
City Council

Motion without Notice

MM46.10	ACTION			Ward: 27
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252-258 Victoria Street and 19-21 Dundas Square – Rezoning Application - by Councillor Rae, seconded by Councillor McConnell

** This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

** This Motion is subject to a re-opening of Item TE29.7. A two-thirds vote is required to re-open that Item.*

Recommendations

Councillor Rae, seconded by Councillor McConnell, recommends that:

1. City Council amend Recommendation 5.a. of TE29.7 to authorize the acceptance of financial security in the form of a Letter of Credit to secure the heritage upgrade of 19-21 Dundas Street and the capital improvements to O'Keefe Lane and additional street improvements within the immediate area given it is the applicant, rather than the City, which will carry out the work.
2. City Council amend Recommendation 5.b. of TE29.7 to delete the words “cash amounts” and replace them with the words “Letter of Credit”.
3. City Council amend Recommendation 5.c. of TE29.7 to delete the word “HEA” and replace it with “heritage easement agreement”.
4. City Council amend Recommendation 5.h.a. of TE29.7 to require the Letter of Credit, securing the work identified in the detailed conservation plan, to be submitted to the City prior to the issuance of the first above grade permit for the development.
5. City Council amend Recommendation 5.o.1. of TE29.7 to be carried out as a part of the site plan approval process, rather than requiring such work to be undertaken prior to final site plan approval.
6. City Council amend Recommendation 5.o.2. of TE29.7 to require the improvements of the street right-of-ways abutting the lot, including streetcaping and tree installations, to be carried out within the time frame determined by the Chief Planner during the site plan approval process, rather than requiring such work to be undertaken prior to final site plan approval.

7. City Council amend Recommendation 5.o.3. of TE29.7 to require the provision of the continuous weather protection on Victoria Street to be part of the construction of the development and to be further secured through the site plan approval process, rather than being physically provided prior to site plan approval for the development.
8. City Council amend Recommendation 5.o.4. of TE29.7 to require the completion of a wind assessment study and to employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division to be carried out as part of the site plan approval process, rather than requiring such work to be undertaken prior to the final site plan approval.
9. City Council amend Recommendation 1 of TE29.7 by substituting the draft Zoning By-law Amendment attached to this Motion for the one in Attachment 5 to the Final Report.
10. City Council hereby determine through the adoption of this recommendation that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to the Zoning By-law Amendment.
11. City Council direct the City Solicitor to submit the draft Zoning By-law Amendment attached to this Motion to City Council for enactment upon the owner entering into a Section 37 Agreement to the satisfaction of the City Solicitor in accordance with the requirements of TE29.7, as amended by this Motion.

Summary

At its meeting held on November 30 and December 1, 2, 4 and 7, 2009, City Council adopted Toronto and East York Community Council Item 29.7 which recommended amendments to the Zoning By-law for the former City of Toronto to permit redevelopment of 252-258 Victoria and 19-21 Dundas Square for a 39-storey mixed residential commercial building contained 5-storeys of office space and 230 square metres of retail, 238 residential units and six levels of underground parking. The development includes the preservation of the existing buildings at 19 and 21 Dundas Square.

As a condition to bringing forward the rezoning bill to Council for enactment, the owner is required to enter into a Section 37 Agreement to secure the payment to the City, prior to first above grade building permit, the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrades of 19-21 Dundas Square and \$400,000 towards capital improvements to O'Keefe Lane and additional street improvements within the immediate area. As a matter of convenience, the Section 37 Agreement is also to secure a number of other matters as set out in the Final Report. In preparing the Section 37 Agreement, it has become apparent to Legal Services and City Planning that there are a number of timing issues for the fulfillment of certain obligations that should be amended, as well as the need for authority to take a Letter of Credit, rather than cash, to secure the Section 37 benefits.

These changes will necessitate corresponding changes in the draft zoning by-law amendment which was part of the Final Report presented at the statutory public meeting. There are also stylistic and technical changes to the draft zoning by-law that are reflected in the revised by-law attached to this Motion.

None of these changes impact the value of the Section 37 benefits.

This Motion has been prepared in conjunction with Legal Services and City Planning.

REQUIRES RE-OPENING

Toronto and East York Community Council Item TE29.7 - adopted by City Council on November 30, December 1, 2, 4 and 7, 2009.

(Submitted to City Council on February 22 and 23, 2010 as MM46.10)