

TORONTO STAFF REPORT

October 31, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report
Official Plan Amendment and Rezoning Application 04 176802 STE 27 OZ
Applicant: 1540340 Ontario Inc (c/o Times Group Corporation)
Architect: Northgrave Architect Inc.
500 Sherbourne Street (former Princess Margaret Hospital)
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 to permit a 34-storey residential building fronting Sherbourne Street and two blocks of 4-storey stacked townhouses to the west of the proposed tower at 500 Sherbourne Street.

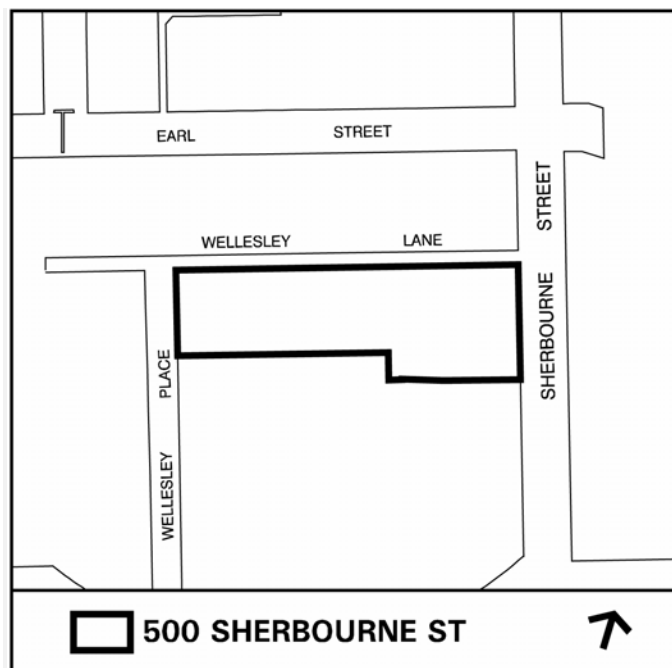
Financial Implications and Impact Statement:

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. 9;
- (2) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to submit to the Executive Director of Technical Services for review and acceptance, the approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building to enable the preparation of building envelope plans;
- (5) before introducing the necessary Bills to City Council for enactment, authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, 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 \$650,000 towards a fund for the construction of the community pool at the Wellesley Community Centre, prior to the issuance of an above grade building permit for any development, and indexed annually, commencing with the by-laws coming into force;
 - (b) a public art contribution in accordance with the City of Toronto's Public Art Program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
 - (c) exterior building materials on the elevations of the tower and stacked townhouses of the development and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning;
 - (d) a pedestrian level windy study, and incorporation of measures into the building design to mitigate the impact of wind conditions satisfactory to the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval;
 - (e) an easement in favour of the City for pedestrian connections to Sherbourne Street;
 - (f) dedication of public parkland satisfactory to the General Manager, Parks, Forestry and Recreation;
 - (g) posting of Letter of Credits, prior to the issuance of an above grade building permit, for:
 - (i) the cash-in-lieu value of the strata conveyance;
 - (ii) the cash-in-lieu value of the statutory parkland dedication shortfall; and
 - (iii) security for the installation of base park improvements equal to 120 percent of the value of the base park improvements;

- (h) an irrigation system for all new trees in the public rights-of-ways and parkland, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - (i) conveyance to the City, at nominal cost, lands for the northerly extension of Homewood Avenue, and the widenings of Wellesley Lane and Wellesley Place;
 - (j) an easement of support rights in the lands located below the lands conveyed for the extension of Homewood Avenue and the widening of Wellesley Lane satisfactory to the Executive Director, Technical Services;
 - (k) costs associated with the construction of the Homewood Avenue extension and improvements and widenings of Wellesley Place and Wellesley Lane and intersections improvements required in conjunction therewith;
 - (l) costs of new municipal infrastructure and improvements and upgrades to existing municipal infrastructure to support the development as required by and satisfactory to the Executive Director, Technical Services;
 - (m) an indemnity agreement regarding the construction of the garage beneath the public highways satisfactory to the Executive Director, Technical Services in consultation with the City Solicitor;
 - (n) compliance with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
 - (o) any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning;
- (6) prior to Site Plan Approval, require the owner to incorporate measures into the building design to mitigate the impact of wind conditions and further refine the townhouse block massing, elevations and relationship to the public realm satisfactory to the Chief Planner and Executive Director, City Planning;
- (7) grant authority for the introduction of a bill in Council to authorize an amendment to exempt the owner's lands from the Toronto Municipal Code, Chapter 165, Article 1, Conveyance of Lands for Parks Purposes enacted pursuant to Section 42 of the *Planning Act* to exempt therefrom such development as is permitted and only to the extent permitted by the proposed draft Zoning By-law Amendment and subject to the provisions of the Section 37 Agreement; and
- (8) 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

In 1958, a 7-storey brick building was constructed on the site for the Princess Margaret Hospital. The building later housed the Ontario Cancer Institute. The 27,870 square metre health care facility occupied the entire site with the exception of a forecourt and entrance driveway on Sherbourne Street and service areas along Wellesley Place and Wellesley Lane. The facility was closed in the late 1990s by the provincial government and the site was subsequently sold to the current owner.

Proposal

The applicant is proposing to redevelop the former Princess Margaret Hospital (PMH) site for residential uses. The development concept includes a 34-storey residential building fronting Sherbourne Street, two blocks of 4-storey back-to-back stacked townhouses west of the proposed tower and a three level underground parking garage. Vehicular access to the site is proposed to be off Wellesley Lane, which will be widened as part of the site's redevelopment. In addition, the applicant is proposing the widening of Wellesley Place and the dedication of lands for a public park and the extension of Homewood Avenue across the site to Wellesley Lane. Attachments 2 – 6 show the application's proposed site plan and elevations.

Overall, the application proposes 32,289 square metres of residential gross floor area resulting in a density of 5.51 times the area of the lot. The proposed 34-storey residential tower's height to the main roof is 106.5 metres plus mechanical penthouse. The height of each townhouse block to the main roof is 12.5 metres plus a roof top staircase structure. Please see the Application Data Sheet in Attachment 1 for additional information on the proposal.

Site and Surrounding Area

The 0.5 hectare site is located at the southwest corner of the intersection of Sherbourne Street and Wellesley Lane and extends westward to Wellesley Place. The following uses surround the site:

North: across Wellesley Lane, Our Lady of Lourdes Church, a recently completed low-rise apartment / townhouse development and a residential neighbourhood;

East: across Sherbourne Street, the new Wellesley Community Centre, Library and Childcare Centre and the St. Jamestown neighbourhood comprised of numerous tall residential apartment buildings;

South: abutting the site is the former Wellesley Hospital site currently under redevelopment for a mix of uses and across Wellesley Street East is a mix of residential apartments, low-rise buildings with commercial and residential uses and Jarvis Collegiate Institute; and

West: across Wellesley Place, low rise apartment buildings, new townhouses and several heritage buildings.

Official Plan

The property is split between two land use designations. The majority of the property is designated High Density Residence Area in the Part I Official Plan (former City of Toronto), which permits residential uses and density up to 3 times the area of the lot. The western portion of the property at Wellesley Place and Wellesley Lane is designated Medium Density Residence Area, which permit residential uses and density up to 2 times the area of the lot.

The Plan contains provisions for the appropriate development of these areas including the pattern of streets and blocks, street and building relationships, light, view and privacy, street-edge animation, pedestrian comfort, pedestrian and vehicular circulation, adequacy of services and the impact on the built form and the amenity of adjacent low rise areas.

Other relevant policy considerations include those intended to shape the redevelopment of large sites, integrating them into the fabric of the surrounding community. The proposal has been reviewed for compliance with these policies as outlined further in this report.

Metropolitan Toronto Official Plan

The property is located in the Central Area, the pre-eminent Centre designated in Metroplan.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City 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.

Once the Plan comes into full force and effect, it will designate the property as Apartment Neighbourhood. The Plan contains development criteria that direct the form and quality of new development in these areas.

The criteria direct that the massing of new buildings provide a transition between areas of different development intensity and scale, including a stepping down of heights toward lower scale neighbourhoods, that shadow impacts be minimized on adjacent neighbourhoods, that comfortable sunlight and wind conditions be achieved through the massing of new buildings and that parking, loading, amenities and other good site planning principles are complied with. The proposal has been reviewed for compliance with these criteria as outlined further in this report.

