

1844-1854 Bloor Street West, 6-14 and a Portion of 18 and 18A Oakmount Road, 35 and 37 Pacific Avenue – Official Plan Amendment and Zoning Amendment - Request for Direction Report

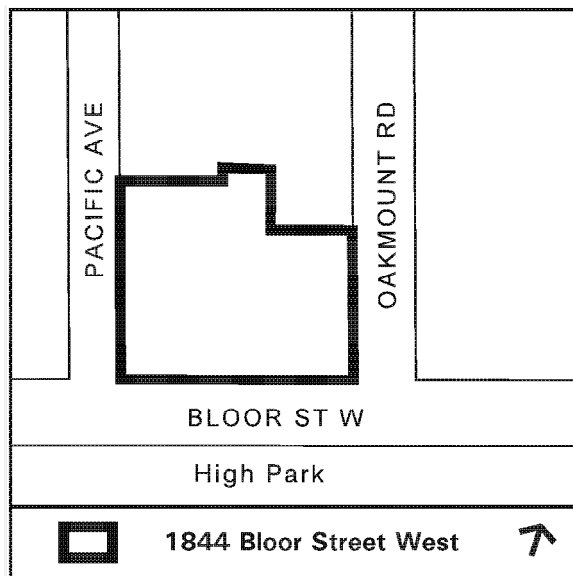
Date:	April 26, 2012
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	10 261248 WET 13 OZ

SUMMARY

At the statutory public meeting on January 10, 2012, Etobicoke York Community Council considered a final staff report from the Director of Community Planning recommending conditional approval of the Official Plan and Zoning By-law amendment applications. The applications proposed to redevelop the lands with a 14 storey mixed-use building. The staff report can be viewed at the following link:
<http://www.toronto.ca/legdocs/mmis/2012/ey/bgrd/backgroundfile-43512.pdf>

Etobicoke York Community Council referred this item back to the Director, Community Planning, Etobicoke York District, with a request that he undertake further community consultation with respect to the design of the development, building massing and consideration of appropriate materials that are sympathetic to the existing community, and report back on any resulting revisions.

Since the January 10, 2012 statutory public meeting, the proponent appealed the applications to the Ontario Municipal



Board (OMB) on February 16, 2012 due to Council's failure to make a decision on the Official Plan and Zoning By-law amendment applications within the time prescribed by the *Planning Act*. However, the site plan application related to the proposed development has not been appealed. An Ontario Municipal Board pre-hearing conference has been scheduled for June 21, 2012.

A community consultation meeting was held on March 1, 2012 to discuss the development and provide an application status update to the community. As a result of the consultation meeting, a series of design working group sessions were held with community volunteer participants.

A detailed summary of the additional consultation process will be outlined later in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council instruct the City Solicitor, the Chief Planner and Executive Director, City Planning and any other appropriate City staff to attend the OMB hearing in support of the proposed Official Plan and Zoning By-law Amendment appeals on the basis of the implementing by-laws forming Attachments 6 and 7 to the Final Report dated December 16, 2011, from the Director, Community Planning, Etobicoke York District, considered on January 10, 2012, as amended by Attachment 1 – Revised Draft Zoning By-law Schedule "B" of the Directions Report dated April 26, 2012, subject to any further minor or technical amendments determined to be appropriate by the Chief Planner and City Solicitor, provided the applicant agrees to provide the facilities, services and matters pursuant to Section 37 of the *Planning Act*, as described in such Final Report and Attachment 7 and enters into and registers an agreement with the City pursuant to Section 37 of the *Planning Act* (the "Section 37 Agreement") to the satisfaction of the Chief Planner and the City Solicitor to further secure such matters prior to any OMB Order issuing for these appeals.
2. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to advise the OMB of the above Council position and request the Board to hold its Order until receipt of confirmation by the City Solicitor of both the satisfactory entering into and registration of the Section 37 Agreement required in Recommendation 1 and the completion of the purchase of that part of the site comprising Part of 18 and 18A Oakmount Road from the City of Toronto.
3. City Council authorize the City Solicitor, the Chief Planner and other City staff to take any necessary steps to implement the foregoing.

4. City Council direct City Planning staff to incorporate the suggestions of the Community Working Group as described in the Directions Report dated April 26, 2012, into the 1:50 Elevation Plans to be secured in the proposed Section 37 agreement and associated site plan approval conditions.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The decision history related to these lands is outlined in the Final Report dated December 16, 2011 that was considered on January 10, 2012 by the Etobicoke York Community Council, attached to this Request for Direction Report as Attachment 2.

ISSUE BACKGROUND

Further Community Consultation

In accordance with the direction provided by the Etobicoke York Community Council on January 10, 2012, a community consultation meeting was scheduled for March 1, 2012.

At the consultation meeting, area residents were informed that the proponent had exercised their right to appeal the Official Plan and Zoning By-law amendment applications to the Ontario Municipal Board (OMB) by filing its appeal on February 16, 2012 following the Community Council meeting on January 10, 2012. The proponent also informed the community that the site plan application had not been appealed, and that they were willing to collaborate with the community to address issues related to the proposed building materials, landscaping and bird friendly building techniques and elements. These items would be discussed through a Design Working Group that was to be made of community members, the proponent's design team, City Planning staff, and the Ward Councillor.

Community members continued to express their concerns with the proposed building at the consultation meeting. Concerns raised included but were not necessarily limited to the following:

- the building was too tall at 14 storeys. The proposed height was said to be out of character with Bloor Street West, and would establish a negative precedent for two sites in the area that were identified as possible development sites (since the meeting the City has received development applications for the two aforementioned sites);
- the proposed parking is insufficient and will add to the existing negative parking conditions in the surrounding area;

- traffic impacts remain a concern, as it relates to the proposed height, density, and unit count;
- adverse shadow impacts resulting from the building mass and height;
- proposed building materials (amount of glass and lack of masonry cladding);
- impacts on views from High Park; and
- environmental impacts related to High Park and migratory birds.

Questions and comments related to the future processing of the proposal were answered, including the Ontario Municipal Board appeal and the Design Working Group process.

The community expressed strong regret that the proponent had appealed the official plan and zoning by-law amendment applications, and that the Design Working Group was to be focussed on discussion regarding building materials, landscaping and other site plan matters.

Design Working Group

In order to conduct an effective working group process, it was concluded that volunteers from the community would be limited to approximately 8 to 10 community participants. To assess participants, an expression of interest form was circulated to community members at the March 1, 2012 meeting, for participation at evening sessions on March 20, 27 and April 5, 2012.

As a result of the number of volunteers, a selection process was not necessary, as all expressions of interest were accepted. Members of the community expressed their regret that the matters of concern were appealed to the OMB, and that the scope of the Working Group was limited to matters that did not include the building height and density.

Participation in the group sessions ranged from 10 to 12 community members. The volunteers were from various parts of the surrounding area, property owners, tenants, and members from community associations, who brought with them a wide range of personal and professional expertise.

The format for the working group sessions was informal. A conscious effort was made to promote creativity and thought-provoking dialogue, without the constraints related to itemization of matters or prescribed topical issues. There were no formal minutes, agenda or meeting chair.

A range of sample materials, including brick, limestone, glass and the landscape plans and principles, were provided to the group for discussion.

Although there was no clear consensus on the overall design of the building, the following materials and treatments were generally considered appropriate by the Working Group:

- a combination of clear glass and white spandrel panels for the 14 storey central volume. The Working Group indicated a preference for the use of a dense frit pattern (closely spaced dots) applied to all the balconies as a way of hiding potential clutter from the street views and to address the Bird Friendly Guidelines. Several frit pattern options varying from random patterns of alternating clear and fritted glass to undulating patterns were discussed. A widely spaced (10 centimetres on centre) dot pattern will be applied to the windows of the first 12 metres of the building base (on all elevations) to meet Toronto Green Standard and Bird Friendly Guideline requirements.
- the Working Group generally supported the choice of a red/brown iron spot brick for the eight storey building wings located at Bloor Street West and volumes along Pacific Avenue and Oakmount Road, some participants expressed a desire for the use of more masonry cladding
- beige and taupe brick colour options were provided for the townhouses along Pacific Avenue and Oakmount Road and along the first four storeys of the north elevation. Renaissance stone was presented as an alternative to the brick options. The Working Group favoured another option; namely, a flat natural limestone.
- the south and north entrance canopies and accent walls were proposed to be clad in smooth limestone. This material was well received by the Working Group.

In general, design by consensus is a difficult task, however, given the parameters for discussions, comments received by the participants were generally positive.

Notwithstanding that the height, massing and parking and other zoning issues were not included in the working group discussions, the proposed development has benefitted from the refinement of material selection and placement through this process.

The official plan and zoning issues will be the subject of an OMB hearing.

Draft Zoning By-Law

The applicant has expressed the need to correct errors and adjust Schedule "B" to the Draft Zoning By-law Amendment that was appended as Attachment 7 to the Final Report dated December 16, 2011 and considered by Etobicoke York Community Council on January 10, 2012.

Five changes to Schedule "B" are required:

1. Height of Building Wings (Northwest, Southwest, Southeast):

The Draft Zoning By-law Amendment Schedule "B" attached to the Final Report labelled the heights of the three 8-storey wing elements as 24.0 metres. This was an error by the proponent and the correct height of 26.7 metres is now shown on revised Zoning By-law Schedule "B" in Attachment 1 to this report.

2. Height of the 9th storey bump-ups (Southwest, Southeast on top of two eight storey wings):

The Draft Zoning By-law Amendment Schedule "B" incorrectly labelled the heights of the two 9-storey bump-ups as 27 metres. The corrected height is 30.05 metres and is shown on revised Zoning By-law Schedule "B" in Attachment 1 to this report.

3. Setback of the 9-storey bump-ups (Southwest, Southeast):

The draft Zoning By-law Schedule "B" labelled the setbacks to the two 9-storey bump-ups as 3.0 metres, 3.1 metres and 3.2 metres at various locations. This was an error and all setbacks are 3.0 metres as correctly shown on the plan for the ninth floor.

4. Mechanical Penthouse (proposed physical change):

The working drawing process commenced after the Community Council meeting has determined that the proposed Mechanical Penthouse (MPH) shown on Schedule "B" with dimensions of 16.5 metres x 24.8 metres is undersized for the building's mechanical requirements. A revised 16.5 metres x 45 metres penthouse is required.

5. 9th Floor Northeast Corner Fill-in:

As a result of the working drawing process to detail unit layouts the applicant has requested to extend the ninth floor on the east wing to fill in the 3.5 metre step-back to align with the building's main rear wall.

The aforementioned changes have been reviewed and evaluated by staff. They are acceptable and are incorporated into the Revised Draft Zoning By-law Schedule "B" as shown in Attachment 1 to this report.

COMMENTS

City Planning staff has considered the discussion at the January 10, 2012 statutory public meeting as well as submitted correspondence related to this proposal, participated in the March 1, 2012 Community Consultation meeting and the three Design Working Group sessions and continue to support approval of the applications with some revisions arising from the outcome of these events.

As outlined above, the proposed building has benefited from the working group process, in terms of the quality of materials, refinement of detailed design, and greater environmental enhancements.

The proposed changes to the draft Zoning By-law Schedule "B" have also been reviewed and there are no objections to the revised mechanical penthouse dimensions or the minor 9th floor corner fill-in. Staff also concur with the requested adjustments to the draft Zoning By-law Schedule "B" that resulted from the proponent's error.

City Planning staff continue to recommend approval of the Official Plan and Zoning amendment applications as described in the Final Report subject to the revised Recommendations, including the replacement of Schedule "B" to the draft Zoning By-law Schedule "B" attached as Attachment 7 to the Final Report from the Director of Community Planning, Etobicoke York District, dated December 16, 2011 with the Revised Draft Zoning By-law Schedule "B" attached as Attachment 1 to this report.

