



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 4000 Eglinton Avenue West - Request for directions regarding Ontario Municipal Board Appeal

**Date:** January 22, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 4

#### REASON FOR CONFIDENTIAL INFORMATION

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

#### SUMMARY

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The purpose of this report is to seek instruction for an OMB Appeal on the above-noted matter. The hearing has not yet been scheduled.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and Appendices A and B be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential (Appendix "B" on file with the City Clerk for the purpose of the January 31, 2018 and February 1 and 2, 2018 Council Meeting).

## FINANCIAL IMPACT

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

## DECISION HISTORY

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The owner of the property at 4000 Eglinton Avenue West (the "Site") has appealed its zoning by-law amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. No hearing has been scheduled yet. A pre-hearing conference was held in May 2017 and a two day mediation with the parties and several participants to the matter took place at the OMB on December 17 & 18, 2017.

The zoning by-law amendment application sought permission for five towers ranging in height from 18 – 33 storeys and containing 1900 units. On March 9, 2017, City Council adopted a Request for Directions Report from City Planning which recommended that the application be opposed at the OMB as it would constitute significant overdevelopment of the Site and negatively impact the character of this Official Plan designated Apartment Neighbourhood. Concerns over shadow, podium heights and overall building heights, massing and site layout were expressed in the report. Immediately east of the Site is the rear yard of the St. Demetrius Catholic School with a surface parking lot and a school yard. Staff expressed some concern about shadowing impacts on the school and school yard. The report also indicated that a proposal of this size should include an on-site parkland dedication and that the private driveway servicing the Site should become a public road.

For a more detailed Decision History, see the February 3, 2017 Request for Directions report from the Director, Community Planning, Etobicoke District, at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-101124.pdf>

On February 27, 2017, the applicant made a formal re-submission. The revised proposal featured one less tower and provided for an on-site park. The proposal included 4 towers (down from 5) with two buildings at 20-storeys and two buildings at 30-storeys, podium heights ranging between 8 to 10 storeys, 1500 residential units and a Floor Space Index of 5.68 times the area of the lot. A total gross floor area of 110, 200 square metres was proposed of which 2040 square metres would be for retail/commercial uses.

Although staff was of the view that the re-submission was an improvement on the original proposal, they were still of the view that the proposal was too high and dense, that it would cast an unacceptable amount of shadow on itself and the proposed park and that the lack of provision of a public road was unsatisfactory.

## **ISSUE BACKGROUND**

Further information has been received which has resulted in the need for direction from City Council.

## **COMMENTS**

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This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1

Appendix "A" - Confidential Information

Appendix "B" - Confidential Information on file with the City Clerk for the purpose of the January 31, 2018 and February 1 and 2, 2018 Council Meeting.