

20-26 Maitland Street – Official Plan Amendment, Zoning By-law Amendment, and Site Plan Approval Applications – Request for Further Directions Regarding LPAT Hearing

Date: March 2, 2021

To: City Council

From: City Solicitor

Wards: Ward 13 – Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

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

Maitland Residents Corp. (the "Applicant") is the owner of the property municipally known as 20-26 Maitland Street (the "Subject Site"), located approximately mid-block between Yonge Street and Church Street, on the north side of Maitland Street. The Subject Site abuts a parking lot to the west and low-rise residential uses to the east. The Subject Site currently contains 2.5-storey and 3-storey office buildings.

The Applicant submitted Official Plan Amendment and Zoning By-law Amendment applications on October 23, 2019. The Applicant also submitted a related Site Plan Approval application on November 26, 2019. These applications proposed to amend the former City of Toronto Zoning By-law 438-86, City of Toronto Zoning By-law 569-2013, and the Toronto Official Plan to permit the development of a new 45-storey mixed-use building with an overall height of 145 metres, including mechanical penthouse (collectively referred to as the "Applications"). The Applications proposed a 36,010 square metres of gross floor area, and a density of 12.96 times the area of the lot. The ground floor of the proposed building was intended to include retail and live-

work uses. In total, 527 residential units were proposed with 126 vehicular parking spaces in two levels of underground parking.

On March 14, 2020, the Applications were appealed to the Local Planning Appeal Tribunal (the "LPAT") due to the City's failure to make a decision within the prescribed time period set out in the *Planning Act*. The appeal is known as LPAT File No. PL200212.

To date, the LPAT has held one case management conference on October 21, 2020. In addition to the City and the Applicant, CentreCourt (Wellesley East Limited Partnership) (the "CentreCourt") is also a party to the appeal and the Church/Wellesley Village Business Improvement Area (the "CWBIA") are participants to the proceeding.

On February 25, 2021, the Applicant submitted revised plans for the Applications (the "LPAT Proposal"). The LPAT Proposal retains the 3-storey mixed-use podium with retail and live-work units at grade and residential uses above. The height of the building was reduced to 42-storey and 129.2 metre overall height, including mechanical penthouse.

The appeal is currently scheduled to be heard by the LPAT during an 8-day hearing on April 13 to April 22, 2021.

The purpose of this report is to request further instructions regarding the LPAT appeal and upcoming hearing.

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 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 authorize public release of Confidential Attachment 2 to this report, if the confidential recommendations contained in Confidential Attachment 1 are adopted by City Council.
4. City Council direct that all other information contained in Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor, as it contains advice 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 January 8, 2020, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report (Item TE12.27) by City Planning regarding the Applicant's Official Plan Amendment and Zoning By-law Amendment Applications. In the Preliminary Report, Toronto and East York Community Council directed staff to conduct community consultation on the Applications. A copy of Toronto and East York Community Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.27>

On October 27, 28, and 30, 2020, City Council considered and adopted the recommendations of a Request for Direction Report (Item TE19.8) by City Planning regarding the Applicant's LPAT appeal. In its decision, City Council directed the City Solicitor, together with City Planning staff and appropriate City Staff, attend the LPAT hearing to oppose the Applications and also continue discussions with the Applicant in an attempt to resolve the outstanding planning matters identified in the report, including issues regarding appropriate transition to and coordination with adjacent properties. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE19.8>

COMMENTS

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

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information