CONTACT

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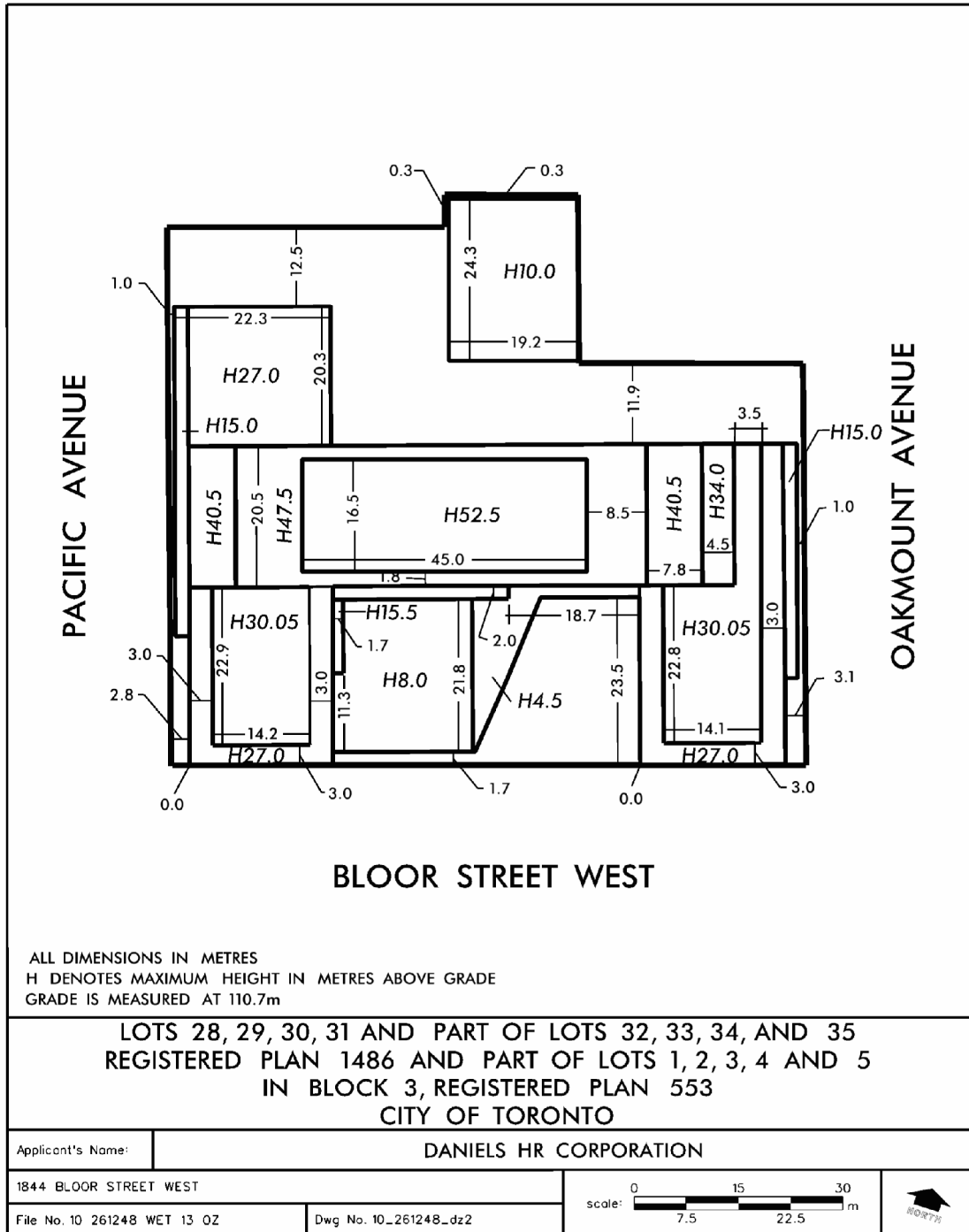
SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Revised Draft Zoning By-law Schedule "B"
Attachment 2: Final Report dated December 16, 2011 from Director, Community Planning, Etobicoke York District

Attachment 1: Revised Draft Zoning Schedule "B"



Attachment 2: Final Report dated December 16, 2011 from Director, Community Planning, Etobicoke York District



**STAFF REPORT
ACTION REQUIRED**

1844-1854 Bloor Street West, 6-14 and a Portion of 18 and 18A Oakmount Road, 35 and 37 Pacific Avenue – Official Plan Amendment and Zoning Amendment – Final Report

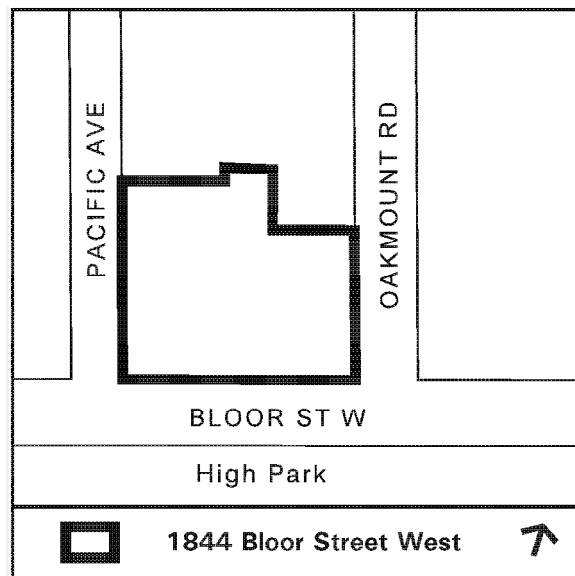
Date:	December 16, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	10 261248 WET 13 OZ

SUMMARY

These applications propose a 14-storey mixed-use building, as illustrated in Attachment 1 - Site Plan, at 1844-1854 Bloor Street West; 35 and 37 Pacific Avenue; and, 6-14 and part of 18 and 18a Oakmount Road.

The applications have been evaluated and assessed with respect to Provincial Policies, the City’s Official Plan policy framework, urban design guidelines and various considerations including traffic, shadow impact, site servicing and other good planning principles.

This report reviews and recommends approval of the applications to amend the



Official Plan and Zoning By-law 438-86 as set out in Attachments 6 and 7 to this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 1844-1854 Bloor Street West; 35-37 Pacific Avenue; and, 6-14 and part of 18 and 18a Oakmount Road substantially in accordance with the draft Official Plan Amendment attached as Attachment 6 – Draft Official Plan Amendment to the report dated December 16, 2011.
2. City Council amend Zoning By-law 438-86, for the lands at 1844-1854 Bloor Street West; 35-37 Pacific Avenue; and, 6-14 and part of 18 and 18A Oakmount Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report dated December 16, 2011.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands at 1844-1854 Bloor Street West; 35-37 Pacific Avenue; and, 6-14 and part of 18 and 18a Oakmount Road, in a manner satisfactory to the City Solicitor to secure the following matters at the owner's expense:
 - A. An indexed cash contribution of \$1,550,000 to be paid to the City prior to the issuance of the first above grade building permit, to be allocated in Ward 13 Parkdale-High Park, generally as follows:
 - i. Local parks
 - ii. Local streetscapes, and/or
 - iii. Local non-profit childcare facilities,such allocation to be determined by the City's Chief Planner in consultation with the Ward councillor, and which allocation shall include Fifteen Thousand Dollars (\$15,000.00) for capital improvements to the High Park Straw Bale Teaching Kitchen . Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment.
 - B. A public art contribution in the amount of one per cent of the gross construction costs in accordance with the Toronto Official Plan

policies.

- C. The provision and maintenance on the site of not less than 14 new replacement rental dwelling units for a period of at least 20 years comprising 7 one-bedroom units and 7 two-bedroom units which shall be generally of the same type and size as other units in the building and such units have rents no higher than mid-range rents in accordance with more detailed terms set forth in the draft Zoning By-law attached as Attachment 7 to the report dated December 16, 2011.
 - D. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”).
 - E. The owner shall incorporate in the construction of the building and thereafter maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - F. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act 2006*, the owner shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services, and thereafter the owner shall implement such plan.
 - G. The owner shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage.
 - H. The owner shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission (“TTC”), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations.
 - I. The owner shall agree to provisions regarding environmental sustainability, wind mitigation, municipal services and street tree irrigation, to the satisfaction of the Chief Planner and Executive Director.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Site Plan Agreement under Section 114 of the *City of Toronto Act, 2006*.

6. Before introducing the necessary Bills to City Council for enactment, require the owner to complete the purchase of that part of the site comprising Part of 18 and 18A Oakmount Road from the City of Toronto, to the satisfaction of the Director, Real Estate Services.
7. Before introducing the necessary Bills to City Council for enactment, owner shall:
 - i) submit a satisfactory revised Functional Servicing Report to determine if the existing system requires upgrade(s) to support the development; and
 - ii) if an upgrade is required, the owner is required to provide financial securities for the design and construction of the required upgrades to the satisfaction of the Executive Director of Technical Services

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In March of 2006, the owner, W.J. Holdings Limited, applied pursuant to Section 33 of the Planning Act, to demolish 12 converted houses and one fourplex, all containing residential rental housing, on the subject properties. A report from City Planning recommending refusal was considered by Etobicoke York Community Council in March 2007. The report was deferred on several occasions at the request of the owner in consultation with staff to allow for further discussions on various aspects of the demolition application and possible redevelopment of the site.

In November 2007, the owner appealed the demolition application to the Ontario Municipal Board (OMB), citing the lack of decision by City Council. To establish City Council's position and direction on the matter and following a direction by the OMB at a pre-hearing, City Planning staff prepared a final report on the proposed demolitions which Council considered at its meeting of July 15, 2008. Council adopted the recommendations of staff and refused the application to demolish the buildings and determined the conditions to be imposed on the demolition in the event the OMB allowed the appeals.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EY18.42>

Following a hearing, the OMB issued a decision in September 2009 allowing the appeal in part and authorizing the City to issue the demolition permits. The OMB withheld its order for a six-month period to provide the City some time to impose conditions before issuing its final order. The City has special demolition control legislation under the *City of Toronto Act, 1991* which is in effect in the former City of Toronto, which authorizes the imposition of conditions.

The City sought leave to appeal the OMB decision from the Divisional Court on several grounds and was granted leave on the question of whether the Board had jurisdiction to

hear the appeal. On November 12, 2010, the Divisional Court ruled in favour of the owner, for reasons different than those given by the Board, dismissing the City's appeal.

On September 20, 2010, the Daniels HR Corporation, acting as agent on behalf of the owner, submitted the applications for Official Plan and Zoning By-law Amendments, which are the subject of this report for the redevelopment of these properties (not then including the City-owned lands at 18 and 18A Oakmount Road). A Rental Housing Proposal was submitted on January 28, 2011 by the Daniels HR Corporation to supplement the application materials.

The owner subsequently requested that the OMB issue the final order respecting the Section 33 demolition permit without the imposition of conditions. The City Solicitor requested that the OMB hold the issuance of the order for a period of time to avoid potentially unnecessary litigation and expense as the matter might be resolved through the Official Plan and Zoning amendments applications that were under review. However, on February 24, 2011 the OMB issued its order directing the City to issue the demolition permits. The demolition permits were issued subject to the conditions City Council had authorized at its meeting of July 15, 2008 (subject to minor and technical updating due to the passage of time).

The owner applied to the Superior Court seeking a declaration that the City was in contempt of the OMB's final order which had been filed with the Court and directed the City to issue the demolition permits without conditions. On October 26, 2011, the Court issued its decision, finding the City in contempt and allowing the City to purge the contempt by issuing the demolition permits without conditions within a 30 day period. The City then issued the permits without conditions within the specified time. The owner is in the process of demolishing a number of the existing buildings on the site.

City Council has also taken a number of broader actions which have implications on the redevelopment of this site. On November 30, December 1, 2, 4 and 7, 2009, City Council adopted the recommendations outlined in a Final Report for a City initiated Avenue Study of Bloor Street West between Keele Street and the Rail Corridor east of Dundas Street West, and Dundas Street West between Glenlake Avenue and Boustead Avenue. This Avenue Study affects the lands east of Keele Street, which are approximately 300 metres east of the subject lands.

