

**133-141 Queen Street East and 128 Richmond Street
East - Zoning By-law Amendment Application -
Request for Direction Report**

Date: January 25, 2022

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 that was referred to the Ontario Land Tribunal (the "OLT"). The appeal is known at OLT case number PL210030.

A 10-day hearing relating to the development proposal is scheduled to commence on March 21, 2022. In accordance with timelines imposed by the OLT the Owner has submitted with prejudice revised plans to be considered at the Tribunal hearing. The purpose of this report is to seek further instruction for the OLT hearing on the above-noted appeal.

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

On October 3, 2019, a complete application to amend the Zoning By-law was submitted to permit a 39-storey mixed-use building at 133-141 Queen Street East and 128 Richmond Street East.

A Preliminary Report was adopted by Toronto and East York Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.71>

An OLT prehearing conference regarding the appeal was held on May 4, 2021.

On July 14, 2021, City Council adopted the recommendations of City Planning's Request for Direction Report regarding the Application for the Subject Site. City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.15>

One day of mediation with the Applicant was held on September 30, 2021.

A 10-day OLT hearing is scheduled to commence on March 21, 2022.

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 Applicant initially submitted a Zoning By-law Amendment application to the City in September 2018, proposing to redevelop the Subject Site with a 41-storey (133.05 metres, including mechanical penthouse) mixed-use building containing 440 dwelling units and 1,300 square metres of non-residential floor area.

The applicant subsequently submitted a revised proposal for a 39-storey (117.5 metres tall plus a 7.5-metre mechanical penthouse) mixed-use building. The revised proposal continued to contain 440 dwelling units, 500 square metres of non-residential floor area, 92 resident parking spaces, and 7 visitor parking spaces.

On November 5, 2021 the applicant submitted revised plans as contained in Public Appendix A on a with prejudice basis to be considered at the OLT hearing (the "Revised Plans"). The key revisions to the original proposal that have been made by way of the Revised Plans include:

- The ground floor setbacks have been increased and the public realm has been expanded to achieve minimum 6.0-metre curb-to-building distances along Queen Street East, Jarvis Street and Richmond Street East;
- The base building setbacks have been increased to be in line with the ground floor setbacks and any portion of the building and balconies cantilevering over the public realm have been eliminated allowing sufficient space for street trees to grow;
- The height of the base building has decreased from 10-storeys to 4-storeys along Queen Street East;
- The height of the base building has decreased from 7-storeys to 4-storeys along Jarvis Street;
- A proper base building with a height of 5-storeys has been introduced along Richmond Street East whereas the tower previously met the ground;
- The tower steps back from the edges of the base building to create a clear base building condition;
- The revised proposal includes a 3-metre tower stepback from Richmond Street East;
- The revised proposal includes a 2-metre tower stepback from Jarvis Street for levels 5 to 6 and a 1-metre tower stepback for levels 7 to 41;
- West facing terraces and balconies for levels 3 to 11 have been eliminated to reduce privacy/overlook conflicts with the existing residential building at 127 Queen Street East;
- Balconies on each face of the proposed tower project 2.0 metres, which on the Jarvis frontage project 1 metre beyond the base building and overhang the public realm; and
- The amount of indoor and outdoor amenity space has been increased.

The following table provides a summary of the development statistics for both the Application as described in the Request for Directions report dated June 4, 2021 and the settlement proposal submitted in January 2022.

	Original Proposal	Revised Plans (November 5, 2021)
Building Height (storeys)	39	40
Building Height (metres) (including mechanical penthouse)	125	130.1
Gross Floor Area (square metres)	Residential: 29,000 Non-residential: 500 Total: 29,500	Residential: 28,735 Non-residential: 365 Total: 29,100
Floor Space Index	16.5 times the lot area	16.3 times the lot area
Dwelling Units	1-Bedroom: 304 (70 Percent) 2-Bedroom: 92 (21 Percent) 3-Bedroom: 44 (10 Percent) Total: 440	1-Bedroom: 304 (70 Percent) 2-Bedroom: 92 (21 Percent) 3-Bedroom: 44 (10 Percent) Total: 440
Amenity Space (square metres)	Indoor: 880 Outdoor: 290 Total: 1,170	Indoor: 1,246 Outdoor: 514 Total: 1,760
Vehicle Parking	Residential: 92 Visitor: 7 Total: 99	Residential: 92 Visitor: 7 Total: 99
Bicycle Parking	Long Term: 396 Short Term: 44 Total: 440	Long Term: 396 Short Term: 44 Total: 440
Loading	1 Type 'G' 2 Type 'C'	1 Type 'G' and 'B' 1 Type 'C'

The Owner has not provided any formal offer with respect to Section 37 community benefits associated with the Revised Plans.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Appendix A – Architectural Plans dated November 5, 2021 prepared by IBI Group

Confidential Attachment 1 - Confidential Information