

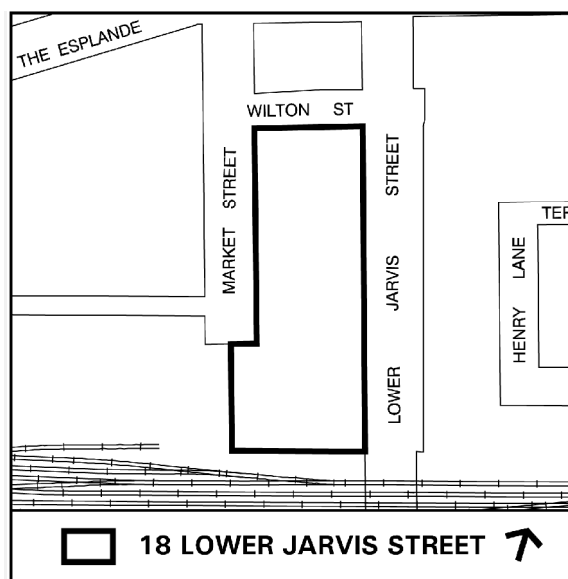
18 Lower Jarvis Street – City Initiated Amendment to Site Specific Zoning By-law – Final Report

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| Date: | October 9, 2012 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 28 – Toronto Centre-Rosedale |
| Reference Number: | 07 228805 STE 28 OZ |

SUMMARY

Pursuant to Ontario Municipal Board Order No. PL060607, issued on August 13, 2008, April 13, 2010 and May 28, 2010 Council enacted site specific Zoning By-law No. 154-2011 to permit a mixed use development with one residential condominium tower and retail uses at grade on the lands municipally described as 18 Lower Jarvis Street. A Section 37 Agreement was entered into, which required the owner of the lands to contribute \$500,000, as indexed, towards the implementation of the Lower Jarvis Pedestrian Promenade Plan (Front Street East to Queens Quay East) not abutting the property.

This report recommends that By-law No. 154-2011 be amended to direct the funds originally allocated towards the implementation of the Lower Jarvis Pedestrian Promenade Plan not abutting the property to be directed towards the Front Street Pan Am Games Pedestrian Promenade Plan and whatever remaining portion towards local parkland creation/improvement or streetscape enhancement projects in the vicinity.



This report further recommends that the Section 37 Agreements for 18 Lower Jarvis Street be amended to reflect the reallocation of the \$500,000.00 cash contribution (now \$504,450.55 with interest).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law No. 154-2011 to reallocate financial contributions in the Section 37 Agreement for 18 Lower Jarvis Street as contemplated in this report, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 (October 9, 2012) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor, in consultation with relevant City staff, to amend the registered Section 37 Agreement for 18 Lower Jarvis Street to reflect the reallocation of the \$500,000 cash contribution originally committed to the Lower Jarvis Pedestrian Promenade Plan as follows:
 - a. up to \$500,000 (with indexing) to be directed to the Front Street Pan Am Games Pedestrian Promenade Plan (Jarvis Street to Parliament Street);
 - b. the remainder to be directed to local parkland creation or improvements and/or local streetscape enhancement projects.
3. City Council determine that the community consultation described in the report (October 9, 2012) from the Director, Community Planning, Toronto and East York District, satisfies the consultation requirements of the Official Plan.
4. City Council authorize the appropriate City officials to take the necessary action to give effect to the above, including execution of the amended Section 37 Agreement and appropriate redistribution of the original cash contribution made to the City by the owner as applicable.
5. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Pursuant to Ontario Municipal Board Order No. PL060607, issued on August 13, 2008, April 13, 2010 and May 28, 2010 Council enacted site specific Zoning By-law No. 154-2011 to permit a mixed use development with one residential condominium tower and retail uses at grade on the lands municipally described as 18 Lower Jarvis Street.

Comments

Section 37 Agreement

This report recommends that City Council authorize the City Solicitor to amend the Section 37 Agreement for 18 Lower Jarvis Street to reflect the reallocation of the \$500,000 cash contribution originally committed to the Lower Jarvis Pedestrian Promenade Plan to the Front Street Pan Am Games Pedestrian Promenade Plan, subject to the Owners of the land consenting to such an amendment. The report also includes recommendations to permit the City Solicitor and appropriate City officials to give effect to the above.

Reallocation of the funds for 18 Lower Jarvis Street is recommended as there are other potential Section 37 monies from future developments in the area that could fund the planned streetscape improvements on Lower Jarvis Street.

Also, additional money is needed for the Front Street Pan Am Games Pedestrian Promenade Plan to ensure the work is complete for the start of the Pan Am Games in 2015. Total project costs for the Front Street Pan Am Games Pedestrian Promenade Plan are roughly \$1,000,000 more than what is currently allocated, and the reallocation of \$500,000 with indexing from the Lower Jarvis Pedestrian Promenade Plan will address this deficiency.

Significant public consultation attended by staff has occurred through the St. Lawrence Neighbourhood Association and St. Lawrence Market Neighbourhood BIA meetings on the Front streetscape improvements.

These consultations identified the need to reallocate funding from approved streetscape projects to the Front Street project as a local priority.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

BY-LAW No. _____

To further amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 18 Lower Jarvis Street.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 2J of By-law No. 154-2011 is amended by:
 - (1) deleting the text of subsection (iii) and replacing it with the following:

“notwithstanding subsection 2K herein, the facilities, services and matters to be provided prior to the issuance of the first above-grade building permit for *Phase 1* shall consist only of \$100,000 as indexed pursuant to the agreement referred to in Subsection 2L herein, for the purposes of streetscaping improvements on Front Street East as part of the Front Street Pan Am Games Pedestrian Promenade Plan and any remaining portion towards local parkland creation or improvements and/or local streetscape enhancement projects; and” and
2. Section 2K of the By-law No. 154-2011 is amended by:
 - (1) deleting the text of subsection (i) and replacing it with the following:

“prior to the issuance of the first above-grade permit pays to the City the sum of \$500,000, as indexed pursuant to the agreement referred to in Subsection 2L herein, for the purposes of streetscaping improvements on Front Street East as part of the Front Street Pan Am Games Pedestrian Promenade Plan and any remaining portion towards local parkland creation or improvements and/or local streetscape enhancement projects; and”.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD
Mayor
(Corporate Seal)

ULLI S.WATKISS
City Clerk