

TORONTO STAFF REPORT

October 27, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Official Plan Amendment & Rezoning Application 03 200003 STE 27 OZ
Applicant: Horizon Legacy Infrastructure Corp.
Architects: Paul Reuber Incorporated and Stevens Burgess Architects Ltd.
50 & 56 Gerrard Street East and 380 Church Street
Ward 27, Toronto Centre-Rosedale

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law of the (former) City of Toronto to permit an 8 to 12 storey rental residential apartment building containing 190 units at 50 & 56 Gerrard Street East and 380 Church Street.

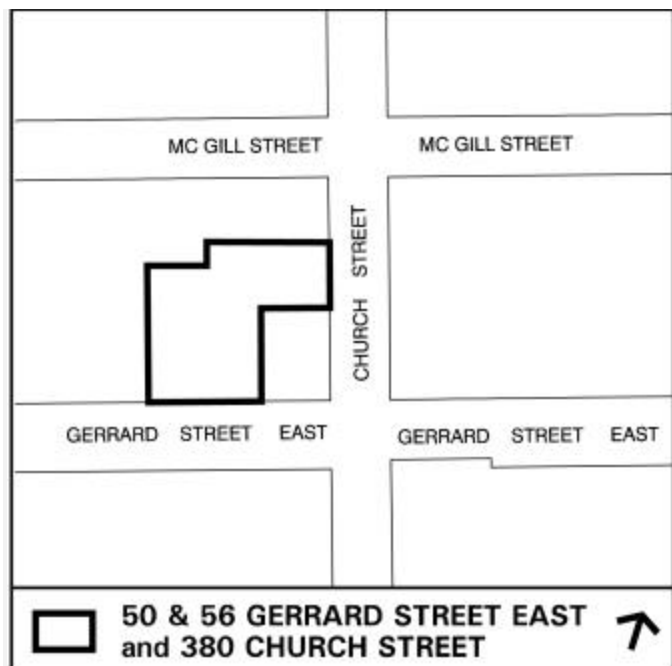
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) amend Zoning By-law 438-86, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) require that, before introducing the necessary Bills to City Council for enactment, the owner execute one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Commissioner of Urban Development Services and the City Solicitor and that such agreements be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
 - (a) a contribution of \$30,000.00 for Allan Gardens, prior the issuance of an above grade building permit for any development on the lot;
 - (b) provisions requiring the owner to, for a period of not less than 20 years, replace on the lot and secure as rental housing not less than 27 replacement rental units;
 - (c) provisions requiring the owner to maintain the 27 replacement rental units at affordable rents for a period of not less than 10 years;
 - (d) provision of a tenant relocation and assistance package;
 - (e) agreement not to erect third party advertising signage on the building's elevations at any time;
 - (f) submission of the following reports for review and acceptance by the Commissioner of Works and Emergency Services, prior to Site Plan Approval:
 - (i) a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
 - (ii) a Street Lighting Review to determine the adequacy of the existing street lighting, including the impact of relocating the light standard situated within the limits of the Church Street site access, and identify any improvements that may be required;
 - (g) provisions requiring the owner to pay for any improvements / upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements / upgrades are required to support the development, according to the reports identified in Recommendation 4(f) as reviewed and accepted by the Commissioner of Works and Emergency Services; and
 - (h) provisions requiring the owner to install, at their expense, an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and

Emergency Services when three or more trees are planted in a City right-of-way, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation;

- (5) require the owner to fully document the existing apartment building at 50 Gerrard Street East and submit such documentation to the satisfaction of the Manager, Heritage Preservation Services, prior to Site Plan Approval; and
- (6) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

Site History

Previous owners have proposed various redevelopment concepts for the site. In June 1981, City Council approved a mixed-use development consisting of a 20-storey building fronting Church Street and a 5-storey building fronting Gerrard Street East. The mixed-use development was never built and the site specific by-laws were subsequently repealed as part of the former City of Toronto's 1993 Official Plan review process.

Original Proposal

On December 11, 2003, Horizon Legacy Infrastructure Corp. submitted an application to construct a 314-unit rental residential apartment building with a 93-space underground commercial parking garage. The proposed residential unit size ranged from 23 to 40 square metres and consisted predominantly of bachelor units. A number of concerns with the proposal were identified in City Planning's Preliminary Report of February 2, 2004 and at community consultation meetings on March 25 and May 4, 2004.

Revised Proposal

On August 12, 2004, the applicant submitted a revised proposal in response to issues and concerns raised by the City and the community. The revised proposal is a 190-unit residential apartment building containing bachelor, one and two bedroom units, and underground parking. The commercial parking garage is no longer proposed.

The revised application maintains the originally proposed 12-storey building wing (35 metres) along Gerrard Street East and 8-storey building wing (24 metres) along Church Street with an 8-storey link (24 metres) between the two wings. Revisions, however, have been made to the proposed built form to improve sun / shade conditions and to complement adjacent heritage properties. Revisions have also been made to the proposal's outdoor amenity space and landscaping area on the northern portion of the site.

The site's proposed redevelopment involves the demolition of an existing 3-storey apartment building containing 27 affordable rental units at 50 Gerrard Street East and the removal of an existing surface commercial parking lot at 56 Gerrard Street East and 380 Church Street.

The proposal has a residential gross floor area of 12,468 square metres or 5.23 times the area of the lot. Please refer to Application Data Sheet in Attachment 1 for additional details on the proposal.

Site Description

The 'L' shaped site has frontage on the north side of Gerrard Street East and the west side of Church Street. The site consists of three properties municipally known as 50 and 56 Gerrard Street East and 380 Church Street.

A 3-storey apartment building (circa 1909) with 27 rental units is located at 50 Gerrard Street East. A surface commercial parking lot is operating at 56 Gerrard Street East and 380 Church Street.

Surrounding land uses include:

North: low scale residential and commercial uses, including heritage buildings along McGill Street;

West: Ryerson University's Theatre School in the Ontario College of Pharmacy building (1885, listed in the Toronto Inventory of Heritage Properties) at 46 Gerrard Street East, and a mix of residential and non-residential uses including a 34-storey apartment building at 40 Gerrard Street East toward Yonge Street;

East: Georgian row houses (1855, listed in the Toronto Inventory of Heritage Properties) at the northwest corner of Gerrard Street East and Church Street, and a mix of commercial, institutional and residential uses east of Church Street; and

South: Ryerson University's Kerr Hall Quad across Gerrard Street East.

Provincial Policy Framework

Section 2(j) of the *Planning Act* directs that municipalities have regard to the adequate provision of a full range of housing. The Provincial Policy Statement directs that all planning jurisdictions provide for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by a variety of means. Both rental and affordable rental housing are required to meet the needs of many existing and future residents of the City of Toronto.

Metropolitan Toronto Official Plan

The site is located in the Central Area; the pre-eminent Centre designated in Metroplan.

Metroplan includes policies to preserve and increase the supply of affordable and rental housing. Policies direct that Council shall encourage increasing the supply of housing to achieve the Plan's housing targets in a manner consistent with the efficient utilization of land and the optimizing of infrastructure. Metroplan also encourages investment in new private rental housing and the preservation and maintenance of existing rental housing.

Former City of Toronto Official Plan

The site is designated Low Density Mixed Commercial Residential Areas in the (former) City of Toronto Official Plan. This designation permits a building having a total gross floor area of 3.0 times the area of the lot. The policies encourage a low-rise built form generally in the range of 3 to 5 storeys.

The site is also located within the McGill-Granby Area of Special Identity, which includes lands south of Carlton Street and north of Gerrard Street East between Yonge and Jarvis Streets. This Area of Special Identity seeks to ensure that new buildings fit within their context and minimize potential impacts on existing house-form buildings in the area.

The in-force housing policy framework seeks to preserve existing rental housing and make gains in the supply of affordable rental housing.

New Toronto Official Plan

At its meeting of November 26-28, 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The next prehearing has been scheduled for December 7, 2004. No hearing date has been set.

