

## **150-158 Pearl Street and 15 Duncan Street - Supplemental Report - Zoning Amendment Application - Request for Directions Regarding LPAT Hearing**

**Date:** July 25, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 20 - Trinity-Spadina

### **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 Report is supplemental to the City Solicitor's Report of July 20, 2018, regarding a Zoning By-law Amendment application submitted on December 21, 2016 proposing a 59-storey (188.26 metres, including mechanical penthouse) mixed use building at 150-158 Pearl Street and 15 Duncan Street (the "Original Application").

On February 6, 2018 and February 26, 2018, the Applicant submitted revised application materials (the "Revised Application") in response to City and agency comments. On May 22, 2018, City Council adopted a Request for Directions Report directing the City Solicitor, together with appropriate staff, to attend the LPAT hearing to oppose the Revised Application in its present form for the reasons set out in the April 16, 2018 Request for Directions Report from the Acting Director, Community Planning, Toronto and East York District (the "Request for Directions"). City Council also authorized City Planning staff to continue discussions with the applicant on a further revised proposal to address the issues set out in the Request for Directions.

On July 14, 2018, the applicant submitted a "with prejudice" revised development proposal (the "July 14 Offer"). A detailed description of the July 14 Offer, including architectural drawings, can be found in the July 20, 2018 Report from the City Solicitor.

On July 24, 2018, the applicant submitted another "with prejudice" offer to settle, attached to this Report as Public Attachment 1 (the "July 24 Offer"). The July 24 Offer increases the Section 37 contribution to \$3,700,000 from the \$3,400,000.00 set out in the July 14 Offer. In exchange for the additional \$300,000 Section 37 contribution, the applicant requested that the City agree to reduce the underground parking provided for in the development proposal by one parking level. The July 24 Offer makes no further revisions to the height of the development proposal set out in the July 14 Offer of 58 storeys (186.8 metres, including mechanical penthouse).

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, 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 March 10, 2016 City Council adopted the recommendation to include the property at 15 Duncan Street on the City's Heritage Register:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016TE14.6>

On June 7, 2016, City Council adopted the recommendation to include the property at 158 Pearl Street on the City's Heritage Register:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016TE14.9>

On April 4, 2017, Toronto and East York Community Council adopted the Preliminary Report on the subject Zoning Amendment Application for 150-158 Pearl Street and 15 Duncan Street. The report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrrd/backgroundfile-101955.pdf>

On July 28, 2017 the applicant appealed the Zoning By-law Amendment Application to the OMB for Council's lack of decision.

On October 2, 2017, City Council adopted item TE26.14, and in accordance with Section 41 of the Ontario Heritage Act, designated by by-law the King-Spadina Heritage Conservation District (HCD) and King-Spadina Heritage Conservation District Plan under Part V of the Ontario Heritage Act. The boundaries of the HCD include the subject properties:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

On February 6 and 26, 2018, the applicant revised its Zoning By-law Amendment Application.

On May 22, 2018, City Council adopted a Request for Directions Report authorizing the City Solicitor, together with appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the applicant's Zoning By-law Amendment application. The report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114299.pdf>

An eight-day hearing is scheduled to commence November 20, 2018.

## **COMMENTS**

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

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment 1 - Revised With Prejudice Settlement Offer, dated July 24, 2018

Confidential Attachment 1 - Confidential Recommendations and Confidential Information

Staff Report with confidential attachment for Action on 150-158 Pearl Street and 15 Duncan Street LPAT Hearing