

2 Carlton Street - Zoning By-law Amendment - LPAT Appeal - Request for Direction

Date: January 26, 2021

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.

SUMMARY

On October 4, 2016, an application was submitted to amend the Zoning By-law for the lands at 2 Carlton Street to permit the construction of a 73-storey (251.6 metres, including mechanical penthouse) mixed-use building tower with a 6-storey base building that includes retail uses on the first and second floors, office uses on the third and fourth floors and residential units above. A total of 1,046 residential units are proposed with a total gross floor area of 74,435.7 square metres.

The Zoning By-law amendment application was appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal (LPAT)) on March 23, 2018 for Council's failure to make a decision on the application within the prescribed timelines in the Planning Act. On January 4, 2021, the City received a without prejudice settlement offer, though the plans associated with the offer were provided on a with prejudice basis. A case management conference/settlement hearing has been scheduled at the LPAT on March 18, 2021, and accordingly this matter is urgent.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on February 2, 2021.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of:
 - a. The recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege); and
 - b. All of Confidential Attachment 2.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

City Council at its meeting on October 8, 2013 adopted Official Plan Amendment 183, also known as the North Downtown Yonge Area Specific Policy 382 ("SASP 382"). Council also approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. SASP 382 provides direction in how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>

City Council at its meeting on July 23, 2018, deferred consideration of the Inclusion on the City of Toronto's Heritage Register the property at 2 Carlton Street to the first quarter of 2019 to allow for further review of the application and evaluation of the existing structure on the site. The City Council Decision and Staff Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.57>

COMMENTS

On January 4, 2021, the owner submitted a letter containing a without prejudice settlement offer (the "Settlement Letter"), along with revised plans and drawings dated December, 2020, that were submitted on a with prejudice basis, which are attached as Public Appendix 1, (together the "Settlement Offer) illustrating a revised development concept for the subject property (the "Revised Proposal"). The property is located at 2 Carlton Street (the "Site").

DESCRIPTION OF REVISED PROPOSAL

The Revised Proposal consists of a 251.1 metre (80-storey) mixed-use building, containing 990 dwelling units, 8,282 square metres of office space, and 1,650 square metres of retail space. An on-site parkland dedication of 238 square metres is proposed for a portion of the site fronting Carlton Street.

The following table summarizes the development statistics for the original submission from October 2016, a revised submission in November 2017 and the current Revised Proposal:

	Initial Proposal (October 2016)	Revised Proposal (November 2017)	Settlement Offer (January 2021)
Site Area	2,416.9 square metres	2,416.9 square metres	2,416.9 square metres
Gross Floor Areas	87,037 square metres	68,936 square metres	70,502 square metres
Residential	2,293 square metres	2,566 square metres	1,650 square metres
Retail	0 square metres	4,100 square metres	8,282 square metres
Office	89,330 square metres	75,603 square metres	80,434 square metres
Total			
Floor Space Index (FSI)	37.0	31.2	33.3
Podium Height	25.4 metres	27.7 metres	26.5 metres (to top of 6th storey)
Tower Height	235 metres	251.6 metres	251.1 metres

	Initial Proposal (October 2016)	Revised Proposal (November 2017)	Settlement Offer (January 2021)
Base Building Setbacks South (Carlton) East (Lane) North (Wood) West (Yonge)	0 – 1.8 metres 0 – 1.2 metres 0 – 2.5 metres 0 – 2.5 metres	3.0 metres 0.0 metres 0 – 1.3 metres 2.5 metres	3.0 metres(to park) 0.0 metres 1.3 metres 2.5 metres
Tower Setbacks South (Carlton) East (Lane) North (Wood) West (Yonge)	2.5 metres 2.0 metres 2.5 metres 4.0 metres	1.0 metres (to park) 7.5 metres 1.0 metres 9.0 metres	5.5 metres (to park) 8.0 metres 3.5 metres 10.0 metres
Tower Floorplate	610 square metres (North) 650 square metres (South)	1,114 square metres	996 square metres
Number of Units	1,100	1,046	990
Unit Mix - Studio - 1 Bedroom - 2 Bedroom - 3 Bedroom - Total	0 (0 percent) 572 (52 percent) 446 (41 percent) 82(7 percent) 1,100	181 (17.3 percent) 403 (38.5 percent) 314 (30.1 percent) 148 (14.1 percent) 1,046	0 (0 percent) 594 (60 percent) 297 (30 percent) 99 (10 percent) 990
Amenity Space Indoor Outdoor	2,231 square metres (2.0 square metres per unit) 1,500 square metres (1.4 square metres per unit)	2,192 square metres (2.1 square metres per unit) 1,139 square metres (1.09 square metres per unit)	1,650 square metres (1.67 square metres per unit) 597 square metres (0.6 square metres per unit)
POPS/Parkland	None	250 square metres On-Site Parkland Dedication + 115 square metres POPS	238 square metres On-Site Parkland Dedication plus 89 square metres private open space area

HERITAGE CONSIDERATION

The existing building located at 2 Carlton Street was nominated for evaluation for heritage designation in July, 2018. Staff undertook a review and determined that the building potentially met the criteria for designation under O.Reg 9/06. However, City Council deferred consideration of the designation at the July 23, 2018 meeting to allow for further review of the application and evaluation of the existing structure, and instructed staff to report back to Council in the first quarter of 2019.

Staff requested additional information and details of the existing building condition to assist in informing any recommendations for the retention of the existing structure. Review of this information identified that, due to deterioration of the existing parking garage structure, the façade of the building is not suitable for retention or preservation in a new development. Heritage Planning Staff accept the recommendations of the structural assessment. If the Settlement Offer is accepted by Council, opportunities for documentation and commemoration of the existing structure will be explored at the Site Plan stage.

The City Solicitor requires further direction on this matter prior to the conclusion of the February 2, 2021 meeting of City Council.

CONTACT

Mark Crawford, Solicitor, Planning and Administrative Tribunal Law, Tel. 416-392-8864, Fax 416-397-5624, Mark.Crawford@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Appendix 1 - Revised plans and drawings dated December, 2020

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Attachment 2 - Confidential Information