On July 6, 7 and 8, 2010, City Council adopted the recommendations outlined in the Avenues and Mid-Rise Buildings Study. The study will provide guidance in the ongoing evaluation of the proposed development associated with these applications.

ISSUE BACKGROUND

Proposal

The application was originally submitted on September 20, 2010, but due to the municipal election and the submission of material to address the rental housing issue, the Etobicoke York Community Council considered the Preliminary Report related to the

applications on March 22, 2011. A copy of the Preliminary Report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-36373.pdf>

The applications as first submitted, proposed a 14-storey mixed-use building with approximately 1,425 square metres of at-grade retail uses, 346 residential dwelling units, and 263 below-grade parking spaces. The corresponding Floor Space Index (FSI) was 6.0 times the area of the lot. The development lot did not include any portion of the City-owned lands located immediately to the north of the site. The building was configured in a "U" shaped courtyard layout. The majority of the building mass was located at the rear of the site, with the courtyard fronting onto Bloor Street West and the retail area oriented towards Bloor Street and the courtyard.

The building was generally arranged with the 14-storey and mechanical penthouse mass located at the rear and centre on the site, terracing down to a 12-storey component, leading to two separate wings (8 and 10-storeys) that run parallel to Pacific Avenue and Oakmount Road extending south towards Bloor Street West, respectively. Both wings proposed residential dwelling units on the ground floor with direct at-grade access to the side streets.

Access to underground parking, passenger drop-off and the loading facility all located in the rear of the building, was proposed via a two-way driveway connecting Pacific Avenue to Oakmount Road at the rear of the site.

As a result of input received at the Community Consultation meeting, guidance from the Design Review Panel and discussions with City staff, significant changes were made to the proposed development. A revised application was submitted on November 8, 2011. A comparative summary of the two proposed schemes is provided in the following table:

	September 20, 2010 submission	November 8, 2011 revised and current submission
Site Area	5,155.7 sq. m	6,535 sq. m
Gross Floor Area		
- Residential	28,525 sq. m	32,616 sq. m
- Retail	1,425 sq. m (up to 1,500)	1,150 sq. m.
- Day Nursery		634 sq. m. (max. 650)
Total	30,955 sq. m	34,750 sq. m
Height	48.0 m (14 storeys)	52.0 m (14 storeys)
Dwelling Units	346	378
Parking	263	274
Floor Space Index	6.0	5.3

The most significant change in the November 2011 proposal has been the inclusion of approximately 1,379 square metres of additional land area abutting to the rear. The lands

municipally known as 18 and 18A Oakmount Road are City-owned and are encumbered by the Toronto Transit Commission (TTC) Bloor-Danforth subway tunnel beneath. City Council has declared a portion of the lands surplus. Approximately one-third of the lands fronting onto Oakmount Road will continue to be owned by the City and maintained for TTC future purposes. The remaining two-thirds of the surplus lands extending to Pacific Avenue are being purchased from the City by the proponent and are now included in the applications as part of the development site to address design matters and concerns raised by the community.

As a result of the inclusion of the additional lands, the overall floor space index (FSI) has decreased to 5.3 times the area of the lot, from the original 6.0 FSI and the overall gross floor area has increased by 3,795 square metres.

Site and Surrounding Area

The subject site consists of 13 assembled properties located on the north side of Bloor Street West, together with City-owned lands as discussed above. The lands presently contain 13 vacant two and three storey residential buildings (detached dwellings and a fourplex), comprising residential rental housing and are the subject of a rental housing replacement evaluation. These residential buildings are not subject to Section 111 of the *City of Toronto Act, 2006* (or c. 667 of the Municipal Code enacted under it), dealing with the regulation of rental housing demolition and conversion due to timing of the demolition applications which preceded the enactment of the *City of Toronto Act, 2006*. Incremental demolition of buildings is underway, as some of the buildings have been subject to fire damage.

The site is generally flat and well vegetated with mature trees and landscaping. The original development site has approximately 77 metres of frontage on Pacific Avenue, 82 metres of frontage onto Oakmount Road, and 91 metres fronting onto Bloor Street West, with a lot area of 5,155 square metres. The addition of approximately 1,379 square metres of City-owned property will result in an overall site area of approximately 6,534 square metres.

Land uses surrounding the subject site are as follows:

North: a 17-storey apartment house with associated surface parking and an outdoor swimming pool. Further north are three apartment houses having heights of 11, 12, and 23-storeys.

West: Several 2 and 3-storey house-form residential buildings and grade-related apartment buildings, as well as five apartment houses ranging in height from 15 to 30-storeys.

South: High Park across Bloor Street West.

East: Fronting onto Bloor Street West and Oakmount Road are several residential house-form buildings.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities under the Planning Act, including:

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- h) the orderly development of safe and healthy communities;
- j) the adequate provision of a full range of housing;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development; and,
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

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. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. The policies of the PPS give specific direction to municipalities on a variety of issues including the provision of an appropriate range of housing types and densities to meet projected requirements of current and future residents, including establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. 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; and planning for a range and mix of housing. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The policies cited below reflect the general policy context affecting the proposed development. The Plan policies are not mutually exclusive as all applicable policies of the Plan relating to the proposal must be considered together.

The lands fronting onto Bloor Street West are located within an *Avenues* area on Official Plan Map 2 - Urban Structure. The whole of the lands are also designated *Apartment Neighbourhoods* on Official Plan Map 17 - Land Use Plan, including the additional City-

owned lands that are being acquired. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged in order to accommodate growth, while improving the pedestrian environment, streetscape and transit service for the community. Development within the *Avenues* should have appropriate massing, scale and organization of buildings and provide streetscape improvements while implementing transit-supportive measures that restrict auto-oriented retailing and services.

Official Plan Policy 2.2.3.3(a) applies to the context of the proposed development. The policy states that "development may be permitted on the *Avenues* prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development on the *Avenues* prior to an Avenue Study will implement the policies of the Plan for the relevant designation area(s)." In this instance, the relevant designation is *Apartment Neighbourhoods* and the policies for this designation will apply.

An Avenue Segment Study was submitted with the applications dated September 2010, which formed part of the Planning and Urban Design Rationale report prepared by Bousfields Inc., as Appendix "C". The study concluded that 5 sites had the potential to be developed in the mid-term (soft sites) on Bloor Street West from Glendonwynne Road in the west, to Keele Street in the east. The study concluded that the proposed development will not create a negative precedent for future development along this segment of Bloor Street West.

Although some of the methodology in the study is slightly inconsistent with City standards, staff have assessed the study based on City practice and concurred with the findings of the study. A copy of the report will be provided to the Clerk for posting on the City's website.

Policy 4.2.1 of the Official Plan sets out the uses permitted in *Apartment Neighbourhoods*, which include apartment buildings, parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*. An Official Plan Amendment is required to consider and accommodate the proposed non-residential floor area, as it does not comprise small-scale retail (see Attachment 6 – Draft Official Plan Amendment).

The introduction of a permission for a maximum of 1,500 square metres of retail gross floor area is considered reasonable and appropriate for this location. The retail uses will front onto Bloor Street West, which is an *Avenues* area in the Official Plan, and will serve to provide an opportunity for local retail amenity. A stand-alone building up to 650 square metre in area, in the rear of the site is proposed to accommodate a day nursery. Due to the limitations of the current proposed parking supply for this site, this stand-alone building at the rear will only be evaluated for the proposed day nursery use. Additional non-residential uses may be considered at a future date, subject to an additional review process and parking analysis. Residential uses for this stand-alone building are not appropriate and will not be permitted.

Although significant growth is generally not anticipated in *Apartment Neighbourhoods*, there may be opportunities for additional townhouses or apartments on underutilized sites. The Official Plan criteria to evaluate these situations is set out in Policy 4.2.2, which requires that:

"Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) locating and massing 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 setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;

The proposed development provides a transition in height from the high-rise context in the north to the Avenue along Bloor Street West. As the site is both wide and deep, it allows for a gradual reduction in building height from north to south and to the east *Neighbourhoods* area.

- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;

The original proposal was modified to shift mass away from the *Neighbourhoods* designated properties to the east, by increasing the stepping on the east elevation, as well as shifting the mechanical penthouse further west. The revised proposal (November 8, 2011) adequately limits shadows onto the *Neighbourhoods* properties. An additional shadow study was requested to address shadow impacts on the property immediately to the north, including the outdoor pool. The study was received on December 13, 2011. Staff evaluated the material and concluded that the building mass adequately limits shadow impacts on the *Apartment Neighbourhoods* property as well.

- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

The proposed building layout incorporates a courtyard facing Bloor Street West, across from High Park. The mass on Bloor Street West has been limited to two mid-rise elements; a one-story retail presence and a courtyard on the Bloor Street West frontage. A pedestrian level wind analysis has been submitted and is available. The proposed building layout meets the objectives of this policy.

- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;

The proposed development will meet the off-street motor vehicle parking requirements as cited by the City's Transportation Services staff and the bicycle parking requirements of the Toronto Green Standard.

- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;

The servicing areas are proposed at the rear of the building, with access provided via a private service laneway. The proposed building layout provides screening from Pacific Avenue, and will be secured through the site plan approval process.

- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;

The proposed building will provide an appropriate amount of indoor (2 square metres per unit) and outdoor amenity space (2 square metres per unit), as cited in Attachment 7 – Draft Zoning By-law.

- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and,

The proposed building layout includes commercial uses on the Bloor Street West frontage, which serve to animate and enhance the pedestrian realm as well as compliment the proposed courtyard. Along both Oakmount Road and Pacific Avenue, the building base also proposes grade-related townhouse units, which serve to create activity and presence on the streets.

- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

The building will achieve the principles of universal design. This will be secured at the site plan approval stage.

Along *Avenues*, the Official Plan provides further guidance and direction on the evaluation of applications where zoning is not in place to permit the proposed development and/or an Avenue Study is not in place.

At present, there is no Avenue Study for this segment of Bloor Street West. In this instance, given the level of retail space proposed and the prominent site location fronting onto Bloor Street West, this application has also been evaluated having regard for the *Avenues* criteria, outlined in Official Plan Policies 2.2.3.3 (b) and (c); and the detailed performance criteria for *Mixed Use Areas* in Policy 4.5.2. In regard to this mixed-use proposal, these criteria can provide guidance and supplement the evaluation of the performance criteria for development in *Apartment Neighbourhoods* in Policy 4.2.2,

which refer to the mass, scale, sustainability and urban design of developments. The Built Form policies in section 3.1.2 of the Plan have also been applied.

Policies 2.2.3.3 (b) and (c) requires that the proposal address the larger context for the area and examine the implications for the related segment of the Avenue where the proposed development is located.

The Avenue Segment Study referred to earlier, was submitted as part of this application. The assessment demonstrated that the five soft sites that would not adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods* as a result of the densities and design principles used in this proposal. Staff is satisfied that the objectives of the policies are satisfied.

As previously noted, the lands are occupied with 13 vacant detached buildings comprising rental housing. Policy 3.2.1 of the Official Plan sets out Housing Policies.

Of relevance is Policy 3.2.1.1, which states that a full range of housing in terms of form tenure and affordability will be provided and maintained across the City and within *Neighbourhoods* to meet the current and future needs of residents. This includes affordable and mid-range rental and ownership housing among other types. Policy 3.2.1.2 refers to the need to maintain and replenish the existing stock of housing and Policy 3.2.1.6 requires the replacement of rental housing units at similar rents.

Specifically, Policy 3.2.1.6 states:

"New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the

provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or

- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
- i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;
 - ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0 per cent for the preceding four consecutive annual surveys;
 - iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
 - iv) all provisions of other applicable legislation and policies have been satisfied.

Further commentary regarding rental housing is discussed later in this report.

Zoning

Zoning By-law 438-86 for the former City of Toronto remains applicable and zones the subject site as "R4 Z2.0 H23" for the front portion of the site, with the rear portion being zoned R2 Z0.6 H10 (see Attachment 3 – Zoning Map). The R4 residential zone category permits a variety of residential building types including: detached house, semi-detached house, row house, duplex, triplex and an apartment building, with a maximum density of 2 times the area of the lot and a maximum building height of 23 metres. The R2 zone similarly permits a wide range of housing forms, including an apartment building at a maximum height of 10 metres and a density of 0.6 times the area of the lot.

