

15 St. Mary Street, 65-67 St. Nicholas Street and a portion of 692 Yonge Street – Rezoning – Final Report

Date:	September 24, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	08 177820 STE 27 OZ

SUMMARY

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

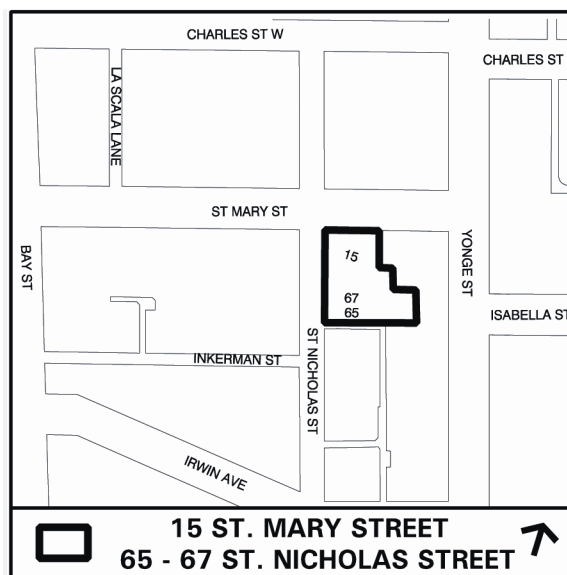
This application proposes a 29-storey residential building at 15 St. Mary Street and 65-67 St. Nicholas Street, including two-story townhouse units and retail uses at grade. The development parcel also includes the rear portion of 692 Yonge Street. The proposal meets the intent of the City's Official Plan for intensification in *Mixed Use Areas* and reflects the principles expressed in the City's Design Criteria for the Review of Tall Buildings Proposals.

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 Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.



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 Bills to City Council for enactment, City Council require the owner to enter into an agreement under Section 37 of the Planning Act to secure the following:
 - (a) a payment of \$685,000.00, prior to the issuance of the first building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment toward capital improvements to Queen's Park;
 - (b) the on-site reconstruction of the façade and three-storey south wall return of the brick building at 65-67 St. Nicholas Street, to be incorporated into the podium of the new development;
 - (c) streetscape improvements to St. Mary Street and St. Nicholas Street abutting the site, including street tree irrigation;
 - (d) payment of costs for any required improvements to the municipal infrastructure, as may be determined by the Executive Director of Technical Services;
 - (e) payment of costs associated with pavement marking and signage as approved by the Executive Director of Technical Services; and
 - (f) preparation of a Construction Mitigation Plan and Resident Communications Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
4. City Council direct the local parkland dedication funds above 5% toward improvements to Queen's Park.
5. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In March 2009, the Committee of Adjustment's Deputy Secretary-Treasurer considered Application no. B033/09TEY and granted conditional consent to sever a portion of the lands at 692 Yonge Street for the purpose of adding them to the abutting lands at 15 St.

Mary Street and 65-67 St. Nicholas Street. The severance and lot addition have not been registered to date. The lands at the rear of 692 Yonge Street form part of the development parcel that is the subject of this rezoning application.

ISSUE BACKGROUND

Proposal

The application proposes a 29-storey residential condominium building containing 244 units. The applicant proposes to retain and reconstruct the façade of the three-storey brick building at 65-67 St. Nicholas Street to include two levels of retail space accessible from grade. The remainder of the three-storey podium building will comprise four grade-related townhouse units, the condominium lobby, third-level units and indoor amenity space for the condominium residents.

There are 144 parking spaces proposed in five underground parking levels. This figure includes two spaces devoted to cars for auto-share purposes. Vehicular access to the underground garage is proposed from St. Mary Street. An existing lane running south from St. Mary Street is proposed to be widened to provide access to the garbage pick-up and loading area at the rear of the site, interior to the block.

Overall, the proposal has a gross floor area of 15,846 m², resulting in a density of 10.3 times the lot area. The Application Data Sheet found as Attachment 1 to this report contains further information on the proposal.

Site and Surrounding Area

The site is located on the southeast corner of the intersection of St. Mary and St. Nicholas Streets. Two buildings currently occupy the site: one is two storeys and one is three storeys. Until recently these buildings were the site of the Jesuit Graduate Faculty of Theology, known as Regis College. The existing and planned context of the area encompasses low scale, mid-rise and high-rise built form.

Within the immediate context, the following uses surround the site:

North: Directly across St. Mary Street, there is an 8-storey office building with commercial uses at grade. On the northwest corner of St. Mary and St. Nicholas Streets there is a 20-storey residential apartment building set back from St. Mary Street (University of Toronto Student Family Housing), with associated daycare and open space uses, and a parkette known as George Faludy Place.

South: To the south, on the east side of St. Nicholas Street is a row of low-rise townhouses, the majority of which are listed on the City of Toronto's Inventory of Heritage Properties. On the west side of St. Nicholas Street are low-rise townhouses that are similar in scale to those on the east side of the street, but are not listed as heritage properties. Two blocks to the south, at 5 St. Joseph Street, a rezoning application for a mixed-use development containing 420 residential units and retail uses is currently under review.

East: There is an existing laneway immediately to the east of the site, and a 9-storey office building that fronts onto Yonge Street. In addition, there are the rear portions of low-rise commercial buildings that front onto Yonge Street, some of which contain residential uses on the upper floors.

West: To the west of the site, at the southwest corner of St. Mary and St. Nicholas Streets, there is a 24-storey residential apartment building set back from the street and oriented to face St. Mary 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.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan generally contains policies to accommodate population and employment growth by directing a significant portion to built-up areas through intensification; reducing auto dependence through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments; and achieving higher densities and appropriate transition of built form to adjacent areas. The site is located within Toronto's Downtown Urban Growth Centre, one of a number of centres identified as a focus for intensification.

Official Plan

As shown in Attachment 6, the City's Official Plan designates this site as a *Mixed Use Area*. This is one of the four land use designations expected to accommodate the increased jobs and population anticipated by the Plan's growth strategy. The *Mixed Use Area* designation contemplates a broad range of commercial, residential and institutional buildings, as well as parks, open spaces and utilities.

The Plan includes criteria that direct the form and quality of development in this land use designation. Development criteria in *Mixed Use Areas* include but are not limited to the following:

- Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;

- Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Provide an attractive, comfortable and safe pedestrian environment;
- Provide good site access and circulation and adequate supply of parking for residents and visitors;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The lands to the west and immediately to the south of the site, are designated as *Apartment Neighbourhoods*. This designation is distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. *Apartment Neighbourhoods* are stable areas of the City where significant growth is generally not anticipated. The Plan indicates that there may be opportunities for additional townhouses or apartments on underutilized sites and it sets out criteria to evaluate those situations.

