

**545-565 Sherbourne Street
Zoning Amendment and Rental Housing Demolition and
Conversion Application – Final Report**

Date:	September 13, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	08 231178 STE 28 OZ 08 231183 STE 28 RH

SUMMARY

The site is located in St. James Town and contains three existing apartment buildings and a commercial podium. This application proposes the redevelopment of the existing commercial podium at 545, 555 and 565 Sherbourne Street and the addition of a 120 metre high (43-storey) residential rental tower and 2 and 3-storey street-level townhouses along Bleeker Street with a total of 409 new rental units. The existing podium over Earl Street between Sherbourne Street and Bleeker Street is proposed to be demolished.

This report reviews and recommends approval of the application to amend the Zoning By-law and to demolish and replace rental housing as part of the project.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 545-565 Sherbourne Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated September 13, 2011, from the Director of Community Planning, Toronto and East York District.
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. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a) The community benefits recommended to be secured in the Section 37 Agreement is a financial contribution of \$1,000,000 to be paid prior to the issuance of the first above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and is to be paid as follows:
 - i. \$900,000 for the construction of a community pool at the Wellesley Community Centre and;
 - ii. \$100,000 for streetscape improvements on Bleecker Street or other public realm improvements as part of the future Community Improvement Plan for the St. James Town neighbourhood.
 - b) In lieu of a 1% Public Art contribution, provide an extension of the current lease with Art City in St. James Town, or other appropriate on-site space that is affordable, at a below-market rent rate of \$1,000.00 per month plus applicable HST, for a period of 20 years effective March 1, 2012 and with the ability to expand the premises in order to accommodate the increasing enrolment of children and youth in the future at a comparable below-market rental rate. If Art City and the Owner are unable to come to an agreement, the Owner agrees that it will make a contribution equal to one percent (1%) of the Gross Construction Costs of the Development to the City in accordance with the Public Art program to the satisfaction of the Chief Planner.

- c) The following rental housing matters are also recommended to be secured in the Section 37 agreement to satisfy the Official Plan policies and support development:
- i. Securing of 1,107 existing rental housing units, excluding those to be demolished for a period of 20 years,
 - ii. The provision and maintenance on the site of 11 new replacement rental housing units, in the new residential tower for a period of at least 20 years, comprising 7 one-bedroom units, 3 two-bedroom units and 1 three-bedroom unit which units shall generally be of the same type and size as the units proposed to be demolished and existing on the lot at the date of enactment of the by-law amendment, of which all shall have affordable rents, and tenant relocation assistance for tenants in the affected existing units in accordance with the terms as set forth in the draft by-law attached as Attachment 7 to the final zoning report from City Planning dated September 13, 2011.
 - iii. A Construction Mitigation and Tenant Communication Strategy which the owner shall prepare, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Chief Planner and Executive Director, City Planning, and
 - iv. Other needed improvements and renovations to the existing rental housing without pass through costs in rents to tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning including improved security and access entry system throughout complex, better access and improvements to podium landscaped space, and programmed amenity rooms and amenity space.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act to the satisfaction of the Chief Planner and Executive Director and the City Solicitor.
 5. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to conduct testing by a qualified structural engineer, at the sole expense of the applicant, to verify the integrity of the underground garage under Earl Street, and to provide all necessary improvements and upgrades, at the sole expense of the applicant, to the satisfaction of the Executive Director, Development Engineering, Technical Services Division.
 6. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to prepare a strata reference plan of survey to

illustrate the land occupied by the existing podium and the underground parking structure, at the sole expense of the applicant.

7. City Council approve the application to demolish the 10 existing residential units located at 555 and 565 Sherbourne Street, pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667 which provide for the replacement of rental housing:
 - a) the owner shall provide and maintain eleven (11) residential rental units on the subject site for a period of at least 20 years, comprising 7 one-bedroom units, 3 two-bedroom units and 1 three-bedroom unit, all of which shall have affordable rents;
 - b) the owner shall provide tenant relocation assistance including the right to return to a replacement rental unit in the new residential tower for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division and as further detailed in the draft by-law attached as Attachment 7 to the final rezoning report from City Planning dated September 13, 2011;
 - c) the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in a) and b) above and as described in the draft zoning by-law amendment (refer to Attachment 7: Draft Zoning By-law Amendment) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
 - d) the owner shall register a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) restricting the registration of a transfer or charge on title to those parts of the lands, comprising the 11 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands.
8. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue preliminary approval to the application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 7 above, and after the Zoning By-law amendment referred to in Recommendation 1 above, have come into full force and effect.
9. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 8 above.

10. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 8 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a) the owner erect the residential tower on site no later than five (5) years from the day demolition of the existing rental units to be demolished has commenced; and
 - b) should the owner fail to complete the new building within the time specified in condition a., the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
11. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 and Section 111 Agreements.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1971, Council adopted By-law 258-71 which allowed for the development of the existing retail podium and apartment buildings on site. In 2006, Council adopted site-specific By-law 1044-2006 to amend By-law 258-71, to permit an addition to the existing mixed used development and allow for the construction of a one-storey retail development on the north end of the subject site. The retail occupant is currently Shoppers Drug Mart. Four existing rental units were lost as part of that redevelopment and Section 37 benefits were provided, part of which included a provision to rehabilitate a portion of the terrace amenity space that is utilized by the residential towers on the site as well as provide a lease, at subsidized rates, for a minimum period of 5 years for the non-profit arts organization Art City.

The site is also governed by other site-specific zoning by-laws including By-law 693-80 which adjusted parking requirements on the site and By-law 1994-0612 which expanded the list of non-residential uses permitted on the site to include most of those permitted in CR zones (commercial-residential) in the City.

It should also be noted that the site is within the St. James Town Community Improvement Plan (CIP) project area. The boundaries of this CIP were approved by City Council in 2003. A new CIP, which will replace and expand an earlier CIP with some

similar objectives, is now being developed. The intent is that the new CIP will encourage open space improvements for the area. Background information on the CIP can be found at: <http://www.toronto.ca/legdocs/2003/agendas/committees/to/to030401/it023.pdf>

ISSUE BACKGROUND

Proposal

The applicant, Bousfields Inc. on behalf of Medallion Properties Inc., is proposing to redevelop a portion of the parcel of land at 545, 555 and 565 Sherbourne Street within St. James Town. The lands are currently occupied by a mixed-use development comprising three rental apartment towers and street-related retail uses. In total there are currently 1,117 units on the site. Outdoor amenity space is located on an above-grade landscaped podium, which crosses over Earl Street to the southern portion of the site.

The proposal involves the construction of a fourth tower on the site, to the south of the building at 565 Sherbourne Street and to the north of the building at 555 Sherbourne Street. The proposed tower would be a 43-storey, 120-metre high (excluding the mechanical penthouse) residential tower with 369 rental units. The dimensions of the tower are approximately 22 meters by 32 metres. The tower is topped by a mechanical penthouse proposed to be approximately 8 metres in height. The residential entrance and lobby for the proposed tower is located on Sherbourne Street.

In addition, the proposal includes the demolition and redevelopment of part of the existing podium, to allow for renovation and expanded commercial uses along Sherbourne Street (located at the base of the proposed tower) and 40 2 & 3-storey townhouse units along Bleecker Street and Earl Street. In total 409 new rental units are proposed, of which 8 townhouse units will be studios, 82 will be one-bedrooms and 246 two-bedrooms in the proposed tower and 73 three-bedrooms in both the townhouse and tower units. This includes the rental replacement provision of 10 existing units which will need to be demolished to accommodate the new townhouses along Bleecker Street.

The new commercial space brings the retail frontage along Sherbourne Street in line with the setback for the recently constructed Shoppers Drug Mart development on the north end of the site. The portion of the podium that extends over Earl Street is proposed to be demolished and the streetscape would be improved as a gateway into St. James Town.

The current underground parking garage contains 1,034 spaces on 3 levels. It extends under Earl Street and under St. James Town West Park. The City owns title to these lands with easements granted to allow for the underground parking garage. The applicant has proposed no additional parking for the new units. The applicant has submitted a review to demonstrate low parking demand which is reviewed later in this report. All vehicular access to the parking garage and retail loading would be provided at Bleecker Street.

Attachments 1 through 4 show the proposed development's site plan and elevations.

The existing gross floor area (GFA) is approximately 86,865 square metres and 28,063 square metres of new GFA is proposed. The site will have a total gross floor area of approximately 114,928 square metres. This would provide an overall density of 6.07 times the area of the lot.

Attachment 6: Application Data Sheet contains further detailed information about the proposal.

Site and Surrounding Site and Surrounding Area

The site is a long rectangular property between Sherbourne Street and Bleecker Street. While the existing development faces Sherbourne Street, the site occupies the full width of this narrow block and Earl Street bisects the site at grade near its southern end. The site area is approximately 19,000 square metres.

Portions of Earl Street are a public highway under the jurisdiction of the City of Toronto. The land occupied by the podium over Earl Street is City-owned, however, not dedicated as highway, and subject to an easement for the construction use and maintenance of the podium. All of Earl Street across this site is subject to easement for the construction use and maintenance of the below grade parking garage. Earl Street becomes a private street named St. James Avenue, east of Bleecker Street.