Mid-Rise Buildings Guidelines

City Council adopted the recommendations of the *Avenues* and Mid-Rise Buildings Study in June 2010. The study developed guiding performance standards for mid-rise buildings to encourage the development of more well designed mid-rise buildings on the *Avenues*. The guiding performance standards were considered in the evaluation of the applications.

Site Plan Control

The proposed development is subject to Site Plan Control. An application was submitted and subsequently circulated on November 8, 2011. The application is currently under review.

Reasons for Applications

The proposed development continues to include over 1,500 square metres of retail floor area, which does not conform with the Official Plan policies related to small scale retail uses in *Apartment Neighbourhoods*.

The proposed development does not comply with the maximum permitted density and height provisions of Toronto Zoning By-law 438-86 as amended as well as other provisions. Both an Official Plan Amendment and a Zoning By-law Amendment application are required.

Community Consultation

There have been two Community Consultation meetings related to these applications on May 4, 2011 and on November 9, 2011.

At the May 4th meeting, concerns and comments made by the community were:

1. The proposed building size and associated mass is of concern. The size, height and mass will adversely impact community services, traffic and shadow impacts.

The application was modified to shift building mass away from the *Neighbourhoods* designated properties, in order to improve shadow conditions, and to better address issues related to sky views and light. There are adequate services to accommodate the expected population. The requirements of the School Boards have been addressed through a condition that requires warning clauses and signage.

2. There is insufficient parking proposed and traffic impacts will result from the increased number of residential units. An existing parking shortage in the area and traffic congestion were expressed.

The proposal was amended to meet the new Council approved parking requirements. A Transportation Impact Study prepared by BA Group was submitted by the applicant in support of the proposal. This study has been evaluated by Transportation Services staff, who have not expressed concern with the proposed traffic levels or parking supply.

3. Pedestrian and child safety related to the proposed rear service lane, and traffic impacts on sidewalks (Oakmount Road and Pacific Avenue) and on children playing in the area. A similar condition noted by area residents exists at 22 Oakmount Road, where the driveway intersects the Oakmount sidewalk.

The proposal was modified to redesign the driveway and service area in an effort to minimize the appearance of a public lane and to slow traffic movement along the service lane. The lane now has a curve and is screened from Pacific Avenue. Additional treatments will be considered through the site plan process, as required to enhance safety.

4. Height of the proposed building does not fit with the physical context of the area.

As previously noted, the proposed development provides a transition in height from the high-rise context in the north to the *Avenue* along Bloor Street West. As the site is both wide and deep, it allows for a gradual reduction in building height from the north to south and to the east. The proposed development fits the planned context for the area.

5. The aesthetics and architecture of the building were not well received by the community. Concerns with the amount of glazing and a lack of fit with the existing High Park character were cited. The rooftop mechanical penthouse was also considered to be too large.

The proposal was considered by the City's Design Review panel. As a result of community comments and guidance provided by the Panel, the building was modified to incorporate less glazing and more masonry elements on the elevations and the mechanical penthouse was reduced in size.

The second consultation meeting on November 9, 2011, was held at the request of the Ward Councillor. The meeting presented changes that were made to the applications. Comments received related to height, environmental impacts and parking.

The building height is still considered by some residents as too tall and inconsistent with the physical context of the High Park area.

The issue of building height was addressed as part of the May 4, 2011 consultation comments above. As a result of the design modifications to the proposal, impacts related to compatibility, skyviews and shadowing were positively addressed.

Comments were made regarding impacts to migratory birds, wildlife and the lack of a Natural Heritage Impact Study.

The City's Bird Friendly Guidelines will be applied to the proposed building. City Planning staff were engaged early in the review process to ensure that Environmental Impacts are appropriately addressed. While High Park is identified as a Natural Heritage Area in the Official Plan, the application site is not within nor does it directly abut a Natural Heritage Area. A Natural Heritage Impact Study is not required.

Notwithstanding the proposal's compliance with the City's parking requirement, concerns are still present in the community with the lack of parking and the parking rate being

applied to this development. Transportation Services staff have not raised a concern with the proposed parking.

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

The proposed development meets the policies of the Official Plan related to both the *Avenues* and *Apartment Neighbourhoods*. The specific details relating to conformity with the policies were cited in the Official Plan section of this report above.

The introduction of retail uses within the building along Bloor Street West is reasonable and appropriate. The proposed 1,500 square metres of retail floor area is not considered to be small scale, but is also not considered to have a broad draw. The limitation of the floor area to the retail area of 1,500 square metres in the mixed-use building will ensure that future retail uses will be of a local nature. This limitation is noted in Attachment 7 - draft Zoning By-law.

The proposed Day Nursery stand-alone building at the rear of the site has been assessed for that proposed use only. The High Park neighbourhood is deficient in day care spaces. A significant amount of effort has been made to include a day nursery within this development, by all parties in this planning process. Options including not-for-profit, City-operated, and for-profit child care have been discussed throughout the process.

The current development proposes a 650 square metre for-profit day nursery in a stand-alone building in the rear of the site. The building has abutting outdoor amenity, parking and a drop-off areas. Should the day nursery use not materialize, alternate non-residential uses could be considered through another *Planning Act* process, with additional supporting material, including a parking study.

As noted earlier, the applicant's Avenue Segment Study concluded that the proposed development will not create a negative precedent for future development along this segment of Bloor Street West. Although some of the methodology in the study is slightly inconsistent with City standards, staff have assessed the study based on City practice and concurred with the findings of the study.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS as it proposes to redevelop the lands in an appropriate location by intensifying the use in an appropriate manner, while replacing rental housing stock on the site at mid-range rents, and making efficient use of existing service, including transit.

The development will offer new housing with a range of sizes, and limited commercial uses, which is consistent with the relevant policies in Part V of the PPS. Specifically, the proposal is consistent with the policies in Section 1.1 “Managing and Directing Land Use To Achieve Efficient Development and Land Use Patterns”.

The redevelopment promotes the efficient use of land, resources, infrastructure, with densities that can support public transit, as the site is located within 300 metres of both the Keele Street and High Park TTC subway stations.

The replacement of rental housing on the site at mid-range rents which will be secured through the Zoning By-law amendment and a Section 37 Agreement is consistent with providing an appropriate range of housing types required to meet projected requirements of current and future residents of the City Policy 1.4.1.

The proposal has regard to Section 2 of the Planning Act, including the matters identified earlier in this report.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

The previous City Planning report of June 20, 2008 dealt with the earlier proposal to demolish the existing rental buildings without redeveloping the property or replacing the rental units. At that time, City Planning considered that the demolition without redevelopment approval and rental replacement did not meet the requirements of Sections 2 or 3 (the PPS) of the *Planning Act*. Among other matters, staff considered that the proposal was premature and would not lead to the orderly development of safe and healthy communities and would detract from the provision of a full range of housing. However, the current proposal for redevelopment addresses these concerns and incorporates rental replacement units with mid-range rents within the new development in conformity with Policy 3.2.1.6 of the Official Plan. Pursuant to Policy 4.5 of the PPS, the Official Plan is the most important vehicle for implementation of the PPS. As discussed in the section on Rental Housing, staff is satisfied with the number and type of replacement rental units and with the affordability and terms of the replacement units proposed.

Height, Massing, Design

The proposed development was considered by the Design Review Panel on April 19, 2011. The panel concluded that the proposal required some refinements and not a redesign. The proponent was provided with guidance with respect to design elements that required further attention, which were incorporated into the revised design.

The proposed building now has been massed and sited to fit within the context provided by the Official Plan, Urban Design Guidelines, and the surrounding planned physical context. The proposed courtyard fronting Bloor Street West, provides a break in the building mass. The balance of the Bloor Street frontage is occupied with a one-storey retail component and two mid-rise wings that wrap around Pacific Avenue and Oakmount

Road. The two wings propose grade related townhouse units, with direct access to both streets. The building provides stepping in height from both Pacific and Oakmount, up to the taller portions of the building, located generally in the centre and rear of the site.

The building has incorporated front yard setbacks to the ground floor retail in order to provide a widened pedestrian realm and allow for future streetscape enhancements. The upper portions of the two wings are cantilevered over this setback on the front (south) elevation.

The building is proposed to have a height of up to 14 storeys. The building is sculpted with a series of step-backs and terraces to address potential shadow and privacy impacts, as well as to provide interface and transition to the existing and planned physical context in the immediate surroundings.

The building is proposed to be located to define the edges of the adjacent streets and to provide an open plaza along the Bloor Street West frontage in order to provide pedestrian amenity. The building scale relates to the adjacent streets and the existing built form and steps up and back towards the rear of the site where it maintains an appropriate relationship to the existing *Apartment Neighbourhood* to the north.

The height along Bloor Street West maintains a 1:1 relationship with the 27 metre width of the street right-of-way in this area. The length of the street wall along Bloor Street West is interrupted by the plaza which provides open space and pedestrian amenity within the block.

The pedestrian perception of the building is enhanced by creating transparency and permeability at the ground floor and by the provision of the plaza which allows for augmented pedestrian skyviews to the north.

Grade related residential units are provided along the Oakmount Road and Pacific Avenue street frontages in order to respond positively to the existing fine grain context of the neighbourhood. The masonry treatment of the east and west elevations of the building also respond positively and contribute to the existing character of the neighbourhood.

The northern façade has been massed and detailed to articulate the distinct volumes generated on the other elevations, resulting in a refined composition of building elements which introduces an active, modulated and interesting elevation onto the TTC lands and the apartment building to the north.

The proposed building setbacks at grade allow for generous streetscaping and include a splayed approach to the open plaza. The streetscaping and landscape design illustrate a high quality coordinated design strategy.

Sun, Shadow, Wind

An Addendum to the Planning and Urban Design Rationale prepared by Bousfields Inc., dated November 2011, was submitted with the revised proposal on November 8, 2011. The addendum included a shadow analysis of the modified building. The report concluded the following:

"The incremental shadow impact of the proposed development at two periods during the year: March and September 21 for each hour between the hours of 9:18 a.m. and 6:18 p.m. The shadow study demonstrates that the proposed changes to the massing of the building (i.e. shifting of the massing inclusive of mechanical to the northwest) result in an overall improvement and therefore reduction of impacts on the Neighbourhoods properties to the east. The shadows do not reach the front yards of the residential properties on the east side of Oakmount Road till approximately 3:18 p.m. At 4:18 p.m. the shadow moves over the roofs of the house form buildings but does not reach the rear yards. The shadows penetrate the gaps between the buildings, those gaps however consist of driveways or are screened with large mature trees or are simply very narrow.

In terms of the westerly wing, the shadow study demonstrates that there are minor and acceptable impacts on the properties on the west side of Pacific Avenue. The study also shows that the additional shadow falls largely within the bounds of the subject property for long periods of the day and does not affect any of the Neighbourhoods properties in the area.

With respect to impact on parks and open spaces the most relevant time of the year is June 21. The study demonstrates that there are virtually no impacts on High Park to the south at 6:18 pm. The impacts on the proposed courtyard are limited to early morning hours and late afternoon hours after 5:18 pm."

Staff reviewed the shadow studies in relation to the property to the north (22 Oakmount Road) and its existing outdoor pool, and the surrounding properties. The studies concluded that the shadows cast by the proposed development will not have an adverse impact. Staff concur with the findings of the studies and conclude that the massing layout has effectively limited the shadows cast to an acceptable level.

A Pedestrian Wind Study prepared by RWDI Inc. dated August 12, 2011, was submitted with the revised proposal. The wind conditions passed all criteria with the exception of three spots on the upper terraces of the building. The report concludes the following:

"The wind safety criterion was exceeded at the upper terrace levels (Locations 57 through 59) during the winter season. If access to these terrace levels is desired all year, it is recommended that the design team consider including wind mitigation measures to these areas or restricting access to the terraces on windy days.

