

City Council

Notice of Motion

MM37.13	ACTION			Ward:19
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Request for Attendance at an Ontario Municipal Board Hearing for 30 Ordnance Street - by Councillor Mike Layton, seconded by Councillor Ana Bailão

- * 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.*
- * This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor Mike Layton, seconded by Councillor Ana Bailão recommends that:

1. City Council direct the City Solicitor to attend at the Ontario Municipal Board for 30 Ordnance Street, together with Planning Staff, to ensure that Planning Staff's recommendations with respect to the original variances sought for 30 Ordnance Street, as well as the Section 45(9) contribution for \$100,000 are secured in any OMB decision, and to oppose the three new variances being requested for 30 Ordnance Street.

Summary

In 2012, City Council enacted Site Specific Zoning By-Law 159-2012 to allow for the development of two residential towers at 30 Ordnance Street with underground parking and non-residential gross floor area for certain commercial and office uses. The Final Report related to the zoning by-law amendment anticipated that the proposal might require variances for additional height or density as the project developed.

As anticipated, the applicant has come forward with an application to increase the height and density of the two towers. "Building A" would increase from 32 to 35 storeys and "Building B" would go from 27 to 29 storeys. The variances requested relate to maximum permitted gross floor area (GFA), the use of residential amenity space and height.

On Thursday, May 22, 2013 the Toronto East York Panel of the Committee of Adjustment held its hearing into this matter. Amongst the items before the panel were two reports from the City's Planning Staff. Planning Staff was generally supportive of the application but requested certain modifications to the variances sought as well as certain conditions. The Committee of Adjustment refused the minor variances outright. The applicant has appealed that decision to the Ontario Municipal Board (OMB) and a hearing has been scheduled for August 27, 2013.

It is recommended that the City Solicitor and Planning Staff attend at the OMB hearing into this matter to ensure that planning staff's concerns with respect to the variances are addressed. In particular, Planning Staff recommended a cap on the maximum permitted residential GFA and the combined residential and non-residential GFA as well as the possibility for increased GFA to be used only for additional amenity space (over and above what is already being provided). In addition, Planning Staff recommended that the variances be subject to a financial contribution pursuant to Section 45(9) of the Planning Act for \$100,000, to be allocated toward the cost associated with the Fort York Pedestrian and Cycle Bridge, and/or improvements to parks in the area.

Further, the applicant has recently advised Planning Staff that in addition to the variances sought at the Committee of Adjustment, they intend to seek three new variances at the OMB hearing. The first new variance would allow for the construction of a pedestrian walkway between the two towers, which Planning Staff opposes because it will negatively impact the view corridor looking eastward along Ordnance Street into the downtown core. The second new variance would allow parking for the site to be located within 300m from the subject site and proposes a different ratio of parking for an unlimited number of car share spots. Planning is of the view that parking should be provided on site and that any changes to the parking ratio should be further reviewed by Transportation Planning Staff. The third new variance would allow all of the indoor amenity space for both towers to be built in either tower. Planning staff does not support this variance as the buildings will be phased. Each building should contain appropriate residential amenity space as required by the site specific zoning.

(Submitted to City Council on July 16 and 17, 2013 as Member Motion MM37.13)

Background Information (City Council)

Revised Member Motion MM37.13

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60217.pdf>

Committee of Adjustment Toronto and East York Panel - Notice of Decision on application for Minor Variance/Permission for 30 Ordnance Street

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60103.pdf>