



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

33 Gerrard Street West and 22 Elm Street - Request for directions regarding Ontario Municipal Board Appeal

Date: May 10, 2018

To: City Council

From: City Solicitor

Wards: Ward 27

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 a Local Planning Appeals Tribunal (LPAT) appeal of the above-noted matter. A pre-hearing conference is scheduled for June 18, 2018 and a four week hearing is scheduled to commence on October 1, 2018.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 and Confidential Appendices A and B to the Confidential Attachment 1 be made public at such time as Council adopts the recommendations. 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

The owner of the property at 33 Gerrard Street West and 22 Elm West (the "Site") has appealed its zoning by-law amendment application to the LPAT due to Council's failure to make a decision within the time allotted by the *Planning Act*. The matter has been consolidated with another LPAT appeal for a site-specific zoning by-law amendment application at 8 Elm Street. Two pre-hearing conferences have already taken place in respect of the matter. The City and the other parties to the hearing have also participated in three days of mediation regarding the matter that took place in March and April 2018. A further pre-hearing conference is scheduled for June 18, 2018 and a four week LPAT hearing is scheduled to commence on October 1, 2018.

The Site is currently the home of the Chelsea Hotel. The zoning by-law amendment application proposes to demolish the existing hotel and to construct three towers (49, 88 & 88 storeys) and one 2-storey structure, featuring a mix of residential, hotel, commercial, office and retail uses.

At its meeting of November 7-9, 2017, City Council adopted a Request for Directions Report from City Planning which recommended that the application be opposed at the OMB (as it was then known) as it would constitute overdevelopment of the Site. The report expressed concerns over large tower floorplates, inadequate tower setbacks and excessive tower heights as well as shadow impacts on nearby parks. Staff also expressed concern about the deficiencies related to the proposed on-site parkland dedication and the intrusion of the proposed towers into protected view corridors. Pedestrian and public realm issues were cited as well, and a concern was raised about PATH connections.

For a more detailed Decision History, see the September 20, 2017 Request for Directions report from the Director, Community Planning, Toronto East York District, at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.14>

On September 6, 2017, Toronto and East York Community Council considered and adopted a report titled "The Yonge and Gerrard Focus Area Review" (the "Focus Area Review Report"), authored by City Planning staff. The report reviewed the planning framework and the existing and planned built form context for the area generally bounded by Gerrard, Bay, Elm and Yonge Streets, including the subject site, and made recommendations to continue community consultation and a heritage review of the area. Amongst other things, the report made some initial assessments about where towers might be anticipated. The report concluded that the Site constitutes a suitable size (9835 square metres) and location to accommodate tower development.

For a more detailed Decision History, see the August 15, 2017 Focus Area Review report from the Director, Community Planning, Toronto East York District, at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.59>

ISSUE BACKGROUND

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

COMMENTS

This report is about litigation before the LPAT 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 Appendix "A" - Confidential Information

Confidential Appendix "B" - Confidential Information (On file with the City Clerk for the purpose of the May 22, 23 and 24 2018 City Council Meeting)