The lands to the north and northwest of the site are designated *Mixed Use Areas*. At the northwest corner of St. Mary and St. Nicholas Streets, there is an area designed as *Other Open Space Areas* on Map 18 – Land Use Plan and *City Parkland* on Map 8A –City Parkland. These lands, referred to here as the St. Mary Street Parkette, are owned by the University of Toronto and no longer maintained by the City. The majority of the parkette lies behind a fence and contains playground equipment, as well as an outdoor play area for an adjacent daycare facility at the University’s Student Family Housing building. The remaining parcel adjacent to the City boulevard, known as George Faludy Place, provides a small seating area.

The site is located in the *Downtown*. The Official Plan promotes growth in the *Downtown* to use municipal land, infrastructure and services efficiently, concentrate jobs and people in areas well served by transit, and increase opportunities for living close to work, among other objectives. The *Downtown* policies also contemplate working with owners to restore and maintain historic buildings.

Other important policies include those in the “Public Realm” and “Built Form” sections of the Plan. This includes the built form policies for tall buildings. To assist with the interpretation and implementation of these policies, the City has prepared guidelines

titled Design Criteria for Review of Tall Building Proposals. The guidelines provide key urban design criteria that should be considered in the evaluation of rezoning applications proposing tall buildings. Over the course of the application process, City has reviewed the evolving design of the proposed development against these criteria.

The Toronto Official Plan is available on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm

The City's Design Criteria for Review of Tall Building Proposals is also available on the City's website at: www.toronto.ca/planning/urbdesign/index.htm

Zoning

The site is zoned CR T3.0 C2.0 R3.0 which permits a mix of residential and commercial uses to a maximum density of 3.0 times the lot area, and a height limit of 18 metres. Attachment No. 5 provides an excerpt of the zoning map for the site and immediate area.

Site Plan Control

An application for site plan control has not been submitted to date. City Divisions and other commenting agencies have provided preliminary technical comments for consideration and further review at the time of site plan application.

Reasons for Application

With a proposed density of 10.3 times the lot area and a height of 100 metres to the top of the mechanical penthouse, the proposed building exceeds the maximum density of 3.0 times the lot area and the 18 metre height limit that the Zoning By-law permits. Other variances triggered by this proposal include:

- the retail use is proposed to be accessed from St. Nicholas, which is considered a "flanking street", and does not meet the minimum 60% street frontage requirement;
- the requirement for 162 parking spaces is proposed to be satisfied, in part, through the provision of two car-share parking spaces;
- the minimum required outdoor residential amenity space will not be met; and
- a small portion of the proposed building does not meet the minimum required distance from the centre line of the north/south public lane.

Community Consultation

City Planning staff held a consultation meeting at St. Joseph's College School on November 4, 2008. Approximately 200 members of the public were in attendance to provide feedback on the original proposal for a 44-storey 'peanut'-shaped tower containing 352 residential units. City Planning also received over 55 written submissions from area residents and others familiar with the site that expressed opposition to the proposed development.

Among the issues raised, both at the meeting and in writing, were the following:

- the 44-storey proposal would not fit the low-rise scale of St. Nicholas Street and would change its unique, historic character;
- lack of transition to the low-scale townhouses to the south;
- objection to the demolition of the two buildings and in particular, the brick building at 65-67 St. Nicholas Street;
- increased vehicular traffic on St. Nicholas Street as a result of the development would overburden the narrow street used mainly by pedestrians as a quieter alternative to Yonge and Bay Streets;
- general opposition to another residential tower being proposed in the area, and concern that the proposal was not being considered in the context of a secondary plan or other area developments;
- concern about increased truck traffic on the existing east-west laneway abutting the site to the south, affecting Yonge Street properties; and
- shadows on St. Mary Street Parkette, day care facilities and community gardens.

Following submission of the revised proposal for a 29-storey tower with 266 units and retail space at grade, Planning staff held an open house on June 17, 2009 to allow the public to view the updated submission and offer further comments. Approximately 60 members of the public were in attendance. City Planning also received an additional 29 written submissions which generally expressed a continued opposition to the new scheme. People who spoke or wrote in generally felt the revised proposal still represents an overdevelopment of the site, is out of scale with the character of the area and should not exceed 6 or 8 storeys in height, contains too many small units, and would bring unwanted construction traffic into the neighbourhood.

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

Since the time of preliminary reporting on this application, the revised proposal has undergone numerous changes in response to issues raised in circulation, community consultation and through planning and urban design analysis. The evolution of the proposal and the analysis of various City staff are described in further detail below.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement. It contributes to the efficient use of land, infrastructure and public service facilities by intensifying an area that is designated and available for urban residential use. The proposal also provides mitigative measures to conserve the heritage attributes of adjacent properties.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It contributes to the intensification of an existing built-up area, provides convenient access to transit and addresses a local cultural heritage resource.

Density, Height, Massing

Responding to initial staff and community comments on the density, height, setbacks and massing of the original proposal, the applicant submitted a revised proposal incorporating a number of changes to the building design. Perspective drawings comparing the original and revised proposals are included as Attachment No. 4.

The height of the building has been reduced from 142.1 metres (44 storeys) to 100 metres (29 storeys), including the mechanical penthouse. The tower floorplate has been reduced from approximately 673 square metres to 576 metres, well below the City's guideline of 743 square metres, and the number of proposed units has been reduced from 352 to 244. These reductions, as well as a move away from the curvilinear design of the building to a more traditional rectangular shape, allow for greater tower setbacks from the lot lines to present a better fit within its immediate context.

The site is located at the corner of St. Mary and St. Nicholas Streets, in the first block west of Yonge Street and two blocks south of Bloor Street. Buildings fronting on St. Nicholas Street, between Charles Street West and Irwin Avenue, range in height from 2 to 10 storeys. Buildings along St. Mary Street, between Bay and Yonge Streets, range in height from 8 to 25 storeys. In the revised proposal, the massing of the 29-storey tower is shifted toward St. Mary Street by increasing its setback from the nearest low-rise building to the south, from 8.5 metres in the previous proposal, to 15 metres. In this way the tower height relates to the existing built form on St. Mary Street, while the podium provides a transition to the lower-rise scale of St. Nicholas Street.