The strong wind conditions on the upper terrace levels were caused by exposure to prevailing winds from the southwest for the west terraces, and winds from the east-northeast for the east terrace level during the summer and winter. If a more comfortable

wind climate for these areas is desired, the design team could consider including wind screens (50 percent to 80 percent solid) or landscaping oriented perpendicular to the prevailing winds to break-up flows across the large terrace areas (see Image 1 and 2). The suggested placement of these mitigation elements can be seen in Image 3 below. Additional wind screens can be placed at lower levels to further improve wind conditions."

Wind mitigation measures for the three locations identified will be secured through the Section 37 agreement that will be required, prior to the introduction of the necessary Bills for By-law enactment, and incorporated into the proposal through the site plan process.

Traffic Impact, Access, Parking

An update to the Transportation Impact Study prepared by BA Group was submitted with the revised proposal. Transportation Services staff have reviewed all material and provided comments, which have been incorporated into the draft Zoning By-law. There are no objections to the draft Zoning By-law amendment.

Servicing

Technical Services staff have requested that the following condition be satisfied prior to the enactment of the zoning by-law:

1. The owner shall submit a satisfactory Functional Servicing Report to determine if the existing system requires upgrade(s) to support the development. If an upgrade is required, the applicant is required to provide financial securities for the design and construction of the required upgrades to the satisfaction of the Executive Director of Technical Services.

Open Space/Parkland

The use is proposed to be mixed residential and commercial. Parks, Forestry and Recreation staff have identified that the site is in the second lowest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010. This site is located on an Avenue as indicated on The Toronto Official Plan, Urban Structure Map "A".

The application proposes 378 residential units and 2,134square metres of commercial uses on a site of 0.66 hectares. Parks, Forestry and Recreation staff have commented that at the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.5 hectares or 83 percent of the net site area, and accordingly, the proposal is subject to a cash-in-lieu cap of 10 percent of the value of the development site, net of any conveyances for public road purposes. The residential component of the development would generate a parkland requirement of 613 square metres while the commercial component would generate a parkland requirement of 8 square metres. The combined parkland dedication requirement will be 621 square metres.

The owner proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as it would prove to be difficult to find a parcel of land that would meet the department's requirement for land conveyance due to the size and shape of the property and the amount of underground infrastructure on site, as recommended by Parks, Forestry and Recreation staff.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Further, the applicant has indicated they will pursue Tier 2 of the TGS which includes possible refunds against Development Charges payable for the development.

Rental Housing Demolition and Replacement

Existing Rental Housing:

As outlined in the June 20, 2008 City Planning report, most of the buildings to be demolished on the site are large, two and three-storey brick structures built as single family houses that were constructed over a span of 40 years from 1912 to 1951. The current owner has been assembling these properties in stages since the 1970's. All of these buildings have been rented in the past, most for several decades and as such have formed an on-going part of the City's rental housing stock. Most of these buildings were vacated over a period of 1½ years, from June 2004 to January 2006, with the last tenancy ending in 2010.

Evidence indicates that many of the houses have been divided into multiple units. Various sources suggest that the number of rental units contained in the 13 buildings ranges from 23 to 30. However, the owner contends the houses were each rented to a single tenant household. As such, the owner has taken the position that the City should view the total number of rental units as 16, comprising the 12 houses and the four-plex.

Relevant Policies on Rental Replacement:

City Planning in consultation with the City Solicitor are of the opinion that the issue of rental housing replacement needs to be addressed in the redevelopment .

The owner had taken the position that the demolition permits have been dealt at the Ontario Municipal Board and in the Courts, and that as the demolition permits were recently issued by the City, the development application should be treated as a separate

distinct process. However, the timing of the demolition application and/or approval cannot be considered in the absence of Official Plan policy. As well, the OMB and Court decisions, which allowed the demolition, did not deal with the issue of whether the City could or should impose conditions on the OPA or rezoning applications. That issue has not been before the OMB to date for these lands.

The owner is now seeking Official Plan and Zoning Amendments to carry out their development. For many years until recently, the property has been used to provide rental housing. The intent of the City's housing policies is to provide and maintain a full range of housing to meet the current and future needs of its residents, and to maintain and refurbish the existing stock of housing, including rental housing, wherever possible. In addition, Official Plan Policy 3.2.1.6 referenced earlier applies where new developments are proposed that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing units. The Policy states that such proposals will not be approved unless at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application is made.

In addition to the current Official Plan, the previous Official Plans (Metroplan and Cityplan) which were being replaced but not yet repealed for these lands at the time the demolition applications were filed, contained provisions respecting the maintenance of and making gains in the supply of affordable and rental housing.

The policy framework supporting the preservation and, where appropriate, the replacement of rental and affordable housing is long-standing.

In the OMB decision dealing with demolition, the Board made a number of statements supporting the City seeking replacement of the rental units as part of the redevelopment applications to follow the proposed demolition. As well, the Board decision made clear that the demolition in this case is a phase of the redevelopment of the lands, reinforcing that in the circumstances, the timing of the demolition approval or of the filing of the demolition applications is not the important consideration. The Board stated:

" Demolition is often a necessary part of the process of the redevelopment of any property that contains buildings. ...The Appellant's position leaves the entire matter of redevelopment open ended. This does not recognize the City's legitimate and well-established interest in protecting housing stock and ensuring that rental housing opportunities are provided."

Rental replacement at similar rents should be secured as part of this redevelopment approval in order to be consistent with the housing policy framework and to ensure good planning.

Agreement on Replacement:

While the property owner/agent and City staff have different perspectives on the matter of rental replacement housing, we have reached an agreement that is acceptable on the type, amount of rental replacement and terms that should be provided in this situation. A total of 14 rental replacement units are to be provided within the proposed building. These will consist of 7 one-bedroom units and 7 two-bedroom units and will have rents no higher than the mid-range limit as defined in the City's Official Plan. These units will be secured as rental housing for a minimum of 20 years under a stratified title arrangement and will not form part of the condominium proposed to be registered on the site. Rent restrictions on these units will be for a minimum of 10 years, longer for tenants who remain in a unit at the end of the 10 year period, in keeping with the City's policies and practices on rental housing replacement.

The units are to be of a size and layout consistent with the regular condominium units in the building, to the satisfaction of the Chief Planner and Executive Director, City Planning.

The tenants will be provided access to laundry facilities within the building, and will be given access at no charge and on the same basis as residents of the remainder of the building to indoor and outdoor amenity space, bicycle parking spaces, visitor parking and other common areas. The Section 37 Agreement will also provide for tenants to have access to resident parking spaces at capped rates.

Section 37

In addition to the replacement rental housing discussed above, the following benefits and other matters are recommended to be secured in the draft Zoning By-law Amendment attached as Attachment 7 and the Section 37 agreement:

1. Prior to the issuance of the first above grade building permit the owner shall pay to the City the sum of One Million Five Hundred and Fifty Thousand Dollars (\$1,550,000.00), to be used by the City towards capital improvements to one or more of local parks, local streetscapes and/or local non-profit childcare facilities within Ward 13, to be determined by the Chief Planner in consultation with the Ward Councillor, and which determination shall include an allocation in the amount of Fifteen Thousand Dollars (\$15,000.00) for capital improvements to the High Park Straw Bale Teaching Kitchen.
2. A public art contribution of one percent of the gross construction cost;
3. The incorporation in the construction of the building, and thereafter maintenance, of exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director for all elevations.

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

1. Wind mitigation measures identified in the Pedestrian Wind Study prepared by RWDI Inc. dated August 12, 2011.
2. The provision and maintenance on the site of not less than 14 new replacement rental dwelling units for a period of at least 20 years comprising 7 one-bedroom units and 7 two-bedroom units which shall be generally of the same type and size as other units in the building and such units have rents no higher than mid-range rents in accordance with more detailed terms set forth in the draft Zoning By-law attached as Attachment 7 to the report dated December 16, 2011.
3. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the owner shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”).
4. The owner shall incorporate in the construction of the building and thereafter maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act 2006*, the owner shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services, and thereafter the owner shall implement such plan.
6. The owner shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage.
7. The owner shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission (“TTC”), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations.
8. The owner shall agree to provisions regarding environmental sustainability, wind mitigation, municipal services and street tree irrigation, to the satisfaction of the Chief Planner and Executive Director.
9. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Site Plan Agreement under Section 114 of the *City of Toronto Act, 2006*.
10. Before introducing the necessary Bills to City Council for enactment, require the owner to complete the purchase of that part of the site comprising Part of 18 and

18A Oakmount Road from the City of Toronto, to the satisfaction of the Director, Real Estate Services.

11. Before introducing the necessary Bills to City Council for enactment, owner shall

- i) submit a satisfactory revised Functional Servicing Report to determine if the existing system requires upgrade(s) to support the development; and,
- ii) if an upgrade is required, the owner is required to provide financial securities for the design and construction of the required upgrades to the satisfaction of the Executive Director of Technical Services

Tenure

Of the currently proposed 378 residential dwelling units, 14 are to be replacement rental units and 364 are to be residential condominiums. A draft plan of condominium will need to be submitted for approval.

Development Charges

The estimated development charges for this project cannot be specified as the total number of dwelling units and sizes has not been finalized. However using the plan submitted on November 8, 2011 illustrating 378 dwelling units and the proposed non-residential gross floor area, the estimated Development Charges for the developments is \$2,760,196. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACTS

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Tel. No: 416-392-8214
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E-mail: dspence@toronto.ca

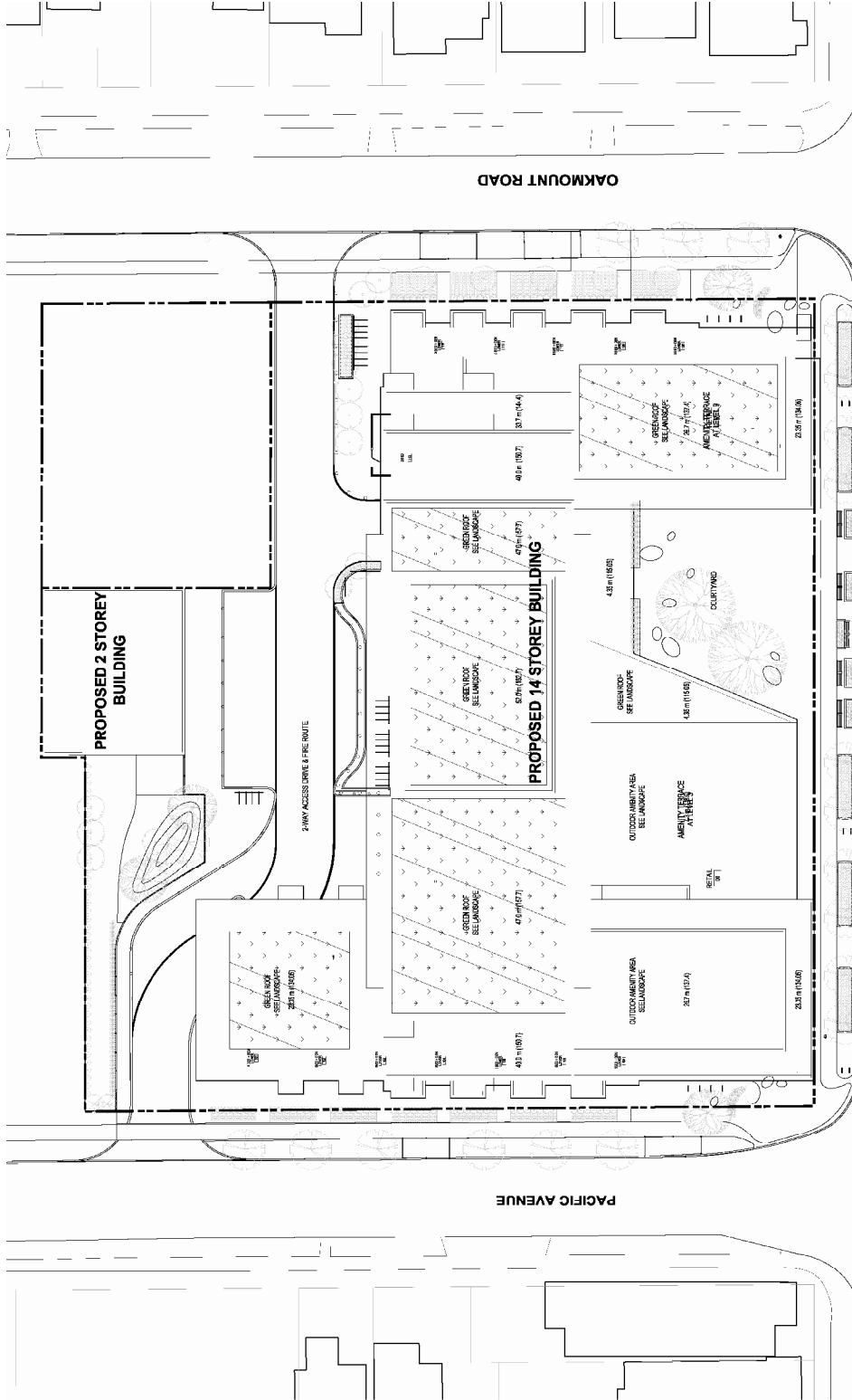
SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2a: South Elevations (Bloor Street West)
- Attachment 2b: West Elevation (Pacific Avenue)
- Attachment 2c: North Elevation
- Attachment 2d: East Elevations (Oakmount Road)
- Attachment 3: Zoning
- Attachment 4: Official Plan
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan

