

**524, 528, 530, 532 and 534 St Clair Avenue West
Rezoning Application - Preliminary Report**

Date:	September 8, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	08-186729 STE 21 OZ

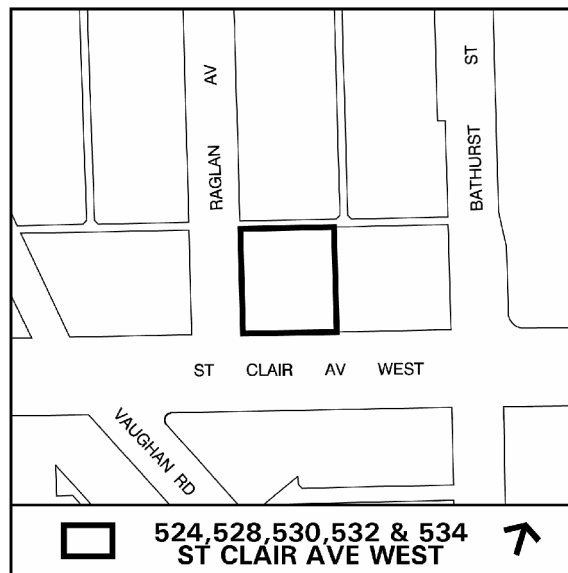
SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes the second phase of development, which includes 171 residential units and approximately 614 square metres of ground floor retail space in a 22-storey building, with a 3-storey podium at 524, 528, 530, 532 and 534 St Clair Avenue West. The phase one development, by the same developer, is currently under construction and comprises a 22-storey building with a 3-storey podium at the north west corner of Bathurst Street and St. Clair Avenue West.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The applicant is required to submit an application to demolish residential rental units under Section 111 of the *City of Toronto Act* because the existing buildings contain rental units. Staff target a final report in the second quarter of 2009, assuming that the applicant provides all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations under the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on June 23 and 24, 2008, City Council approved, on condition, the demolition application for 530-532 St. Clair Avenue West under Municipal Code Chapter 667. The applicant proposed to use the property at 530-532 St. Clair Avenue West as construction access and staging for the approved phase one 22-storey development to avert a lane closure on St. Clair Avenue West. The applicant and City have yet to enter into a Section 111 (of the *City of Toronto Act*) Agreement. Excerpts from the City Council meeting minutes are in Attachment one of this report.

At its meeting on September 28, 29, 30 and October 1, 2004, City Council approved the Zoning By-law and Official Plan Amendment applications to permit the phase one development at the corner of Bathurst Street and St. Clair Avenue West. The phase two development would complete the redevelopment of the block to Raglan Avenue.

At its meeting, June 14, 15 and 16, 2005, City Council endorsed three Avenue studies, two of which were to be undertaken along the length of St. Clair Avenue West, between Keele Street and Bathurst Street in 2005. The dividing intersection between the two studies is Glenholme Avenue. The subject property falls within the area of study. Planning staff are targeting to report to the November 13, 2008 meeting of the Planning and Growth Management Committee with the Final Report and implementing by-law for the area study of St. Clair Avenue West between Bathurst Street and Glenholme Avenue.

PRE-APPLICATION CONSULTATION

Planning staff held pre-application consultation meetings in the summer of 2007, where the applicant presented a preliminary design of the proposed development. In reviewing the pre-application drawings, staff indicated that a tower of 22-storeys high was not in keeping with the work conducted by the consultants who were preparing the St. Clair Avenue West Avenue Study. The Final Consultant's report suggests a height of approximately 16-storeys at corner of Raglan Avenue and St. Clair Avenue West.

The pre-application drawings did not include the property at 534 St. Clair Avenue West. Without the corner property, the proposed phase two tower presented insufficient facing distance between the neighbouring phase one tower, which created concerns of sky view and privacy. Staff suggested to the applicant to consolidate the entire block in order to propose a comprehensive development of the entire block from Bathurst Street to Raglan Avenue. Since the pre-application meeting, the applicant informed staff that he is acquiring 534 St. Clair Avenue West and has revised the proposal to include the corner property, as per staff's suggestion.

