to oppose the Appeal. This Motion will also authorize the City Solicitor to resolve the matter on behalf of the City in her discretion after consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

This Motion is urgent given that the appeal has already been filed and the Toronto Local Appeal Body will schedule next steps in the hearing process imminently.

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

Member Motion MM22.27

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249329.pdf>)

Attachment 1 - Planning Staff Report dated August 19, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249327.pdf>)

Attachment 2 - Notice of Decision of the Committee of Adjustment (Application A0266/24EYK)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249328.pdf>)