

City Council

Motion Without Notice

MM44.127	ACTION			Ward:28
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89, 97, 99 Church Street - Revisions to Item CC43.17 - Zoning Amendment Application - Request for Direction - by Councillor Lucy Troisi, seconded by Councillor Mark Grimes

** 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 Lucy Troisi, seconded by Councillor Mark Grimes, recommended that:

1. City Council amend its decision on Item CC43.17, adopted by City Council on June 26, 27, 28 and 29, 2018, as requested by the Applicant's Solicitor in the Settlement Letter dated July 25, 2018, and with the support of City Planning Staff, and to the satisfaction of the Chief Planner and Executive Director, City Planning, by:

a. amending Part 2.a. of the confidential instructions to staff adopted by City Council (such instructions now being public) to provide that, as per plan A.219 (to be revised), rooftop indoor and outdoor amenity space would be permitted to be located above the maximum building height of 140.5 metres in height subject to i.-vii below and as further shown on the drawing attached to the Applicant's Solicitor's Settlement Letter dated July 25, 2018, so Part 2.a. now reads:

a. the building height shall be a maximum of 45-storeys and shall be a maximum of 140.5 metres exclusive of the mechanical penthouse (149.5 metres inclusive of the height of the mechanical penthouse) and exclusive of indoor residential amenity space and outdoor residential amenity space, provided such residential amenity space complies with the following:

i. indoor residential amenity space above the maximum height of 140.5 metres shall not exceed a total area of 105 square metres and shall be substantially as shown on the attached drawing, including that it shall be located directly south of the mechanical penthouse and it shall be setback from the southerly edge of the building at least to the extent shown on the attached drawing;

ii. the maximum height of the indoor amenity space shall be 4.5 metres (145.0 metres in total height) including all structures and elements;

iii. outdoor residential amenity space above the maximum height of 140.5 metres shall not exceed a total area of 130 square metres and shall be substantially as shown on the attached drawing. No outdoor amenity space shall be located in the area identified on the attached drawing as "No outdoor or indoor amenity space permitted";

iv. the design of the amenity spaces, including without limiting the foregoing, structures, elements, landscaping, railings and materials, shall be:

A. all to the satisfaction of the Chief Planner and Executive Director, City Planning, and shall be consistent with the overall design of the proposed building to achieve a quiet unbroken palette on the east and south facades with the objective of helping the proposed tower, including any rooftop amenity spaces, both blend into the sky when viewed from Front Street East, and give space and sky between the St. James Cathedral Clocktower and Spire, so that the Clocktower and Spire retain separation and prominence; and

B. addressed at the time of Site Plan Control and secured with provisions in the Section 37 Agreement and implementing by-laws, and shall not be the subject of a site plan appeal by the applicant to the Tribunal;

v. the exterior railings for the outdoor amenity space shall be comprised of glass and shall be designed, to address and respond to a Pedestrian Wind Study satisfactory to the Chief Planner and Executive Director, City Planning and to be submitted by the applicant in support of the revised plans dated July 12, 2018;

vi. the glass rooftop railings shall be no higher than 2.1 metres in height; and

vii. Plan A.219 shall be revised in accordance with the attached drawing and above conditions including the notations thereon, including that the attached drawing shows the following redline changes to the plan:

A. label asterisked areas as green roofs and label maximum building height of 140.5 metres in these locations;

B. remove railing notation on drawing along eastern edge of the building;

C. label indoor amenity space as such and separate same internally from the Mechanical Penthouse;

D. include a note along the eastern edge that indicates "no indoor or outdoor amenity space permitted" in this location; and

E. add notation for glass railing and the identifying dots should be clear on the southerly, westerly and easterly edge of such outdoor amenity space.;

b. amending Part 2.g by replacing the words "Church Street" with the words "Lombard Street", so Part 2.g. now reads as follows:

"g. the sidewalk width along Lombard Street adjacent to and in the vicinity of the site shall be a minimum of 4.8 metres at grade;"

c. amending Part 2.h. by replacing the words "Lombard Street" with the words "Church Street", so Part 2.h. now reads as follows:

"h. the sidewalk width along Church Street adjacent to and in the vicinity of the site shall be a minimum of 4.8 metres that increases to a minimum of 6.2 metres."; and

d. amending Part 2.j. by deleting the introductory paragraph and replacing it with the following new introductory paragraph, and by adding new Parts i. and ii., and renumbering the original subparagraphs as subparagraphs iii. and iv. respectively so Part 2.j. now reads:

j. the Owner shall pay to the City prior to the issuance of the first above-grade building permit, a Section 37 monetary contribution in the total amount of three million eight hundred thousand dollars (\$3,800,000.00), which payment requirement shall be included in the Zoning By-law Amendment and the required Section 37 Agreement to be entered into with the City to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, and to be registered on title to the site to the satisfaction of the City Solicitor prior to any Tribunal Order issuing in these matters, of which amount:

i. three million and fifty thousand dollars (\$3,050,000.00) shall be used for capital projects in the vicinity of the site in conformity with the City's Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

ii. seven hundred and fifty thousand dollars (\$750,000.00) shall be paid to the City's capital budget for Public Art program and is to be used in the vicinity of the site;

all subject to:

iii. the financial contribution above shall be indexed upwardly in accordance with the Statistics Canada Residential Building for the Toronto CMA, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment to the City; and

iv. in the event the cash contribution referred to in Part 2.j.i. above has not been used for the intended purpose within three (3) years of the implementing By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community.

Summary

This Motion is brought on an urgent basis to complete an outstanding aspect of the settlement

adopted by City Council at its meeting of June 26, 27, 28 and 29, 2018 in Item CC43.17 entitled "89, 97 and 99 Church Street - Zoning Amendment Application - Request for Direction") and to provide for revisions to the Terms of Settlement and revisions to Council's Directions to the City Solicitor.

In its decision of June 26, 27, 28 and 29, 2018, City Council adopted the confidential recommendations in Confidential Attachment 1 and Confidential Appendices A, B and C to the report (June 18, 2018) from the City Solicitor, with such recommendations and Appendices subsequently made public, to accept an offer of settlement in respect of the proposed zoning by-law amendment for the property municipally identified as 89, 97 and 99 Church Street, appealed to Ontario Municipal Board/LPAT in Case File PL170328.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC43.17>

City Council authorized the City Solicitor to attend before the Local Planning Appeal Tribunal in support of the proposed zoning by-law amendment, modified in accordance with the offer of settlement. This Motion seeks to permit City Council to complete one of the conditions required to be addressed prior to the Board's issuance of its final order approving the zoning by-law amendment, finalizing the Section 37 contribution required in Part 2 j. adopted by City Council and to make revisions to allow limited rooftop amenity space which are satisfactory to Planning staff and to make some technical corrections, all of which are supported by the applicant in their attached letter of settlement dated July 25, 2018.

This Motion is urgent as this matter is currently before the Local Planning Appeal Tribunal and the City Solicitor requires further direction.

Background Information (City Council)

Member Motion MM44.127

(July 25, 2018) Settlement Letter from Goodmans LLP

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119504.pdf>

Drawing

<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119505.pdf>