



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

64-66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane - Official Plan Amendment, Zoning Amendment, and Rental Housing Demolition Applications - Request for Directions Report

Date: June 23, 2020

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On December 5, 2017, the applications were refused by City Council and subsequently appealed to the Local Planning Appeal Tribunal ("LPAT") pursuant to s. 22(7) and 34(11) of the Planning Act.

On February 16, 2018, the applicant submitted a revised proposal which involved the expansion of the site to include the property at 64 Wellesley Street East. A Request for Directions report dated April 24, 2018 was adopted by Toronto and East York Community Council and City Council to continue to oppose the applications at the LPAT.

On or around February 28, 2020, the applicant submitted drawings in support of a further revised proposal on a with prejudice basis. The revised proposal is for a mixed use building that wraps around the existing City lane (Dapper Lane). The eastern half to the site, along Church Street (552-570 Church Street and 66 Wellesley Street East), a 9-storey mixed-use building with commercial and retail uses on the first two floors (1,650 square metres) and residential uses above. To the west of the lane, at 64 Wellesley, the proposal includes the retention of a portion of the heritage building, with the addition of a tall building resulting in a 39 storey mixed-use building (124 metres,

plus an 8-metre mechanical penthouse) for a total of 132 metres, with 190 square metres of retail at grade. The total gross floor area of 38,805 square metres (36,980 square metres residential gross floor area; 1,825 square metres of non-residential gross floor area) and a proposed floor space index of 12.62. The development proposes 434 residential units, which include 68 rental replacement units. Ninety-nine parking spaces are proposed (73 residential; 26 visitor). The total gross area of proposed amenity space is 1265 square metres (965 square metres of indoor amenity area; 300 square metres of outdoor amenity area).

The proposed Official Plan Amendment has been revised to remove the request to amend Map 18 - Land Use Plan. The request for re-designation of part of the lands from *Apartment Neighbourhoods* to *Mixed Use Areas* is no longer being requested.

The purpose of this report is to request further instructions for the eight day LPAT hearing that is scheduled to commence September 8, 2020.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to the report (June 23, 2020) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to the report (June 23, 2020) from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to the report (June 23, 2020) from the City Solicitor is to remain confidential at the discretion of the City Solicitor, 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

On November 14, 2017, Toronto and East York Community Council adopted the Refusal Report (November 8, 2017) from the Acting Director, Community Planning, Toronto East York District and City Council on December 8, 2017 adopted the Supplementary Report (December 1, 2017) from Chief Planner and Executive Director, City Planning. Link to Refusal Report (November 8, 2017):

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-108858.pdf>

Link to Supplementary Report (December 1, 2017):

<https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-109705.pdf>

On December 5, 2017, the applications were refused by City Council and subsequently appealed pursuant to ss. 22(7) and 34(11) of the Planning Act. On February 16, 2018, the applicant submitted a revised proposal which involved the expansion of the site to include the property at 64 Wellesley Street East. A Request for Directions report dated April 24, 2018 was adopted by Toronto and East York Community Council and City Council to oppose the applications at the LPAT as the height and massing of the revised proposal do not conform to the policies of the Official Plan; do not fit within the existing and planned context of the Church Street Village Character Area as set out in the Official Plan Site and Area Specific Policy 382; and, do not adequately address the public realm, including nearby streets, parks, and open spaces. Staff also recommended that Council defer its decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the City of Toronto Act, as the previously proposed development was not supported by Community Planning staff. Link to Request for Directions Report (April 24, 2018):

<http://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114665.pdf>

On February 26, 2019, City Council provided further directions on the applications which may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.8>

On February 26, 2019, City Council stated its intention to designate the property at 64 Wellesley Street East under Part IV, Section 29 of the Ontario Heritage Act. Link to City Council decision (February 26, 2019):

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.15>

Five pre-hearing conferences have been held with the LPAT to date on June 28, 2018, October 19, 2018, November 28, 2018, March 15, 2019 and February 10, 2020. The originally scheduled hearing was scheduled to commence on May 4, 2020 and was adjourned.

An eight day LPAT hearing is scheduled to commence September 8, 2020.

COMMENTS

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. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information