

City Council

Motion without Notice

MM23.24	ACTION			Ward:4
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289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court - Further Request for directions regarding an Ontario Municipal Board Hearing - by Councillor John Campbell, seconded by Councillor Justin J. Di Ciano

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor John Campbell, seconded by Councillor Justin J. Di Ciano recommends that:

1. City Council adopt the following recommendations contained in the report (December 6, 2016) from the Chief Planner and Executive Director, City Planning:

1. City Council direct the City Solicitor and other appropriate City staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application at 289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court (Application Number 13 164210 WET 04 OZ) as represented by the revised proposal submitted November 3, 2016.
2. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold its Order approving the Zoning By-law Amendment until:
 - a. The owner submits, to the satisfaction of the Executive Director, Engineering and Construction Services, a Functional Servicing and Stormwater Management Report.
 - b. The owner submits, to the satisfaction Executive Director, Transportation Services, a revised Transportation Impact Study.
 - c. Staff advise the Ontario Municipal Board of City Council's position that any redevelopment of the lands must also include the full replacement of the 156 existing rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning.

d. The owner enters into an Agreement under Section 37 of the Planning Act to secure appropriate services, facilities, public art contribution and/or other matters pursuant to Section 37 of the Planning Act at the owner's expense:

i. Community benefits towards meaningful improvements to Humber Valley Park.

ii. The following matters are also recommended to be secured for the development in the Section 37 Agreement as a legal convenience:

- The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
- The owner shall enter into a financially secured Development Agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development.
- The owner shall enter into agreement(s) to secure the conditions of a Council-approved Section 111 permit and any conditions of Recommendation 2 (c) above.

e. The City and the owner have presented to the Board a draft Zoning By-law Amendment and the owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, that includes the provision for the community benefits and matters to be secured as noted in Recommendation 2 (d) above

Summary

At its meeting of February 3, 2016 City Council adopted item EY11.2, directing the City Solicitor and other City Staff to attend the Ontario Municipal Board hearing related to 289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court, to oppose the proposed Zoning By-law Amendment.

This Motion and the appended report are brought forward on an urgent basis as a two week hearing is scheduled to commence on January 9, 2017. Additional information has been received from the applicants and staff requires City Council's instructions.

Background Information (City Council)

Member Motion MM23.24

(December 6, 2016) Report from the Chief Planner and Executive Director, City Planning on 289 and 291 The Kingsway and 1, 3, 5 and 7 St. Stevens Court - Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications - Status and Request for Direction

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99164.pdf>)