



**STAFF REPORT  
ACTION REQUIRED  
With Confidential Attachment**

**543-553 Richmond Street West – OMB Appeal – Request  
for Direction regarding OMB Hearing**

<b>Date:</b>	December 6, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reason for Confidential Information</b>	This report contains advice or communications that are subject to solicitor-client privilege
<b>Reference Number:</b>	14 267424 STE 20 OZ

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**SUMMARY**

The owners of 543-553 Richmond Street West have appealed their Zoning By-law Amendment application to the Ontario Municipal Board ("OMB") due to a lack of decision by the City within the statutory timeframe. An OMB hearing has been scheduled for five days beginning May 29, 2017. This report seeks instructions for direction on this matter.

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**RECOMMENDATIONS**

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor.

## **Financial Impact**

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

The owners of the property at 543-553 Richmond Street West have appealed their Zoning By-Law amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. A one day pre-hearing conference took place in October 2016 and another has been scheduled for February 7, 2017. A five day hearing has been set beginning May 29, 2017.

This application proposes to redevelop the site at 543-553 Richmond Street West, currently containing a two-storey warehouse/office buildings and surface parking lot, with a 15-storey mixed-use building including an eight-storey podium containing residential units and commercial uses at grade.

A preliminary report by the Director, Community Planning, Toronto East York District, was considered by Toronto East York Community Council on May 12, 2015. The report listed several concerns with the proposal, including the proposed building height and massing which were considered excessive and not in conformity with the King-Spadina Secondary Plan, insufficient building setbacks and step backs as well as a lack of transition to the surrounding areas. In addition to the Built Form matters to be resolved, the report also raised concerns regarding consideration of surrounding heritage properties and the King Spadina HCD (currently underway) as well as the lack of office replacement provided, contrary to OPA 231. Staff also expressed the desire for an on-site parkland dedication, which would require the proposed redevelopment of the site to be reconfigured.

For more detailed Decision History, see the Preliminary Report dated April 24, 2015 from the Director, Community Planning, Toronto East York District, at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE6.28>

## **ISSUE BACKGROUND**

Further information has been received which has resulted in the need for directions from City Council. A with prejudice settlement offer (the "Settlement Offer") was made to the City Solicitor on September 21, 2016. The Settlement Offer was originally meant to expire at the end of the October meeting of City Council but was extended until the end of the City Council meeting set to begin on December 13, 2016. A copy of the letter containing the Settlement Offer is attached as Appendix "A" to this report.

The Settlement Offer proposes revisions to the project, some of which address some of the concerns that were expressed by staff. In particular:

- The site has been reconfigured to allow for a 550 square metres park along Portland Street.
- While still at 15 storeys, the overall height has been reduced from 50.2 metres to 48.72 metres without mechanical (and 54.72 metres with mechanical).
- The massing of the building has been reduced at the corner of Portland and Richmond to accommodate a park along Portland Street, which has subsequently increased the frontage on Portland Street
- 10% three bedroom unit count to be provided.
- Offer of \$400,000 for Section 37 benefits to be used for affordable housing/parkland improvements in the vicinity of the site.

## **COMMENTS**

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

## **CONTACT**

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## **SIGNATURE**

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Brian Haley, Interim City Solicitor

## **ATTACHMENTS**

Appendix "A" - Letter containing the Settlement Offer  
Attachment 1 - Confidential Recommendations and Confidential Information