

## **301-317 Queen Street East - OMB Appeal - Request for Direction Report**

**Date:** January 24, 2018

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 28 - Toronto Centre-Rosedale

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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The purpose of this report is to seek further instruction for the Ontario Municipal Board (OMB) facilitated mediation and hearing on the appeals of City Council's decision to refuse the Official Plan and Zoning By-law amendment application at 301-317 Queen Street East. The mediation hearing is scheduled for February 9, 2018. A 9-day hearing is scheduled to commence on March 19, 2018.

On December 20, 2017 the City received "with prejudice" revised plans from the applicant's solicitor on the appealed application.

### **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 recommendations contained in the Confidential Attachment 1, if adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On September 7, 2016, the Toronto and East York Community Council considered a preliminary report on the application. The report stated the proposal was over-development, that the site cannot accommodate a tall building, does not comply with the policies of the Official Plan and King-Parliament Secondary Plan, sets a negative precedent and is not an appropriate response to the existing and planned context. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.45>

On November 9, 2016, City Council refused the application and adopted the recommendations of the refusal report. The report stated the proposal was over-development, does not conform to the overall objectives of the Official Plan and the King-Parliament Plan, sets a negative precedent and does not fit within the existing and planned context for the area. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.7>

## **COMMENTS**

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On December 13, 2016, the applicant appealed the decision of Council to the OMB. A pre-hearing on the appeal was held on May 26, 2017. An OMB facilitated mediation is scheduled for February 9, 2018 and the hearing is scheduled to commence on March 19, 2018 for 9 days.

On December 20, 2017 "with prejudice" revised plans were submitted to the City. The applicant has indicated they will be presenting this revised development at the OMB hearing of the appeal. Revisions made on the December 20, 2017 plans in comparison to the Council refused proposal include: a reduction in gross floor area, a reduction in building height; a reduction in the vehicular parking ratio; and an increase in the tower floor plate area with a projection of the east wall above the 5th storey (refer to Public Attachment 1 - Revised "With Prejudice" Site Plan and Public Attachments 2 to 5 - Revised "With Prejudice" Elevations).

City Council refused the original proposal for a 25-storey tall building with a height of 82.35 metres as the site is not a tall building site. City Council supported staff's recommendations to refuse the proposal because it was over-development on a site where a low to midrise building is anticipated, does not meet the overall policy objectives of the Official Plan and the King-Parliament Secondary Plan and will negatively impact the scale and character of the Queen Street East corridor. The refusal report also noted that despite the site not being appropriate for a tall building, the tall building proposal fails to meet the performance standards of the city-wide Tall Building

Guidelines on: base building height; tower setbacks to property lines; and tower setback from the street frontage. Even in a different context, the site is not large enough to accommodate a tall building.

The revised plans of December 20, 2017 remain a tall building proposal. Further, other issues raised through staff's review of the original proposal including: the appropriate conservation measures for Berkeley Church; shadow impacts to the public realm; sufficient servicing to accommodate the proposal; hydrogeological impacts; noise impacts; wind impacts; and legal vehicular access rights to the site have not been addressed in the revised plans.

The below table provides a comparison of the changes between the November 9, 2016 Council refused application and the current December 20, 2017 revised plans:

		Refused Application November 9, 2016	Revised Plans December 20, 2017
Site Area (sq.m.)		1,781.4	1,781.4
Gross Floor Area (sq.m.)		16,483.1	13,269.2
Floor Space Index		9.25	7.45
No. of Storeys		25	19
Overall Height (m.)		82.35 (87.95 inc. MPH)	64.80 (70.50 inc. MPH)
Base Building Height (m.)		18.85	18.85
Tower Floor Plate (sq.m.)		644	Approx. 680
Tower Setbacks (m.)	North	6.7 after 4th storey 3.7 after 5th storey	6.7 after 4th storey 3.7 after 5th storey
	East*	6 after the 4th storey	6 after the 4th storey, 3.5 after the 5th storey
	South	3.5 after the 4th storey	3.5 after the 4th storey
	West	8.8 after 4th storey 5.5 after 5th storey	8.8 after the 4th storey 5.5 after the 5th storey
Base Building Setbacks (m.)	North	0 - 2.7	0 - 2.7
	East*	6	6
	South	2.5	2.5
	West	0	0