City staff met with the applicant on several occasions to discuss the rental housing replacement. Currently, City staff's position is that there are 6 or more rental units that are required to be replaced, if demolished. The applicant maintains that under 6 units exist. The applicant submitted a Housing Issues Report that staff are currently reviewing. The proposal does not indicate on-site rental replacement. Staff's report to Council on the demolition application for 530-532 St. Clair Avenue West can be accessed at this link: <http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-13563.pdf>.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 22-storey primarily residential building with approximately 582 square metres of ground floor commercial/retail space. The total height is approximately 81.6 metres, including the mechanical penthouse. A 3-storey podium would connect to the approved phase one podium and consists of commercial uses at-grade, indoor and outdoor amenity space and residential units. Rising above the podium is a residential tower, which has 158 one- and two-bedroom units. The floor plate size of the tower is approximately 638 square metres.

The proposal consists of 119 underground parking spaces, 8 of which are proposed to be visitor/commercial parking and 2 are car sharing spaces.

Both indoor (342 square metres) and outdoor (197 square metres) amenity spaces are provided adjacent to one another on the second floor. Additional project information is included in Attachment 8 of this report (Application Data Sheet).

Site and Surrounding Area

The site is located on the north side of St. Clair Avenue West, west of Bathurst Street. The existing buildings range from two to three storeys in height and once accommodated a mix of commercial, retail and residential uses. Currently, only the building at the corner of Raglan Avenue contains active uses. The site is approximately 1,514 square metres in size and has frontage on both St. Clair Avenue West and Raglan Avenue.

The following uses abut the site:

- Directly east of the site is the approved phase one development, which is currently under construction.

- To the west, on the other side of Raglan Avenue, are low-rise commercial and institutional buildings on St. Clair Avenue.
- To the south, on St. Clair Avenue West, is a streetcar stop with direct access to the St. Clair West subway station. On the south side of St. Clair Avenue West are two to three-storey mixed commercial/residential buildings.
- To the north, on Raglan Avenue, north of the public lane, are two-storey semi detached dwelling units and low scale apartment buildings.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the property as Mixed Use Areas and Map 2: Urban Structure of the Official Plan identifies this portion of St. Clair Avenue West as an Avenue. Mixed Use Areas will absorb much of the anticipated increase in retail, office and service employment and new housing in Toronto in the coming decades.

The Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each Avenue through a local Avenue Study conducted by the City.

The Avenue Study for St. Clair, between Bathurst Street and Glenholme Avenue was completed by a planning consultant and can be accessed at this link: http://www.toronto.ca/planning/stclairwest_bathurst.htm. Since the completion of the study, staff have been analyzing the consultant's recommendations to ensure that the proposed built form along St. Clair Avenue West is in keeping with other citywide policies, the City's Neighbourhood protection policies, while encouraging the reurbanization of the Avenue. Staff's final report, including the implementing by-law is targeted to be before Council's Planning and Growth Management Committee on November 13, 2008.

Staff will review the application in the context of all relevant Official Plan policies.

Zoning

The property is currently zoned Mixed Commercial Residential – MCR T3.0 C2.0 R2.0 – which permits a mix of commercial and residential uses up to a total density of 3.0 times the area of the lot. The height limit is 18.0 metres.

The implementing by-law for St. Clair Avenue, between Bathurst Street and Glenholme Avenue will allow for greater heights and densities, provided that the intended site can accommodate appropriate servicing (parking, loading facilities, laneway provision, and others) on the site, and meet performance standards (setbacks, stepbacks, angular planes, and others). The staff report, which will include the implementing by-law is targeted for the November 13, 2008 meeting of City Council’s Planning and Growth Management Committee.

Site Plan Control

On August 15, 2008, the applicant submitted an application for site plan control, which staff are currently reviewing in conjunction with the application to rezone the site.

Rental Housing

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City’s Municipal Code, implements the City’s Official Plan policies protecting rental housing. The City’s Official Plan protects groups of six or more rental units from demolition. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving the loss of six or more residential units, wherein one or more of the units are rental require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act.

Where a related application such as an Official Plan amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council decides on both applications at the same time. Unlike *Planning Act* applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.

Reasons for the Application

The proposed development requires an application to amend the former City of Toronto’s Zoning By-law to permit greater height and density. Additional areas of non-compliance with the Zoning By-law may be identified as part of the application review process. Official Plan Amendment(s) will be required if the proposed development is not found to be in compliance with the Official Plan policies that are in force at the time of the Final Report.

COMMENTS

Issues to be Resolved

Height and Massing

Although staff encourage the intensification of properties within walking distance to subway stations, the proposed height of 22-storeys (plus mechanical penthouse) is not in keeping with the findings of the Avenue Study consultant report, which calls for a height transition from the approved 22-storeys at Bathurst Street (phase one development) decreasing to the west to the recommended 9-storeys for the majority of St. Clair Avenue to the west. The Avenue Study indicates that the height for the corner of Raglan Avenue and St. Clair Avenue should be approximately 16-storeys. It is staff's position that the transition westbound from Bathurst Street will provide an appropriate stepping down of heights to the mid-rise buildings for the remainder of St. Clair Avenue to the west.

