

48 Abell Street – Option to purchase workshop space

Date:	May 2, 2016
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 18, Davenport
Reference Number:	P:\2016\Cluster B\PLN\CC16066 (11-315464 STE 18 OZ)

SUMMARY

At its meeting of April 5, 2016, Toronto and East York Community Council (TEYCC) requested the Chief Planner and Executive Director, City Planning to report directly to Council with respect to whether the workshop spaces at 48 Abell Street should be acquired. This report responds to this request.

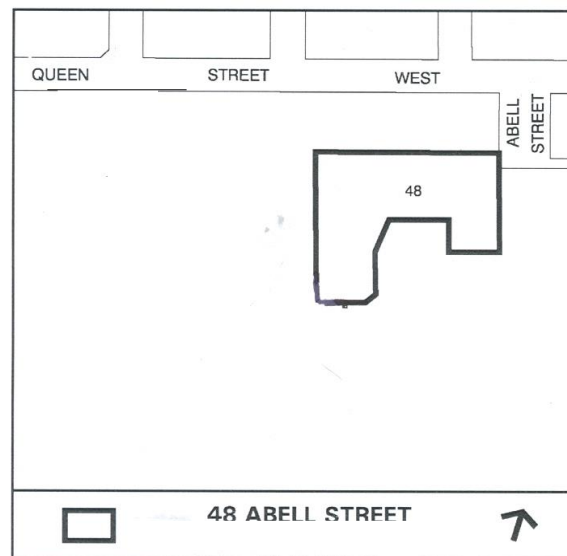
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to waive the option to purchase six (6) at-grade workshop units at 48 Abell Street; and
2. City Council authorize the appropriate City officials to take the necessary actions to implement recommendation 1 above.

Financial Implications

The recommendations in this report have no financial impact.



DECISION HISTORY

Toronto and East York Community Council (TEYCC) at its meeting on April 5, 2016 requested the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, to report directly to Council with respect to whether the workshop spaces at 48 Abell should be acquired.

The TEYCC Committee Decision Document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE15.78>

48 Abell is situated within the West Queen West Triangle. It is a 21-storey tower fronting onto Abell Street with an 11-storey terraced building oriented in an-east-west direction and running along the private mews south of Queen Street West. The development was the subject of a site specific Zoning By-law 952-2012 which was enacted by City Council on July 13, 2012. Site Specific By-law 952-2012 supersedes site specific Zoning By-law 1166-2009, approved by the Ontario Municipal Board (OMB).

The site was subject to an OMB hearing in 2007 which was consolidated with hearings for two adjacent properties in the West Queen West Triangle. As part of the hearing, the OMB approved an 18-storey affordable housing building fronting onto Sudbury Street and a 14-storey tower fronting onto Abell Street. The 18-storey affordable housing building is not part of this subject site. A further rezoning application was submitted in 2011 to amend the previous approvals to allow for additional height and density and to modify the Section 37 provisions contained within the By-law to allow for a 21-storey tower.

The modified Section 37 Agreement for the amending application required the owner to convey to the City a minimum of 2,800 square metres of gross floor area for non-profit arts space at an adjacent development site at 2-6 Lisgar Street also owned by the applicant. The 2,800 sq.m space has been completed and the City is working on arrangements for a non-profit to occupy the space. In addition, the Section 37 Agreement secured the City's option to purchase six (6) at-grade workshop units at 48 Abell to be turned over to non-profit arts and culture organizations for full cost reimbursement to the City. The intent of this clause was to retain the potential for more arts and culture space in the Queen West Triangle. The agreement required funds for the both the purchase and tenant fit up of the space.

ISSUE BACKGROUND

Section 37 Agreement

The Section 37 Agreement, entered into as part of the approvals process for 48 Abell Street, was registered as Instrument AT3855798 on April 13, 2015. Section 3 of the Agreement requires that the owner enter into an agreement to sell approximately six (6) at-grade workshop units fronting on the mews (approximately 430 square metres) to the City, or an arts-space management organization to the City at an indexed cost of \$250 per sq.ft. The intention was that these spaces would accommodate affordable arts-related space to support the existing creative cluster in the Queen West Triangle.

Over the past several years, the City has been seeking non profit arts groups that are able to take on the purchase and on-going operating costs of one or all of these spaces. Although there has been some interest, there have been no viable offers. The owner has executed an agreement to sell the units as required by the Section 37 agreement however the City is not in a position to complete the purchase. There are no funds available for the City to purchase or carry the space vacant. The agreement does not require any further compensation to be paid by the owner should the City not exercise its option.

City Planning staff have consulted with staff in the Economic Development, Culture and Tourism, City Legal and Finance along with the Ward Councillor in the review of options regarding the workshop units. Based on all of the above, and in consideration of Section 37 benefits already received, staff are recommending that City Council waive its option to purchase the workshop units.

CONTACT

Lynda H. Macdonald, Manager
Tel. No. (416) 392-7618
Fax No. (416) 392-1330
E-mail: lmacdon1@toronto.ca

SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division