The podium has been redesigned to include two-storey, grade-related townhouse units to respond to the traditional houseform building character on this block of St. Nicholas Street. The podium also incorporates the façade of the older brick building at 65-67 St. Nicholas Street to maintain its historic relationship to the street. The tower will be set back from the lot line – by 2.7 to 4.6 metres from the St. Nicholas frontage and by 1.5 metres from the St. Mary Street frontage - to distinguish the tower from the podium building and respond to the low-rise character of St. Nicholas Street. The tower portion of the building is located roughly 40 metres from the Yonge frontage of the adjacent property.

The outdoor residential amenity area at the third floor terrace is proposed to be landscaped and screened, while the balconies previously proposed to extend the entire perimeter of the building have been reduced to smaller projections, to break up the visual mass, and to limit potential overlook.

These measures are consistent with the intent of the built form policies of the Official Plan and of the City's Design Criteria for the Review of Tall Building Proposals, by ensuring that the bulk and massing of the building are controlled to limit its impacts, provide transition to areas of different scale, and respond to its immediate context.

Heritage

The City's Heritage Preservation staff have conducted site visits and reviewed the revised proposal against the historic context of the existing neighbourhood, the Provincial Policy Statement concerning cultural heritage conservation, the Official Plan, as well as the applicant's Heritage Impact Statement, and consider the revisions to be appropriate.

At the time of the original proposal, some residents expressed concern over the demolition of the two existing buildings on the site, though neither is listed on the City's Inventory of Heritage Properties nor designated under the Ontario Heritage Act. In particular, residents raised the potential historic connection between the three-storey, brick building at 65-67 St. Nicholas Street, known as the Planing Mill, and the row of listed Victorian workers' cottages to the south, which currently contain residential and commercial uses.

The proposed project has been modified so that it has greater compatibility in terms of scale, height and massing with both the above-mentioned heritage resources and the existing built form of this area. Along the St. Nicholas Street frontage, the podium facade is articulated into vertical elements to reflect the existing narrow lot patterns typical along the remainder of the block south of the development site. The podium also incorporates the reinstated front elevation of the Planing Mill historic workshop building. This measure will involve the removal of the original brick façade, and its reconstruction approximately 1.75 metres to the north (at an estimated cost of approximately \$600,000.00, to be borne by the applicant), to facilitate the widening of the east-west public lane to current City requirements.

The façade would then turn the corner into the newly widened laneway. The south wall return and tower stepback at the roof line preserve the three-dimensional presence of the Planing Mill building. This mitigation strategy maintains the heritage context of St. Nicholas Street by preserving the façade of an unlisted character building at 65-67 St. Nicholas Street, thereby providing a suitable visual transition between the proposed new building and the listed structures that occupy the street frontage to the south of the site. The project responds further to the heritage context of St. Nicholas Street by developing a grade-related design scheme for the remainder of that frontage, which responds to the heritage street wall context consisting of small-scale, brick houseform structures on narrow lots.

Traffic Impact, Access, Parking

The revised proposal has also incorporated changes to the proposed vehicular entrances, the number of parking spaces and projected traffic impact.

In both submissions, loading and service areas were proposed behind the building, in the interior of the block. However, the original scheme contemplated the primary vehicular access to the underground parking garage and loading areas from a widened driveway immediately adjacent to the east-west public lane off St. Nicholas Street. The revised proposal eliminates the St. Nicholas driveway entrance and consolidates all vehicular access to the St. Mary frontage of the site. Garbage and loading vehicles would use the

north-south public lane, adjacent to the parking ramp to the underground garage, both accessed from St. Mary Street. This would limit additional vehicular use of the east-west public lane, as well as potential pedestrian-vehicular conflict on the St. Nicholas Street sidewalk, associated with the development.

The applicant's consultant recommends that a portion of St. Mary Street, between St. Nicholas Street and the widened north-south public lane, be converted to two-way traffic to accommodate the trips generated by this development. It is estimated that the proposed development will generate approximately 45 two-way vehicular trips during each of the a.m. and p.m. peak periods. Technical Services staff have reviewed the potential traffic impact of this proposal, together with the anticipated traffic of existing and proposed development projects in the area, and have found it to be acceptable. The proposed conversion of St. Mary Street, between St. Nicholas Street and the north-south public lane, to two-way traffic is also acceptable to staff subject to an approved pavement marking and signing plan for the roadway.

The revised proposal includes a total of 144 parking spaces, including 127 for the use of residents, 15 for visitors and two for car-sharing purposes. Under current City practice, each car-share parking space provided enables a reduction in the parking requirement by 10 spaces. By providing two car-share spaces equivalent to 20 spaces for private use, the applicant satisfies the estimated demand for 162 parking spaces. There are also a total of 245 bicycle parking spaces provided, including 196 spaces for residents and 49 for visitors.

There is one licensed boulevard parking space on the St. Mary Street frontage, registered to Regis College for commercial boulevard parking purposes, which is valid to December 31, 2009. This license is non-transferable to the new owners of the site and is not valid for residential condominium purposes.

Sun, Shadow, Wind

The proposed 29-storey building will introduce some additional shadow impact on the neighbouring properties beyond that experienced under as-of-right conditions. However, shadow studies show that because of the small floorplate and narrow profile of the tower, these impacts are relatively short-lived over the course of the day.

During the March 21/September 21 condition, the proposed building casts a shadow at 9:18 a.m. over much of the open space at the northwest corner. By 10:18 a.m., the shadow shifts eastward through the parkette, exposing a greater portion to sunlight, and by 11:18 a.m., falls mainly on the easternmost edge of the block, to the east of the one-storey daycare structure attached to the university residence. Community planting beds along the west side of St. Nicholas Street appear to experience additional shadows for approximately one hour, around the 11:18 a.m. mark. By 12:18 p.m. the shadow does not affect the open space at St. Mary and St. Nicholas Streets. In the hours of 4:18 p.m. and 5:18 p.m. the proposed building casts additional shadow over a portion of George Hislop Park, to the east of Yonge Street, which affects different portions as it moves southward through the space during that time.

During the June 21 condition, the shadow of the proposed building casts a shorter shadow that similarly affects different portions of the St. Mary Street parkette lands at different times in the morning as it moves through the open space. Most of these places appear to experience additional shadow for approximately one hour or less, and most of the lands are sunlit by 11:18 a.m. By 12:18 pm the proposed building has no further shadow impact on the open space and community planting beds. There is no additional shadow impact on George Hislop Park.

By reducing the tower height and floorplate, the revised proposal adequately limits potential shadow impact on open spaces to relatively short periods of time, which is acceptable in this mixed-use setting.

