



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

31 Parliament Street - LPAT Appeal - Request for Directions

Date: April 20, 2018

To: City Council

From: City Solicitor

Wards: Ward 28 - Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations and contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction for the Local Planning Appeal Tribunal hearing on the appeals of the Official Plan and Zoning By-law amendment application at 31 Parliament Street. A 9-day hearing is scheduled to commence on June 25, 2018. Upon proclamation of Bill 139 on April 3, 2018 the Ontario Municipal Board became the Local Planning Appeal Tribunal (LPAT). However, given the date of the appeal of this matter, the pre-Bill 139 planning appeal system will apply.

RECOMMENDATIONS

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, Confidential Appendix A and B, if adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential, 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 September 7, 2016, the Toronto and East York Community Council considered a preliminary report on the application for 31 Parliament Street. The report stated the proposal was over-development and does not conform to the emerging policy direction of Official Plan Amendment 304 (OPA 304) - an amendment to update the policy framework for the Triangle Lands and Gooderham and Worts Special Identity Area in the King-Parliament Secondary Plan. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.44>

On January 12, 2017, the applicant appealed the application to the LPAT pursuant to section 34(11) of the *Planning Act* due to non-decision by City Council.

On January 31, 2017, 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 Secondary Plan, and does not fit within the existing and planned context expressed in the emerging policy direction of OPA 304. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.8>

COMMENTS

A pre-hearing in this matter was held on August 21, 2017, and a status hearing was held on February 14, 2018. The hearing is scheduled to commence on June 25, 2018 for 9 days.

On March 15, 2018 the City received, with prejudice, revised plans on the appealed application (March 15 Revised Plans).

The March 15 Revised Plans included revisions to the original submission which included a reduction in overall building height and a reduction in the base building height. It also included a reconfigured tower mass and a reduction in gross floor area. The March 15 Revised Plans included a reduction in the vehicular parking ratio and the elimination of above-grade parking as well as an increase in the number of 2 and 3 bedroom dwelling units. The March 15 Revised Plans are on file with the City Clerk for the purpose of the April 24, 25 and 26, 2018 City Council Meeting (Public Attachment

2). The with prejudice resubmission letter is attached as Public Attachment 1 to this report.

The March 15 Revised Plans show average floor to ceiling heights of 3.35 metres.

The following table provides a comparison of the changes between the original submission refused by City Council on January 31, 2017 and the March 15 Revised Plans:

		Refused Application January 31, 2017	Settlement Offer Plans March 15, 2018
Site Area (square metres)		2,379.7	2,379.7
Gross Floor Area (square metres)	Retail	35.5	319.3
	Residential	38,636.3	33,142.2
	Total	39,040.3	33,462.5
Floor Space Index		16.4	14.1
Number of Storeys		49	39
Overall Height (metres)		167 (172.8 including mechanical penthouse)	144.1 (150.1 including mechanical penthouse)
Base Building Height (metres)		28.5	21.9
Tower Floor Plate (square metres)		694	973.4 between 5 to 11 749.1 between 13 to 24 558.7 between 26 to 39
Tower Setbacks (metres)	North	12.5 after 7th storey	9.5 after 4th storey 12.5 after 11th storey
	East	30 after 7th storey	24 after 4th storey
	South	1.5 after 7th storey	3 after 4th storey
	West	7 after the 6th storey	3 after 4th storey 6.3 after 12th storey 17 after 25th storey
Base Building (up	Total Height	28.5 (7 storeys)	21.9 (5 storeys)

		Refused Application January 31, 2017	Settlement Offer Plans March 15, 2018
to Setbacks) (metres)	North	0 at the 1st storey 3.1 after the 3rd storey 6 after the 5th storey	6
	East	0 at the 1st storey 1 to 2 after 5th storey	0
	South	0	0
	West	0 at the 1st storey 2 after the 5th storey	0
Number of Residential Units	1-Bedroom	325 (65 percent)	141 (48 percent)
	2-Bedroom	162 (33 percent)	128 (43 percent)
	3-Bedroom	8 (2 percent)	25 (9 percent)
	Total	495 (100 percent)	294 (100 percent)
Amenity Space (square metres)		1,378.7 Indoor 991.5 Outdoor	687.8 Indoor 787.6 Outdoor
Vehicular Access		Enclosed driveway	Open driveway
Number of Vehicular Parking Spaces		201	146
Number of Bicycle Parking Spaces		632	550

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 - March 15, 2018 With Prejudice Letter from Goldberg Group

Public Attachment 2 - March 15, 2018 Revised Plans on file with the City Clerk for the purpose of the April 24, 25 and 26, 2018 City Council Meeting

Confidential Attachment 1 - Confidential Report from City Solicitor

Confidential Appendix A - Confidential Material

Confidential Appendix B - Confidential Material - On file with the City Clerk for City Council meeting on April 24, 25 and 26, 2018.