Once the Plan comes into force and effect it will designate the site as Mixed Use Area, which permits a range of residential, commercial and institutional uses. This designation's policies include development criteria for ensuring a new building's built form and massing provide a transition to lower scale areas and minimize potential shadow impacts on adjacent neighbourhoods. The proposal has been reviewed for compliance with these criteria.

The McGill-Granby Area of Special Identity was brought forward as Policy 151 in Chapter Seven of the new Official Plan. Policies encourage preservation of house-form buildings in the McGill-Granby Area, the development of new housing in Mixed Use Areas, and minimizing impacts from new buildings in the Mixed Use Areas on house-form buildings.

The new Plan also encourages a full range of housing, in terms of form, tenure, and affordability across the City, and seeks to maintain and replenish housing stock. Replacing rental housing units, particularly those which are deemed affordable, is in the public interest and must be replaced with comparable type and size of rental units, as well as similar rents

charged at the time of application. Policies also require an acceptable tenant relocation and assistance plan.

The proposal conforms to the intent of the new Plan and modification to the new Plan will not be required.

Zoning

The site is zoned CR T3.0 C2.0 R3.0 by Zoning By-law 438-86, as amended, of the (former) City of Toronto, which permits a mix of commercial and residential uses to a total density of 3.0 times the area of the lot. The height limit is 18.0 metres. Along this portion of Church Street the By-law requires a building to be within a 44 degree angular plane projected over the lot from an elevation of 16 metres in order to minimize shadow impacts on the adjacent public realm (street and sidewalk).

Site Plan Control

A Site Plan Control application has been submitted concurrently with the Official Plan and Zoning By-law amendment application. The Site Plan Approval process will be finalized subsequent to City Council's consideration of this report.

Reasons for the Application

Amendments to the Official Plan and Zoning By-law are required as the proposed residential density of 5.23 times the area of the lot exceeds the maximum density of 3.0 times the area of the lot permitted in a Low Density Commercial Residential Area and in a 'CR' zoning district.

The proposal's height of 35.0 metres plus mechanical penthouse exceeds the maximum permitted height of 18.0 metres. As well, the proposal does not meet certain by-law standards including average unit size, location of indoor residential amenity space, driveway arrangement, angular plane setback, percentage of vertical bicycle parking spaces, building setback from Church Street, and number of occupant and visitor parking spaces.

Community Consultation

A community consultation meeting on the original 314-unit proposal was held on March 25, 2004. Approximately 50 members of the public attended the meeting. Concerns expressed at the meeting included the proposal's height, number of units, unit type and mix, type of building (i.e. student-style residence), building setbacks, landscaped and amenity area, shadow impacts, parking and implications for existing tenants at 50 Gerrard Street East.

At the request of the Ward Councillor and local residents a further community consultation meeting was held on May 4, 2004. Approximately 30 members of the public attended the meeting. The applicant presented a number of revisions to the proposal's built form in response to issues and concerns raised at the first meeting and in the City's Preliminary

Report. In general, comments were similar to the feedback received at the March 25th meeting with the exception of potential shadow concerns, which were largely addressed by the built form revisions.

A third community consultation meeting was held on September 22, 2004, to present the applicant's revised 190-unit proposal. Approximately 25 members of the public attended the meeting. The revised unit mix consisting of studio, one and two bedroom units was well received by those in attendance, although concerns were still expressed regarding the potential for a student-style residence. Other concerns included tenant and visitor parking, potential for third party signage on the building and lack of a green roof on the proposed building.

City Planning also received written comments after each community consultation meeting including comments from the McGill-Granby Village Residents' Association.

Comments and concerns identified through the community consultation process and City Planning's Preliminary Report are addressed in this report.

Agency Circulation

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

Comments:

Land Use

Official Plan policies encourage new housing, residential intensification and infill development. The applicant proposes to redevelop the site with a 190-unit apartment building - providing a net gain of 163 residential rental units. Generally, the location close to Yonge Street is well-served by transit, retail and services.

The Low Density Commercial Residential Area policies in the (former) City of Toronto Official Plan provide for a mix of uses in a low-rise form, generally within the range of 3 to 5 storeys. Accordingly, the Official Plan and Zoning By-law permit a density of 3.0 times the area of the lot. Amendments are required, as the proposal is 8 to 12 storeys with a density of 5.23 times the area of the lot. As discussed in the following sections of this report, the additional storeys and density above the as-of-right permission are effectively organized through the proposal's massing which responds to the surrounding built form and minimizes potentially negative impacts on the adjacent residential properties. The proposal provides a balanced approach to the site's redevelopment and is consistent with the overall policy objectives of the Official Plan.

Built Form

The proposal provides a 12-storey building wing on Gerrard Street East and an 8-storey building wing on Church Street. An 8-storey link connects the two building wings. The proposal's built form has been refined in response to feedback from the City.

Appropriate upper level setbacks have been incorporated in the proposal. The 8-storey building wing is stepped back 2.0 metres at the 4th storey and a further 1.5 metres at the 7th storey. The 12-storey building wing has a 2.0 metre setback at the 4th storey and a further 1.5 metre setback at the 10th storey. As well, the westerly portion of the 12-storey building wing is set back 3.5 metres from Gerrard Street East in recognition of the abutting heritage property. These measures assist in relating the proposed built form to abutting buildings on Gerrard Street East and Church Street, and in creating an appropriate building / street relationship.

In recognition of the lower scale buildings to the north along McGill Street and Church Street, the applicant has reduced the building depth and scaled back the 7th and 8th storey floors at the northwest corner of the 8-storey building wing. The depth of 8-storey link has also been reduced. These revisions have increased the separation distance between the proposed building and residential properties to the north, reduced the potential of overlook / privacy impacts and minimized shadow impacts.

The proposed built form is appropriate for the area. Its massing is organized to strengthen the site's relationship to Gerrard Street East and Church Street, and is not incompatible with the varying built forms between Gerrard Street East and the McGill Granby residential neighbourhood to the north.

(a) Proposal's Relationship to Abutting Residential Properties

In addition to shadow concerns discussed below, residents in the townhouses abutting the site to the north expressed concerns regarding future access to the rear of their properties as well as potential privacy impacts from the development.

Currently residents in these townhouses, which front McGill Street, have informal access to the rear of their properties through the surface parking lot on the site. With the proposed removal of the surface parking lot, some residents expressed concerns about future access. These residents and the applicant have discussed maintaining the informal access arrangement as part of the site's redevelopment. To this end the revised site plan drawing shows a walkway providing pedestrian access from the service driveway through the proposed landscaped buffer to the rear property line of the townhouses. A gated fence is proposed around the landscaped buffer to help secure the area.

With respect to potential privacy impacts, the proposed site plan includes a 3.5 – 6.0 metre wide landscaped buffer along the northern portion of the site adjacent to the rear lot line of the townhouses. As well, outdoor amenity space in the form of an oval garden (a hard

landscaped passive sitting area) and a smaller terrace are proposed between the proposed building and townhouse properties.

In addition, the proposal's building footprint is pulled back further from the residential properties than would be required for an as-of-right development. The proposed 12-storey building wing along Gerrard Street East is set back 25 metres from the rear lot line of the townhouses compared to the 11 metre setback of the existing 3-storey apartment building on the site. The 8-storey building wing's footprint on Church Street is set back 5.5 metres from the closest townhouse property. The 8-storey link between the two building wings is 12.5 metres from the townhouse properties.

Furthermore, the application does not propose balconies for individual units or roof top amenity space.

City Planning staff are satisfied that the landscaped buffer and outdoor amenity space ensure appropriate separation distances from the adjacent townhouses and sufficient recreational opportunities for the building's future residents. As well, the proposed building setbacks coupled with the lack of balconies and rooftop amenity space should minimize any potential privacy impacts.

