

**582 Sherbourne Street and 28 Linden Street
Rezoning Application
Final Report**

Date:	May 9, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre - Rosedale
Reference Number:	File No. 06 123391 STE 27 OZ

SUMMARY

This application proposes a 32-storey residential building at 582 Sherbourne Street and 28 Linden Street and retention of the heritage James Cooper House.

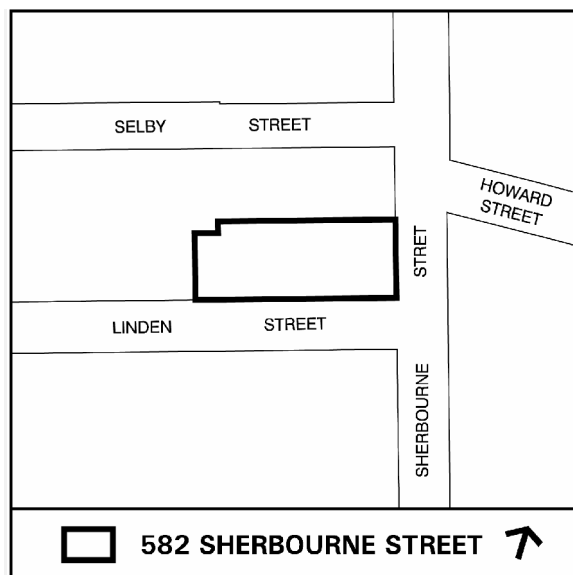
The proposal secures conservation of the James Cooper House and implements intensification of a site that is very close to the Sherbourne subway station. The proposal provides a good built-form relationship to the surrounding public realm and an acceptable relationship to nearby properties.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3;



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
3. before introducing the necessary Bill to City Council for enactment, require the owner to enter an Agreement pursuant to Section 37 of the Planning Act to require the owner to do the following:
 - (a) pay to the City the sum of \$750,000 prior to the issuance of the first building permit for construction of an indoor swimming pool at the Wellesley Community Centre, located at 495 Sherbourne Street, or construction of other community recreation facilities in the vicinity of the site;
 - (b) provide a public art contribution to the City of a value not less than one percent of the gross construction cost of the development, in compliance with the City's public art program
 - (c) restore, conserve, and maintain the James Cooper House, notwithstanding the relocation of the house on-site, and enter into a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* satisfactory to the Manager of Heritage Preservation Services prior to Site Plan Approval pursuant to Section 41 of the *Planning Act*;
 - (d) in accordance with the Conservation Plan, the owner shall restore the James Cooper House, at a minimum cost of \$350,000, such restoration costs not to include costs associated with the relocation of the house or related engineering work, and in the event of an expenditure less than \$350,000, the difference shall be re-directed to the provision of an additional payment for the construction of an indoor swimming pool at the Wellesley Community;
 - (e) provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - (f) submit a site servicing review satisfactory to City's Executive Director of Technical Services prior to the Zoning By-law amendment coming into full force and effect to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development and to demonstrate how the lot can be serviced and whether the existing municipal infrastructure is adequate;
 - (g) pay to the City the costs for improvements to the municipal infrastructure in connection with the site servicing review to the satisfaction of the City's

Executive Director of Technical Services, prior to the issuance of the first foundation building permit, should the site servicing review determine that upgrades are required to the infrastructure to support the development;

- (h) provide and maintain design and materials for the exterior of the development, to be secured in an agreement pursuant to Section 41 of the *Planning Act*;
 - (i) prior to issuance of a concrete/superstructure permit, provide a survey satisfactory to the City's Manager of Heritage Preservation Services for the purpose of identifying any amendment to the heritage designation by-law required as a result of the relocation of the James Cooper House; and
 - (j) provide reasonable streetscape improvements, including, but not limited to, tree installation on the public right-of-way adjacent to the lot , relocation of the southbound TTC bus stop if necessary to provide a minimum distance between the bus stop and the driveway, and reconstruction of the sidewalk to provide a level loading and alighting condition at the bus stop;
 - (k) use reasonable commercial efforts to obtain LEED Certification of the development and provide to the city documentation respecting certification for the development;
4. before introducing the necessary Bill to City Council for enactment, the applicant be required to enter into a Site Plan Agreement under Section 41 of the Planning Act;
5. prior to final site plan approval, the applicant be required to
- (a) enter into a Heritage Easement Agreement with the City; and
 - (b) submit a Conservation Plan, prepared by a heritage consultant and based on the approved Conservation Strategy as prepared by Goldsmith Borgal and Company Ltd. Architects (dated March 2006), for the adaptive re-use of the James Cooper House, satisfactory to the Manager of Heritage Preservation Services; and
6. the owner be required to provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with this development

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal involves relocation of the existing historic James Cooper House to a location on the site that is closer to Sherbourne Street. A 32-storey residential tower is proposed behind the relocated house. The base of the tower would be a three-storey podium, with grade-related townhouse units fronting onto Linden Street. Parking is proposed in an underground garage, with vehicular access off of Linden Street. Service vehicles only would exit onto Sherbourne Street. The proposed gross floor area of the project, including the heritage house, is 23,024 square metres, resulting in a density of 9.73 times the area of the lot. The proposed height of the development is 109 metres, including a mechanical penthouse.

The James Cooper house would be restored and conserved as part of the proposal. A package of public benefits pursuant to Section 37 of the *Planning Act* would also be secured.

Refer to Attachment No. 4 for project data.

Site and Surrounding Area

The site is located on the northwest corner of Sherbourne and Linden Streets and is approximately 2,365 square metres in size. The site has approximately 31 metres of frontage on Sherbourne Street and 79 metres of frontage on Linden Street.