		Refused Application November 9, 2016	Revised Plans December 20, 2017
Balcony Type		Juliette	Projected with a depth of 1.5 m.
No. of Res. Units	1-Bedroom	110 (53.3%)	79 (52.7%)
	2-Bedroom	72 (35%)	54 (36.0%)
	3-Bedroom	22 (11.7%)	17 (11.3%)
	Total	204	150
Amenity Space (sq. m.)		423 Indoor 302 Outdoor	423 Indoor 302 Outdoor
No. Vehicular Parking Spaces		98	44
No. Bicycle Parking Spaces		231	150

\* Measured from the Berkeley Church building.

## **CONTACT**

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## **SIGNATURE**

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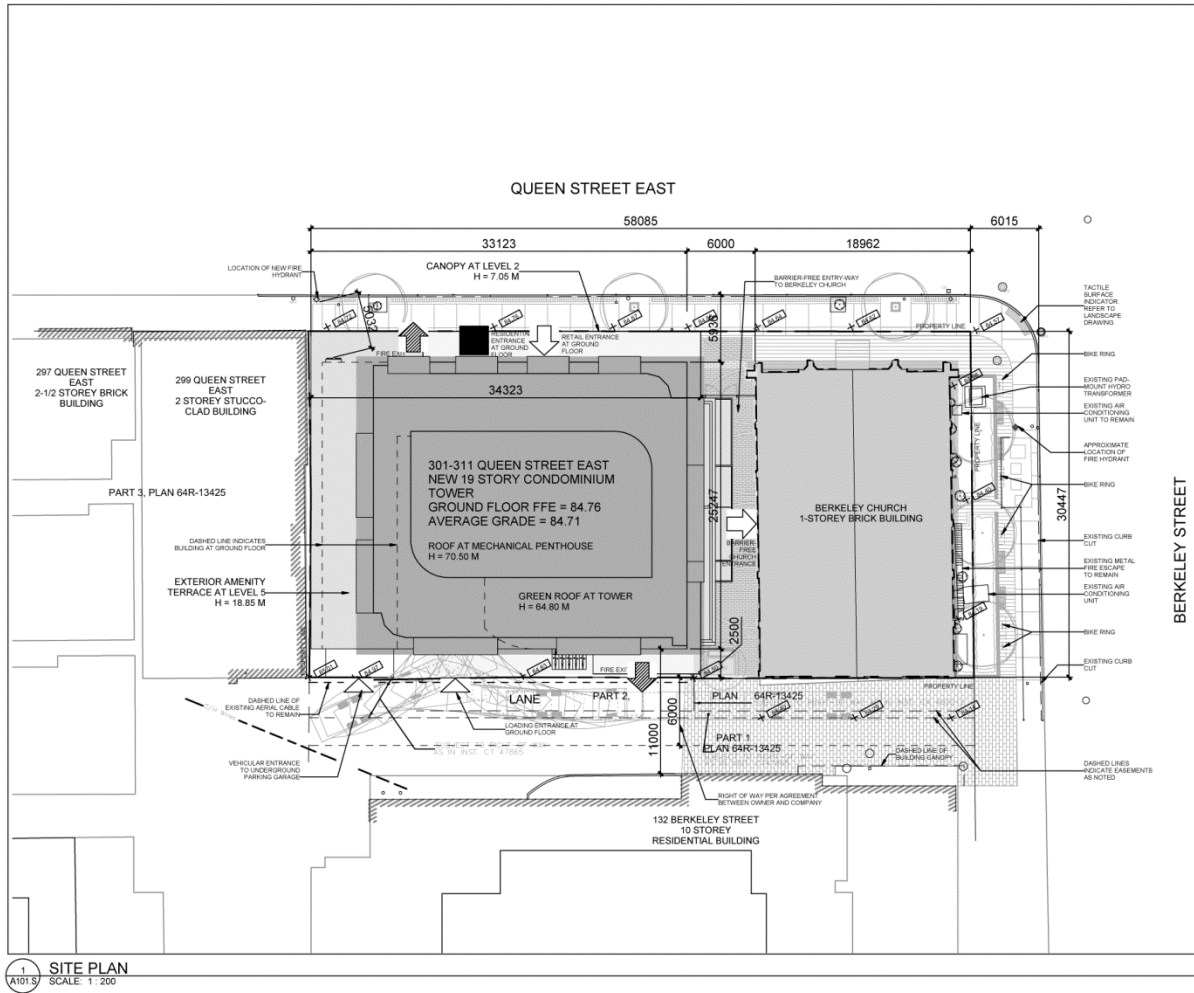
Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Attachment 1 - Revised "With Prejudice" Site Plan  
Public Attachment 2 - Revised "With Prejudice" North Elevation  
Public Attachment 3 - Revised "With Prejudice" South Elevation  
Public Attachment 4 - Revised "With Prejudice" East Elevation  
Public Attachment 5 - Revised "With Prejudice" West Elevation  
Confidential Attachment 1 - Confidential Report from City Solicitor