(b) Proposal's Relationship to Abutting Heritage Properties

The site is located between Ryerson University's Theatre School in the former Ontario College of Pharmacy building at 46 Gerrard Street East and Georgian row houses at the northwest corner of Gerrard Street East and Church Street. These properties are listed on the Toronto Inventory of Heritage Properties. The applicant's submission included a heritage analysis prepared by a qualified heritage consultant in support of the proposal's built form. The analysis indicated, in part, that the setbacks, height and resulting massing of the proposal's lower 3-storey portions fronting Gerrard Street East and Church Street are in keeping with the scale of the adjacent heritage buildings.

Heritage Preservation Services staff reviewed the original submission and provided feedback to the applicant's development team. In response, the revised August 12th proposal increased the building setback above the 3-storey portions to 2.0 metres and further refined the treatment of the Gerrard and Church elevations. Heritage Preservation Services staff have reviewed the revisions and are satisfied with the revised proposal's built form relationship to the adjacent heritage buildings.

The owner is required to fully document the existing apartment building (circa 1909) at 50 Gerrard Street East to the satisfaction of Heritage Preservation Services, prior to the Site Plan Approval.

Shadow Impacts

At the request of City, the applicant submitted a comparative study of the shadows generated by the proposal and those generated by an as-of-right development. Review of the shadow

drawings for June 21st indicate that in the morning the proposal generates less of a shadow impact on the residential townhouses to the north than an as-of-right development scheme consisting of 6-storeys on the site's Church and Gerrard frontages. The proposal's shadows meet the intent of the policies in the McGill Granby Study (1980), which proposed that shadows from new buildings should not impact a residential yard or roof deck for the majority of the day during the summer period (June 21).

At other times of the year, the proposal's impact beyond the as-of-right permissions has been minimized. The projected shadows fall on the rear ground floor windows of the residential townhouses to the north at 10:00 a.m. (March 21), move off the majority of the townhouses by 10:30 a.m. and are completely off by 11:00 a.m. This is achieved through the proposed building stepbacks and by varying the building mass on certain portions of the proposal.

The shadow study was presented at the second community consultation meeting on May 4, 2004. The study's findings addressed a number of the residents' concerns with the proposal's potential impacts.

The applicant's study also demonstrates that the sun / shadow condition on the east side of Church Street is comparable between an as-of-right development and the proposal despite the intrusion of the proposal's 8th storey into the angular plane setback.

Unit Mix and Average Unit Size

The original 314-unit proposal contained 279 bachelors and 35 one-bedroom units. Unit sizes ranged from 23 to 40 square metres; whereas, the Zoning By-law 438-86, as amended, requires an average unit size of 50 square metres. The average unit size and the lack of unit mix were identified as issues in City Planning's Preliminary Report. Similar concerns were raised by area residents at community consultation meetings on March 25 and May 4, 2004.

To provide the applicant with direction on addressing these issues, City Planning staff canvassed 15 recent residential development applications in the vicinity of the site. Two were designed as residential rental projects. The projects were reviewed for unit type, size and mix.

City Planning's review found that the 15 projects provided a range of unit size and mix of unit types. There did not appear to be a significant difference between the market condominium projects and the rental projects reviewed with respect to each project's ability to provide a variety of unit sizes and mix of unit types.

In response to this feedback, the applicant has made substantial changes to the proposal's unit count, unit mix and average unit size. The overall unit count has been reduced from 314 units to 190 units. Unit types were revised to include additional one-bedroom units and to incorporate two-bedroom units. The revised unit mix is: 56 bachelor (29%), 96 one-bedroom units (51%) and 38 two-bedroom units (20%). As a result of these changes, the proposal's average unit size is 47 square metres. These revisions address the issues raised in City Planning's Preliminary Report.

Building Use

The proposal is for a rental residential apartment building. Key building components such as indoor and outdoor amenity space, landscaped open space and bicycle parking are provided. During the community consultation process area residents expressed concerns about the potential of the apartment building becoming a student-style residence.

The site's proximity to Ryerson University will make it an attractive housing option for students. With the above-noted improvements to the mix of unit types and average unit size, however, the revised proposal offers a range of housing options suitable and attractive to a variety of tenants. This is consistent with Official Plan policies.

Indoor Amenity Space

The proposal's indoor amenity space meets the requirements of Zoning By-law 438-86, as amended. While the by-law requires indoor space to be provided in continuous rooms, the proposal's indoor amenity space is divided between the ground floors of the building wings along Church Street and Gerrard Street East. The proposed locations are satisfactory.

Third Party Advertising Signage

During the community consultation process, residents expressed concerns about the potential of third party advertising signage on the building's elevations and related impact on the residential amenity of the neighbourhood. While the City's Sign By-law does not permit third party signage on the property, the owner can submit a sign by-law variance application seeking Council's approval for signage.

This report recommends that the appropriate provisions restricting third party advertising signage on the building's elevations at any time be secured in the Section 37 Agreement to be executed by the owner and registered on title.

Other Community Concerns

At the community meetings and in correspondence the McGill - Granby Village Residents' Association has noted that a branch of Taddle Creek, commonly known as Rainbow Creek, runs in the immediate area. The Association is concerned that the development could alter existing groundwater patterns, potentially causing damage to adjacent properties. As part of the City's building permit application process Building staff will review the applicant's plans and supporting reports to ensure the proposed construction does not negatively impact neighbouring buildings or structures. Building staff have been advised of this specific concern regarding subsurface watercourses.

The owner of the listed Georgian row houses at the northwest corner of Gerrard Street East and Church Street raised concerns about the proposal's setback from the street as well as his property. The proposal footprint flush with the property lines along the Church and Gerrard frontages provides a strong site / street interface. This is encouraged in an urban setting.

Urban Design and Heritage Preservation Services are satisfied with the building relationship. The proposal also complies with the by-law requirements for setbacks from the mutual property lines.

At the September 22nd community meeting the potential of a green roof for the proposal was raised. The applicant's development team has explored the possibility of a green roof on the 8-storey building wing fronting Church Street. While a green roof is technically feasible, implementation costs need to be weighted against other City requirements. In this case the intent of ensuring new development incorporates green elements into its design is, in part, addressed through the provision of the 3.5 – 6.0 wide landscaped buffer containing 20 new tree plantings and associated shrubs and ground cover. While a green roof is encouraged, it is not a requirement.

Traffic Impact

Works and Emergency Services (Transportation Services) and Urban Development Services (Transportation Planning) have reviewed the submitted Transportation Impact Study and are satisfied with the study's conclusion that the site-generated traffic can be accommodated by the area road network.

Vehicular Access

Zoning By-law 438-86, as amended, requires a circular driveway servicing an entrance for residential buildings greater than 2,800 square metres. Vehicular access to the proposal's underground parking garage is provided via a two-way ramp off Church Street. A service driveway off Gerrard Street East provides access to the proposal's loading space and short term parking space. Works and Emergency Services (Transportation Services) is satisfied with the proposed access arrangement.

Tenant Parking Supply

The proposal's parking supply was raised as a concern during the community consultation process. The original application included a 93-space commercial parking garage and no dedicated tenant parking spaces. The commercial parking garage was removed in response to concerns raised by the City.

The revised proposal provides 38 residential tenant-parking spaces in an underground parking garage accessed from Church Street and an at-grade short term parking space. This is less than the Zoning By-law requirement for a minimum of 93 parking spaces.

In support of the proposed parking supply, the applicant's transportation consultant submitted a Transportation Impact Study (TIS). The TIS references parking demand data collected as part of the City's Study of Tenant Parking Demand in Conventional Rental Apartment Buildings (October 2003). In particular, the average vehicle ownership rates for rental apartments in the Kings Area, which were found to be 0.05 vehicles per unit for

bachelor units, 0.3 vehicles per one-bedroom units and 0.72 vehicles per two-bedroom unit, are cited as a basis for comparison.

These average vehicle ownership rates applied to the proposal's unit mix result in a residential tenant parking requirement of 59 parking spaces.

Works and Emergency Services (Transportation Services) has agreed to the surveyed vehicle ownership rates as a basis for determining the proposal's parking requirements. Accordingly, the draft Zoning By-law in Attachment 8 incorporates these parking ratios.