The site lies on the western edge of the St. James Town neighbourhood. The following uses surround the site:

North: adjacent to the north side of the site is the City leased St. James Town West Park. A small portion of the park along Howard Street is City owned;

South: the two-storey Wellesley Community Centre, located at 495 Sherbourne Street, is adjacent to the south side of the site. The building opened in 2004 and includes recreation facilities, multi-purpose rooms and a public library branch (a swimming pool is also planned for this site);

East: Bleecker Street abuts the east side of the site and the east side of Bleecker Street is lined with four high-rise, “tower in the park” apartment buildings up to 24 storeys tall; and

West: across Sherbourne Street, to the west side of the site, is primarily occupied by residential uses in a mix of building types; other uses include: the Isabella Hotel, located in a listed heritage building at 556 Sherbourne Street; Our Lady of Lourdes Church at 520 Sherbourne Street, designated under the Ontario Heritage Act and a Hydro transmission station at 546 Sherbourne Street.

The site is occupied by two 31-storey and one 28-storey existing rental housing towers. The complex was completed in 1979 as part of St. James Town. The three buildings contain 1,117 rental apartment units consisting of the following unit types:

TABLE 1	
Unit Type	Number of Units
Bachelor	312
1-bedroom	483
2-bedroom	266
3-bedroom	56

The building also includes approximately 7,495 square metres of non-residential space of which 6,010 square metres of retail gross floor area at grade, occupied by a supermarket and other retail and service uses.

The existing three high-rise towers are joined at grade by a podium and below-grade by the underground parking garage. The podium is a dominant feature of the building and is occupied by the existing retail uses. The roof of the podium forms a landscaped terrace, which completely extends over Earl Street. The outdoor landscaped podium was constructed to be publically accessible from grade at various points around the site and in part satisfies the site-specific zoning requirement for landscaped open space. However, the podium is poorly used and has suffered from maintenance and security issues.

The underground parking garage lies under the whole of the subject site extending under Earl Street and under part of St. James Town West Park. The parking garage contains 1,034 parking spaces, including 606 spaces for residents, residential visitors and retail uses in the building. Levels P1 and P2 are utilized by hourly public parking, monthly public parking permit users and residential permit holders from the existing apartment buildings at 545-565 Sherbourne Street. Level P3, with 318 parking spaces is used as employee parking for a Rogers corporate office in the vicinity of the site. The applicant has indicated that this arrangement will continue.

The existing development was built prior to zoning requirements for bicycle parking; however, By-law 1044-2006 which permitted the construction of the Shoppers Drug Mart required 60 bicycle parking spaces to be provided in a secured bicycle parking area. Bicycle parking to meet the demand for the new rental units is proposed at the P1& P2 levels, in addition to the zoning requirement for 40 visitors bicycle spaces whose location will be determined through the site plan application review process.

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.

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

This site is designated as *Apartment Neighbourhoods* on Map 18 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within its areas, however compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

Development criteria in *Apartment Neighbourhoods* include but are not limited to the following:

- meet the development criteria set out in Section 4.2.2 for apartments;
- maintain an appropriate level of residential amenity on the site;
- maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- consolidate loading, servicing and delivery facilities; and
- preserve or provide adequate alternative on-site recreational space for residents.

This site also includes St. James Town West Park which is designated as *Parks* in the Official Plan and is currently partially leased by Parks, Forestry and Recreation. There is no proposed change to this arrangement.

The Official Plan also has a number of policies relating to the provision of a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices for the protection of rental housing where existing units are proposed to be demolished as part of a redevelopment plan.

Under Policy 3.2.1.6, applicants proposing to demolish 6 or more residential rental units (except where all of the rents are above mid-range) are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site.

An acceptable tenant relocation and assistance plan is also required, which addresses the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

Policy 3.2.1.5 is also relevant to this application, as it applies to the redevelopment of properties where existing rental buildings are to be maintained. Specifically, the policy requires that existing rental housing continue to be secured as rental, and it promotes and secures needed improvements and renovations without pass-through of such costs in the rents to tenants.

Zoning

The City's Zoning By-law 438-86, as amended, designates the western half of the site R3 Z2.0, which permits a range of residential uses, public parks and other uses at a density of 2.0 times the area of the lot. The eastern half of the site is designated R3 Z1.0, which permits a similar range of residential uses at a density of 1.0 times the area of the lot. There are not heights limits identified on the zoning height maps for this site and the larger St. James Town area. Attachment 5: Zoning provides an excerpt of the zoning map for the site and immediate area.

As noted earlier, the site is also governed by several site-specific zoning by-laws. In 1971, Council adopted By-law 258-71 which allowed for the development of the existing retail podium and apartment buildings on site. In 2006, Council adopted site-specific By-law 1044-2006 to amend By-law 258-71, to permit an addition to the existing mixed used development and allow for the construction of a one-storey retail development on the north end of the subject site. By-law 693-80 adjusted parking requirements on the site and By-law 1994-0612 expanded the list of non-residential uses permitted on the site to include most of those permitted in CR zones (commercial-residential) in the City.

These will be repealed and replaced with draft Zoning By-law Amendment attached as Attachment No. 7 of this report which consolidates these by-laws to permit what currently exists on site as well as the proposed development.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan control was submitted on February 3, 2011 and this report recommends that the owner enter into a site plan agreement with the City prior to the introduction of the necessary bills to City Council for enactment.

City of Toronto Act, Section 111

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The By-law makes it an offence to demolish the whole or any part of a residential rental building where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board. If the demolition of rental housing is approved under Municipal Code Chapter 667, approval to issue a demolition permit for residential buildings under Municipal Code Chapter 363 and Section 33 of the Planning Act is also required.

Tree Preservation

Currently the proposal requires the removal of approximately 10 trees within private property of the subject site. An arborist report has been submitted and on May 10, 2011, a Private Tree By-law Application was also filed. Unfortunately, due to the existing underground garage and the footprint of the extensive podium there is insufficient space for appropriate conditions to accommodate the growth of large growing shade tree species. Trees growing on podium levels cannot be considered replacement of private trees by Urban Forestry with respect to increasing the tree canopy in the City given the unnatural site (planting and growing) conditions. Tree planting within the adjacent City road allowances on Sherbourne and Bleecker Streets is separate and part of the streetscape improvements required through site plan approval.

Reasons for Application

A rezoning application has been required to permit the scale and density proposed by the applicant. In addition, as the proposal indicates that 10 existing rental units will be demolished, a Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) was also filed by the applicant.

Community Consultation

There was extensive consultation during the review of this rezoning application. The first community consultation was held on September 16, 2009 at the Wellesley Community Centre gymnasium and approximately 80 members of the public were in attendance. The following concerns were expressed regarding the original proposal:

- Another tower in St. James Town was felt to be too much density
- The proposal is for additional rental, however there are already several rental buildings in St. James Town, the new units should be condominium
- With no new parking proposed can the existing parking garage satisfy the current and future demand for parking?
- Concerns about the impact that construction (noise and dust) will have on existing tenants

- Closing the supermarket on site (No Frills) even for a short period of time would be a major inconvenience with only one other supermarket option for groceries in the area
- It was noted that this is not the only new project in the area as there are new condominiums on the west side of Sherbourne Street; what is the cumulative impact of new residents in this project and in surrounding area?
- When discussing current and future population residents felt that it was undercounted for St. James Town.

To allow for further community input the Ward Councillor, Pam McConnell requested that City Planning staff assemble a working group of community residents and stakeholders to further inform revisions to the development application. There were four working group meetings held from December 2009 to February 2010 and members of the working group included tenants from each of the existing rental buildings on site as well as area stakeholders.

Throughout the working group sessions the proposal was revised and a second community consultation meeting was held to present the revised application on June 28, 2010 at St. Simon-the-Apostle Church. This second community consultation meeting was also well attended with approximately 50 members of the public in attendance. While the revisions were well received there were still concerns expressed regarding the revised proposal, these included:

- New development will still result in additional density in an already dense area and the impact on existing overburdened community services
- The length of time the No Frills supermarket on site would be closed because of construction
- Can the existing foundation accommodate an additional tower?
- Will new development result in an increase in rents for existing residents
- Traffic on Bleecker Street

These comments as well as those received via email and fax were discussed and considered by staff in review of this application. The comments below speak to how the concerns have been addressed.

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 PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed rental apartment building and retail is a land use which is permitted in the *Apartment Neighbourhoods* designation of the Official Plan which includes uses such as apartment buildings and parks, local institutions, cultural and recreational facilities, and retail, service and office uses that serve the needs of area residents.

While the designation does not anticipate significant growth, compatible infill development may be permitted on a site's containing an existing apartment building that has sufficient underutilized space. The location of the proposed tower is on the existing podium which was designed as part of the sites landscaped open space requirement under the original 1971 site specific zoning bylaw. The podium which is publicly accessible and not for the exclusive use of tenants of the existing buildings is currently in a state of disrepair, in part due to neglect and age. As an elevated public area with limited visibility from the street level it has become an area of security concern over the years and in need of renovation. The application proposes that the parts of the podium not used for the tower will be renovated and for the shared exclusive use of tenants of all four rental buildings on site. This arrangement meets the definition of amenity space under City of Toronto Bylaw 438-86.

The ground level retail component is an extremely important service to this community, in particular the No Frills grocery store. There are many residents of St. James Town who are disabled or have limited or no access to automobiles and rely on No Frills and a small Food Basics store at Wellesley Street East and Ontario Street, for all of their grocery needs. Expansion of the retail component and a commitment to limited closure for construction by the owners has been seen as an essential element of this redevelopment proposal.