The Knights of Columbus owned and occupied the site until recently. The existing building is a large three-storey house built in 1881 in the Second Empire style. Attached to the house is an assembly hall constructed in 1911 in Georgian Revival style to accommodate the Knights of Columbus. The property is listed on the City of Toronto's Inventory of Heritage Properties. The adjacent property at 28 Linden Street is a former house lot and provided parking for the Knights of Columbus.

North: The Gooderham House was constructed in the early 20th century and is designated under the Ontario Heritage Act. The building, with a large three-storey addition at the rear, is occupied by a hotel. North of the Gooderham House, commercial and mixed commercial/residential buildings approximately 30 and 48 metres in height face Sherbourne Street on the block between Selby Street and Bloor Street West. The Sherbourne subway station is integrated into a 24-metre tall office building on the southeast corner of Sherbourne Street and Bloor Street West.

South: Houseform buildings two to three storeys in height front onto Sherbourne Street. Similar properties front onto Linden Street across from the site, as well as the Sacre Coeur Catholic School.

East: Low-scale buildings with a mix of uses face the site from the east. St. James Town West Park, the St. James Town neighbourhood of “tower-in-the park” apartment buildings, and North St. James Town also lie to the east.

West: Two- and three-storey houses line the north and south sides of Linden Street.

Provincial Policy Statement and Provincial Plans

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

Official Plan

The site is located within the “Downtown and Central Waterfront” area identified on the Urban Structure map of the Toronto Official Plan.

The Official Plan designates the site Apartment Neighbourhood, which permits a range of residential uses, including apartment buildings, as well as parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The Plan sets out development criteria to evaluate proposals for new development in Apartment Neighbourhoods.

The Official Plan also includes policies respecting built-form and heritage resources that are particularly relevant to the review of the proposal.

Zoning

The Zoning By-law zones 582 Sherbourne Street as R3 Z2.0, which permits a range of residential uses and gross floor area up to two times the area of the lot. The property is subject to a height limit of 23 metres and a 44 degree angular plane measured from 16 metres above the Sherbourne Street property line. The property is also subject to site-specific Zoning By-law 436-77, which permitted the club use which occupied the property until recently.

The Zoning By-law zones 28 Linden Street as R3 Z1.0, which permits a range of residential uses and gross floor area up to one time the area of the lot. This portion of the site is subject to a height limit of 12 metres.

Site Plan Control

An application for Site Plan Approval was submitted in September 2006 and is under review.

Reasons for Application

The proposal requires an amendment to the Zoning By-law because the proposed density of 9.73 times the area of the lot exceeds the density permitted by the Zoning By-law of 2.0 times the area of the lot on 582 Sherbourne Street and 1.0 times the area of the lot on 28 Linden Street. The proposed height of approximately 109 metres exceeds the zoned height limit of 23 metres. The proposal also penetrates the required angular plane from Sherbourne Street.

The proposal requires relief from a number of other Zoning By-law standards, as discussed in this report and set out in the draft Zoning By-law attached to this report.

Community Consultation

A community consultation meeting was held at the Wellesley Community Centre on September 12, 2006, attended by approximately 30 members of the public. The applicant also met a number of times with representatives of the Upper Jarvis Residents Association. Issues that have arisen through community consultation include the height and built-form of the proposal, density of the project, shadow impacts, preservation of the existing heritage house, traffic impact, unit mix, the adequacy of community facilities in the area, and environmental standards for the proposed building.

At the suggestion of a local community member and Councillor Kyle Rae, the applicant also arranged an architectural peer review of the proposal, involving four architects, including one from outside of Toronto. The peer review was held on December 19, 2006.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

Density

The density of the proposed development is 9.73 times the area of the lot. This is significantly higher than the 2.0 times coverage currently permitted on the 582 Sherbourne site and 1.0 times coverage permitted on the 28 Linden Street property. The Official Plan accepts intensification on underutilized sites in Apartment Neighbourhood areas. The subject site is suitably located for intensification, due to its proximity to urban infrastructure, including the Sherbourne subway station. Other sites in the area have been approved for redevelopment and intensification, including the former Wellesley - Central Hospital site. As discussed below, the proposal results in an acceptable built-form.

Height and Massing

Conservation and restoration of the James Cooper House on-site is an important public objective. Retention of the house on-site limits options for siting and massing of any new development.

The proposed development comprises three components. The heritage James Cooper House will be retained on the site, but relocated closer to Sherbourne Street. The space created by the relocation of the house will accommodate new residential development consisting of a three-storey podium and a residential tower. The total height of the new development will be approximately 101 metres (109 metres including the mechanical penthouse), or 32 storeys. A separation of 3.4 metres is proposed between the tower and the heritage building. The two will be connected by a three-storey glass structure. The tower will be set back 3.2 metres from the edge of the podium along Linden Street and a setback of approximately 22 metres is provided between the west face of the proposed tower and the residential property to the west

The heritage house on Sherbourne Street and the three-storey podium provide appropriately-scaled edges to the public realm adjacent to the site.

The Official Plan includes policies respecting transition between areas of different development intensity and scale. The policies are intended in part to protect the stability of areas designated Neighbourhood. Properties west, northwest, and south of the site are designated Neighbourhood, and are generally occupied by residential uses in houseform buildings.

The juxtaposition of the proposed height of the tower and the existing low-scale built-form in the adjacent Neighbourhood would be inappropriate in many areas of the City. In this case, staff are willing to accept the proposed transition in scale for a number of reasons. The 22-metre setback from the west property line provides separation between the tower and the most immediately impacted properties. This setback is significant considering that due to the preservation of the James Cooper House, space is limited on the site to achieve geometric transition in built-form to the west. Finally, juxtaposition of tall buildings to low-scale residential buildings is a type of built-form relationship which can be found on other edges of the Upper Jarvis Neighbourhood, as well as near other Downtown neighbourhoods. In this proposal, the juxtaposition of the tower to the adjacent low-scale built-form is softened by landscaping on the west edge of the site, a clearly expressed and appropriately-scaled podium, and units in the podium with direct access to grade that mimic townhouses.