The draft By-law also requires a minimum of 57 parking spaces on the site. The applicant has agreed to this minimum requirement. Revised plans will be submitted as part of the Site Plan Approval process.

Visitor Parking

The proposal does not provide any on-site visitor parking. This is less than the Zoning By-law requirement for a minimum of 11 visitor spaces.

A survey of nearby commercial parking facilities located within the area bounded by Yonge Street, Jarvis Street, Carlton Street and Dundas Street East was undertaken by the applicant's transportation consultant on March 4, 2004. In total, 10 commercial parking facilities containing 1362 parking spaces were surveyed between the hours of 10:00 a.m. to 12:00 p.m., which generally coincides with the peak demand for commercial parking. During the period surveyed, a total of 247 vacant commercial parking spaces were observed. The applicant's TIS concludes that the visitor parking demand generated by the proposal coupled with the demand created by the removal of the existing surface commercial parking lot on the site can be accommodated off-site at nearby commercial parking facilities. Works and Emergency Services (Transportation Services) has agreed with the TIS's conclusions. No on-site visitor parking will be required.

Alternative Modes of Transportation

The Official Plan encourages development at locations well-served by a full range of transportation options so as to reduce reliance on the private automobile. The site is in close proximity to public transit operations (both surface routes and the subway system) and its location in the downtown provides convenient walking opportunities to a range of destinations.

As well, the proposal's supply of resident and visitor bicycle parking spaces meets the requirements of Zoning By-law 438-86, as amended. Bicycle parking will be provided in convenient locations in the proposed building.

Municipal Infrastructure

The applicant's submission included a stormwater management report. Works and Emergency Services has reviewed the report and advise that it adequately addresses the

amount of stormwater that will be permitted to be discharged to the City's system. A further report providing details on quantity control will be required prior to the issuance of a building permit.

Works and Emergency Services advise that existing water and sanitary sewer systems are available to service the proposed development. The applicant will be required to submit a site servicing review to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development. The assessment will demonstrate how the site can be serviced and whether the existing municipal infrastructure is adequate or upgrades are required to support the development. The cost of any municipal service upgrades required to support the development will be borne by the applicant.

Works and Emergency Services advise that the City is prepared to provide the collection of garbage and recyclable materials generated by the development. This is conditional on the provision of a Type G loading space and adequate storage and collection facilities. The proposal includes a loading space and facilities. Appropriate conditions will be secured through the Site Plan Approval process.

Finally, the applicant is required to retain a qualified lighting consultant to evaluate the adequacy of the existing street lighting to accommodate the proposed land use. Any improvements to the existing street lighting, or relocation of existing light standards, required for the development will be paid for by the applicant.

Tree Removal, Planting and Irrigation

The applicant's submission included an Arborist Report providing an inventory of existing trees. The report indicates that excavation for the development will require removal of the private trees on site including trees along the mutual property line with 46 Gerrard Street East. Urban Forestry Services advise that 8 privately owned trees, inventoried as Tree Nos. 6, 7, 8, 9, 11, 13, 14 and 16, qualify for protection under the former City of Toronto Municipal Code. A separate approval process will be required for the trees identified for removal. This process should be done in conjunction with the on-going Site Plan Approval process.

As part of the site's redevelopment, the applicant is proposing 20 tree plantings plus assorted shrubs and ground cover in the landscaped buffer along the northern property line and 4 new tree plantings in the adjacent right-of-way on Gerrard Street East. Installation of an irrigation system for three or more tree plantings in a City right-of-way will be secured in the development's Section 37 Agreement. A tree planting security deposit for the new plantings in the right-of-way will be secured as part of the Site Plan Approval process. City staff will ensure that the maximum number of full shade canopy trees will be provided at this location.

Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Discussions

with the applicant and the Ward Councillor have led to a commitment to provide a public benefit in the form of a \$30,000.00 contribution towards Allan Gardens. Directing the contribution towards Allan Gardens, which is in the vicinity of the site, will ensure future residents of the development as well as local residents receive the benefit provided by the development. Parks staff have been consulted and support the contribution towards Allan Gardens. A Section 37 Agreement will be signed and registered on title to secure the public benefit.

The Section 37 Agreement will also be used as the tool to secure:

- (a) the replacement rental housing and tenant assistance package, necessary components for the implementation of the relevant Official Plan policies (discussed further below);
- (b) site servicing and street lighting assessments and the costs of upgrades, if required;
- (c) a prohibition on third party signage on the building's elevations at any time; and
- (d) an irrigation system for three or more tree plantings in a City right-of-way.

Housing Issues

- (a) Preservation of Rental Housing

Protection of rental units and in particular affordable rental units is a high priority for the City of Toronto as outlined in the Metropolitan Toronto Official Plan, the in-force former City of Toronto Official Plan and the new Toronto Official Plan. These Official Plan policies equip the City to meet the requirements under the *Planning Act* to provide a full range of housing types to meet the needs of current and future residents of the City of Toronto.

The existing apartment building at 50 Gerrard Street East contains 27 rental units, of which 17 were occupied at the time of this application, and all of which had affordable rents. The new Official Plan defines affordable rents as those renting for no more than the Canada Mortgage and Housing Corporation's (CMHC) average market rent by unit type as reported in the most recent annual survey. The unit mix in the existing building consists of 12 bachelor units, 12 one-bedroom units and 3 two-bedroom units.

If Council approves the applicant's proposal for redevelopment of the site, the proposal for rental replacement and tenant relocation and assistance, as set out in the draft Official Plan and Zoning By-law Amendments in Attachments 7 and 8, will meet the intent of both the City's in-force and new Official Plans.

The applicant is required to enter into a Section 37 Agreement, prior to the introduction of the Bills to Council for enactment, to secure rental replacement and the tenant relocation and assistance package.

(b) Replacement of Rental Units

The applicant has agreed to replace all 27 existing rental units in the existing apartment building by providing 27 rental units with a comparable unit mix in the new development on the site.

The 27 replacement rental units will remain as rental for a minimum of 20 years, during which time no application for condominium registration or demolition may be made. The sole exception is the right to apply for condominium registration if there is a change in the City's new Multiple Residential Property Class rate for property taxes, such that the owner would be paying higher taxes than if the property were registered as a condominium.

The 27 replacement rental units will be ready and available for occupancy before or at the same time as the balance of the building's units.

(c) Replacement of Affordable Rental Housing

The 27 replacement rental units will have rents no greater than the CMHC average market rents by unit type as of October 2003, adjusted upwards to reflect a four percent adjustment for capital improvements and the annual provincial guideline rent increases that will accrue until the new units are occupied. The initial rents paid by returning tenants will be lower, as they are based on their actual rent payment in December 2003 adjusted upwards as noted above.

These 27 replacement rental units will remain affordable for at least the first ten years, even if a new tenant moves in during the initial ten years. Instead of increasing upon vacancy (vacancy de-control), a new tenant will pay no more than the affordable rent limit that year, which is based on the CMHC average market rent by unit type. Rent increases for all tenants during the first ten years would be limited by the annual amount of the provincial guideline rent increase.

Tenants occupying a unit at the end of the tenth year would continue to have restrictions placed on the amount of allowable rent increases. However, the rent for new tenants commencing in the eleventh year will not be affected by any requirements under the Section 37 Agreement.

(d) Assistance for Tenants

The Tenant Protection Act (TPA) requires landlords to compensate tenants forced to vacate because of demolition of their rental unit. Landlords must also provide 120 days notice before the tenant is required to move, and tenants are permitted to leave at any time after the first 10 days in order to facilitate them securing alternative accommodation. Financial compensation equal to 3 months rent must be provided, or, alternative accommodation acceptable to the tenant must be provided. The City requires landlords to provide the 3

months rent at the time the notice is served, unless alternative accommodation at the option of the tenant is being accepted.

The City also requires that extra assistance and notification beyond the TPA requirements be provided to lessen the hardship for the tenants being dislocated.

