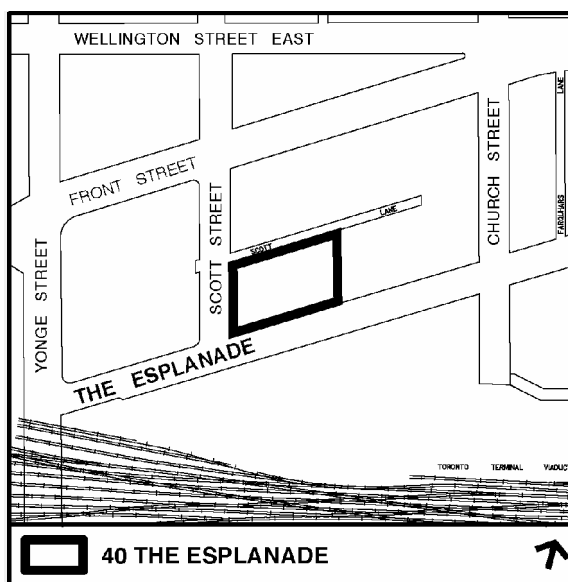


40 The Esplanade – City initiated amendment to site specific Zoning By-law – Supplementary Report

Date:	August 26, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	04 108075 STE 28 OZ

SUMMARY

On May 14, 2009 Toronto and East York Community Council (TEYCC) commenced a statutory public meeting to consider the report “40 The Esplanade – City initiated amendment to site specific zoning by-law”. The report recommends that City Council authorize the City Solicitor to amend the Section 37 Agreement for 40 The Esplanade to reflect the reallocation of a portion (\$150,000.00) of the \$700,000.00 cash contribution from the creation of a park at 125 The Esplanade to the St. Lawrence Heritage Conservation District Study – Phase 1 subject to the owner of the lands consenting to the amendment. The report also includes recommendations that would authorize staff to bring effect to the above. On May 14, 2009 TEYCC adjourned the public meeting pending confirmation of the owner’s support for the amendment. City staff have determined that the owner is unable to consent to the amendment. Accordingly, this report recommends that the Toronto and East York Community Council withdraw the report entitled “40 The Esplanade – City initiated amendment to the site specific zoning by-law” dated April 21, 2009.



RECOMMENDATIONS

The City Planning Division recommends that:

1. The Toronto and East York Community Council withdraw the report dated April 21, 2009 from the Director, Community Planning, Toronto and East York District, titled "40 The Esplanade - City Initiated Amendment to Site Specific Zoning By-law - Final Report".

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Toronto and East York Community Council (TEYCC) commenced a statutory public meeting on May 14, 2009 to consider the report "40 The Esplanade – City Initiated Amendment to Site Specific Zoning By-law." At this meeting, TEYCC voted to adjourn its public meeting on this report until September 14, 2009.

COMMENTS

On May 14, 2009 Toronto and East York Community Council commenced a statutory public meeting to consider the report "40 The Esplanade – City Initiated Amendment to Site Specific Zoning By-law". The report recommends that City Council authorize the City Solicitor to amend the Section 37 Agreement for 40 The Esplanade to reflect the reallocation of a portion of the \$700,000.00 cash contribution originally committed to the creation of a park at 125 The Esplanade as follows: \$150,000.00 to be directed as a cash contribution to the St. Lawrence Heritage Conservation District Study – Phase 1; and \$550,000.00 to be directed as a cash contribution to the creation of a park at 125 The Esplanade, subject to the Owner of the lands consenting to such amendment. The report also includes recommendations to permit the City Solicitor and appropriate City officials to give effect to the above.

The recommendations included in the report are subject to the consent of the Owner of the property. Given the urgent need to secure funds for the St. Lawrence Heritage Conservation District Study, the report was submitted to TEYCC pending confirmation of the Owner's support by the Councillor and City staff. In the week preceding the May 14, 2009 meeting of TEYCC the Owner expressed concerns to staff and the Councillor about his ability to support the recommendations given possible negative implications for the financing of the development of his property.

At its meeting on May 14, 2009 TEYCC voted to adjourn its public meeting until September 15, 2009 in order to provide staff with time to confirm whether or not the Owner of the land would consent to the proposed Section 37 reallocation.

Staff have confirmed that the Owner of the lands cannot consent to the proposed reallocation of the Section 37 funds as the legal and administrative requirements of this request may have negative implications for the financing of the development. Given that the recommendations included in the report are subject to the Owner's consent and the Owner is unable to provide his consent, staff recommend that the report be withdrawn.

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SIGNATURE

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