

65-89 King Street East and 46 Colborne Street - Zoning Amendment Application - Request for Directions Regarding OMB Hearing

Date: June 26, 2017

To: City Council

From: City Solicitor

Wards: Ward 28 - Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction for the OMB hearing on the above-noted appeal. A combined 9-day hearing relating to the development proposal is scheduled to commence on August 8, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. That City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. That the recommendations arising in response to Confidential Attachment 1 be made public at the conclusion of the Council meeting if they are adopted. All other information contained in the Confidential Attachment 1 is to remain confidential.

FINANCIAL IMPACT

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

DECISION HISTORY

A rezoning application was submitted for 71-95 King Street East on March 29, 2012, to permit a 47-storey mixed-use building. A Preliminary Report was considered by Toronto and East York Community Council as Item TE17.54 on June 13, 2012. Staff were not supportive of the proposed size and massing of the development proposal.

On October 2, 2012, Toronto City Council adopted Item TE18.19, which included the properties located at 71-95 King Street East on the Inventory of Heritage Properties (now the Heritage Register) and stated an Intention to Designate those properties under Part IV of the Ontario Heritage Act. Through 2015 staff and the applicant discussed potential revisions to the development proposal. On September 30, 2015, City Council adopted Item CC9.6, to revise the reasons to designate the properties at 75-91 King Street East under Part IV of the Ontario Heritage Act. On December 9, 2015, City Council amended and adopted Item TE12.11 to enact the St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan under Part V of the Ontario Heritage Act. The boundaries of the HCD include the subject property.

A preliminary report on an application for a 19 storey office building was considered by Toronto and East York Community Council on February 23, 2016. TE14.35 directed that staff schedule a community consultation meeting for the proposed rezoning. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.35>)

The applicant appealed its proposed zoning by-law to the OMB on June 1, 2016, due to Council neglect to make a decision within the required time frame. A pre-hearing held on January 18, 2017, identified the issues, parties and participants to the appeal.

COMMENTS

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations