

**582-590 King Street West, 471-473 Adelaide Street
West and 115 Portland Street Zoning By-law
Amendment Application - Request for Direction**

Date: January 25, 2021
To: City Council
From: City Solicitor
Wards: Ward 10 - Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On August 11, 2017, an application for this site was submitted to the City to amend the Zoning By-law to permit a mixed-use development containing retail uses at grade and office uses above grade. A six-storey building was proposed to front King Street West (at 582-590 King Street West), connected to a 12-storey building located at 471-473 Adelaide Street West and 115 Portland Street. The applicant appealed City Council's failure to issue a decision on the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) and a Request for Direction Report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York District, was considered by City Council at its meeting on June 26, 2018. The report recommended that City Council authorize City staff to oppose the application in its current form and continue discussions with the applicant. A 20-day hearing before the LPAT was scheduled to begin on May 5, 2020. The hearing was subsequently adjourned and has not been rescheduled.

The parties agreed to LPAT led mediation, and following a mediation that took place in December, 2019 and January, 2020, the applicant revised their plans, and on May 20, 2020 submitted a with prejudice settlement offer to the City for a revised development proposal. On July 28, 2020, City Council adopted recommendations of the Request for Direction report (July 20, 2020) from the City Solicitor respecting the proposed settlement, including the recommendation that the City Solicitor along with appropriate City staff attend the LPAT in support of the revised proposal.

The City Solicitor seeks further direction on this matter no later than the completion of the City Council meeting on February 2 and 3, 2021.

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 Council, then City Council authorize the public release of:
 - a. 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), and
 - b. Confidential Attachment 2 and Confidential Appendix 1

FINANCIAL IMPACT

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

DECISION HISTORY

A Request for Direction Report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York District, was considered by City Council at its meeting on June 26, 2018. This report recommended that City Council authorize City Planning staff to oppose the application in its current form and continue discussions with the applicant. City Council adopted the recommendations and the City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.14>

An Intention to Designate Report (February 6, 2020) from the Senior Manager, Heritage Planning Urban Design, City Planning, was considered by City Council at its meeting on June 29, 2020. The report recommended that City Council state its intention to designate the property at 582 King Street West under Part IV, Section 29 of the Ontario Heritage Act. City Council adopted the recommendations and the City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE14.14>

A Request for Direction Report (July 20, 2020) from the City Solicitor, was considered by City Council at its meeting on July 28, 2020. This report recommended that Council accept a settlement offer for a revised development proposal for the site. City Council

adopted the recommendations and the City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC23.8>

An Alterations to a Heritage Property and Authority to Enter into a Heritage Easement Agreement - 582 King Street West Report (June 8, 2020) from the Senior Manager, Heritage Planning, Urban Design, City Planning, was considered by the Toronto Preservation Board at its meeting on July 2, 2020 and City Council at its meeting on July 29, 2020. City Council adopted the recommendations and the City Council Decision and Staff Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.11>

COMMENTS

Following an LPAT led mediation, the applicant revised their original development proposal, and on May 20, 2020, submitted a with prejudice settlement offer to the City for a 10-storey building plus mechanical penthouse fronting King Street West and a connecting 12-storey building plus mechanical penthouse fronting Adelaide Street West and Portland Street. City Council accepted the settlement offer and directed the City Solicitor and staff to attend at the LPAT in support of the Zoning By-law Amendment appeal.

The City Solicitor requires further direction on this matter prior to the conclusion of the February 2 and 3, 2021 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Report from the City Solicitor

Confidential Attachment 2 - Confidential Information

Confidential Appendix 1 - Confidential Information