



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 34-50 King Street East and 2 Toronto Street - Zoning Amendment Appeal

**Date:** May 11, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 28 – Toronto Centre-Rosedale

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### SUMMARY

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This application proposes a mixed-use development of a new, 33 storey mixed-use tower at 34-36 King Street East. It would also conserve, and restore the Quebec Bank Building located at 50 King Street East and 2 Toronto Street.

The two existing 8- and 12-storey office buildings on the site would be demolished. The new tower proposes to include office space, residential units, and retail at grade, as well as a below-grade parking garage. The Quebec Bank building would continue to have retail and office uses.

On May 19, 2017, the applicant appealed the matter to the Ontario Municipal Board (now transitioned to the Local Planning Appeal Tribunal) due to City Council's failure to make a decision. On November 7, 2017, City Council adopted a Request for Directions Report (September 29, 2017), authorizing the City Solicitor, together with appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal and to continue discussions with the applicant on a revised proposal addressing the issues set out in the Request for Directions Report.

On February 20, 2018 and March 21, 2018, the City Solicitor, together with appropriate City staff attended mediation led by the Ontario Municipal Board.

A hearing on the appeal is expected to be scheduled at the Local Planning Appeal Tribunal (LPAT) in the summer or early fall of 2018.

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The purpose of this report is to update City Council on the mediation and to request further instructions for the Local Planning Appeal Tribunal hearing.

City Planning has been involved in the preparation of this report.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1, and Confidential Attachment 2 and 3, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On December 9, 2015, City Council designated the St. Lawrence Neighbourhood Heritage Conservation District Plan under Part V of the Ontario Heritage Act. The subject site is located within the boundaries of this Plan. The Quebec Bank Building is identified as a contributing building in the Plan. The decision and report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.11>

On September 7, 2016, Toronto and East York Community Council approved the recommendations, with amendments, of the Preliminary Report on the application. The report identified various issues to be resolved, including: overall height of the building; building setbacks; heritage conservation on and adjacent to the site; and shadow impacts on St. James Park and St. James Cathedral Church. The decision and report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.43>

On November 7, 2017, City Council approved the recommendations of the Request for Direction Report on the application, authorizing the City Solicitor and appropriate City staff to attend the Ontario Municipal Board and to continue discussions with the

applicant on a revised proposal which addresses the issues set out in the report (September 29, 2017) from the Director, Community Planning, Toronto and East York District. The decision and report can be accessed at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.16>

On May 2, 2018, Toronto and East York Community Council recommended that City Council state its intention to designate the property at 50 King Street East (the Quebec Bank Building) under Part IV of the Ontario Heritage Act, authorize the City Solicitor to introduce the necessary bill in Council, and enter into a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act. The decision and report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PB33.3>

## **COMMENTS**

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This report is about litigation before the Local Planning Appeal Tribunal and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential information and should be considered by City Council in camera.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Recommendations and Confidential Information.

Confidential Attachment 2 - Confidential Information

Confidential Attachment 3 - Confidential material (on file with the City Clerk for the purpose of the City Council meeting of May 22, 23 and 24, 2018)

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