
City Council

Notice of Motion

MM52.11	ACTION			Ward: 20
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Re-Opening of Item TE33.3 - 192A, 194 and 200 Bloor Street West – to revise the Section 37 benefits imposed by City Council - by Councillor Vaughan, seconded by Councillor Perks

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item TE33.3. A two-thirds vote is required to re-open that Item.*

Recommendations

Councillor Vaughan, seconded by Councillor Perks, recommends that:

1. City Council authorize that Parts 3. a. and 3 b. of Item TE33.3 of the Council decision of May 11 and 12, 2010, which requires the Section 37 Agreement to secure certain financial contributions as follows:
 - 3.a. \$470,000 to be used for improvements of the Jean Sibelius Square Park for landscaping, restoration work and future upgrading of park facilities and \$30,000.00 for the Heritage Plaque Programme in the annex. Such payment would be due prior to the introduction of Bills in Council.
 - b. \$230,000 to Jean Sibelius Square Park for additional park improvements, \$200,000 for the Annex Heritage Conservation District Study, and \$100,000 for Ward 20 capital improvements to Toronto Community Housing Corporation (TCHC) affordable Housing. These latter payments shall be indexed from the date of execution of the agreement to the date of payment in accordance with the Non-Residential Construction Price Index for Toronto. Such funds are over and above requirements for park levies under s. 42 of the Planning Act,

be amended as follows:

3. a. \$470,000 to be used for improvements of the Jean Sibelius Square Park for landscaping, restoration work and future upgrading of park facilities and \$30,000.00 for the Heritage Plaque Programme in the Annex. Such payment would be due upon the By-law coming into effect, together with any increases to reflect increases in the Construction Price Index between June 1, 2010, and the date of the payment of the said monies.
- b. \$230,000 to Jean Sibelius Square Park for additional park improvements,

\$200,000 for the Annex Heritage Conservation District Study, \$100,000 for Ward 20 capital improvements to Toronto Community Housing Corporation (TCHC) affordable Housing and \$50,000 towards the reconstruction of the east-west laneway or other related purposes, at the discretion of the Chief Planner, all prior to the first above-grade building permit, together with any increases to reflect increases in the Construction Price Index between June 1, 2010, and the date of the payment of the said monies. Such funds are over and above requirements for park levies under s. 42 of the Planning Act.

2. Council authorize that Parts 3. g. of Item TE33.3 of the City Council decision of May 11 and 12, 2010, which requires the Section 37 Agreement to secure certain laneway provisions as follows:

3. g. That the owner agree to design, construct and convey to the City, to the satisfaction of the Chief Planner and the Executive Director of Technical Services, an at-grade pedestrian walkway over the existing north-south private laneway located along the westerly portion of the subject property, as more particularly detailed on the site plan drawings submitted with this application upon:

- i. the access rights to the existing east-west laneway located to the rear of the property have been secured by the City;
- ii. the rear laneway being gated with card reader access at the rear of 220 Bloor Street at the expense of the future laneway users;
- iii. the City owned laneway being upgraded at the City's expense;
- iv. the release of the easement interests over the existing north-south private laneway located along the westerly portion of the subject property from all affected owners, at the expense of the owner of 192A,194 and 200 Bloor Street West,

be amended as follows:

- 3.g. (i) That the owner agree (in conjunction with construction of the proposed building, design and construct) to the satisfaction of the Chief Planner and the Executive Director of Technical Services, an at-grade pedestrian walkway over the existing north-south private laneway located along the westerly portion of the subject property, as more particularly detailed on the site plan drawings to be submitted later for the building. The pedestrian walkway may be constructed so as to allow continued use of the laneway by motor vehicles until the City obtains the conveyance of the pedestrian walkway easement.
- (ii) That the owner also agree to convey an easement to the City over the laneway for pedestrian walkway purposes for the life of the

building and subject to the usual City conditions respecting such pedestrian walkway easements.

- (iii) That the owner also agree that conveyance of the walkway easement to the City shall occur when:
 - i. the access rights to the existing east-west laneway located to the rear of the property have been secured by the City;
 - ii. the rear laneway has been gated with card reader access at the rear of 220 Bloor Street at the expense of the future laneway users (which the owner shall agree to do);
 - iii. the City owned laneway has been upgraded (at no cost to the owner other than the above noted \$50,000 contribution);
 - iv. the release of all easement and right-of-way interests of other parties or properties over the existing north-south private laneway located along the westerly portion of the subject property (in this regard the owner of 192A, 194 and 200 Bloor Street West, shall agree to assist the City in securing such releases, but shall not be required to make any financial contribution to secure such releases).

Summary

In adopting Item TE33.3 at its meeting held on May 11 and 12, 2010 City Council authorized an amendment to Zoning By-law 438-86 for 192A, 194 and 200 Bloor Street West. City Council imposed Section 37 benefits as set out in Part 3 of the City Council direction. The owner of the site has agreed to all of the Section 37 benefits except for two and has requested that they be changed.

The owner wishes to change: (a) the timing of one of the payments (from prior to the Bills being introduced to upon the By-law coming into effect), and (2) to be relieved from paying for obtaining releases from other property owners of their easements over the north-south lane located on the east side of the site.

With respect to the second request, City Council's decision would have required the owner to design and construct an at-grade pedestrian walkway over the north-south lane located on the east-side of the site and then convey it to the City. As the lane is subject to a number of existing easements in favour of other properties for motor vehicle passage, the City Council authority also required the owner to pay for the release of these easements. The owner does not wish to agree to this but is prepared to pay an additional \$50,000.00 toward the cost of improving the City owned east-west lane at the rear of the building. This Motion would allow that change to the existing City Council direction and would also require the owner to provide the City with an easement over the north-south lane rather than an outright conveyance.

The proposed development comprises the construction of a 32-storey condominium tower including an eight storey podium that will replace three small commercial buildings located at

192A, 194 and 200 Bloor Street West. The proposed building will consist of 183 residential units and two floors of retail space. The rear portion of the podium contains eight levels of fully enclosed above-grade parking, containing 176 parking spaces.

REQUIRES RE-OPENING:

Toronto and East York Community Council Item TE33.3 as adopted at City Council on May 11 and 12, 2010.

(Submitted to City Council on August 25 and 26, 2010 as MM52.11)