The new neighbourhoods policies of the Plan support the proposed development as a re-integration of the site with its context, through the provision of a new street and a park. The downtown and parks policies of the Plan seek to improve the quality of life in the downtown

through the acquisition of parkland, among other matters. The northeast downtown has been identified as an area of low parkland provision where parkland acquisition is encouraged.

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

Zoning

The property is zoned R4 Z2.5 by Zoning By-law 438-86, as amended, with a height limit of 30 metres.

Site Plan Control

The applicant has filed a Site Plan Control application (No. 04 176822 STE 27 SA). The Site Plan Approval process will be finalized subsequent to City Council's consideration of this report and the proposed amendments coming into force and effect.

Reasons for the Application

Amendments to the Official Plan and Zoning By-law are required because the proposed residential density of 5.51 times the area of the lot exceeds the maximum densities of 3.0 and 2.0 times the area of the lot permitted in a High Density Residence Area and Medium Density Residence Area, respectively. The proposed density also exceeds the 2.5 times the area of the lot permitted in an "R4" zoning district.

The proposal's height of 106.5 metres exceeds the maximum permitted height of 30 metres. The proposal also does not comply with several provisions of Zoning By-law 438-86, as amended, including driveway width, minimum outdoor residential amenity space, lot line setbacks, building depth, minimum landscaped open space and angular plane setback from Sherbourne Street.

Community Consultation

A community consultation meeting was held on February 8, 2005. Approximately 15 members of the public attended the meeting. In general, those in attendance supported redevelopment of the site for residential use, and the proposed improvements to Wellesley Street and Wellesley Place. Concerns expressed at the meeting included the traffic, parking, the need for improved street lighting and sidewalks, the interface between the townhouse blocks and the proposed parkland, security and the proposed built form of the townhouse blocks. City Planning staff also received written comments after the community consultation meeting.

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 site specific by-law standards.

Comments:

Integrated Redevelopment

The former PMH site forms the northern part of a large redevelopment block bounded by Sherbourne Street to the east, Wellesley Street East to the south, Wellesley Place to the west and Wellesley Lane to the north. The former Wellesley Hospital site forms the southern part. Official Plan policies encourage the reintegration of large redevelopment sites into the surrounding urban fabric through the creation of new public streets, open spaces, pedestrian infrastructure and smaller development blocks. This is an important city building objective.

In May 2004, City Council approved a comprehensive redevelopment plan for the former Wellesley Hospital site. The redevelopment plan provides a public realm framework consisting of the extension of Homewood Avenue north of Wellesley Street East onto the site, the widening of Wellesley Place and Wellesley Street East and a new 0.26 hectare public park. Within this framework, three residential development blocks are provided:

- (a) on the west portion of the site, a market housing block with permission for a mix of building types including a tall format building (39-storeys) at the corner of new Homewood Avenue extension and Wellesley Street East;
- (b) on the northeast portion of the site fronting Sherbourne Street, an 11-storey residential apartment building for alternative housing, which will include support services; and
- (c) on the southeast portion of the site at Sherbourne Street and Wellesley Street East, a 4-storey long term care facility, which has been constructed.

The proposal for the former PMH site builds on the public realm framework established on the former Wellesley Hospital site. The proposed public realm improvements are:

- (a) extending Homewood Avenue north to Wellesley Lane;
- (b) widenings of both Wellesley Place and Wellesley Lane and their conversion to residential streets;
- (c) dedication of lands for public parkland, which will connect to the future 0.26 hectare park on the former Wellesley Hospital lands; and
- (d) a pedestrian easement along the south property line from Sherbourne Street to the future public park.

Overall, approximately 30 percent of the total site area will be dedicated for the public realm as set out above.

Land Use

Official Plan policies encourage new housing, redevelopment of under-utilized sites and improvements to the public realm including new parkland, amongst other matters. The applicant proposes to redevelop a former hospital site with a 388-unit residential development coupled with street improvements, new pedestrian infrastructure and parkland to better integrate the site

with its surroundings. Generally, the location is well served by public transit, retail uses and services.

The proposal provides a balanced approach to the site's redevelopment and is consistent with the overall policy objectives of the Official Plan. As discussed in the following sections of this report, the additional storeys and density above the as-of-right permission are organized in response to the surrounding built form and minimize potentially negative impacts on the adjacent residential properties.

Built Form

The built form in St. Jamestown to the east and on Homewood Avenue to the south is characterized by high-rise residential buildings, set in open spaces with heights ranging up to approximately 85 metres. The prevailing character of the neighbourhood to the north and west is lower scale, with grade related houses and low-rise apartments ranging in height between 12 and 19 metres.

The massing strategy for the larger redevelopment block (both former hospital sites) is to direct taller buildings to Wellesley and Sherbourne Streets and step down buildings on the interior of the sites to the west and north. This arrangement achieves a transition in built form between the areas of different character and generally reduces the visual and physical impact of new development on existing low rise areas. On the former Wellesley Hospital site, applications for Site Plan Approval are under review for a 12-storey, 40 metre building on Sherbourne Street and a 39-storey, 120 metre tower and 7-storey, 22 metre loft building at the intersection of Wellesley Street East and the future Homewood Avenue extension.

The proposal for the former PMH site carries forward this massing strategy by placing the tower component at Sherbourne Street and two townhouse blocks on the western portion of the development site. This arrangement helps to strengthen the built form transition between Sherbourne Street and the neighbourhood to the west. The two townhouse blocks are compatible in scale to recent residential developments and an approved residential conversion of a former power plant building on the west and north sides of Wellesley Lane and Wellesley Place. In general, the proposed built form is compatible with the varying built forms in the surrounding context.

(1) Tower

The proposed 34-storey residential tower consists of three main building components:

- (a) a 3-storey podium (up to 12.5 metres);
- (b) a 19-storey mid-portion (up to 69.5 metres); and
- (c) a 12-storey top-portion (to 106.5 metres).

Building setbacks and stepbacks are provided at various heights. Attachments 3, 4 and 5 provide the tower elevations. The tower footprint and massing are in response to the site's relatively narrow Sherbourne Street frontage (39 metres after the Wellesley Lane widening) compared to

the site's depth (144 metres), and the desire to maintain a built form separation from the proposed 12-storey building to the south and the pedestrian connection from Sherbourne Street to the future park. To help create a more slender profile, the floor plate is stepped back at the 23rd floor. Above this stepback, the floor plate is approximately 670 square metres (9 metres by 18 metres).

Changes to the proposal through the process have strengthened the podium by aligning the ground floor with the second and third floors. As well, a formal residence entrance was added on the Sherbourne Street frontage in addition to the entrance from Wellesley Street East.

(2) Townhouse Blocks

The two blocks of four-storey back-to-back townhouses front Wellesley Lane (north) and the former Wellesley Hospital site (south). Pedestrian access to individual units is proposed to be from Wellesley Lane and a private walkway along the southern portion of the site. In each stacked townhouse scenario, the lower unit has a sunken outdoor patio while the upper unit has access to a roof top amenity area. A total of 44 townhouse units are proposed.

The applicant has modified the proposal since the Preliminary Report was considered in response to both staff and community concerns. A landscape strip and walkway have been added along the west elevation of the Townhouse Block "A" to improve the interface with the proposed parkland conveyance. The upper units have been reconfigured to reduce the number of steps up from the sidewalk. These changes help to improve the relationship between the townhouse blocks and the adjacent sidewalks. The proposed materials on the townhouse elevations have also been refined to include architectural stone, brick and glazing, which help to break up the building mass.

City Planning staff will continue to work with the applicant on the townhouse block massing, elevations and relationship to the public realm. A recommendation in this report requires these issues to be resolved to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval. A Section 37 Agreement will secure the materials on the townhouse elevations as well as the tower elevations to the satisfaction of the Chief Planner and Executive Director, City Planning.

Shadow

The applicant has submitted a study of shadows generated by proposal. Review of the drawings indicate that projected shadows fall on a low-rise apartment / townhouse development and the administrative offices for Our Lady of Lourdes Church south of Earl Street at 10:00 a.m. on June 21st, move off these building before 12:00 p.m., and by 4:00 p.m., fall across Sherbourne Street onto the north portion of the Wellesley Community Centre. On September 21st and March 21st, the projected shadows fall on the Our Lady of Lourdes Church property and townhouses on the north side of Earl Street and move off the townhouses before 12:00 p.m.. In the afternoon period on these dates, projected shadows fall across Sherbourne Street and onto existing high-rise buildings and the northwest corner of the community centre. Overall, placement of the tower on

the Sherbourne frontage coupled with a floor plate reduction above the 22nd floor reduces the extent of proposal's shadows on the lower scale neighbourhood to the west and north.