Density, Height, Massing

The site has an area of approximately 18,923 square metres and there is approximately 86,865 square metres of existing residential and non-residential uses currently on site. The proposal will require demolition of approximately 2,259 square metres and the new additional gross floor area proposed is 30,322 square metres, resulting in a total of 114,928 gross floor area for the development. The proposed density for the development is approximately 6.1 times coverage, with some demolition of existing density this represents an increase of approximately 1.5 times density over the 4.6 times density currently on the site.

The dimension of the proposed tower is approximately 22 meters by 32 metres. The floorplate of the tower is 623 square metres, which is a reduction from the original submission of 696 square metres. The Tall Buildings Urban Design Guidelines recommend a maximum tower floorplate of 750 square meters. To maintain a similar number of rental units the height of the tower was increased from 96.3 metres to 120 metres plus the mechanical penthouse. While taller than the nearby James Cooper

Mansion at 106 metres (582 Sherbourne Street) and The 500 Condominiums at 100 metres (500 Sherbourne Street) the proposed 43 storeys would have floor to ceiling heights of approximately 2.65 metres as opposed to the standard 3 metre for condominium units. The proposed tower on this site is the same height as the nearby and recently built condominium tower at 120 Homewood Avenue (The Verve) on former Wellesley Hospital lands (120 metres and 39 stories).

The Tall Buildings Urban Design Guidelines also recommend a three-metre to five-metre stepback for a tower from a podium. The applicant proposes a 6 metre stepback from the podium along Sherbourne Street and 8 metre stepback from the townhouses proposed along Bleecker Street.

In accordance with the Tall Buildings Urban Design Guidelines the new tower has a 25 metre separation distance from the existing apartment building on site at 555 Sherbourne Street. The original application showed “sky-gardens” at five floor intervals that connected the proposed tower to 565 Sherbourne Street. These were proposed as outdoor amenity space for residents of the new tower only and had the effect of extending the length of the existing slab-like building along Sherbourne Street. As a result of the working group process these sky bridges were removed to allow the new tower to be an independent structure.

The south facing wall of 565 Sherbourne Street is a blank wall and is located 7.5 metres from the proposed new tower at its closest point. The building corners on the north side are recessed allowing for a great setback of 10 metres and 19 metres. The existing units in 565 Sherbourne Street face either east or west and there are no light or privacy concerns to the existing residents as a result of this proximity to the proposed new tower. The tower location was also positioned to minimize the impact on the existing grocery store. Given the structural limitations and other competing factors unique to this site and situation, the location of the new tower is acceptable.

As noted in the community consultation discussion above, the retention of the grocery store as well as minimizing the amount of time that the store would need to be closed to allow for renovation and construction of the tower was a major concern with local residents. There are only two grocery stores in St. James Town and closure, however, minimal was seen as a major concern for the community. The grocery store facade and streetscape along Sherbourne Street will be greatly enhanced as a result of this application.

Streetscape and Public Realm

In addition to the tower, the new development introduces several important built form components to improve Sherbourne Street, Bleecker Street and Earl Street. These include the demolition and redevelopment of part of the existing podium, to allow for renovation and expanded commercial uses along Sherbourne Street (located at the base of the proposed tower); 40 2 and 3-storey townhouse units along Bleecker Street and Earl Street; and the removal of the Earl Street overpass.

Along Sherbourne Street, this site has several small retail stores, these spaces will be retained, however, their facades will be pulled closer to the sidewalk, in line with the recently constructed Shopper Drug Mart retail space. This will create larger retail spaces and also achieve a better streetscape with more animation, as the current wide setback is paved and underutilized. The grocery store, No Frills, will also be retained and renovated including the storefront which will be glazed instead of a blank wall.

The existing development on this site turns its back on Bleecker Street. Frontage to Bleecker Street is an open loading and servicing area under the podium creating an unsafe area with poor sightlines, odour and visual blight. It is an unfortunate street condition as the front door other apartments on the east side of Bleecker look directly at this cavernous unattractive service area. The proposed Bleecker Street frontage is proposed to be 2 and 3 storey townhouse units and the garage doors that will provide screening and access to the reorganized servicing area. The 40 townhouse units that will wrap the site along Bleecker Street and the corners of Earl Street will not only shield the public realm from the internal servicing, it also will provide "eyes on the street" and a greater level of activity for Bleecker Street. This will represent a significant improvement to current conditions.

Another public realm improvement is demolition of the portion of the podium which extends over Earl Street. Currently the overpass provides some weather protection for the residential entrances of 545 and 555 Sherbourne Street, however, it is a dark unwelcoming environment. It is an important gateway into the St. James Town neighbourhood and removal of the podium over Earl Street would serve as a much needed improvement to increase visibility and connectivity to the neighbourhood.

Sun, Shadow, Wind

The applicant has submitted shadow studies of the proposed tower to illustrate its potential shadow impacts at different times of the year and at different times of the day. In an area like St. James Town there are already considerable shadows on the adjacent community as a result of existing towers in the area. The shadows created by the existing slab type apartment buildings in the area are substantial. The proposed point tower and the reduced footplate of the tower create only incremental new shadows that will be quick moving.

Urban Design staff has reviewed the wind study prepared by GME Microclimate Engineering Inc. dated June 30th, 2011. The study reviews a number of different pedestrian level locations around the building and surrounding context as well as some locations on the podium roof. Of the sensor locations studies, the report concludes that there is virtually no difference in wind between the existing conditions and proposed conditions.

Traffic Impact, Access, Parking

Portions of Earl Street are a public highway under the jurisdiction of the City of Toronto. The land occupied by the podium is City-owned, however, not dedicated as highway, and subject to easement for the construction use and maintenance of the podium. All of Earl

Street across this site is subject to easement for the construction use and maintenance of the below grade parking garage.

The plans submitted with this application indicate that the podium over Earl Street will be demolished and therefore the applicant will have to conduct testing by a qualified structural engineer, at the sole expense of the applicant, to verify the integrity of the underground garage under Earl Street, and to provide all necessary improvements and upgrades, at the sole expense of the applicant, to the satisfaction of the Executive Director, Development Engineering, Technical Services Division and will be required to do the testing before the introduction of the necessary Bills to Council for enactment of this zoning by-law amendment. A revised strata reference plan of survey must also be prepared to illustrate the land occupied by the existing underground parking structure. It will also be necessary to have the existing easement for the construction, use and maintenance of the podium be quit claimed (release of interests and rights) to the City by the applicant. These and other conditions will be secured in the Site Plan Agreement.

The existing underground parking garage which runs the length of the site and extending under Earl Street and under parts of the St. James Town West Park is proposed to be maintained. There are 1,034 paid parking spaces in 3 levels of parking with access at Bleecker Street. Apartment rents do not include parking and it is an additional fee for those tenants who require it. In support of their application a Traffic Impact Study, dated December 2008 was prepared by LEA Consulting Ltd. on behalf of the applicant.

To accommodate the proposed tower core, amenity space, storage and bike parking some spaces will be lost. The renovated parking garage is proposed to have 924 parking spaces. Currently the P3 level is designated for employee parking for a Rogers corporate office in the vicinity of the subject site and has 318 parking spaces. This arrangement is proposed to continue. There will be 606 spaces on the P1 and P2 levels. Overall the site is required to provide 650 and 50 parking spaces for the on-site residential and retail uses, respectively per the current site specific zoning By-law 693-80. Excluding the P3 commercial parking spaces, the proposal is 44 spaces short of the requirements by-law requirements. A parking demand on-site survey showed that the current garage was underutilized with a current parking utilization rate of 43.5% and a projected peak future demand of approximately 417-434 spaces. Therefore the current P1 and P2 parking spaces proposed are sufficient.

In total the site will have 7 loading spaces (one Type 'A', four Type 'B' and two Type 'G') to service the needs of the residential and commercial uses on site. The loading and servicing area, which are currently under the podium but are open loading docks will be consolidated into two enclosed internal areas, one each north and south of Earl Street. There will be large garage door bays to allow for the egress of the trailers and garbage trucks and will no longer require the reversing of the tractor trailers on Bleecker Street. Currently there is also some retail loading on Bleecker Street which is a major complaint from existing residents. This will represent a significant improvement to current unsightly conditions which cause odour, noise and security concerns.

Bicycle Parking

The proposal redevelopment will provide an additional 308 bicycle parking spaces as part of the redevelopment. Currently there are 149 existing at grade bicycle parking spaces and 86 spaces in secured bike parking facilities on the P1 Level of the underground parking garage. A significant amount of at grade bicycle parking (108 spaces) will be lost to allow for this proposal, however, those will be replaced on the P1 level for residents. The existing 86 spaces on the P1 level will be retained. For residents of the new tower and townhouse units 246 bicycle parking spaces will be provided on the P1 and P3 levels of the underground parking garage. In addition 62 spaces, on P1 will be made available for the residential visitors of these new units.

Servicing

The applicant has provided a water demand analysis showing that there is insufficient fire flow for the development site. However, Toronto Water indicates that this area in general, has lower pressures and as a result has included this area in its capital program for the next five years. As a precautionary measure, should this watermain replacement be deferred, the applicant will be required to submit a temporary alternative fire protection plan.

This and other conditions will be secured in the Site Plan Agreement including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services Division. The costs of any municipal services upgrades required to support the development will be borne by the applicant and will be required prior to Site Plan approval.

Community Services and Facilities

City staff requested that a Community Services and Facilities Report (CS&F) was submitted as part of the application given the density of the neighbourhood. The report provided a demographic analysis of the study area, an inventory of existing community services and identified any priorities that should be considered in connection with the current proposal.