The applicant submitted a wind study that tested potential wind impacts through numerous sensors placed in locations surrounding the project, on St. Mary, St. Nicholas, Charles West, Yonge and Isabella Streets. The study concludes that the proposal would have little appreciable effect on the pedestrian experience at street level, with comfort conditions predicted at acceptable levels. Landscaping and other possible measures to help mitigate any potential wind impact will be further reviewed at the site plan stage.

Streetscape

The Official Plan's development criteria in *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. The proposed development satisfies these policies, in part by locating garbage, loading and service areas to the interior of the block.

The streetscape adjacent to the development site, as shown in submitted landscape plans, will be reinforced and improved through consistent street tree planting on St. Mary and St. Nicholas Streets. The grade-related units are set back from the lot line to allow for small front planting areas along the St. Nicholas Street frontage, adding visual interest and softening the street edge. Further details with respect to landscaping, street tree planting and weather protection in the form of entrance awnings or canopies will be assessed at the time of Site Plan review.

Unit Size and Types

The proposal provides for a mix of 80 bachelor units, 136 one-bedroom units and 28 two-bedroom units. Over the course of discussions with the applicant, the unit sizes have been increased from the original proposal, resulting in an average unit size of 53 square metres. This exceeds the Zoning By-law requirement for an average unit size of 50 square metres in buildings with 100 or more dwelling units in a CR zoning district.

Residential Amenity Space

The proposal meets the requirements of the Zoning By-law for indoor residential amenity space. The Zoning By-law requires the proposal to provide 2 square metres of residential amenity space per unit, which results in a requirement for 488 square metres. The

applicant has proposed 161 square metres of outdoor residential amenity space, in the form of two passive outdoor seating areas, a larger one 140 m² in area and another 21 m² in area. Staff accept the amount of outdoor amenity space proposed, recognizing the constraints of the site due to the incorporation of the heritage structure into the podium, and provision of a substantial landscaped buffer on the amenity terrace to limit overlook.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 244 residential units on a total site area of 0.1537 hectares (1,537m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.325 hectares (3,250m²). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.01537 hectares (153.7m²).

The non residential component of the development is less than 1000m², therefore exempt from the parkland dedication requirements under section 165-7 of the Municipal Code.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01537 hectares (153.7m²) would not be of a useable size and the site would be encumbered with below grade parking.

As per Council policy, since the application is subject to the alternative rate, the amount of funds for parkland dedication above 5% can be directed by the Ward Councillor for use in certain local parks. In discussion with the Ward Councillor, the local portion of the parkland dedication for requirements should be directed toward improvements to Queen's Park. The first 5% is divided into four equal amounts for local acquisition, City-wide acquisition, local park/facility improvement and City-wide park/facility improvement. The improvements are determined through the capital budget process.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to the site and building design to promote better environmental sustainability of development in Toronto.

The applicant has submitted a Green Development Standard Checklist as it pertains to this development. Of the 58 checklist items applicable to this site, the proposal would

meet 40 standards, including the sourcing of 20% local construction materials, public transit accessibility, use of light-coloured materials for roofing and hardscape areas, rainwater harvesting, high-efficiency fixtures, salvaging the historic brick façade, and provision of car-sharing spaces.

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 a contribution of \$685,000.00 to be dedicated to capital improvements for Queen's Park, payable prior to the issuance of an above-grade building permit and indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment.

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

1. the on-site reconstruction of the façade and three-storey south wall return of the brick building at 65-67 St. Nicholas Street, to be incorporated into the podium of the new development;
2. an automatic irrigation system for street trees;
3. payment of costs associated with any necessary improvements to the municipal infrastructure in connection with the development;
4. payment of costs associated with pavement marking and signage and removal of any on-street parking spaces in connection with the proposed changes to St. Mary Street; and
5. preparation of a Construction Mitigation Plan and Resident Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Construction Mitigation Plan and Resident Communication Strategy

In order to mitigate the construction impacts on the surrounding neighbourhood a Section 37 Agreement can include a requirement that the owner draft and implement a Construction Mitigation Plan and Resident Communication Strategy. The plan/strategy is best drafted prior to the issuance of the first permit (demolition and/or excavation) when the owner has finalized their construction phasing plan and is aware of the timing and duration of their various construction processes.

The owner of this site will be required (through condition of the Section 37 Agreement) to work with the City Planning Department, the Ward Councillor's office and the local residents in order to establish area-specific guidelines and restrictions for construction activity should the project be approved by City Council. It should be noted that the plan/strategy will identify many construction related issues that are regulated by other City-wide enforcement measures (ie., Noise By-law, Dust Control By-law).

The mitigation plan and communication strategy should address matters including but not limited to: the timing and phasing of construction; identification and mitigation of potential impacts of construction activity; a strategy for disseminating information to the neighbourhood, including contact names and phone numbers for residents to call regarding noise and other construction related questions or complaints; and the provision of reasonable notice respecting the anticipated interruption to services and the provision of alternative services, where possible.

Development Charges

It is estimated that the development charges for this project will be \$1,301,348.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Melanie Melnyk, Planner
Tel. No. (416) 392-7554
Fax No. (416) 392-1330
E-mail: mmelnyk@toronto.ca

SIGNATURE

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

(p:\2009\Cluster B\pln\Teycc23207749076) - tm

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Perspective Drawings
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	08 177820 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 3, 2008

Municipal Address: 15 ST. MARY STREET, 65-67 ST. NICHOLAS STREET, part of 692 YONGE STREET

Location Description: PL D3 LT4 & PT LT7 **GRID S2707

Project Description: To build a 29-storey residential building containing 244 units with retail uses at grade.

Applicant:	Agent:	Architect:	Owner:
15 ST MARY INC 810-10 King Street East Toronto, ON M5C 1C3	ADAM BROWN Sherman Brown Dryer Karol 900- 5075 Yonge St Toronto, ON M2N 6C6	CORE ARCHITECTS INC. 600-317 Adelaide St.W. Toronto, ON M5V 1P9	JESUIT FATHERS OF CANADA HOLDING CORPORATION and LIVING WELL CAFÉ CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1537.2	Height:	Storeys:	29
Frontage (m):	24		Metres:	93.4
Depth (m):	46			
Total Ground Floor Area (sq. m):	777			Total
Total Residential GFA (sq. m):	15475		Parking Spaces:	144
Total Non-Residential GFA (sq. m):	371		Loading Docks	1
Total GFA (sq. m):	15846			
Lot Coverage Ratio (%):	50.5			
Floor Space Index:	10.31			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	80
1 Bedroom:	136
2 Bedroom:	28
3 + Bedroom:	0
Total Units:	244