Density

The density proposed for the site is 5.51 times the area of the lot, which represents an increase from the Official Plan permissions of 3.0 times (the majority of the site) and 2.0 times. The density of existing development in the area varies widely, given the range of built forms and the age of buildings. Larger scale development density generally ranges between 3 and 10 times the area of the lot whereas lower scale development is typically below or slightly above 1 times the area of the lot. The additional density of the proposal is organized in response to both the taller built form across Sherbourne Street and the lower rise built form to the west, and can be appropriately accommodated on the site.

Wind

The applicant has submitted a preliminary wind assessment. This assessment identifies that winds diverted downward by the proposed residential tower could result in poor wind conditions at the southeast corner of the site extending northward along Sherbourne Street and westward along the south elevation of the development. The preliminary assessment recommends consideration of a canopy at grade to address these potential wind impacts. It also recommends wind tunnel testing to confirm the need for such a canopy along with any other measures to address site conditions. The applicant has recently commissioned the testing. A Section 37 Agreement will secure an obligation by the owner to incorporate any measures into the building design to mitigate the impact of wind conditions prior to Site Plan Approval and to the satisfaction of the City.

Common Amenity Space

The proposal provides 776 square metres of common indoor amenity space located on the ground floor, second floor and 23rd floor of the residential tower in keeping with the requirements of Zoning By-law 438-86, as amended. Common outdoor amenity space is provided at-grade south of the residential tower and on the 23rd floor adjoining the indoor amenity space. The amount and location of amenity space are satisfactory.

Parkland

A 0.26 hectare park is proposed on the former Wellesley Hospital site. The extension of this future park north across the former PMH site to Wellesley Lane is an important city building objective. To address this objective, the proposal includes a conveyance of land for parkland between the future Homewood Avenue extension and Townhouse Block A. In addition, a smaller conveyance is proposed along the south edge of the site adjacent to the outdoor amenity area for the residential tower.

Parks staff have reviewed the proposed conveyances in terms of size and location. The two conveyances represent 266 square metres. This is less than the 293 square metres required under

former City of Toronto Municipal Code and the Planning Act. The difference will be addressed through a cash in-lieu of parkland payment.

The applicant has also agreed to a pedestrian easement along the site's southern property line from Sherbourne Street to the future park. This easement, coupled with the easement secured on the former Wellesley Hospital site, will help to strengthen accessibility to and the visual appearance of the future public park from Sherbourne Street.

Public Art

The former City of Toronto Official Plan contains provisions regarding a public art contribution in all development proposals exceeding 20,000 square metres of gross floor area. The proposal contains 32,289 square metres of gross floor area. The applicant has agreed to provide a public art contribution in accordance with the City of Toronto's public art policies and program for a value not less than one percent of the gross construction cost of all buildings and structures on the lands. This requirement will be secured in the Section 37 Agreement.

Tree Planting and Irrigation

As part of the site's redevelopment, the applicant is proposing a coordinated landscaping treatment around the residential tower and townhouses including new tree plantings in the outdoor amenity area, the Wellesley Lane right-of-way (as widened) and the new Homewood Avenue right-of-way. New tree plantings will also be provided on the proposed parkland and pedestrian easement. These tree plantings will be co-ordinated with treatment of the future park on the former Wellesley Hospital lands.

Installation of an irrigation system for new tree plantings will be secured in a Section 37 Agreement. A tree planting security deposit for the new plantings will be secured as part of the Site Plan Approval process. City staff will ensure the maximum number of full shade canopy trees will be provided at this location.

Vehicular Access

Access to the proposal's underground garage is proposed to be off Wellesley Lane with a drop-off and pick-up lay-by adjacent to the residential tower entrance fronting Wellesley Lane. In addition, a one-way service driveway provides access to the development's interior garbage and loading facilities located on the ground floor of the residential tower. Service vehicles will access these facilities from Wellesley Lane and exit on Sherbourne Street. The material treatment of the service driveway exiting the site forms part the co-ordinated landscape approach for the proposal. The Transportation Services Division is satisfied with the proposed access arrangement.

Parking Supply

The proposal provides a total of 398 parking spaces on three underground parking levels, including 24 for residential visitor use. This exceeds the general Zoning By-law requirement for

264 spaces, including 23 visitor spaces. Transportation Services staff advise that the proposed residential parking supply satisfies the estimated parking demand (approximately 349 parking spaces) based in part on the surveyed demand of condominium buildings in the Central Area. The draft Zoning By-law amendment in Attachment 10 provides Transportation Services' recommended minimum parking ratios to provide flexibility with respect to the number and mix of residential units.

The Transportation Services Division also advises that it will explore new parking opportunities, where appropriate, on the Homewood Avenue extension and on Wellesley Place and Wellesley Lane once the widening on these streets is complete.

Traffic Impact

The Transportation Services Division and the Transportation Planning Section of the City Planning Division 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.

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 proximity to public transit operations (both surface routes and the subway system) and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

As well, the proposal includes 258 bicycle parking spaces for the residential tower (206 for residents and 52 for visitors) and 33 bicycle parking spaces for the stacked townhouses (26 for residents and 7 for visitors). Bicycle parking spaces and allocation will be secured in the Zoning By-law amendment. Bicycle parking for both residents and visitors will be provided in convenient locations including at grade.

Municipal Infrastructure

The applicant has provided a number of reports in support of the proposal including a municipal lighting assessment, grading plans, functional plans for the new street and street widenings and site servicing assessment. Technical Services staff are reviewing these assessments. The costs of any new municipal services and upgrades to existing municipal services required to support the development will be borne by the applicant and secured in a Section 37 Agreement.

Wellesley Place and Wellesley Lane

When the former Princess Margaret Hospital occupied the site Wellesley Lane and Wellesley Place functioned primarily as service lanes. As part of the proposal, both lanes will be widened to a 15 metre right-of-way and upgraded. In addition, new pedestrian sidewalks will be constructed along the south and north sides of Wellesley Lane and on the east side of Wellesley Place. New street lighting will also be installed. Ultimately, the redevelopment will transform

Wellesley Lane and Wellesley Place into residential streets and key organizing elements of the new public realm being created on the former PMH site.

As discussed earlier in this report, approximately 30 percent of the total site area will be dedicated for the public realm. An important public realm component is the extension of Homewood Avenue across the former PMH site. As a result of this extension and the 8.9 metre widening of Wellesly Lane, portions of the underground parking garage will be located below these future rights-of-way. Technical Services staff advise that given the development's dedication of substantial lands for the public realm, the proposed location of the underground garage is acceptable subject to the owner providing support easements and entering into an indemnity agreement satisfactory to the City. These requirements will be secured in the Section 37 Agreement.

Section 37

The Official Plan contains provisions pertaining to the provision of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. Discussions with the applicant have led to a commitment to provide a public benefit in the form of a \$650,000 contribution towards the community pool at the Wellesley Community Centre located at the northeast corner of Sherbourne Street and Wellesley Street East.

The Wellesley Community Centre opened in 2004 and includes recreational facilities, multi-purpose rooms, a day care, and a Toronto Public Library branch. The Centre was planned to accommodate the addition of an indoor pool, for which funding was not available at the time of construction. The \$650,000 contribution will go towards a fund for the construction of the community pool, which will provide recreational amenity to future residents of the development and the local community. The contribution is required prior to the issuance of an above-grade building permit for any development on the site, and will be indexed annually based on the construction price index and commencing with the by-laws coming into force. A Section 37 Agreement will be signed and registered on title to secure the public benefit.

