



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1200 Eglinton Avenue East – Official Plan Amendment 231 – Request for Directions

Date: May 10, 2024

To: City Council

From: City Solicitor

Wards: Ward 16 - Don Valley East

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

City Council adopted Official Plan Amendment 231 ("OPA 231") on December 18, 2013 following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. OPA 231 designates the lands municipally known as 1200 Eglinton Avenue East (the "Site") as General Employment Areas.

On July 28, 2014, Amexon Property Management Corp., the owner of the Site appealed OPA 231, seeking a Mixed Use Areas designation (Appeal 56). The City Solicitor requires further directions for upcoming OLT hearings.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council, and at the discretion of the City Solicitor.

3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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

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

At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for Employment Areas following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. In July 2014, the Minister approved the majority of OPA 231 with some modifications. The City's decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

The OLT received a total of 178 appeals to OPA 231. The OLT has issued two Orders partially approving OPA 231. The December 2016 Order brought into force the Core Employment Areas and General Employment Areas designations, except for sites under appeal and regarding particular uses that remain contested. OLT Decisions can be accessed at this link: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

On May 8, 2020, the OLT issued an order approving OPA 231 Employment Land Conversion and Forecasting policies as modified by City Council on June 18, 2019.

The remaining city-wide policy matters before the OLT relate to retail matters and office replacement. Approximately 80 site and area specific appeals remain to be resolved. The OLT's webpage on the OPA 231 proceedings can be accessed at this link: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

At its meeting on July 19 - 20, 2023, Council adopted OPA 653, with amendments, as part of a phased MCR and Growth Plan Conformity Exercise. OPA 653 implements the approval of 36 conversion requests undertaken under Section 26 of the *Planning Act*, 23 of which were recommended by staff. The OPA also includes amendments to Employment Areas that have Chapter 7 Site and Area Specific Policies that include residential permissions in order to conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Policy 2.2.5.7 and Official Plan Amendment 591, which prohibit residential uses within lands designated as Employment Areas. The City's decision can be accessed at this link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.3>

COMMENTS

The Site is approximately 0.84 hectares in size, and designated General Employment Areas in the Official Plan. While the Site is currently vacant, it was previously occupied by an office building. The Site is part of the Don Mills Office Focused Area of Employment. As part of the City's most recent Municipal Comprehensive Review (MCR), there were six conversion requests in this section of the employment area, bounded by Don Mills Road to the west, Greenbelt Drive to the north, the Don Valley Parkway to the east and Eglinton Avenue East to the south. Included in these conversion requests, were the adjacent properties at 15 Gervais Drive and 39 Wynford Drive, and 825 Don Mills Road west of the Site.

North of the Site is a 5-storey office building at 39 Wynford Drive which was subject to a conversion request in the most recent MCR. Further north across Wynford Road are contiguous General Employment Area lands.

South of the Site is Eglinton Avenue East and Ferrand Drive. Further south are low-rise residential neighbourhoods.

East of the Site is the Aga Khan museum and Ismaili cultural centre. Further east is the Don Valley Parkway.

West of the Site is an 8-storey office building at 15 Gervais Drive which was a conversion request in the most recent MCR. Further west is the Conversion Request for 825 Don Mills Road.

On July 19 and 20, 2023, City Council adopted Official Plan Amendment 653 (OPA 653), subsequently amended and adopted by Council on September 6, 2023, which included the staff-recommended conversion of the properties adjacent to the Site at 15 Gervais Drive and 39 Wynford Road. OPA 653 is currently with the Minister of Municipal Affairs and Housing for approval.

The Site is located within the Council-adopted Aga Khan Park & Museum Major Transit Station Area ("MTSA"). The Aga Khan Park & Museum stations serve the Eglinton Crosstown light rail transit line. Approval for this MTSA was submitted to the Minister of Municipal Affairs and Housing on July 29, 2022, and to date, no decision has been received.

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information