

Toronto and East York Community Council

(City Council on March 21, 2013, deferred consideration of Item TE21.13 to the City Council meeting on April 3 and 4, 2013 and requested the Chief Planner and Executive Director, City Planning to report directly to Council at that meeting on the issues raised in the communications (February 19, 2013) and (September 5, 2012) from Christopher J. Tanzola, Partner, McCarthy Tetrault LLP [TE21.13.4].)

TE21.13	Action			Ward:28
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Final Report - 40 The Esplanade - City Initiated Amendment to Site Specific Zoning By-law

Statutory - Planning Act, RSO 1990

Community Council Recommendations

The Toronto and East York Community Council submits the item to Council without recommendation.

Community Council Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on September 11, 2012, October 10, 2012, November 6, 2012 and January 22, 2013, and notice was given in accordance with the Planning Act.

Origin

(August 7, 2012) Report from the Director, Community Planning, Toronto and East York District

Summary

By way of Order No. 2799 issued on October 3, 2006, the Ontario Municipal Board approved Official Plan Amendment No. 342 (By-law No. 25-2007) of the Official Plan for the former City of Toronto and site specific Zoning By-law No. 26-2007 to permit a mixed use development with two residential condominium towers and retail uses at grade on the lands municipally known as 40 The Esplanade. A Section 37 Agreement was entered into, which required the Owner of the lands to, amongst other matters, contribute \$700,000 (with indexing) towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Lower Jarvis Street (known municipally as 125 The Esplanade).

This report recommends that By-law No. 26-2007 be amended to direct the funds originally allocated to the park to be reallocated to the Market Street Streetscape Improvement Project. This is a road narrowing and flexible boulevard project on Market Street between Front Street East and The Esplanade, less than two blocks east of the subject property. Any remaining unused portion of the funds would be directed to local parkland creation or improvements and/or local streetscape enhancement projects.

This report further recommends that the Section 37 Agreement for 40 The Esplanade be amended to reflect the reallocation of the \$700,000.00 cash contribution (now \$738,674.79 with interest).

Background Information (Community Council)

(August 7, 2012) Report from the Director, Community Planning, Toronto and East York District - 40 The Esplanade - City Initiated Amendment to Site Specific Zoning By-law - Final Report

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-51945.pdf>

Communications (Community Council)

(September 5, 2012) Fax from Christopher J. Tanzola, Lawyer, McCarthy Tetrault LLP (TE.Main.TE21.13.1)

(October 5, 2012) Letter from Councillor Pam McConnell, Ward 28, Centre-Rosedale (TE.Main.TE21.13.2)

<http://www.toronto.ca/legdocs/mmis/2013/te/comm/communicationfile-33099.pdf>

(November 1, 2012) E-mail from Suzanne Kavanagh, President, St. Lawrence Neighbourhood Association (TE.Main.TE21.13.3)

Communications (City Council)

(February 19, 2013) Letter from Christopher J. Tanzola, Partner, McCarthy Tetrault LLP (CC.New.TE21.13.4)

<http://www.toronto.ca/legdocs/mmis/2013/cc/comm/communicationfile-35280.pdf>