The Section 37 Agreement will also secure the following obligations by the owner to the satisfaction of the City:

- (a) a public art contribution for a value not less than one percent of the gross construction cost of all buildings and structures on the lands;
- (b) exterior building materials on the elevations of the tower and stacked townhouses of the development and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning;
- (c) a pedestrian level windy study, and incorporation of measures into the building design to mitigate the impact of wind conditions satisfactory to the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval;
- (d) an easement in favour of the City for pedestrian connections to Sherbourne Street;

- (e) dedication of public parkland satisfactory to the General Manager, Parks, Forestry and Recreation;
- (f) posting of Letter of Credits, prior to the issuance of an above grade building permit, for:
 - (i) the cash-in-lieu value of the strata conveyance;
 - (ii) the cash-in-lieu value of the statutory parkland dedication shortfall; and
 - (iii) security for the installation of base park improvements equal to 120 percent of the value of the base park improvements;
- (g) an irrigation system for all new trees in the public rights-of-ways and parkland, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (h) conveyance to the City, at nominal cost, lands for the northerly extension of Homewood Avenue, and the widenings of Wellesley Lane and Wellesley Place;
- (i) an easement of support rights in the lands located below the lands conveyed for the extension of Homewood Avenue and the widening of Wellesley Lane satisfactory to the Executive Director, Technical Services;
- (j) costs associated with the construction of the Homewood Avenue extension and improvements and widenings of Wellesley Place and Wellesley Lane and intersections improvements required in conjunction therewith;
- (k) costs of new municipal infrastructure and improvements and upgrades to existing municipal infrastructure to support the development as required by and satisfactory to the Executive Director, Technical Services;
- (l) an indemnity agreement regarding the construction of the garage beneath the public highways satisfactory to the Executive Director, Technical Services in consultation with the City Solicitor;
- (m) compliance with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division; and
- (n) any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning.

Development Charges

It is estimated that the Development Charges from this project will be \$1,840,396. This is an estimate and the actual charge is assessed and collected upon the issuance of the building permit.

Conclusions:

For the reasons stated above, staff recommend approval of the Official Plan and Zoning By-law amendments to permit a 34-storey residential building fronting Sherbourne Street and two blocks of 4-storey stacked townhouses to the west of the proposed tower at 500 Sherbourne Street, and that a Section 37 Agreement as described in this report be executed prior to the introduction of the Bills to Council.

Contact:

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Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: Wellesley Lane Elevation
- Attachment 4: South Elevation (tower)
- Attachment 5: East and West Elevations (tower)
- Attachment 6: North Elevation (townhouse blocks)
- Attachment 7: Official Plan Map Extract
- Attachment 8: Zoning Map Extract
- Attachment 9: Draft Official Plan Amendment
- Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment and Rezoning	Application Number:	04 176802 STE 27 OZ
Details	Former City of Toronto Official Plan and By-law 438-86	Application Date:	September 24, 2004
Municipal Address:	500 Sherbourne Street, Toronto ON		
Location Description:	Southwest corner of Sherbourne Street and Wellesley Lane, north of Wellesley St E.		
Project Description:	Former Princess Margaret Hospital site. Proposed 34 storey, 344 residential unit high-rise condominium and two 4-storey stacked townhouse blocks containing 44 units. Please note concurrent site plan application (# 04-176822 SA).		
Applicant:	Agent:	Architect:	Owner:
1540340 ONTARIO INC	Bousfields Inc.	Northgrave Architects Inc.	1540340 ONTARIO INC (c/o Times Group Corporation)

PLANNING CONTROLS

Official Plan Designation:	High Density Residence Area, Medium Density Residence Area (westerly portion)	Site Specific Provision:	22636
Zoning:	R4 Z2.5	Historical Status:	
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5865.1	Height:	Storeys:	34 (tower) 4 (townhouses)
Frontage (m):	48.19		Metres:	106.5 12.5
Depth (m):	144.69			
Total Ground Floor Area (sq. m):	+/- 2006			Total
Total Residential GFA (sq. m):	32289		Parking Spaces:	398
Total Non-Residential GFA (sq. m):	0		Loading Docks	1, Type 'G'
Total GFA (sq. m):	32289			
Lot Coverage Ratio (%):	44.5			
Floor Space Index:	5.51			

DWELLING UNITS

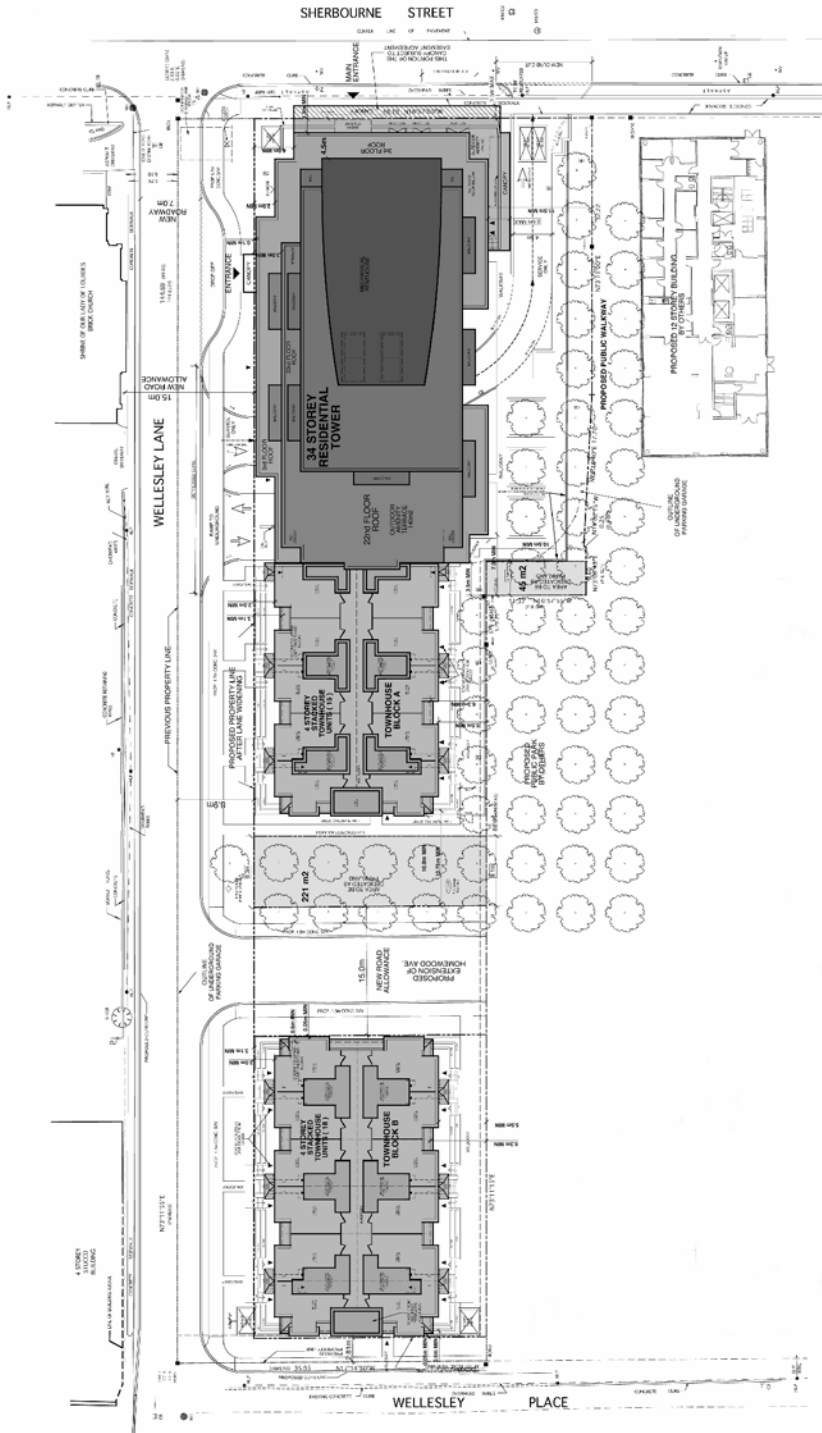
Tenure Type:	Condo
Rooms:	0
Bachelor:	7
1 Bedroom:	192
2 Bedroom:	187
3 + Bedroom:	2
Total Units:	388

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	32,289	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Corwin Cambray, Planner
TELEPHONE: (416) 392-0459

