

**City Council**

**Notice of Motion**

MM44.37	ACTION			Ward:20
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**23 Spadina Avenue - Zoning By-law Amendment - Further Request for Direction - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* Notice of this Motion has been given.  
 \* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal respecting the Zoning By-law Amendment appeal for 23 Spadina Avenue in support of revisions made to the proposed development as set out in Architectural Drawings A001 to A402, prepared by IBI Group Architects and dated June 28, 2018.
2. In addition to the community benefits already authorized to be secured pursuant to Section 37 of the Planning Act by City Council's decision on Item TE18.8 and the Local Planning Appeal Tribunal's decision dated November 14, 2016 regarding Case MM150053, City Council further authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act as follows:
  - a. an additional cash contribution of \$150,000.00 to be paid by the owner immediately upon the Zoning By-law coming into full force and effect to be allocated to capital improvements of the multi-purpose community space within the shared community facility under construction at 20 Brunel Court to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Parks, Forestry and Recreation;
  - b. redirect \$100,000.00 of the \$800,000.00 cash contribution authorized to be secured by Part 1.a.i.E of City Council's decision on Item TE18.8 with such amount to be paid by the owner immediately upon the Zoning By-law coming into full force and effect to be allocated to capital improvements of the multi-purpose community space within the shared community facility under construction at 20 Brunel Court to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Parks, Forestry and Recreation;

c. direct the \$700,000.00 cash contribution for the provision of new affordable housing in Ward 20 authorized to be secured by Part 1.a.i C of City Council's decision on Item TE18.8 to be allocated to Wigwamen for the provision of new affordable housing units on their site at 14 Spadina Road in Ward 20, in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor;

d. increase the portion of the total cash contribution authorized by Part 1.a.ii.A of City Council's decision on Item TE18.8 to be to be paid by the owner immediately upon the Zoning By-law coming into force and effect from \$2,800,000.00 to \$2,900,000.00;

e. decrease the portion of the total cash contribution authorized by Part 1.a.ii.B of City Council's decision on Item TE18.8 to be paid by the owner prior to the issuance of the first above-grade building permit on the property from \$1,400,000.00 to \$1,300,000.00;

f. such cash contribution referenced above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of execution of the Section 37 agreement to the day the payment is made; and

g. the community benefits referred to above are secured in an agreement pursuant to Section 37 of the Planning Act executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor.

3. City Council instruct the City Solicitor to request that the Local Planning Appeal Tribunal withhold its Order on the Zoning By-law Amendment application until such time as the Tribunal has been advised by the City Solicitor that:

a. the proposed Zoning By-law amendments are in a form satisfactory to the Chief Planning and Executive Director, City Planning, and the City Solicitor;

b. the owner has entered into and executed a Section 37 Agreement securing the benefits authorized by City Council's on Item TE18.8 and the Local Planning Appeal Tribunal's decision dated November 14, 2016 regarding Case MM150053 as well as the additional benefits authorized by Recommendation 2 above and the Section 37 Agreement has been registered on title to the Subject Property, all to the satisfaction of the City Solicitor; and

c. all engineering matters, including the resubmission and review of updated technical reports for the revised development proposal, have been addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

4. City Council authorize the City Solicitor and other City staff to take such necessary steps, as required, to implement City Council's decision.

## **Summary**

At its meeting of October 5, 6 and 7, 2016, City Council adopted a Request for Direction Report for a zoning by-law amendment to permit a mixed-use development with two towers 59 and 69 storeys at 23 Spadina Avenue, and authorized the City Solicitor and City Planning Staff to attend the former Ontario Municipal Board (now known as the Local Planning Appeal Tribunal) hearing in support of the proposed zoning by-law amendment application based on

certain plans and as described in the Request for Direction Report.

On November 14, 2016, the former Ontario Municipal Board approved the application and withheld its Order pending the final form of the zoning by-law amendment to the satisfaction of the Chief Planner and Executive Director, City Planning Division and City Solicitor, the registration of a Section 37 agreement, and confirmation that outstanding items related to servicing had been addressed to the satisfaction of Engineering and Construction Services.

Since the approval of the application by the former Ontario Municipal Board, the detailed design of development has been ongoing and the applicant is proposing revisions to the design that was considered by Council in 2016. These include revisions to the following: (i) revisions to the design of entrances to the building, floor plan layouts, and distribution of the office, retail, and residential uses; (ii) revisions to the podium and tower design, including building articulation, mechanical floors within the tower and podium, and the design of balconies, and (iii) introducing an additional residential floor within the building base as well as an increase in the overall number of dwelling units by 33 (for a total of 1397 dwelling units). The revised design of the proposed development are generally within the footprint of the application approved by the former Ontario Municipal Board. No changes are proposed to the overall height of the buildings, the number of storeys will remain at 59 and 69, and the density is not proposed to be increased.

City Planning has reviewed the proposed revisions and advise that the changes in the design are appropriate and will continue to support the built form and public realm objectives of the planning framework for this site within the Railway Lands. Considering the proposed revisions including an increase in the number of dwelling units, revised terms of a Section 37 agreement have been negotiated, providing increased resources to enhance the nearby Canoe Landing Community Recreation Centre.

### **Background Information (City Council)**

Member Motion MM44.37