



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **470-488 Wellington Street West - Zoning Amendment Applications - Request for Further Direction Regarding LPAT Hearing**

**Date:** April 9, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 10 - Spadina - Fort York

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

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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**

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The Owners of the sites at 470-474 Wellington Street West and 482-488 Wellington Street West made separate applications in December, 2016 for a 15-storey building with retail space on the ground floor and office space above at 470-474 Wellington Street West and for a 16-storey building with retail and service commercial uses on the ground floor and office space above at 482-488 Wellington Street West. Both applications were appealed to the Local Planning Appeal Tribunal (LPAT). The matters were consolidated and a hearing has been scheduled for May 13 to 23, 2019. The applications have been consolidated and revised into a single development proposal for a 14-storey (55 metre, plus mechanical) office building on the combined site.

At its meeting on March 27 and 28, 2019, City Council directed City staff to continue negotiations with the applicants in advance of the hearing to achieve a reduction in the overall height of the revised proposal to a height of 45 metres, excluding mechanical.

The City Solicitor requires further direction from City Council for the upcoming hearing.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

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

## **FINANCIAL IMPACT**

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There are no financial implications from the adoption of this report.

## **DECISION HISTORY**

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### **Request for Directions Reports**

On April 24, 2018, City Council adopted Item TE31.12 directing the City Solicitor and City staff, as appropriate, to attend the Local Planning Appeal Tribunal Hearing, and to oppose the Zoning By-law Amendment application for 470-474 Wellington Street West. City Council's Decision is found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE31.12>

On April 24, 2018, City Council adopted Item TE31.13 directing the City Solicitor and City staff, as appropriate, to attend the Local Planning Appeal Tribunal Hearing, and to oppose the Zoning By-law Amendment application for 482-488 Wellington Street West. City Council's Decision is found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE31.13>

On March 27 and 28, 2019, City Council adopted Item CC5.12 directing City staff to continue negotiations with the applicants in advance of the hearing to achieve a reduction in the overall height of the revised proposal to a height of 45 metres, excluding mechanical. In the event the height is reduced to 45 metres in advance of the hearing, City Council directed City Staff to attend at the LPAT hearing generally in support of the revised proposal. In the event the current height is not reduced in advance of the hearing, City Council directed the City Solicitor and outside consultants as required, to attend at the LPAT hearing and oppose the applications on the basis that the current height is too tall for this location. In the event the LPAT allows the appeals,

in whole or in part, Council directed the City Solicitor to request the final order be withheld until a number of conditions have been met. City Council's Decision is found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC5.12>

## **COMMENTS**

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The City Solicitor requires further instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachments 1 and 2 to this report contain confidential information 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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1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information