

City Council

Motion without Notice

MM47.81	ACTION			Ward: 2
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Re-opening and Amending Item EY21.7 regarding 375-385 The West Mall - Zoning By-Law Amendment Application - by Councillor Stephen Holyday, seconded by Councillor Mark Grimes

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to a re-opening of Item EX27.1. 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.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Mark Grimes, recommends that:

1. City Council amend its previous decision on Item 2021.EY27.1 regarding 375 - 385 The West Mall by:

a. deleting Parts 4. and 5. and replacing them with the following:

City Council authorize the City Solicitor to submit the necessary Bill to implement City Council's decision provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement is executed and registered and that the owner will, at its sole expense, submit an air quality study to the City, which shall be peer reviewed by a third party consultant, also at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning, and will secure any recommended mitigation measures through the Site Plan Approval process, and if necessary;

b. deleting Part 6.a.D and replacing it with the following:

D. the financial contribution pursuant to Part 6.a.1.C. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the Zoning By-law Amendment(s) to the date of payment; and

c. deleting Part 6.b.5 and replacing it with the following:

5. the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the

performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Summary

The requirement for completion of the Section 37 Agreement is being amended from prior to the enactment of Bills to prior to the issuance of a building permit. As a result, the indexing provisions are proposed to be changed to the date that the By-law is enacted by City Council, for consistency. These matters are addressed in Parts 1 and 2.

Part 3 is proposed to provide for consistency in the implementation of the Toronto Green Standard across development applications.

This Motion is urgent because City Council directed that City staff secure community benefits and matters of legal convenience pursuant to Section 37 of the Planning Act. In order for City staff to be able to fulfill this direction, City Council must ensure that the proposed development is transitioned out of the Community Benefits By-law regime that is scheduled to commence on August 15, 2022, by enacting the Zoning By-law Amendment for this development at its meeting scheduled for July 19 and 20, 2022. The previous City Council decision must be modified in order to allow for enactment of the Zoning By-law Amendment at the July 19 and 20, 2022 meeting of City Council.

REQUIRES RE-OPENING

Item EY27.1 (November 9, 10 and 12, 2021 City Council meeting) only as it pertains to Parts 4, 5, and 6 of City Council's decision.

Background Information (City Council)

Member Motion MM47.81