The proposed development generates a density of 9.38 times the area of the lot. Among other matters, staff will review the proposed massing and, in particular, the orientation of the proposed tower as it relates to the approved phase one tower, facing distances between the towers, sky view, and sun/shade impacts on Raglan Avenue. Staff will apply the City's Tall Buildings Design Guidelines in the review of the proposal.

The applicant intends to submit a wind study that staff will review.

Rental Housing Demolition

To date, the applicant has only submitted an application under Section 111 of the *City of Toronto Act* for the property at 530-532 St. Clair Avenue West. An application to demolish rental housing in the remaining properties will be required. It is staff's position that six or more rental units existed on the group of related properties.

The rezoning application was filed by the applicant on July 25, 2008. In the Notice of Complete Application, staff communicated to the applicant the need to file a Section 111 application on August 7, 2008. The applicant claimed that the City has yet to adopt Official Plan provisions outlining complete planning applications and hence staff should begin their review of the planning application. Although the applicant's assertion about the complete planning application is correct, the City's Section 111 By-law requires that if a related planning application is filed with the City then the applicant is required to file a Section 111 application "without delay". The applicant agreed to file a Section 111 application while maintaining it is not applicable in this case.

Parking and Access

The applicant proposes 119 vehicle parking spaces underground for residential and non-residential uses. The plans indicate that the underground parking and access for the proposed building and the approved phase two building may be consolidated. Two parking spaces are proposed to be reserved as carsharing spaces. Staff will encourage the developer to cover the one-time membership fee to a carsharing provider for each of the first-time residents to help discourage auto ownership. Vehicular access, including

loading and solid waste vehicles, is proposed off the public laneway to the rear of the property.

Green Development Standards

The applicant submitted a Green Development Standards checklist, which Environmental Policy staff are reviewing. Through this review, staff will identify further sustainable development opportunities and encourage the applicant to employ them at this location.

Section 37 of the *Planning Act*

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the *Planning Act*. Details of a Section 37 agreement between the applicant and the City will be established if Planning staff recommends approval of the proposed development.

Other Issues

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Excerpts from City Council Minutes

Attachment 2: Site Plan

Attachment 3: South Elevation (St. Clair Avenue West)

Attachment 4: West Elevation (Raglan Avenue)

Attachment 5: East Elevation

Attachment 6: North Elevation (Laneway)

Attachment 7: Zoning

Attachment 8: Application Data Sheet

Attachment 1: Excerpts from City Council Minutes

Minutes of the Council of the City of Toronto - June 23 and 24, 2008 (22.61 Rental Housing Demolition and Conversion Application - 530-532 St. Clair Avenue West)

City Council Decision; City Council adopted the following motions:

1. City Council approve the application to demolish the existing buildings at 530-532 St. Clair Avenue West which contain 6 residential rental units, pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667:

a. the owner of the property shall provide 6 residential rental units with affordable rents in a redevelopment on the subject lands no later than five (5) years from the day demolition of the existing buildings is commenced;

b. the owner of the lands shall submit an application for required Planning approvals to permit the redevelopment of the subject lands and adjacent properties on St. Clair Avenue West for the remainder of the block no later than three (3) years from the day demolition of the existing buildings is commenced;

c. the owner of the property shall provide the City with a Letter of Credit in the amount of \$450,000.00 (\$75,000 per unit);

d. the owner of the property register a restriction on title to the property pursuant to section 118 of the Land Titles Act to the satisfaction of the City Solicitor; and

e. the owner of the property shall enter into an agreement to the satisfaction of the Chief Planner and Executive Director and the City Solicitor to secure the foregoing conditions pursuant to Municipal Code 667 and Section 111 of the City of Toronto Act.

2. City Council authorize the Chief Planner and Executive Director, City Planning to issue a preliminary approval to the application to demolish the residential rental units under Municipal Code Chapter 667 after the satisfaction of the conditions in Parts 1.c., d. and e.

