



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

181-191 Eglinton Avenue East - Zoning By-law Amendment Application - Request for Directions Report

Date: December 1, 2023

To: City Council

From: City Solicitor

Wards: Ward 12 - Toronto-St. Paul's

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

The purpose of this report is to request further instructions for the Ontario Land Tribunal ("OLT") hearing into this matter currently scheduled to commence on February 12, 2024, for two weeks. The applicant appealed the proposed amendments to the Zoning By-Law to the OLT due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of the recommendations contained in the Confidential Attachment 1, with the balance of Confidential Attachment 1 to the report to remain confidential at the discretion of the City Solicitor, as it contains advice and information that is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On July 14, 2022, an application for a Zoning By-law amendment was made for the lands at 181-191 Eglinton Avenue East, located at the southwest corner of Eglinton Avenue East and Brownlow Avenue. The application originally proposed a 40-storey tower with an 8-storey podium and three-levels of underground parking. The proposal incorporated residential, retail, and office uses, and would have replaced the existing commercial/retail spaces. The building includes 479 units, 164 vehicular parking spaces, and 504 bicycle parking spaces. The subject lands are currently occupied by two three-storey office buildings with retail on the ground floor.

No report has yet been heard by City Council or a committee on this file.

On February 17, 2023, the Applicant appealed Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame of the *Planning Act*.

The OLT held a case management conference on July 10, 2023 at which the Applicant's development partner, 181 Eglinton Ave. East, was made a party to the proceedings.

In October 2023, the Applicant submitted to the Tribunal revised architectural plans for 181-191 Eglinton Avenue East prepared by Arcadis Architects (said plans dated June 22, 2023) (the "Revised Proposal"). The plans are attached to this report as Public Attachment 1.

The Applicant for this proposal comprises two entities, each representing one of the two addresses at 181 and 191 Eglinton Avenue East. Both entities have party status for the hearing of the appeal.

COMMENTS

The site is generally square-shaped and has an approximate area of 2,645.0 square metres, with a frontage of approximately 45.7 metres along Eglinton Avenue East, with an approximate depth of 57.9 metres.

A three-storey office building currently exists on the site.

The Revised Proposal requests a 40-storey (140.9 metres, including mechanical penthouse) mixed use building, with an eight-storey streetwall height. The total gross floor area is 35,465 square metres for a floor space index of 13.4 times the area of the lot.

A total of 479 dwelling units are proposed, including 5 Townhouse units (1 percent), 220 one-bedroom units (46 percent), 232 two-bedroom units (48 percent) and 22 three-bedroom units (5 percent). Approximately 573 square metres of commercial (retail) space are proposed at ground level and 3,467 square metres of office floor space at floors 2 to 3.

The primary pedestrian access is from Eglinton Avenue East while vehicular access and egress is to be from Brownlow Avenue. A total of 164 vehicular parking spaces are proposed in a 3-level underground parking garage. A total of 504 bicycle parking spaces are also proposed at both ground and mezzanine floor levels. 1 Type "G" and 2 Type "C" loading space are proposed to be enclosed.

A publicly-accessible, 2.1-metre, east-west mid-block pedestrian connection along the south property from Brownlow Avenue.

The following statistics summarize the changes reflected in the revised without prejudice architectural plans submitted on October 27, 2023, which continue to be improved by the applicant.

| Category | 181 Eglinton Ave E | 191 Eglinton Ave E |
|-------------------------------|--|--|
| Residential Gross Floor Area | 9,024 square metres | 37,782 square metres |
| Commercial Gross Floor Area | 248 square metres | 374 square metres |
| Officic Gross Floor Area | 0 | 320 square metres |
| Total Gross Floor Area | 9,272 square metres | 38,476 square metres |
| Land Area | 1,522.0 square metres | 1,123.0 square metres |
| Floor Space Index (FSI) | 6.09 | 34.26 |
| Mid-Block Connection | Along south lot line; 5 metres total width; 3 metres pedestrian ROW | |
| Consolidated Driveway | One curb cut along Brownlow; enclosed (or partially enclosed) | |
| Base Building Height | 8-storeys (30.97 metres from ground floor) (or podium HT of 161 Eglinton Ave. E) | 8-storeys (30.97 metres from ground floor) (or podium HT of 161 Eglinton Ave. E) |
| Overall Building Height | 16 storeys (57.2 metres to MPH) | 52 storeys (178.19 metres to MPH) |
| Tower Floor Plate | 548 square metres | 750 square metres |
| Unit Mix | 141 residential units | 578 residential units |
| Amenity Space | Indoor - 328 square metres Outdoor - 258 square metres | Indoor - 1678 square metres Outdoor - 553 square metres |
| Loading | 1 Type "G" | 1 Type "G" |

| Category | 181 Eglinton Ave E | 191 Eglinton Ave E |
|----------------------------------|--------------------|--------------------|
| Tower Setbacks - Property Lines | | |
| North – property line | 3.5 metres | 5.0 metres |
| South – property line | 29.8 metres | 1.5 metres |
| East – property line | 0.0 metres | 1.5 metres |
| West – property line | 0.0 metres | 0.0 metres |
| Base Building Setbacks | | |
| North – property line | 1.8 metres | 1.8 metres |
| South – property line | 8.6 metres | 0.0 metres |
| East – property line | 0.0 metres | 0.0 metres |
| West – centreline of public lane | 0.0 metres | 0.0 metres |

The City Solicitor requires further instructions on this matter prior to the upcoming OLT hearing date.

This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and should be considered by City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Architectural plans dated June 22, 2023
2. Confidential Attachment 1 - Confidential Information