Attachment 2: Site Plan



500 Sherbourne Street

Site Plan

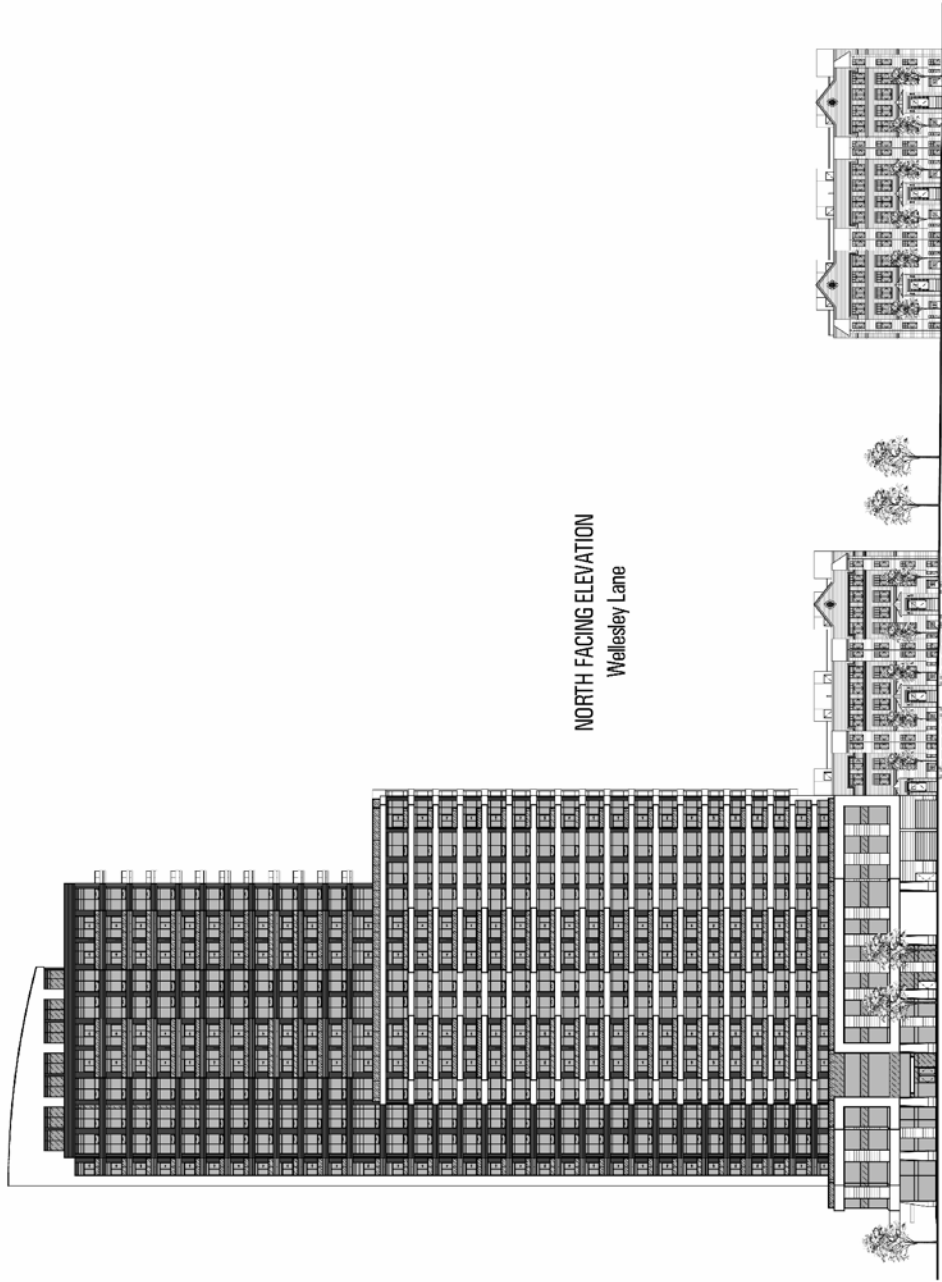
Applicant's Submitted Drawing

Not to Scale
10/25/05



File # 04_176802

Attachment 3: Wellesley Lane Elevation



Elevations

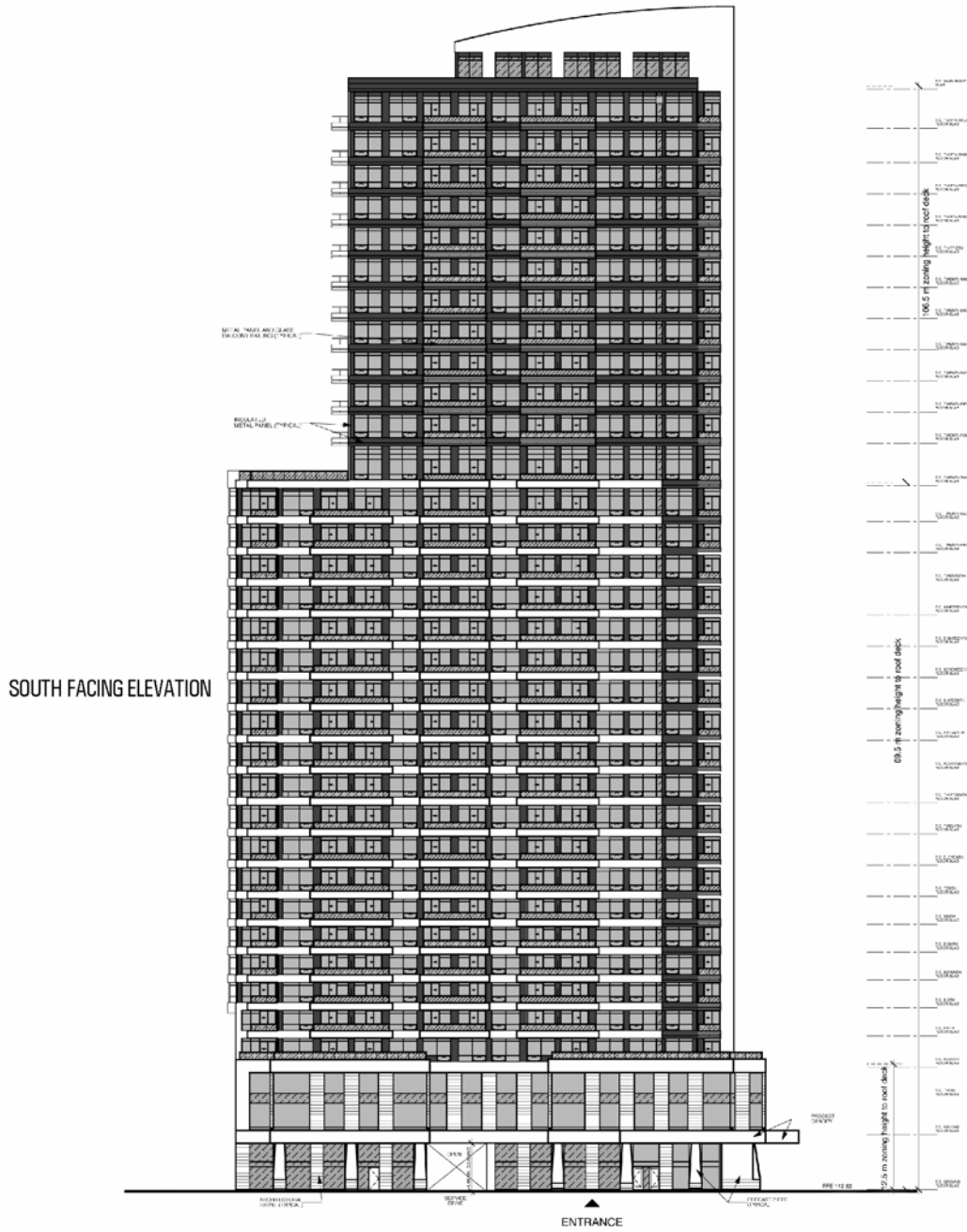
Applicant's Submitted Drawing

Not to Scale
10/25/05

500 Sherbourne Street

File # 04_176802

Attachment 4: South Elevation (tower)



