

254 - 260 Adelaide Street West – Zoning By-law Amendment – Supplementary Report

Date: June 28, 2022
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 10 - Spadina-Fort York

Planning Application Number: 21 249716 STE 10 OZ

SUMMARY

This report provides revised recommendations for the Section 37 community benefits package respecting the Zoning Amendment Application at 254-260 Adelaide Street West, to be considered by the Toronto and East York Community Council on June 30, 2022, item TE34.32:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE34.32>

The proposed revisions include removing requirements for financial securities to be posted for the cost of the design and construction of an on-site Community Agency Space and Paramedic Post, as these have been deemed not necessary, and also to amend numeric referencing errors in the Recommendations section of the report (June 15, 2022) from the Director, Community Planning, Toronto and East York District.

RECOMMENDATIONS

The City Planning Division recommends the following

1. Deleting Recommendation 4.a) ii. and replacing it with the following:

ii. Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, commission, finish and convey in fee simple to the City, in an environmental condition in accordance with all City policies, for nominal consideration and at no cost to the City, a minimum 925 square metres Community Agency Space located on levels one (156 metres) and two (770 metres) of the base building fronting Nelson Street and subject to the following:

A. The Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy in order to be leased by the City to an eligible non-profit organization and finished to Base Building Condition (shell space prior to final fitout), with the terms and specifications to be secured in the Section 37 Agreement, all

satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning and the City Solicitor;

B. Prior to the conveyance of the Community Agency Space to the City, the owner shall provide a one-time cash contribution in the amount of \$1,500,000.00 for total finishing costs of the community agency space;

C. The financial contribution pursuant to Recommendation 4.a) ii. B. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-10, or its successor, calculated from the date of execution of the Agreement to the date of payment; and

D. Concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form and content satisfactory to the City Solicitor in consultation with the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning. The Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

2. Deleting Recommendation 4.a) iii. and replacing it with the following:

iii. Prior to the earlier of condominium registration or first residential use on site, the owner shall design, construct, finish, commission and convey in fee simple to the City, in an environmental condition in accordance with all City policies, for nominal consideration and at no cost to the City, Paramedic Post comprising of a minimum of 110 square metres of interior space plus an adjacent two-bay ambulance parking area, measuring a minimum of 110 square metres with access from Nelson Street, all located on the ground floor, and subject to the following:

A. The Paramedic Post shall be delivered to the City finished to Base Building Condition (shell space prior to final fitout), with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Corporate Real Estate Management, the Chief, Toronto Paramedic Services, the Chief Planner and Executive Director, City Planning and the City Solicitor;

B. Prior to the conveyance of the Paramedic Post to the City, the owner shall provide a one-time cash contribution in the amount of \$ 371,250 for total finishing costs of the Paramedic Post;

C. The financial contribution pursuant to Recommendation 4.a) iii. B above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-10, or its successor, calculated from the date of execution of the Agreement to the date of payment; and

D. Concurrent with or prior to, the conveyance of the Paramedic Post to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor in consultation with Executive Director, Corporate Real Estate Management, the Chief, Toronto Paramedic Services, the Chief Planner and Executive Director. The Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Paramedic Post.

3. Deleting Recommendation 4.a) iv. A and replacing it with the following:

A. Prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, and registration of the first condominium for the site, except as otherwise agreed by the Chief Planner and Executive Director, City Planning, due to unforeseen delays (eg. weather), the owner shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, in priority to all title encumbrances, to the satisfaction of the City Solicitor, for nominal consideration and at no cost to the City, a public access easement in perpetuity in favour of the City over the Privately-Owned Publicly-Accessible Open Space set out in Recommendation 4.a) iv. above, on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning. The owner shall be responsible, at its own expense, to prepare, submit to the City for approval and deposit all required reference plans to describe the easement; and

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

COMMENTS

The recommendations in the report are being revised to remove the requirement within the Section 37 Agreement for the applicant to post securities for the cost of the design and construction of the proposed on-site Community Agency Space and Paramedic Post. The securities have been deemed to be not needed given the affordable housing component of the project that is also being secured, in which a target of 30 percent of the dwelling units are proposed to be provided as affordable rental units at 80% average market rent for a period of 99 years. Additionally, these facilities will be further secured by the City in a Development Agreement with a future development partner. Revisions are also necessary to correct minor numeric referencing errors in the Recommendation section.

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SIGNATURE

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