3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner has issued the preliminary approval in Part 2, on the condition that:

a. the Owner remove all debris and rubble from the site immediately after demolition;

b. the Owner erect a fence in accordance with the provisions of Municipal Code Chapter 363, Article III if deemed appropriate by the Chief Building Official;

c. the Owner maintain the site free of garbage and weeds in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B;

d. the Owner backfill any holes on the property with clean fill; and

e. in accordance with Section 33 of the *Planning Act*, on the Owner's failure to complete the new building within the time specified in condition 1 (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand (\$20,000) dollars for each dwelling unit contained for which the demolition permits are issued, and that each sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish residential property is issued, such payment, lien or charge will be mutually exclusive of securities held by the City through an agreement pursuant to Section 111 of the City of Toronto Act.

4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act*, after the Chief Planner and Executive Director has given preliminary approval under Part 2, which permit may be included in the demolition permit for Chapter 667 under § 363-11.1E, of the Municipal Code.

5. Council acknowledge that the owner intends to apply to the City for planning approvals for properties located at 524-534 St. Clair Avenue West to construct a mixed-use development. To develop the above-noted properties, the owner will require the demolition of rental units and will necessitate a further application under the City's Rental Housing Demolition and Conversion By-law. In accordance with the By-law, the buildings at 530-532 St. Clair Avenue West and any other adjacent buildings that comprise lands subject to the planning approvals are deemed to be a "related group of buildings". As such, Council further acknowledges that the applicant through this further application may:

a. seek Council's approval to replace the demolished rental dwelling units within the related group of buildings off-site; or

b. seek Council's approval to provide cash-in-lieu of replacement units through an accompanying amendment to the Official Plan; or

c. not replace any rental units if it is determined by the Chief Planner and Executive Director, City Planning that there are less than 6 rental dwelling units within the related group of buildings and therefore Municipal Code Chapter 667 and 363 do not apply.

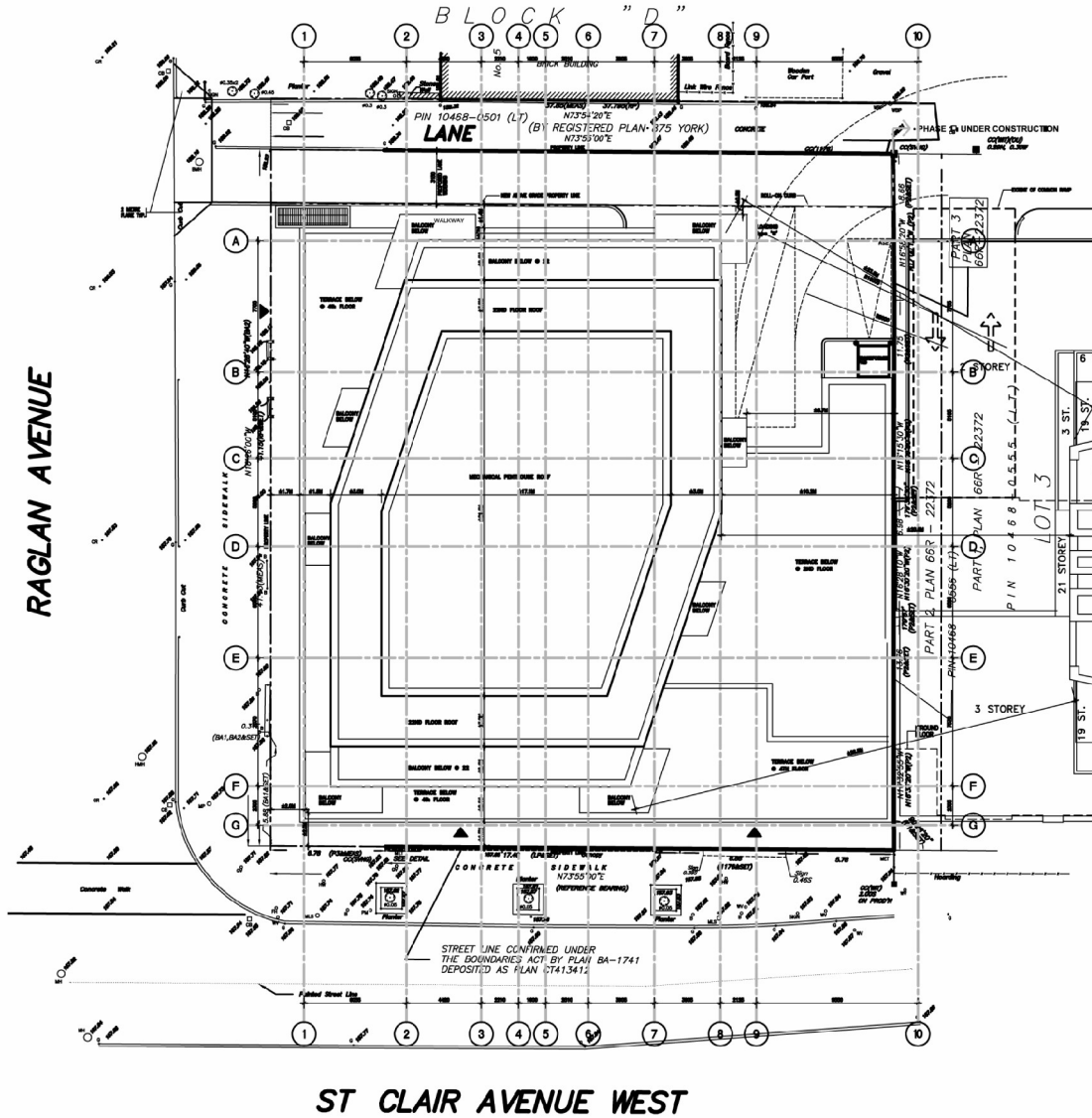
Staff Report: <http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-13563.pdf>

