



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Brigden Place – Request for Direction**

**Date:** July 6, 2018

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

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

#### **REASON FOR CONFIDENTIAL INFORMATION**

---

This report concerns litigation or potential litigation that affects the City of Toronto.

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

#### **SUMMARY**

---

The purpose of this report is to seek further instruction in relation to a development application for a site that contains several heritage resources, and a related ongoing appeal at the Local Planning Appeal Tribunal ("LPAT"). An LPAT prehearing conference has been scheduled for August 1, 2018.

#### **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 instructions in Confidential Attachment 1 and Confidential Appendices "A" through "E", if adopted by City Council, with the balance of the Confidential Attachment 1 to 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**

---

The properties at 245 Queen Street East, 384 and 410 Richmond Street East and 78 & 90 Ontario Street are subject to an Intention to Designate, adopted by City Council on November 8, 2016:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.18>

These designations have been appealed and are currently pending review by the Conservation Review Board.

The properties at 263 & 265 Queen Street East are designated under Part IV of the Ontario Heritage Act by By-law No. 990-2015, enacted by City Council on October 2, 2015: <https://www.toronto.ca/legdocs/bylaws/2015/law0990.pdf>

A Preliminary Report on the original development proposal for the subject site was adopted by Toronto and East York Community Council on May 10, 2016 authorizing staff to conduct a community consultation meeting with an expanded notification area. The report indicated the proposal did not conform to the overall policy direction of the King-Parliament Secondary Plan. The decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.38>

A Request for Directions Report on a revised version of the proposal for the subject site was adopted by City Council at its July 26, 27, 28 & 29, 2018 meeting. The report recommended that the City oppose the application in its revised form at the LPAT. It also recommended that staff continue discussions with the applicant to achieve revisions to the proposal that address the issues identified in the report. The decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.17>

## **Development Application**

The original development proposal for the site, which was submitted in February 2016, was for an official plan amendment and zoning by-law amendment to permit the redevelopment of the site for a mixture of residential and retail uses within 3 towers on top of 2 base buildings. The properties at 245 Queen Street East and 384 Richmond Street East were proposed to be demolished with minimal retention of 265 Queen Street East, 90 Ontario Street and 410 Richmond Street East and insufficient step backs of the new development above and adjacent.

A revised proposal was submitted in December 2016, which included the addition of office and hotel uses, along with an increased gross floor area and heights of the 3 245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Bridgen Place – Request for Direction

towers and retention of the primary façade of the heritage building at 245 Queen Street East.

On November 15, 2017, the Official Plan and Zoning By-law amendment application was appealed to the LPAT by the applicant pursuant to Sections 22(7) and 34(11) of the Planning Act due to the City not making a decision within 180 and 120 days of the Official Plan amendment and Zoning By-law amendment submissions respectively.

A with prejudice submission was submitted in March 2018, showing a revised proposal consisting of three tower forms and a mixture of land uses, but with a different configuration and massing in contrast to the original and revised proposals. The March 2018 proposal also included an on-site park of 1,400 square metres.

The Applicant and the City have continued discussions on the development application as the LPAT process is ongoing. An LPAT prehearing conference has been scheduled for August 1, 2018.

## **COMMENTS**

---

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by the Preservation Board *in camera*.

## **CONTACT**

---

Cigdem Iltan, Solicitor, Planning & Administrative Law; Tel: (416) 392-1652; Fax: (416) 397-5624; Email: [cigdem.iltan@toronto.ca](mailto:cigdem.iltan@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

Confidential Attachment 1 - Confidential Report from City Solicitor  
Confidential Appendix A – Confidential Information ((On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)  
Confidential Appendix B - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Appendix C - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Appendix D - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)

Confidential Appendix E - Confidential Information (On file with City Clerk for purpose of the July 23, 24 and 25, 2018 City Council Meeting)