

## City Council

### Notice of Motion

MM36.2	ACTION			Ward:27
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**159 Wellesley Street East - Zoning Amendment Application - by Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to a re-opening of Item TE22.2. A two-thirds vote is required to re-open the Item.*

*\* If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

### Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council adopt the following amendments to TE22.2:
  - a. Part 3a. be revised to provide as follows:

"The community benefits to be provided by the owner and secured in the Section 37 agreement are as follows, with the proviso that any required payment of funds shall be paid prior to the first above-grade building permit for the development."
  - b. Part 3a. be revised by adding a new subsection 3a.vi. to provide as follows:

"The owner shall provide \$200,000 for the provision of bike-share facilities at a location that is proximate to the *lot* as determined by the Chief Planner and Executive Director, City Planning, in consultation with the ward councillor, provided that the selection of this location by the City shall not constrain other aspects of site plan approval for the development."
  - c. The draft Zoning By-law appended to the Final Report of the Director, Community Planning, Toronto and East York District dated February 6, 2013, as amended by Item TE22.2, be further amended to delete proposed Parking and Loading Performance Standard 1 and to replace it with the following Parking and Loading Performance Standard 1:

"a minimum of 77 resident *parking spaces* shall be provided on the *lot*".

- d. The draft Zoning By-law appended to the Final Report of the Director, Community Planning, Toronto and East York District dated February 6, 2013, as amended by Item TE22.2, be further amended to delete proposed Parking and Loading Performance Standard 2(a) and to replace it with the following Parking and Loading Performance Standard 2(a):

"An additional 50 resident parking spaces shall be provided off-site by means of a lease arrangement in relation to the premises at 155 Wellesley Street East or elsewhere at a property any part of which is located within 60 metres of the lot, provided such premises remain in compliance with the parking space requirements of Zoning By-law 438-86, as amended."

- e. Part 6 be deleted, and Part 3a. be amended by adding a new subsection 3a.vii. to provide as follows:

"As a legal convenience to support the development, the Section 37 agreement shall require that prior to the registration of all or a portion of a condominium on the *lot*, the owner shall convey to the City a strip of land, being approximately 0.85m in width, along the south side of Wellesley Street East for the full extent of the *lot*, to a depth of approximately 1.2 metres below finished ground level, for public road widening purposes in full satisfaction of all Official Plan requirements therefor. The lands shall be free and clear of encumbrances, save and except for utility poles. Such lands shall be subject to a right-of-way for access purposes in favour of the owner until such time as the land has been dedicated for public highway purposes. Any remaining terms of the conveyance, including any environmental considerations, will be considered in and through the process of site plan approval."

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

## Summary

On March 21, 2013, Council adopted Item TE22.2 and thereby approved a zoning amendment to permit the development of a 35-story condominium tower, including a four-storey base at the above address.

Ongoing review by the applicant of the development proposal's technical considerations has generated this Motion seeking revisions to reduce the performance standards for vehicle and for bicycle parking arrangements.

In addition, this Motion clarifies the intention that, as a legal convenience to support the development, the agreement entered into under section 37 of the *Planning Act* reference the requirement for the conveyance of a strata title road widening prior to condominium approval.

This matter is deemed urgent as the proposed recommendations will have a significant impact for the developer and the City and will ensure the project will be able to continue as planned. The applicant is currently in a due diligence period with a partner and requires Council approval for the Zoning By-law prior to the next meeting of City Council.

**REQUIRES RE-OPENING:**

Toronto and East York Community Council Item TE22.2, headed "Final Report - 159 Wellesley Street East - Zoning Amendment Application" adopted by City Council on March 21, 2013.

(Submitted to City Council on June 11 and 12, 2013 as MM36.2)

**Background Information (City Council)**

Member Motion MM36.2