

**126 Simcoe Street Phase II – Zoning By-law Amendment  
Application – Transmittal Report**

<b>Date:</b>	May 14, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	06-180736 STE 20 OZ

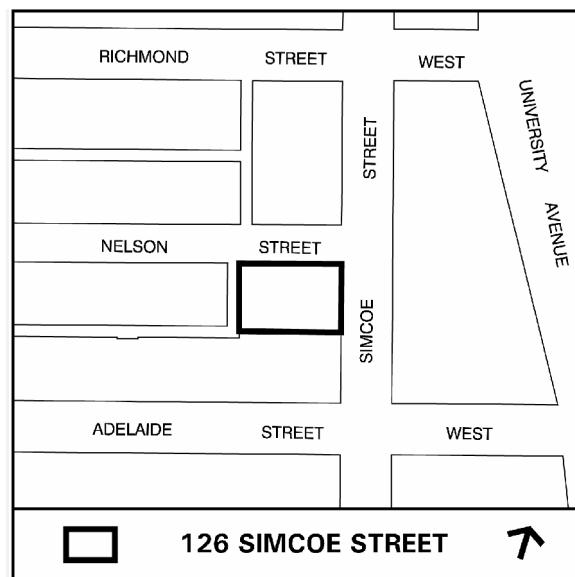
**SUMMARY**

This transmittal report responds to the May 1, 2007 direction of Toronto and East York Community Council to submit a draft zoning by-law amendment for 126 Simcoe Street that would permit the development of the site for a 35-storey (106.5 metre) residential building with commercial uses on the ground floor.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. In the event a by-law is authorized in accordance with the May 1, 2007 direction of the Toronto and East York Community Council to bring forward by-laws to permit the applicant’s proposal, the City Solicitor be authorized to amend the draft by-law as may be required to address the Technical Services issues identified in the May 14, 2007 report of the Director, Community Planning, Toronto and East York District, to the satisfaction of the Executive Director, Technical Services; and



2. Bills not be introduced at Council until the Technical Services issues noted in Recommendation 1 are addressed and a Section 37 agreement is executed.

## **ISSUE BACKGROUND**

At its meeting of May 1, 2007 Toronto and East York Community Council considered a staff report dated March 9, 2007 that recommended refusal of a zoning by-law amendment application for 126 Simcoe Street proposing a 35-storey (106.5 metre) residential building with commercial uses on the ground floor. At that meeting, Community Council referred the report back to the Director, Community Planning, Toronto and East York District and:

- directed the City Clerk to give notice for a public meeting based on the applicant's proposal for a 35-storey building; and
- requested the Director, Community Planning Toronto and East York District to prepare a draft Zoning By-law amendment substantially in accordance with the applicant's proposal subject to revisions to the built form and incorporation of Section 37 matters as set out in a motion.

An excerpt from the Toronto and East York Community Council decision document which sets out the direction on this application is included as Attachment 1 to this report. In accordance with the direction of Toronto and East York Community Council, a draft zoning by-law amendment is included as Attachment 2 to this report.

## **ISSUES TO BE RESOLVED PRIOR TO ZONING BY-LAW ENACTMENT**

Prior to the enactment of a Zoning By-law Amendment to implement the applicant's proposal, outstanding Technical Services issues need to be resolved as set out in their memorandum dated December 18, 2006. These issues include the following:

- submission of a Traffic Impact Study to the satisfaction of the General Manager of Transportation Services;
- compliance with the parking supply requirements of the King-Spadina area Zoning By-law;
- provision of a Type G loading space for the building or, alternatively, submission of documentation indicating how the loading demand for the project will be accommodated;
- elimination of the roof overhang encroachment on the Simcoe Street right-of-way;

- submission of a site servicing report to the satisfaction of the Executive Director of Technical Services; and
- provision of financial securities for construction of any required municipal infrastructure.

In addition, a Section 37 agreement will have to be executed prior to the introduction of bills to Council. The Community Council direction made recommendations for inclusion in the Section 37 agreement. Additional items may be necessary in the Section 37 agreement to address the resolution of Technical Services issues.

### **CONTACT**

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### **SIGNATURE**

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

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### **ATTACHMENTS**

- Attachment 1: Excerpt from Decision Document of May 1, 2007 Toronto and East York  
Community Council  
Attachment 2: Draft Zoning By-law Amendment

**Attachment 1: Excerpt from Decision Document of May 1, 2007  
Toronto and East York Community Council**

**RE: TE5.5  
Refusal Report – Zoning By-law Amendment Application  
126 Simcoe Street**

**Decision Advice and Other Information**

The Toronto and East York Community Council *referred the report (March 9, 2007) back to the Director, Community Planning, Toronto and East York District and:*

