

212 - 220 King Street West - Official Plan and Zoning By-law Amendment - OLT Appeal - Request for Direction

Date: July 8, 2022

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina-Fort York

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

On December 10, 2020, Official Plan and Zoning By-law Amendment applications were submitted to the City to permit an 80-storey (312 metres including mechanical penthouse) mixed-use development that partially conserves three heritage buildings located on the site, that includes 588 purpose built rental units, 74,130 square metres of office space and 872 square metres of retail space. On January 24, 2022, the applicant appealed the Official Plan and Zoning By-Law Amendments to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision on the applications within the time period prescribed under the *Planning Act*. A Case Management Conference was held on May 20, 2022, and the OLT has scheduled a 10-day hearing commencing on April 24, 2023.

The City Solicitor seeks direction on this matter no later than the completion of the City Council meeting which starts on July 19, 2022, as the Tribunal has directed that the final Procedural Order, including the City's issues list, be finalized by July 29, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege).

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

A Preliminary Report on the applications (June 22, 2020) from the Director, Community Planning, Toronto and East York District was considered by Toronto and East York Community Council on April 21, 2021 authorizing City Planning staff to conduct a community consultation meeting with an expanded notification area. The Community Council decision and Preliminary Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE24.27>

COMMENTS

The Preliminary Report set out staff's concerns with the development proposal. Those concerns included:

- Respecting the existing and planned built form context as directed by the Official Plan, the Downtown Plan and the King-Spadina Secondary Plan, specifically as it relates to the proposed overall tower height and massing;
- Determine whether the proposed density is appropriate for this site;
- Ensuring appropriate tower stepbacks, and creating a positive relationship between the proposed development and the existing and planned buildings to the north and west;

- Transition of the proposed tower to and from properties in the vicinity of the site and in relation to the larger East Precinct of King Spadina and the Financial District;
- Appropriate tower setbacks above the heritage façades;
- Relationship between the new development and the designated Heritage properties to ensure appropriate and adequate conservation of heritage resources based upon both Provincial Regulations and Official Plan Policies;
- Pedestrian-level wind conditions along nearby streets, surrounding properties, and open spaces;
- Wind conditions on the outdoor amenity space level;
- Floorplate size of the proposed office and residential towers;
- Shadow impacts on the public realm, including existing and planned open spaces and Queen Street West;
- Enhancements to the public realm, including sidewalk widths and streetscape improvements on and surrounding the site;
- Establishment of a mid-block pedestrian connection through the site, in accordance with the King Spadina Urban Design Guidelines;
- Compliance with the Tall Buildings Guidelines;
- Provision of indoor and outdoor amenity space, including size, location and programming;
- Public access to proposed interior amenity spaces;
- Provision of community services and facilities in accordance with the Complete Communities provisions of the Downtown Plan; and
- Provision of affordable housing.

A final recommendation from Community Planning staff has not yet been made in respect of the proposal discussed in the Preliminary Report and the City Solicitor requires direction from City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Report from the City Solicitor