

**1087, 1091 and 1095 Leslie Street – Zoning By-law
Amendment and Plan of Subdivision – OMB Hearing –
Request for Direction**

Date: March 21, 2017
To: City Council
From: City Solicitor
Wards: Ward 25 - Don Valley West 19

REASON FOR CONFIDENTIAL INFORMATION

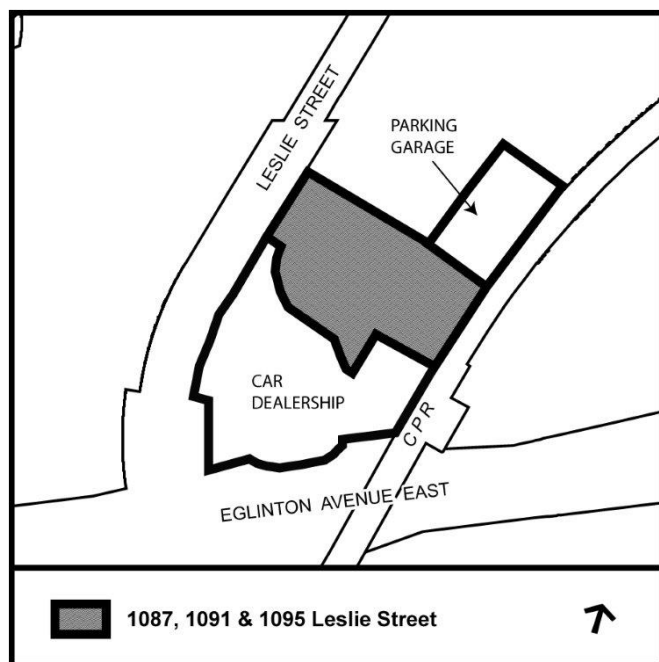
This report is about proceedings at the Ontario Municipal Board (PL160173) and the owner's appeal of its zoning by-law amendment and plan of subdivision applications. It contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

Applications for rezoning and subdivision were submitted by the owner in January 2015 (15 108593 NNY 25 OZ and 15 108578 NNY 25 SB). The applications relate to a site approximately 2.17 hectares in size on the east side of Leslie Street north of Eglinton Avenue West. The site comprises part of the former Inn on the Park hotel lands.

Following initial public consultation the owner submitted a revised application. It contemplated four residential buildings with heights of 28, 29, 34 and 39 stories, 1240 residential units, 375 square metres of non-residential gross floor area, as well as a system of public and private

Figure 1 - Map of 1087, 1091 & 1095 Leslie Street



roads and a public park. In late February 2016, the owner appealed both the zoning and subdivision applications to the Ontario Municipal Board (the "Board") for the failure of the City to make a decision in the prescribed time. At its meeting July 12, 13 and 14, 2016 Council adopted Item NY15.48 and gave direction for staff to attend at the Board to oppose the applications. Council also directed staff to continue discussions in an effort to resolve the issues outlined in the report dated June 6, 2016 from the Director, Community Planning North York District.

Two prehearing conferences have been held and a third is scheduled for April 11, 2017. The Board hearing is scheduled to commence June 19, 2017 for 8 days. At the request of the appellant, Board assisted mediation has taken place with all Parties participating.

Council instruction is required for the purpose of the Board proceedings. City Planning has been involved in the preparation of this Report and Confidential Attachment.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1.
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" 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.

DECISION HISTORY

City Council adopted a Request for Direction Report relating to 1087, 1091 and 1095 Leslie Street at its meeting of July 12, 13 & 14, 2016 (Item NY15.48). Item available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY15.48>

COMMENTS

The applicant proposes to rezone and subdivide approximately 2.17 hectares of land located on the east side of Leslie Street north of Eglinton Avenue West. The site is part of the former Inn on the Park hotel site. To the north of the site and also part of the former Inn on the Park hotel lands, are three condominium buildings approved in the

mid to late 1990's (the "Carrington") on a private road system which currently share certain reciprocal access easement rights with the subject site. In 2009, Council approved an amendment to the former City of North York Zoning By-law (Exception 57, By-law 931-2009) relating to the remainder of the former Inn on the Park site to convert the 23 storey hotel tower into a 128-unit retirement residence and to facilitate a two phased redevelopment which would include the proposed residential uses along with other commercial uses as well as a car dealership at the south end of the site. The car dealership (Lexus/Toyota) was developed in the first phase and the lands were severed. The remaining lands, central to the original Inn on the Park hotel site, are the subject of the current applications and include a modified vision of the residential/commercial phase contemplated in By-law 931-2009.

The original proposal submitted in January 2015 included the development of four residential buildings with heights of 28, 29, 34 and 39 stories to accommodate 1,400 residential units. Approximately 943 square metres of non-residential gross floor area and a system of public and private roads were included. In an effort to address issues raised during initial public consultation and review with City Planning, in February, 2016, the owner submitted a revised application which retained the building heights but modified the proposal to include 1240 residential units, approximately 112,000 square metres of residential gross floor area, 375 square metres of non-residential gross floor area and incorporated a public park. The proposed floor space index was reduced from 5.52 to 5.15 times the lot area. An existing parking structure north of the site and used by the car dealership to the south was not included in the application. The owner appealed both the zoning and subdivision applications to the Ontario Municipal Board (the "Board") for the failure of the City to make a decision in the prescribed time.

In a Request for Direction Report (June 6, 2016) from the Director, Community Planning, North York District considered by Council at its meeting in July 2016, (NY15.48), it was recommended that staff attend the Board to oppose the current application. In the Report staff acknowledged the modified vision for the central residential area of the site particularly given the proximity to the Eglinton Crosstown Light Rail Transit line currently under construction. However, staff also identified issues and considered revision to be necessary, particularly in respect of site organization and connectivity, building heights, built form and massing in order to more clearly meet the policies of the Official Plan and implementing guidelines. Council direction to staff included having continued discussions with the appellant in an effort to reach resolution.

Two prehearing conferences have been held at the Board. The Parties include the owner, IOTP Development Inc., the City of Toronto and Toronto Standard Condominium Corporations Numbers 2562, 1638 and 1813 (the Carrington located north of the site). Five Participants have been identified, including Don Mills Residents Incorporated. The hearing is scheduled to commence June 19, 2017 with 8 days having been set aside.

At the time of the first prehearing conference counsel for the owner advised the Board that his client would be requesting Board assisted mediation. All Parties have participated in numerous mediation sessions. A further prehearing is scheduled for April 11, 2017. Council instruction is required for the purpose of the Board proceedings.

CONTACT

Leslie Forder, Solicitor, Planning and Administrative Tribunal Law,
Tel: (416)-392-1078, Fax: (416) 397-5624, email: leslie.forder@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential instruction to staff