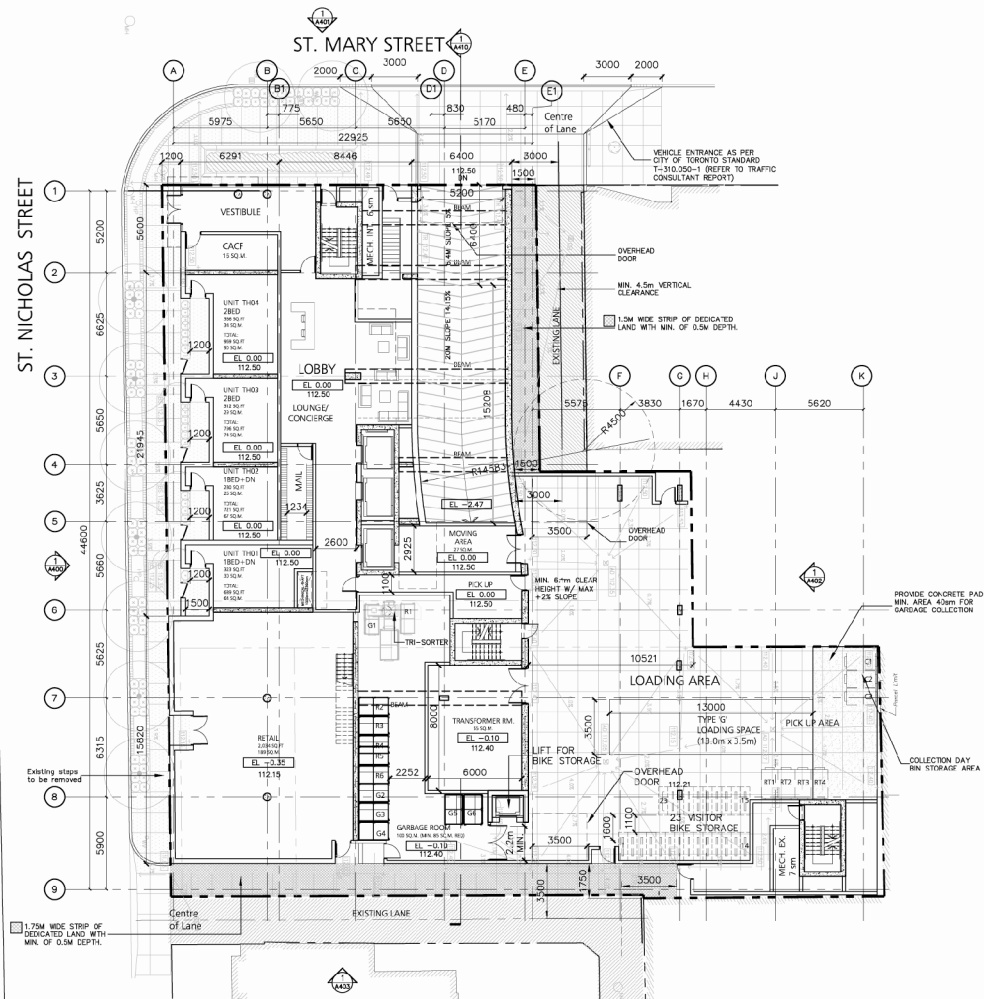
FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	15475		0
Retail GFA (sq. m):	371		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT: PLANNER NAME: Melanie Melnyk, Planner

