

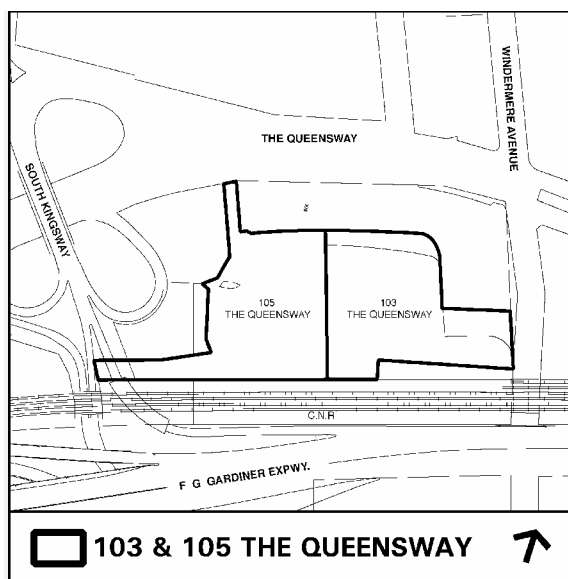
103 and 105 The Queensway – Authority to Enter into an Agreement

Date:	March 31, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	06 199588 WET 13 SA

SUMMARY

On December 11, 2008 the Committee of Adjustment approved minor variances through application A577/08 EYK to increase the height and density of the residential condominium towers permitted through By-law 708-2001 at 103 and 105 The Queensway. The approval included 2 additional storeys within the approved tower at 103 The Queensway (Block D), from 29 to 31 floors and 3 additional stories for the approved tower at 105 The Queensway (Block C), from 25 to 28 floors.

The purpose of this report is to seek authority from City Council to enter into a Section 45(9) Agreement with the owner of 103 and 105 The Queensway in order to implement the conditions imposed by the Committee of Adjustment in its decision on the application. The agreement secures the owner's obligation to provide additional public art enhancements within the CNR and F.G. Gardiner Expressway underpass located on Windermere Avenue.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Clerk and the Chief Financial Officer and Treasurer, or their delegates, to execute on behalf of the City a Section 45(9) Agreement with the owner of the lands known municipally as 103 and 105 The Queensway. The agreement shall be registered at the owner's expense satisfactory to the City Solicitor in consultation with the Director of Community Planning, Etobicoke York District, to implement the approval condition imposed by the Committee of Adjustment for application A577/08 EYK.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On July 24, 25 and 26, 2001, City Council authorized a site-specific Official Plan Amendment (OPA 193) and site specific Zoning By-law Amendment (Zoning By-law 708-2001) to permit the phased residential redevelopment of the former Stelco lands. A Section 37 agreement securing Community Benefits was adopted by City Council at its meetings of on July 24, 25 and 26, 2001; and February 13, 14 and 15, 2002. The agreement required the owner to provide 1% of the construction budget to fund a public art program for the site and identified the requirement for the enhancement of the CNR underpass. A Public Art Plan was completed by the owner and approved in 2002.

The construction of the project has proceeded over the last several years. Townhouses have been constructed on Blocks A and B, west of Windermere Avenue and townhouses and a residential tower have been built on Block E. The final phase of the development is to take the form of the two residential towers on Block D and C, west of Windermere Avenue, known respectively as 103 and 105 The Queensway.

The owner sought permission for additional floors on these two remaining towers at the Committee of Adjustment on December 11, 2008. Given that the application proposed an increase in height and density, Planning Staff recommended that the public art requirements previously allocated to the CNR underpass could be improved through additional funds and should be secured in the event that the variances were approved.

The Committee of Adjustment permitted the requested variances subject to the owner entering into an agreement under Section 45(9) of the Planning Act to provide: "...an additional public art contribution in the amount of \$64,000 based on an increased gross floor area of 7,317 square metres, such amount to be collected at the time of issuance of an above-grade building permit that permits development in excess of the total gross floor area previously approved for the overall site (110,993 square metres). The contribution is to be utilized for the explicit purpose of lighting and beautification to

augment the existing Section 37 contribution for the provision for public art within the CNR underpass at Windermere Avenue.” Should the owner build less than the maximum height/density permissions as provided by the Committee of Adjustment, the contribution shall be reduced to reflect the gross floor area granted through the building permit process.

COMMENTS

Section 45(9) of the Planning Act, R.S.O. 1990, authorizes Committee of Adjustment to request such terms and conditions as the Committee considers advisable. Given the owner had sought additional height and density, the approval was conditional upon the provision of supplementary community benefits to better serve the additional users of the site. The community benefit is to augment the existing Section 37 contribution for public art in the form of a maximum of \$64,000 to be devoted to lighting and beautification within the CNR and F. G. Gardiner underpass at Windermere Avenue.

In order to implement the approval conditions of Committee of Adjustment, City Council must authorize the execution of a Section 45(9) Agreement satisfactory to the City Solicitor in consultation with City Planning

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SIGNATURE

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