



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

444-450 Richmond Street West – Zoning By-law Amendment – Request for Further Direction Regarding LPAT Hearing

Date: February 19, 2020

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

450 Richmond Street West Limited (the "Applicant") is the owner of the property municipally known as 444-450 Richmond Street West (the "Subject Site"), located on the north side of Richmond Street West, west of Spadina Avenue. The Subject Site is currently vacant land being used for construction staging for the development on the adjacent property at 452 Richmond Street West.

On July 5, 2017, the Applicant submitted a Zoning By-law Amendment application to the City proposing to amend the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 to permit the development of a 19-storey (61.1 metres in height, including mechanical penthouse) mixed-use building (the "Original Proposal"). The Original Proposal included retail uses at grade and residential uses above. The total proposed gross floor area ("GFA") of the Original Proposal was 8,494 square metres, with a floor space index ("FSI") of 14.02.

On November 9, 2017, the Applicant appealed its zoning by-law amendment application to the Ontario Municipal Board ("OMB"), now known as the Local Planning Appeal

Tribunal ("LPAT"), for non-decision by City Council. The appeal is known as LPAT File No. PL171261. A pre-hearing conference was held on November 30, 2018.

On February 10, 2020, the Applicant's counsel, Aird Berlis LLP, submitted to the City Solicitor a with prejudice settlement offer (the "Settlement Offer") based on revised architectural plans also dated February 10, 2020 and prepared by architectsAlliance (the "Revised Plans"). The Revised Plans and Settlement Offer are the result of discussions between the Applicant and City staff.

The Settlement Offer is attached to this report as Public Attachment 1, and the Revised Plans are attached to this report as Public Attachment 2. The Settlement Offer and Revised Plans are described further in the "Comments" section below.

The purpose of this report is to request instructions for the upcoming LPAT hearing, which is scheduled for April 20 to May 1, 2020.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor, as it contains advice subject to solicitor-client privilege.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 23, 2018, City Council adopted the recommendations of a Request for Directions Report by City Planning authorizing the City Solicitor and City Staff to oppose the Original Proposal at the LPAT and to continue discussions with the Applicant to address City Planning's outstanding issues. A copy of City Council's decision and City Planning's report can be found at the following link:

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COMMENTS

The Settlement Offer and the Revised Plans show changes to the design of the proposal, including the following:

- The height of the proposed building has been reduced from 61.1 metres to 58.15 metres;
- The total GFA of the proposal has been reduced from 8,494 square metres to 8,058 square metres. The Revised Plans show a total retail GFA of 339 square metres and a total residential GFA of 7,719 square metres;
- The Revised Plans have reduced the floor space index ("FSI") of the proposal from 14.02 to 13.30 times the area of the lot;
- The Revised Plans now include 13 3-bedroom units and 25 2-bedroom units, representing 11 percent and 21 percent of the overall unit mix in the proposed development;
- The façade of the proposed development facing Richmond Street West has been modified to remove all balconies above the 12th storey;
- - The Revised Plans now includes a 2 metre stepback above the 12th storey along the front façade of the building facing the Richmond Street West frontage. This matches the stepback provided on the approved building at 452 Richmond Street West.
- The Revised Plans propose an increased stepback to the east above the 12th storey, tapering from 5.5 metres at the south to 3.5 metres to the north;
- The design of the proposed building has been modified to include a light-well condition on the eastern portion of the development abutting the neighbouring property to the east (The Morgan, at 438 Richmond Street West);
- The indoor amenity space has been increased from a total of 228 square metres to 333 square metres;
- The outdoor amenity space has been increased from 66 square metres to 111 square metres; and
- The proposed on-site parking has been modified to provide 3 short-term drop-off parking spaces and 1 service vehicle whereas the Original Proposal included only 5 car-share parking spaces, 4 of which were tandem undersized spaces.

The City Solicitor requires further instructions regarding the Settlement Offer. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Settlement Offer dated February 10, 2020
2. Public Attachment 2 - Revised Plans dated February 10, 2020 (on file with the City Clerk for the purpose of the February 27 and 28, 2020 City Council meeting)
3. Confidential Attachment 1 - Confidential Recommendations and Confidential Information