



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**2221 Yonge St - Appeal of Zoning Amendment
Application**

Date:	December 9, 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:	12 296517 STE 22 OZ

SUMMARY

This report addresses a zoning by-law appeal that is 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 December 11, 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

On May 14, 2013 the Toronto and East York Community Council adopted the recommendations of the Preliminary Report of the Director, Community Planning, Toronto and East York District. As a result, TE24.39 directed staff to schedule a community consultation meeting and, subsequently, to give notice of the public meeting under the *Planning Act*. A community consultation meeting was conducted on June 5, 2013. Considerations at the community consultation meeting included the implications of development of this site within the context of the potential build-out of a number of adjacent sites in the southeast quadrant of Yonge Street and Eglinton Avenue.

On October 28, 2013 the applicant filed an appeal with respect to Council's neglect or failure to determine the application within the time line required in the *Planning Act*. At the pre-hearing called in relation to the appeal, the affected parties agreed that mediation might be of assistance. That mediation was conducted by the Municipal Board on September 25 and 26 and on November 6, 2014.

(The recommendation of Toronto and East York Community Council and the Preliminary Report of the Director, Community Planning, dated April 22, 2013 are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.Te24.39>)

ISSUE BACKGROUND

This application proposes to redevelop the subject site at 2221 Yonge Street. The site is currently occupied by a 6-storey office building which is proposed to be demolished to allow construction of a 56-storey residential condominium building with commercial uses at grade (the "Proposal"). A total of 560 residential units are proposed with an 8-level underground garage containing 306 parking spaces. All vehicular access for cars and loading is proposed to occur from the existing public lane to the east at the rear of the site. The total gross mixed use floor area is 40,387 square metres which is approximately 20.4 times the lot area.

COMMENTS

There are seven parties involved in the appeal. These parties, with the exception of (1) the City of Toronto, are listed in sequence, along with a brief description of each, travelling southward from the southeast corner of Yonge and Eglinton:

- (2) One Eglinton Avenue East Inc., an eight storey office building at the southeast corner of the intersection, which building includes the Royal Bank at grade;
- (3) Jencel Properties Inc., a two storey premise which includes a Tim Horton's at grade;
- (4) 233256 Ontario Inc., a five storey office building immediately north of the Proposal, which houses the offices of the Society of Energy Professionals;

- (5) 2221 Yonge Street Holdings Inc., the applicant, using the marketing name "Towerhill" for the Proposal;
- (6) TSCC 1965, the condominium corporation based in the Quantum north tower. (Note: this premise was referred to before formation of its condominiums as the "Minto" development); and
- (7) Quantum Owners and Residents' Association (QuORA) a residents' association whose members reside in the two Quantum residential condominiums.

Among the primary concerns of the two parties based in the Quantum residential condominiums to the south of the Proposal was the density arising from the proposed height, including traffic impacts given the shared use of Cowbell Lane by the various developments proposed in this southeast quadrant and a concern to ensure appropriate articulation and building materials on the exterior surface. In addition, there was particular concern to ensure adequate facing/separation distance between the Proposal and the north facing units of the north condominium tower.

The Society of Energy Professionals (to the immediate north of the Proposal) shared the City's concern that there should be adequate spatial separation between the Proposal and potential development north of the Proposal. If a tall building on the Proposal site precluded potential further development of the Society site, discussions of that circumstance should form part of the mediation.

The two parties who owned lands to the north of the Society wanted to ensure that decisions made in relation to the Proposal, the site owned by the Society and proximity to the Quantum site did not constrain potential redevelopment of one or both of those northern sites.

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

ATTACHMENTS

Attachment 1 - Confidential Information