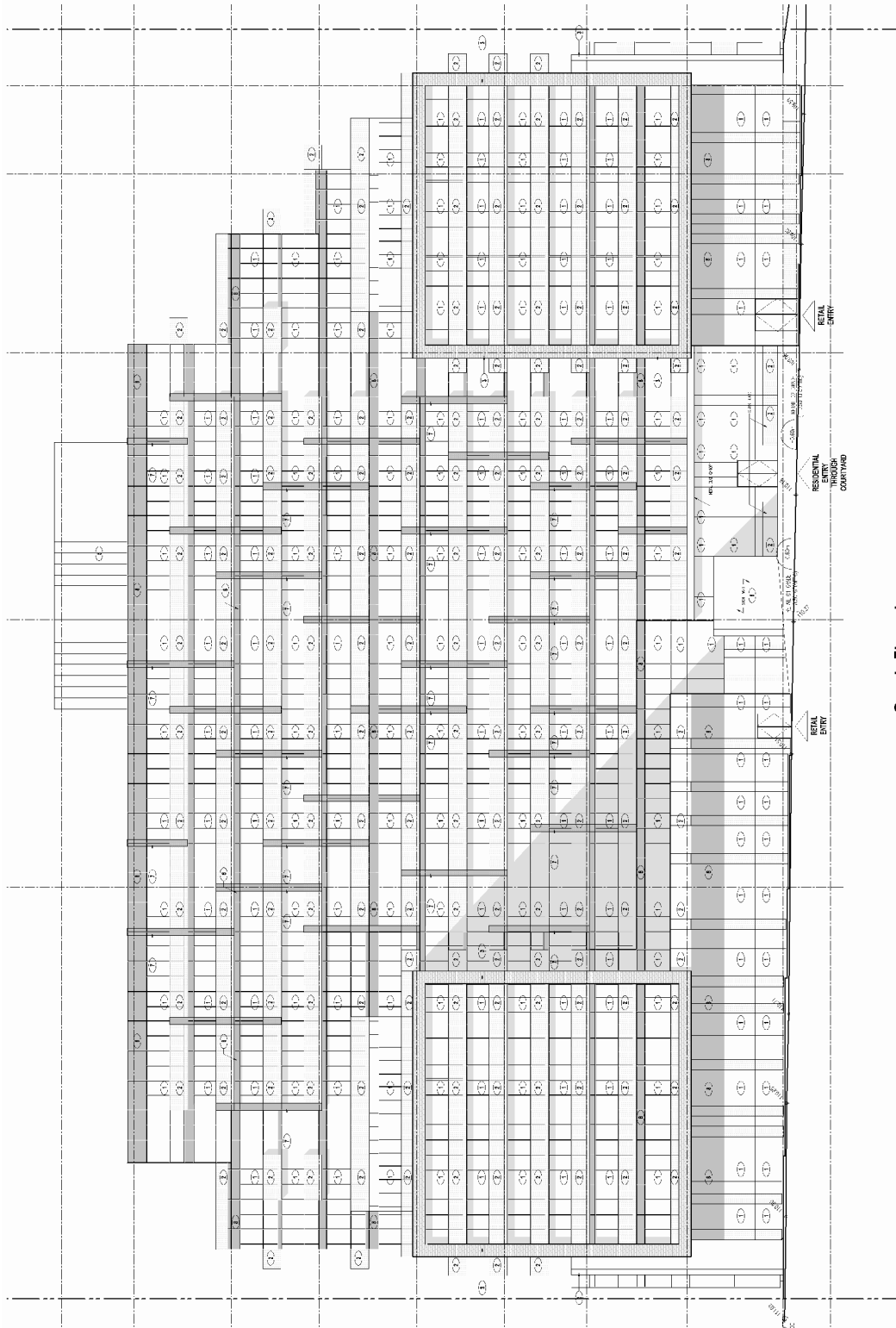


Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 12/06/2011

↑

1844, 1846, 1848, 1850, 1852 & 1854 Bloor Street West
35 & 37 Pacific Avenue
6, 8, 10, 12, 14, and Part of 18 & 18A Oakmount Road
 File # 10 261248 WET 13 0Z

Attachment 2a: South Elevation (Bloor Street W.)



South Elevation

1844, 1846, 1848, 1850, 1852 & 1854 Bloor Street West

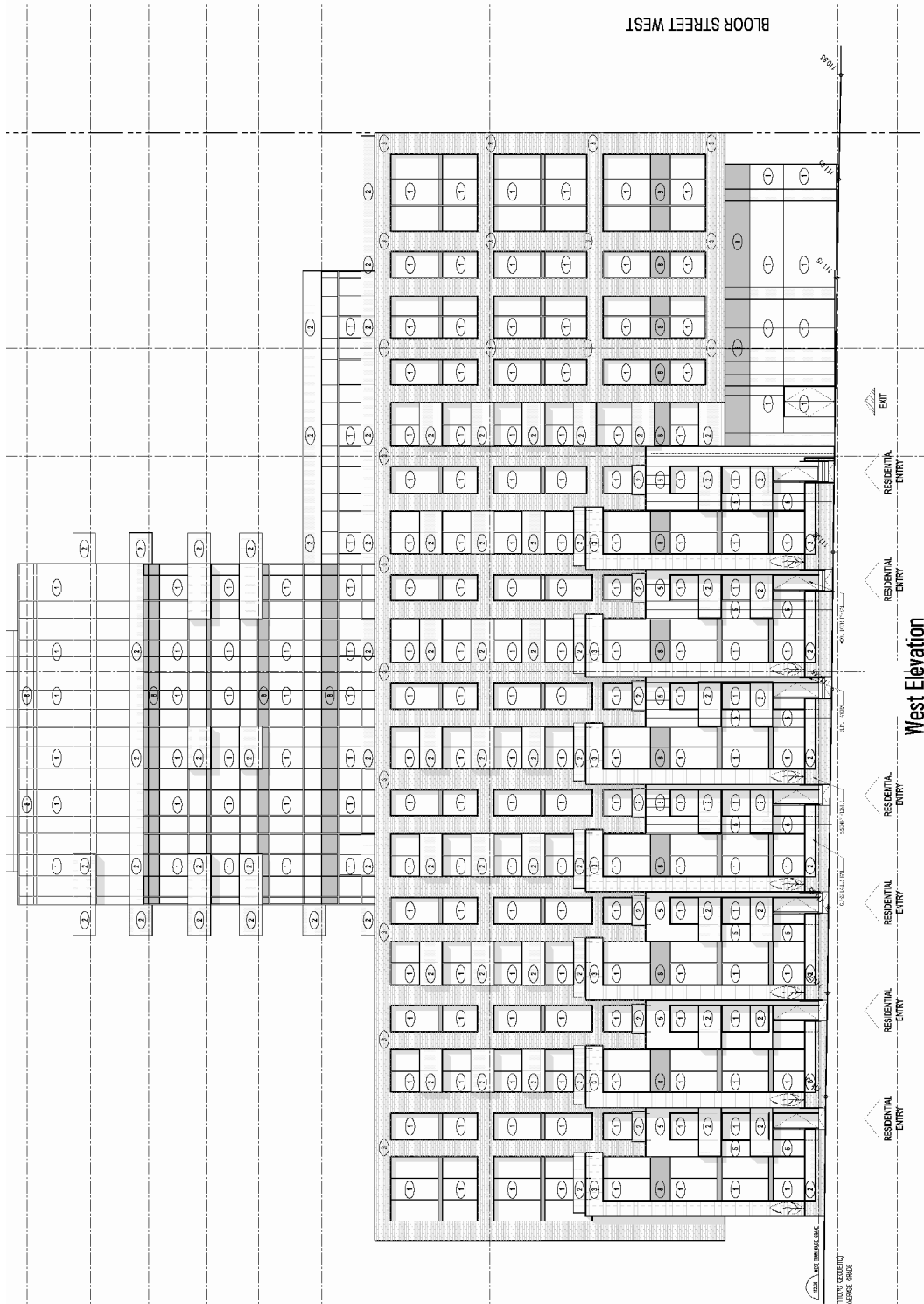
35 & 37 Pacific Avenue

6, 8, 10, 12, 14, and Part of 18 & 18A Oakmount Road

File # 10 261248 WET 13 OZ

Elevations
Applicant's Submitted Drawing
Not to Scale
12/06/2011

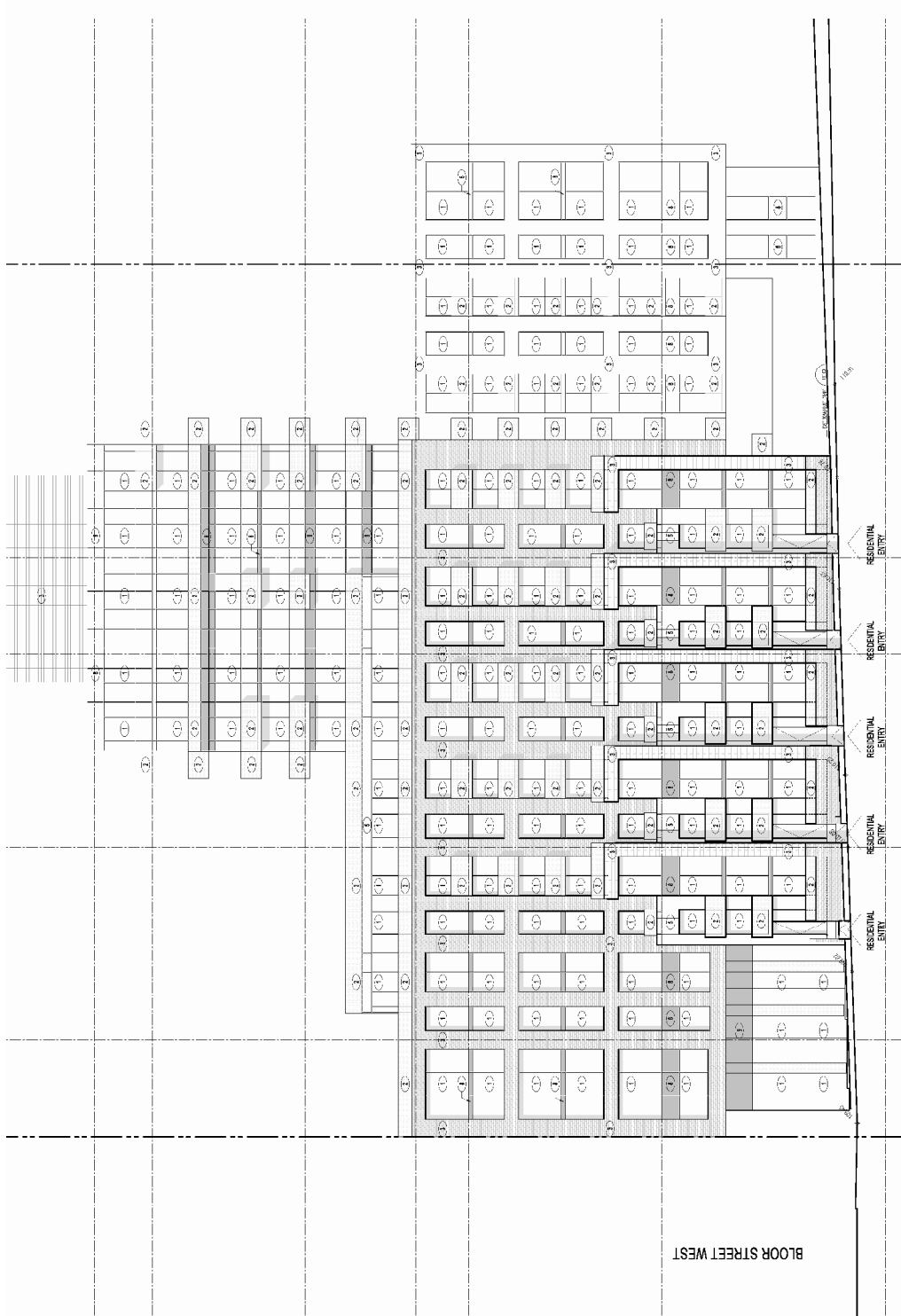
Attachment 2b: West Elevation (Pacific Avenue)



