



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

698 Spadina Avenue – Alterations to a Property on the City of Toronto Heritage Register and Subject to Intention to Designate, and Authority to Enter into a Heritage Easement Agreement

Date: July 11, 2018

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 20 - Trinity Spadina

REASON FOR CONFIDENTIAL INFORMATION

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

The purpose of this report is to seek further instruction in relation to a development application for a site that contains a heritage resource and together with other lands is the subject of amongst other matters a zoning by-law amendment application and the related ongoing appeal to the Local Planning Appeal Tribunal.

RECOMMENDATIONS

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" to "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.

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 applicant submitted a Zoning By-law Amendment application on July 21, 2016 for the lands comprising 698 to 706 Spadina Avenue and 54 Sussex Drive.

At its meeting of March 9, 2017, City Council on the recommendation of the Chief Planner and Executive Director, City Planning Division and the Toronto Preservation Board, included the property at 698 Spadina Avenue on the City of Toronto's Heritage Register and, Council stated its intention to designate such property under Part IV of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.19>

The applicant objected to the City Council decision stating its intention to designate 698 Spadina Avenue under Part IV of the Ontario Heritage Act and that objection was referred to the Conservation Review Board (CRB) for a hearing and report.

On May 15, 2017, the applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to City Council's failure to make a decision on the application within the time prescribed by the Planning Act.

At its meeting of October 2, 3 and 4, 2017, amongst other matters, City Council authorized the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application and authorized the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in the report (August 18, 2017) from the Director, Community Planning, Toronto and East York District, including appropriate heights and massing for this development site and appropriate public benefits to be secured pursuant to Section 37 of the Planning Act, and participate in formal mediation, within the context of the Ontario Municipal Board appeal process, with the applicant (The Daniels Corporation and the University of Toronto), and local residents, including the Harbord Village Residents Association, in consultation with the Ward Councillor.

In addition, City Council deferred making a decision on the related Rental Housing Demolition application (File 16 240238 STE 20 RH) under Municipal Code, Chapter 667 pursuant to Section 111 of the *City of Toronto Act*, 2006 to demolish the 6 existing rental dwelling units at 698 and 700 Spadina Avenue and instructed staff to report on the Section 111 Application to Toronto and East York Community Council at such time

as an Ontario Municipal Board decision has been issued regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 698, 700, 702, 704, 706 Spadina Avenue and 54 Sussex Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.21>

The purpose of this report is to seek further instruction in relation the property listed on the City of Toronto Heritage Register and the related ongoing appeal at the Local Planning Appeal Tribunal ("LPAT").

Development Application

The applicant submitted a Zoning By-law Amendment application on July 21, 2016.

The original application proposed a 23-storey plus two mezzanine levels (82.7 metres, including mechanical penthouse) mixed use building containing a 246-unit (549-bed), 18,059 square metre student residence with 2,900 square metres of office and retail space at 698, 700, 702, 704 & 706 Spadina Avenue and a three-storey (11.9 metre), 10-unit, 942 square metre stacked townhouse building at 54 Sussex Avenue, west of the heritage property. The total proposed gross floor area was approximately 20,803 square metres, with a proposed floor space index of 9.39. All existing buildings on the site, including the heritage property at 698 Spadina Avenue, were proposed to be demolished.

On May 15, 2017, the applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to City Council's failure to make a decision on the application within the time prescribed by the Planning Act.

On December 22, 2017, the applicant submitted a revised proposal to the City. The revised proposal was for a 24-storey (77.8 metres including mechanical penthouse), 242-unit (539-bed), 15,998 square metre student residence with 696 square metres of retail uses on the first floor and a two-storey base building that would incorporate the façade of the existing building at 698 Spadina Avenue as well as a 3-storey (12 metre), 10-unit, 882 square metre stacked townhouse building on the west side of the property at 54 Sussex Avenue. The total proposed gross floor area was approximately 17,576 square metres, with a proposed floor space index of 7.94.

Discussions with the applicant continued and mediation before the Local Planning Appeal Tribunal took place as well as referred to in the Council Decision of October 2, 3 and 4, 2017.

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from City Solicitor
Confidential Appendix A - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Appendix B - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Appendix C - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)
Confidential Appendix D - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)