The proposed tower is set back significantly from Sherbourne Street, due to the placement of the heritage house. The setback of the podium from Linden Street aligns the building with setbacks of houses further west on Linden. The 5.5 metre setback proposed from the north property line meets is less than the 7.5 metre setback required by the Zoning By-law for an apartment building in a residential zone. A 5.5 metre setback is consistent with the setback required for primary residential windows from a property line in a mixed use zone, and matches the setback that would be required by the Zoning By-

law for primary residential windows in a redevelopment proposal on the adjacent site to the north. However, it should be noted that any future redevelopment proposal on the adjacent site may face challenges responding to the proposed built-form of the subject site to ensure good light, view and privacy conditions.

The proposal penetrates the angular plane required by the Zoning By-law approximately above the 12th floor of the tower. The purpose of the angular plane is to protect the public realm from undue shadow impact. The proposal's shadow impacts are discussed below and are considered acceptable.

Sun, Shadow, Wind

The applicant has submitted a shadow study to demonstrate shadow impacts of the proposal at the spring and fall equinoxes. Shadow impacts of the tower move off residential rear yards on the block by mid-morning. During the morning and early afternoon hours, shadow impacts move steadily across the mixed use block north of Selby Street.

Shadow impacts on the public realm will primarily result early- to mid-afternoon on both sides of Sherbourne Street in the vicinity of its intersection with Howard Street. The north-south dimension of the tower is very thin, and this shadow moves fairly quickly southward. The north sidewalk of Howard Street will experience impacts late in the afternoon, as well as the very northerly portion of St. James Town West Park.

The applicant has also submitted a study of wind impacts resulting from the development. Impacts are generally acceptable; however, some mitigation of wind impacts on shared and private outdoor amenity areas may be required as part of Site Plan Approval.

Heritage

The proposal retains the existing heritage James Cooper House on the site, but relocates it closer to Sherbourne Street. Heritage staff have recommended designation of the house under Ontario Heritage Act and have recommended approval of the proposed alterations to the heritage property, in a report dated April 30, 2007. It is expected that Toronto and East York Community Council will consider the Heritage Preservation Services report at the same meeting as this Final Report.

Section 3.1.5 of the Official Plan sets out policies respecting conservation of heritage resources, including permission for gross floor area in excess of what is permitted in the Zoning By-law for lands containing a conserved heritage building and new development, subject to a number of conditions. Under this policy, additional floor area is not to exceed the floor area of the designated heritage building or structure being retained. As the proposed residential tower far exceeds the area of the retained heritage house, Council should be satisfied that the density of this proposal is supportable based on other planning grounds, as discussed above.

The heritage policies of the Official Plan also require that where a heritage building is being conserved as part of a new development, by-laws are not to be enacted prior to Site Plan Approval.

Residential Amenity Space

The proposal meets the requirements of the Zoning By-law for indoor residential amenity space. This space is primarily provided within the heritage house, which will ensure that the building continues to be used and enjoyed by all residents of the development.

The Zoning By-law requires the proposal to provide 2 square metres of shared outdoor residential amenity space per unit, which results in a requirement for 540 square metres for this proposal. The applicant has proposed 293 square metres of outdoor residential amenity space, in the form of passive outdoor seating areas at both the front and the rear of the property and an ‘outdoor kitchen.’ Staff accept the amount of outdoor amenity space proposed, recognizing the constraints of the site due to the preservation of the James Cooper House. In this context, staff recommend securing indoor amenity space in excess of the Zoning By-law’s requirements.

Traffic Impact and Vehicular Access

The applicant provided a traffic impact study. Transportation Services staff have reviewed the study and agree that the traffic impacts of the proposal are acceptable.

Local streets in the area are generally one-way. Access to the vehicle entrance to the site is proposed for Linden Street, requiring cars to reach the site via Huntley Street or Selby Street. The applicant has proposed that Linden Street be converted to two-way operation from Sherbourne Street to the site’s vehicle entrance, as a strategy to limit traffic penetration into the local neighbourhood streets. The remainder of Linden Street would continue to operate one-way east-bound.

Transportation Services staff are concerned that conversion of the eastern end of Linden Street to two-way operation will create issues respecting westbound vehicles that are not destined for the site entering Linden Street from Sherbourne Street, and how these vehicles would turn around and exit back to Sherbourne Street. They do not support the conversion at this time.

Parking

The applicant has proposed a total of 199 parking spaces, including 180 spaces for residents, 17 spaces for visitors, and 2 car-share spaces. This meets the requirements of the Zoning By-law, but is less than the estimated parking demand for this project, based on surveyed parking demand of other residential condominium buildings in the area. The applicant has not provided satisfactory information to Transportation Services staff that demonstrates that the proposed parking supply will satisfy the demand for this building without creating off-site parking demand.

Staff recommend the following parking standard be included in the site-specific zoning by-law, which is higher than that proposed by the applicant:

Dwelling unit type	Parking Ratio
Bachelor unit	0.3 space/unit
1 Bedroom unit	0.7 space/unit
2 Bedroom unit	1.0 space/unit
3 or more Bedroom unit	1.2 space/unit
Visitor Parking	0.06 space/unit

The draft Zoning By-law amendment attached to this report includes further provision that the total parking supply may be reduced by nine spaces for each car-sharing space provided in the development, up to a maximum of five car-sharing spaces. If the applicant provides five car-sharing spaces, the applicant's proposed parking supply will satisfy the recommended standard.

Bicycle Parking

Bicycle parking is proposed to be provided in accordance with the standard of the Zoning By-law. However, relief from the by-law has been requested to permit more than 50% of the bicycle parking spaces to be vertical, rather than horizontal, and to permit visitor bicycle parking to be provided in an indoor secure location. Planning staff are not concerned by this configuration.

