



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

20 Lesmill Road – Appeal of OPA 231 – OMB Hearing

Date:	May 26, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 34 – Don Valley East
Reason for Confidential Information:	This report is about litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The owner of the property known as 20 Lesmill Road has appealed Official Plan Amendment 231 (OPA 231) to the Ontario Municipal Board (OMB). A hearing event is scheduled to commence on June 20, 2016. The City Solicitor requires directions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1;
2. City Council authorize the public release of the recommendations in Attachment 1 if adopted with the remainder of Attachment 1 to remain confidential at the discretion of the City Solicitor; and
3. City Council authorize the public release of Attachment 2 if the recommendations in Attachment 1 are adopted.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of December 16, 17 and 18, 2013, City Council considered a report from the Chief Planner and adopted OPA 231. OPA 231, as adopted, contemplates Site and Area Specific Policy (SASP) No. 394 that would apply to the site. The decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. On July 9, 2014, the Minister of Municipal Affairs and Housing issued a decision approving most of OPA 231. The Minister's decision was appealed by several parties to the OMB and proceedings in that matter are underway. There is a further hearing event scheduled for June 20, 2016. The Minister's decision can be accessed at this link:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/Oministers%20decision%20on%20opa%20231.pdf>

Lesmill North Investments Inc. ("LNI") appealed OPA 231 regarding its lands at 20 Lesmill Road due to concerns with SASP No. 394.

ISSUE BACKGROUND

The subject lands are 7,440 square metres in area and are developed with a single storey building that the City currently leases for one of its Employment and Social Services centres. Abutting the subject lands is a larger site that LNI also owns at 840-842 York Mills Road and 16 Lesmill Road. LNI has submitted an application for site plan approval on these abutting lands in order to construct a major retail development as permitted by the in-force Official Plan and OPA 231.

SASP 394 approved by Council as part of OPA 231 and under appeal at the OMB applies to large portions of this *Employment Area* and two other *Employment Areas* located on the Don Valley Parkway corridor. SASP 394 does not permit major retail developments on these lands. As well, the SASP only permits the following uses when they are located within multi-storey buildings that also contain offices or other *Core Employment Area* uses: restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services. The goal of the SASP is to allow the business parks to be developed with amenities to serve offices and office workers while ensuring that employment uses such as offices remain the primary uses.

COMMENTS

The City Solicitor requires further direction.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment No. 1: Confidential Information

Attachment No. 2: Confidential Information