



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**70 and 72 Carlton Street – Appeal of Zoning Amendment
and Site Plan Applications**

Date:	April 28, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre-Rosedale
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City
Reference Number:	Zoning Amendment Application 13 135076 STE 27 OZ Site Plan Application 13 135070 STE 27 SA Rental Housing Demolition Application 13 135082 27 RH

SUMMARY

This report addresses a zoning by-law appeal that is now before the Ontario Municipal Board with respect to a development proposal, which also requires approval of a site plan and rental housing protection measures. The Municipal Board conducted a mediation in relation to this matter and City representatives have continued to dialogue since then with the applicant. This report seeks Council's direction with regard to the next Ontario Municipal Board appearance, which will be scheduled in the near future.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential recommendations in Attachment 1 and authorize the public release of those recommendations, if adopted, with the balance of Attachment 1 to remain confidential.

Financial Impact

The financial impact is set out in Attachment 1.

DECISION HISTORY

On May 14, 2013, Toronto and East York Community Council considered the Preliminary Report of the Director, Community Planning, Toronto and East York District, dated April 19, 2013 and authorized a community consultation meeting on the development proposal. Subsequently, the applicant appealed its proposed zoning and site plan approval applications. The Ontario Municipal Board facilitated a mediation of the dispute on January 16 and 20, 2015. The parties and neighbourhood participants were unable to resolve their concerns.

The Preliminary Report and Community Council Decision under Item TE24.40 is available via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE24.40>

ISSUE BACKGROUND

The application, as revised, proposes to redevelop the lands at 70-72 Carlton Street, at the northeast corner of Carlton and Church Streets, for a 41-storey mixed use building consisting of approximately 496 residential units and 13 residential rental replacement units, plus commercial area in the lower floors of a 7-storey podium.

The overall development would have a total gross floor area of 34,249 square metres (33,441 square metres of residential gross floor area, 808 square metres of ground floor retail and a commercial lobby area in the lower floors of a 7-storey podium for a total floor space index of 19.34).

COMMENTS

The Preliminary Report raised a number of concerns with the original proposal, including shadow impact in relation to the Church Street Public School. The only party to the hearing, aside from the applicant and the City, is the owner of adjacent lands at 411 Church Street. That party has not raised objections with the development proposal and are only monitoring the appeal. However, a number of individual residents, along with the Church Wellesley Neighbourhood Association, were granted participant status. These individuals and members of the Association attended, along with the City and the applicant, at the mediation conducted by the Ontario Municipal Board.

The mediation did not resolve the dispute. However, discussions have continued. This report seeks to establish Council's position in advance of the next Ontario Municipal Board appearance, which will be scheduled in the near future.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information