

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

Date: May 23, 2017

To: City Council

From: City Solicitor

Wards: Ward 20 - Trinity-Spadina

REASON FOR CONFIDENTIAL INFORMATION

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

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.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. The recommendations contained in Confidential Attachment 1 to this report be made public at such time as Council adopts the recommendations. All other information contained in Confidential Attachment 1 and Confidential Appendix 1 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 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 was held on February 7, 2017. A five day OMB hearing is scheduled to begin on 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 a 7-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, insufficient building setbacks and step backs as well as a lack of transition to the surrounding areas. In addition to these built form matters, the report also raised concerns regarding consideration of surrounding heritage properties and the lack of office replacement provided. Staff also expressed a desire for an on-site parkland dedication, which required the proposed redevelopment of the site to be reconfigured.

The Preliminary Report dated April 24, 2015 from the Director, Community Planning, Toronto East York District, can be found at the following link:

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

A With Prejudice settlement offer (the "Settlement Offer") was made to the City Solicitor on September 26, 2016. The Settlement Offer was rejected by City Council at its meeting of December 13, 2016, and the report discussing the offer can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC23.3>

ISSUE BACKGROUND

The Settlement Offer made a number of revisions to the project, which addressed some of the concerns expressed by City staff. In particular:

- The site was reconfigured to allow for a 550 square metre park along Portland Street.
- While still at 15 storeys, the overall height was reduced from 50.2 metres to 48.72 metres without mechanical (and 54.72 metres with mechanical).

- The massing of the building was reduced at the corner of Portland and Richmond to accommodate a park along Portland Street, increasing the frontage on Portland Street.
- 10 percent of the dwelling units were three bedroom units.
- A contribution of \$400,000 for Section 37 benefits was offered.

Further information has been received which has resulted in the need for further direction from City Council.

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

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information