Servicing

The applicant has satisfied Technical Services staff that the existing City infrastructure has adequate capacity to support the development proposal in terms of storm and sanitary drainage. However, further information is required to verify that the water pressure in the area is adequate. It is recommended that the applicant be required to submit a site servicing review to determine the water supply demand resulting from the development and demonstrating how the site can be serviced and whether the existing municipal infrastructure is adequate to service this development. The applicant should be required to pay for any improvements to municipal infrastructure that are necessary to accommodate the development.

Landscaped Open Space

The Zoning By-law requires that 50% of the site (1183 square metres) be provided as landscaped open space. The proposal provides less than 13% of the site (293 square metres) as landscaped open space.

The intent of the Zoning By-law is to preserve large park-like areas of landscaped open space around apartment buildings in residential zones. In staff's opinion, the landscaping proposed for the site is appropriate and well-located, particularly in the site's context, located on a major street that has a number of non-residential uses.

Toronto Green Development Standard

The application was submitted prior to Council's adoption of the Toronto Green Development Standard. The applicant has not completed the Green Development Standard checklist.

The applicant intends to pursue LEED certification for the building and has agreed to provide documentation to the City respecting certification of the development.

Architectural Quality

The local community has expressed a strong interest in ensuring that the proposal demonstrates high-quality architecture. The applicant has received feedback from the community and the design review panel. The Section 37 agreement is proposed to secure exterior design and materials through Site Plan Approval.

Section 37

The proposal represents a significant increase in height and density permitted by the Zoning By-law. It is appropriate to secure a package of public benefits in exchange for the requested increase in height and density permission pursuant to Section 37 of the Planning Act.

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

1. a contribution of \$750,000 to be dedicated to the construction of an indoor swimming pool at the Wellesley Community Centre, or other community recreational facilities in the vicinity of the site;
2. an expenditure of not less than \$350,000 on the conservation and restoration of heritage attributes of the James Cooper House. This sum shall not be used for the cost of relocating the house or related engineering work, and in the event of a lesser expenditure, the difference shall be paid as a cash contribution to construction of an indoor swimming pool at the Wellesley Community Centre; and
3. a public art program in the amount of 1% of the project's gross construction costs.

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

1. restoration and conservation of the James Cooper House, and a requirement to enter into a Heritage Easement Agreement;
2. an automatic irrigation system for street trees;
3. submission of a site servicing review and payment of costs associated with any necessary upgrades to municipal infrastructure;
4. exterior design and materials of the development;
5. streetscape improvements adjacent to the site;

6. survey information to determine any future necessary amendments to the heritage designation by-law; and
7. reasonable commercial efforts to obtain LEED certification of the development.

Development Charges

It is estimated that the development charges for this project will be \$1,514,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Kyle Knoeck, Senior Planner, Downtown Section
Tel. No. (416) 392-7215
Fax No. (416) 392-1330
E-mail: kknock@toronto.ca

SIGNATURE

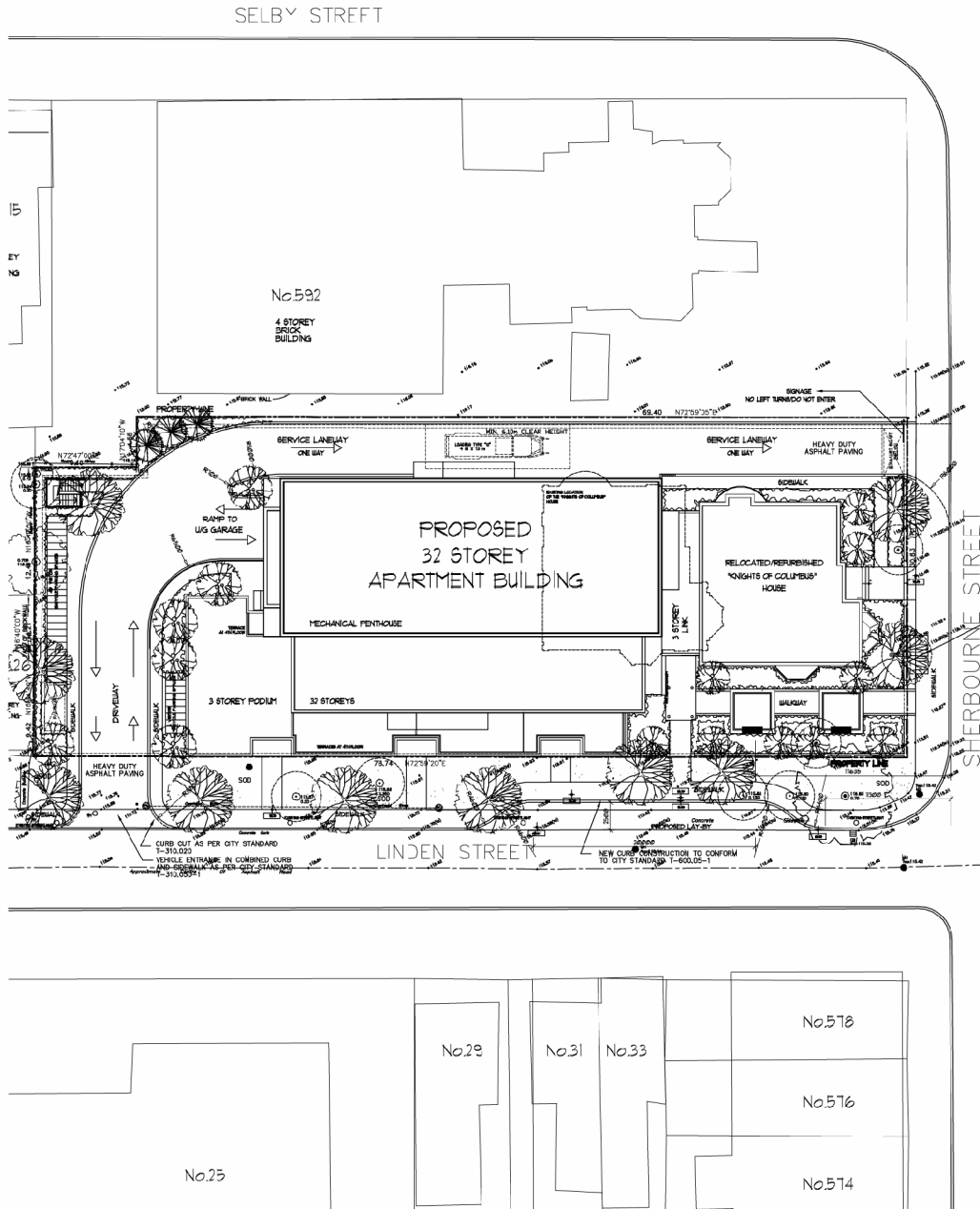
Gary Wright, Director
Community Planning, Toronto and East York District

