



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Request for Direction - 10-16 Wellesley Street West, 5-7 St. Nicholas Street, and 586 Yonge Street - LPAT Appeal**

**Date:** September 27, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report concerns litigation or potential litigation that affects the City of Toronto. This report contains advice or communications that are subject to solicitor-client privilege.

#### **SUMMARY**

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On March 26 and 27, 2018, City Council refused an application to amend the Zoning By-law to permit a 64-storey (199.7 metres, excluding mechanical penthouse) mixed-use building at 10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street, consisting of a 4-storey (18.0 metre) podium element and a 60-storey tower element.

The proposal included 466 residential units and 153 square metres of retail uses at grade, with 47 parking spaces in a 3-level underground parking garage accessed from St. Nicholas Street.

The decision of City Council was appealed to the Local Planning Appeal Tribunal and a 10 day hearing has been scheduled to commence on January 13, 2019.

A with-prejudice resubmission was received by the City on July 9, 2019. The revised proposal included in the resubmission involved a reduced building height from 64 storeys to 55 storeys (164.15 metres, excluding mechanical penthouse).

The City Solicitor seeks further direction on this matter no later than the completion of the City Council meeting on October 2 and 3, 2019.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
  - a. the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
  - b. all of Confidential Attachments 2 and 3.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the confidential recommendations.

## **DECISION HISTORY**

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On March 10, 2016, City Council adopted the Historic Yonge Street Heritage Conservation District Plan, dated January 2016, and designated the Historic Yonge Street Heritage Conservation District under Part V of the Ontario Heritage Act. Currently the Heritage Conservation District Plan is under appeal to the Local Planning Appeal Tribunal.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.4>

On March 26 and 27, 2018, City Council adopted clause TE30.9 and refused the Zoning Amendment Application for the properties at 10-16 Wellesley Street West, 5-7 St. Nicholas Street and 586 Yonge Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.9>

## **COMMENTS**

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The City Solicitor requires further direction in this matter prior to the conclusion of the October 2 and 3, 2019 meeting of City Council.

## **CONTACT**

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Amanda S. Hill, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-338-5790,  
Fax 416-397-5624, [Amanda.Hill@toronto.ca](mailto:Amanda.Hill@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information from the City Solicitor

Confidential Attachment 2 - Additional Confidential Material (on file with the City Clerk  
for the purpose of the October 2 and 3, 2019 City Council meeting)

Confidential Attachment 3 - Additional Confidential Material (on file with the City Clerk  
for the purpose of the October 2 and 3, 2019 City Council meeting)