

**210 Simcoe Street – Zoning Amendment Application –
Final Report**

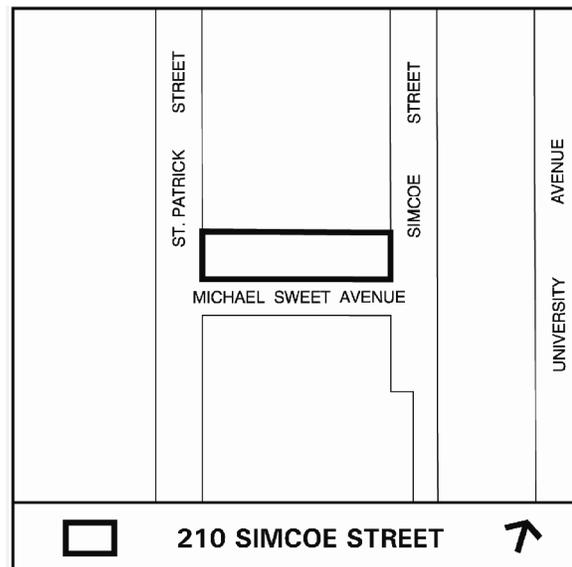
Date:	April 20, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	08 150716 STE 20 OZ

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act*, 2006.

This application proposes a 25-storey (81 metres to the top of the mechanical penthouse) residential building at 210 Simcoe Street. The proposal consists of 298 residential units, with a mix of one- and two-bedroom units. The owner proposes to convey three units to the Ontario College of Art and Design University to house visiting academics and one unit to Toronto Artscape Inc., at no cost. Four additional units will be sold to Toronto Artscape Inc., at cost (plus development charges), for below-market home ownership purposes.

The project takes the form of two slender towers located at the east and west ends of the site connected by a central core of elevators. The proposal includes a three-storey podium viewed from the Michael Sweet Avenue frontage. Resident parking is provided underground with access to the spaces from two proposed car elevators off of the St. Patrick Street. This report reviews and recommends approval of the application to amend the Zoning By-laws 438-86 and 1156-2010.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize amendments to Zoning By-law 438-86 for the former City of Toronto and the new Zoning By-law 1156-2010, for the lands at 210 Simcoe Street substantially in accordance with the draft Zoning By-law Amendments to be made available at the May 25, 2011 meeting of the Toronto and East York Community Council.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, and satisfactory to the City Solicitor, to secure the following:
 - a. The conveyance of three units to the Ontario College of Art and Design University (OCADU) at no cost;
 - b. The conveyance of one unit to Toronto Artscape Inc. (Artscape) at no cost, other than the School Board and City Development Charges, associated with that unit;
 - c. The conveyance of four units to Artscape at \$240 per square foot, plus the School Board and City Development Charges associated with those units;
 - d. Agreements of Purchase and Sale with respect to the all eight units in Recommendations 3.a., 3.b., and 3.c shall be entered into with OCADU and Artscape and/or the City prior to the issuance of the first above grade building permit for the development;
 - e. A provision allowing the Agreements of Purchase and Sale of all eight units in Recommendations 3.a., 3.b., and 3.c. to be assignable; and
 - f. A warning clause in any Purchase and Sale Agreements with respect to the possible relocation of Michael Sweet Avenue to a location further south.
4. City Council authorize the City to be a party to the Agreements of Purchase and Sale contemplated to be entered into for the Artscape units and the OCADU units as a contingent transferee, in order to ensure the benefit of the units to be conveyed is secured for the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated April 20, 2011) headed "210 Simcoe Street – Rezoning Application – Final Report", in the event either of the organizations is not able to complete the transactions, by either assigning its interest in the Agreements of Purchase and Sale or by selling the units in the open market at fair market value with the proceeds to go towards affordable housing in Ward 20.
5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing, including the specific actions set out in "Council Authorities to Implement Matters Pursuant to the Section 37 Agreement" as Attachment 1 to the report from the Director, Community Planning, Toronto and East York District

(dated April 20, 2011) headed "210 Simcoe Street – Rezoning Application – Final Report".

6. Before introducing the necessary Bills to City Council for enactment, require the owner to submit to the City's Executive Director of Technical Services a revised Functional Servicing Report to address the matters detailed in the letter dated April 14, 2011 from the Manager, Technical Services, to the satisfaction of the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on November 18, 2008, Toronto and East York Community Council (TEYCC) considered and adopted recommendations within the Preliminary Report from the Acting Director, Community Planning, Toronto and East York District (TE20.26: dated October 23, 2008). Given that staff hosted a community consultation prior to TEYCC considering the Preliminary Report, the report recommended that staff continue to process the application. At the time TEYCC considered the Preliminary Report, the property was under different ownership and reflected a different design. The Preliminary Report provides a brief description of the previous proposal: <http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-16710.pdf>.

Regarding lands immediately to the south of the site, City Council enacted By-laws 1996-0598 and 1996-0599 to amend the Official Plan and Zoning By-law 438-86, as amended, respectively, to designate and zone the Canada Life lands (now owned by Great West Life Insurance Company) to permit implementation of the company's Master Plan in six phases. Phase 1 of this Plan, and the associated Section 37 Agreement, required Canada Life to construct Michael Sweet Avenue to the north of the existing Canada Life 5-storey parking garage, as a temporary public road. The permanent road is intended to be constructed in Phase 4, further south, between the proposed north office block and what is intended to be a residential building in the area where Michael Sweet Avenue currently is located. The proposal for 210 Simcoe Street, which is the subject of this report (dated April 11, 2011), would not preclude the full build-out of the Master Plan as approved by City Council or the relocation of Michael Sweet Avenue.

