

**81 to 87 Peter Street – Zoning Amendment Application –
Final Report**

Date:	May 26, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	12 115750 STE 20 OZ

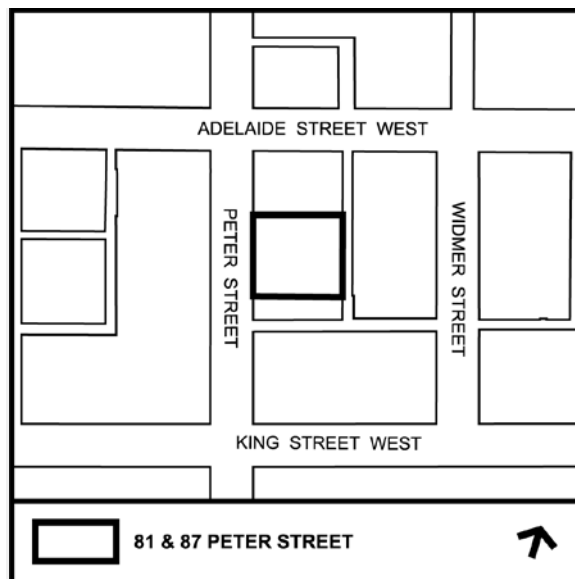
SUMMARY

At its meeting of December 9 and 10, 2015, City Council adopted a motion requesting City Planning to bring forward a zoning by-law amendment to amend the Section 37 provisions of Site Specific Zoning By-law 1503-2013 for 81-87 Peter Street. The purpose of the amendment is to allow a cash contribution originally directed to be applied towards streetscape improvements in the East Precinct of King Spadina to also be able to be applied to community services and facilities in King Spadina.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law 1503-2013, for the lands at 81-87 Peter Street, substantially in accordance with the draft Zoning By-law amendment attached as Attachment No. 1 to the report (May 26, 2016) from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. Prior to the introduction of the Bill, the Owner be required to enter into a Section 37 Amending Agreement reflecting the changes set out in the Zoning By-law Amendment to the satisfaction of the City Solicitor.
4. City Council authorize the appropriate City Officials to take such actions as are necessary to implement the foregoing, including execution of the Section Amending Agreement.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of May 7, 8, 9 and 10, 2013, City Council adopted a Zoning Amendment Application for a 49-storey tower with retail/commercial at grade and residential above at 81-87 Peter Street. A Section 37 Agreement between the City and the owner, Noir Residences Inc., dated November 13, 2013, was entered into to secure community benefits contemplated (the "Section 37 Agreement"). Among the community benefits secured through the application was a cash contribution of \$1,300,000 to be directed towards streetscaping in the East Precinct of King Spadina payable prior to issuance of an above grade building permit. A link to the City Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE23.7>

At its meeting of December 9 and 10, 2015, City Council adopted a motion from Councillor Cressy directing staff to bring forward a zoning by-law amendment for 81-87 Peter Street to amend the Section 37 provisions of Site Specific Zoning By-law 1503-2013 to permit a cash contribution originally directed towards streetscaping in the East Precinct of King Spadina, to be permitted to also be applied to community services and facilities in King Spadina. A link to the City Council direction can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.108>

ISSUE BACKGROUND

Community Consultation

A Community Consultation meeting was held on May 25, 2016. At the meeting, Staff presented the proposed amendment to the Site Specific Zoning By-law and sought community feedback. The Community Consultation was attended by 9 people. Concerns raised at the Community Consultation included the following:

- Uncertainty about when the John Street Cultural Corridor will be constructed;
- Maintenance issues associated with the sidewalks and roads in King Spadina;
- Issues of accessibility for persons with mobility issues in King Spadina due to poor maintenance of sidewalks and roads;
- Concern that Section 37 funds from the Entertainment District are being spent on the broader King Spadina Area rather than the Entertainment District specifically; and
- Desire for increased clarity and transparency about the decision making process behind the allocation of Section 37 funds.

COMMENTS

The owner has commenced construction of the development contemplated by Site Specific Zoning By-law 1503-2013 and provided for in the Section 37 Agreement. The cash contribution in the amount of \$1,300,000 required prior to issuance of an above grade building permit for the streetscaping in the East Precinct of King Spadina has been paid to the City. The funds have not yet been allocated. The owner, City Staff, and the Ward Councillor have agreed that the cash payment of \$1,300,000 originally directed towards streetscaping in the East Precinct of King Spadina also be permitted to be applied to community services and facilities in the King Spadina Area.

Amendments to section 2(a) of Site Specific Zoning By-law 1503-2013 as well as section 3.1.1 of the Section 37 Agreement are required to make this change.

Section 2(a) of Site Specific Zoning By-law 1503-2013 provides:

- "(a) prior the issuance of an above-grade building permit the *owner* shall make a cash contribution in the amount of one million three hundred thousand (\$1,300,000.00 CAN) to be applied toward streetscape improvements in the East Precinct of King Spadina at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment."

Section 3.1.1 of the registered Section 37 Agreement details the cash payment to be directed towards streetscaping as follows:

"3.1.1 Prior the issuance of the first Above-Grade Building Permit on the Lands the Owner shall make a cash contribution in the amount of one million three hundred thousand (\$1,300,000.00 CAN) to be allocated at the discretion of the City towards the streetscape improvements in the East Precinct of King Spadina."

Planning Staff, in consultation with the Councillor, are recommending that the wording of Section 2(a) of the Site Specific Zoning By-law 1503-2013 be revised to the following:

"(a) prior the issuance of an above-grade building permit the *owner* shall make a cash contribution in the amount of one million three hundred thousand (\$1,300,000.00 CAN) to be applied toward one or both of streetscape improvements in the East Precinct of King Spadina and community services and facilities in the King Spadina Area at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment."

A corresponding change is proposed to Section 3.1.1 of the Section 37 Agreement.

These amendments to Site Specific Zoning By-law 1503-2013 and the Section 37 Agreement are necessary to allow the option to divert funds to much-needed community services and facilities in the King Spadina Area. The property owner has been consulted and is in agreement with this revision.

The King Spadina Area is currently undergoing rapid population growth. A significant deficiency in the capacity of the existing community services and facilities to serve the growing population has been identified. Allowing the funds to also be applied to community services and facilities will aid in expanding the provision of community services and facilities in this community, in an effort to alleviate this deficit.

The priority streetscaping project in the East Precinct of King Spadina, the John Street Cultural Corridor, is expected to continue to have the City's portion of this project fully funded through already-allocated Section 37 and 45 benefits. Allowing the Section 37 funding for 81-87 Peter Street to also be applied to community services and facilities in King Spadina will not impact the ability of the City's portion of the John Street Cultural Corridor project to be funded.

An amendment to the Section 37 Agreement is necessary to expand the permitted applications of these funds as outlined above. The Site Specific Zoning By-law will need to be amended in order to revise the Section 37 provisions and provide authority for amending the Section 37 agreement. The amending Section 37 Agreement will be drafted in consultation with City Planning, Legal Services, and the property owner, executed by the owner prior to introduction of the Bill and will be registered on title.

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

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. --20~

**To amend ~ Zoning By-law No. 1503-2013, as amended,
With respect to the lands municipally known as,
81 and 87 Peter 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 enacts as follows:

1. Section 2 (a) be deleted and replaced with the following:

- "(a) prior to issuance of an above grade building permit the *owner* shall make a cash contribution to the City in the amount of one million three hundred thousand dollars (\$1,300,000.00 CAN) to be applied towards one or both of streetscape improvements in the East Precinct of King Spadina and community services and facilities in the King Spadina Area at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of the payment;"

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)