The CS&F report per the direction of City staff established the study area bounded by Jarvis Street, Bloor Street East, Parliament Street and Wellesley Street. Using Census 2006 data noted that the 2006 population (17,110) had actually shown a decrease since 2001 (18,570). The area of the study is characterized by a high percentage of immigrants with more limited economic means but with higher educational attainment than the City of Toronto average. It should be noted, however, that despite the declining population figures from the census data, the community and anecdotal information indicates that the census population data has also been underestimated for St. James Town.

The report noted that the site and the larger St. James Town neighbourhood is well served by a variety of community services and facilities. The Wellesley Community Centre, opened in 2005 is immediately south of this site and incorporated facilities which were identified as lacking in the neighbourhood at the time. Today the centre is well utilized and has a waiting list for all the existing programs in all age group categories. The fully-

accessible, approximately 5,000 square metre facility includes a recreation centre, library and a children's early learning centre.

An indoor pool is also planned for the Community Centre site, but there were insufficient funds at that time for the construction, however, the community centre was designed such that a pool could be added to the facility on the open green space allotted on Bleecker Street. The construction of the pool continues to be priority for many of the residents of St. James Town. The applicant has agreed to provide a financial contribution to be used for the construction of the future pool and is discussed further in this report. There have been several other projects in Council Ward 27 and 28 that have made community benefit contributions to the pool over the years.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of the current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

At an alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.544 hectares (5,440 m²). However, a cap of 10% would be applicable for the part of the site that is to be re-developed for residential uses.

The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication. 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

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS as the site plan was submitted on February 3, 2011. All required Tier 1 TGS performance measures will be secured through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g. local shortage of parkland, replacement rental apartment units).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments (excepting non-profit developments) with a GFA of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

There was significant community input and discussion on what would be appropriate community benefits for the St. James Town neighbourhood. Community facilities, in particular meeting room/community room space, was identified as a need. The applicant responding to the community's concern was able to create publically accessible meeting room space in the revised proposal. This space would be in addition to the amenity space that is to be provided as required by the zoning bylaw. City staff worked with the applicant to find ways to manage the space, however, satellite meeting rooms would be difficult for Parks, Recreation and Forestry staff to manage and therefore it was not able to be secured as a Section 37 community benefit.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. \$900,000 for the construction of a community pool at the Wellesley Community Centre;
2. \$100,000 for streetscape improvements on Bleecker Street or other public realm improvements as part of the future Community Improvement Plan for the St. James Town neighbourhood; and
3. In lieu of a 1% Public Art contribution, provide an extension of the current lease with Art City in St. James Town, or other appropriate on-site space that is affordable, at a below-market rent rate of \$1,000.00 per month plus applicable HST, for a period of 20 years effective March 1, 2012 and with the ability to expand the premises in order to accommodate the increasing enrolment of children and youth in the future at a comparable below-market rental rate. If the Art City and the Owner are unable to come to an agreement, the Owner agrees

that it will make a contribution equal to one percent (1%) of the Gross Construction Costs of the Development to the City in accordance with the Public Art program to the satisfaction of Chief Planner.

The following rental housing matters are also recommended to be secured in the Section 37 agreement to satisfy the Official Plan policies and support development:

- Improved security for all existing buildings including access entry system throughout complex for tenants and additional security cameras – including underground garage and low pedestrian traffic areas;
- Better access to podium landscaped space for tenants only; existing podium to be modernized and benefit from secured access, additional landscaping, seating and BBQ area for residents;
- Amenity rooms on P1 level of all three existing buildings to be programmed for resident usage with fitness room and multi-purpose room (kitchenettes to be provided); approximately 140-200 square metres in each;
- New amenity space in 555 Sherbourne of approximately 50 square metres to be programmed as a resident lounge and have direct access to the podium level for the exclusive use of tenants; and
- Secured access to podium landscaped space from south entrance on 545 Sherbourne Street.

Tenure

All of the 409 proposed residential units will be rental and include the 11 replacement rental units. The rents of the new units are expected to be set at a market rate, except for the 11 replacement units whose rents will be set and maintained for a specified period at a rate similar to that being charged for the units proposed to be demolished.

Family Sized Units

At the request of the City's Planning and Growth Management Committee, a number of Planning reports have been prepared on encouraging the development of larger dwelling units suitable for families with children. Research has shown that very few recent developments have incorporated units with three or more bedrooms. The lack of these units is particularly evident in the downtown area. A proposed Official Plan policy designed to promote larger units is being considered as part of the Official Plan Review process. While the original proposal did not include any three bedroom units, after the working group identified it as a desired component of the project the revised proposal included 18% of new units as three bedroom units. The introduction of 73 three bedrooms units (one of which is a rental replacement unit) in the proposed tower and townhouses would be a welcome contribution to the housing market, and is consistent with this policy direction. It is also consistent with policy 3.2.1.1 of the Official Plan which seeks a full range of housing types to meet the needs of current and future residents.

Rental Housing

Agreements with the City to secure the replacement of the rental housing and tenant relocation assistance will be entered into under Section 37 of the Planning Act and secured in the zoning by-law, as well as Chapter 667 under Section 111 of the City of Toronto Act. The owner will enter into and register on title to the lands a Section 118 Restriction that will assist with ensuring that the provisions of the Section 111 Agreement would continue to apply to future owners of the lands.

As discussed earlier, the site is occupied by a large rental apartment building complex, completed in 1979 as part of St. James Town. The 3 buildings contain 1,117 rental apartment units. The proposal is to retain all but 10 rental units, which will have to be demolished to allow for construction of the townhouse units along Bleecker Street. Consistent with City policy and practices all of the existing rental units at 545, 555 and 565 Sherbourne Street will be maintained as rental housing for at least 20 years, with no application to register them as condominium, or to convert them to non-rental housing purposes during that period.

The proposal will replace the 10 existing rental units with 11 rental units in the new tower, as some of the proposed replacement apartments are of a smaller size than the existing units. Consistent with City policy and practices the replacement units will be maintained as rental housing for at least 20 years, with no application to register them as condominium, or to convert them to non-rental housing purposes during that period.

As indicated, the rental unit replacement proposal involves a reduction in the size of some replacement units compared to existing units. Specifically, the proposed two-bedroom and three-bedroom units are comparable in size to the existing multiple bedroom apartments. However, of the eight one-bedroom replacement units previously proposed, two were identical in size to existing one-bedroom units, three were slightly smaller and four units were significantly smaller than the respective existing apartments. As a result, the applicant has agreed to provide two larger units (i.e. identified as two-bedroom units on the drawings) to replace larger existing one-bedroom units and will also secure one additional one-bedroom unit, thereby ensuring that total residential floor area for replacement units in the new tower is comparable to the existing space now occupied by the units to be demolished. The replacement units now proposed consist of 7 one-bedroom units, 3 two-bedroom units and 1 three-bedroom unit. Also the in-suite separate locker space now available to the existing units to be demolished will be retained and provided to the 11 new replacement units.

The rental replacement units in the new tower will be provided and maintained as rental housing. The applicant has already identified specific units that will serve this purpose. It should also be noted that, with the exception of these 11 replacement units, all other new rental units in the tower and the townhouses will not be subject to the same rental housing conditions with respect to restrictions on rents charged, or long-term rental use.

The applicant and City staff have developed and agreed to a comprehensive plan for tenant relocation and assistance that is consistent with City policies and practices, and

that will be detailed and secured in both the Section 37 and Section 111 Agreements. This plan will provide all of the tenants in the existing 10 units to be demolished with extended notice to vacate for demolition, a moving allowance, and alternative accommodation in the existing building. It will also offer eligible tenants a further moving allowance and the right to return to the same size/type of unit at similar rents in the new tower.

The applicant's proposal and the City's standard practices for the length of rental tenure of the replacement rental units and restrictions on rent increases will be secured through the zoning by-law and Section 37 provisions, as well as with a Section 111 agreement pursuant to Municipal Code 667 and the City of Toronto Act. Staff supports these rental housing provisions of the applicant's proposal, which maintain the intent of the Official Plan and the City's by-law on demolition and conversion of rental housing, and are consistent with established City practices for similar applications.

The applicant has also submitted and will implement a construction mitigation and tenant communications plan for the existing tenants of 545 -565 Sherbourne Street. This strategy will help to mitigate the impacts of construction on the existing tenants and keep them informed about the construction timetable and rules that govern the construction such as the noise by-law, dust control and the provision of contact numbers for construction complaints, among other matters.

Development Charges

It is estimated that the development charges for this project will be \$3,529,738.25. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

St. James Town has long been an area that has been in need of reinvestment. The proposal adds new rental units to the City of Toronto's rental housing stock and at market-rents they are a residential housing option that has been missing in St. James Town neighbourhood, which is primarily affordable housing. The new amenity spaces proposed in the existing buildings as well as a renovated podium will benefit current and future tenants. The proposal would contain a full range of unit types with 18% of new units being family-sized units. The new development introduces several important built form components which include the renovation and expanded commercial uses along Sherbourne Street to better serve the existing and future populations of the area but which will also create a more pleasant streetscape for pedestrians on Sherbourne Street. The townhouse units and enclosure of the loading and servicing areas create a new frontage for this apartment complex on Bleecker Street which has long been the back end of this

site. The demolition of the portion of the podium which extends over Earl Street creates an important gateway into the St. James Town neighbourhood and serves as a much needed improvement to normalizing the streetscape and creating an inviting entrance to the neighbourhood.