1844, 1846, 1848, 1850, 1852 & 1854 Bloor Street West
35 & 37 Pacific Avenue
6, 8, 10, 12, 14, and Part of 18 & 18A Oakmount Road
 File # 10 261248 WET 13 OZ

Elevatrons
 Applicant's Submitted Drawing
 Not to Scale
 12/12/2011

Attachment 2d: East Elevation (Oakmount Road)



East Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale

12/12/2011

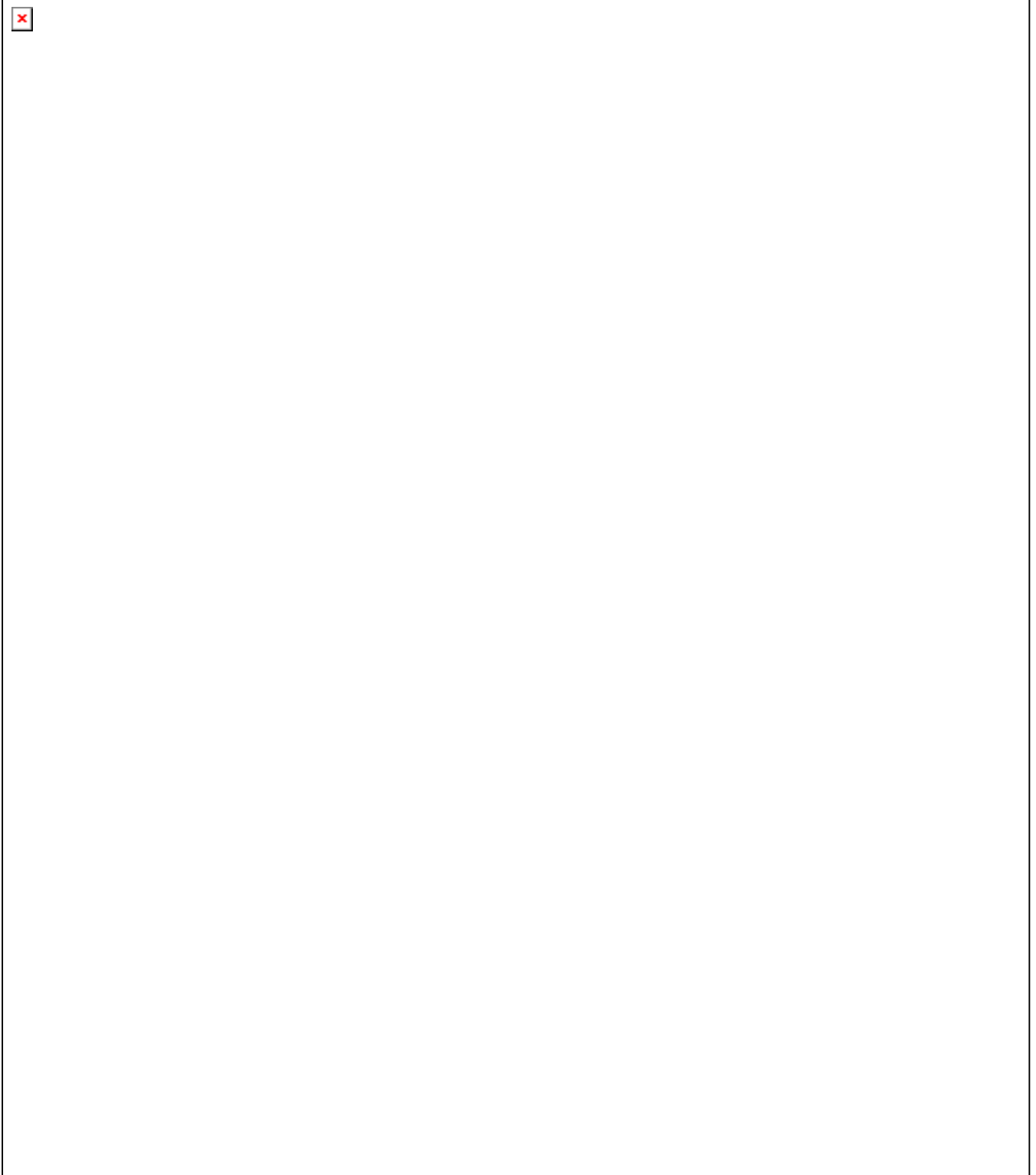
1844, 1846, 1848, 1850, 1852 & 1854 Bloor Street West

35 & 37 Pacific Avenue

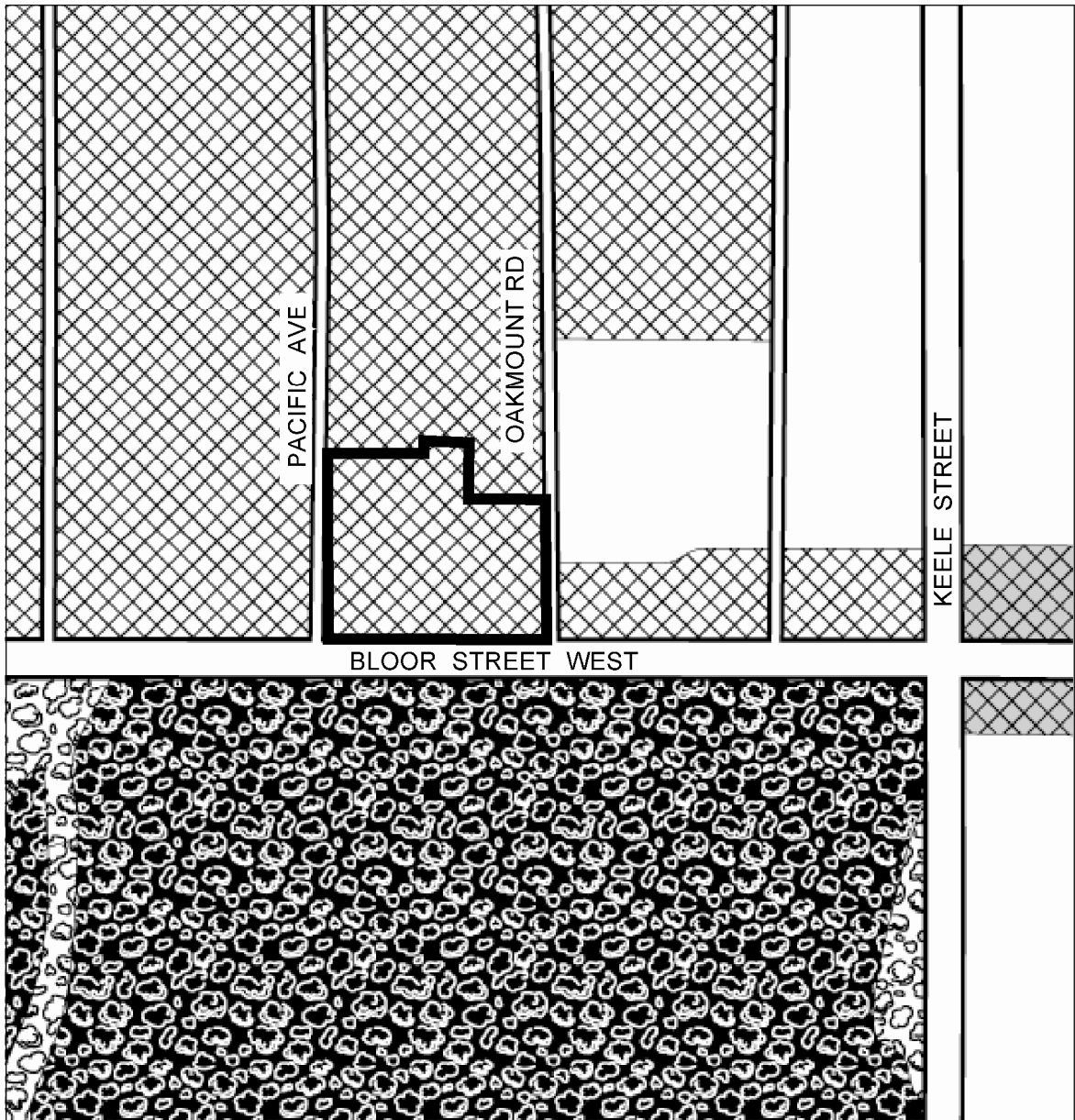
6, 8, 10, 12, 14, and Part of 18 & 18A Oakmount Road

File # 10 261248 WET 13 0Z

Attachment 3: Zoning



Attachment 4: Official Plan



TORONTO City Planning
Official Plan

1844, 1846, 1848, 1850, 1852, & 1854 Bloor Street West and
35 & 37 Pacific Avenue and
6, 8, 10, 12, 14 & Part of 18A Oakmount Road



Attachment 5: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning
 Details: OPA & Rezoning, Standard

Application Number: 10 261248 WET 13 OZ
 Application Date: September 20, 2010

Municipal Address: 1844 BLOOR ST W
 Location Description: PLAN 1486 PT LOTS 32 & 33 **GRID W1308
 Project Description: Proposed amendments to the Official Plan and Zoning By-law to permit the development of a mixed-use building.

