

## City Council

### Motion without Notice

MM9.52	ACTION			Ward:27
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**Proposed Adjustment to Public Lane Conditions and Modifications to Draft Zoning By-law Amendment - Final Report - 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street - Official Plan and Zoning Amendment - by Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri**

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

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri, recommends that:

1. City Council amend Item TE34.32, adopted, as amended, by City Council at its meeting held on August 25, 26, 27 and 28, 2014, by:

a. amending Part 2 by adding the following new Parts 2.b. and 2.c. after the words “parking spaces per dwelling unit;” in Part 2a.:

“2b. Delete 1(b) and replace it with the following:

(b) the total combined residential gross floor area and non-residential gross floor area erected or used on the lot does not exceed 106,720, including:

(i) the residential gross floor area does not exceed 99,103 square metres, inclusive of a maximum of 15,926 square metres of residential gross floor area in a parking garage located at or above grade; and

(ii) the non-residential gross floor area does not exceed 7,617 square metres. For the purposes of this section, a commercial parking garage located below grade shall not be counted as non-residential gross floor area; and

(c) up to 46 of the residential parking spaces may be provided in spaces that have a length of no less than 5.0 m and a width of no less than 2.6 m

and which may also be obstructed on one side.'

2c. Amend Map 2 by reducing the maximum permitted height of the podium from "H=44m" to "H=36m" and from "H=30m" to "H=25m";

b. adding a new Part 4.b.(iii) as follows:

"4.b.(iii) The Owner shall convey a new 6.0 metre wide (which widens to 6.83 metres) north-south public laneway along the eastern lot line of the lands to the City prior to the earlier of the issuance of a piling and shoring permit for the development or the closure of the existing public lane.";

c. amending Part 5 by replacing the words "obtain approval" with the words "submit a formal request to Transportation Services", so that Part 5 now reads as follows:

"5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a formal request to Transportation Services to close the public lane extending northerly from Cumberland Street and a portion of the east/west lane.";

d. adding a new Part 10 as follows:

"10. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to secure the conveyance of the new lane required by recommendation 4(b)(iii) by holding the lands in escrow, at no cost to the City, to the satisfaction of the City Solicitor."; and

e. adding a new Part 11 as follows:

"11. That the applicant convey a road widening of 3.05 metres along the Cumberland Street frontage of the lands as a community benefit to the City."

2. City Council determine that no further notice is required to be given in respect of these changes under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

## **Summary**

On August 25, 26, 27 and 28, 2014, City Council adopted, as amended, Item TE34.32. That resolution approved applications to amend the Official Plan and Zoning By-law to permit two linked mixed use towers of 62 storeys (203 metres tall plus a 12-metre mechanical penthouse) on Yorkville Avenue and of 40 storeys (136.5 metres tall plus a 6.0-metre mechanical penthouse) on Cumberland Street with a 2, 7 and 10-storey base for the property at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street. The approved development includes an at-grade mid-block pedestrian connection through an open space, which is located along the eastern edge of the property from Yorkville Avenue to Cumberland Street. As one of the preconditions required to be satisfied prior to the introduction of the necessary Bills to City Council for enactment, the owner is required to obtain approval to close the public lane extending northerly from Cumberland Street and a portion of the east/west lane.

Since the approval, the proposal has been revised to relocate all commercial parking spaces below grade, reducing the height of the podium from 44 metres to 36 metres, along with other minor modifications to the layout of the ground floor. As a result of the revised design, a

number of minor modifications to the approved gross floor areas are required, which will result in an improved design with a lower podium.

The purpose of this Motion is to make the required modifications to the draft Zoning By-law, to add clarity to the required laneway conveyance and to allow the Bills to be introduced so long as the lane closure process has been commenced, which has been requested. By so doing, all of the Section 37 benefits, which have been secured upon passage of the Bills, can come to fruition.

This matter is urgent as City Council's approval of the implementing by laws is required to facilitate the completion on November 30, 2015 of the sale by the Toronto Parking Authority of the stratified interest in the City lands previously approved by City Council.

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

Member Motion MM9.52