

City Council

Motion without Notice

MM5.34	ACTION			Ward: 14
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77-79 East Don Roadway and 661-677 Queen Street East - Technical Amendment to By-laws 1363-2015 and 1364-2015 - by Councillor Paula Fletcher, seconded by Councillor Michael Ford

** 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 Paula Fletcher, seconded by Councillor Michael Ford, recommends that:

1. City Council amend By-law 1363-2015 and 1364-2015 by replacing Appendix 1, section 2 (f)(3) of each By-law to read:

"Prior to the earlier of issuance of any building permit for Parcel B and any condominium registration of any part of the lot, the owner of the lot shall convey to the City the on-site parkland dedication lands for parkland in base park condition."

2. City Council direct the City Solicitor to bring forward to Council's meeting of March 27 and 28, 2019 for enactment by City Council, a By-law or By-laws to make the changes in Part 1 above to By-laws 1363-2015 and 1364-2015.

3. City Council determine through the adoption of this Motion that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to By-law 1363-2015 and 1364-2015.

Summary

At its meeting held on December 9 and 10, 2015 City Council adopted Toronto and East York Community Council Item TE12.7 which recommended amendments to the former City of Toronto Zoning By-law 438-86 and Zoning By-law 569-2013 to permit redevelopment of 77-79 East Don Roadway and 661-677 Queen Street East as a mixed-use development with residential, retail and automobile dealership uses at a height and density greater than otherwise permitted, in exchange for the provision of such facilities, services, and matters otherwise set out in the By-law. City Council enacted By-laws 1363-2015 and 1364-2015 at that same meeting to permit the development. Those By-laws were appealed to the Ontario Municipal Board (now Local Planning Appeal Tribunal) by a third party (file PL160033). Following a hearing on the merits the appeal was refused, with the Board enacting the Bills substantially in

the form adopted by City Council.

It has come to the City Solicitor's attention that the timing of one of the section 37 benefits in the implementing By-laws, namely the conveyance of parkland to the City, does not reflect the recommendation that was adopted by City Council. Following consultation with Parks, Forestry and Recreation staff, it has been confirmed that the City Council adopted timing is correct – the parkland is to be conveyed prior to the earlier of condominium registration on any portion of the site, or the issuance of any building permit for the second phase of construction. To address this technical error, it is recommended that the By-laws be amended to correctly implement City Council's direction.

This is an urgent matter as the applicant is approaching an occupancy date for a large number of purchasers and the parkland is still undergoing environmental testing and remediation. The error in the by-law may cause issues relating to occupancy permits being issued.

Background Information (City Council)

Member Motion MM5.34