

NOTICE OF MOTION

Amending Item 2018.TE34.48. - 114 and 120 Church Street and 59 Richmond Street East - Amendment of Section 37 Agreement to Address Corner Rounding Property Rights Transfer

Moved by: Councillor

Moise

Seconded by: Deputy Mayor

Malik

SUMMARY:

On July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted the settlement offer for the appealed Zoning By-law Amendment application (17 253844 STE 28 OZ) at 114 & 120 Church Street and 59 Richmond Street East allowing a 149.5-metre (45 storeys, excluding mechanical penthouse) mixed-use building.

The Council approval (Item 2018.TE34.48 - 114 and 120 Church Street and 59 Richmond Street East - Zoning Amendment Application - Request for Direction Report) secured a set of Section 37 Planning Act Community Benefits. The existing Section 37 Agreement, registered on title to the lands as Instrument Number AT5813856, currently requires that the Owner convey to the City, at the Owner's sole expense, a 5.0 metre corner rounding at Church Street and Lombard Street, the ("Corner Rounding"), to the satisfaction of the City Solicitor.

Through the site plan approval process, staff determined that Corner Rounding requirement could satisfactorily be met through the delivery to the City, at the Owner's sole expense, of a pedestrian clearway easement. That requirement has been secured in a Site Plan Agreement, registered on title as Instrument Number AT6644071. The delivery of a pedestrian clearway easement will eliminate any conflict with building projections.

The intent of this Motion is to allow the amendment of the existing Section 37 Agreement to align with the Site Plan Agreement and the delivery of a pedestrian clearway easement for the Corner Rounding, rather than a fee simple transfer of land.

This motion is urgent as this development site is near completion and there is no regular meeting of Council until 2027.



RECOMMENDATIONS:

1. City Council amend its previous decision on Item 2018.TE34.48 by deleting Part 3.e.viii

Recommendation to be deleted:

viii. the owner provides a conveyance of lands to the City consisting of a 5.0-metre corner rounding at Church Street and Lombard Street;

and adopt instead the following:

viii. The Owner provides a pedestrian clearway easement of 5.0 metre corner rounding at the Church Street and Lombard Street corner of the property, being Part 13 on Plan 66R-34868, together with right of support; being Part 14 on Plan 66R-34868.

2. City Council authorize the City Solicitor and City staff to take all necessary and reasonable actions to implement City Council's decision.

July 29, 2026