ISSUE BACKGROUND

Proposal

The proposal is for a 25-storey (81 metres to the top of the mechanical penthouse) residential building with vehicular and resident access along St. Patrick and Simcoe Streets. The project takes the form of two slender towers located at the east and west ends of the site connected by a central elevator core. The towers have a floor plate of approximately 490 square metres for a total floor plate of 1,104 square metres (including the elevator core and corridor). On the St. Patrick frontage, the tower steps back approximately 5 metres at the 20th floor and rises five additional storeys, with a mechanical penthouse. The proposal consists of 298 residential units, with a mix of one- and two-bedroom units. The owner proposes to convey three units to the Ontario College of Art and Design University (OCADU) at no cost and to convey five units to

Toronto Artscape Inc. (Artscape). Four units will go to Artscape at cost and one unit at no cost other than an amount equal to the associated Development Charges for that unit.

A total of 95 vehicle parking spaces are proposed, of which 5 spaces are dedicated to car sharing and 5 spaces are for visitor parking spaces. All spaces are located underground with access via two parking elevators off the St. Patrick frontage. The total residential gross floor area is 22,100 square metres with a floor space index of 16.3 times the area of the lot. Additional project statistics are contained in Attachment No. 9 of this report.

Site and Surrounding Area

The site is rectangular (18 metres by 74 metres) with a total area of 1,361 square metres. It is currently occupied by a two-storey, 135-space commercial parking garage. Surrounding uses are:

North: the Bell Canada Utility building, which has a blank south wall facing the subject property at a height of approximately 54 metres or approximately 18 residential storeys, further north is three-storey above grade commercial parking structure and a 14-storey residential building.

South: the temporary Michael Sweet Avenue, which according to the Master Plan is to be replaced with a 192-unit residential building with a maximum residential gross floor area of 18,000 square metres.

East: across Simcoe Street is the American Consulate building and an open green space, which forms part of the Canada Life Master Plan.

West: across St. Patrick Street to the west is a 9-storey condominium building; further along St. Patrick Street are residential buildings ranging in height from 12 to 18 storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Section 3.1 of the Growth Plan states that "In the case of housing, there is an underlying societal need for affordable housing in many municipalities that is heightened by growth pressures."

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan (OP) Urban Structure Map 2 identifies the subject site as part of the *Downtown and Central Waterfront*. The subject site is designated as *Mixed Use Area* in the OP.

The OP contemplates that the *Downtown* will see new development to house residents and jobs. The advantage of developing residential units in the *Downtown* is that it offsets the need for in-bound commuting each day by creating "accessibility through proximity". The *Downtown* policies provide that a full range of housing opportunities be encouraged through sensitive infill.

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Relative to other *Mixed Use Areas* in the City, the highest buildings and greatest intensity will typically occur *Downtown*. With respect to the appropriate built form, the OP provides development criteria in *Mixed Use Areas* (Policy 4.5.2), which staff have applied through the review of the proposed development.

In addition to the development criteria, staff have reviewed the proposal for conformity with the OP Tall Buildings policies, which outline built form principles that are applied to the location and design of tall buildings. These policies seek to ensure an appropriate relationship between adjacent buildings and to minimize negative impacts, while contributing to and reinforcing the overall City structure.

Zoning

The former City of Toronto Zoning By-law 438-86 zones the site CR T4.0 C2.0 R3.5, which permits a mix of commercial and residential uses to a maximum combined total of four times the area of the lot. The maximum building height is 37 metres.

The City of Toronto Zoning By-law 1156-2010 zones the site CR 4.0 (c2.0; r3.5) SS1 (x2374). The CR zoning continues to permit a range of commercial and residential uses to a maximum combined density of 4.0 times the area of the lot. The maximum building height is 37 metres. The site is subject to Development Standard Sets SS1, which outlines a series of performance standards, including floor plate size, permitted encroachments, and others. The site specific exemption (x2374) applying to the site sets out required parking ratios for new developments.

Tall Buildings Guidelines

In June 2006, in co-operation with HOK Architects, the City produced the document entitled Design Criteria for Review of Tall Buildings Proposals. The document provides a common set of measurable criteria and other qualitative indicators that staff have applied in the review of the proposed development.

Site Plan Control

The site is subject to Site Plan Control, for which the applicant submitted an application on February 3, 2011.

Reasons for Application

Given that the proposed building height and density exceed the provisions in both the former City of Toronto Zoning By-law 438-86 and By-law 1156-2010, an application to amend the Zoning By-law is required.

Community Consultation

Staff hosted a community consultation meeting on October 21, 2008 to discuss the original proposal, which 30 members of the community attended. Issues raised at that meeting focused on the previous proposal's reliance on Michael Sweet Avenue as an active frontage and Great West Life's (previously owned by Canada Life) 0.30 metre strip of land along the north side of Michael Sweet Avenue. The Master Plan approved by Council for the Canada Life lands includes a 0.3 metre strip of land immediately south of the subject property, which is to be replaced by residential building once Michael Sweet Avenue is relocated further south.

The current owner resolved this issue through the revised plans, which are the subject of this report. The current proposal was discussed at a Councillor-hosted community meeting on June 21, 2010. The discussion with members of the community revolved around the general design of the revised proposal, including building materials, smaller units for the OCADU and potential landscaping upgrades to Michael Sweet Avenue.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the greater Golden Horseshoe. The PPS includes policies directing municipalities to manage and direct land uses in order to achieve efficient development patterns and calls for the wise management of change and support for strong, liveable and healthy communities. Section 1.4.3 requires that planning authorities provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents, by establishing targets for the provision of housing affordable to low and moderate-income households and permitting and facilitating all forms of housing. Given the subject property's proximity to the financial district, to the subway and Queen Street streetcar line, it is staff's opinion that the subject site can accommodate an intensified built form to promote the use of transit and decrease automobile dependency.

The addition of 5 units for below-market homeownership purposes and the provision of 3 units for academic accommodation for a downtown post-secondary institution helps the City to retain a full range of housing, to meet the needs of current and future residents.

Land Use

The City's Official Plan designates the subject property as a *Mixed Use Area* within the *Downtown and Central Waterfront*. The former City of Toronto's Zoning By-law zones the property in a Mixed Commercial-Residential zone. The proposed residential use is consistent and compatible with the evolving and established character of this area within the *Downtown* and supports the Official Plan's objective of having residential units within the *Downtown* to promote accessibility through proximity to jobs.