Elevations

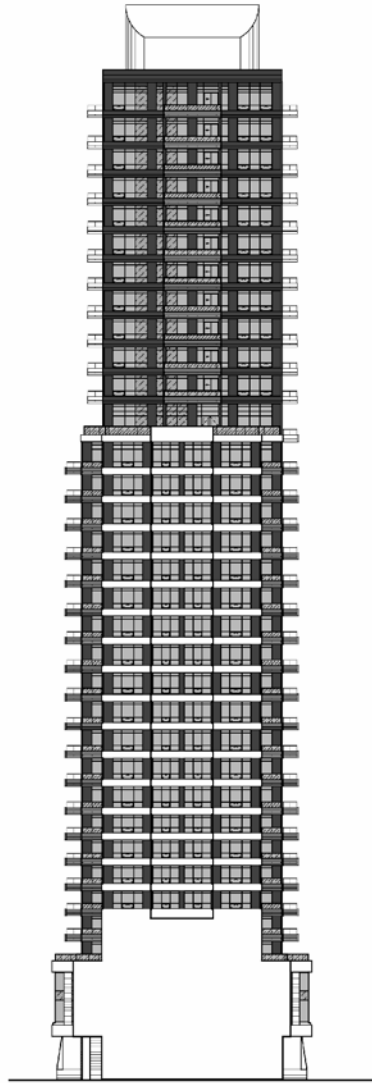
Applicant's Submitted Drawing

Not to Scale
10/25/05

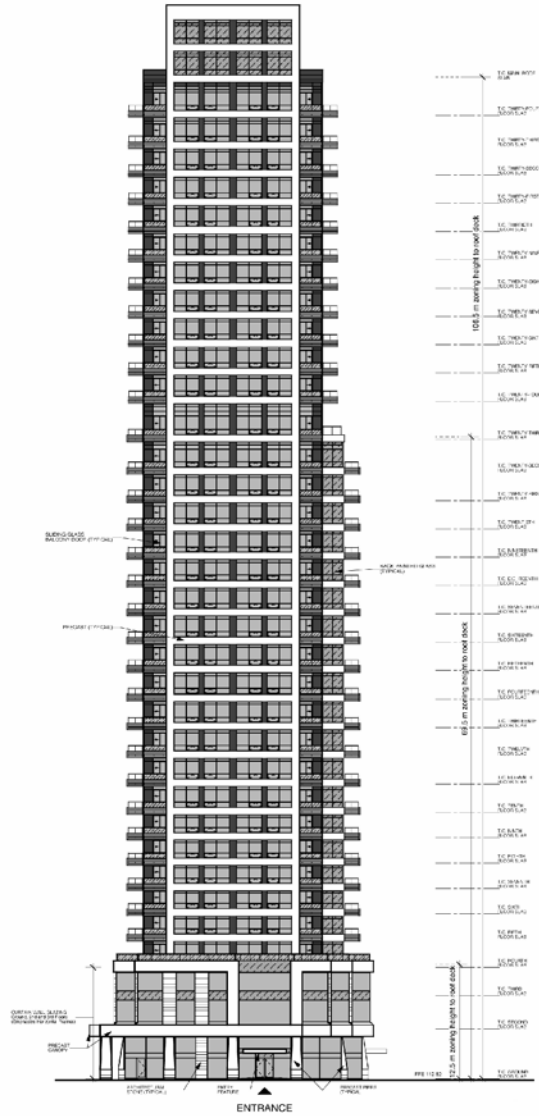
500 Sherbourne Street

File # 04_176802

Attachment 5: East and West Elevations (tower)



WEST FACING ELEVATION



EAST FACING ELEVATION
Sherbourne Street

Elevations

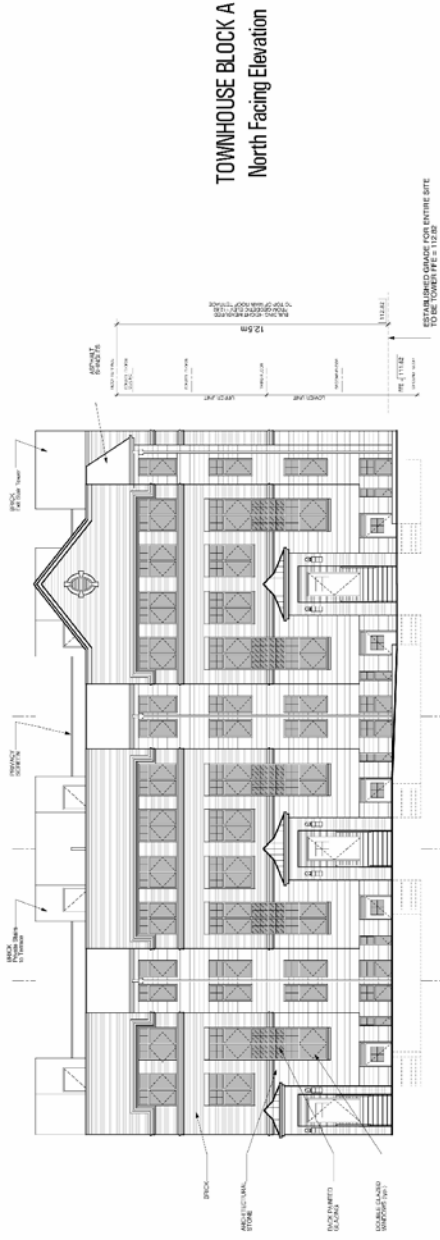
Applicant's Submitted Drawing

Not to Scale
10/25/05

500 Sherbourne Street

File # 04_176802

Attachment 6: North Elevation (townhouse blocks)