Public Attachment 1 - Revised "With Prejudice" Site Plan



**Site Plan**

Applicant's Submitted Drawing

Not to Scale 

01/12/2018

**301-317 Queen Street East**

File # 16 161250 STE 28 OZ

Public Attachment 2 - Revised "With Prejudice" North Elevation



1 NORTH ELEVATION  
A401.S

North Elevation

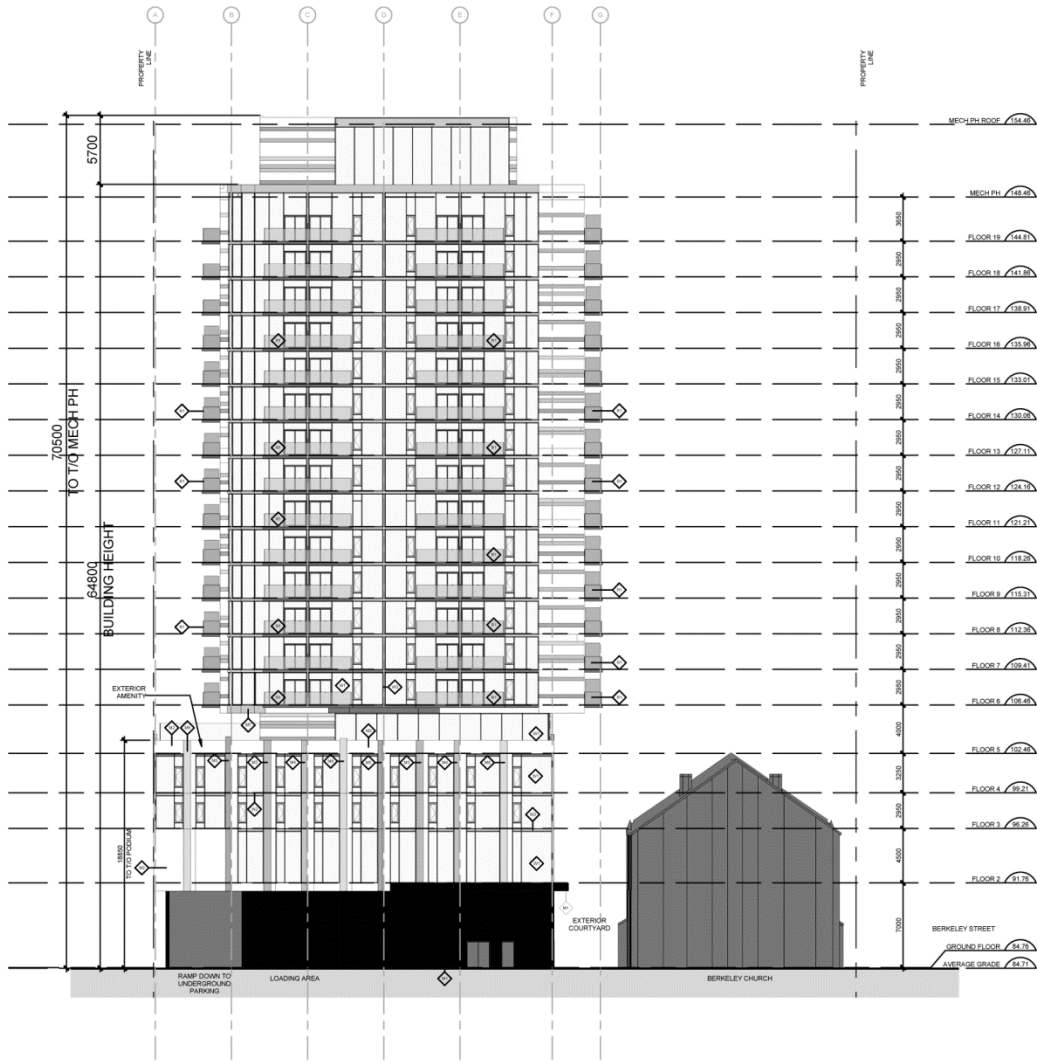
301-317 Queen Street East

