

48-54 Power Street and 113-135 Parliament Street - Supplementary Report - Settlement Offer

Date: December 13, 2016

To: City Council

From: City Solicitor

Wards: Ward 28 - Toronto Centre - Rosedale

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

Item 20.15 is a directions report from the Chief Planner dated October 25, 2016 that was considered by Toronto and East York Community Council at its November 15, 2016 meeting and will be before City Council at its meeting commencing December 13, 2016.

On November 22, 2016 the City received a public "with prejudice" settlement offer from the applicant's solicitor (the "Original Offer"), with a copy of the Original Offer attached hereto as Public Attachment 1.

Following further discussion with City staff, the City received a further "with prejudice" letter from the applicant's solicitor dated December 14, 2016 to revise and update the Original Offer with related plans dated December 2, 2016. The December 14, 2016 letter will be referred to as the "Settlement Offer" and is attached as Public Attachment 2 and the December 2, 2016 plans will be referred to as the "Settlement Plans" and are attached as Public Attachment 3. The Settlement Offer must be considered by Council at its meeting commencing December 13, 2016.

This report contains advice from the City Solicitor and requests further direction in response to the Settlement Offer.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council delete the recommendation of the Toronto and East York Community Council and adopt the confidential instructions to staff as contained in the Confidential Attachment.
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment, if adopted by City Council, but direct that the remainder of the Confidential Attachment remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On May 13, 2014, Toronto and East York Community Council approved the recommendations, with amendments, of the Preliminary Report on the application. The report identified various issues that need to be resolved, including: overall height of the building; building setbacks; mix of residential unit types; amount of residential amenity space; adequacy of parkland in the area; and the replacement of the residential rental units. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.46>

On November 15, 2014, Toronto and East York Community Council approved the recommendations of the Directions Report and these recommendations are currently before Council.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE20.15>

COMMENTS

The below chart provides a comparison of the changes to built form as between the November 27, 2015 proposal and the current Settlement Plans.

	Previous Proposal November 27, 2015	Settlement Plans December 2, 2016
Site Area (sq.m.)	4,675	4,675
Gross Floor Area (sq.m.)		
Residential	41,142	38,801
Retail	6,187	4,023
Total	47,329	42,824
***Floor Space Index	10.2	9.2
***Overall Height (m.)	77.5 (84 inc. MPH)	71.9 and 62.9 (excluding MPH)
***Base Building Height (m.)	21.1	19.7
****Base Building Setbacks (m.)		
North Property Line	0	4 on the 1st floor, 1.5 – 2 on the 2nd floor, 3 -3.8 from 3rd floor
East Property Line	0 from the 1st floor, 1.5 – 8.6 from the 3rd floor	0 - 6 from the 1st floor, 0 - 1.5 from the 2nd floor,
South Property Line	0	0 from the 1st floor, 1.5 from the 4th floor
West Property Line	0	3 on the 1st floor, 1.5 – 3 from 2nd floor, 1.5 -34.1 from 5th floor
***Tower Setbacks (m.)		
North Property Line	3 from the 5th floor	3 – 5 from the 6th floor
East Property Line	1.5 – 11.4 from the 5th floor, 10.5 from the 16th floor	3 - 3.8 from the 6th floor, 3 – 6 from the 16th floor
South Property Line	3 from the 5th floor	3.2 – 4.7 from the 6th floor, 4.7 from the 16th floor
West Property Line		6.5 – 34.1 from the 6th floor

	6 – 35.8 from the 5th floor, 35 from the 16th floor	
***Number of Residential Units		
Bachelor	11	12 (all are rental replacement)
1 bedroom	241 (12 are rental replacement)	181
2 bedroom	229 (3 are rental replacement)	269 (3 are rental replacement)
3 bedroom	51	55
Total	532	520
Number of Rental Dwelling Units	15	15
***Residential Amenity Space (sq.m.)		
Indoor	1,025	922
Outdoor	1,180	918
Total	2,205	1,820
***No. of Vehicular Parking Spaces		
Residential	401	172
Residential Visitor	98 (shared)	77 (shared)
Commercial		
Total	449	249
***No. of Bicycle Parking Spaces		
Residential	447	470

Residential Visitor	109	52
Commercial	50	26
Total	606	548

The Settlement Offer also provides greater detail respecting matters pertaining to outstanding conditions that must be satisfied prior to any zoning by-law being finally approved, including, among other matters:

- revisions to technical studies,
- entry into a sanitary discharge agreement,
- the requirement for further applications to the City for tree removal and rental housing,
- satisfaction of conditions associated to any rental housing demolition permit,
- on-site parkland dedication, including details with respect to the timing of the conveyance and the owner's responsibility for above base parkland improvements and maintenance, and
- section 37 contributions.

CONTACT

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SIGNATURE

Brian Haley
Interim City Solicitor

ATTACHMENTS

Public Attachment 1 to Report - Original Offer dated November 22, 2016 from Aird & Berlis LLP
Public Attachment 2 to Report - Settlement Offer dated December 14, 2016 from Aird & Berlis LLP
Public Attachment 3 to Report - Settlement Plans dated December 2, 2016
Confidential Attachment 1 - Confidential Report from the City Solicitor