TOWNHOUSE BLOCK A
North Facing Elevation



TOWNHOUSE BLOCK B
North Facing Elevation

500 Sherbourne Street

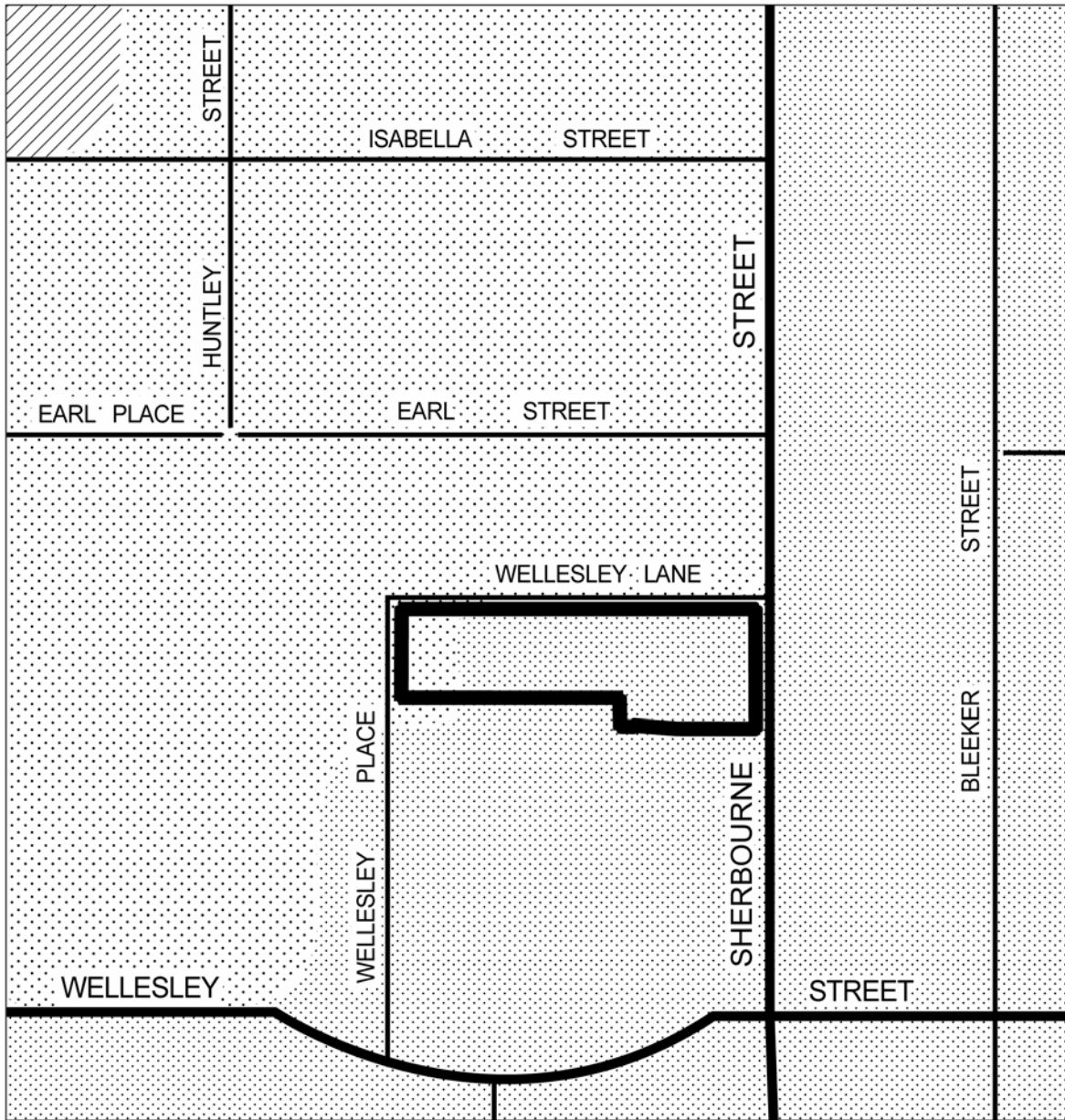
Elevations

Applicant's Submitted Drawing

Not to Scale
10/25/05

File # 04_176802

Attachment 7: Official Plan Map Extract



 **TORONTO** Urban Development Services
Official Plan

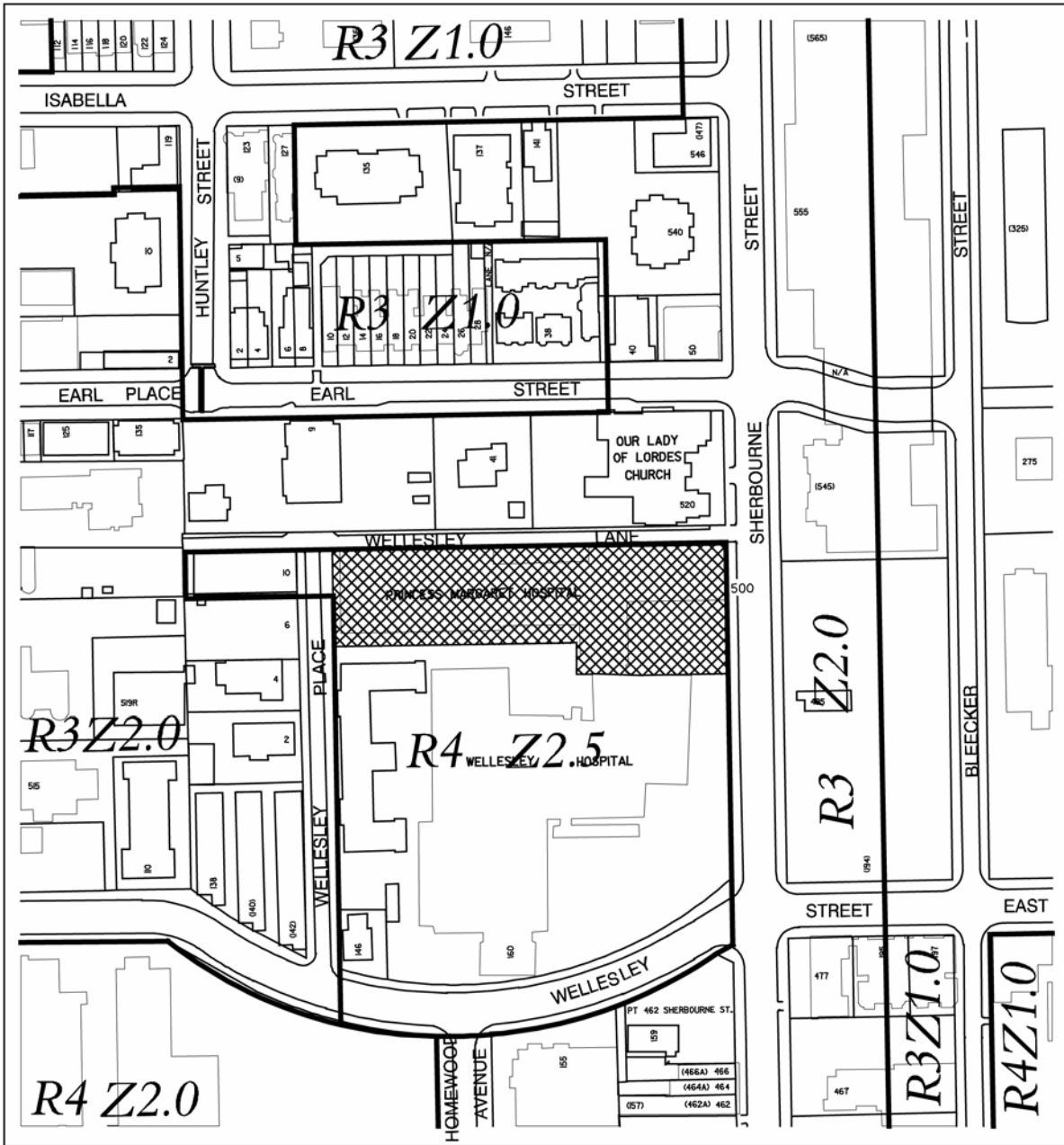
500 Sherbourne Street

File # 04_176802

-  Site
-  Medium Density Mixed Commercial-Residential Areas
-  Medium Density Residence Areas
-  High Density Residence Areas


Not to Scale
10/19/04

Attachment 8: Zoning Map Extract



500 Sherbourne Street
File # 04_176802

- R3 Residential District
- R4 Residential District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/18/04 - TA

Attachment 9: Draft Official Plan Amendment

Authority:
Enacted by Council:

CITY OF TORONTO

BY-LAW No. - 2005

To adopt Amendment No. XXX to the former City of Toronto Part I Official Plan respecting lands known municipally as 500 Sherbourne Street

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

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

ENACTED AND PASSED this day of , A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

SCHEDULE "A"

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

"18.XXX Lands known in the year 2005 as 500 Sherbourne Street.

1. Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines and shown as Block 1, Block 2, Block 3, Block 4, Block 5, Block 6, and Block 7 on Map 18.XXX attached hereto to permit a building or buildings containing *residential* uses and accessory uses thereto, and a *park*, provided that:
 - (1) the maximum *residential gross floor area* permitted on the *lot* does not exceed 32,300 square metres;
 - (2) the maximum *residential gross floor area* permitted on Block 1 does not exceed *area* 29,625 square metres;
 - (3) the maximum *residential gross floor area* permitted on Block 2 does not exceed 2,675square metres;
 - (4) 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:
 - (a) provide \$650,000 to the City to be applied towards the cost of installing a public swimming pool at the Wellesley Community Centre;
 - (b) comply with the City's 1% public art policy;
 - (c) provide easements in favour of the City for pedestrian connections to Sherbourne Street;
 - (d) create an extension to a *public park* on Blocks 6 and 7 and convey to the City, and secure conditions regarding Blocks 6 and 7 as identified by and to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - (e) prior to the issuance of an above *grade* building permit, post Letter of Credits for:
 - (i) the cash-in-lieu value of the strata conveyance;

- (ii) the cash-in-lieu value of the statutory parkland dedication shortfall; and
 - (iii) security for the installation of base park improvements equal to 120 percent of the value of the base park improvements;
- (f) convey to the City, at nominal cost, a 8.9 metre wide strip of land to the full extent of the site abutting Wellesley Lane, to a minimum depth of 1.2 metre below grade or 1.8 metre below grade where additional depth is needed for city utilities;
- (g) convey to the City, at nominal cost, a 2.81 metre wide strip of land to the full extent of the site abutting the east limit of Wellesley Place;
- (h) convey to the City, at nominal cost, for the northerly extension of Homewood Avenue, a 15 metre wide strip of land, extending between the proposed northerly extension of Homewood Avenue and Wellesley Lane, to a minimum depth of 1.2 metre below grade,
- (i) convey to the City an easement of support rights in the lands located below the lands referred to in subsection 4(f) and (h) above;
- (j) pay all costs associated with the construction of the Homewood Avenue extension and improvements and widenings of Wellesley Place and Wellesley Lane and intersections improvements required in conjunction therewith;
- (k) secure, among other matters, the design, construction of the new storm sewer and watermain, construction and conveyance of the public street and widenings and associated municipal services and facilities and the *Owner's* financial obligations and responsibilities to pay for any improvements and upgrades to the municipal infrastructure for this development to the satisfaction of the Executive Director, Technical Services;
- (l) comply with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division;
- (m) submission of a draft strata Reference Plan of Survey, for review and acceptance by the Executive Director, Technical Services, prior to it being deposited in the Land Registry Office;

- (n) provide space within the development for the construction of any transformer vaults, Hydro, Bell and sewer maintenance holes required in connection with this development;
- (o) execute an indemnity agreement, binding on successors on title, regarding the construction of the garage beneath the public highways and such agreement to include conditions as required by the Executive Director, Technical Service in consultation with the City Solicitor;
- (p) install, at the *owner's* expense, an irrigation system with automatic timer for all new trees in the public rights-of-ways and parkland, to the satisfaction of the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation, 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;
- (q) incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning;
- (r) exterior building materials on the elevations of the tower and stacked townhouses of the development and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning; and
- (s) any other condition to ensure the orderly development of the lands shown on Map 18.XXX as required by the Chief Planner and Executive Director, City Planning; and

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 1(4) herein and agrees to the registration of such agreement against the lands, as a first charge.