CONTACT

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Fax No. 416-392-1330
E-mail: astea@toronto.ca

SIGNATURE

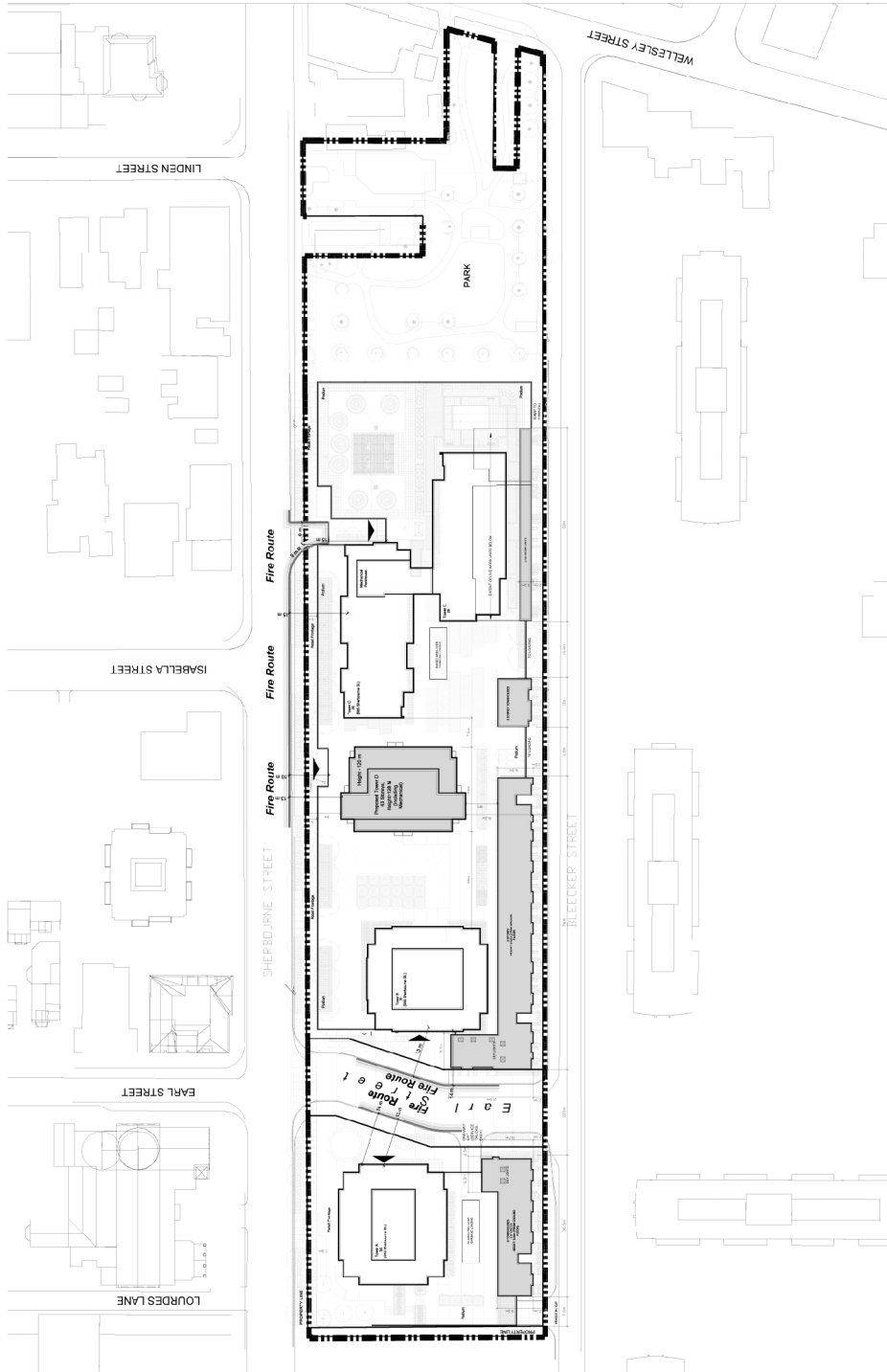
Gregg Lintern, MCIP RPP
Director, Community Planning, Toronto & East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: East Elevation
Attachment 4: North and South Elevations
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



