



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **18-32 Eastern Avenue, 1 Gilead Place, and 2 Sackville Street - Official Plan and Zoning By-law Amendment Applications - Request for Direction Report**

**Date:** April 15, 2019  
**To:** Toronto City Council  
**From:** City Solicitor  
**Wards:** Ward 13 - Toronto Centre

#### **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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Alterra - Finer Corktown Ltd. ("Alterra", or the "Owner") is the owner of the lands known as 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street. On September 1, 2016, Alterra made applications for an Official Plan Amendment and Zoning By-law Amendment with respect to the subject lands in order to permit a 13 storey mixed-use development. Alterra appealed the matter to the LPAT on May 18, 2017, citing the failure of City Council to make a decision within statutory timelines. The appeal is known as LPAT Case No. PL170624.

The application was subsequently revised in early 2018 to represent a 12 storey building with additional changes made to the built form of the proposal. That revision was the subject of a Request for Directions report dated April 30, 2018 from City Planning which recommended attending the LPAT in support of the application as revised. City Council did not accept those recommendations and instructed the City Solicitor to attend the LPAT in opposition to the appeal and to hire outside consultants as necessary to implement that direction.

Two pre-hearing conferences have been held in this matter, the first on January 5, 2018, and the second on June 4, 2018. A 10-day hearing is scheduled to begin at the LPAT on May 27, 2019, and as a result this matter is urgent.

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The purpose of this report is to present a settlement offer presented to the City and to request further instructions for the upcoming LPAT hearing.

## **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 confidential recommendations contained in the Confidential Attachment 1, and Confidential Appendix A, 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 that is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On May 22, 2018 City Council adopted Item TE32.20 and instructed the City Solicitor to attend the LPAT in opposition to the appeals relating to the lands. That instruction also provided authorisation to seek and retain external professional consultants as necessary to oppose the revised proposal. For more information, see the Request for Directions Report at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.20>

## **COMMENTS**

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The City Solicitor requires further instructions arising from a with prejudice offer to settle this appeal. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential information and should be considered by Council in camera.

## **LPAT Proceedings**

There are four parties to the LPAT proceedings: the Owner, the City, and two groups of residents from neighbouring properties (the Gilead Residents, and the 465 King Residents). All parties are represented by legal counsel.

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As of April 11, 2019 the Owner has reached a settlement with both the Gilead Residents and the 465 King Residents based on a set of revisions to the plan as set out in Attachment 1. The City is the only remaining party in opposition to the appeal.

There are also eight participants to the hearing, including the St. Lawrence Neighbourhood Association, the Corktown Residents and Business Association, and six individuals (two of which indicated they do not object to the appeal).

## **Changes to Building Design**

As set out in Attachment 1, the Owner has introduced a number of changes to the building to address concerns expressed by immediate neighbours to the site. Those changes are as follows:

- the installation of frosted/opaque balcony glazing on all north-facing condominium balconies, terraces and green roof spaces;
- the reduction of the usable area of the 4th floor private terraces adjacent to the 4th floor green roof (see Attachment 3);
- a restriction on resident and visitor access to the fifth floor green roof area to prevent overlook onto 465 King Street East (property to the north);
- the configuration of second floor outdoor common area into a “quiet area” and related restrictions on its use;
- incorporation of planting, ivy and/or designated pierced metal screening into the north façade (and collaboration with neighbouring owners to achieve a satisfactory design concept);
- the addition of stepbacks at the northwest portion of 3rd and 4th floors, and the relocation of the corresponding GFA to the rear of the 5th floor (see Attachment 2);
- a commitment to work with neighbouring owners to minimize the visibility of the mechanical penthouse;
- the enclosure of all driveways and loading, parking, garbage and recycling facilities to reduce pedestrian and vehicular noise;
- the minimization of construction-related disturbances to 465 King Street East and Gilead Place through best construction management practices, window cleaning, restrictions on the obstruction of Corktown Lane and Gilead Place, and other measures;
- the orientation of exterior light sources away from 465 King Street;
- additional landscaping in the form of 15 trees being planted adjacent to 465 King St. E.

A number of these changes are illustrated in Attachment 2 and Attachment 3. The proposal otherwise remains as depicted in the City Planning report considered by Council at its May 22, 2018 meeting.

## **CONTACT**

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Matthew Longo, Solicitor, Planning & Administrative Law, Tel: 416-392-8109, E-mail: [Matthew.Longo@toronto.ca](mailto:Matthew.Longo@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Attachment 1 - Letter from Stikeman Elliott Dated April 11, 2019  
Attachment 2 - Revised Setback Concept Plan  
Attachment 3 - Revised Annotated Terrace Plan  
Confidential Attachment 1 - Confidential Report from City Solicitor  
Confidential Appendix A – Confidential Information