(p:\2007\Cluster B\pln\1378019032.doc) – tm

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations A and B
- Attachment 3: Zoning
- Attachment 4: Application Data Sheet
- Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

582 Sherbourne Street

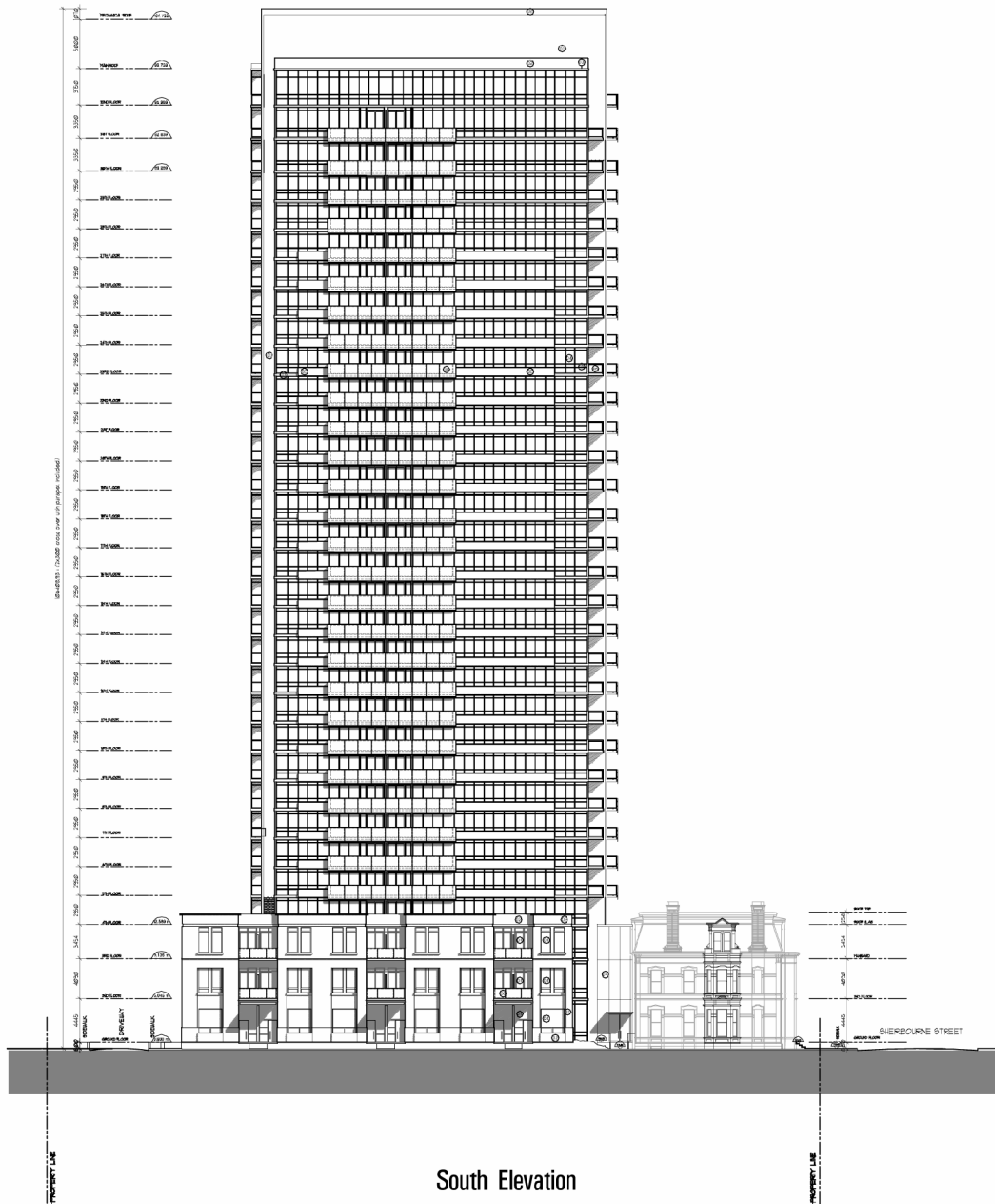
Applicant's Submitted Drawing

Not to Scale
06/14/06



File # 06_123391

Attachment 2: Elevations A



Elevations

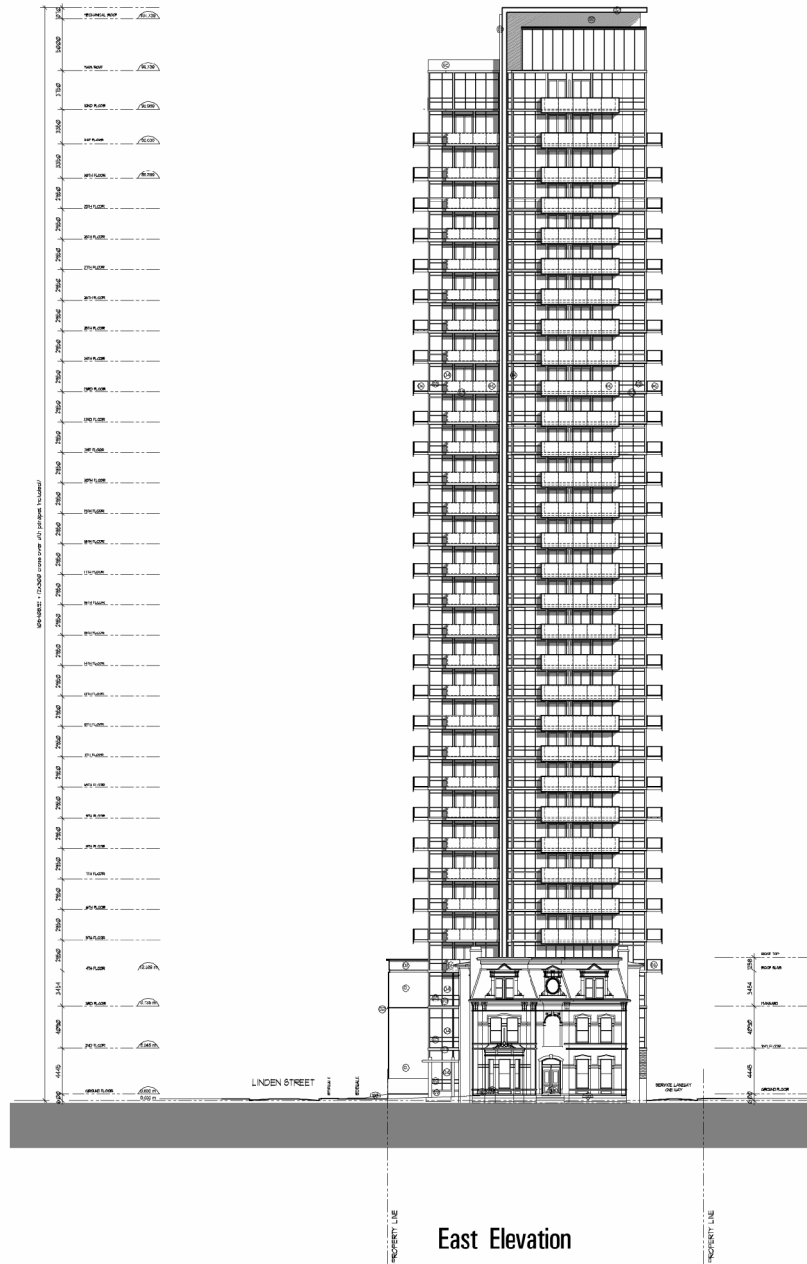
Applicant's Submitted Drawing

Not to Scale
06/14/06

582 Sherbourne Street

File # 06_123391

Attachment 2: Elevations B



Elevations

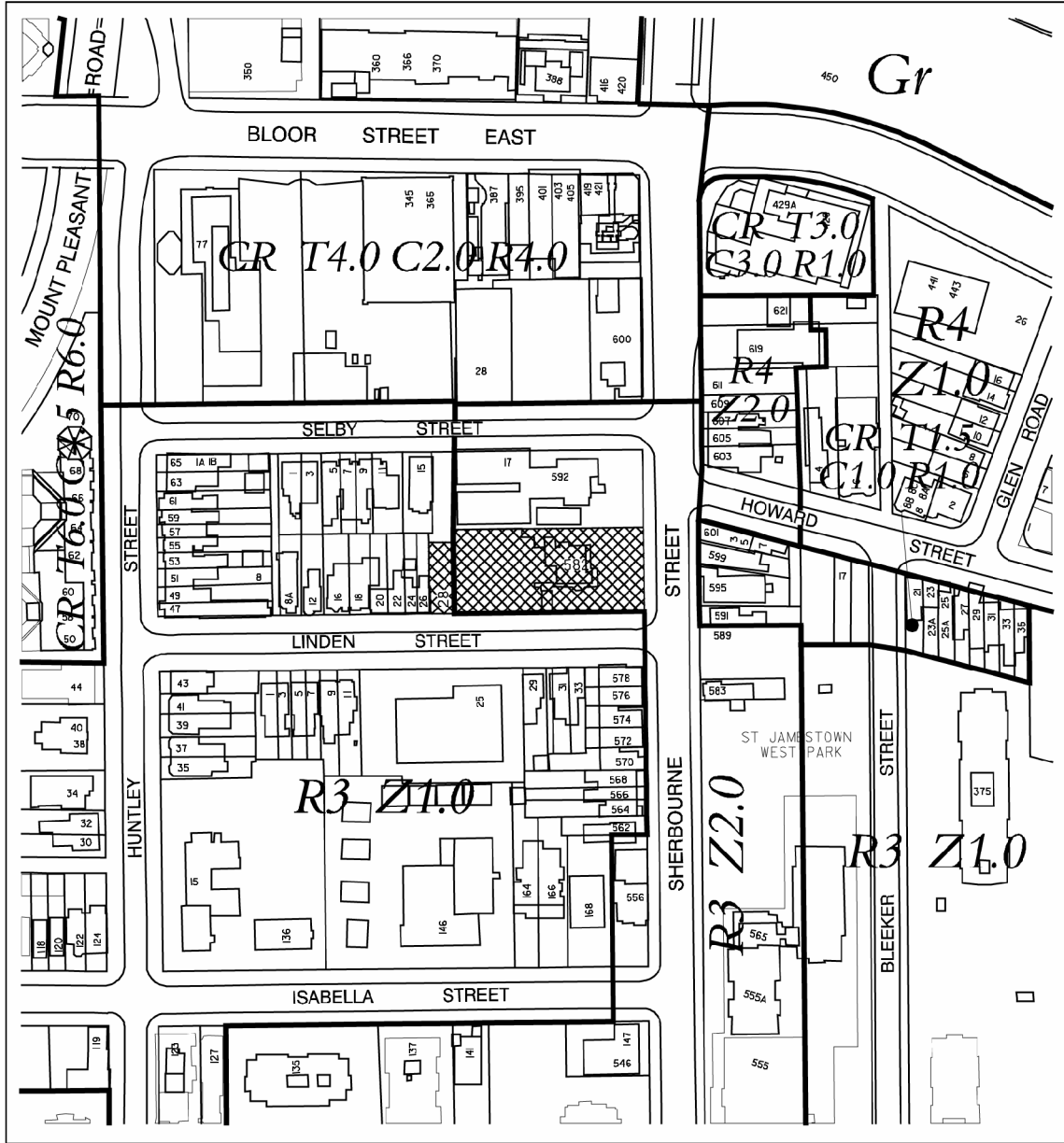
Applicant's Submitted Drawing

Not to Scale
06/14/06

582 Sherbourne Street

File # 06_123391

Attachment 3: Zoning



TORONTO City Planning
Division
Zoning

582 Sherbourne Street

File # 06_123391

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/13/06 - TA

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 123391 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 5, 2006

Municipal Address: 582 SHERBOURNE ST, TORONTO ON
 Location Description: PL A132 LTS 25 & 28 PT LTS 23 24 26 & 27 **GRID S2708
 Project Description: Relocation & restoration of James Cooper House to front of property and construct new 32 storey condominium building containing 281 residential dwelling units and below grade parking with 211 spaces.

Applicant:	Agent:	Architect:	Owner:
DELTERA INC. MICHAEL A. SMITH			COLUMBUS CLUB OF TORONTO LTD

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision: 436-77
Zoning: R3 Z2.0, R3 Z1.0	Historical Status: Y
Height Limit (m): 23, 12	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2365.56	Height:	Storeys:	32
Frontage (m):	30.6		Metres:	100.4
Depth (m):	78.74			
Total Ground Floor Area (sq. m):	1145.56			Total
Total Residential GFA (sq. m):	23275		Parking Spaces:	211
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	23275			
Lot Coverage Ratio (%):	48.4			
Floor Space Index:	9.84			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	93
2 Bedroom:	188
3 + Bedroom:	0
Total Units:	281

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	23275	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: Kyle Knoeck, Senior Planner - Downtown Section