CONTACT: (416) 392-7554 or mmelnik@toronto.ca

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

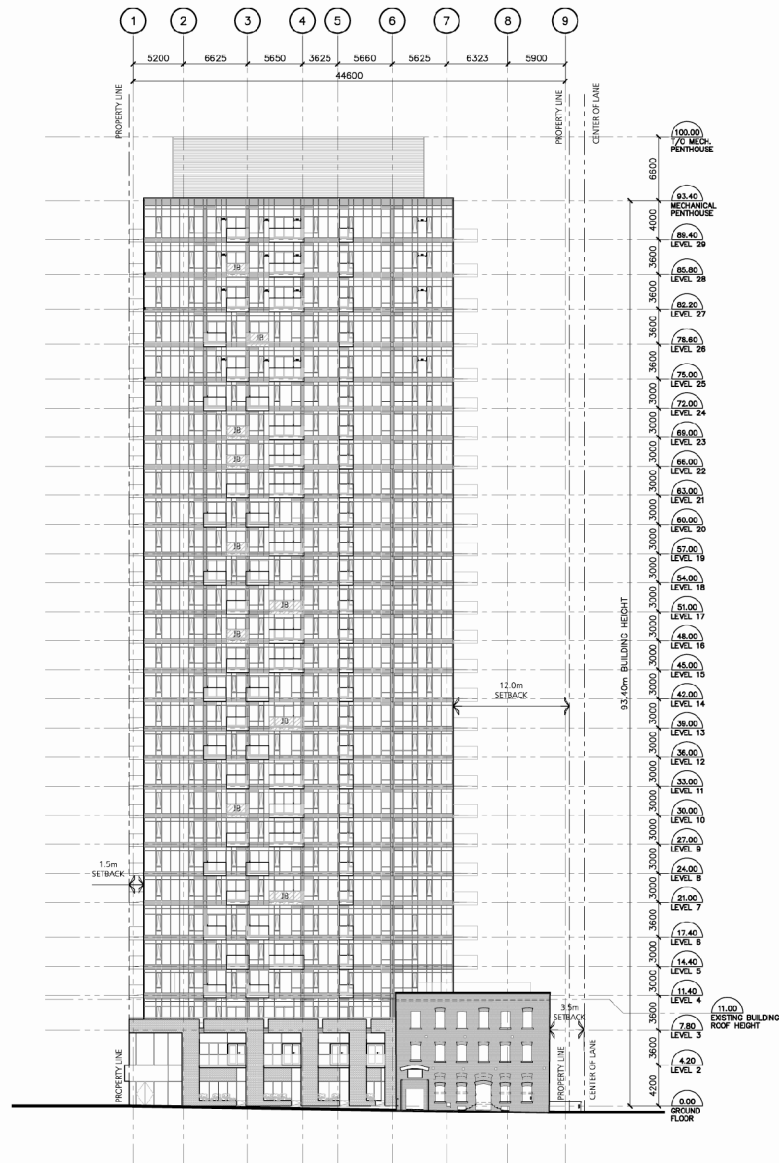
Not to Scale
09/06/09



15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820

Attachment 3: Elevations



WEST Elevation

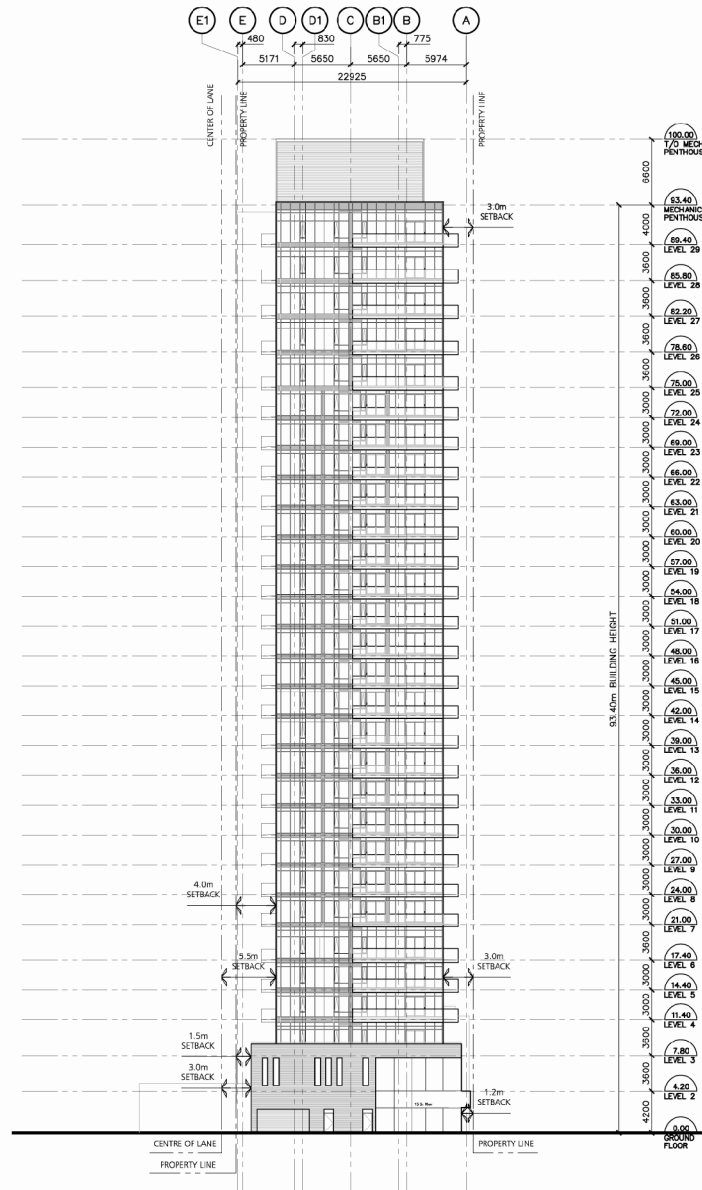
Elevations

Applicant's Submitted Drawing

Not to Scale
09/08/09

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820



NORTH Elevation

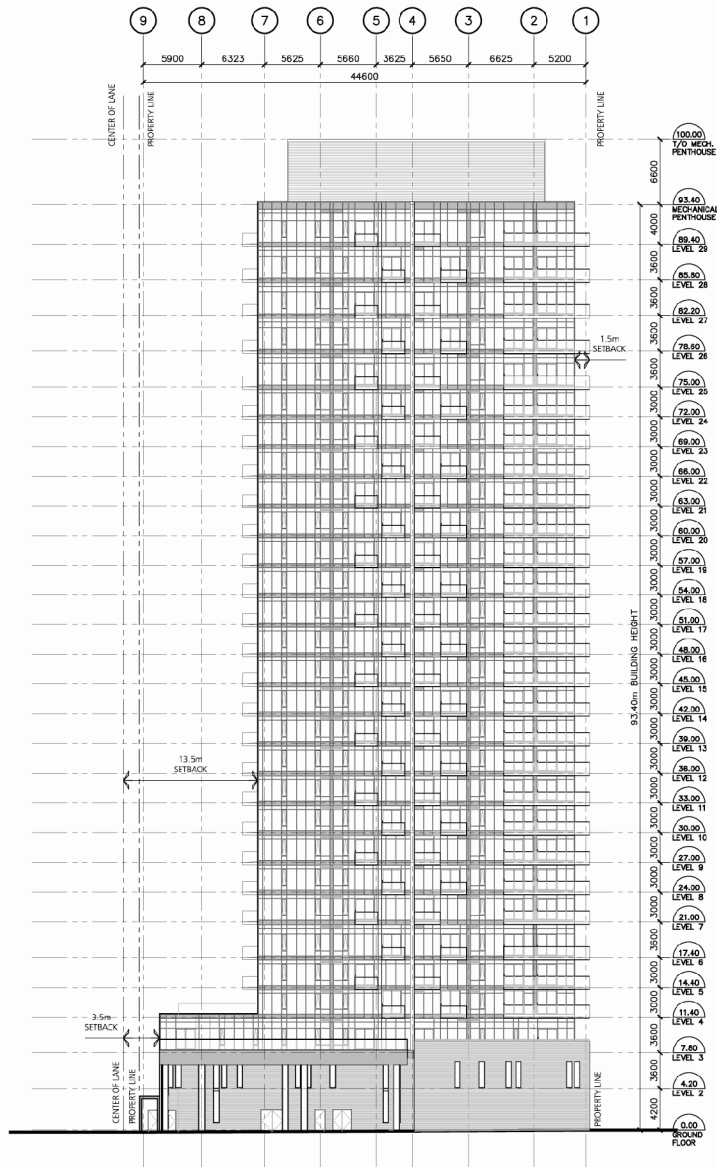
Elevations

Applicant's Submitted Drawing

Not to Scale
09/06/09