Supplementary report from the Chief Planner and Executive Director, City Planning, and the City Solicitor: <http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-14266.pdf>

Minutes (Page 112) can be access here:

<http://www.toronto.ca/legdocs/mmis/2008/cc/minutes/2008-06-23-cc22-mn.pdf>

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale

07/30/08

**524,528,530,532 and 534
St Clair Avenue West**

File # 08_186729

Attachment 3: South Elevation (St. Clair Avenue West)



South Elevation

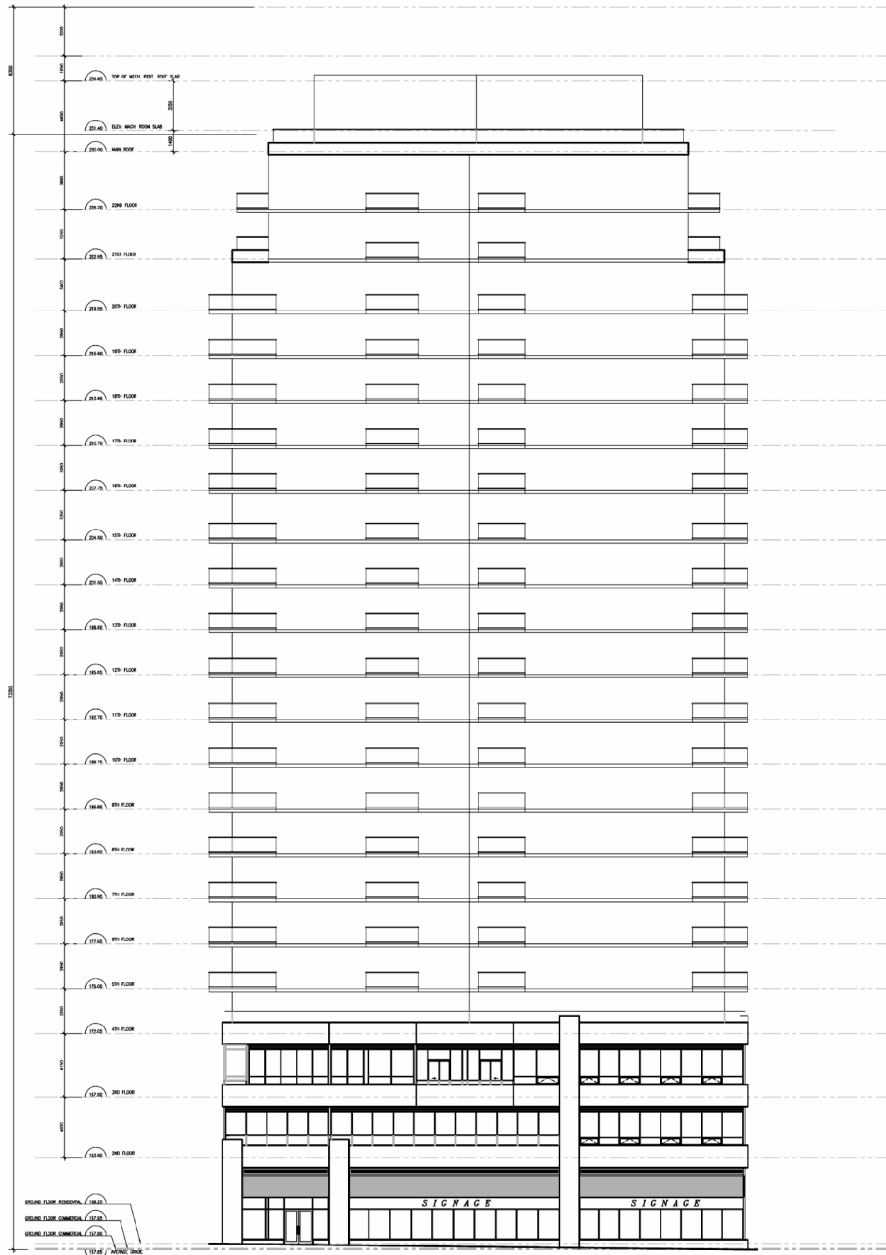
Applicant's Submitted Drawing

Not to Scale
07/30/03

524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 4: West Elevation (Raglan Avenue)



West Elevation

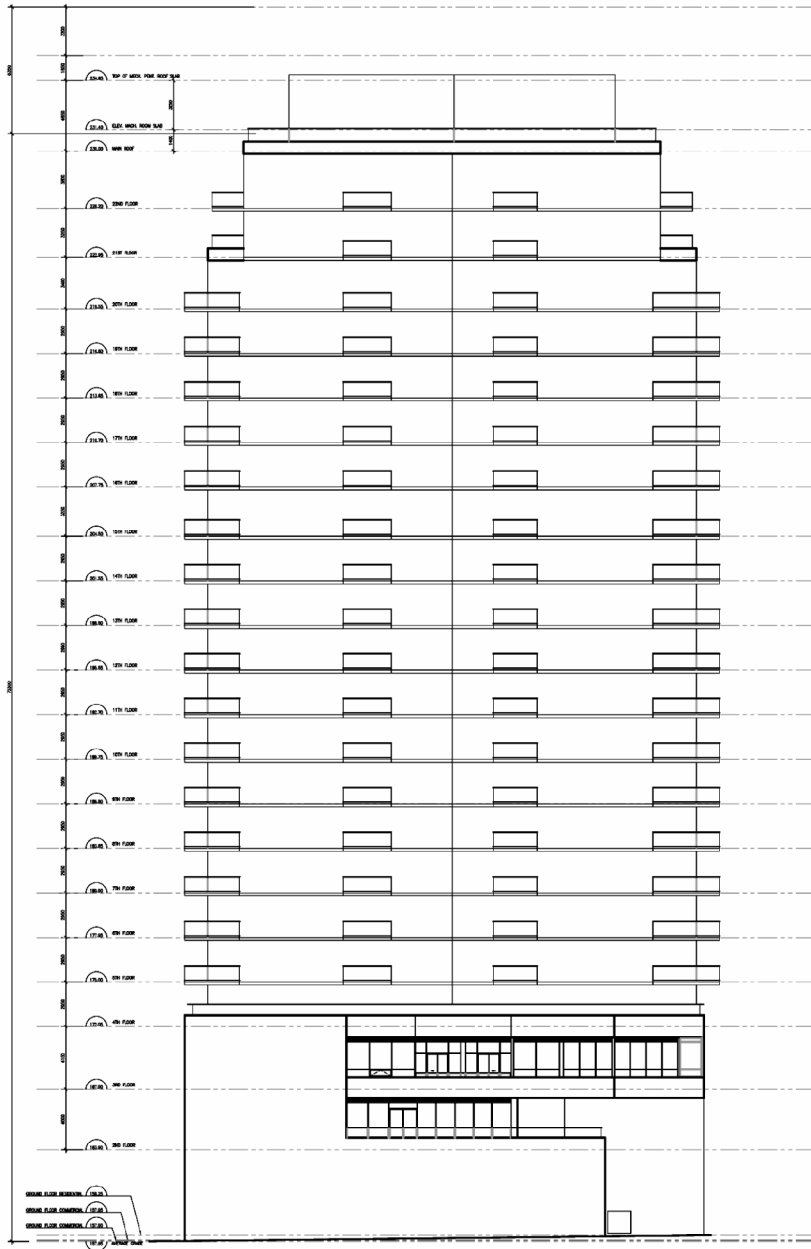
Applicant's Submitted Drawing

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524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 5: East Elevation



