



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

161 and 167 Parliament Street, 351, 363, 371 and 373 Queen Street East and 80, 90, 92 and 94 Power Street - Official Plan and Zoning By-law Amendment and Rental Housing Demolition Applications - Request for Direction regarding LPAT Appeal

Date: October 19, 2020

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

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

The purpose of this report is to seek further instructions respecting the appeal of the Official Plan and Zoning By-law Amendment applications for 161 and 167 Parliament Street, 351, 363, 371 and 373 Queen Street East and 80, 90, 92 and 94 Power Street, currently before the Local Planning Appeal Tribunal (the "LPAT"). A ten-day LPAT hearing is scheduled to commence on January 25, 2021.

This report has been prepared in consultation with City Planning.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the Recommendations contained in Confidential Attachment 1 to this report.

2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:

a. the recommendations contained in the Confidential Attachment 1, with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege; and

b. Confidential Appendices A and B.

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 March 29, 2018, the City received applications for an Official Plan Amendment and Zoning By-law Amendment to permit a mixed-use building consisting of two tall building forms of 16 and 29 storeys (58.6 metres and 103.4 metres, respectively) on top of a base building ranging between 3 to 6 storeys (14.7 metres and 25.0 metres, respectively) (the "Application"). The Application proposed a total gross floor area ("GFA") of 44,361 square metres, consisting of: 40,625 square metres of residential GFA, which results in 584 dwelling units; and 3,736 square metres of non-residential GFA. A 3-level underground garage was proposed to accommodate 259 vehicular parking spaces. The Application included a 300 square metre park at grade at the northeast portion of the site.

An associated Rental Housing Demolition application was submitted under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to demolish eight (8) existing rental dwelling units on the lands, consisting of seven (7) affordable rental units and one (1) mid-range rental unit, all of which would be replaced within the proposed development. The Rental Housing Demolition application under Chapter 667 is not appealable to the LPAT.

On June 26, 2018, City Council adopted a Request for Interim Directions Report, in which City Council gave direction to City staff to appear before the LPAT to oppose the Application. Staff identified the proposal as constituting overdevelopment and were of the view that it did not provide an appropriate built form in response to the two distinct policy areas of the mid-rise typology within the Mixed Use Area 'D' designation along Queen Street East, and the distinct tall building typology within the Regeneration Area 'A' designation. Other concerns raised included the requirement for on-site parkland, and the need for the elimination of a driveway access off of Parliament Street, among other matters. The decision of City Council can be accessed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.18>

On September 19, 2019, the applicant appealed the Application to the LPAT. The applicant then submitted a revised submission on October 23, 2019, which proposed a

29-storey tower, with 9- to 12-storey building components, on top of a 3-storey base building. A total gross floor area of 37,193 square metres was proposed. The October 23, 2019 proposal also included the dedication of a park on the northeast section of the site with an area of 445 square metres, and the elimination of the driveway access on Parliament Street.

Staff continued to engage in discussions with the applicant after the October 23, 2019 re-submission. On September 23 and 24, 2020, City Staff and representatives of the applicant participated in an LPAT mediation.

The purpose of this report is to seek further instructions regarding the appeal of the Official Plan and Zoning By-law Amendment applications.

COMMENTS

This report is about ongoing litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. The attachment and appendices to this report contain confidential information and should be considered by City Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information

Confidential Appendix A - Confidential Information

Confidential Appendix B - Confidential Information