The applicant has proposed to provide additional financial assistance to eligible tenants at the time of move out for demolition. Such assistance will help to cover, among other matters, moving-related costs and higher rental payments for the accommodation tenants move into after demolition. Tenants with special needs and seniors will receive extra assistance.

Eligible tenants are those who occupied their units at the time of the application in December 2003. Tenants moving in after that date have been advised in writing of the proposed demolition, and though they will be offered the opportunity to return to a replacement unit, they will not receive the same level of assistance as the eligible tenants described above.

All tenants will receive an extended notice period of 180 days (6 months) prior to demolition.

Eligible tenants will have right of first refusal to take up one of the replacement rental units, based on seniority. Each rent will be based on the tenant's existing rent at the time of application with adjustments upward to reflect capital improvements and annual provincial guideline rent increases.

(e) Tenant Meeting

Tenants of 50 Gerrard Street East have attended the community consultation meetings, asked questions regarding their tenancy and spoken with City Planning staff. A further meeting on rental replacement and the tenant relocation and assistance package has been scheduled for November 8, 2004.

(f) Summary: Assessment of proposal to respond to housing issues

The applicant's proposal ensures the provision of replacement affordable rental housing. The mix of units will permit all tenants who so wish to return to a comparable unit at similar rents. The tenant assistance plan, including the extended notice before demolition is appropriate, and in combination with the other provisions will help to lessen the negative impacts of redevelopment.

Conclusions:

The proposal provides new housing for the neighbourhood and is consistent with the City's planning objectives. The proposal's massing is compatible with the area, minimizes impacts on adjacent residential uses and strengthens the site / street relationship. In doing so the proposal represents an appropriate level of residential intensification for this site.

In accordance with the City's policies and practices, the applicant has agreed to fully replace and secure 27 affordable rental units existing at 50 Gerrard Street East in the new development on the site, the right for tenants to return to a replacement unit and the provision of assistance to the tenants to lessen the hardship of dislocation. The applicant has also agreed to a public benefit contribution towards Allan Gardens under Section 37 of the *Planning Act*.

For the reasons stated above it is recommended that the draft Official Plan and Zoning By-law Amendments be approved and that a Section 37 Agreement as described in this report be executed prior to the introduction of the Bills to Council.

Contact:

Corwin L. Cambray, Planner
Ph: (416) 392-0459
Fax: (416) 392-1330
Email: ccambra@toronto.ca

Ted Tyndorf
Director, Community Planning, South District

28819662026.doc

List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: North and South Elevations
- Attachment 4: East and West Elevations
- Attachment 5: Official Plan Map Extract
- Attachment 6: Zoning Map Map Extract
- Attachment 7: Draft Official Plan Amendment
- Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type Official Plan Amendment & Application Number: 03 200003 STE 27 OZ
 Rezoning
 Details OPA & Rezoning, Application Date: December 11, 2003

Municipal Address: 50 and 56 Gerrard Street East and 380 Church Street
 Location Description: Northwest corner of Gerrard Street East and Church Street
 Project Description: Proposed 8 to 12 storey residential apartment building. Circulated concurrently with
 Site Plan Approval Application No. 03 200051 000 SA

Applicant:	Architect:	Architect:	Owner:
Goodmans LLP	Paul Reuber Incorporated	Steven Burgess Architects Ltd.	Horizon Legacy Infrastructure Corp.

PLANNING CONTROLS

Official Plan Designation:	LDMCRA	Site Specific Provision:	McGill – Granby A.O.S.I.
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	
Height Limit (m):	18 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area:	2,382 square metres	Height:	Storeys:	8 to 12 storeys
Frontage:	0		Metres:	35 plus mechanical
Depth:	0			
Ground Floor GFA:	1,100 square metres		Total	
Residential GFA:	12, 468 square metres	Parking Spaces:	39 (incl. 1 at-grade spaces)	
Non-Residential GFA:	0	Loading Docks	1 (Type G)	
Total GFA:	12,468 square metres			
Lot Coverage Ratio:	46			
Floor Space Index:	5.23			

DWELLING UNITS

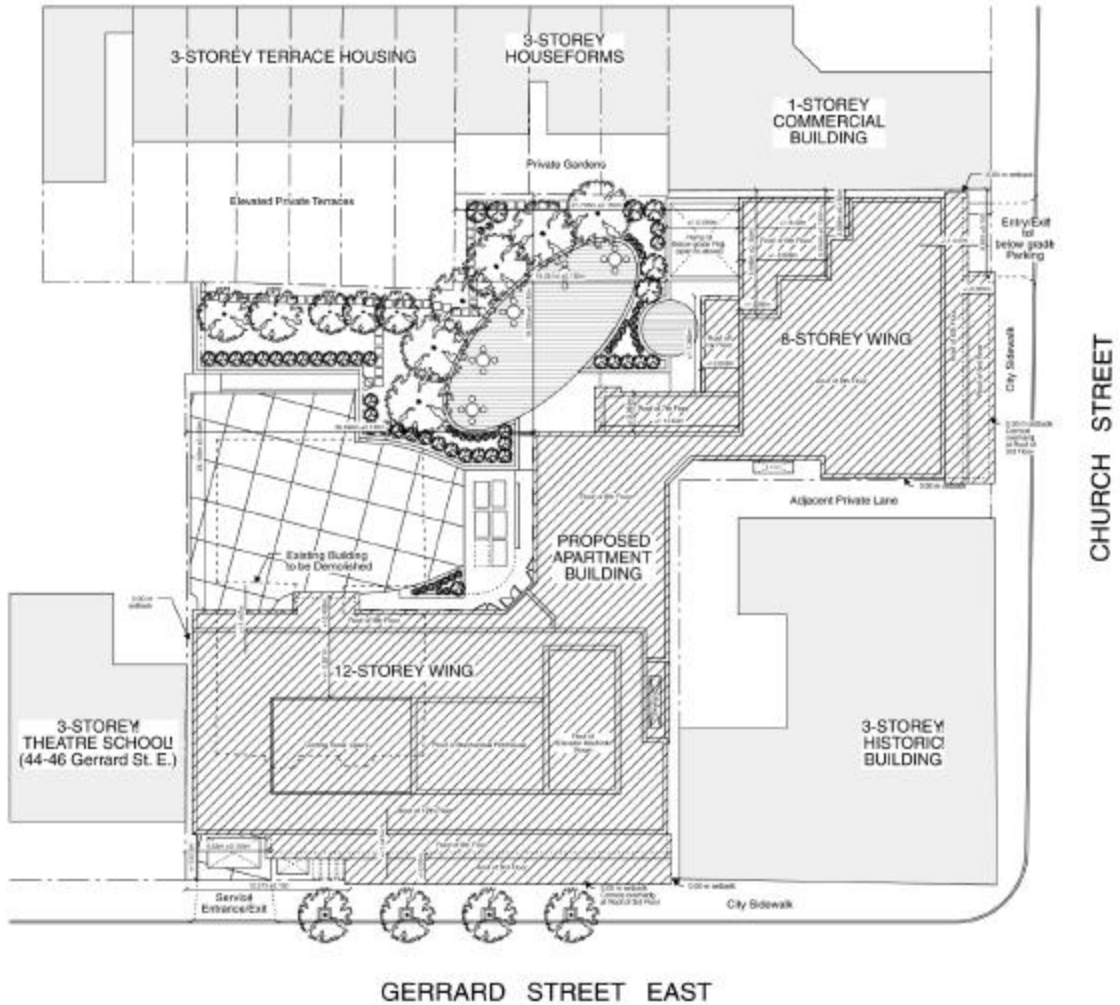
Tenure Type:	Rental
Rooms:	0
Bachelor:	56
1 Bedroom:	96
2 Bedroom:	38
3 + Bedroom:	
Total Units:	190

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA:	12,468 m ²	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

CONTACT:	PLANNER NAME:	Corwin L. Cambray, Downtown Section
	TELEPHONE:	(416) 392-0459

