



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**Zoning and OPA 253 Appeals by Riocan regarding 660
Eglinton Avenue East – OMB Hearing – Request for
Directions**

Date:	November 9, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 26 Don Valley West
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

Riocan Holdings (Sunnybrook) Inc. (“RioCan”) has appealed to the Ontario Municipal Board (the OMB) its site specific application to amend the former Town of Leaside Zoning By-law No. 1916 to permit a mixed-use residential and commercial development at 660 Eglinton Avenue East. The existing commercial plaza would be demolished. The applicant is proposing two residential apartment buildings with a total height of 19-storeys (60.3 m plus 5 m for mechanical penthouse) and 12-storeys (40.6 m plus 5 m for mechanical penthouse). The total gross floor area for this project is 33,767 m² resulting in a floor space index of 3.57.

An OMB pre-hearing conference is scheduled for November 14, 2016 with a full hearing scheduled for 3 weeks beginning November 21, 2016. As this site is located within the Bayview Focus Area as identified in OPA No. 253, the applicant has requested that this appeal be consolidated with their appeal of OPA No. 253.

The City Solicitor requires directions for the November 14, 2016 OMB prehearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. Council authorize the public release of the recommendations contained in Confidential Attachment 1, if adopted, with the remainder of Attachment 1 to remain confidential at the discretion of the City Solicitor.

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

The Phase 1 (Part 1) Implementation Report for the Eglinton Connects Planning Study was considered by City Council at its meeting of July 8-9, 2014 and Council adopted an Official Plan Amendment (OPA 253) that included changes to land use designations and various Site and Area Specific Policies regarding future development at three Focus Areas, one of which includes the RioCan property at 660 Eglinton Avenue East. The decision of City Council can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>

At its meeting held on July 12, 2016, City Council directed the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose RioCan's site specific Zoning By-law Amendment application for the RioCan property at 660 Eglinton Avenue East in its current form but to also continue discussions with RioCan in an attempt to resolve the issues outlined in the report from the Director, Community Planning, North York District dated May 27, 2016. The decision of City Council can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93735.pdf>

COMMENTS

The City Solicitor requires directions for the November 14, 2016 OMB prehearing, pertaining to the three week hearing set for November 21 to December 9, 2016. This report is about litigation before the Ontario Municipal Board and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report and its associated attachments all contain confidential information.

CONTACT

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SIGNATURE

Brian Haley, Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information