1. *directed the City Clerk to give notice for a public meeting under the Planning Act according to the Regulations under the Planning Act based on the zoning by-law amendment application 06 180736 STE 20 SA (drawings date stamped October 2,2006) respecting the proposal to construct a 35-storey building (maximum 106.5 metres inclusive of all rooftop mechanical equipment), subject to the following revisions and/or standards:*
  - (i) *a three metre setback from the main wall of the building abutting Simcoe Street at and above the eighth storey;*
  - (ii) *rooftop mechanical equipment to be “wrapped” with residential uses*
  - (iii) *the inclusion of knock-out panels between dwelling units for 50% of the units located at or above the 19th floor in order to create opportunities for housing for larger families. These units are in addition to those set out in I.B. below.*
  - (iv) *provide all parking spaces for this project with a minimum dimension of 2.6 metres in width, 5.9 metres in length and a driveway with a minimum width of 5.5 metres for two-way operation; and,*
  - (v) *a Section 37 contribution, in accordance with the following:*
    - A. *an appropriate amount to be negotiated between the applicant and the City, and that the Section 37 Agreement include:*
      - i. *streetscape improvements in the area, including but not limited to Richmond Street West, between Simcoe Street and Spadina Avenue;*
      - ii. *park improvements in the area including but not limited to Grange Park;*
      - iii. *a minimum of 10% of the total Section 37 monies are to be allocated for public housing improvements in the ward; and,*



**Attachment 2:  
Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Report No. \_\_\_\_ Clause No. \_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_, 2007  
Enacted by Council: \_\_\_\_, 2007

**CITY OF TORONTO**  
**To amend General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally as 126 Simcoe Street**

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2007 as 126 Simcoe Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section of the *Planning Act*, authorize increases in the height or density of development beyond that 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 of matters in return for any increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

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

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the “City”);

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements with the City to secure certain facilities, services and matters in return for the increases in height 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 – “parking space”, 4(2)(a), 4(12), 4(14)(a)(ii), 7(3)PART II 1(i), Section 7(3) Part III (ii), and 12(2)246(a) of By-law 438-86 of the former City of Toronto, being “A B-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot*, provided that:
  - (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres or in *storeys*, than the lesser of:
    - (i) The *height* specified by the numbers following the symbol H on the attached Map 2; or,
    - (ii) The number of *storeys* specified on the attached Map 2
  - (c) Notwithstanding (b), roof parapets and railings shall not exceed the sum of 1.2 metres and the applicable maximum *height* limit on the attached Map 2.
  - (d) The minimum distance between a wall of building on the same *lot*, or between exterior walls of a building connected underground, shall be 10 metres as specified on the attached Map 2.
  - (e) *residential amenity space* shall be provided and maintained on the *lot* as follows:
    - (i) not less than 1.8 m<sup>2</sup> of indoor *residential amenity space* for each *dwelling unit* located on the *lot* and shall include a multi-purpose room which includes a kitchen and a washroom, and may include up to two guest suites; and
    - (ii) not less than 0.5 m<sup>2</sup> of outdoor *residential amenity space* for each *dwelling unit* located on the *lot*.
  - (f) Notwithstanding any other provision:
    - (i) parking space dimensions shall be a minimum of 2.6 metres in width and 5.9 metres in length; and

- (ii) a driveway with a minimum width of 5.5 metres for two-way operations shall be permitted.
- (g) The visitors *parking spaces* required to be provided and maintained on the *lot* pursuant to Section 4(\_\_\_\_) shall be reserved at all times for visitors to the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the building.

2. Site Servicing

No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

3. Pursuant to Section 37 of the Planning Act, the heights of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the Owner of the lot, the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section 4 hereof:

- (a) The provision and maintenance of knock-out panels between dwelling units for 50% of the units located at or above the nineteenth floor in order to create opportunities for housing for larger families.
- (b) A minimum of 10% of all dwelling units at or above the nineteenth floor shall be three bedroom units.
- (c) The amount of \$900,000.00 payable to the City of Toronto, prior to the issuance of the first building permit to be used for the following improvements, all of which are to be determined in consultation with the local Councillor and appropriate City staff:
  - (i) Streetscape improvements in the area, including but not limited to Richmond Street West between Simcoe Street and Spadina Avenue;
  - (ii) Park improvements in the area including but not limited to Grange Park;



- (iii) A minimum of \$100,000 or 10% of the total Section 37 monies payable in (c) herein for public housing improvements in Ward 20;
  - (d) the contributions contemplated in subsection 3(c) shall be indexed to the Consumer Price Index from the date of execution of the first agreement under Section 37 of the Planning Act as required by Section 4 herein.
- 4. The owner of the *lot* enters into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the matters required in Sections 2 and 3 of this By-law and such agreements are to be registered on title to the *lot*, and such agreements and registration to be to the satisfaction of the City.
- 5. For the purposes of this By-law each word or expression which is italicized in this by-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.