



## Member Motion

### City Council

#### Motion without Notice

MM37.65	ACTION			Ward:27
---------	--------	--	--	---------

#### Reopening of TE24.11 and TE24.12 to Allow for Technical Amendments - by Councillor Kristyn Wong-Tam, seconded by Councillor Mary- Margaret McMahon

**\*\* This Motion has been deemed urgent by the Chair.**

**\* This Motion is subject to a re-opening of Items TE24.11 and TE24.12. A two-thirds vote is required to reopen 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:

A. City Council amend Item TE24.11 by:

1. Revising Part 4 by adding the words ", and to include the Conveyance Lands" after "Victoria Street".
2. Adding the following new Part 6:
  - "6. That City Council amend heritage designation By-law No. 131-90 of the former City of Toronto, under Section 30.1 of the Ontario Heritage Act, which applies to 197 Yonge Street, to remove the Conveyance Lands from the legal description following the completion of the conveyance of such lands to Massey Hall to the satisfaction of the City Solicitor."

B. City Council amend Item 24.12 by:

1. Revising clause i. of Part 1.a. by inserting the words ", the L2 platform" after "the new two storey basement".
2. Revising Part 1.b. by inserting the words ",with the exception of permits required for maintenance, repairs and other usual and minor work provided all such work is acceptable to the Acting Manager, Heritage Preservation Services.

3. Deleting clause i. of Part 1.b. and replacing it with the following:
  - i. “Execute a Heritage Easement Agreement with the City for the property at 15 Shuter Street/178 Victoria Street and including the Conveyance Lands as defined below to the satisfaction of the Acting Manager, Heritage Preservation Services, and register such agreement to the satisfaction of the City Solicitor.”
4. Revising clause iii. of Part 1.b. to read as follows:
  - iii. “Submit final building permit plans and drawings for the construction which comprises the Phase 1 Conservation Plan described in Recommendation 1.a.i., to the satisfaction of the Acting Manager, Heritage Preservation Services.”;
5. Adding the following new Part 5:
  5. That prior to the issuance of any heritage permit for the property at 15 Shuter Street/178 Victoria Street, with the exception of permits for the Phase 1 Conservation Plan work, and permits for conservation work on the interior of Massey Hall, which are satisfactory to the Acting Manager, Heritage Preservation Services, the owner shall:
    - i. Obtain final site plan approval for Site Plan Application No. 12 256738 STE 27 SA from the Chief Planner and Executive Director, City Planning;
    - ii. Obtain final approval for the necessary zoning by-law amendments required for the alterations to the property at 15 Shuter Street/178 Victoria Street, such amendments having been enacted by City Council and having come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner and Executive Director, City Planning;
    - iii. Provide a Conservation Plan(s) detailing all conservation work for the permits sought, to the satisfaction of the Acting Manager, Heritage Preservation Services;
    - iv. Submit final building permit plans and drawings for the proposed up to six storey addition to Massey Hall and the two level associated mechanical penthouse, satisfactory to the Acting Manager, Heritage Preservation Services;
    - v. Enter into and register against title to the lands known municipally in 2012 as 15 Shuter Street/178 Victoria Street (the "Massey Hall Lands) and the lands known municipally in 2012 as 197, 197R, 199, and 201 Yonge Street (the "197 Yonge Street Lands"), an agreement between the City, the owner of the 197 Yonge Street Lands and the owner of the Massey Hall Lands (the "Three Party Agreement), pursuant to a fully in force and effect

Zoning By-law Amendment and Section 37 Agreement for the 197 Yonge Street Lands, which is enacted by City Council and is in a form and with content acceptable to City Council as determined by the Chief Planner and Executive Director, City Planning. Such Three Party Agreement to secure the conveyance of the Conveyance Lands as defined in the attached report, to Massey Hall, and to secure the limited purpose of the Conveyance Lands, and additionally to secure related easement(s) to Massey Hall, and a Construction Phasing Plan and schedule for the timing of construction for the Massey Hall alterations in conjunction with the redevelopment of the 197 Yonge Street Lands, all to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Acting Manager, Heritage Preservation Services;

- vi. Obtain the conveyance in escrow of the Conveyance Lands as defined in the attached report, together with the related easement (s), to the satisfaction of the City Solicitor; and
- vii. Obtain any consents to sever required by the Planning Act for the conveyance and easement(s) required in Recommendation 5.v. and 5.vi. above.

### **Summary**

This motion amends the heritage approvals for the Massey Hall expansion and 197 Yonge Street. It revises certain timing requirements and provided minor technical amendments at the recommendation of City Heritage staff and have been reviewed and agreed to by the City Solicitor.

This is an urgent matter due to Provincial and Federal funding commitments for this phase of the Massey Hall revitalization project. The changes sought to the previous City Council decision will enable the completion of agreements so that bills can be introduced for the October, 2013 City Council meeting and enable needed work to be done on Massey Hall, a designated heritage building, prior to such City Council meeting.

### **Requires Re-opening**

Items TE24.11 and TE24.12 - June 11, 12 and 13, 2013 City Council meeting, only as they relate to heritage approvals, timing requirements and to make technical amendments.

(Submitted to City Council on July 16, 17 and 18, 2013 as MM37.65)

### **Background Information (City Council)**

Member Motion MM37.65