Density, Height

The proposed density is 16.3 times the area of the lot. The proposed building density and the resulting unit yield for this site can be supported at this location which is within walking distance to the financial district, a subway station and 24-hour streetcar line.

The proposed building height of 25 storeys (81 metres to top of the mechanical penthouse) is acceptable in the planned context for this area. The site is just to the west of University Avenue where tall buildings are appropriate with two recently approved projects under construction, 426 University Avenue (Royal Canadian Military Institute) at 42 storeys (135 metres) and 180 University Avenue (Shangri-la Hotel/Condominium) at 66 storeys (215 metres).

Although Simcoe and St. Patrick Streets as smaller streets with narrower rights-of-way are not anticipated or recommended for the same heights as University Avenue, there is room for increases in height and density beyond the built context on these streets. The existing context ranges from low-rise buildings (2 to 4 storeys) to mid-rise apartments in the 12 to 18-storey range. To the south, the approved Canada Life Master Plan recommends new office and residential buildings in the range of 12 to 13-storeys and significant increase current densities.

Attachment 6 to this report displays a context elevation from south of Queen Street West to immediately north of the subject property. This context elevation demonstrates that the proposed building height is acceptable at this location.

Massing

The proposed towers have a floor plate of approximately 490 square metres each for a total floor plate of 1,104 square metres (including the elevator core and corridor). The proposed floor plate size exceeds the recommended tower floor plate size of 743 square metres cited in the City's Design Criteria for Review of Tall Buildings Proposals. Given the narrow size of the lot (18 metres), the proposed residential units are clustered and oriented at the eastern and western extents of the site and is connected by the elevator core and corridor. This tower orientation, in effect, bisects the larger floor plate and the proposal can be viewed as two smaller tower floor plates connected by the corridor effectively creating two buildings, one addressed on St. Patrick Street and the other on Simcoe Street. This creates an open space between the two towers with separation distances between primary windows ranging from 22.4 metres to 19.9 metres. These figures fall under the recommended 25 metre facing distances cited in the City's Design Criteria for Review of Tall Buildings Proposals, however, it is staff's opinion that the proposed facing distances minimizes the negative impacts generated by insufficient separation, including issues of privacy, overlook and access to light and skyview, indicative of developments in the

Downtown. The Tall Buildings Downtown Project completed in April 2010, recommended a minimum separation distance of 20 metres, measured from the external wall or exterior edge of balconies.

At the ground level and rising to the top of the second storey, the proposal building includes an architectural feature, which wraps around the St. Patrick, Simcoe and Michael Sweet Avenue frontages. The stone and precast feature demarcates a podium, given the material differentiation between the first two floors and the residential tower above.

The development will block the Bell Building blank wall, which improves the views from the south. The development sits on a 3-storey podium with outdoor amenity space on the roof of the third floor between the east and west tower elements.

Simcoe Street Frontage

The Simcoe Street frontage features the main resident entrance as well as the vehicular exit. The building face is set back 2.0 metres from the property line. The architectural feature that frames the resident entrance provides weather protection and a visible entry into the development.

Michael Sweet Avenue Frontage

The Michael Sweet Avenue frontage will feature a two-storey living green-wall and a symmetrical series of windows that provides an interesting and playful façade on the stretch of the building that is built to its property line. This feature will be secured through the site plan approval process and may include public art.

As noted previously, the Canada Life Master Plan and Section 37 Agreement provide for the possible relocation of Michael Sweet Avenue further to the south and the construction of a residential building on the current Michael Sweet Avenue road allowance. Staff is recommending that the Section 37 Agreement and future Purchase and Sale Agreements for the proposed development contain a clause warning prospective purchasers of units within the development of the possible relocation of Michael Sweet Avenue.

St. Patrick Street Frontage

The main wall of the proposed building is setback 1.5 metres from the Simcoe Street property line. At the 20th floor, the tower steps back approximately 5.0 metres, which occurs at the highest point of the neighbouring Bell Canada Utility building directly to the north. This tower step back demonstrates how the proposed development responds to its immediate built form context.

Sun, Shadow, Wind

The applicant submitted a shadow study in support of the rezoning application, completed by its architects. Given the existing context of tall buildings, the proposed building does not cast significant new shadows in the area or onto any important open spaces.

The applicant also submitted a wind study in support of the rezoning application. The consultant report described that the proposed plan provides benefits for wind conditions at grade on the Simcoe Street and St. Patrick Street elevations, due to their narrow profiles. The wind consultant

recommended that improvements to the wind conditions on the south elevation can be mitigated by the introduction of clusters of coniferous plantings between the deciduous plants proposed on the third floor amenity space. Staff will work with the applicant to secure these mitigation measures and others proposed in the wind study through the site plan approval process.

Traffic Impact, Access

The applicant's transportation consultant conducted trip generation calculations in support of the proposal, which indicates that the proposal would have modest impacts on area intersection operations and result in a net decrease in a.m. and p.m. peak travel. Transportation Services staff concur with the consultant's conclusions.

Vehicular access into the site is taken from St. Patrick Street, which acts as an entrance/exit to the resident parking, as well as the entrance to visitor parking and loading facilities. The Simcoe Street access acts as an exit only. Two car elevators are proposed to provide access to the 90-space underground parking garage. Vehicles would access the car elevators from a two-way driveway off of St. Patrick Street. Each resident choosing to park will require specific training and licensing to use the car elevators.

Transportation Services staff accept the car elevators, but have requested additional information and will continue to work on the technical components and operations of the proposed elevators through the site plan review process.

Parking

The applicant is proposing to provide 95 parking spaces consisting of 87 underground spaces for residents, five spaces for residential visitors (located on the ground floor) and three spaces for car-sharing vehicles (located on the ground floor). Zoning By-laws 1156-2010 and 438-86 require 188 spaces and 174 spaces, respectively. In support of the deficient parking supply, the applicant's transportation consultant provided a utilization analysis of 1,784 available off-street public parking spaces. Transportation Services staff accepts that proposed parking supply - both visitor and resident - given the availability of good public transit, the provision of car-share parking spaces with the development and the number of off-street parking spaces in the area. The applicant has agreed to provide one-time one-year memberships to the car-sharing operator to all eligible occupants within the development.

