

34-42 Maitland Street – Official Plan and Zoning By-law Amendment, and Rental Housing Demolition Applications – Decision Report – Supplementary Report

Date: April 16, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Ward: 13 - Toronto Centre

Planning Application Number: 22 243087 STE 13 OZ

SUMMARY

This supplementary report responds to Toronto and East York Community Council's request to review and recommend approval of an in-kind Community Benefits Charge (CBC) contribution securing on-site affordable housing at 34-42 Maitland Street for a period of at least 25 years. The contribution would comprise 10 affordable housing units, and would represent the entire CBC for the site.

RECOMMENDATIONS

The Interim Chief Planner and Executive Director, City Planning recommends that:

1. City Council allow the owner of 34-42 Maitland Street to construct and provide 10 affordable rental housing units (the "affordable rental units") as part of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning, as an in-kind contribution pursuant to subsection 37(6) of the Planning Act, in accordance with the following terms:

- a. the provision of the affordable rental units shall be provided in accordance with the terms and conditions set out in this Part 1 and on such other terms and conditions as are deemed appropriate by the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. the owner shall design, construct, finish, provide and maintain at least 10 affordable rental units on the site, including two studio units, six one-bedroom units, and two, two-bedroom units as follows:

- i. the 10 affordable rental units shall be provided in a contiguous group, unless the building is secured as a purpose built-rental building to the satisfaction of the Executive Director, City Planning, and the City Solicitor;
 - ii. the two studio units shall have a minimum average unit size of 35.0 square meters;
 - iii. the six one-bedroom units shall have a minimum average unit size of 45.0 square meters;
 - iv. the two two-bedroom units shall have a minimum average unit size of 68.3 square meters and shall each be at least 60 square meters; and
 - v. the general configuration, location, and layout of the affordable rental units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c. the owner shall provide and maintain the affordable rental units as rental dwelling units for a minimum of 25 years, beginning with the date each such unit is first occupied. No affordable rental unit shall be registered as a condominium or any other form of ownership, such as life lease or co-ownership, which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental unit shall be made for at least 25 years from the date of first occupancy; upon the expiration of the 25 year period, the owner shall continue to provide and maintain the affordable rental units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;
- d. the initial rent (inclusive of utilities) charged to first tenants and upon turnover shall not exceed Affordable Rent as currently defined by the Official Plan for a minimum 25-year period, beginning with the date each such unit is first occupied. During the first 25 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline;
- e. the City's Centralized Affordable Rental Housing Access System will be used to advertise and select tenants, or where the system is not yet in place, the owner will develop and implement a plan for how units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;
- f. the owner shall provide ensuite laundry in each affordable rental;
- g. the owner shall provide central air conditioning in each affordable rental unit;

h. the owner shall provide all tenants of the affordable rental units with access to, and use of, all indoor and outdoor amenities in the development, on the same terms and conditions as any other resident of the development without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;

i. the owner shall provide and make vehicle parking spaces available for rent to the residents of the affordable rental units on the same terms and conditions as any other resident of the development; and

j. the owner shall provide residents of the affordable rental units with access to bicycle and visitor parking on the same terms and conditions as any other resident of the development.

2. City Council attribute a value to the in-kind contribution set out in Part 1 above equal to 100 percent of 4 percent of the value of the land (net of any exclusions or exemptions authorized under the Community Benefits Charge By-law), as determined the day before the day the building permit is issued in respect of the development with 38,024 square meters of proposed residential gross floor area (GFA) and direct staff to advise the owner of such valuation.

3. City Council authorize the Chief Planner and Executive Director, City Planning to enter into an agreement pursuant to subsection 37(7.1) of the Planning Act (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Part 1 above to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, with such agreement to be registered on title to the 34-42 Maitland Street lands, which agreement shall be evidence of arrangements for the provision of the in-kind contribution that are satisfactory to City Council.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years. The CBC in-kind contribution, if approved, will secure 10 rental housing units at affordable rents for a period of 25 years. An agreement pursuant to subsection 37(7.1) of the Planning Act will be entered into to address the provision of the in-kind contribution, which will be registered on title to the 34-42 Maitland Street lands.

The estimated value of the CBC in-kind proposed is 4% of the value of the land that is the subject of the development or redevelopment in accordance with the CBC By-Law. The percentage ascribed to the in-kind contribution will not be a direct CBC payment to the City.

DECISION HISTORY

On April 3, 2024, Toronto and East York Community Council adopted a Decision - Approval Report for the Official Plan and Zoning By-law Amendment, and Rental Housing Demolition Applications. The decision included a request of the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant on the provision of in-kind affordable housing pursuant to 37(6) of the Planning Act and report back to the April 17, 18 and 19, 2024 meeting of City Council if an in-kind community benefits charge offer is made by the applicant. The Toronto East York Community Council decision is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.7>

COMMENTS

In-Kind Affordable Housing Offer

The CBC in-kind contribution would secure 10 of the proposed residential units as affordable rental housing units. The units would include:

- two studio units with a minimum average size of 35.0 square meters;
- six, one-bedroom units with a minimum average unit size of 45.0 square meters; and
- two, two-bedroom units with a minimum average size of 68.3 square meters and shall each be at least 60 square meters.

The studio and one-bedroom units are of the same average size as the proposed market studio and one-bedroom units. The affordable two-bedroom units will be smaller than the average market two-bedroom unit, but still exceed the average unit sizes outlined in the Affordable Housing Design Guidelines. The general configuration, location, and layout of the affordable rental units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

The units will be secured as rental units and at affordable rents for a period of at least 25 years. The units will be similar in design and finish to the market units, and include ensuite laundry and air conditioning. Tenants of the affordable units will have access to amenities, bike parking, and visitor parking on the same terms and conditions as any other resident of the building.

Staff are of the opinion that the proposed in-kind CBC contribution is appropriate. Securing the 10 units as affordable rental housing units for a period of 25 years represents 100% of the Community Benefits Charge contribution.

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SIGNATURE

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