East Elevation

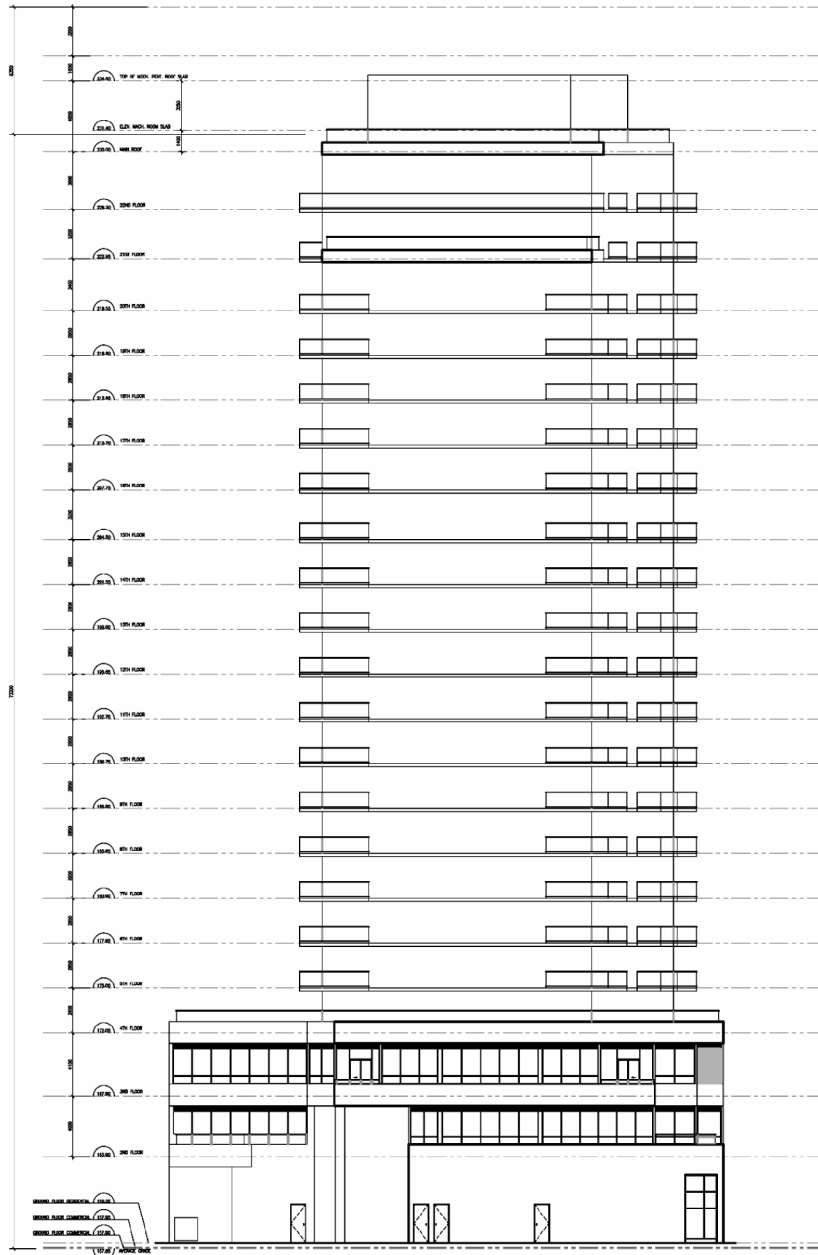
Applicant's Submitted Drawing

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524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 6: North Elevation (Laneway)



