

City Council

Notice of Motion

MM39.13	ACTION			Ward:20
---------	--------	--	--	---------

81-87 Peter Street - Zoning Amendment Application - Revision to Final Recommendations - by Councillor Adam Vaughan, seconded by Councillor Ana Bailao

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item TE23.7. A two-thirds vote is required to re-open the Item.*

** If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Adam Vaughan, seconded by Councillor Ana Bailao, recommends that:

1. City Council amend Item TE23.7 by:
 - a. Deleting and replacing Part 4c, d and e to reflect Council's election of the obligation for the owner to provide an indexed \$1,300,000.00 cash contribution toward the development of affordable housing in Ward 20 and renumbering the remaining parts respectively such that Part 4 now reads as follows:
 - "4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor to secure the following:
 - a. A cash contribution in the amount of \$1,300,000.00 to be applied to streetscape improvements in the East Precinct of King Spadina. The amount shall be payable prior to issuance of the first above-grade permit and shall be indexed upwardly in accordance with the change in the Statistics Canada, Non-Residential Building Construction Price Index for Toronto, from the date of execution of the Section 37 Agreement to the date of payment;
 - b. The provision and maintenance of an art contribution with a minimum value of \$250,000.00, indexed as per Part 4.a. above, to be focused on enhancement of the facades of the above-grade

parking;

- c. A cash contribution in the amount of \$1,300,000.00 payable prior to the earlier of condominium registration of the building or the 2nd anniversary date of execution of the Section 37 Agreement which is to be applied toward the City's Capital Revolving Fund for Affordable Housing and used for the development of affordable housing in Ward 20. The amount shall be indexed as per Part 4.a. above;
 - d. At least ten percent (10%) of the total number of dwelling units to be constructed on the lot shall contain three bedrooms or more in compliance with the provisions of the Ontario Building Code; and
 - e. Submission of a Wind Study as part of the related application for Site Plan Approval and implementation of any wind mitigation measures, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- b. Deleting , in their entirety, Parts 5, 6, 7, 8 and 9 and replacing them with the following new Part 5:
- " 5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to Council's decision."
2. City Council authorize the City Solicitor to amend the Draft Zoning By-law Amendment included in Attachment 6 to the Report (March 19, 2013) from the Director Community Planning, Toronto and East York District to reflect the election for a cash contribution for the development of affordable housing in Ward 20 as set out in Recommendation 1a above.
 3. City Council direct that no further notice pursuant to Section 34 of the Planning Act is required in connection with the associated changes to the Draft Zoning By-law Amendment.

Summary

Council approved a zoning amendment application to permit a new 49-storey mixed-use building with an above-grade commercial parking garage on this site. The Zoning bill was to be brought forward once the Section 37 Agreement and other applicable agreements had been entered into.

The Section 37 contributions set out in the approved recommendations included, among other facilities, services and matters, a contribution of \$1,300,000.00 in the form of condominium residential units on the lot which were to be conveyed to Habitat for Humanity Toronto or a similar non-profit provider of below-market ownership housing selected by the City. The provisions included the discretionary option for the City to elect a cash payment of \$1,300,000.00 indexed to the date of payment, in lieu of the housing units. The amount was to be paid to the City's Capital Revolving Fund for Affordable Housing and used for the development of affordable housing in Ward 20.

Following discussion relating to the transfer of units with City Planning and the owner, the option to elect a cash payment is being recommended in order to more directly address current needs in affordable housing. Council direction is required for this election. In addition, if the election is made, other recommendations in the Final Report relating to implementation of the unit transfers are no longer applicable and should be deleted.

The matter must be re-opened and Council direction provided for the election. Staff will be able to then finalize the necessary Section 37 Agreement with a view to bringing forward the bill to the next meeting of Council in November.

This Motion was prepared in consultation with City Planning.

REQUIRES RE-OPENING:

Toronto and East York Community Council Item TE23.7, headed "Final Report - 81-87 Peter Street - Zoning Amendment Application" adopted by City Council at its meeting May 7, 8, 9 and 10, 2013.

(Submitted to City Council on October 8 and 9, 2013 as MM39.13)

Background Information (City Council)

Member Motion MM39.13