TORONTO Report Item

For Consideration by City Council on
August 25, 2014
August 26, 2014

Toronto and East York Community Council

(Deferred by City Council from July 8, 9, 10 and 11, 2014 - 2014.TE33.6)

TE33.6	Action			Ward:19

Final Report - 89-109 Niagara Street - Zoning Amendment Application

Statutory - Planning Act, RSO 1990

Community Council Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 89-109 Niagara Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the supplementary report (June 11, 2014), from the Director of Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. 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 to secure the following:

    a. The provision of 21 rental housing units, including 13 affordable rental housing units and 8 mid-range rental housing units, all of which are live-work units, and their maintenance as rental housing for a period of at least 20 years, to the satisfaction of the Chief Planner and as provided for in Schedule "A" of the draft Zoning By-law Amendment.

    b. $150,000.00 for the purpose of capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 19.

    c. $100,000.00 for the purpose of improving existing parks in Ward 19.

    d. Noise and vibration mitigation measures as identified in the Addendum to the Environmental Noise & Vibration Feasibility Study dated April 7, 2014, prepared by Gradient Microclimate Engineering Inc., and the associated peer review dated April 11, 2014, prepared by Aercoustics Engineering Limited.

    e. Odour mitigation measures as identified in the Assessment of Potential Odour Impacts from a Nearby Abattoir dated December 2012, prepared by Zorix

Environmental, and the associated peer review dated November 26, 2013, prepared by Ortech Environmental.

f. Warning clauses and restrictive covenants in all purchase and sale agreements regarding the potential for noise and odour impacts from the nearby abattoir and the potential for noise impacts from road and rail sources, as detailed under the heading "Section 37 of the Planning Act" of this report.

g. A minimum of 30 on-street bicycle parking spaces.

h. Car-share agreement in place prior to construction, if car-share parking spaces replace parking spaces otherwise required for residential occupants, at a ratio of 1 car-share parking space to 4 residential occupant parking spaces, up to a maximum of 6 car-share parking spaces.

i. A minimum of 30% of all the dwelling units on the lot shall be 2-bedroom units.

j. A minimum of 10% of all the dwelling units on the lot shall be 3-bedroom units.

k. A Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.

l. A Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street dated February 2012 and revised March 2014, prepared by Bernard H. Watt Architect, all to the satisfaction of the Manager, Heritage Preservation Services.

m. A Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, to be provided to the City prior to the issuance of any permit for the properties at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage buildings.

4. City Planning provide further information on the provision of 21 rental housing units in the proposed development and propose any needed adjustments to the draft Zoning By-law attached as Attachment No. 7 through a Supplementary Report to Toronto and East York Community Council at the meeting scheduled for either June 17, 2014, or August 12, 2014.

5. Before introducing the necessary Bills to City Council for enactment of the proposed Zoning By-law Amendment, City Council require that the owner shall have entered into a Heritage Easement Agreement with the City for the properties at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor including registration of such agreement to the satisfaction of the City Solicitor.

Community Council Decision Advice and Other Information

The Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning to provide details of the implementation for the rental housing provision of the recommendation to City Council for consideration at its meeting on July 8, 2014.

The Toronto and East York Community Council held a statutory public meeting on June 17, 2014, and notice was given in accordance with the Planning Act.

Origin

(May 26, 2014) Report from the Director, Community Planning, Toronto and East York District

Summary

This application proposes the redevelopment of the lands at 89-109 Niagara Street for a new mixed-use development which includes the retention and reuse of the existing heritage buildings facing Niagara Street, commonly referred to as the "coffin factory", and the addition of two residential towers 12 and 14 stories in height connected by a five-storey podium. The proposed uses include six ground floor commercial/office units and 367 residential dwellings, all of which permit live-work units.

The proposed rezoning is consistent with the current Official Plan and with the City Council-approved amendments to the Official Plan (Official Plan Amendment No. 231) currently awaiting Ministerial approval. The rezoning will provide for the rehabilitation of the existing heritage buildings through a Heritage Easement Agreement. Appropriate noise and odour mitigation measures will be secured that address land use compatibility between the proposed mixed-use development and the nearby abattoir at 2 Tecumseth Street, should the abattoir reinstate operations.

This report reviews and recommends approval of the application to amend the Zoning By-law.

Background Information (Community Council)

(May 26, 2014) Report from the Director, Community Planning, Toronto and East York District - 89-109 Niagara Street - Zoning Amendment Application - Final Report
(http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-69885.pdf)

Background Information (City Council)

(June 30, 2014) Supplementary report from the Chief Planner and Executive Director, City Planning on 89-109 Niagara Street - Zoning Amendment Application - Rental Housing (TE33.6b)
(http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-71569.pdf)

Communications (Community Council)

(June 12, 2014) E-mail from Rosalie Lam (TE.Supp.TE33.6.1)
(June 13, 2014) Letter from Patrisha Robertson, Niagara Neighbourhood Now Residents' Committee (TE.Supp.TE33.6.2)
(June 16, 2014) E-mail from Jeff Biggar (TE.Supp.TE33.6.3)
(June 17, 2014) Submission from David Kendall (TE.Supp.TE33.6.4)

Speakers

David Kendall (Submission Filed)
Patrisha Robertson, Niagara Neighbourhood Now Residents' Committee

6a Supplementary Report - 89-109 Niagara Street - Zoning Amendment Application - Rental Housing

Origin

(June 11, 2014) Report from the Director, Community Planning, Toronto and East York District

Summary

This report provides additional information regarding rental housing further to the Final Report dated May 26, 2014, for the proposed rezoning at 89-109 Niagara Street. The Final Report recommends approval of the proposed rezoning and recommends that the owner enter into a Section 37 Agreement under the Planning Act to secure community benefits including the provision of 21 rental housing units.

The rezoning application proposes the redevelopment of the lands at 89-109 Niagara Street for a new mixed-use development which includes the retention and reuse of the existing heritage buildings facing Niagara Street, commonly referred to as the "coffin factory", and the addition of two residential towers 12 and 14 stories in height connected by a five-storey podium. The proposed uses include six ground floor commercial/office units and 367 residential dwellings, all of which permit live-work units.

This report provides further detail on the agreement reached with the owner to provide the rental housing units, and recommends revisions to the draft zoning by-law attached with the Final Report dated May 26, 2014, to secure the rental housing through a Section 37 Agreement under the Planning Act.

Background Information (Community Council)

(June 11, 2014) Report from the Director, Community Planning, Toronto and East York District - 89-109 Niagara Street - Zoning Amendment Application - Supplementary Report - Rental Housing
(http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-70509.pdf)