Servicing

The City's Technical Services Division is requesting additional clarification on the applicant's Functional Servicing review. Prior to the introduction of necessary Bills to City Council, staff is recommending that City Council require that the owner resolve these issues to the satisfaction of the Executive Director of Technical Services.

Amenity Space

The applicant is proposing to provide a total of 325 square metres of indoor amenity space, which is adjoining and directly accessible to the 220 square metres of outdoor amenity space. Both the former City of Toronto Zoning By-law 438-86 and the Zoning By-law 1156-2010 require 2 square metres of indoor and 2 square metres of outdoor amenity space per residential

dwelling unit. The proposal does not meet these requirements. Given the fact that these spaces are connected creating a 545 square metres of contiguous space, the reduced amount of amenity space is acceptable.

Bicycle Parking

The applicant is proposing to provide 173 bicycle parking spaces for the occupants of the building, while 175 spaces are required by the former City of Toronto Zoning By-law 438-86. The amount of visitor bicycle parking spaces (45 spaces) complies with By-law 438-86, but they are located on the P1 level underground, which does not meet the zoning standard of not locating visitor bicycle parking within a secured room, enclosure or bicycle locker. Visitors will use the elevator to access the bicycle visitor parking space. Staff will explore the possibility of increasing the number of bicycle racks on the sidewalks at this location.

The City of Toronto Zoning By-law 1156-2010 requires that the applicant provide 261 spaces for residential occupants and 29 spaces for residential visitors, of which at least 50% of the required visitor bicycle parking spaces must be located in a weather protected bicycle parking area at grade. The ground floor is proposed to accommodate solid waste collection and storage, vehicular access, visitor parking and car-sharing access.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 298 residential units on a total site area of 0.1351 hectares (1,351 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.3866 hectares (3,866 square metres). However, a cap of 10% applies and hence the parkland dedication requirement for the development would be 0.01361 hectares (136.1 square metres).

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01361 hectares (136.1 square metres) would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

For applications received before January 31, 2010 the TGS is applied on a voluntary basis. The applicant submitted a revised TGS checklist in support of the proposed plans and has indicated that they will meet and achieve all the Tier 1 level measures related to the site.

The TGS is a set of performance measures for green development. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the *Planning Act*.

Through discussions with the local Councillor, the applicant and staff, the community benefit recommended to be secured in the Zoning By-law Amendment and Section 37 agreement is as follows:

The community benefit recommended to be secured in the Section 37 Agreement is that:

1. The conveyance of three units to the Ontario College of Art and Design University (OCADU) at no cost;

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. The conveyance of one unit to Toronto Artscape Inc. (Artscape) at no cost, other than the Development Charges associated with that unit;
2. The conveyance of four units to Artscape at \$240 per square foot, plus the Development Charges associated with those units;
3. Agreements of Purchase and Sale with respect to the all eight units shall be entered into prior to the issuance of the first above-grade building permit for the development;
4. A provision allowing the Agreements of Purchase and Sale of all eight units to be assigned; and
5. A warning clause in any Purchase and Sale Agreements with respect to the possible relocation of Michael Sweet Avenue to a location further south.

Any reference in this report to the conveyance of dwelling units to either Toronto Artscape Inc. or the Ontario College of Art and Design University is intended to include conveyance to an appropriate alternate organization in the event that Artscape and/or OCADU fail to pursue acquisition of the dwelling units. The Recommendations section of this report authorizes the appropriate City staff to choose another qualified arts organization.

OCADU Units

The owner proposes to convey three units within the development to the Ontario College of Art and Design University (OCADU) at no cost. These units are to be secured as a community benefit under the City's Section 37 policies. As an educational institution, OCADU will be able

to use these units to temporarily house visiting academics, enhancing their ability to create a vibrant atmosphere and enriched opportunities for learning. OCADU intends to rent one of the units to an affiliated OCADU associate in order to cover the maintenance fees for the three units.

OCADU plays a very significant role not only as a unique educational institution in Ontario, but as a focal point for nurturing art and design in Toronto. The ongoing health and vibrancy of this institution is important for Toronto and its Downtown. The City's Official Plan policies on Section 37 community benefits, and specifically policy 5.1.1.6 (d) recognize the contribution of capital facilities to non-profit arts, cultural, community or institutional facilities.

Staff is recommending that the City be a party to the Agreement of Purchase and Sale between the owner and OCADU to ensure the City's intent is realised. The City will direct title be given to OCADU on closing, but in the event of default by OCADU, the City will have the ability to redirect the title to an appropriate organization at no cost to the City and no loss of the benefit.

The City will ensure the OCADU units are used as intended through an agreement between the City and OCADU and a restriction registered on title to the OCADU units similar to the restriction to be registered against the Artscape units. The restriction will require the consent of the City of Toronto if the property is to be sold. The restriction will ensure that, in the event of a sale of the units by OCADU, the units will be transferred at no cost to a similar non-profit or arts and culture organization, selected by the Executive Director, Economic Development and Culture Division, in his sole discretion, which will sell them on terms similar to those contemplated by Artscape for the Artscape units.

Artscape Units

Toronto Artscape Inc. (Artscape) is a non-profit organization with a mandate of:

- Anchoring creative communities within sustainable and affordable spaces;
- Building authentic and dynamic places by connecting creative and cultural resources; and
- Creating tools, expanding thinking and inspiring action.

