

21-31 Widmer Street & 299 Adelaide Street West– Zoning By-law Amendment Application – Supplementary Report

Date:	June 2, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	08 118571 STE 20 OZ

SUMMARY

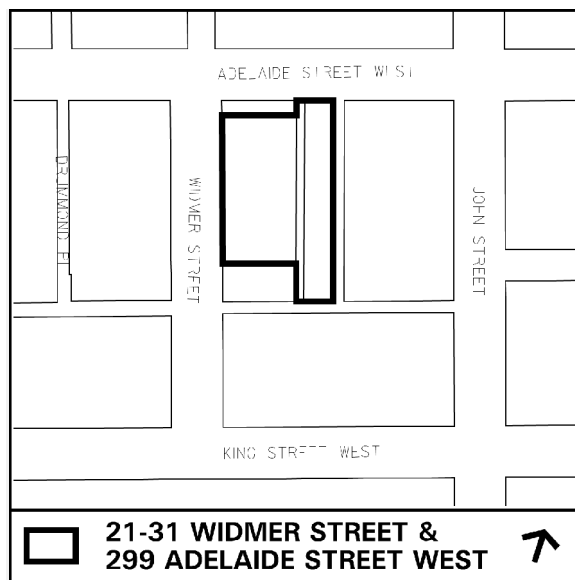
At its meeting of September 30, and October 1, 2009, through TE27.14a, City Council adopted a Planning staff report that recommended approval for a 43-storey mixed use building at 21-31 Widmer Street and 299 Adelaide Street West. The Section 37 contributions were detailed and valued at approximately \$1,100,000. This report recommends amendments to the Section 37 allocation and implementation section of Zoning By-law 617-2010.

The overall Section 37 contribution amount has not been changed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt the draft Zoning By-law Amendment to By-law 617-2010, attached as Attachment 1, to the report from the Director, Community Planning, Toronto and East York District, dated June 2, 2011, for the lands at 21-31 Widmer & 299 Adelaide Street West.
2. City Council authorize the City Solicitor to make such stylistic and



technical changes to the draft Zoning By-law Amendment as may be required.

3. City Staff be authorized to amend the Section 37 Agreement for 21-31 Widmer and 299 Adelaide Street West, as described in the report dated June 2, 2011, from the Director, Community Planning, Toronto and East York District.

Financial Impact

There are two registered agreements providing financial securities and cash contributions resulting from the development application at 21-31 Widmer and 299 Adelaide Street West. The first is a Section 37 Agreement that secures \$1,100,000 in community benefits.

The second is a purchase and sale agreement (P&SA) for the north-south laneway that runs along the west property line. The P&SA was approved by City Council, (GM29.14, March 31 and April 1, 2010). This approval established the value of the laneway at \$2,170,000 and provided that the applicant could either build a community/ performance space on the site to the value of the lane or pay cash to the City.

The combined value of these transactions to the City is \$3,270,000.

The revisions to the Section 37 Agreement described in this report will now require the applicant to complete the purchase of the laneway, and the City will receive \$2,170,000 in cash. The applicant will continue to be required to construct the community/performance space to a minimum value of \$1,000,000. The applicant has already paid \$100,000 to the City to be used for a Heritage Conservation District (HCD) study in the King-Spadina Area. These funds will be returned to the applicant as funds secured from other development applications in the ward have exceeded the amount needed to finance the HCD study.

The significant change in financial impact for the City is the cash payment of \$2,170,000, which will be deposited in the Land Acquisition Reserve Fund, rather than receipt of the performance space as City owned real property. The total value of the community benefits under the recommended changes remains at \$1,100,000 as \$100,000 will also be paid by the applicant in cash towards streetscape improvements in the area.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agree with the financial impact information.

DECISION HISTORY

At its meeting of September 30, and October 1, 2009, through TE27.14a, City Council adopted a Planning staff report that recommended approval for a 43-storey mixed use building at 21-31 Widmer Street and 299 Adelaide Street West. The Section 37 contributions were detailed and valued at approximately \$1,100,000. The indexed cash contribution of \$1,100,000 was allocated to: \$100,000 towards the funding of a Heritage Conservation District (HCD) study within the East Precinct of King-Spadina; \$100,000 towards the John Street streetscape project, the remaining \$900,000 to affordable housing

projects in Ward 20 and, streetscape improvement projects for Widmer Street, John Street and Adelaide Street West.

Additionally, funds being held from the sale of the laneway were going to be applied towards the construction of a 420 square metre community/performance space, and the space was going to be provided to the City. The laneway sale was valued at \$2,170,000, for which the City received a letter of credit and a cash deposit from the applicant.

COMMENTS

At its meeting of May 25, 2011, through Motion TE7.56, Toronto and East York Community Council requested that staff report on amendments to Zoning By-law 617-2011, and the Section 37 Agreement to reallocate the community benefits.

The Section 37 Agreement provided an option that the proceeds from the sale of the laneway could be applied to the purchase price of the community/performance space. The applicant will now complete the purchase of the laneway, and the City will retain the funds. The applicant will also construct the community/performance space at a minimum value of \$1,000,000, and will be conveyed to Artscape for nominal consideration.

The \$100,000 contribution towards the John Street streetscape project will continue to be secured as a benefit, and the \$100,000 towards the Heritage Conservation District (HCD) study will be returned, as funds secured from other development applications in the ward have exceeded the amount needed to finance the HCD study.

It is recommended that the Section 37 Agreement, and By-law 617-2010 which describes the Section 37 contributions, be amended to add appropriate provisions that the community performance space will be constructed by the applicant. Further, the Section 37 Agreement should also include provisions that address if the occupant is not able to use the space, that the community/performance space will revert back to the City. Such terms and conditions will be detailed in the agreement. Funds for the John Street streetscape project will remain, and funding for the HCD, affordable housing projects, and the amounts allocated towards the streetscape improvement projects for Widmer, John and Adelaide Streets will be deleted.

The overall \$1,100,000 million contribution for Section 37 remains unchanged, and all others matters of the agreement will be maintained.

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 Amendment

Attachment 1:

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No.617-2010
With respect to the lands municipally known as
21-31 Widmer Street and 299 Adelaide Street West**

WHEREAS authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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*; and

WHEREAS the Council of the City of Toronto passed Zoning By-law No. 617-2010 on June 9, 2010; and

WHEREAS the Council of the City of Toronto wishes to amend the section 37 provisions that are set out in Zoning By-law No. 617-2010;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Sections 4(a) and 4(b) of Zoning By-law No. 617-2010 are deleted and replaced by the following:
 - (a) a cash contribution of \$100,000 which shall be allocated for the design development supporting the John Street streetscape project;
 - (b) a community performance space, being a stratified fee simple ground floor parcel in the building, having a minimum gross floor area of 420 square metres, constructed to a minimum value of \$1,000,000 and conveyed to Toronto Artscape Inc. for nominal consideration, with an option for the City of Toronto to receive, for nominal consideration, the community performance space should it cease to be used as such by Toronto Artscape Inc.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)