Attachment 2: Site Plan



Site & Roof Plan

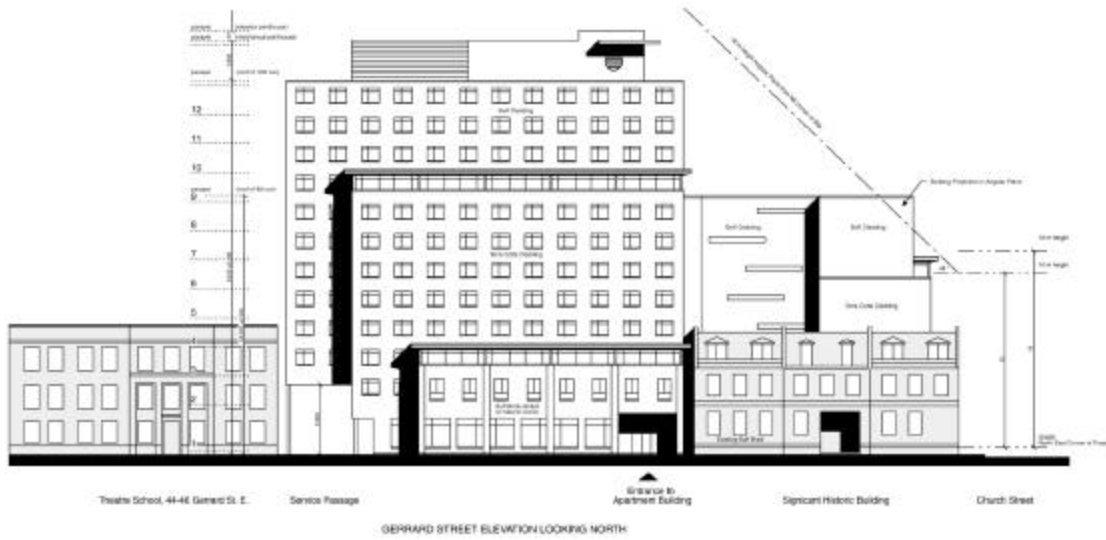
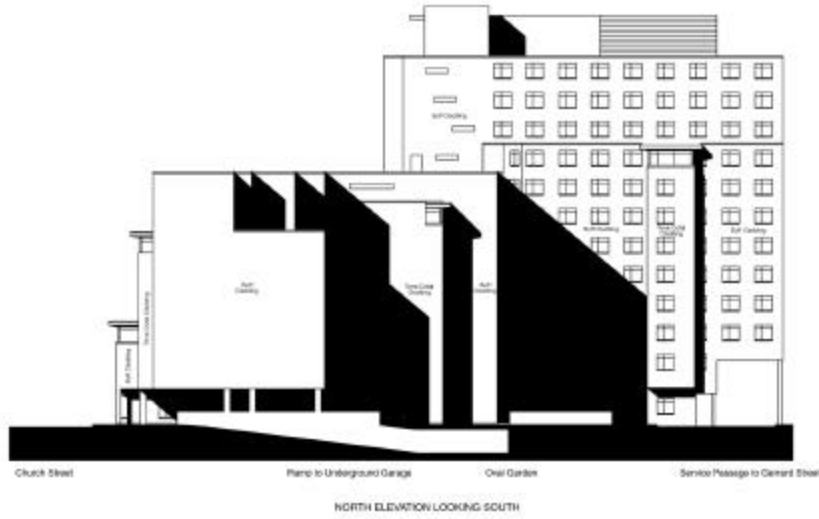
Applicant's Submitted Drawing