Affordable housing for the arts community is a core element of Artscape's business. It has for many years operated affordable rental housing in the City and has more recently expanded into the provision of affordable home ownership housing. The applicant proposes to sell four units, at cost, plus development charges to Artscape and one unit will be conveyed to the Artscape at no cost, other than the development charges associated with that unit. Staff will secure the conveyance through the Section 37 Agreement, as a legal convenience, which is described in the Section 37 section of this report. These units will be sold to artists or arts professionals at below-market prices through Artscape's affordable home ownership program. Sale prices will be determined by the average cost to Artscape of the units (including all expenses and taxes plus a reasonable administrative fee).

To maintain these below-market units for the City's arts community over time, Artscape will retain control over the sale of homes to ensure that when buyers eventually sell their units, they can once again be sold through Artscape to another artist or arts professional at a below-market price in perpetuity. This proposal allows individuals who may otherwise not be able to access ownership homes in this area of the City the opportunity to do so.

Staff is recommending that the City be a party to the Agreement of Purchase and Sale between the owner and Artscape to secure these units for the intended purpose. An agreement between just the owner and Artscape could result in the possibility that if Artscape is unable for any reason to complete the transaction, the units would revert to the owner. The City will direct title be given to Artscape on closing or will have the ability to redirect the title to another qualified housing provider, in the event of default by Artscape, at no cost to the City and no loss of the units.

It is the City's intention to secure the ongoing below-market pricing of the units by not only requiring Artscape to enter into an agreement with the City, but also by requiring the registration on title to the Artscape Units of a restriction, pursuant to Section 118 of the *Land Titles Act*, that requires the consent of the City of Toronto if the property is sold. The agreement and the restriction will secure the terms of the sale of the Artscape units, at cost, to help ensure that the units will be more affordable than if left to market pricing, and will require reporting of the activity involving the sale of the units.

Development Charges

It is estimated that the development charges for this project will be \$1,883,236. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The development for new housing reflects an innovative design solution and supports the cultural and arts sector. The proposal is consistent with the broad range of Official Plan policies for development of tall buildings in *Mixed Use Areas* in the *Downtown* taking into consideration its surrounding and planned context. For these reasons, staff is recommending approval.

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: Council Authorities to Implement Matters Pursuant to the Section 37 Agreement

Attachment 2: Site Plan

Attachment 3: Elevation (North and South)

Attachment 4: Elevation (St. Patrick Street)

Attachment 5: Elevation (Simcoe Street)

Attachment 6: Context Elevation

Attachment 7: Zoning (By-law 438-86)

Attachment 8: Zoning (By-law 1156-2010)

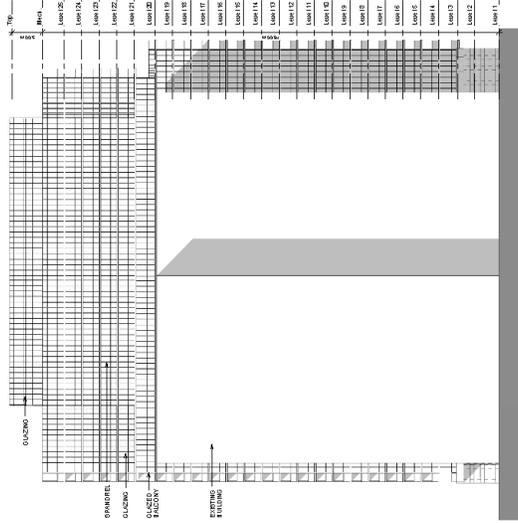
Attachment 9: Application Data Sheet

Attachment 1: Council Authorities to Implement Matters Pursuant to the Section 37 Agreement

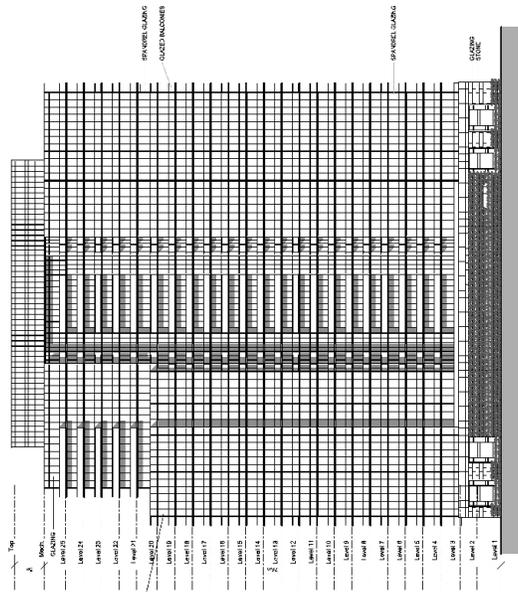
1. In order to ensure that construction, condominium registration and finalization of the transfer of units in the development may proceed in a timely manner, in the event either of the Agreements of Purchase and Sale with respect to the Artscape Units or the OCADU Units cannot be completed by the intended organizations, City Council authorize the City to assign its interests in the Artscape Units and/or the OCADU Units to another similar organization that would give effect to the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated April 20, 2011) headed "210 Simcoe Street – Rezoning Application – Final Report", chosen by the Director, Affordable Housing Office, on terms and conditions determined by him and in a form satisfactory to the City Solicitor, prior to the closing date with the Owner, with the intention that there are no financial consequences of the City having been a party to the Agreements of Purchase and Sale.
2. City Council authorize and direct the City Solicitor to execute the Agreements of Purchase and Sale with respect to the Artscape Units and the OCADU Units and to complete any assignment or any document relating to the re-sale transactions that may occur as a result of entering into that agreement, on behalf of the City, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable.
3. City Council authorize and direct the Director, Affordable Housing Office, to enter into an agreement with the purchaser of the Artscape Units to secure the terms of the sale of the Artscape Units, at cost, to ensure the ongoing affordability, to ensure the intended arts affiliated use of the units, to require reporting of the activity involving the sale of the units and to secure such other terms and conditions as he deems advisable, such agreement to be in a form satisfactory to the City Solicitor and to be entered into prior to the completion of the Agreements of Purchase and Sale referred to in Recommendation 4 to the report from the Director, Community Planning, Toronto and East York District (dated April 20, 2011) headed "210 Simcoe Street – Rezoning Application – Final Report".
4. City Council authorize and direct the Executive Director, Economic Development and Culture Division to enter into an agreement to govern the ownership of the OCADU Units, to secure the terms of sale of the OCADU Units, to ensure the intended arts affiliated use of the units, to require annual reporting on the use or lease of the OCADU Units, and to secure such other terms and conditions as she deems advisable, such agreement to be in a form satisfactory to the City Solicitor and to be entered into prior to the completion of the Agreements of Purchase and Sale referred to in Recommendation 4 to the report from the Director, Community Planning, Toronto and East York District (dated April 20, 2011) headed "210 Simcoe Street – Rezoning Application – Final Report".

