
City Council

Notice of Motion

MM3.9	ACTION			Ward: 20
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Rezoning Application for 328-340 Adelaide Street West - by Councillor Adam Vaughan, seconded by Councillor Kristyn Wong-Tam

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East York Community Council. A two thirds vote is required to waive referral.*

Recommendations

Councillor Adam Vaughan, seconded by Councillor Kristyn Wong-Tam recommends that:

1. City Council supports the application for Zoning By-law Amendment and Site Plan Approval generally in accordance with the revised plans dated November 22, 2010 and date stamped by the Chief Planner December 1, 2010.
2. The City Solicitor is directed to appear before the Ontario Municipal Board in support of a by-law which implements the plans dated November 22, 2010 and date stamped by the Chief Planner December 1, 2010 accompanied by final conditions of site plan approval, subject to any technical amendments, and a final Section 37 agreement to secure both the proposed design, as well as the contributions towards the following community facilities:
 - a. The owner agrees that it shall make an indexed cash contribution to the City of \$1,500,000.00, \$100,000.00 of which is payable upon the execution of the Section 37 Agreement, with the remaining \$1,400,000.00 being payable prior to the issuance of the First Above-Grade Building Permit;
 - b. The \$1,500,000.00 shall be used for public benefits including \$150,000 for capital improvements to public housing in Ward 20, up to \$100,000 for Toronto Arts Council to finish the community space on site and the remaining \$1,250,000 to be used for improvements to John Street and local parks;
 - c. The Owner agrees to convey, on satisfactory terms, 500 square feet of community space to the Toronto Arts Council. The space will be located in the northwest corner of the building fronting onto Peter Street, and shall be provided in a base condition (fitted to drywall, with electrical, plumbing and HVAC installed), without tenant improvements, with the cost of such tenant improvements to be borne by the occupant. The community space shall be

conveyed to the Toronto Arts Council for nominal consideration with a warranty, and at the time of the conveyance shall be free of any liens, mortgages, charges or executions. The occupant shall be responsible for applicable realty taxes (if any) and its pro rata share of operating costs and consumables;

- d. The conveyance to Toronto Arts Council shall be on terms satisfactory to the City Solicitor such that , to the greatest extent possible, the ownership of the community space will revert to the City in the event that Toronto Arts Council ceases to exist, or ceases to use or occupy the community space;
 - e. The Owner agrees to provide at least Ten Percent (10%) of the total number of dwelling units to be constructed in the building to be capable of being designed as three-bedroom dwelling units in compliance with the provisions of the Ontario Building Code, and these dwelling units to be shown on any marketing plans as three-bedroom units and to be marketed as potential three-bedroom dwelling units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three-bedroom units.
3. Upon the receipt of a letter confirming the applicant's agreement to the proposed settlement, City Council direct the City Solicitor request a settlement hearing before the Ontario Municipal Board to implement same, with the necessary by-laws, Section 37 agreement and Site Plan approval conditions,.

Summary

The applicant filed the original application for a Zoning By-law Amendment on August 13, 2010 for 328-340 Adelaide Street West. The application was revised on November 26, 2010, to propose a 40 storey mixed-use building containing residential, commercial and grade related retail space, with a 2-storey office component located within the proposed podium element, at a total height of 126.5 metres.

The applicant attended two community consultation meetings, the first of which took place on July 14, 2010 (to review the original proposal), with a second community consultation meeting held on January 10, 2011, to review the revised proposal. The community responded positively to both the original and revised proposals.

Toronto and East York Community Council, at its meeting of December 10, 2010, adopted the staff recommendations contained within the Preliminary Staff Report dated November 4, 2010, which report directed staff to continue processing the application, which process included the scheduling of the community consultation meetings noted above. The applicant has consulted with the local Councillor, the community and planning staff, however, the application process was delayed as a result of the election/summer break in the Council schedule.

As a result of Toronto and East York Community Council's failure to make a decision within 120 days of the submission of an application for a Zoning By-law Amendment and within 30 days of the submission of an application for Site Plan Approval, the applicant appealed the applications to the Ontario Municipal Board on December 29, 2010. Subsequently, the

applicant continued to consult with the local community, with the revisions it had proposed being well received at the final community information meeting.

(Submitted to City Council on February 8, 2011 as MM3.9)