North Elevation

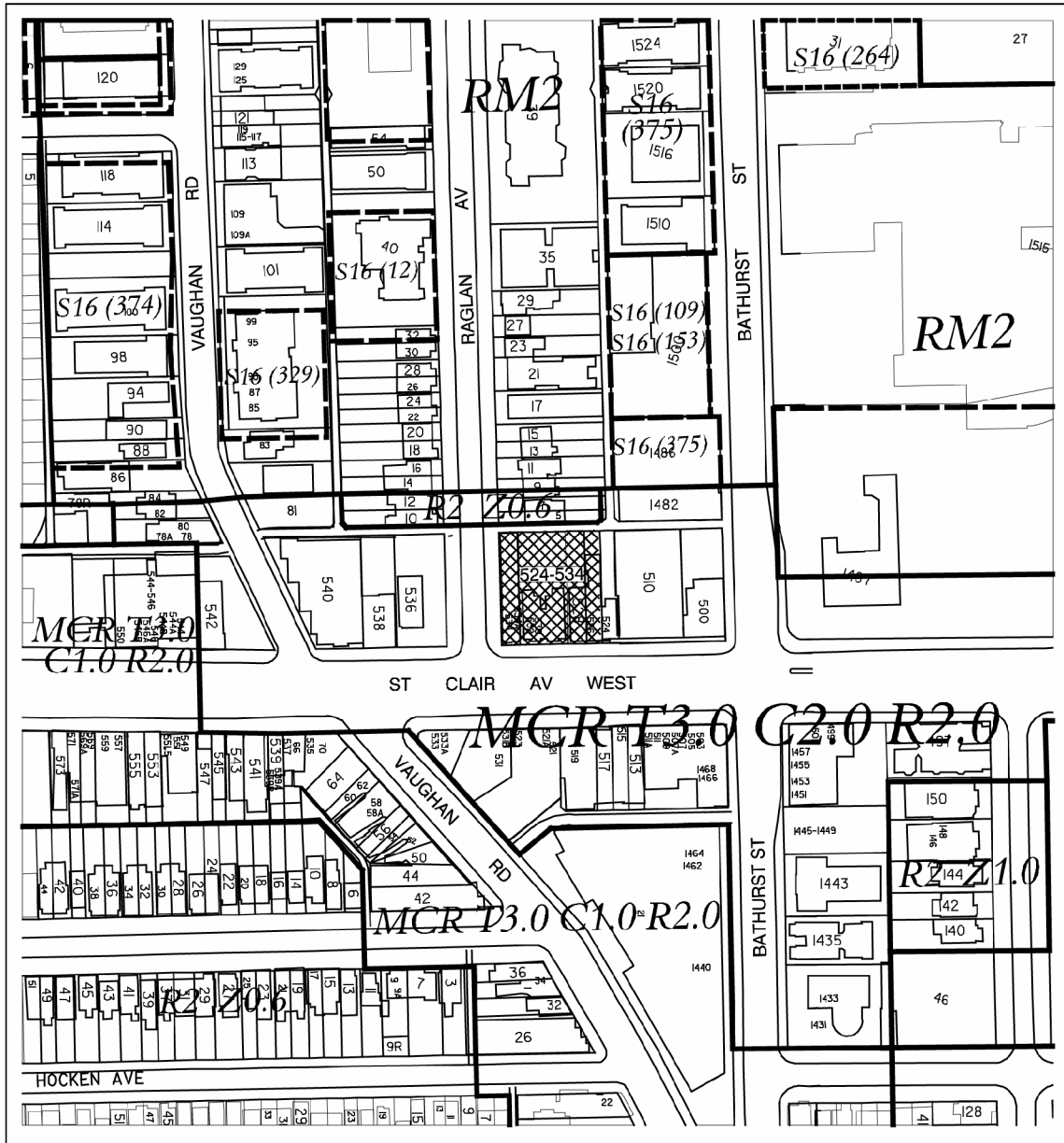
Applicant's Submitted Drawing

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524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 7: Zoning



524,528,530,532 & 534 St Clair Avenue West

File # 08_186729

R2 Residential District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/30/08 - DR

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	08 186729 STE 21 OZ
Details	Rezoning, Standard	Application Date:	July 25, 2008

Municipal Address: 530-532 ST CLAIR AVE W
 Location Description: PL 875 BLK B PT LTS 5 & 6 **GRID S2108
 Project Description: Proposal to permit the development of the site for (Phase 2 of Bathurst/St Clair Ave W Development) mixed use commercial and residential condominium purposes, 22 sty's, 171 units, 3 levels of below grade parking, & 582 sqm of retail. Also see related 08 160693.

Applicant:	Agent:	Architect:	Owner:
530 ST CLAIR WEST INC			

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: MCR T3.0 C2.0 R2.0	Historical Status:
Height Limit (m): 18	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1514.3	Height:	Storeys:	22
Frontage (m):	36.8		Metres:	73.5 (plus 8.35 mechanical)
Depth (m):	41			
Total Ground Floor Area (sq. m):	1130			Total
Total Residential GFA (sq. m):	13618.4		Parking Spaces:	129
Total Non-Residential GFA (sq. m):	582.4		Loading Docks	1
Total GFA (sq. m):	14200.8			
Lot Coverage Ratio (%):	75			
Floor Space Index:	9.38			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	13618.4	0
Bachelor:	0	Retail GFA (sq. m):	582.4	0
1 Bedroom:	90	Office GFA (sq. m):	0	0
2 Bedroom:	81	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	171			

CONTACT:	PLANNER NAME:	Jeffrey Cantos, Planner
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