5. City Council authorize the Chief Planner and Executive Director of City Planning Division to execute, in his sole discretion, consents pursuant to the restriction to be registered on title to the Artscape units and the OCADU units under Section 118 of the *Land Title Act*.

Attachment 3: Elevation (North and South)



North



South

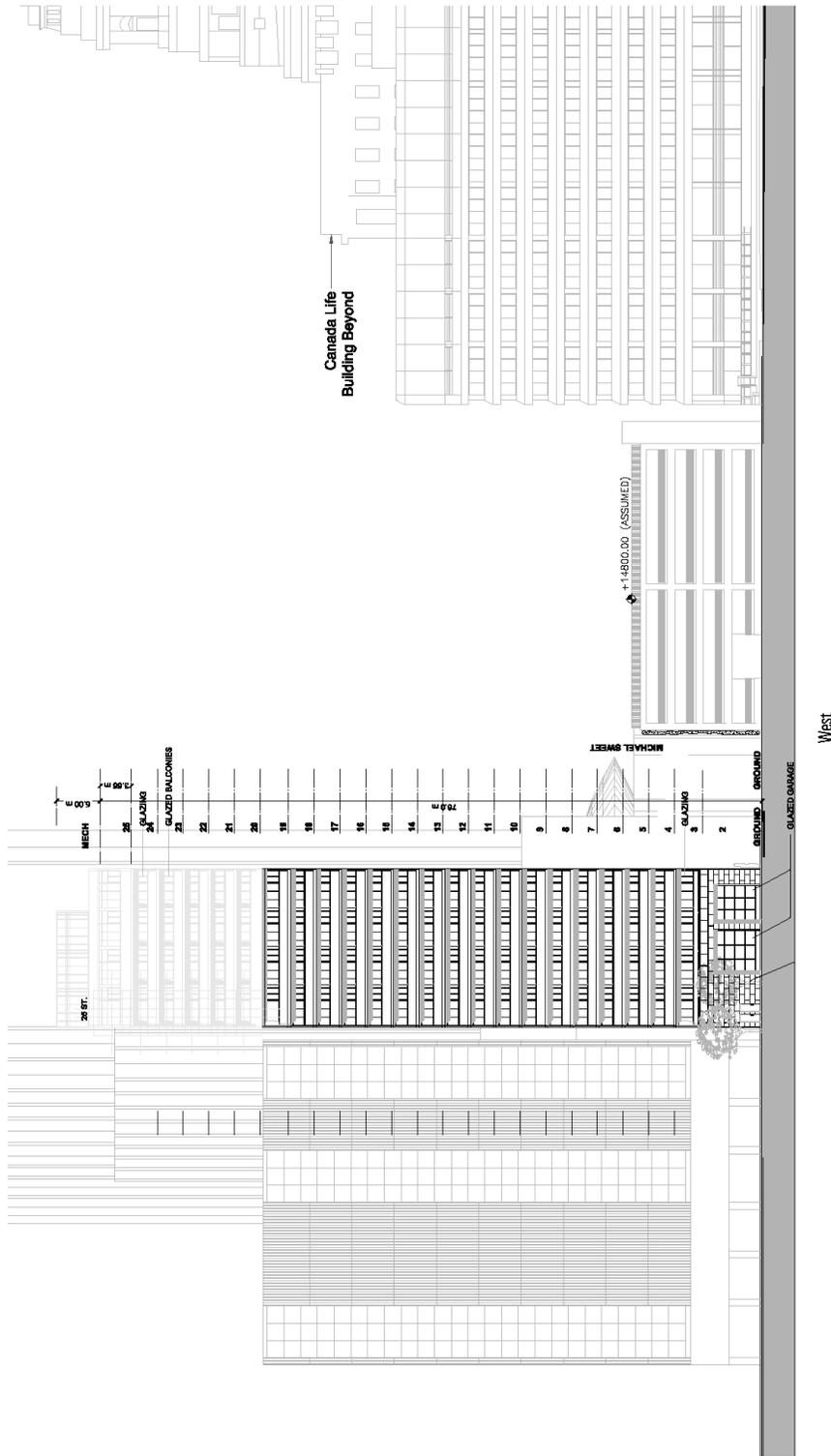
210 Simcoe Street

File # 07 251456 0Z

Elevations
 Applicant's Submitted Drawing

Not to Scale
 04/21/2011

Attachment 4: Elevation (St. Patrick Street)



