



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **Alterations to Designated Heritage Properties, Intention to Designate 120 Peter Street under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 120 Peter Street, 122 - 124 Peter Street and 357 - 359 Richmond Street West**

**Date:** July 6, 2018

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

**Wards:** Ward 20 – Trinity Spadina

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report concerns litigation or potential litigation that affects the City of Toronto.

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

#### **SUMMARY**

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The purpose of this report is to seek further instruction in relation to a development application for a site that contains several heritage resources, and a related ongoing appeal at the Local Planning Appeal Tribunal ("LPAT"). An LPAT teleconference has been scheduled for August 10 and a prehearing conference has been scheduled for September 28, 2018.

#### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the instructions in Confidential Attachment 1 and Confidential Appendices "A", "B", "C", and "D" if adopted by City

Council, with the balance of the Confidential Attachment 1 to remain confidential as it contains advice which is subject to solicitor-client privilege, save and except Confidential Appendices "E" and "F" both set forth in Confidential Attachment 1 are authorized for public release in any event.

## **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 January 31, 2017, City Council stated its Intention to Designate the properties at 122 and 124 Peter Street and 357 and 359 Richmond Street West under Part IV, Section 29 of the *Ontario Heritage Act*. These designations have been appealed as of March 2017 and are currently pending review by the Conservation Review Board.

### **King-Spadina Heritage Conservation District**

At its meeting of October 2, 2012, City Council adopted TE18.18, authorizing the study of the King-Spadina neighbourhood as a potential Heritage Conservation District (HCD) under Part V of the *Ontario Heritage Act*.

At its meeting of October 2, 2017, Toronto City Council adopted TE26.14 thereby designating the King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act* as the district plan for the King-Spadina Heritage Conservation District.

[https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/HCDs/King-Spadina/Final\\_King-Spadina%20HCD%20Plan.pdf](https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/HCDs/King-Spadina/Final_King-Spadina%20HCD%20Plan.pdf)

The properties at 122-124 Peter Street and 357-359 Richmond Street West are identified as contributing heritage properties in the King-Spadina HCD Plan based upon their design and contextual values.

### **Development Application**

The original proposal for the Site was for a zoning by-law amendment to permit a 46-storey (138.2 metre) mixed-use building with 435 residential units and a density of 21.0 times the area of the lot. All the heritage properties on the site, which at that time did not include 120 Peter Street, were proposed for demolition.

On October 31, 2016, the applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (the "OMB", now continued as the Local Planning Appeal Tribunal) due to City Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

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In October 2017, the applicant submitted a with prejudice settlement offer (the "Revised Proposal ") to the City. The subject site (since the original proposal) was expanded to include the west half of the semi-detached heritage property at 359 Richmond Avenue West. The Revised Proposal features a 38-storey (117 metres) mixed-use building with 246 dwelling units and 300 square metres of commercial/retail space which would result in a density of 13.3 times the site area. The Revised Proposal sought to integrate the heritage building at 122 and 124 Peter Street into the development, though the property was proposed to be dismantled and reconstructed at the same location. The heritage buildings at 357 and 359 Richmond Street West were proposed to be demolished.

The Applicant and the City have continued discussions on the development application as the LPAT process is ongoing.

## **COMMENTS**

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This report is about ongoing litigation 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 the Preservation Board **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 Report from City Solicitor  
Confidential Appendix A – Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)  
Confidential Appendix B – Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)  
Confidential Appendix C – Confidential Information (On file with the City Clerk for the July 23, 24 and 25, 2018 City Council Meeting)  
Confidential Appendix D – Confidential Information – 122-124 Peter Street and 357-359 Richmond Street West

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Confidential Appendix E – Confidential Information  
Confidential Appendix F – Confidential Information (On file with the City Clerk for the  
July 23, 24 and 25, 2018 City Council Meeting)