



## 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 - Official Plan Amendment and Zoning By-law Amendment - LPAT Appeal - Request for Directions**

**Date:** July 17, 2018

**To:** City Council

**From:** City Solicitor

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

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

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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**

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The purpose of this report is to seek further instruction for the Local Planning Appeal Tribunal (the "LPAT") hearing of the appeals of the Official Plan and Zoning By-law Amendment applications for 245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Brigden Place. A Pre-hearing Conference for this matter is scheduled for August 1, 2018.

This application is for a comprehensive redevelopment of the site with a mixed use proposal consisting of three towers on two podiums.

This report was prepared in consultation with City Planning.

## **RECOMMENDATIONS**

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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 Appendices A and B to Confidential Attachment 1 and of the Confidential Recommendations contained in Confidential Attachment 1 if the Recommendations are adopted by City Council, but that the balance of Confidential Attachment 1 remain confidential at the discretion of the City Solicitor.

## **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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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 three towers of 39, 45 and 39 storeys, on top of two base buildings ranging from 3 to 11 storeys within a site bordered by Queen Street East, Ontario Street, Richmond Street East and McFarrens Lane (the "Original Proposal"). The Original Proposal consisted of: 1,654 residential units; 31,578 square metres of retail gross floor area within the first 3 storeys of the base buildings; 1,082 parking spaces within a 4-level underground garage; and 2,010 bicycle parking spaces within the base buildings and the first underground level. The Original Proposal also sought to close two City-owned laneways on site, Bridgen Lane and an unnamed right-of-way, to facilitate the proposed development.

On May 10, 2016, Toronto and East York Community Council considered the preliminary report on the Original Proposal. The report stated the Original Proposal was not in conformity with the overall policy direction of the King-Parliament Secondary Plan. The decision document and preliminary report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.38>

A revised development proposal was submitted in December 2016, which included the addition of office and hotel uses, along with an increased gross floor area and increased tower heights (the "December Revised Proposal").

On November 15, 2017, the Official Plan and Zoning By-law Amendment applications were appealed to the LPAT by the applicant pursuant to Sections 22(7) and 34(11) of the Planning Act because the City did not make a decision within 180 and 120 days of the Official Plan Amendment and Zoning By-law Amendment applications, 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 Revised Proposal") The March Revised Proposal also included a 1,400-square metre on-site park.

At its June 26, 27, 28 and 29, 2018 meeting, City Council adopted the Request for Directions report dated May 29, 2018 recommending refusal of the March 2018 "with prejudice" submission. The report stated that while the proposal represented an improvement from the original submission, the proposal's massing and height still did not fit within the existing built form context of the King-Parliament area. Other outstanding issues include the area proposed for retail spaces, the location of the park, appropriate heritage conservation measures, and outstanding traffic and functional servicing matters. The decision document and report can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.17>

## **COMMENTS**

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This report is about ongoing litigation before the LPAT 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 City Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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