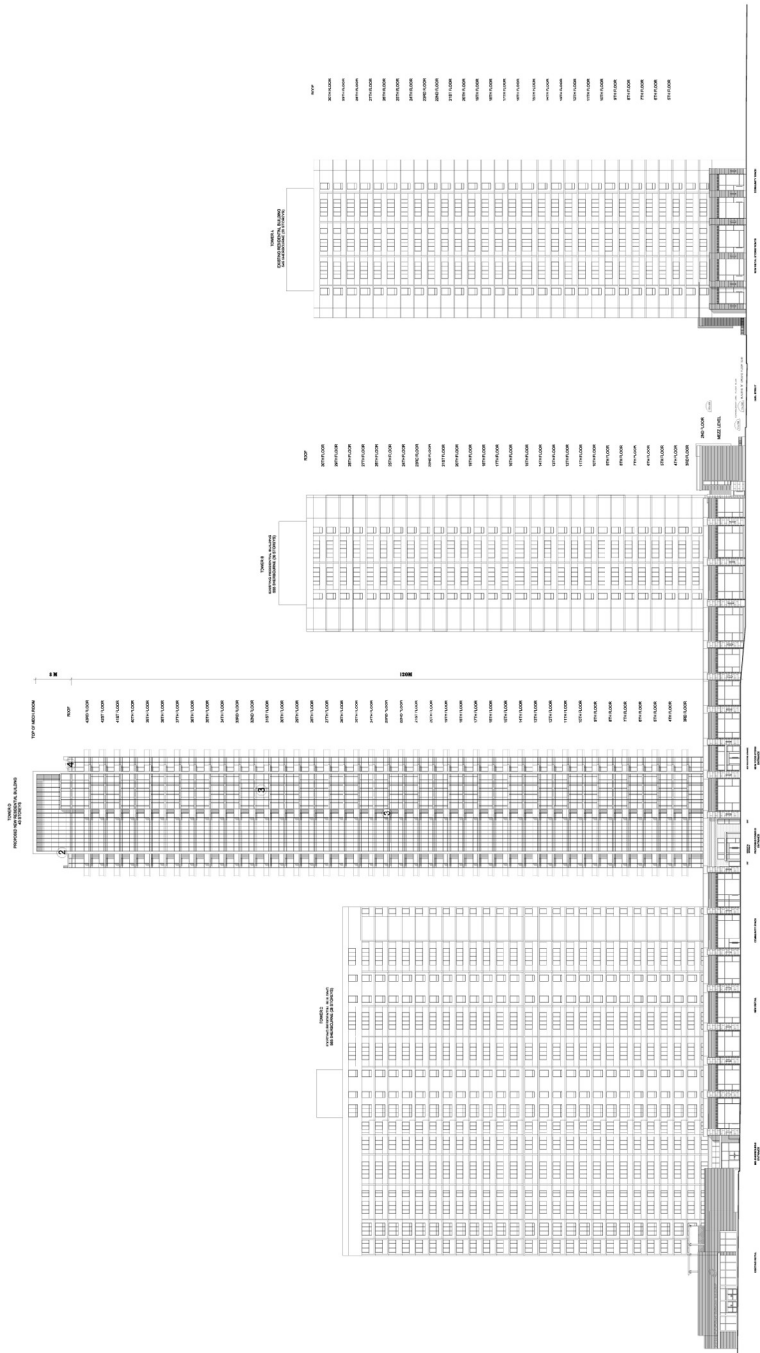
Site Plan
545-565 Sherbourne Street

Applicant's Submitted Drawing

Not to Scale
 09/12/2011

File # 08 231178 0Z

Attachment 2: West Elevation



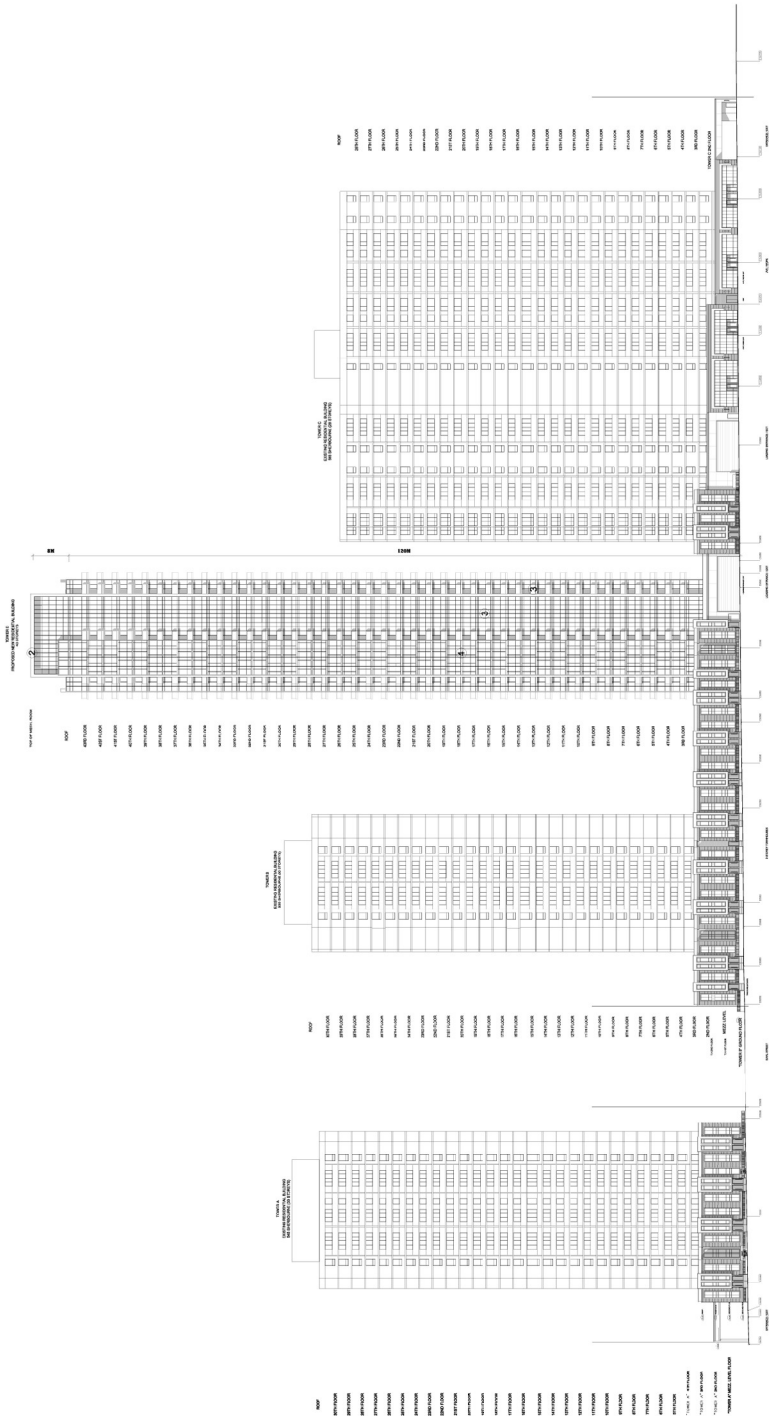
West Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 09/12/2011

545-565 Sherbourne Street

File # 08 231178 0Z

Attachment 3: East Elevation



East Elevation

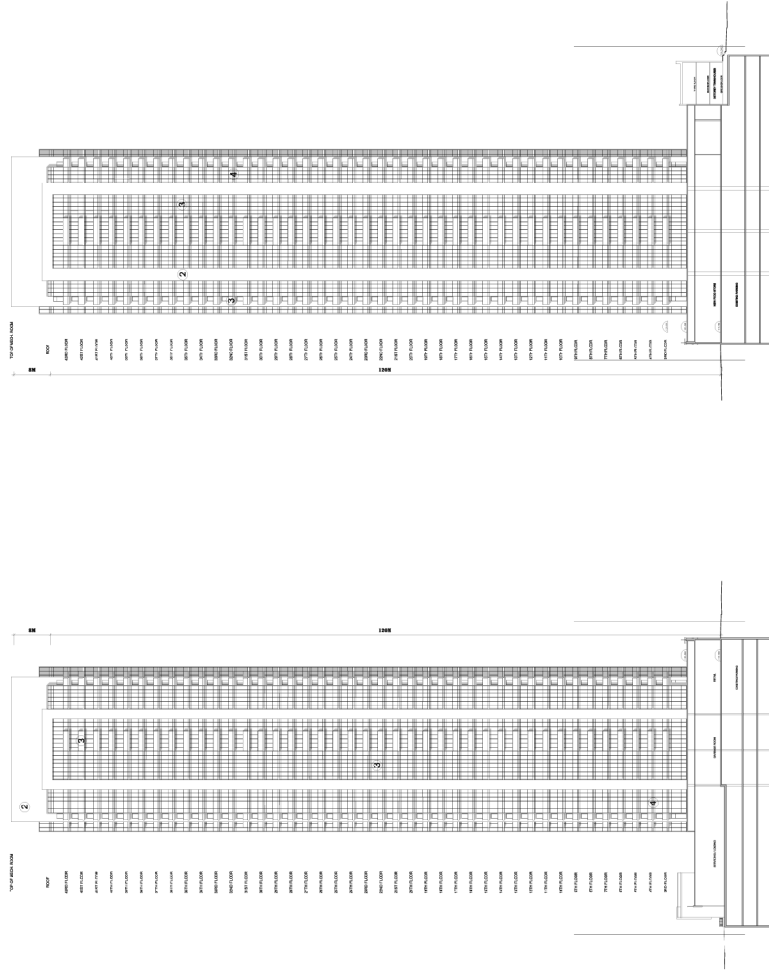
545-565 Sherbourne Street

Elevations
 Applicant's Submitted Drawing

Not to Scale
 09/12/2011

File # 08 231178 0Z

Attachment 4: North & South Elevations



North Elevation

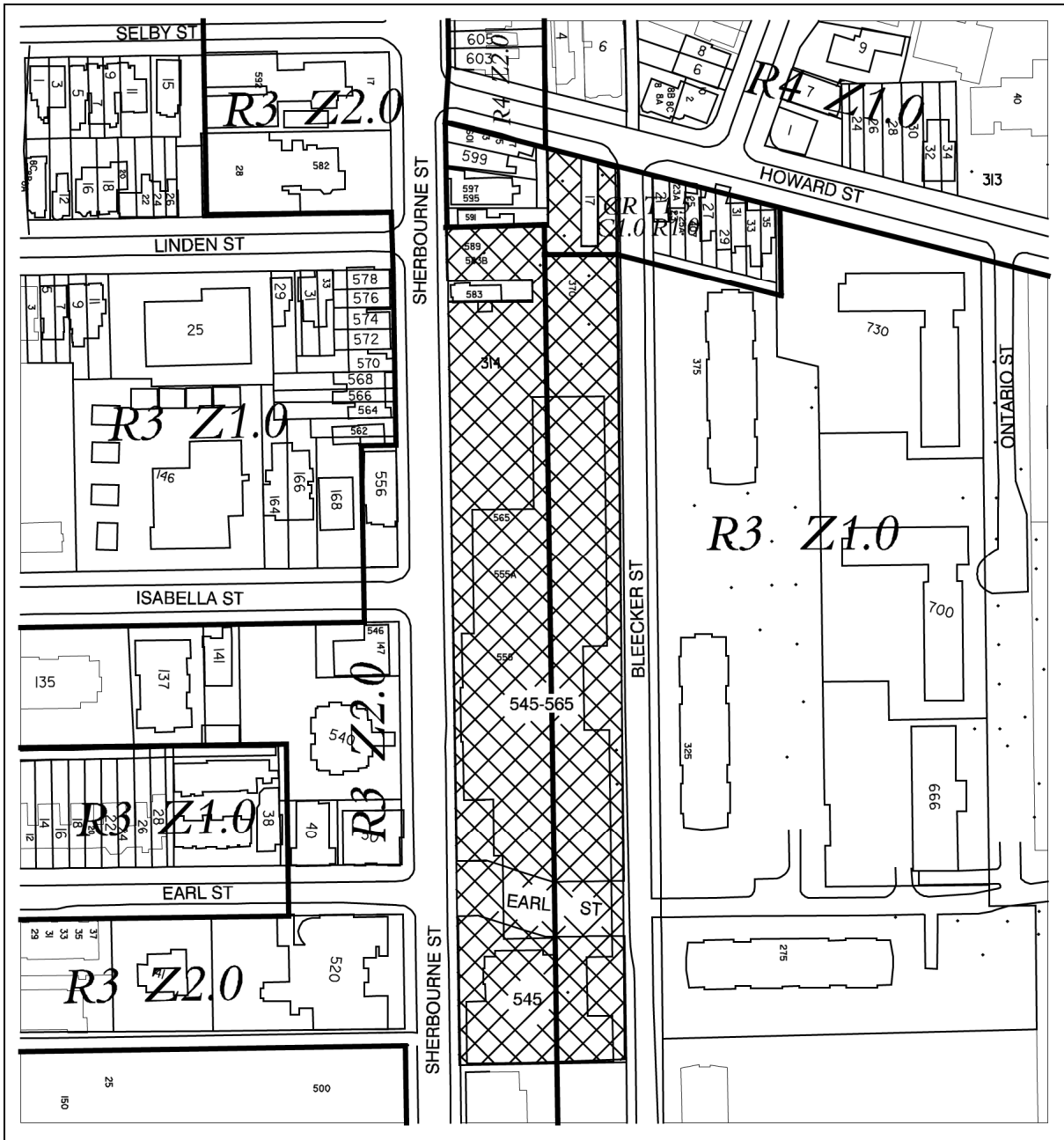
South Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
09/12/2011

545-565 Sherbourne Street

File # 08 231178 0Z

Attachment 5: Zoning



545 - 565 Sherbourne Street

File # 08_231178

- R3 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 15/09/11

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	08 231178 STE 28 OZ
Details	Rezoning, Standard	Application Date:	December 19, 2008
Municipal Address:	545-565 SHERBOURNE STREET		
Location Description:	PL D58 LTS 8 & 9 PT LTS 1, 2 & 3 PL E175 LTS A TO G & LANE RP63R324 PTS 1,2,3,5 TO 11 **GRID S2801		
Project Description:	Rezoning application on the whole of the lands for the redevelopment of existing one storey commercial ground floor with same, additional commercial street frontage development along Sherbourne Street, and the addition of an 43-storey apartment building with 409 additional units including 2 & 3-storey townhouse units along Bleecker Street. The podium over Earl Street and ten (10) rental units are to be demolished.		

