

City Council**Motion without Notice**

MM11.42	ACTION			Ward:27
---------	--------	--	--	---------

225 Jarvis Street - Zoning By-law Amendment - Request for Direction Report - by Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon

** 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 Mary-Margaret McMahon, recommends that City Council adopt the following recommendations contained in the report (December 7, 2015) from the Chief Planner and Executive Director, City Planning:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 225 Jarvis Street and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council authorize City staff to continue discussions with the applicant to come to an agreement at an appropriate Section 37 quantum and to resolve the tower height issues outlined in this report in order to secure confirmation from St. Michael's Hospital that the tower height would not intrude into the helicopter flight path to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal and permits the requested additional height or density to:
 - a. Secure the following community benefits with the final allocation determined through consultation with the Ward Councillor's office and enter into an Agreement to secure those benefits, pursuant to Section 37 of the Planning Act:

A payment in an amount to be negotiated (indexed to reflect increases in the Construction Price Statistics between the date of the OMB Order and the delivery of such payment), for:

- i. affordable housing;

ii. completion of community services and facilities space at 200 Dundas Street East;

iii. improvements to Moss Park; and

iv. the construction of a green linkage between Moss Park and Allan Gardens.

b. As a legal convenience, secure the following in the Section 37 Agreement to support the development:

i. Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development to the satisfaction of the Executive Director of Engineering and Construction Services;

ii. Applicant shall fulfill the requirements and related approval process of the City's Private Tree By-law and City Street Tree By-law.

c. Withhold its Order approving the Zoning By-law Amendment until:

i. The Owner has entered into an Agreement under Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and that the Section 37 Agreement has been registered on title; and

ii. The OMB has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City.

4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Summary

A Preliminary Report on this application was considered by the Toronto and East York Community Council on June 16, 2015. Community Council directed staff to schedule a community consultation meeting with an expanded notice area.

The application proposes the redevelopment of 225 Jarvis Street with a 45-storey residential addition adjacent to an existing 13-storey hotel. The development would entail substantial modifications and reconfiguration of the existing hotel. The proposal is not supportable in its current form. The proposed tower would intrude into the St. Michael's Hospital helicopter flight path.

In September, 2015, the applicant appealed the application to the Ontario Municipal Board.

This matter is urgent as a pre-hearing conference is scheduled for December 11, 2015 with the full hearing commencing the week of January 11, 2016.

Background Information (City Council)

Member Motion 11.42

(December 7, 2015) Report from the Chief Planner and Executive Director, City Planning on
225 Jarvis Street - Zoning By-law Amendment

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86630.pdf>)