



## REFERRAL OF MEMBER MOTION BY CITY COUNCIL

### 2800 Bloor Street West Settlement Proposal

<b>Date:</b>	February 12, 2015
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	City Council
<b>Wards:</b>	All Wards

### City Council Decision

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City Council on February 10 and 11, 2015, referred Motion MM3.36 to the Etobicoke York Community Council for consideration.

### Recommendations

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Councillor Justin J. Di Ciano, seconded by Councillor Ana Bailão, recommends that:

1. City Council authorize the City Solicitor to advise the Ontario Municipal Board (OMB) that City Council supports a settlement of the zoning by-law and site plan control approval appeals for 2800 Bloor Street West, provided the following key points have been addressed to the satisfaction of City staff:

a. The final plans incorporate driveway access from Bloor Street West and 3 mid-range three bedroom residential rental replacement dwelling units (subject to the matters set out below);

b. The owner has entered into an Agreement under Section 37 of the Planning Act to secure the following prior to any Order issuing by the Ontario Municipal Board:

i. the provision and maintenance by the owner of 3 mid-range 3 bedroom residential rental replacement dwelling units, each such replacement unit to have a minimum size of 1000 square feet and including that:

1. the replacement rental dwelling units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning

by-law amendment removing the requirement for replacement rental units to be maintained as rental units;

2. the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which not more than 60 percent of the other units erected on the subject property are available and ready for occupancy;

3. the owner shall provide and maintain rents charged to the tenants who rent the replacement rental dwelling units during the first 10 years of occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

4. after the completion of the 10 year period set forth in 3 above, rents charged to tenants newly occupying a replacement rental dwelling will not be subject to any rent restrictions that may be set out in any agreement entered pursuant to Section 37 of the Planning Act; and

5. tenants of replacement units shall have access to indoor and outdoor amenity space on the site at no additional charge and on the same basis as other residents of the building, and shall have laundry facilities (in unit or access to shared facilities) and shall have access to bicycle parking facilities, but no dedicated parking spaces (resident or visitor) shall be required for the replacement units; and

ii. an indexed cash contribution of \$1,550,000.00 to be paid prior to issuance of any building permit, with \$875,000 towards the City of Toronto Affordable Housing Fund, and \$675,000 towards capital improvements to Toronto Community Housing in Ward 5, in consultation with the Ward Councillor, and other local capital improvements, such as parkland improvements, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, to support Council's decision before the Ontario Municipal Board and to finalize the elements of the settlement, including the final form of the minutes of settlement (if any), the zoning by-law amendment and any other related planning instruments.

3. City Council authorize the encroachment into the public boulevard along The Kingsway to accommodate access, loading and vehicular drop-in/drop-off, provided that the owner enters into an encroachment agreement satisfactory to the City.

4. City Council direct the City Solicitor to request that the Ontario Municipal Board withhold its Order on the Site Plan Control appeal pending the following:

a. receipt of confirmation from the City Solicitor that the site plan application has been revised to incorporate the 3 replacement residential mid-range rental dwelling units and driveway access off of Bloor Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;

b. receipt of confirmation from the City Solicitor that the Applicant has entered into a Site Plan Agreement pursuant to Section 114 of the City of Toronto Act, 2006 with such agreement to include the Conditions of Site Plan Approval set out in Attachment 10 to the report (August 1, 2014) from the Director, Community Planning, Etobicoke York District and as may be amended to address Part a. above, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and

c. receipt of confirmation from the City Solicitor that the owner has submitted a Functional Servicing Report satisfactory to the Executive Director of Engineering and Construction Services and that the owner has made satisfactory arrangements with the City's Engineering and Construction Services for the construction of any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services.

5. City Council approve the application to demolish the existing residential building, subject to the following conditions:

a. the Owner shall enter into and register one or more Section 111 Agreements to secure the conditions of rental demolition approval, including provisions requiring future owners and encumbrancers of the lands to assume the obligations contained therein, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, and as outlined below; and

b. the Owner shall provide and maintain not less than 3 new replacement residential mid-range rental dwelling units, composed of 3 three bedroom units, all units to be at mid-range rents, with each unit to be at least 1000 square feet, all to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to the following:

i. the 3 replacement rental dwelling units shall be provided entirely on the subject property;

ii. the replacement rental dwelling units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for replacement rental units to be maintained as rental units;

iii. the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which not more than 60 percent of the other units erected on the subject property are available and ready for occupancy;

iv. the Owner shall provide and maintain rents charged to the tenants who rent the designated replacement rental dwelling units during the first 10 years of occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

v. rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10 year period set forth above shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth above with a phase-in period of at least three years for rent increases commencing at the expiry of that period;

vi. after the completion of the 10 year period set forth above, rents charged to tenants newly occupying a replacement rental dwelling will not be subject to any rent restrictions that may be set out in any agreement entered pursuant to Section 37 of the Planning Act; and

vii. tenants in the 3 rental replacement dwelling units will have access to laundry facilities within the building, and will be given access at no charge and on the same basis as residents of the remainder of the building to indoor and outdoor amenity space, bicycle parking spaces, storage lockers (where applicable), visitor parking, and other common areas, utility and mechanical areas (as appropriate), but no dedicated parking spaces (resident or visitor) shall be required for the replacement units.

6. City Council authorize the Chief Planner and Executive Director, City Planning to issue a preliminary approval to the application under Municipal Code Chapter 667 after all of the following have occurred:

- a. the Owner has entered into and registered the Section 111 Agreement required above and has registered a Section 118 Restriction on the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. the zoning by-law amendment agreed to by City Council herein, as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, has come into full force and effect; and
- c. the Owner has obtained Site Plan Approval for the development agreed to by City Council herein, to the satisfaction of the Chief Planner and Executive Director, City Planning.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning has provided preliminary approval.

8. City Council authorize City staff to take such other actions as are necessary to implement Council's decision.

## **Summary**

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In August 2014, a rezoning and Section 111 approval came before Council for direction for an Ontario Municipal Board hearing. The application addressed the proposed demolition of a vacant 10 unit affordable rental building on the site. The interim Councillor James Maloney, negotiated a settlement offer to reduce the rental replacement requirements from 10 units to 3 units and a cash in lieu payment of \$200,000. Previous to the above application, rezoning had been approved for a retirement facility in which Council required that 3 rental units be replaced. An Official Plan Amendment was enacted to allow for the same 3 rental replacement unit requirement on the site.

This Motion before you seeks to respect Council's Affordable Housing policies and address local needs in Ward 5's Toronto Community Housing Corporation properties. This Motion seeks to return to the 3 rental replacement unit requirement on the site with a cash

in lieu settlement of \$875,000 for the 7 units at \$125,000 each going towards the Affordable Housing Fund and \$675,000 in Section 37 funding going towards capital improvements to Toronto Community Housing in Ward 5, as well as local parkland improvements. This funding is to be paid prior to the issuance of any building permit and is available now.

This Motion is urgent, as an Ontario Municipal Board pre-hearing is scheduled for May 29, 2015.

**Background Information (City Council)**

(February 11, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-76726.pdf>