



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**99 Atlantic Avenue and 38-40 Hanna Avenue and 2-24A
Liberty Street and 1 Snooker Street - Official Plan
Amendment, Zoning Amendment, and Site Plan
Applications - Request for Direction Report**

Date:	June 8, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 19
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The owner of the property at 99 Atlantic Avenue, 38-40 Hanna Avenue, 2-24A Liberty Street and 1 Snooker Street has appealed its applications to amend the Official Plan, and the former City of Toronto Zoning By-law 438-86, and Site Plan Control application to the Ontario Municipal Board (OMB) due to Council's failure to grant the requested approval and to enact the requested amendments within the time prescribed by the *Planning Act*. A pre-hearing was held on May 15, 2015 and a full hearing has been scheduled to commence on October 26, 2015. The purpose of this report is to seek City Council's direction with respect to the position of the City in on-going discussions with the applicant for this development.

The proposal before the OMB is for a new 8-storey office building on Atlantic Avenue with retail and service commercial uses at grade. The existing 5-storey office building on Hanna Avenue is proposed to be renovated for office uses with retail and service commercial uses at the lower levels. The existing boiler house on Liberty Street is

proposed to be renovated for restaurant use. A new 2-storey retail building is proposed at the corner of Hanna Avenue and Liberty Street. Included in the proposal are 212 below grade parking spaces.

City Council, by its adoption of Item PG1.4 at its meeting on February 10, 2015, authorized the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board in support of a proposed settlement on the terms laid out therein. City Council further authorized the City Solicitor, the Chief Planner and Executive Director, City Planning together with appropriate staff to continue discussions with the applicant respecting a final version of the proposed Official Plan Amendment and Zoning By-law Amendment. This decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG1.4>

The purpose of this report is to seek City Council's direction with respect to the position of the City in on-going discussions with the applicant for this development.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of the recommendations in Attachment 1, if adopted, at the discretion of the City Solicitor with all other information contained in Attachments 1 and 2 to remain confidential.

Financial Impact

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

COMMENTS

The applicant has appealed its Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A hearing has been scheduled to commence October 26, 2015 although attempts to settle this matter are on-going. This report requests direction from City Council for the OMB hearing and on-going discussions.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information