

187 King Street East and 65 George Street - Zoning Amendment - Request for Direction Report

Date: September 17, 2021

To: City Council

From: City Solicitor

Wards: Ward 13 – Toronto Centre

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 heritage resources and a related ongoing appeal at the Ontario Land Tribunal (the "OLT").

On August 18, 2021 the owner submitted a revised submission or "with prejudice" offer together with revised architectural plans and drawings prepared by Core Architects Inc. dated August 9, 2021 (collectively the "Settlement Offer") for 187 King Street East and 65 George Street, Toronto (the "Site"). The offer letter is attached to this report as Public Appendix A, and the architectural plans and drawings are attached as Public Appendix B.

The Settlement Offer is the result of discussion with City staff, and further detail of the revisions are provided in Public Appendix A and the sections that follow.

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 Confidential Recommendations in Confidential Attachment 1 if adopted by City Council, with the balance of the Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor 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

An application was filed with the City in 2017 for a zoning by-law amendment for the Site to permit a 17-storey mixed-use residential condominium building. The proposal would retain the four-storey building at 187 King Street East, which is designated as having heritage significance under Part IV the Ontario Heritage Act and known as the Little York Hotel, and contemplated the demolition of the two-storey building on the then-listed heritage property at 65 George Street. The building at 187 King Street East was proposed to be retained and remain in use for retail/commercial with the rear (south) wall modified to provide a connection to the new building. Approximately 4.5 metres of new construction was set atop the rear (south) portion of the building at 187 King Street East.

City Council refused the application, and that decision was subsequently appealed to the Local Planning Appeal Tribunal, now continued as the OLT. City Council's decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.12>

At its July 28, 2020 meeting, City Council stated its intention to designate the property at 65 George Street under Part IV of the Ontario Heritage Act. It was determined that the property meets *Ontario Regulation 9/06*, which sets out the criteria prescribed for municipal designation under Part IV, due to its design/physical, historical/associative and contextual value. No appeals to the intent to designate were received and the property was subsequently designated through by-law 1039-2020.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.15>

In relation to this Settlement Offer the City Solicitor also prepared a report to the Toronto Preservation Board in relation to the conservation of heritage resources located on the Site. That report was considered by the Preservation Board on September 1, 2021 and will be forwarded to City Council for consideration alongside this report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PB26.7>

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 City Council *in camera*. This report has been prepared in consultation with staff from City Planning.

The Settlement Offer reflects an overall building height (68.4 metres + mechanical), floorplate size and number of units (16 in total) that have remained relatively unchanged since the initial application that was the subject of the 2017 City Council refusal.

Revisions have been aimed at addressing the issues raised in the September 29, 2017 Refusal Report from the Director, Community Planning Toronto and East York District, relating to heritage retention and protecting for adequate facing distances of windows to ensure privacy and protect for future development on adjacent properties.

One of City Planning staff's main concerns with this application was the proposed setbacks to the east and south and the inclusion of windows on the property line, with a concern this would limit future development on neighbouring properties. The proposal has been revised to locate any windows on the east and south elevations 5.5 metres from the property line, ensuring that with similar window setbacks on neighbouring properties that an adequate facing distance is provided. Consideration has been given to the development potential of adjacent properties with respect to the size of these adjacent parcels, their current use, and the adopted policies for the King Parliament Secondary Plan.

Another main concern of staff was with respect to heritage retention on the site. The revised proposal retains the existing heritage building at 187 King in situ and also retains the original one-storey street-facing portion of the façade of the building at 65 George Street by documenting, dismantling, salvaging and reconstructing it. The new development will be set atop the reconstructed 65 George Street elevation with an approximate 2 metre step back at the second storey. The heritage merits of the Settlement Offer are discussed in a separate report from the City Solicitor to the Toronto Preservation Board that was considered at the September 1, 2021 and now forwarded to City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Appendix A – Settlement Offer Letter dated August 18, 2021 from WND Associates

Public Appendix B – Architectural Plans dated August 9, 2021 prepared by Core Architects Inc.

Confidential Attachment 1 – Confidential Recommendations and Confidential Information

Request for Direction Report with respect to 187 King St. E. and 65 George St.