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. 3 CHURCH ST SUITE 200 TORONTO, ON M5E 1M2		PAGE + STEELE INC. 95 ST. CLAIR W. SUITE 200 TORONTO, ON M4V 1N6	712953 ONTARIO LIMITED C/O MEDALLION PROPERTIES INC. 970 LAWRENCE AVE W SUITE 304 TORONTO, ON M6A 3B6

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R3 Z2.0 (West) & R3 Z1.0 (East)	Historical Status: N
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	18,923	Height:	Storeys:	43
Frontage (m):	279		Metres:	120
Depth (m):	61			
Total Ground Floor Area (sq. m):	7,935			Total
Total New Residential GFA (sq. m):	30,322		Parking Spaces:	924
Total Non-Residential GFA (sq. m):	5,236		Loading Docks	7
Total GFA (sq. m):	114,928			
Lot Coverage Ratio (%):	42			
Floor Space Index:	6.07			

DWELLING UNITS

Tenure Type:	New Rental
Rooms:	0
Bachelor:	8
1 Bedroom:	82
2 Bedroom:	246
3 + Bedroom:	73
Total Units:	409

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	114,928	0
Non-Residential GFA (sq. m):	4,750	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Angela Stea, Planner (astea@toronto.ca)
	TELEPHONE:	416-392-7215

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend ~ Zoning By-law 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 545, 555 and 565 Sherbourne Street, and to repeal By-laws 258-71, 693-80 and 1994-0612 of the former City of Toronto, and to repeal By-law 1044-2006 of the City of Toronto

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

WHEREAS 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 438-86 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provision of this By-law, provided that in the event the said agreement(s) require the provision of a facility, service or matter or the payment of any monetary contribution as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
3. The *owner* of the *lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *lot* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Sections 2(1) with respect to the definition of, *landscaped open space*, 4(2)(a), 4(5), 4(8), 4(12), 4(13)(a) and (c), 4(16), 6(1)(f)(b), 6(2)(8), 6(3) PART I (1), 6(3) PART II (2) to (5), 6(3) PART III (1) and (2), 12(1)232, 12(2)132, and 12(2)260 of Zoning By-law 438-86, of the former City of Toronto, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of an *apartment building* on the *lot*, subject to the following:
 - (a) the *lot* shall comprise the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) in addition to the uses permitted in Section 6(1)(f) of By-law 438-86, permitted uses shall also include one or more of the uses listed in Sections 8(1)(f)(b)(i), (ii), (iii), (iv), (v), (vi), (viii) and (ix) of By-law 438-86;
 - (c) a *commercial parking garage* shall be a permitted use, subject to Section 5(1)(iii) of this By-law;
 - (d) the total of the *residential gross floor area* and the *non-residential gross floor area* shall not exceed 114,950 square metres;

- (e) the total *residential gross floor area* shall not exceed 109,720 square metres;
- (f) the total *non-residential gross floor area* shall not exceed 5,250 square metres;
- (g) no portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend to a maximum of 1.0 metres beyond the heavy lines shown on Map 2;
 - (ii) balconies may extend a maximum of 1.5 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building;
- (h) the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (i) the maximum *height* for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment shall be the sum of 1.0 metres and the applicable height limit shown on Map 2;
- (i) a minimum of 4,048 square metres of *landscape open space* shall be provided on the *lot*.
- (j) indoor *residential amenity space* shall be provided on the *lot* as follows:
 - (i) Building A on the attached Map 2- a minimum of 200 square metres;
 - (ii) Building B on the attached Map 2 - a minimum of 250 square metres;
 - (iii) Building C on the attached Map 2 - a minimum of 223 square metres; and
 - (iv) Building D on the attached Map 2 - a minimum of 2 square metres per residential unit
- (k) a minimum of 3,280 square metres of outdoor *residential amenity space* shall be provided on the *lot*.
- (l) a minimum of 924 *parking spaces* shall be provided below grade on the *lot*, subject to the following:
 - (i) a minimum of 440 *parking spaces* shall be provided on Levels P1 and P2 for residents;
 - (ii) a minimum of 166 *parking spaces* shall be provided on Level P1 to serve residential visitors and the commercial uses on the *lot*;

- (iii) a maximum of 318 *parking spaces* on Level P3 may be used as a *commercial parking garage*;
 - (m) no more than the following number of parking spaces as provided per Condition (l) of this by-law shall be obstructed on the side of a parking space with any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe:
 - (i) 62 on Levels P1 and P2 may be obstructed; and
 - (ii) 73 on Level P3 may be obstructed.
 - (n) a minimum of 440 *bicycle parking spaces* shall be provided on the *lot* as follows:
 - (i) Building A,B and C – a minimum of 194 *bicycle parking spaces*; and
 - (ii) Building D – a minimum of 246 *bicycle parking spaces*.
 - (o) a minimum of 102 visitor *bicycle parking spaces* shall be provided on the *lot* as follows:
 - (i) a minimum of 40 visitor *bicycle parking spaces* at *grade*; and
 - (ii) a minimum of 62 visitor *bicycle parking spaces* on Level P1.
 - (p) *loading spaces* shall be provided on the *lot* as follows:
 - (i) a minimum of one *loading space* – type “A”.
 - (ii) a minimum of four *loading spaces* – type “B”.
 - (iii) a minimum of two *loading spaces* – type “G”.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) “*grade*” means 114.79 metres Canadian Geodetic Datum;
 - (b) “*height*” means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law;
 - (c) “*landscaped open space*” means open, unobstructed space, at grade, on a lot that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping which is a *public park*;
 - (d) “*lot*” means those lands outlined in Map 1 attached hereto;

7. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no consent, partition or division had occurred.
8. Section 15 of By-law 438-86 is amended with respect to the entry for 555 SHERBOURNE STREET by deleting the references to By-laws 258-85 and 94-0727.
9. By-laws 258-71, 693-80 and 1994-0612 of the former City of Toronto, and By-law 1044-2006 of the City of Toronto, are repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Appendix 1

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City, with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (1) the owner shall pay to the City a financial contribution of \$1,000,000 of which \$100,000 will be payable prior to the introduction of the Bills in City Council, and the remaining \$900,000 will be payable prior to the issuance of the first above-grade building permit for the development. Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law and the date of payment, and is to be paid as follows:
 - i. \$900,000 for the construction of a community pool at the Wellesley Community Centre and;
 - ii. \$100,000 for streetscape improvements on Bleecker Street or other public realm improvements as part of the future Community Improvement Plan for the St. James Town neighbourhood.
- (2) In lieu of a 1% Public Art contribution, provide an extension of the current lease with Art City in St. James Town, or other appropriate on-site space that is affordable, at a below-market rent rate of \$1,000.00 per month plus applicable HST, for a period of 20 years effective March 1, 2012 and with the ability to expand the premises in order to accommodate the increasing enrolment of children and youth in the future at a comparable below-market rental rate. If Art City and the Owner are unable to come to an agreement, the Owner agrees that it will make a contribution equal to one percent (1%) of the Gross Construction Costs of the Development to the City in accordance with the Public Art program to the satisfaction of the Chief Planner.
- (3) the owner shall maintain the 1,107 existing rental *dwelling units* in 545, 555 and 565 Sherbourne Street following the proposed demolition as rental housing for a minimum period of twenty (20) years commencing from the date of enactment of this by-law, and that no application will be made for a demolition permit or for purposes of condominium registration pursuant to the Condominium Act for these units during the 20 year period.
- (4) the owner shall provide and maintain not less than 11 new replacement rental *dwelling units* in the new residential tower *on the lot*, all of which are affordable rental *dwelling units* with rents no higher than the affordable rents, which units shall generally be of the same type and size as in the units proposed to be demolished and existing on the *lot* at the date of enactment of this by-law, to the