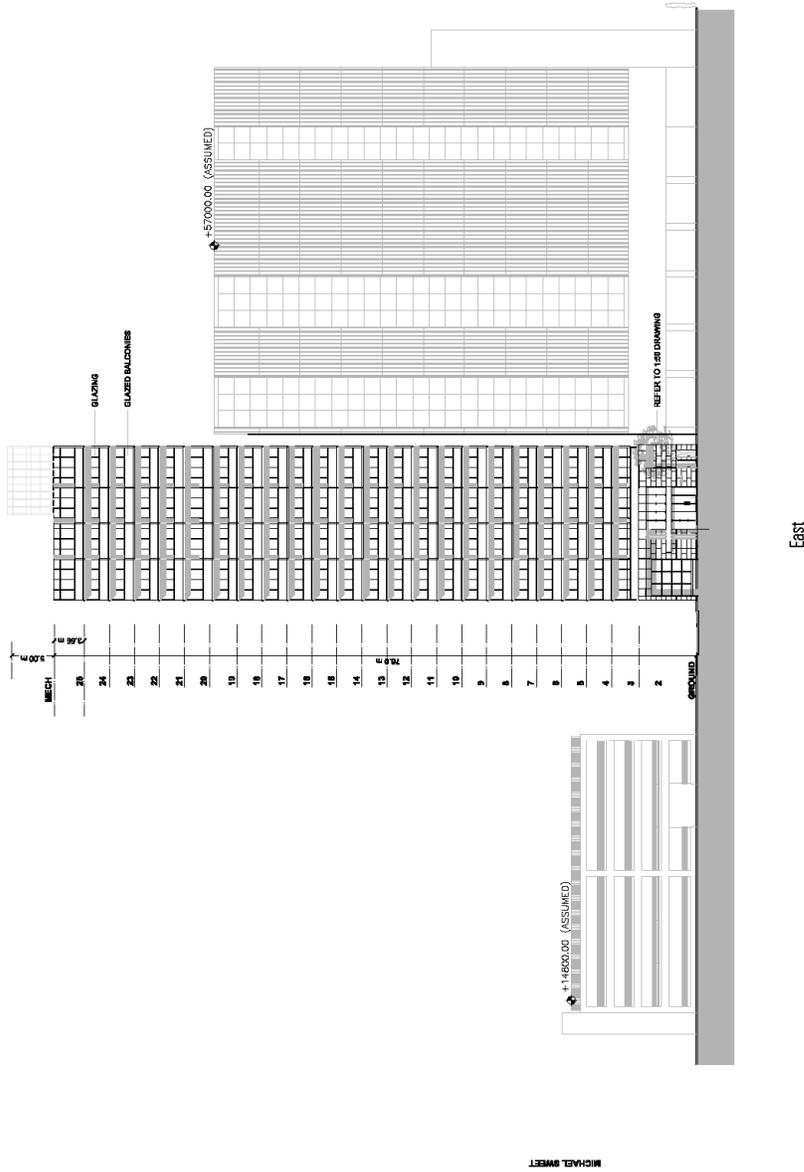
210 Simcoe Street

Elevatrons
 Applicant's Submitted Drawing

Not to Scale
 04/21/2011

File # 07 251456 0Z

Attachment 5: Elevation (Simcoe Street)



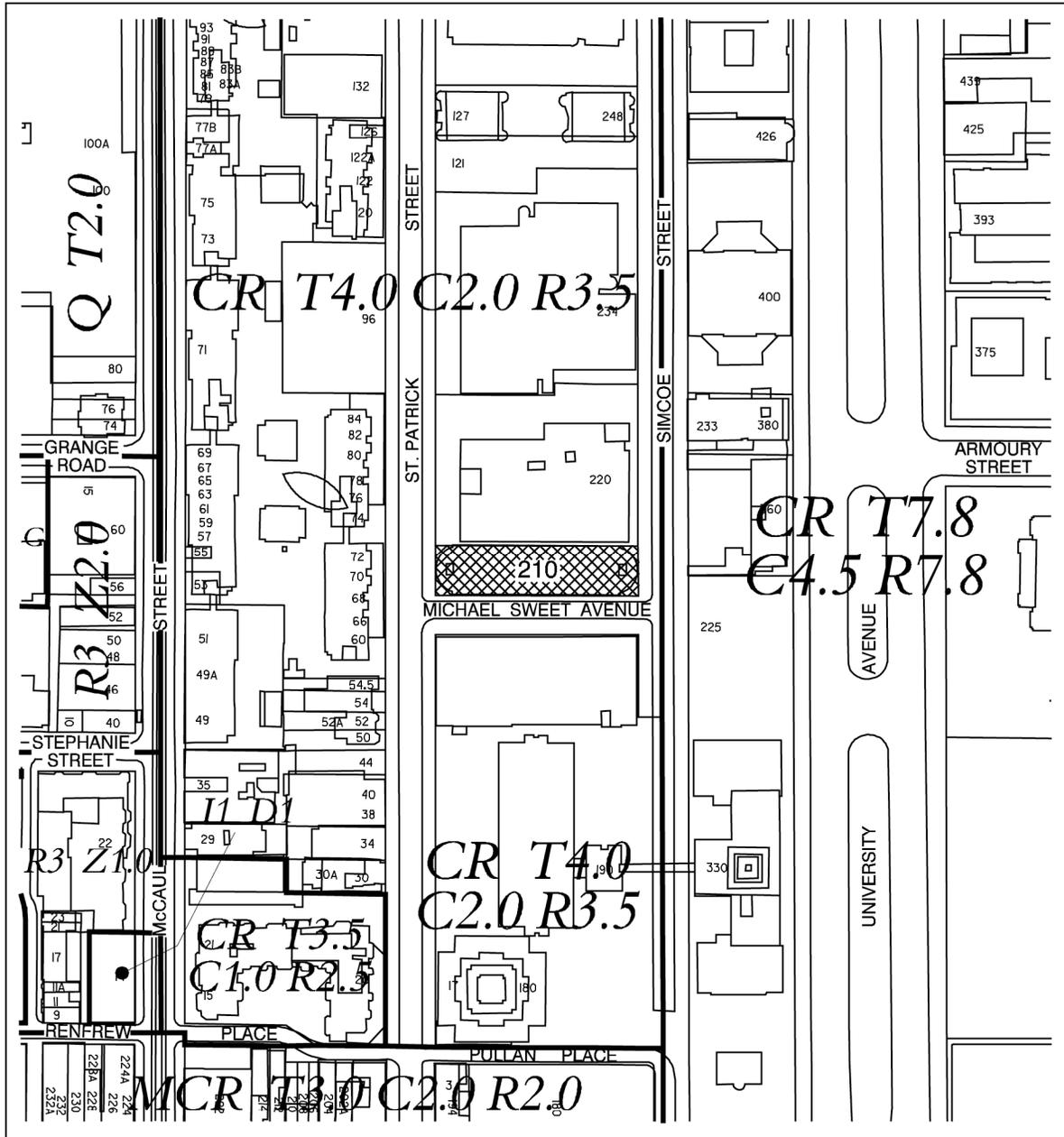
210 Simcoe Street

File # 07 251456 0Z

Elevatrions
Applicant's Submitted Drawing

Not to Scale
 04/21/2011

Attachment 7: Zoning (By-law 438-86)