Applicant's Submitted Drawing

Not to Scale  
01/12/2018

File # 16 161250 STE 28 OZ

Public Attachment 3 - Revised "With Prejudice" South Elevation



South Elevation

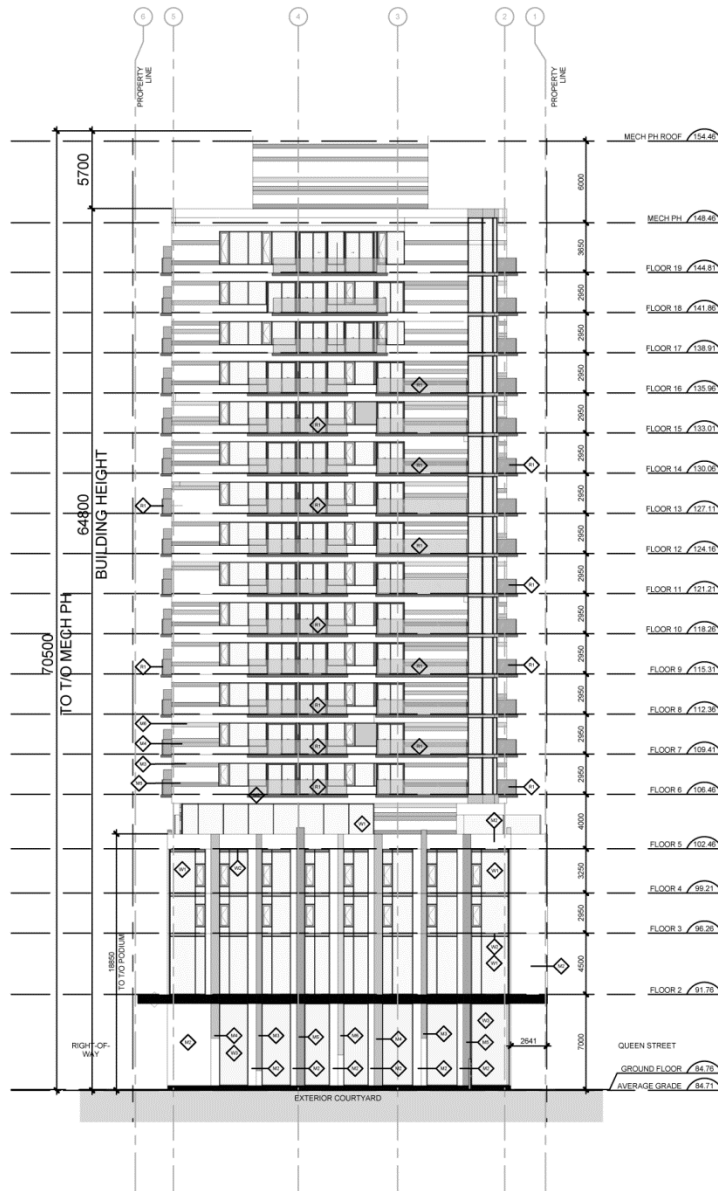
301-317 Queen Street East

Applicant's Submitted Drawing

Not to Scale  
01/12/2018

File # 16 161250 STE 28 OZ

Public Attachment 4 - Revised "With Prejudice" East Elevation