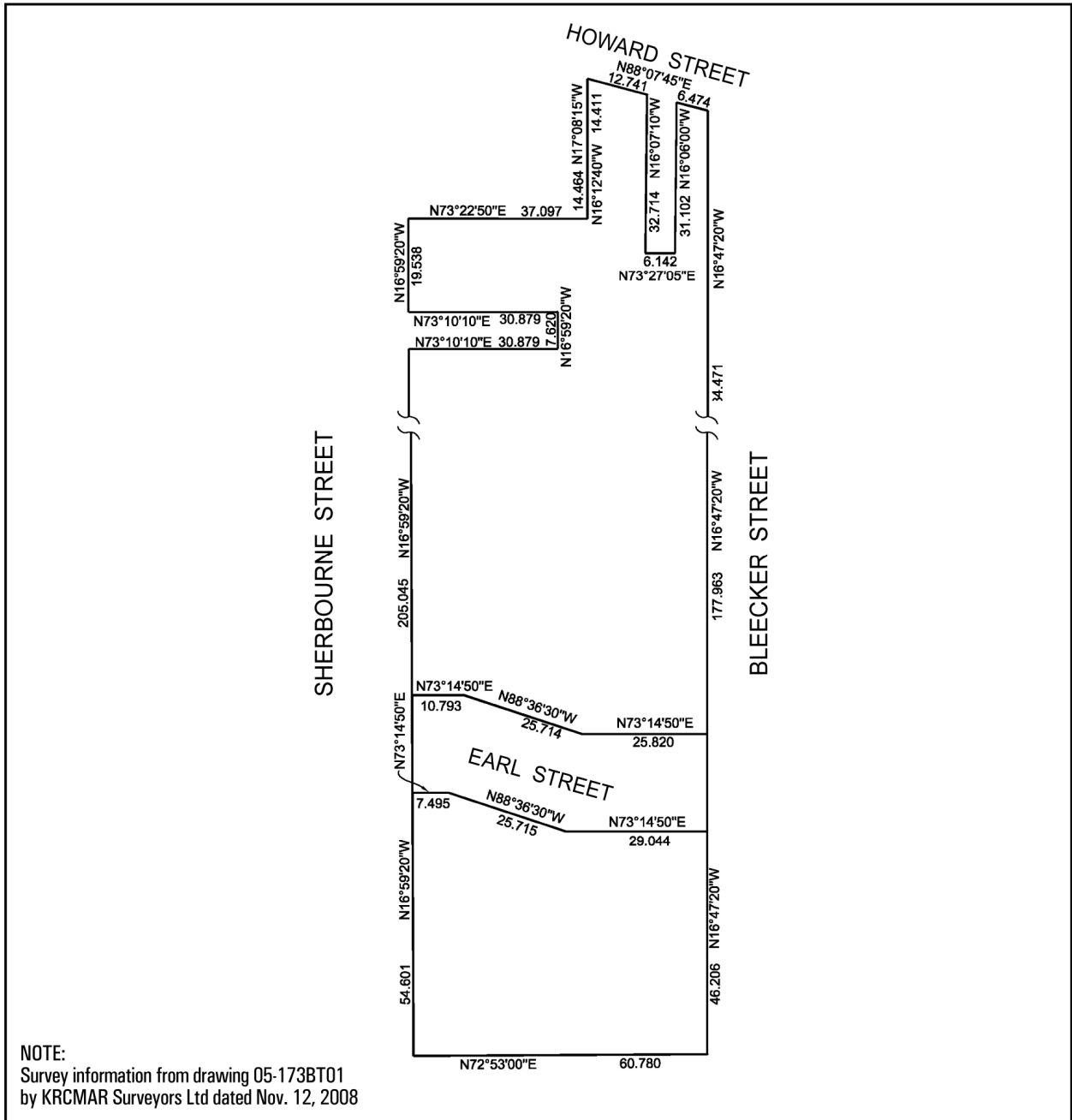
satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:

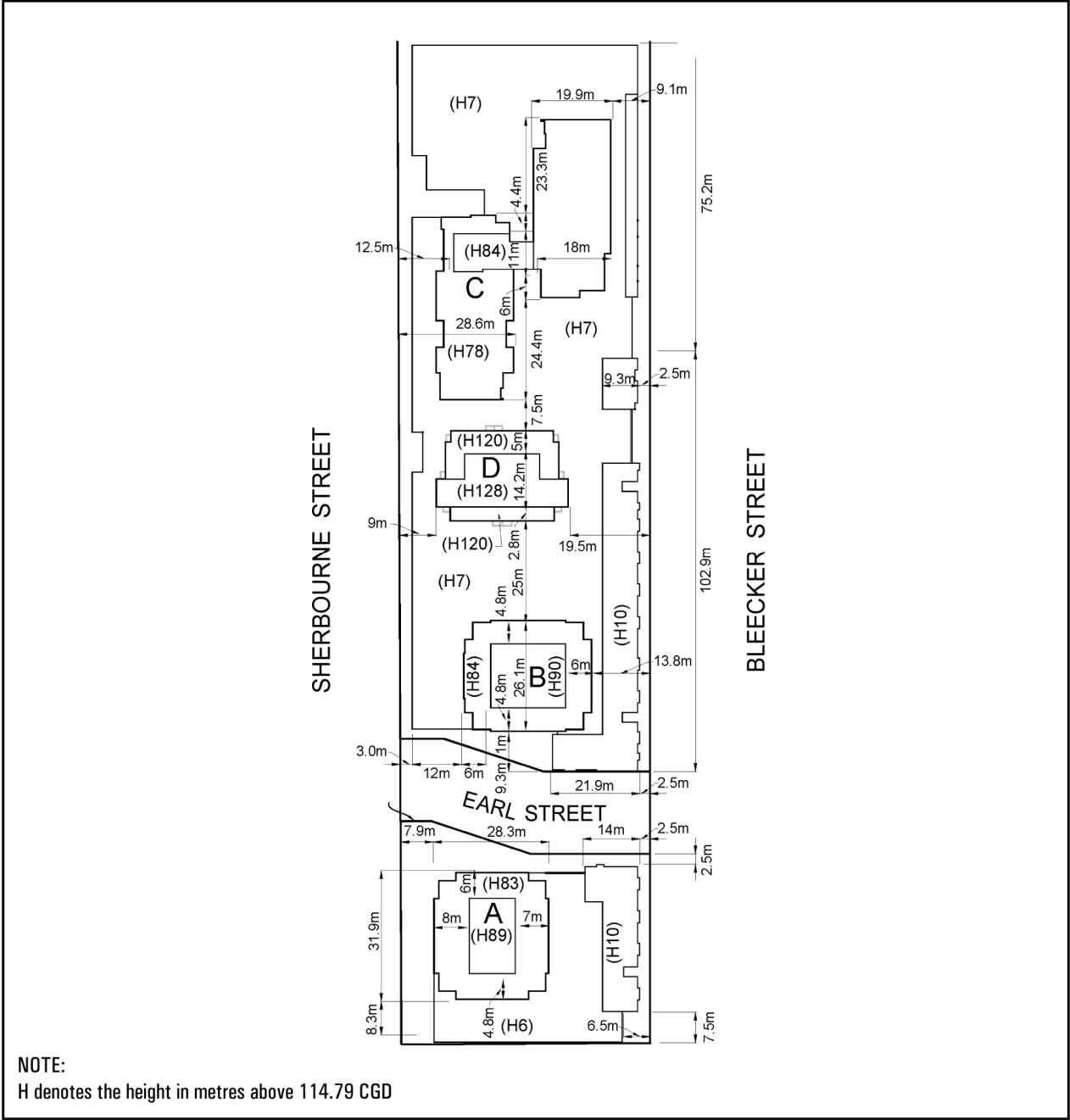
- (a) the 11 replacement rental dwelling, subject to modifications satisfactory to the Chief Planner, units shall comprise
 - 7 one-bedroom units (consisting of 44.59 square metres)
 - 3 two-bedroom units (consisting of a 65.31 square metres unit and 2 units at 56.30 square metres unit); and
 - 1 three-bedroom unit (of 83.24 square metres);and such units will continue to be provided access to the existing locker space allocated to the units to be demolished.
 - (b) the 11 replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units.
- (5) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 11 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.
 - (6) rents charged to tenants occupying a replacement rental *dwelling unit* at the end of the 10-year period set forth in (5) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (4(b)) with a phase-in period of a least three years for rent increases.
 - (7) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in (4) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.
 - (8) the owner shall provide and implement the Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each tenant in the 10 units to be demolished consistent with City terms and practices which include extended notice to vacate for demolition, a moving allowance and alternative

accommodation in the existing building, in addition to additional compensation for eligible tenants including the right to return to the same type and size of units at similar rents in the new residential tower with a return moving allowance.

- (9) prior to first occupancy of any *dwelling unit* in the new residential tower, the owner shall, at its sole expense and without pass through costs in rents to tenants in the existing buildings, complete the following improvements to the buildings at 545, 555 and 565 Sherbourne Street to the satisfaction of the Chief Planner:
- a) improved security for all existing buildings including access entry system throughout the complex for tenants and additional security cameras including underground garage and low pedestrian traffic areas;
 - b) better access to podium landscaped space for tenants only; existing podium to be modernized and benefit from secured access, additional landscaping, seating and barbeque area for residents;
 - c) Amenity rooms on P1 level of 545 and 555 Sherbourne to be programmed for residential usage with fitness room and multi-purpose room (kitchenettes to be provided). Approximately 200 square metres in each;
 - d) Amenity rooms on P1 level of 565 Sherbourne Street to be programmed for residential usage with fitness room and multi-purpose room (kitchenettes to be provided). Approximately 140 square metres;
 - e) New amenity space in 555 Sherbourne of approximately 50 square metres to be programmed as a resident lounge and have direct access to the podium level for the exclusive use of tenants; and
 - e) Secured podium access to podium landscaped space from south entrance on 545 Sherbourne Street.
- (10) the incorporation of no less than seventy-three (73) three-*bedroom* units in Building D on the attached Map 2 and townhouse units on the *lot*.
- (11) that no above grade building permit for Building D on attached Map 2 will be issued prior to the demolition of the podium over Earl Street.
- (12) The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in 2011 as 545, 555 and 565 Sherbourne Street one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.

- (13) maintains all the existing registered agreement on title to the lot with the City, pursuant to Section 37 of the *Planning Act*, which secured the following facilities, services and matters:
- (a) an art mural on the north façade of the ground floor retail building or provide and maintain exterior design, materials, and landscaping for the north façade and the roof of the portion of the building known municipally, in the year 2011 as 565 Sherbourne Street; and
 - (b) construct improvements to St. James Town West Park to the satisfaction of the General Manager of Parks, Forestry and Recreation; and
 - (c) provide a lease, which expires February 29, 2012 for Art City in St. James Town, or other non-profit arts organization, for 120 square metres of at-grade space within the property municipally known as 545 Sherbourne Street, at a monthly rate of \$1000 plus applicable Goods and Services Tax, to the satisfaction of the General Manager of Economic Development, Culture and Tourism, upon expiration, to be replaced with requirements of Condition (2) in Appendix 1.





NOTE:
 H denotes the height in metres above 114.79 CGD