TELEPHONE: (416) 392-7215

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. ?, Clause No. ?,
as adopted by City of Toronto Council on ?, 2007

Enacted by Council: xx, 2007

CITY OF TORONTO BY-LAW No. xxx-2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known in the year 2007 as 582 Sherbourne Street and 28 Linden 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 582 Sherbourne Street and 28 Linden 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

AND WHEREAS the Council of the City of Toronto, at its meeting on ?, 2007, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto,

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. None of the provisions of Section 2(1) with respect to definitions of *bicycle parking space – visitor*, *grade*, *height* and *parking space*, and Sections 4(2)(a),

4(5), 4(12), 4(13)(d), 4(16), 6(3) Part I (1), 6(3) Part II (2), 6(3) Part II 3.A, 6(3) Part II 3. F(II), 6(3) Part II 4., 6(3) Part II 5, 6(3) Part III 1(b), 12 (2) 260 (ii), and 12 (2) 260 (iii) of 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 of a building containing *residential* uses and a *below-grade parking garage* and uses *accessory* thereto and *car-sharing* on the *lot* provided:

- (1) the *lot* consists of the lands delineated by heavy lines on the attached Map 1 attached to and forming part of this By-law;
- (2) the total *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 22,960 square metres;
- (3) no portion of any building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, attached to and forming part of this By-law, except for the following:
 - (i) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
 - (ii) balconies on the north face of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1 metre beyond the heavy lines shown on Map 2;
 - (iii) balconies on the east, west and south faces of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1.5 metres beyond the heavy lines shown on Map 2.
 - (iv) an architectural wing-wall on the east and west faces of the building, which may extend to a maximum horizontal projection from an exterior building wall of 1.0 metre;
