



## 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:** March 19, 2019

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

#### **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 respecting 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, currently before the Local Planning Appeal Tribunal (the "LPAT").

At the July 23, 24, 25, 26, 27 and 30, 2018 meeting of City Council, City Council adopted the recommendations from the City Solicitor, with amendments, respecting a settlement offer from the applicant (the "July 2018 Settlement Offer"). The City Solicitor recommended accepting the July 2018 Settlement Offer. The decision document and report from the City Solicitor can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.36>

On October 31, 2018, the LPAT issued an Interim Order allowing the appeal in part and approving the settlement reached between the City and the applicant.

The applicant has since made revisions to the development proposal that require further instruction from City Council.

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 the Confidential Recommendations contained in Confidential Attachment 1 if the Confidential 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 Official Plan Amendment and Zoning By-law Amendment applications for the site, submitted in February 2016, proposed 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.

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>

The applicant submitted a revised development proposal 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 applicant appealed the Official Plan and Zoning By-law Amendment applications to the LPAT pursuant to Sections 22(7) and 34(11) of the Planning Act.

A further "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 concluded 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>

On July 13, 2018, the applicant submitted a "without prejudice" settlement offer to the City. At the July 23, 24, 25, 26, 27 and 30, 2018 meeting of City Council, City Council adopted the recommendations from the City Solicitor, with amendments, and accepted the July 2018 Settlement Offer. The decision document and report from the City Solicitor can be accessed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.36>

## **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*.

The proposed revisions to the July 2018 Settlement Offer (the "March 2019 Revisions") are outlined in the March 15, 2019 letter from Aird & Berlis, attached as Appendix "A" to this Report and depicted in the revised architectural drawings dated March 12, 2019, attached as Appendix "B" to this Report. The proposed revisions include:

- A reduction of overall gross floor area (GFA) from 142,351 square metres to 138,992 square metres;
- A reduction of retail GFA from 14,289 square metres to 10,246 square metres;
- An increase of residential GFA from 96,244 square metres to 99,041 square metres;
- A reduction of hotel GFA from 21,819 square metres to 19,705 square metres;
- The consolidation of office GFA from two buildings into one building; and
- Minor massing changes to accommodate the land use GFA changes noted above.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Public Appendix "A" - Letter from Aird & Berlis dated March 15, 2019  
Public Appendix "B" - Architectural Plans dated March 12, 2019

Confidential Attachment 1 - Confidential Information