TORONTO Member Motion

City Council

Motion without Notice

MM26.23	ACTION			Ward:28

40 Scott Street and 10 Wellington Street East - Zoning Amendment - Revision re: Letter of Credit - by Councillor Pam McConnell, seconded by Councillor Peter Milczyn

**** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.***
**** This Motion is subject to a re-opening of Item TE13.10. A two-thirds vote is required to re-open that Item.***
**** If re-opened, the previous Council decision remains in force unless Council decides otherwise.***
**** This Motion has been deemed urgent.***

Recommendations

Councillor Pam McConnell, seconded by Councillor Peter Milczyn, recommends that:

1. City Council amend Part 4.c.i. of Item TE13.10 regarding the Agreement under Section 37 of the Planning Act to read as follows:

   "Make arrangements satisfactory to the Chief Planner and Executive Director, Planning Division, to require the applicant to use commercially reasonable efforts to remove, clean, repair (if required to a maximum of 90 stones), reduce the thickness to 4 inches at the owner's discretion and reinstall the existing limestone cladding on specified portions of the proposed building, except that the owner shall not be required to provide security with respect to this obligation."

2. City Council determine that the revision made to the proposed zoning by-law is minor in nature and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed zoning by-law.

Summary

On March 5 and 6, 2012, City Council adopted recommendation TE13.10, thereby authorizing the introduction of a zoning by-law amendment to permit a mixed-use redevelopment at 40 Scott Street and 10 Wellington Street East. The proposal consists of a 58-storey tower with approximately 479 residential units, a retail component of approximately 1,100 square metres and an office component of approximately 5,300 square metres. Preconditions to submission of

the zoning by-law included entering into an agreement under section 37 of the Planning Act for community benefits valued at $2,500,000 for the provision of public art, streetscape improvements and North St. Lawrence Market redevelopment.

One of the non-section 37 matters to be included in the agreement included a condition to ensure that limestone cladding on the existing building be reinstated on the new building. The Council resolution relating to this matter required a letter of credit to secure this obligation. The value of this work is in the range of $2.9 million.

In lieu of a letter of credit, the owner's commitment to the reconstruction of the façade using the existing limestone will be secured both through positive obligations on the owner written into the Section 37 Agreement, as detailed in this motion, and also in the Site Plan Approval and Site Plan Agreement for the development, which will secure a commitment from both the developer and any future owner of the site to build and maintain the development in accordance with the approved set of plans and drawings. The owner has prepared and submitted drawings to the City which depict the reuse of the limestone cladding on portions of the building's facade. These drawings are intended to form a schedule to the Section 37 Agreement.

This matter is urgent because the bill for this development approval is before City Council at its meeting of October 2 and 3.

Requires Re-opening:

Item TE13.10 adopted by City Council on March 5, 6 and 7, 2012 – only as it relates to Part 4.c.i. respecting an agreement under Section 37 of the Planning Act.

(Submitted to City Council on October 2 and 3, 2012 as MM26.23)