



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1880 - 1890 Eglinton Avenue East and 1523 - 1545 Victoria Park Avenue - Official Plan Amendment - Request for Directions - Supplementary Report

Date: July 27, 2020

To: City Council

From: City Solicitor

Wards: Ward 21 - Scarborough Centre

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On December 22, 2016, the applicant submitted an Official Plan Amendment to amend the Toronto Official Plan to add a Site and Area Specific Policy (SASP) for the lands known as the Choice lands (1880-1890 Eglinton Avenue East and 1523-1545 Victoria Park Avenue) to permit a mixed use development.

The proposed SASP intended to provide for a mixed-use community that would include a range of building heights from one-storey to 39-storeys, 2,614 residential units (242,799 square metres of residential uses) and 30,629 square metres of non-residential uses, with a proposed gross Floor Space Index ("FSI") of 3.5 times the area of the site, for a total gross floor area of 273,428 square metres. The subject lands are located within the Golden Mile Secondary Plan study area.

The proposed SASP intended to provide for a mixed-use community to develop over time on the lands. The proposed mixed-use development would include multiple tall buildings with a range of building heights and stacked townhouses with a total of 1,630 residential units and 26,004 square metres of new retail uses proposed to be developed in five (5) blocks.

On March 5, 2018, the applicant appealed their proposed official plan amendment to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision within the statutory timeframe.

On November 8, 2019, the City received a letter from the applicant's solicitor, being a "with prejudice" settlement offer and formal revision to the application ("Resubmission Letter"). The Resubmission Letter advised that the applicant has amended its application, including an increase in proposed density to 4.28 times the area of the lands, comprising of approximately 3,291 residential units (303,215 square metres of residential uses) and 31,173 square metres of non-residential uses, for a proposed total gross floor area of 334,928 square metres. The Resubmission Letter also provided an updated OPA by-law, which provides for upwards of 340,000 square metres of gross floor area, which is a significant increase of approximately 61,500 to 66,572 square metres of gross floor area. The Resubmission Letter was not accompanied by any supporting reports or update letters from the original application.

On January 8, 2020, Scarborough Community Council directed that the City Solicitor, the Chief Planner and Executive Director, City Planning and appropriate City staff attend a meeting to discuss a possible resolution of the matter in advance of the January 29, 2020 City Council meeting. The matter was deferred at January 29, 2020 City Council meeting and due to COVID-19 is anticipated to be brought onto the agenda for the July 28 and 29, 2020 City Council meeting.

The purpose of this report is to request further instructions regarding a matter appealed to the LPAT.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (July 27, 2020) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, Confidential Appendix "A", Confidential Appendix "B", and Confidential Appendix "C", including any part thereof, to the report (July 27, 2020) from the City Solicitor at the sole discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (July 27, 2020) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

Eglinton Connects

In May 2014, City Council directed City Planning staff to undertake further study of the six focus areas that were identified in the Eglinton Connects Planning Study. The Golden Mile was one of the focus areas along the 19-kilometre Eglinton Crosstown Light Rail Transit (LRT) corridor. The focus areas were identified due to their capacity to accommodate future residential, mixed-use and employment growth. Further information regarding the Eglinton Connects Planning Study can be found at: <https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-68062.pdf>

Pre-application Consultation – Official Plan Amendment

On May 12, 2016 and October 19, 2016, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements. The applicant was advised that the Choice Properties REIT lands would form part of the area subject to the City's proposed Golden Mile Secondary Plan Study. Staff also identified a number of issues including the need for a comprehensive study of the entire Golden Mile area, the need for an analysis of transportation, servicing requirements, community services and facilities needs, parkland dedication and open space requirements, provision for complete and walkable communities, and the enhancement of employment and residential uses.

Official Plan Amendment Application (16 269853 ESC 37 OZ) - Preliminary Report

On December 22, 2016, the Official Plan Amendment application was submitted. The Official Plan Amendment proposes to add a SASP for the subject lands to permit a mixed-use development, new streets and parkland. On April 4, 2017, Scarborough Community Council adopted the Preliminary Report regarding the Official Plan Amendment application. The Preliminary Report and Scarborough Community Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.14>

Appeal to LPAT

On March 5, 2018, the applicant appealed their proposed official plan amendment to the LPAT due to Council's failure to make a decision within the statutory timeframe. On January 11, 2019, a pre-hearing conference was held by the LPAT and the City advised the LPAT that a Secondary Plan Study for the Golden Mile Focus Area includes the

properties, is underway and both parties acknowledged the value of allowing the Study to advance before dealing any further with the appeal of OPA application.

On July 10, 2019, a second pre-hearing conference was held at the LPAT with status updates on the Golden Mile Secondary Plan Study and the applications.

Official Plan Amendment - Request for Directions

On January 8, 2020, Scarborough Community Council adopted the item, without recommendations and directed the City Solicitor report to City Council on the outcome of discussions with the applicant. City Council subsequently deferred the matter until a subsequent City Council meeting. The decision of City Council may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC12.6>

Golden Mile Secondary Plan Study and Proposed Secondary Plan

In May 2016, City Planning staff initiated the Golden Mile Secondary Plan ("GMSP") Study to develop a vision and comprehensive planning framework for the Golden Mile area that would include Secondary Plan policies and guidelines/strategies that direct:

- Built form, public realm, community infrastructure, and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation/financial strategies.

In consultation with staff from other City divisions and agencies, City Planning staff worked with a team of land use planning, urban design, transportation, servicing, and community services and public engagement consultants led by SvN Architects + Planners Inc. ("SvN"). The GMSP Study concluded its three phase study approach, including several public consultation and discussions with landowners, key stakeholders and interested persons and a Secondary Plan and proposed policies were prepared for consideration at a Statutory Public Meeting Scheduled for July 17, 2020.

On July 17, 2020, Scarborough Community Council considered, as amended, Official Plan Amendment 499, including the Golden Mile Secondary Plan at the Statutory Public Meeting and deferred the matter to Scarborough Community Council in October of 2020. The decision of Scarborough Community Council, the proposed official plan amendment and reports from City Planning may be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC16.3>

COMMENTS

The City Solicitor requires further instructions. This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject

to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Confidential Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information

Confidential Appendix "C" - Confidential Information