Not to Scale 

50 & 56 Gerrard Street East
and 380 Church Street

File # 03_200003

Attachment 3: North and South Elevations



North & South Elevations

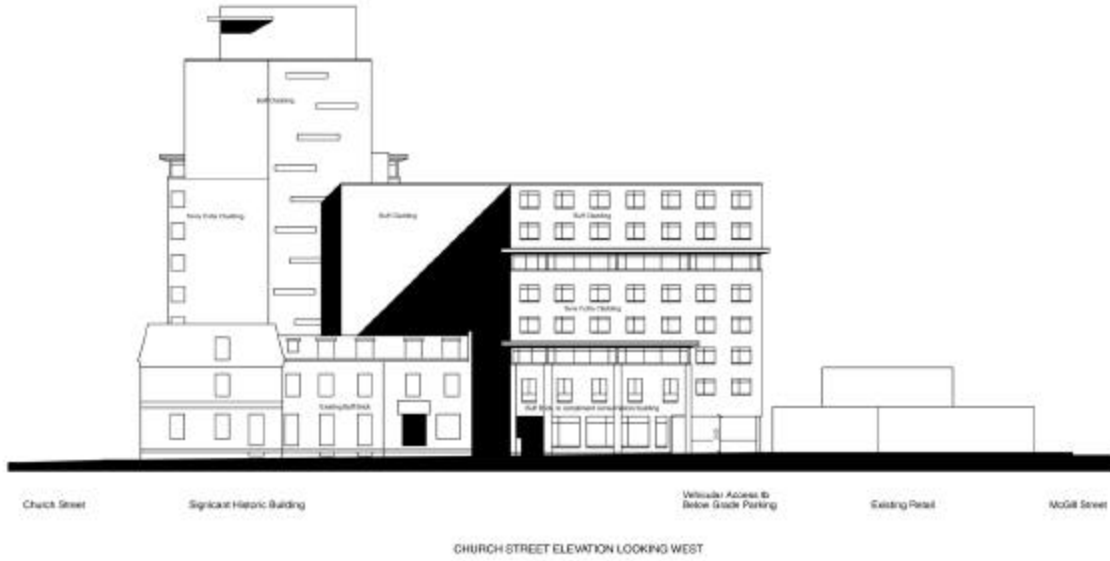
Applicant's Submitted Drawing

Not to Scale
10/15/04

50 & 56 Gerrard Street East
and 380 Church Street

File # 03_200003

Attachment 4: East and West Elevations



East & West Elevations

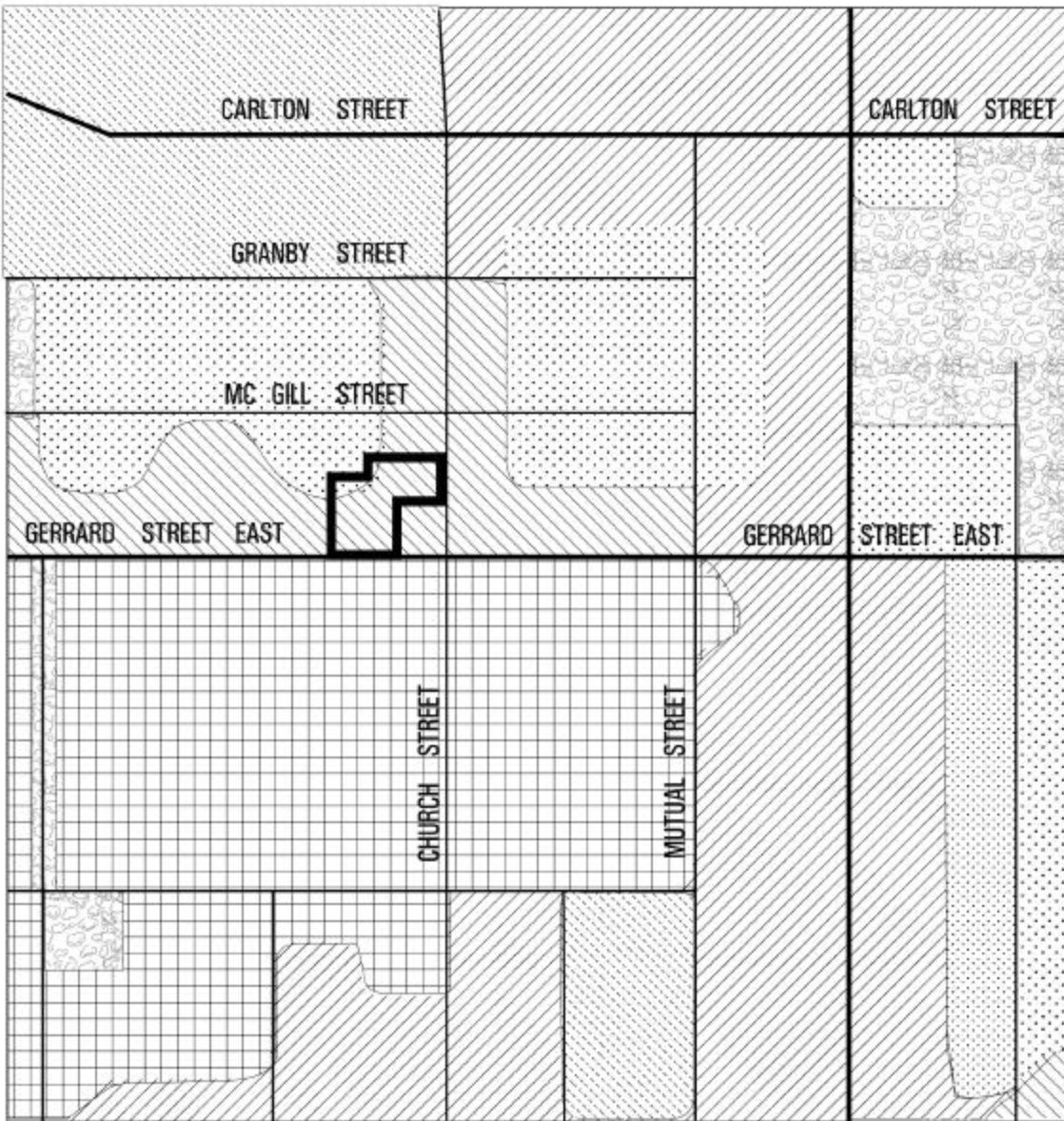
Applicant's Submitted Drawing

Not to Scale
10/15/04

50 & 56 Gerrard Street East
and 380 Church Street

File # 03_200003

Attachment 5: Official Plan Map Extract



 **Toronto** Urban Development Services
Official Plan

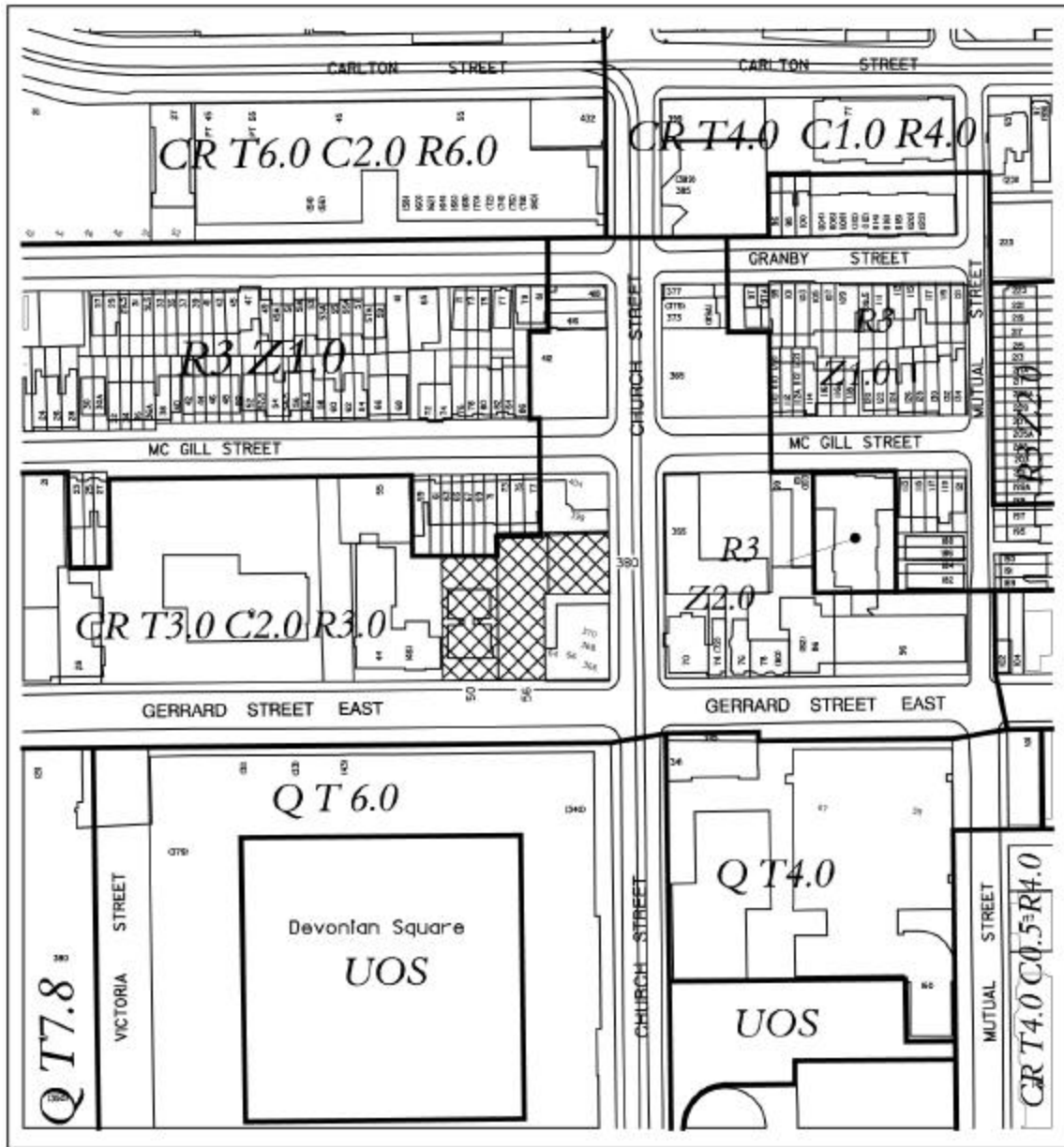
**50 and 56 Gerrard Street East
and 380 Church Street**

File # 03_200003

- | | | |
|--|---|--|
|  Site |  Low Density Mixed Commercial-Residential Areas |  University Areas |
|  Medium Density Residence Areas |  Medium Density Mixed Commercial-Residential Areas |  Open Space |
|  High Density Residence Areas |  High Density Mixed Commercial-Residential Areas 'A' | |


Not to Scale
01/2004

Attachment 6: Zoning Map Extract



Toronto Urban Development Services
Zoning

50 & 56 Gerrard Street East and 380 Church Street

File # 03_200003

- UOS Parks District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Site



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/21/04 - NRS

Attachment 7: Draft Official Plan Amendment

Authority:
Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. ____-2004

To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street; and

WHEREAS the Toronto and East York Community Council conducted a public meeting on November 16, 2004 under Section 17 of the *Planning Act*, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held November 30 and December 1 and 2, 2004 determined to amend the Official Plan for the former City of Toronto;

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

1. The text annexed hereto as Schedule "A" is hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. XXX.

ENACTED AND PASSED this day of , A.D. 2004.