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820



EAST Elevation

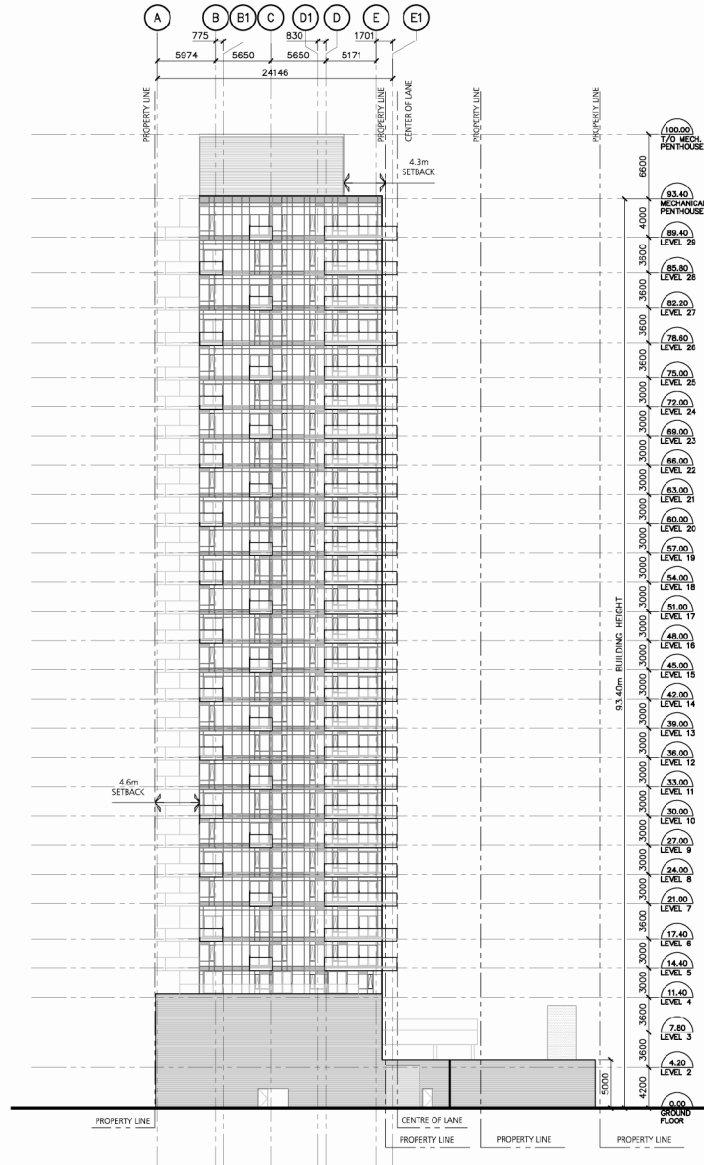
Elevations

Applicant's Submitted Drawing

Not to Scale
09/06/09

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820



SOUTH Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
09/06/09

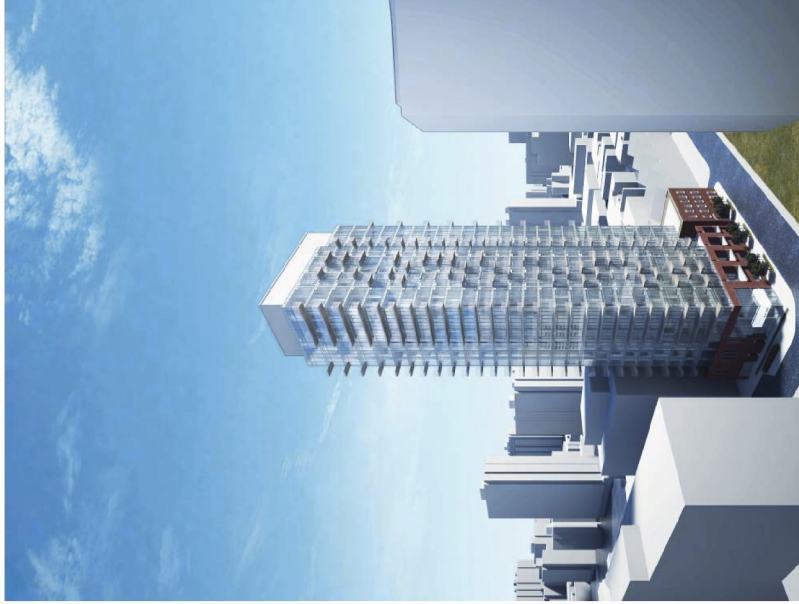
15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820

Attachment 4: Perspective Drawings



Original Rezoning Submission



Revised Rezoning Submission

AERIAL VIEW COMPARISON
Corner of St. Mary & St. Nicholas Street Looking SOUTH-EAST

