



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

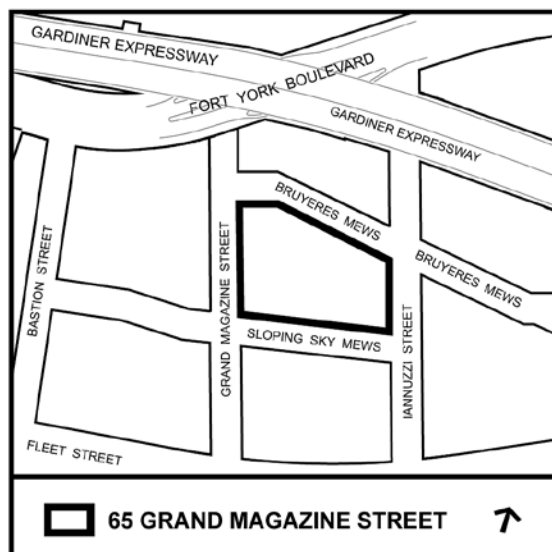
**65 Grand Magazine Street – OMB Hearing – Request for Direction Report**

<b>Date:</b>	November 4, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Reason for Confidential Information:</b>	This report contains advice/communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	14 264174 STE 19 OZ (Official Plan and Zoning By-law Amendment)

**SUMMARY**

Development applications submitted by ONNI Group in December, 2014 propose a 32-storey (10.6.5 metre) residential building containing 511 dwelling units at 65 Grand Magazine Street. The applications to amend the Official Plan and Zoning By-law No. 438-86, as amended, as well as site specific Zoning By-law No. 897-2007(OMB) were appealed by the owner to the Ontario Municipal Board (OMB) in July 2015. At its meeting February 3 & 4, 2016 and by adoption of the Report of the Director, Community Planning, Toronto and East York District (December 11, 2015) (Item TE 13.10), City Council directed the City Solicitor and staff to attend at the OMB to oppose the applications. Council also authorized continued efforts toward resolution of issues, including Section 37 matters.

The OMB hearing is scheduled to commence on November 22, 2016 for 3 days. The purpose of this report is to seek instruction for the hearing.



City Planning has been involved in the preparation of this Report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council consider Confidential Attachment 1 and adopt such Recommendations set out therein.
2. Only the Recommendations in Confidential Attachment 1 to this report that are adopted by Council be made public and the information contained in Appendix "A" (with attachments) and Appendix "B" of Confidential Attachment 1 be made public only if Council adopts Recommendation 1 of Confidential Attachment 1.
3. Except as provided in Recommendation 2 above, all other information contained in Confidential Attachment 1 is to remain confidential.

### **Financial Impact**

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

### **DECISION HISTORY**

City Council adopted a Request for Direction Report at its meeting of February 3 and 4, 2016 (Item TE13.10). The Request For Direction Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.10>

### **COMMENTS**

The Fort York Secondary Plan, formerly the Bathurst/Strachan Part II Plan adopted by Council in 1995, established the framework for the redevelopment of the Fort York Neighbourhood. The subject property municipally known as 65 Grand Magazine Street comprises Block 4A in the Fort York Secondary Plan. The Fort York Public Realm Plan (2004) endorsed by Council, set out principles for liveable and pedestrian-friendly public spaces in an emerging Toronto neighbourhood and is also part of the planning framework. Block 4A is the last block to be developed within the Secondary Plan area.

The site is located south of the Fort York National Heritage Site and is in the Fort York Heritage Conservation District. The Fort York Heritage Conservation District Study and Plan includes direction for the protection of heritage attributes, view corridors, landforms and archaeological features within the study boundaries and associated adjacent lands.

In 2007 City Council supported on an appeal, Ontario Municipal Board approval of amendments to By-law No. 438-86, as amended, relating to Blocks 2, 3, 4 and 4A in the Fort York Neighbourhood. Site Specific By-law No. 897-2007(OMB) was approved and established, among other matters, the currently permitted building height and density for the site. By-law No. 897-2007 required that a Section 37 Agreement and a Development Levy Agreement be entered into and registered on title to the lands pursuant to Section 37 of the *Planning Act*. These agreements secure a variety of matters, services and facilities previously approved by City Council, including levies to be collected by the City and the school boards relative to the maximum permitted gross floor area.

#### Development Applications:

By Official Plan and Zoning Amendment applications submitted in December, 2014 the current owner sought permission for a 32 storey (106.5 metre) residential building, including a 4-6 storey podium, with 511 residential units in 31,270 square metres of residential floor space, and a total of 1,024 square metres of indoor and 1,024 square metres of outdoor amenity space. A total of 513 bike parking spaces and 420 vehicle parking spaces (61 visitor), were proposed in 4 underground parking levels. Type-C and Type-G loading spaces were proposed. Access was proposed from Bruyeres Mews.

At the community consultation meeting in June, 2015 the concerns raised included particular concern with respect the height of the building being proposed.

In July 2015, the owner appealed the development applications to the Ontario Municipal Board for failure of Council to make a decision within the prescribed times. The hearing is scheduled to commence on November 22, 2016 for 3 days. Further to the direction of Council at its meeting of February 3 & 4, 2016 (Item TE13.10), there have been ongoing discussions with the owner in an effort to resolve outstanding issues. City Council instruction is required for the purpose of attendance at the Ontario Municipal Board.

City Planning has been involved in preparation of this Report.

## **CONTACT**

Leslie Forder  
Solicitor, Planning and Administrative Tribunal Law  
Tel. No. 416-392-1078, Fax. No. 416-397-5624, E-mail: [leslie.forder@toronto.ca](mailto:leslie.forder@toronto.ca)

## **SIGNATURE**

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Brian Haley, Interim City Solicitor

## **ATTACHMENTS**

Attachment 1 – Confidential Information