

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

MM36.43	ACTION			Ward: 13
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**1075 Bay Street - Zoning By-law Amendment - Amendment to Item TE26.8 - by Councillor Kristyn Wong-Tam, seconded by Councillor Mike Layton**

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

*\* This Motion is subject to a re-opening of Item TE26.8. 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.*

*Bills 787 and 788 have been submitted on this Item.*

**Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councillor Mike Layton, recommends that:

1. City Council delete Part 5 a. i. of Item TE26.8 adopted by Council on July 14, 15 and 16, 2021, and replace is with the following new Part 5 a. i. as follows:
  - i. prior to the issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution of \$9,000,000 to be allocated as follows:
    - A. \$3,000,000 towards new and/or existing affordable housing within Ward 13, in consultation with the Ward Councillor;
    - B. \$3,000,000 towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, Parks, Forestry and Recreation and the General Manager, Transportation Services; and
    - C. \$3,000,000 towards community, cultural or recreational facilities capital improvements within Ward 13, in consultation with the Ward Councillor;
2. City Council amend Part 5 a. of Item TE26.8 by adding a new v. and vi. as follows:
  - v. the owner shall commission public art at a minimum value of \$500,000 to be located near the corner of Bay Street and St. Mary Street on the subject lands, in accordance with the City of Toronto's Percent for Public Art Program.

vi. at the sole discretion of the Chief Planner and Executive Director, City Planning, the public art contribution in v. above may be made by way of a cash contribution in the amount of \$500,000 to the City's capital budget for Public Art programs.

## **Summary**

City Council at its meeting on July 14, 15 and 16, 2021 adopted the recommendations in the supplementary report (July 13, 2021) from the Chief Planner and Executive Director, City Planning to amend former City of Toronto Zoning By-law 438-86 and By-law 569-2013, approving a zoning by-law amendment application for the lands at 1075 Bay Street. Recommendation 5 required the owner to enter into a Section 37 Agreement with the City to secure community benefits that included a \$500,000 cash contribution towards public art to be located on the development site. The City's Public Art Program provides that when public art is to be provided on private property, it is commissioned by the owner, therefore no cash contribution is made to the City. Therefore, Recommendation 5 a. i. must be amended, and new v. and vi, must be added to Recommendation 5 a. to allow for the owner to commission the public art on the development site.

Urgent consideration is being requested as the Section 37 Agreement with the amended public art terms must be entered into by owner prior to the enactment of the zoning by-law amendments.

## **Background Information (City Council)**

Member Motion MM36.43