DAVID R. MILLER
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.XXX and the attached Map 18.XXX:

18.XX Lands known in the year 2004 as No. 50 and 56 Gerrard Street East and 380 Church Street

Notwithstanding any provisions of the Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.XXX to permit the erection, use and maintenance of an apartment building provided that:

- (1) the maximum *residential gross floor area* does not exceed 12,500 square metres; and
- (2) pursuant to Section 37 of the *Planning Act*, such by-law requires the *owner* of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - (i) provide the City with a \$30,000.00 contribution for Allan Gardens, prior to the issuance of an above grade building permit for any development on the lands;
 - (ii) provide and maintain not less than 27 new affordable replacement rental dwelling units which shall generally be of the same unit type as in the building to be demolished on the lands subject to the following:
 - (a) the 27 designated replacement rental dwelling units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied; or until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the *owner* is paying more tax than they would if the rental replacement units were registered as a condominium, the *owner* will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 27 designated replacement rental dwelling units remain as rental dwelling units until the *owner* obtains approval for an

Official Plan Amendment and zoning by-law amendment removing the requirement that the *owner* provide and maintain the designated dwelling units as rental dwelling units;

- (b) all of 27 designated replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 60% of the other dwelling units erected on the lands after the date of enactment of this amendment are available and ready for occupancy;
 - (c) the *owner* of the lands shall provide and maintain affordable rents charged to the tenants who rent each of the 27 designated 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 October 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and, upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey 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;
 - (d) rents charged to tenants occupying an affordable replacement rental dwelling unit at the end of the 10 year period set forth in (c) 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; and
 - (e) rents charged to tenants newly occupying an affordable replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
- (iii) provide additional assistance to the tenants of the lands over and above the minimum levels required under the Tenant Protection Act, as follows:

- (a) the *owner* shall give eligible tenants residing in a rental unit existing on the lands at least six (6) months prior notice of the termination of their tenancy for demolition;
- (b) all eligible tenants residing on the lands on the date of the application, December 11, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the amount of their rent as of December 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;
- (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount no less than the amount specified in the Section 37 Agreement in addition to compensation required under the Tenant Protection Act;
- (d) any prospective (new) tenant of an existing rental unit on the lands after December 11, 2003 shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the extra assistance set forth in (c) being offered to tenants residing on the lands on December 11, 2003 who are eligible tenants; and
- (e) any new tenant in an existing rental unit after December 11, 2003 shall receive the following assistance over and above the minimum requirements of the Tenant Protection Act: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the October 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus annual Provincial rent guideline increases until the date of first occupancy;

- (iv) agree not to erect third party advertising signage on the building's elevations at any time;
- (v) submit the following reports for review and acceptance by the Commissioner of Works and Emergency Services, prior to Site Plan Approval:
 - (a) a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
 - (b) a Street Lighting Review to determine the adequacy of the existing street lighting, including the impact of relocating the light standard situated within the limits of the Church Street site access, and identify any improvements that may be required;
- (vi) require the *owner* to pay for any improvements and upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements and upgrades are required to support the development, according to the reports identified in subsection 2(v) as reviewed and accepted by the Commissioner of Works and Emergency Services; and
- (vii) require the *owner* to install, at their expense, an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and Emergency Services when three or more trees are planted in a City right-of-way, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation.

The *owner* of the lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 2(i), (ii), (iii), (iv), (v), (vi) and (vii) herein and agrees to the registration of such agreement against the lands, as a first charge.

Attachment 8: Draft Zoning By-law Amendment

Authority:
Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. ____-2004

To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.

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

WHEREAS Council 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*, Council may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law, in return for the provision of such facilities, services and matters as are set out 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 or density of development, Council may require the owner to enter into one or more agreements with the City dealing with the facilities, services and matters; and

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

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of 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; 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;

NOW THEREFORE, the Council of the City of Toronto, **HEREBY ENACTS** as follows:

1. None of the provisions of Section 4(2)(a), Section 4(5)(b), Section 4(12), Section 4(13)(d), Section 4(16), Section 8(3) PART I 3(a) and (b), Section 12(2) 260(ii) and Section 12(2) 286 of Zoning By-law No. 438-86, as amended, shall apply to prevent on the lot the erection and use of an apartment building containing a maximum of 190 dwelling units and a below-grade parking garage provided that:
 - (1) the *lot* consists of those lands delineated by heavy lines on the attached Map 1;
 - (2) the *residential gross floor area* erected or used on the *lot* does not exceed 12,500 square metres;
 - (3) no portion of an *apartment building* erected and used above *grade* is located otherwise than wholly within the building envelope identified on the attached Map 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, guardrails, balustrades, railings, stairs, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the building envelope on the attached Map 2;
 - (4) no portion of an *apartment building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H”, shown on Map 2 with the exceptions as listed within Section 4(2)(a)(i) and (ii) of By-law 438-86, provided such elements comply with the restrictions set out in such Section;
 - (5) the maximum number of *dwelling units* provided in an *apartment building* on the *lot* does not exceed 190 units, of which:
 - (a) the average floor area of the *dwelling units*, as measured from the exterior walls of such units, shall be at least 47 square metres;
 - (b) not less than 40 percent are one *bedroom dwelling units*; and
 - (c) not less than 20 percent are two or three *bedroom dwelling units*;
 - (6) not less than 57 *parking spaces* are provided and maintained in a below-grade parking garage on the *lot* and:
 - (a) a maximum of 10 of the required *parking spaces* are designated as *small car spaces*; and
 - (b) the following minimum parking ratios are complied with:
 - (i) 0.05 *parking spaces* for each *bachelor dwelling unit*;

- (ii) 0.30 *parking spaces* for each one-*bedroom dwelling unit*;
 - (iii) 0.72 *parking spaces* for each two-*bedroom dwelling unit*; and
 - (iv) 1.20 *parking spaces* for each three or more *bedroom dwelling unit*; and
- (7) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(7) of this By-law, agreeing to:
- (1) provide the City with a \$30,000.00 contribution for Allan Gardens, prior to the issuance of an above *grade* building permit for any development on the *lot*;
 - (2) provide and maintain not less than 27 new affordable replacement rental *dwelling units* which shall generally be of the same unit type as in the building to be demolished on the *lot* subject to the following:
 - (a) the 27 designated replacement rental *dwelling units* shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied; or until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the *owner* is paying more tax than they would if the rental replacement units were registered as a condominium, the *owner* will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 27 designated replacement rental *dwelling units* remain as rental *dwelling units* until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the *owner* provide and maintain the designated *dwelling units* as rental *dwelling units*;
 - (b) all of 27 designated replacement rental *dwelling units* the shall be ready and available for occupancy no later than the date by which 60% of the other *dwelling units* erected on the lot after the date of

enactment of this amendment are available and ready for occupancy;

- (c) the *owner* of the lot shall provide and maintain affordable rents charged to the tenants who rent each of the 27 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 October 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and, upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey 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;
 - (d) rents charged to tenants occupying an affordable replacement rental dwelling unit at the end of the 10 year period set forth in (c) 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; and
 - (e) rents charged to tenants newly occupying an affordable replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
- (3) provide additional assistance to the tenants of the lot over and above the minimum levels required under the Tenant Protection Act, as follows:
- (a) the *owner* shall give eligible tenants residing in a rental unit existing on the lot at least six (6) months prior notice of the termination of their tenancy for demolition;
 - (b) all eligible tenants residing on the lot on the date of the application, December 11, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the amount of their rent as of December 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;

- (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount no less than the amount specified in the Section 37 Agreement in addition to compensation required under the Tenant Protection Act;
 - (d) any prospective (new) tenant of an existing rental unit on the lot after December 11, 2003 shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the extra assistance set forth in (c) being offered to tenants residing on the lot on December 11, 2003 who are eligible tenants; and
 - (e) any new tenant in an existing rental unit after December 11, 2003 shall receive the following assistance over and above the minimum requirements of the Tenant Protection Act: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the October 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus annual Provincial rent guideline increases until the date of first occupancy;
- (4) agree not to erect third party advertising signage on the building's elevations at any time;
 - (5) submit the following reports for review and acceptance by the Commissioner of Works and Emergency Services, prior to Site Plan Approval:
 - (a) a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
 - (b) a Street Lighting Review to determine the adequacy of the existing street lighting, including the impact of relocating the light standard situated within the limits of the Church Street site access, and identify any improvements that may be required;
 - (6) require the *owner* to pay for any improvements and upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements and upgrades are required to support the development,

according to the reports identified in subsection 2(5) as reviewed and accepted by the Commissioner of Works and Emergency Services; and

- (7) require the *owner* to install, at their expense, an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and Emergency Services when three or more trees are planted in a City right-of-way, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation.
3. For the purposes of this by-law, the following expressions shall have the following meaning:
 - (1) “*small car space*” means a parking space with a width of 2.6 metres and a length of 5.0 metres; and
 - (2) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended;
 4. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the *lot* is subject to the provisions of this By-law.

ENACTED AND PASSED this day of , A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)