



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**2131 Yonge St and 32 Hillside Avenue East
Appeals of Official Plan Amendment and Zoning
Amendment Applications**

Date:	August 19, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 22 – St. Paul's
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City
Reference Number:	13 105888 STE 22 OZ

SUMMARY

This report addresses an Official Plan amendment and zoning by-law appeals that are now before the Ontario Municipal Board with respect to this development proposal. The Municipal Board conducted a mediation in relation to this matter and the City has committed to seek Council's instructions in that regard at the Council meeting commencing on August 25, 2014.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations in Attachment 1.
2. Council's instructions to staff in respect of the Ontario Municipal Board hearing be authorized for public release at the conclusion of the Council meeting with the balance of Attachment 1 to remain confidential.

Financial Impact

The recommendations of this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

Following the adoption by Toronto and East York Community Council of the recommendations of the Directions Report of the Director, Community Planning, dated October 31, 2013, City staff and other parties opposed to the development application prepared for the hearing. Prior to the exchange of witness statements, the applicant enquired if the opposing parties would consider mediation. As a result, the City, other parties opposed to the application and the applicant engaged in mediation at the Board's offices on June 18, 19 and 20, 2014.

(The recommendation of Toronto and East York Community Council and the Directions Report of the Director, Community Planning, dated October 31, 2013 are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.10>)

ISSUE BACKGROUND

The development proposal under appeal involves the demolition of the Art Shoppe and the construction of a mixed use building with a 38-storey (104 metre) north tower and a 29-storey (98.7 metre) south tower, linked by a 6-storey podium with retail uses on the first two floors. The total number of proposed units is 693, with a floor space index of 9 times lot area.

COMMENTS

Three parties are opposed to the proposal. These include: (1) the City of Toronto; (2) South Eglinton Residents' and Ratepayers' Association ("SERRA") whose members include those who live in single family residences east of the development site; and (3) Quantum Owners and Residents' Association (QuORA) a residents' association whose members reside in residential condominiums to the north of the development site.

Concerns of these parties with the proposal included the height of the two proposed towers as they relate to the desire for transition in intensity and scale, given the site's location just outside of the Urban Growth Centre and abutting a Neighbourhoods designation to the east. In addition, there were concerns over tower height placement in relation to the QuORA condominiums to the north and in relation to the resulting shadow impacts on the neighbourhood to the east.

All parties to the hearing participated in the mediation in an attempt to address their concerns.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENT

Attachment 1 - Confidential Information