

**471 - 479 Queen Street East - Zoning By-law
Amendment - OLT Appeal - Request for Direction**

Date: January 26, 2023

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On November 19, 2020, a Zoning By-law Amendment application was submitted to the City for the lands at 471 - 479 Queen Street East. The application was to permit a 15-storey (54.8 metres tall including mechanical penthouse) mixed-use building with ground floor retail uses and 143 residential dwelling units.

The application was appealed to the Ontario Land Tribunal (OLT) on November 5, 2021 for City Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. Case Management Conferences were held at the OLT on February 4, 2022 and May 9, 2022 and a 10-day hearing has been scheduled to commence on March 13, 2023.

A With Prejudice Offer to Settle for a revised development proposal was provided to the City on January 23, 2023 and the City Solicitor seeks direction on the settlement offer no later than the completion of the City Council meeting which starts on February 7, 2023.

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 City 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 beyond what has already been approved in the current year's budget.

DECISION HISTORY

A Final Report including an Official Plan Amendment, and Zoning By-law Amendment to implement the King Parliament Secondary Plan was received by Toronto and East York Community Council On April 21, 2021. On May 5, 2021, City Council adopted the King-Parliament Secondary Plan. The applicant for 471 - 479 Queen Street East appealed the King-Parliament Secondary Plan and its implementing zoning by-law, By-law 392-2021. City Council's decision and the report can be found at the following link:

[Agenda Item History - 2021.TE24.11 \(toronto.ca\)](#)

A Request for Direction Report (January 31, 2022) from the Director of Community Planning, Toronto and East York District, was considered by City Council at its meeting on March 9, 2021. The report directed the City Solicitor and appropriate City staff to attend the OLT in opposition to the Zoning By-law Amendment appeal for the reasons set out in the report, and to continue discussions with the owner in an attempt to resolve outstanding issues. City Council adopted the recommendations and the City Council Decision and the report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.20>

COMMENTS

Public Appendix 1 is a letter containing a With Prejudice Offer to Settle, dated January 23, 2023, with attached site statistics tables and architectural plans, from Aird and Berlis (the "Settlement Offer").

In response to comments from City Planning and Transportation Planning, revisions were made to the original proposed development. The Settlement Offer proposes a 15-storey residential building with retail at grade, with increased setbacks, additional amenity space, and having all access to the proposed building off of a private lane located at the rear of the property rather than off Queen Street East.

The key revisions include:

1. The relocation of the proposed curb-cut, and vehicular access from Queen Street East to a private lane located at the rear of the property, and the extension of the lobby over the area that was a proposed driveway;
2. The loading area is now fully enclosed in the podium of the building which has been extended to the west in the area formerly occupied by a north/south private drive and with a proposal overhead automatic garage door at the southern end of the loading area;
3. The reduction of the base building height by one-storey to achieve a more pedestrian scale along Queen Street East;
4. The relocation of the 15th-storey setback from the rear of the building to the Queen Street East frontage to mitigate the height impact upon the public realm, achieve better sunlight access on Queen Street, and to better meet the intent of the King Parliament Secondary Plan Policies and the Mid-rise Design Guidelines; and
5. An increase in amenity space to achieve the minimum requirement of the Zoning By-law (combined 4 metres of indoor and outdoor amenity space per unit).

The City Solicitor requires direction on this matter prior to the conclusion of the February 7, 2023 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Appendix 1 - With Prejudice Offer to Settle letter, dated January 23, 2023, with attached site statistics tables and architectural plans, from Aird and Berlis
2. Confidential Attachment 1 - Confidential Report from the City Solicitor