

City Council**Notice of Motion**

MM55.66	ACTION			Ward:27
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42 Charles Street East and 39 Hayden Street - Proposed Technical Amendment to Zoning By-law Section 37 Provisions - by Councillor Kristyn Wong Tam, seconded by Councillor Pam McConnell

** 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.*

Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Pam McConnell, recommends that:

1. City Council amend By-law 7-2013 (OMB), as it relates to the community benefits contribution under section 37 of the Planning Act, to provide that, instead of submitting a cash contribution with respect to streetscape improvements prior to the issuance of an above-grade building permit, the owner shall provide this component of the community benefits in the following manner:
 - a. prior to the issuance of an above-grade building permit, the owner shall submit a letter of credit in the amount of \$250,000, which is equal to the value of the architectural design work associated with the subject streetscape improvements. The letter of credit shall be released, following satisfactory completion of the architectural design for the subject streetscape improvements;
 - b. the owner shall complete the architectural design of the streetscape improvements for both Charles and Hayden Streets from Yonge Street to Church Street to the satisfaction of the Chief Planner, in consultation with the Ward Councillor; and
 - c. prior to the issuance of an above-grade building permit, the owner shall submit a cash contribution in the form of a certified cheque in the amount of \$3,550,000 for the purpose of the streetscape improvements on both Charles and Hayden Streets from Yonge Street to Church Street in accordance with the architectural design prepared by the Owner
2. City Council authorize staff to amend the agreement under section 37 of the Planning Act, dated August 31, 2012, to reflect the above revision; and

3. City Council determine that the revision proposed to the 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 this proposed zoning by-law.

Summary

Ontario Municipal Board By-law 7-2013 was approved by the Municipal Board with the consent of the City. The approval will result in a 56-storey residential tower containing 474 residential condominium units on a 3-storey podium. Section 37 community benefits reflected in the zoning by-law and Section 37 agreement consist of \$200,000 for local park improvements and \$3,800,000 for streetscape improvements to both Charles Street East and Hayden Street from Yonge Street to Church Street. (These funds will not be spent to improve the streetscape in front of the site, since this is addressed as a condition of site plan approval).

The City and the development applicant always contemplated that the streetscape improvements required as a community benefit would be designed by the applicant's architect, architectsAlliance, however, the zoning by-law and resulting Section 37 agreement inadvertently require that the funds associated with the design work be provided to the City as a cash contribution rather than a letter of credit. The City and the applicant have agreed that the cost of the design work will be capped at \$250,000.

The purpose of this amending by-law is to clarify that the applicant shall provide a letter of credit for the design of the streetscape improvements prior to the issuance of an above-grade building permit, with release of the letter of credit upon satisfactory completion of the design work. A cash contribution will still be provided for the City to complete the streetscape improvements as designed.

This Motion is submitted on an urgent basis. The applicant has been working with the City towards the design of the streetscape improvements and will soon seek its above-grade building permit in order to move forward with the development proposal.

(Submitted to City Council on August 25 and 26, 2014 as MM55.66)

Background Information (City Council)

Member Motion MM55.66