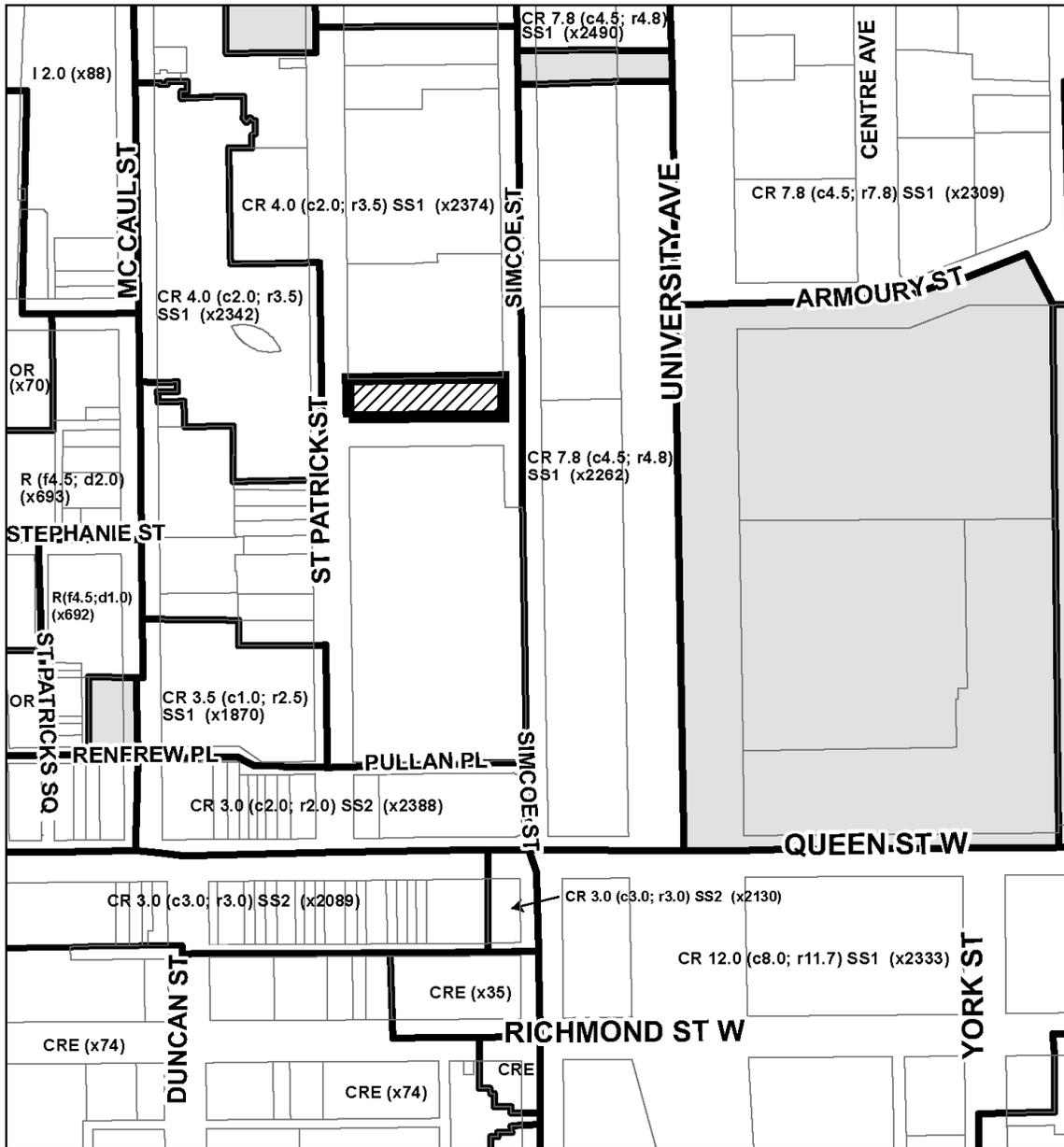


210 Simcoe Street
File # 08_150716

- R3 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District
- Q Mixed-Use District
- I1 Industrial District
- G Parks District

Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/07/08 - TA

Attachment 8: Zoning (By-law 1156-2010)



Zoning City of Toronto By-law 1156-2010

210 Simcoe Street

File # 08 150716 0Z

- Subject Site
- Not Part of Zoning By-law 1156-2010
- R Residential Zone
- CR Commercial Residential Zone
- CRE Commercial Residential Employment Zone
- OR Open Space - Recreation Zone
- I Institutional Zone



Not to Scale

04/18/2011

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	08 150716 STE 20 OZ
Details	Rezoning, Standard	Application Date:	April 23, 2008
Municipal Address:	210 SIMCOE ST		
Location Description:	PL 1 49 55 LT10 **GRID S2011		
Project Description:	Rezoning application 1 application to construct a new 25 storey residential building containing 298 residential units with 3 levels below grade parking – 95 vehicular parking spaces and 218 bicycle parking spaces		

Applicant:	Agent:	Architect:	Owner:
DIAMONDCORP		PAGE & STEELE IBI GROUP ARCHITECTS	210 SIMCOE HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T4.0 C2.0 R3.5	Historical Status:	
Height Limit (m):	37	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,361	Height:	Storeys:	25
Frontage (m):	18.25		Metres:	76
Depth (m):	74.06			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	22,100		Parking Spaces:	95
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	22,100			
Lot Coverage Ratio (%):	0			
Floor Space Index:	16.30			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	22,100	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	252	Office GFA (sq. m):	0	0
2 Bedroom:	46	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	298			

CONTACT:	PLANNER NAME:	Jeffrey Cantos, Planner
	TELEPHONE:	416-338-5740