2 EAST ELEVATION  
A401.S

East Elevation

Applicant's Submitted Drawing

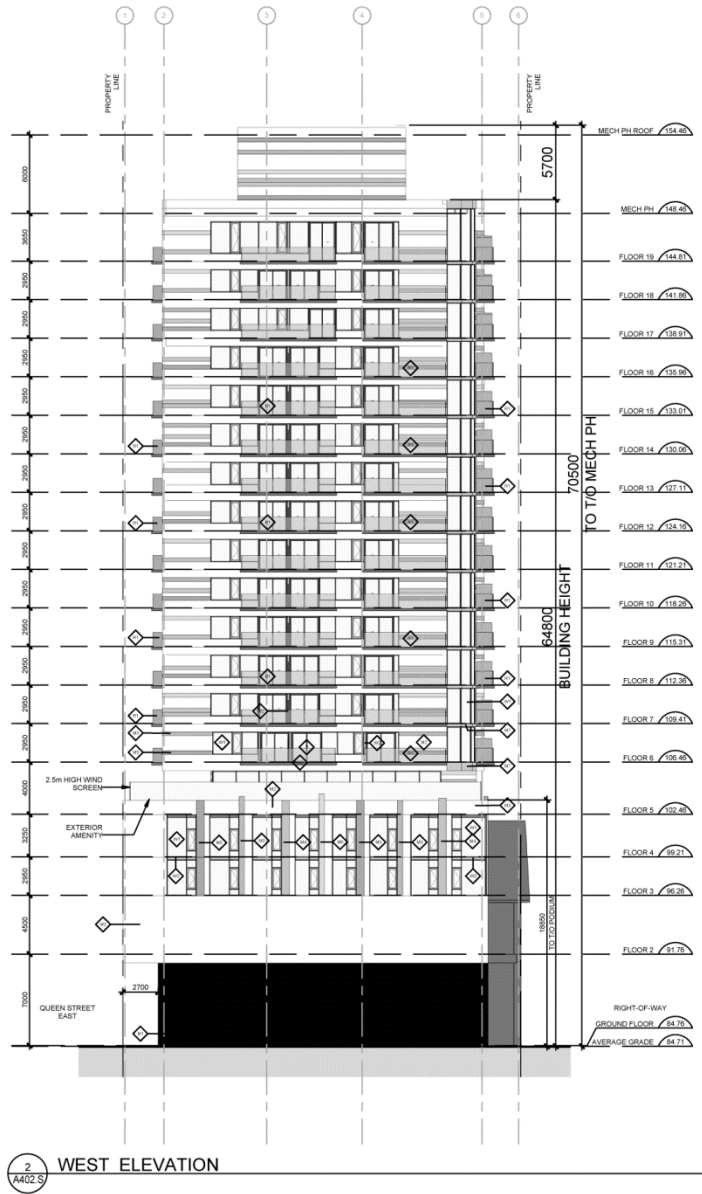
Not to Scale  
01/12/2018

301-317 Queen Street East

File # 16 161250 STE 28 OZ



Public Attachment 5 - Revised "With Prejudice" West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale  
01/12/2018

301-317 Queen Street East

File # 16 161250 STE 28 OZ