



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street - Request for directions regarding Ontario Municipal Board Appeal

Date: March 19, 2018

To: City Council

From: City Solicitor

Wards: Ward 28

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

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

SUMMARY

The purpose of this report is to seek instruction for an OMB Appeal on the above-noted matter. The hearing has not yet been scheduled. There is a one day pre-hearing conference scheduled for April 11, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and Appendices A and B be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential (Appendix "B" will be on file with the City Clerk for the purpose of the March 26, 27 and 28, 2018 City Council Meeting).

FINANCIAL IMPACT

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

DECISION HISTORY

In October 2016, the applicant submitted a Zoning By-law amendment application proposing a mixed-use development at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, comprising two 32-storey residential towers connected by two multi-storey bridges, a base building with retail space on the ground floor and second floor and a new public parkette. The applicant submitted a revised proposal on January 17, 2017, which made minor revisions to the proposal, increasing the proposed GFA marginally.

At its meeting on January 31, 2017, City Council refused the application to amend the Zoning By-law for the lands at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street because the proposal did not satisfy urban design and heritage preservation objectives, nor did it provide sufficient replacement of office space, contrary to policies in the Official Plan and Provincial Policy Statement. City Council authorized the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board (OMB) in support of City Council's decision. For a more detailed Decision History, see the December 16, 2016 Refusal Report from the Director, Community Planning, Toronto East York District, at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-99364.pdf>

At its meeting on April 26, 27 and 28, 2017, City Council stated its intention to amend City of Toronto By-law 855-88 to update and revise the reasons for designation under Part IV of the *Ontario Heritage Act* for 260 King Street East to include 254, 256, and 266 King Street East, 427 and 435 Adelaide Street East, and 157 Princess Street in accordance with the Statement of Significance in Attachment 4 to the staff report dated March 9, 2017. For a more detailed Decision History, see the March 9, 2017 report from the Director, Chief Planner and Executive Director, City Planning Division, at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-101805.pdf>

On February 27, 2017, the applicant appealed City Council's decision to refuse the proposed Zoning By-Law amendment to the OMB.

ISSUE BACKGROUND

Further information has been received which has resulted in the need for direction from City Council.

Report for Action with Confidential Attachment on 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street

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

Appendix "A" - Confidential Information

Appendix "B" - Confidential Information on file with the City Clerk for the purpose of the March 26, 27 and 28, 2018 Council Meeting.