

**City Council****Motion without Notice**

MM10.24	ACTION			Ward:27
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**836-850 Yonge Street and 1-9A Yorkville Avenue - Revisions to Item TE5.5 - Alterations to Heritage Properties, Intention to Designate Under the Ontario Heritage Act and Authority to Enter Into Heritage Easement Agreements - by Councillor Kristyn Wong-Tam, seconded by Councillor Justin J. Di Ciano**

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

*\* This Motion is subject to a re-opening of Item TE5.5. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

*This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councillor Justin J. Di Ciano, recommends that:

1. City Council amend Part 1 of Item TE5.5, Final Report – 836-850 Yonge Street and 1-9A Yorkville Avenue – Alterations to Heritage Properties, Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter Into Heritage Easement Agreements, adopted at its meeting dated May 5, 6 and 7, 2015, by deleting the following Part 1.d.ii.:

"ii. have obtained Final Site Plan approval for such property, issued by the Chief Planner and Executive Director, City Planning;"

2. City Council authorize the appropriate City staff to take such actions as are necessary to implement City Council's decision, including introducing any necessary bills in Council to amend the Heritage Easement Agreement and to make any necessary amendments the Heritage Easement Agreement and/or Section 37 Agreement, registered on title as Instruments AT3933710 and AT3940791 respectively, as may be required.

**Summary**

At its meeting of May 5, 6 and 7, 2015, City Council adopted Item TE5.5 which, among other things, approved the alterations to the heritage properties at 836-850 Yonge Street and 1-9 Yorkville to allow the construction of a 58-storey mixed-use building. Part 1.d.ii. of Item TE5.5 requires the owner, as a precondition for the issuance of any permit, including a heritage permit, to receive final Site Plan Approval from the Chief Planner and Executive Director, City Planning, pursuant to Section 114 of the *City of Toronto Act, 2006*.

The purpose of this Motion is to remove the requirement of final Site Plan Approval as a precondition for any permit, including a heritage permit. This change is required to allow the rehabilitation work initiated on the heritage buildings pursuant to Item TE5.5 to continue in a safe and efficient manner.

City Planning staff have been consulted and have no objections to this revision. The owner has applied for site plan approval, but the Notice of Approval Conditions are not yet ready for issuance. The owner has proceeded in compliance with the other requirements of Item TE5.5.

This Motion is brought forward on an urgent basis because issuance of the heritage permits is required to continue the heritage rehabilitation work on the existing buildings in a safe and efficient manner.

**REQUIRES RE-OPENING:**

Toronto and East York Community Council Item TE5.5 adopted by City Council on May 5, 6 and 7, 2015, only as it relates to Part 1.d.ii., preconditions for the issuance of any permit, excluding permits for repairs and maintenance of the existing heritage building, as well as the associated provisions of the Heritage Easement Agreement under Part 1.b.i. and the Section 37 Agreement under Part 1.b.ii.

**Background Information (City Council)**

Member Motion MM10.24