2. For the purpose of this Amendment, all italicized words or expressions have the same meaning as the definitions contained in By-law No. 438-86, as amended, of the former City of Toronto.

Attachment 10: Draft Zoning By-law Amendment

Authority:

Enacted by Council:

CITY OF TORONTO

BYLAW No. -2005

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known municipally as 500 Sherbourne 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*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and 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 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 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 and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, 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; 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 Sections 2(1) with respect to the definitions of *grade* and *lot*, 4(2)(a), 4(5)(i)(ii), 4(12), 4(13)(a) and (c), 4(16), 6(3) Part 11, 6(3) Part II 2, 6(3) Part II

4, 6(3) Part II 5(i), 6(3) Part III 1(b), and 12(2) 260 of the aforesaid By-law No. 438-86 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 and use on the lands shown delineated by heavy lines on Map X attached hereto of one or more buildings or structures containing *residential gross floor area* and a *public park* on the lands, provided that:

- (1) the *lot* comprises those lands delineated by heavy lines and consisting of *Blocks 1 to 7* inclusive, all as shown on Map X attached hereto;
- (2) no building or structure on *Block 1* may be erected and used for any other purpose than an *apartment building, rowplex, and row house*;
- (3) no building or structure on *Block 2* may be erected and used for any other purpose than an *apartment building, rowplex and row house*;
- (4) none of the provisions of Subsection 2(2), 2(3) and 2(4) of this by-law shall apply to prevent the sharing of pedestrian and vehicular access, vehicular parking, loading and services between the buildings and structures to be erected and used on *Block 1*, and *Block 2*;
- (5) the maximum *residential gross floor area* permitted on the *lot* does not exceed 32,300 square metres;
- (6) the maximum *residential gross floor area* permitted on *Block 1* does not exceed 29,625 square metres;
- (7) the maximum *residential gross floor area* permitted on *Block 2* does not exceed 2,675 square metres;
- (8) no portion of the *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 X including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
 - (a) a parapet at the roof level of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres above the *height* of the roof of the building; and
 - (b) stair towers, partitions dividing roof top outdoor recreation areas and trellises located above the *height* of the roof level of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres above the *height* of the roof the building;

- (9) no portion of any building or structure erected and used above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Map X, with the exception of:
 - (a) entrance canopies, any other canopies, parapets, cornices, balustrades, mullions, ornamental elements, landscape features, eaves, which may extend beyond the heavy lines shown on Map X;
- (10) a minimum number of *parking spaces* for any building or structure erected and used on the *lot* shall be provided and maintained on the *lot* in accordance with the following:
 - (a) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (b) 0.7 *parking spaces* for each *one-bedroom dwelling unit*;
 - (c) 1.00 *parking spaces* for each *two-bedroom dwelling unit*;
 - (d) 1.20 *parking spaces* for each *three-bedroom or larger dwelling unit*; and
 - (e) 0.06 *visitor parking spaces* for every *dwelling unit* contained therein;
- (11) at least 1 *loading space — Type G* is provided on *Block 1* for any buildings or structures that are erected and used on *Block 1* and *Block 2*;
- (12) a minimum number of *bicycle parking spaces* for the residential uses on *Block 1* and *Block 2* shall be provided and maintained on the *lot* in accordance with the following:
 - (a) 258 *bicycle parking spaces* of which 206 are designated *bicycle parking space – occupant* and 52 are designated *bicycle parking space – visitor* for *Parcel A* on *Block 1*; and
 - (b) 33 *bicycle parking spaces* of which 26 are designated *bicycle parking space – occupant* and 7 are designated *bicycle parking space – visitor* for *Parcel B* on *Block 1* and *Block 2*;
- (13) no person shall erect or use a building or structure containing 20 or more dwelling units on *Parcel A* of *Block 1* unless a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* is provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom in the building or structure, and a minimum of 250 square metres of *residential amenity* is provided outdoors, of which at least 130 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and
- (14) 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(14) of this By-law, agreeing to:
 - (a) provide \$650,000 to the City to be applied towards the cost of installing a public swimming pool at the Wellesley Community Centre;
 - (b) comply with the City's 1% public art policy;
 - (c) provide easements in favour of the City for pedestrian connections to Sherbourne Street;
 - (d) create an extension to a *public park* on Blocks 6 and 7 and convey to the City, and secure conditions regarding Blocks 6 and 7 as identified by and to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - (e) prior to the issuance of an above *grade* building permit, post Letter of Credits for:
 - (i) the cash-in-lieu value of the strata conveyance;
 - (ii) the cash-in-lieu value of the statutory parkland dedication shortfall; and
 - (iii) security for the installation of base park improvements equal to 120 percent of the value of the base park improvements;
 - (f) convey to the City, at nominal cost, a 8.9 metre wide strip of land to the full extent of the site abutting Wellesley Lane, to a minimum depth of 1.2 metre below grade or 1.8 metre below grade where additional depth is needed for city utilities;
 - (g) convey to the City, at nominal cost, a 2.81 metre wide strip of land to the full extent of the site abutting the east limit of Wellesley Place;
 - (h) convey to the City, at nominal cost, for the northerly extension of Homewood Avenue, a 15 metre wide strip of land, extending between the proposed northerly extension of Homewood Avenue and Wellesley Lane, to a minimum depth of 1.2 metre below grade,
 - (i) convey to the City an easement of support rights in the lands located below the lands referred to in subsection 2(f) and (h) above;
 - (j) pay all costs associated with the construction of the Homewood Avenue extension and improvements and widenings of Wellesley Place and Wellesley Lane and intersections improvements required in conjunction therewith;
 - (k) secure, among other matters, the design, construction of the new storm sewer and watermain, construction and conveyance of the public street and widenings and

associated municipal services and facilities and the *Owner's* financial obligations and responsibilities to pay for any improvements and upgrades to the municipal infrastructure for this development to the satisfaction of the Executive Director, Technical Services;

- (l) comply with, and pay for, the City's standard environmental site assessment and peer review process administered by the Technical Services Division;
 - (m) submission of a draft strata Reference Plan of Survey, for review and acceptance by the Executive Director, Technical Services, prior to it being deposited in the Land Registry Office;
 - (n) provide space within the development for the construction of any transformer vaults, Hydro, Bell and sewer maintenance holes required in connection with this development;
 - (o) execute an indemnity agreement, binding on successors on title, regarding the construction of the garage beneath the public highways and such agreement to include conditions as required by the Executive Director, Technical Service in consultation with the City Solicitor;
 - (p) install, at the *owner's* expense, an irrigation system with automatic timer for all new trees in the public rights-of-ways and parkland, to the satisfaction of the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation, 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;
 - (q) incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning;
 - (r) exterior building materials on the elevations of the tower and stacked townhouses of the development and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning; and
 - (s) any other condition to ensure the orderly development of the lands shown on Map X as required by the Chief Planner and Executive Director, City Planning; and
3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
4. For the purpose of this By-law:
- (1) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;

- (2) "Block 1", "Block 2", "Block 3", "Block 4", "Block 5", "Block 6", "Block 7", "Parcel A" and "Parcel B" mean the areas identified as "*Block 1*", "*Block 2*", "*Block 3*", "*Block 4*", "*Block 5*", "*Block 6*", "*Block 7*", "*Parcel A*" and "*Parcel B*" on Map X;
 - (3) "*grade*" shall mean 112.8.3 metres Canadian Geodetic Datum for *Block 1* and XXXX metres Canadian Geodetic Datum *Block 2*;
 - (4) "*lot*" comprises those lands delineated by heavy lines and consisting of *Blocks 1, 2, 3, 4, 5, 6, and 7* as shown on the attached Map X. *Blocks 1, 2, 3, 4, 5, 6, and 7* shall be deemed to be one *lot* regardless of whether or not two or more buildings or structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this by-law comes into force; and
 - (5) each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
5. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if not severance, partition or division occurred.
 6. 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.
 7. Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this day of , A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk