



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

620 King Street West – Settlement Offer

Date:	November 28, 2008
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.
Reference Number:	Committee of Adjustment Application No. A0650/08TEY

SUMMARY

On August 27, 2008 the Committee of Adjustment (the “Committee”) allowed a variance application to permit a mixed use 10-storey, 15-unit, residential building with commercial space at-grade, with variances for a decreased front wall setback at 20 metres height, decreased side and rear setbacks, decreased visitor parking requirements, and increased height, on condition that the owner provide a cash contribution for community benefits.

The Committee decision has been appealed to the Ontario Municipal Board (OMB) and a hearing has been scheduled for December 15-17. At its meeting of September 24 and 25, 2008, Council directed the City Solicitor and Planning staff to attend the OMB hearing to uphold the position of Planning staff and to support the appeal by the area resident.

The owner has now put forward a settlement offer on a “without prejudice” basis (the “Settlement Offer”). The confidential attachment presents and comments on the Settlement Offer, for Council’s consideration. This Report must be considered on an urgent basis given the upcoming hearing date.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. if adopted, the recommendations in Attachment 1 together with Appendix “A” may be made public at the end of the Council meeting.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact.

DECISION HISTORY

At its meeting of September 24 and 25, 2008, Council directed the City Solicitor and Planning staff to attend the OMB hearing to uphold the position of City Planning staff and to support the appeal by an area resident by way of motion MM24.15 (<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-15788.pdf>)

ISSUE BACKGROUND

On August 27, 2008 the Committee of Adjustment allowed a variance application to permit a mixed use 10-storey, 15-unit, residential building with commercial space at-grade, with variances for a decreased front wall setback at 20 metres height, decreased side and rear setbacks, decreased visitor parking requirements, and increased height, on condition that the owner provide a cash contribution for community benefits.

On September 13, 2008 an area resident appealed the decision of the Committee to the OMB. The applicant has since submitted the Settlement Offer. Attachment 1 comments on the merits of the Settlement Offer.

COMMENTS

A hearing has been set for December 15-17, 2008 and as such, the City Solicitor requires direction with respect to the Settlement Offer on an urgent basis.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information