



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

Amendment of Heritage Conservation District Plans

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| Date: | May 7, 2013 |
| To: | Toronto and East York Community Council |
| From: | City Solicitor |
| Wards: | All Wards |
| Reason for Confidential Information: | This report contains advice or communications that are subject to solicitor-client privilege |
| Reference Number: | |

SUMMARY

This report provides legal advice with respect to the process for amending Heritage Conservation District plans and the implications of related guidelines.

RECOMMENDATIONS

The City Solicitor Recommends that:

1. Toronto and East York Community Council receive this report for information.
2. Confidential Attachment 1 remain confidential as it contains advice that is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

City Council at its meeting of May 7 and 8, 2013 referred TE23.21 "Construction of a Replacement Structure within the Queen Street West Heritage Conservation District –

375-381 Queen Street West" back to Toronto and East York Community Council so that the various reports and recommendations on this matter can be considered together.

At its meeting on April 9, 2013 Toronto and East York Community Council considered the recommendations of the Toronto Preservation Board, together with the report dated March 18, 2013 from the Director, Urban Design, entitled Construction of a Replacement Structure Within the Queen Street West Heritage Conservation District – 375-381 Queen Street West. The recommendations of the Toronto Preservation Board included a request that the Toronto and East York Community Council request the City Solicitor to submit a report on the implications of exceeding 16m in height within the Queen Street West Heritage Conservation District (the "District") and advise on how to establish 16m in height and an angular plane as Objectives rather than Guidelines in the Queen Street West Heritage Conservation District Plan (the "District Plan").

ISSUE BACKGROUND

This application proposes to rezone the lands at 375, 375R, and 381 Queen Street West, located entirely within the District, with a 7-storey non-residential building containing retail at grade and office uses above. The applicant's proposal seeks 8,082m² of non-residential gross floor area, resulting in an overall density of 5.33 times the lot area. The overall building height proposed is approximately 36 metres to the top of the mechanical penthouse.

The proposal is intended to function as Phase 2 of the approved 16-storey building located at 364 Richmond Street West and 134 Peter Street. Phase 1 was not within the District.

The two phases are proposed to be connected by a building over Jack Cooper Lane, at the second floor. The proposal also seeks to span over a portion of the u-shaped lane to the west above the second floor. No parking spaces are proposed on site. The applicant proposes to secure 37 parking spaces off-site, within 300 metres of the subject site.

The proposed Phase 2 development steps up in height as it moves southwards and portions of this phase exceed the 16m height Guidelines established in the District Plan. These Guidelines are intended to maintain the District Plan's Objectives with respect to the heritage character of the District. The District Plan also affirms the current 16m zoning maximum, with a step back at 13m.

The City Solicitor has been requested to comment on the implications of exceeding the 16m Guidelines in the District Plan and on the process that might be used to amend a Heritage Conservation District Plan. Confidential Attachment 1 provides this information.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information on Amendment of Heritage Conservation District Plans