

City Council

Motion without Notice

MM11.26	ACTION			Ward: 11
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Amending Item CC45.21 - 717 Church Street and 85, 89, 93 and 97 Collier Street - Zoning By-law Amendment Application - Request for Further Directions Regarding Ontario Land Tribunal Hearing - by Councillor Dianne Saxe, seconded by Councillor Brad Bradford

** 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 Dianne Saxe, seconded by Councillor Brad Bradford, recommends that:

1. City Council amend its previous decision on Item 2022.CC45.21 by deleting Recommendation 4(3)(a) and replacing it with the following:
 3. City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act as follows:
 - a. the community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. an indexed cash contribution of \$2,800,000 to be paid by the Applicant prior to the issuance of the first above-grade building permit for the proposed development, to be allocated as follows, the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor:
 - A. \$1,000,000 to be allocated for affordable housing initiatives; and
 - B. \$1,800,000 to be allocated for social services, community facilities, park improvements and road safety and streetscape improvements in the immediate area of Bloor Street East, Yonge Street, Rosedale Valley Road and St. Paul's Square;
 - ii. in the event that the cash contribution in Part 3.a.i. above has not been used for the intended purpose within three (3) years of the Zoning By-law Amendment 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 Ward Councillor;

iii. The Owner shall design and construct improvements to Collier Street that enhance the urban design of that street at its sole cost and expense (the “Collier Street Improvements”):

A - Prior to the issuance of the first above grade building permit for the proposed development, the Owner shall:

(a) post a letter of credit in the amount of one million dollars (\$1,000,000.00) to secure the Collier Street Improvements (the “Collier Street Letter of Credit”), to the satisfaction of the General Manager, Transportation Services, and the Chief Engineer and Executive Direction, Engineering and Construction Services; and,

(b) submit and have accepted a proposed design for the Collier Street Improvements and a cost estimate to the General Manager, Transportation Services, for approval, including working drawings and specifications.

B - The design and construction of the Collier Street Improvements shall be completed within two years of the earlier of Condominium Registration or first occupancy of a building on the Lands, to the satisfaction of the General Manager, Transportation Services, and the Chief Engineer and Executive Direction, Engineering and Construction Services.

C - Upon satisfactory completion of the Collier Street Improvements, the Owner shall provide certification from its landscape architect certifying that all work has been completed in accordance with the approved drawings. In the event that the cost of the Collier Street Improvements is less than one million dollars (\$1,000,000.00), the Owner agrees that the difference shall be used by the Owner to install Public Art on the Lands in accordance with the provisions below. In the event that the cost of the Collier Street Improvements is more than one million dollars (\$1,000,000.00), there shall be no requirement for Public Art and the City will be responsible for the completion of the Collier Street Improvements.

iv. in the event that the cost of the Collier Street Improvements costs less than one million dollars (\$1,000,000.00), the Owner shall use the difference to commission Public Art works in a location upon the Site or adjacent City-owned lands to be determined as part of the design of the Collier Street Improvements, to the satisfaction of the Chief Planner, unless the difference is less than \$100,000, in which case the Owner shall provide a cash contribution in that amount to the City for delivery of Public Art by the City. The Owner agrees that the Public Art shall be completed, to the satisfaction of the Chief Planner and Executive Director, City Planning, within four years of the earlier of Condominium Registration or first occupancy of a building on the Lands.

Summary

At its meeting of June 15 and 16, 2022, City Council adopted Item [2022.CC45.21](#) and accepted a without-prejudice offer to settle an Ontario Land Tribunal appeal concerning 717 Church Street. In the time since the item was adopted, the Ontario Land Tribunal has issued a decision approving the proposal. Certain amendments to the recommended Section 37 provisions of the proposal are required to ensure that works along Collier Street, abutting the proposal, are completed in a timely manner by the Owners of the lands at 717 Church Street. The Owner has agreed to close the western portion of Collier Street to vehicular traffic (with the exception of

emergency vehicles) to enable its redevelopment into public space. The design will include soft and hard landscaping, as well as street furniture, to animate and pedestrianize the space and create a connection to Church Street and Harold Town Park.

This Motion is urgent because the applicant wants to move ahead with the proposal and this is our only opportunity to secure these benefits to for the City.

Background Information (City Council)

Member Motion MM11.26