

325 Gerrard Street East (Regent Park Phases 4 and 5) – Zoning By-law Amendment and Rental Housing Demolition Applications – Supplementary Report

Date: June 21, 2023
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 13 - Toronto Centre

Planning Application Number: 22 136063 STE 13 OZ

Rental Housing Application Number: 22 136078 STE 13 RH

Related Application: 04 180319 STE 28 SB

SUMMARY

Following further discussions with the applicant, this Supplementary Report amends the recommendations in the Decision Report - Approval from the Acting Director of Community Planning dated June 8, 2023.

The modified recommendations will:

- secure the replacement social housing obligations in an amended Section 37 Agreement, instead of a Section 111 Agreement;
- adjust the requirements to be fulfilled prior to the issuance of the Preliminary Approval for a Rental Housing Demolition Permit;
- establish the location of the privately owned publicly-accessible space (POPS) by modifying the map in the draft Zoning By-law Amendment;
- adjust the timing to submit an Energy Strategy; and
- change the reporting responsibilities for the affording housing update to the Housing Secretariat.

RECOMMENDATIONS

The City Planning Division recommends that the recommendations in the report (June 8, 2023) from the Acting Director, Community Planning, Toronto and East York District be amended as follows:

1. Recommendation #3.b) be deleted and replaced with the following new recommendation #3.b):

"b) The following matters are also recommended to be secured in the amending Section 37 Agreement as a legal convenience to support development:

i) The owner shall construct and maintain privately owned publicly-accessible space (POPS) located within the Phases 4 and 5 lands, consisting of a central plaza located within the block bounded by Gerrard Street East, Oak Street, Sackville Street and Sumach Street, and a series of open spaces comprising the east-west connection, in the locations generally identified in the draft Zoning By-law Amendment included as Attachment No. 5 to the Decision Report - Approval (June 8, 2023) from the Acting Director, Community Planning, Toronto and East York District, with specific configuration and design of the POPS to be determined in the context of Site Plan approval, all to the satisfaction of the City Solicitor, and Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

ii) The owner shall prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, in perpetuity, in favour of the City over the POPS;"

2. Recommendation #4 be deleted and replaced with the following new recommendation #4:

"4. City Council directs that the owner shall submit an Energy Strategy to the Executive Director of, the Energy, and Climate Division, for review and acceptance prior to the approval of the Site Plan Control application for the first building within Phases 4 and 5 of the Regent Park revitalization."

3. Recommendation #5.c) be deleted and replaced with the following new recommendation #5.c):

"c) Report to City Council, through the Housing Secretariat, with an update on the progress toward achieving the requirements in (a) and (b) above prior to issuance of the first building permit for each building in Phases 4 and 5 containing affordable rental housing units or social housing units, and if the

requirement in (a) above will not be met as part of the final block of Phases 4 and 5 of the Regent Park revitalization, Toronto Community Housing Corporation must seek direction from City Council before proceeding with development on the final block;"

4. Recommendation #9.c) be deleted and replaced with the following new recommendation #9.c):

"c) The owner shall enter into, and register on title at 325 Gerrard Street East and related addresses, one or more agreement(s), to secure the conditions outlined in (a) and (b) above, including an agreement pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division."

5. Recommendation #11 be deleted and replaced with the following new recommendation #11:

"11. City Council authorizes the Chief Planner and Executive Director, City Planning to issue phased Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of any of the 338 existing social housing units at 295, 319, 321, 323, 325 Sackville Street, 361, 363, 365, 367, 407, 417, 427, 429, 431 433, 435, 437,439, 441, 463, 473, 475, 477 Gerrard Street East, 184, 200, 202, 204, 206 River Street and 259, 260, 261, 263, 265, 266, 267, 268, 270, 272 Sumach Street after all of the following have occurred:

- a) the satisfaction or securing of the conditions in Recommendation 9 above;
- b) the site-specific Zoning By-law Amendment has come into full force and effect for each respective phase;
- c) the submission of replacement social housing floorplans for the first building with replacement social housing units within each respective phase; and
- d) vacant possession of the existing social housing units in a particular phase has been confirmed, in writing, by the owner."

6. Recommendation #14 be deleted and replaced with the following new recommendation #14:

"14. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the amending Section 37 Agreement, and any other necessary agreement(s)."

COMMENTS

Social Housing Replacement

City Planning staff recommend that the replacement social housing obligations for Phases 4 and 5 be secured in an amended Section 37 Agreement, instead of a Section 111 Agreement as originally recommended. The existing Section 37 Agreement already contains requirements related to the replacement social housing, so it is appropriate to add the new obligations to the existing agreement without creating a new type of agreement to be registered on the lands.

Social Housing Demolition

City Planning staff recommend that the requirements for phased Preliminary Approval for the Rental Housing Demolition Permit be revised to require the submission of replacement social housing floorplans for the first building with replacement social housing units within each respective phase instead of submission of a Site Plan Control application. Due to the need to construct public utilities and roadways after the existing buildings are demolished but prior to the construction of the replacement social housing buildings, it would not be possible for TCHC to submit a Site Plan Control application prior to the issuance of Preliminary Approval for a Rental Housing Demolition Permit for the existing social housing buildings. The requirement for replacement social housing unit floorplans will ensure that the detailed design of the replacement social housing is advanced alongside the overall development of the site.

Privately Owned Publicly-Accessible Spaces

City Planning staff recommend that the requirement to secure the privately owned publicly-accessible space (POPS) as a legal convenience in an amended Section 37 Agreement be expressed as a map in the draft Zoning By-law Amendment instead of a minimum area. The map will show the general location of the POPS and allow for the detailed design of the POPS in relation to the surrounding buildings to take place as part of the future Site Plan applications, informed by the guidelines contained in the Development Concept Plan. This approach is preferred to allow for greater flexibility in the detailed design of the buildings and POPS over the timeframe of the build out of Phases 4 and 5, while ensuring that the central plaza and east-west connection are secured as open spaces with public access.

The recommendation related to a public access easement is amended to remove the requirement for support rights as they are not required in this case.

Adjustments to Timing and Reporting

The recommendation related to the submission of an Energy Strategy is amended to change the timing of this requirement to prior to approval of the Site Plan Control application for the first building within Phases 4 and 5 of the Regent Park revitalization to align with the expected timing of the development of the new long-term net-zero emissions strategy for Regent Park.

The recommendation related to reporting to City Council on the progress toward achieving the construction and subsidization of net new affordable rental housing units in Phases 4 and 5 of the Regent Park revitalization is amended to clarify that reporting will take place through the Housing Secretariat.

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SIGNATURE

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