- (4) the *residential gross floor area* of floors above the third storey does not exceed the following limits

Floor 4	Maximum 710 square metres
Floors 5 to 28	Maximum 705 square metres
Floors 29 to 32	Maximum 655 square metres

- (5) the *height* of any building or structure, or portion thereof, except for existing chimneys on the *James Cooper House*, does not exceed:
- (i) the heights in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law; and
 - (ii) the heights in *storeys* specified by the numbers within brackets on Map 2 attached to and forming part of this By-law,
- (6) no *residential gross floor area* is erected or used above a *height* of 101.1 metres,
- (7) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* in the *below grade parking garage* in accordance with the following:
- | | | |
|------------------------------------|---|--|
| <i>Bachelor dwelling unit</i> | - | 0.30 spaces per <i>dwelling unit</i> |
| One bedroom <i>dwelling unit</i> | - | 0.70 spaces per <i>dwelling unit</i> |
| Two bedroom <i>dwelling unit</i> | - | 1.0 spaces per <i>dwelling unit</i> |
| Three bedroom <i>dwelling unit</i> | - | 1.2 spaces per <i>dwelling unit</i> |
| Visitor Parking | - | 0.06 spaces per <i>dwelling unit</i> , |
- (8) notwithstanding paragraph (7), the total number of *parking spaces* required to satisfy parking requirements for *residents* may be reduced by 9 spaces per *car-sharing parking space* provided and maintained on the *lot* in the *below-grade parking garage*, up to a maximum of 5 *car-sharing parking spaces*;
- (9) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum total of 293 square metres of outdoor residential amenity space shall be provided, of which, 185 square meters of outdoor *residential amenity space* shall be provided in a location directly abutting or directly accessible from indoor *residential amenity space*;
 - (ii) a minimum total of 850 square metres of indoor *residential amenity space* shall be provided in multi-purpose room(s) with at least one room containing a kitchen and a washroom;
- (10) not more than 65% of the required *bicycle parking spaces – occupant* shall be provided in a manner that requires a person to park the bicycle in a vertical position, and