Elevations

Applicant's Submitted Drawing

Not to Scale
09/11/03

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820



Original Rezoning Submission



Revised Rezoning Submission

STREET VIEW COMPARISON ST. NICHOLAS ST. LOOKING EAST

Elevations

Applicant's Submitted Drawing

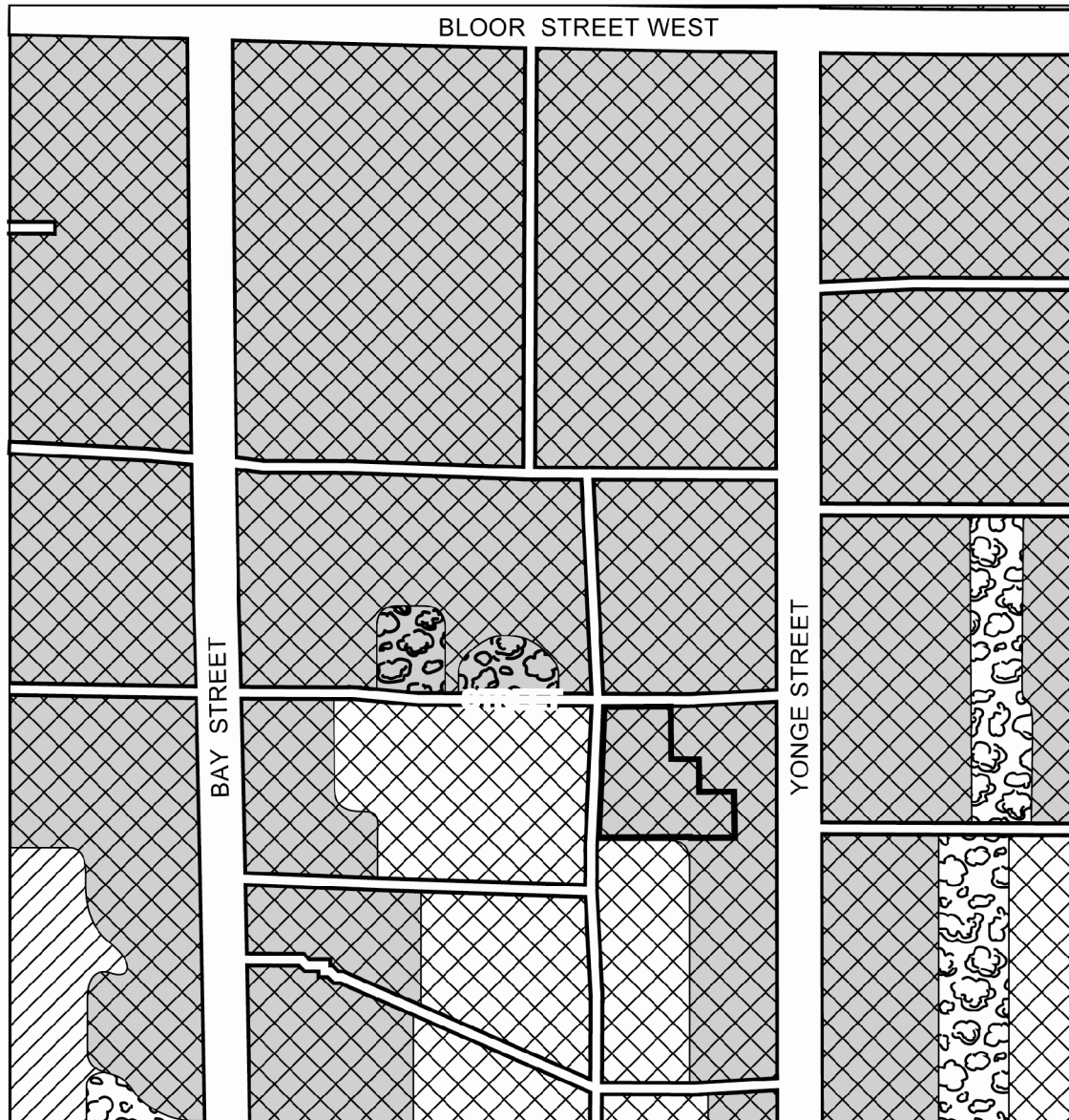
Not to Scale
09/11/09

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820

[illegible]

Attachment 6: Official Plan



Toronto City Planning
Official Plan

15 St. Mary Street
65 - 67 St. Nicholas Street

File # 08_177820



↑
Not to Scale
09/08/09

Attachment 7: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW No. XXX-2009

To amend by-law No. 438-86, as amended, of the former City of Toronto with respect with lands known in the year 2009 as 15 St. Mary Street, 65 & 67 St. Nicholas Street, and the rear portion of 692 Yonge Street

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

WHEREAS Council of the City of Toronto 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 under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set 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 or height permitted hereunder, beyond those otherwise permitted in 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 (hereinafter referred to the “City”);

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

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *site*.
2. None of the provisions of Section 2 with respect to *grade* and *height*, and Sections 4(2)(a), 4(5)(b), 4(12), 4(14), 4(16), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART XI

1, 8(3) PART XI 2(ii) 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 land and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *mixed-use building* with underground parking on the *site* delineated by heavy lines on the attached Map 1, provided that:

- (a) the *lot* on which the building is located comprises at least the *site*;
- (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 16,200 square metres;
- (c) the *non-residential gross floor area* shall not exceed 400 square metres;
- (d) the heights of any building or structure erected on the *lot* shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
 - (i) parapets, terrace guards and dividers, planters, railings and decorative screens extending to a maximum vertical projection of 1.8 metres above the height limits shown on Map 2; and
 - (ii) window washing equipment and aircraft warning lights;
- (e) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - (i) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, landscape and public art features and safety or wind protection, all of which may extend beyond the heavy lines shown on Map 2; and
 - (ii) balconies and balcony piers above the third *storey*, which can project beyond the heavy lines shown on Map 2 to a maximum of:
 - A. 1.5 metres on the north, west and east faces of the building; and
 - B. 2.0 metres on the south face of the building; and
 - (iii) balconies and balcony piers at the second storey, which can project beyond the heavy lines shown on Map 2 on the west face of the building only, to a maximum of 0.5 metres.

- (f) subject to subsections (g) and (h) below, a minimum number of *parking spaces* shall be provided and maintained on the *site* in accordance with the following:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.7 *parking spaces* for each *one bedroom dwelling unit*;
 - (iii) 1.0 *parking spaces* for each *two bedroom dwelling unit*;
 - (iv) 1.2 *parking spaces* for each *three bedroom dwelling unit*; and
 - (v) 0.06 *parking spaces* for each *dwelling unit* shall be provided for visitors;
- (g) for each *car-share parking space* provided on the *site*, the minimum resident parking required shall be reduced by 10 *parking spaces*;
- (h) the maximum number of *car-share parking spaces* shall be 2;
- (i) *bicycle parking spaces* – *occupant* shall not be combined with storage lockers for residential units;
- (j) *residential amenity space* shall be provided in accordance with the following table:

TYPE OF RESIDENTIAL AMENITY SPACE REQUIRED	AMOUNT OF RESIDENTIAL AMENITY SPACE REQUIRED
<i>residential amenity space</i> in a multi-purpose or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom:	2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:	0.66 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> , the total amount of which shall not be less than 160 square metres, and of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor <i>residential amenity space</i> .

3. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted on the land 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, at the owner’s sole expense.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 3(a) hereof, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
5. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, require the provision of facilities, services and matters prior to issuance of a building permit for the proposed development of the *site*, the owner may not erect or use any building or structure on the *site* until the owner has satisfied the said requirements and building permit issuance shall be dependent upon same.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception that the following expressions shall have the following meanings:
 - (a) “*car-share*” 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;
 - (b) “*car-share parking space*” means a parking space that is reserved and actively used for *car-share* purposes;
 - (c) “*City*” means City of Toronto;
 - (d) “*grade*” means 112.5 metres Canadian Geodetic Datum;
 - (e) “*height*” means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law;
 - (f) “*owner*” means the owner of the fee simple of the site or any part thereof; and
 - (g) “*site*” shall mean those lands outlined by heavy lines on Map 1 attached hereto.

7. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

ENACTED AND PASSED this _____ day of _____, A.D. 2009.

DAVID R. MILLER
Mayor

ULLI S. WATKISS
City Clerk

City of Toronto
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(3) 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:

- (a) the payment of \$685,000.00 to the *City* to be applied toward the cost of capital improvements to Queen's Park, paid prior to the issuance of the first building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment;
- (b) the on-site reconstruction of the façade and the three-storey south wall return of the brick building known in the year 2009 as 65-67 St. Nicholas Street, to be incorporated into the podium element of the new building;
- (c) the improvement of the street right-of-way abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (d) the provision and maintenance 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, Technical Services;
- (e) the payment of costs for any improvements to the municipal infrastructure in connection with the site servicing assessment, as accepted by the Executive Director of Technical Services, should it be determined that upgrades to such infrastructure are required to support this development;
- (f) the payment for all costs associated with pavement marking and signage as shown on the approved pavement marking and signing plan, including all costs associated with the removal of any on-street parking spaces as deemed necessary by the Toronto Parking Authority; and
- (g) the preparation of a Construction Mitigation Plan and Resident Communications Strategy, prior to the issuance of the first building permit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division..

Notwithstanding the foregoing, the owner and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the owner, without further amendment to those provisions of the zoning by-law which identify the facilities, services and matters to be secured.