- (11) *bicycle parking spaces – occupant* shall not be combined with storage lockers for residential units.
2. For clarity, Appendix 1 attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
3. For the purposes of this By-law, the following expressions shall have the following meanings:
- (a) “*bicycle parking space – visitor*” means an area accessible to visitors to the building that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres
 - (b) “*car-sharing*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (c) “*car-sharing parking space* ” means a *parking space* that is reserved and actively used for *car-sharing*;
 - (d) “*concrete/superstructure permit*” means the first building permit for the above ground concrete structure of the development as detailed on structural consultants’ drawings,
 - (e) “*City*” means the City of Toronto,
 - (f) “*grade*” means an elevation of 116.25 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 southern Ontario Adjustment);
 - (g) “*height*” means the highest point of the roof except for those elements prescribed in this By-law;
 - (h) “*James Cooper House*” means the heritage building existing on the *lot* in 2007 as described in the Heritage Easement Agreement and which will be relocated to the area shown on Map 2 attached to and forming part of this By-law;

- (i) “*parking space*” means an unobstructed area, at least 5.6 metres in length, at least 2.6 metres in width and at least 2.0 metres in height that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle provided that the minimum width of a *parking space* shall be increased by 0.3 metre for each side of a *parking space* that is obstructed. For the purpose of this definition, a *parking space* is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard or fence is situated: -- within 0.3 metres of the side of the *parking space* measured at right angle; and more than 1.0 metres from the front or rear of the *parking space*;
- (j) “*owner*” means the owner of the fee simple of the *site* or any part thereof,
- (k) “*residential gross floor area*” shall have the same meaning it has for the purpose of By-law No. 438-86 except that *residential gross floor area* located within the *James Cooper House* and in excess of the indoor *residential amenity* space required by By-law 438-86 shall also be excluded
- (l) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto,
- (m) each other 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. 168-93, as amended.

ENACTED AND PASSED this • day of •, A.D. 2007.

DAVID MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the Planning Act, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement whereby the *owner* shall agree to:

- (a) pay to the City the sum of \$750,000 for construction of an indoor swimming pool at the Wellesley Community Centre, located at 495 Sherbourne Street, or construction of other community recreation facilities in the vicinity of the *site*, prior to the issuance of the first *concrete/superstructure* permit;
- (b) make a public art contribution to the City of a value not less than one percent of the gross construction cost of the development, in compliance with the City's public art program, and provided the public art plan shall be approved by the City's public art committee prior to the issuance of the first *concrete/superstructure* permit;
- (c) enter into a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* satisfactory to the Manager of Heritage Preservation Services (prior to Site Plan Approval pursuant to Section 41 of the *Planning Act*,) for the restoration, conservation, and maintenance of the *James Cooper House*, and permitting the relocation of the house to the portion of the *lot* identified on Map 2 attached to and forming part of this By-law,
- (d) submit a Conservation Plan for the adaptive re-use of the *James Cooper House*, prepared by a heritage consultant and based on the approved Conservation Strategy as prepared by Goldsmith Borgal and Company Ltd. Architects dated March 2006, and restore the *James Cooper House*, in accordance with the approved Conservation Plan. If the cost of such work is less than \$350,000.00, the difference shall be re-directed to the provision of an additional payment for the construction of an indoor swimming pool at the Wellesley Community Centre as described above in Paragraph 1(12)(a), all to be secured to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division by a Letter of Credit prior to issuance of a demolition permit;
- (e) provide an irrigation system for all street trees in the public right-of-way adjacent to the lot, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the City's General Manager of Parks,

- Forestry and Recreation prior to the first occupancy of the development, provides a Letter of Credit to secure such work to the City's satisfaction prior to the issuance of the first foundation building permit, and maintains the entire system in continuing good order and operation provided that the City provides all easements necessary for the construction, maintenance and operation of such irrigation system in the public right-of-way at no cost;
- (f) submit a site servicing review satisfactory to City's Executive Director of Technical Services prior to this Zoning By-law coming into full force and effect to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development and to demonstrate how the *lot* can be serviced and whether the existing municipal infrastructure is adequate;
 - (g) pay to the City the costs for improvements to the municipal infrastructure in connection with the site servicing review to the satisfaction of the City's Executive Director of Technical Services, prior to the issuance of the first *foundation building permit*, should the site servicing review required in paragraph (g) herein determine that upgrades are required to the infrastructure to support this development
 - (h) provide and maintain design and materials for the exterior of the development that will be determined in the Site Plan Approval process and secured in an agreement pursuant to Section 41 of the *Planning Act*;
 - (i) prior to issuance of a *concrete/superstructure permit*, provide a survey satisfactory to the City's Manager of Heritage Preservation Services for the purpose of identifying any amendment to the heritage designation by-law required as a result of the relocation of the *James Cooper House*;
 - (j) provide reasonable streetscape improvements, including, but not limited to, tree installation on the public right-of-way adjacent to the *lot*, relocation of the southbound TTC bus stop if necessary to provide a minimum distance between the bus stop and the driveway and reconstruction of the sidewalk to provide a level loading and alighting condition at the bus stop, to be secured in an agreement pursuant to Section 41 of the *Planning Act*;
 - (k) uses reasonable commercial efforts to obtain LEED Certification of the development and provides to the city documentation respecting certification for the development;