Applicant: DANIELS HR CORPORATION
Agent:
Architect:
Owner: W J HOLDINGS LIMITED

PLANNING CONTROLS

Official Plan Designation: Apartment Neighbourhood
 Zoning: R4 Z2.0
 Height Limit (m):

Site Specific Provision:
 Historical Status:
 Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	6535	Height:	Storeys:	14
Frontage (m):	91		Metres:	52
Depth (m):	58/77			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	32616		Parking Spaces:	274
Total Non-Residential GFA (sq. m):	2134		Loading Docks	0
Total GFA (sq. m):	34750			
Lot Coverage Ratio (%):	0			
Floor Space Index:	5.3			

DWELLING UNITS

Tenure Type: Condo
 Rooms: 0
 Bachelor: 36
 1 Bedroom: 242
 2 Bedroom: 76
 3 + Bedroom: 24
 Total Units: 378

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	32616	0
Retail GFA (sq. m):	1500	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	634	0

CONTACT: **PLANNER NAME:** Philip Carvalino, Senior Planner
TELEPHONE: 416-394-8233

Attachment 6: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

Bill No. ~

CITY OF TORONTO BY-LAW No. --20~

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2011, 1844-1854 Bloor Street, 35 and 37 Pacific Avenue, part of 18 and 18A Oakmount Road and 6-14 Oakmount Road

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

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*;

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

1. The attached Amendment No. _____ to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

Rob Ford, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)

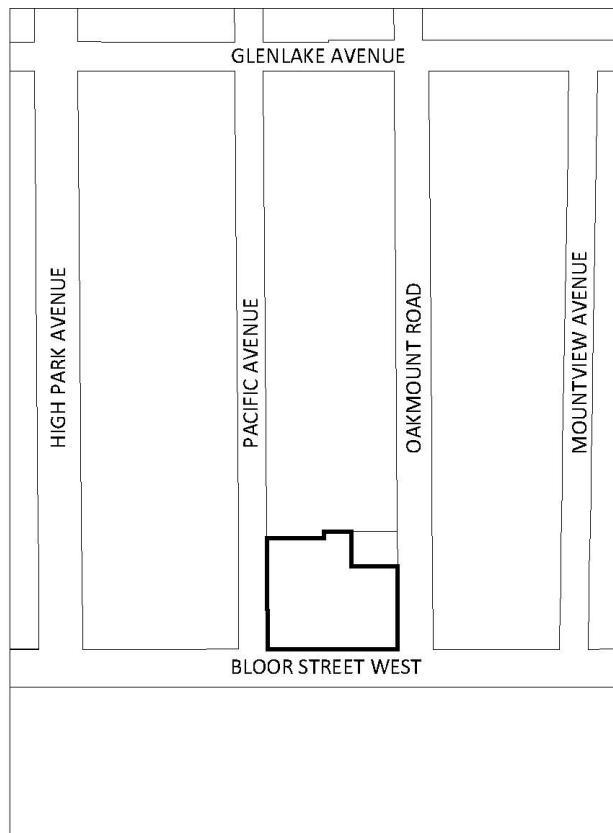
AMENDMENT NO. _____ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2011 1844-1854 BLOOR STREET, 35 AND 37 PACIFIC AVENUE, PART OF 18 AND 18A OAKMOUNT ROAD AND 6-14 OAKMOUNT ROAD

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. _____ for lands known municipally in 2011 as 1844-1854 Bloor Street, part of 18 and 18A Bloor Street West, 35 and 37 Pacific Avenue, and 6-14 Oakmount Road , as follows:

_____. In addition to small-scale retail, services and office uses that serve the needs of area residents, medium scale retail uses are permitted within a mixed-use building.



2. Chapter 7, Map 28, Site and Area Specific Policies, is amended to add the lands known municipally in 20011 as 1844-1854 Bloor Street, 35 and 37 Pacific Avenue, part of 18 and 18A Oakmount Road and 6-14 Oakmount Road shown on the map above as Site and Area Specific Policy No. _____.

Attachment 7: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW No. _____ - 2012

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 1844-1854 Bloor Street West, 35 and 37 Pacific Avenue, 6-14 Oakmount Road and part of 18 and 18A Oakmount Road

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

WHEREAS Council 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*;

WHEREAS pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law;

WHEREAS the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land 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 to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”);

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

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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 in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.

2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the lot 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. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*
4. None of the provisions of Section 2 with respect to the definitions of *grade* and *lot* and Sections 4(2)(a); 4(4)(b); 4(4)(c)(ii); 4(4)(d); 4(4)(i); 4(6)(b); 4(12); 6(1)(a)(iii); 6(3) PART I 1; 6(3) PART II 2, 3, 4 and 5; 6(3) PART III 1(b); 6(3) PART IV 2; of Zoning By-law No. 438-86, as amended, of the former City of Toronto 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”, shall apply to prevent the erection or use of a residential and/or *mixed use building*, and a *day nursery* on the *lot*, provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Schedule A, attached to and forming part of this By-law;
 - (b) despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, partition or division occurred;
 - (c) no above *grade* portion of a building or structure erected or used on the *lot* shall be located other than wholly within the areas delineated by heavy lines on Schedule B, 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, stairs, stair enclosures, vents, underground garage ramps and their associated structures, fences, safety railings, screens, landscape and public art features;
 - (ii) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 1.8 metres beyond the heavy lines shown on Schedule B;
 - (iii) canopies, which may extend to a maximum horizontal projection from a southerly facing exterior building wall of 4.9 metres and

from a northerly facing exterior building wall of 2.2 metres beyond the heavy lines shown on Schedule B;

- (d) no part of any building or structure erected or used on the *lot*, shall exceed the *heights* in metres specified by the numbers following the symbol "H" on the attached Schedule B, including any mechanical space and elevator/stair overrun, with the exception of the following:
 - (i) structures on any roof used for outside or open air recreation, maintenance, safety, or wind protection purposes, including landscape garden amenities, green roofs, parapets, terrace guards, screens, and window washing equipment, provided:
 - (1) no part of such structures is higher than the sum of 3.0 metres and the *height* limits specified on Schedule B; and
 - (2) the structures do not enclose space so as to constitute a form of penthouse; and
 - (ii) in no case shall any part of a building or structure erected or used on the *lot* exceed a height of 14 storeys above the finished level of the ground, excluding any mechanical space or elevator overrun;
- (e) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 34,900 square metres;
- (f) the *residential gross floor area* erected or used on the *lot* shall not exceed a total of 32,750 square metres and no *residential gross floor area* shall be erected or used in the 10 metre *height* area shown on Schedule B at the north end of the *lot*;
- (g) the *non-residential gross floor area* erected or used on the *lot* shall
 - (1) be located only on the ground floor,
 - (2) not exceed a total of 1,500 square metres, and
 - (3) only be used for one or more of the uses listed in the chart set forth in Section 8(1)(f)(b)(iv) "Retail and Service Shops" of By-law No. 438-86, as amended and subject to the qualifications listed in such chart as are applicable in a CR district for such use;
- (h) *residential amenity space* shall be provided as follows:

- (i) at least 2 square metres of *residential amenity space* for each *dwelling unit*, in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom located indoors; and
- (ii) at least 2 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres shall be adjoining or directly accessible from one or more rooms containing indoor *residential amenity space*.

- (i) the minimum number of *parking spaces* shall be:

Resident's Parking:

0.6 *parking space* for each *bachelor dwelling unit*;

0.7 *parking space* for each *one-bedroom dwelling unit*;

0.9 *parking space* for each *two bedroom dwelling unit*;

1.0 *parking space* for each *three or more bedroom dwelling unit*;

Visitor's Parking:

0.1 *parking space* for every dwelling unit contained therein.

Retail Store:

1 *parking space* for each 100 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, contained therein.

Car-Share:

The maximum number of *car-share parking spaces* shall be 2;

a portion of the required residential visitor parking stalls may be shared with the commercial component of the mixed-use building based on the lesser of either the residential visitor or the commercial parking requirement; and,

a minimum of eight surface parking stalls shall be provided and shared between the day care facility and the commercial component of the mixed-use building. No exclusive use of these surface parking stalls shall be permitted.

- (j) If the calculation of the number of required *parking spaces* results in a number containing a fraction, the number must be rounded down to the nearest whole number, but in no case may there be less than one *parking space*.
- (k) Ingress and egress to and from the underground parking facility shall be provided by an unobstructed driveway or passageways providing access to

a public highway and having a minimum width of 3.0 metres for one-way operations and a minimum width of 5.5 metres for two-way operation;

- (l) The parking facilities required for residential visitors and non-residential uses and all driveways or passageways providing ingress thereto shall be shared and secured from the parking facilities and driveways required for residential occupants;
- (m) A minimum of one *loading space-type G* shall be provided for both residential and non-residential uses;
- (n) a minimum of 15 percent of the area of the *lot* shall be provided as *landscaped open space*;
- (o) despite subsection 4(g)(2) and (3) herein, a stand-alone building having a *non-residential gross floor area* not exceeding a maximum of 650 square metres is permitted in the 10.0 metre *height* area shown on Schedule B at the north end of the *lot* provided no residential use is located within such building and that such building is used exclusively for a *day nursery* use;

5. For the purposes of this By-law, the terms set forth in italics, subject to Section 5(a) of this of this By-law, have the same meaning as such terms have for the purposes of By-law 438-86, as amended;

- (a) the following definitions shall apply:
 - (i) "*car-share*" means the practice where a number of people share the use of one or more vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (ii) "*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building on the *lot*;
 - (iii) "*grade*" means an elevation of 110.7 metres Canadian Geodetic Datum;
 - (iv) "*height*" means the vertical distance between *grade* and the highest point of the building or structure; and
 - (v) "*lot*" means the lands outlined by heavy lines on Schedule A attached to this By-law;

6. No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Except as provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this ____ day of _____, 20__.

Appendix 1 to Attachment 7 - Zoning By-law Amendment

Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense 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 no credit for development charges, indexing escalation of both the financial contributions and any letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- (1) prior to the issuance of the first above grade building permit for all or any part of the *lot* the *owner* shall pay to the *City* the sum of One Million Five Hundred and Fifty Thousand Dollars (\$1,550,000.00), to be used by the *City* towards capital improvements to one or more of the following within Ward 13,
 - a. local parks,
 - b. local streetscapes, and
 - c. local non-profit childcare facilities,

such allocation to be determined by the *City's* Chief Planner in consultation with the Ward councillor, and which allocation shall include Fifteen Thousand Dollars (\$15,000.00) for capital improvements to the High Park Straw Bale Teaching Kitchen. Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment.

- (2) the *owner* shall provide and maintain not less than 14 new replacement rental *dwelling units* on the *lot* with rents no higher than mid-range rents, which units shall generally be of the same type and size as the regular units in the remainder of the proposed building, to the satisfaction of the *City's* Chief Planner and Executive Director, City Planning Division, subject to the following:
 - (a) the replacement rental dwelling units shall comprise 7 one-bedroom units and 7 two-bedroom units;
 - (b) the replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units; and

- (c) the 14 replacement rental *dwelling units* shall be ready and available for occupancy no later than the date by which any other *dwelling units* erected on the *lot* are available and ready for occupancy.

- (3) the *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 14 replacement rental *dwelling units* during the first 10 years of such unit's occupancy, such that the initial rent shall not exceed an amount that is 1.5 times average market rent by unit type as identified in the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent times 1.5 for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.

- (4) rents charged to tenants occupying a replacement rental *dwelling unit* at the end of the 10-year period set forth in (3) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (2(b)), whichever is later, at the time there shall be a phase-in period of a least three years to the satisfaction of the Chief Planer, for rent increases.

- (5) rents charged to tenants newly occupying a replacement rental *dwelling unit* after the completion of the 10-year period set forth in (3) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.

- (6) the tenants in the 14 designated rental replacement *dwelling units* will be provided access to laundry facilities within the building, and will be given access at no charge and on the same basis as residents of the remainder of the building to indoor and outdoor amenity space, bicycle parking spaces, storage lockers (where applicable), visitor parking (to the extent such parking is provided), and other common areas, utility and mechanical areas (as appropriate).

- (7) the tenants in the 14 designated rental replacement *dwelling units* will be given access to renting parking spaces on the same basis as residents of the remainder of the building, subject to maximum parking charges

consistent with the City's practices on parking for rental replacement units to the satisfaction to the Chief Planner and Executive Director.

- (8) the *owner* shall incorporate in the construction of the building, and thereafter maintain, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for all the development's elevations.
- (9) the *owner* of the *lot* shall provide a public art contribution of one percent of the gross construction cost;
- (10) prior to the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006* the *owner* of the *lot* shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services, and thereafter the *owner* shall implement such plan;
- (11) the *owner* shall provide and maintain wind mitigation measures identified in the Pedestrian Wind Study prepared by RWDI Inc. dated August 12, 2011.
- (12) The *owner* shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage.
- (13) The *owner* shall undertake a technical review of the proposed development and satisfy the requirements of the Toronto Transit Commission ("TTC"), and provide any necessary warning clauses in future agreements of purchase and sale related to the TTC operations.
- (14) The *owner* shall agree to provisions regarding environmental sustainability, wind mitigation, municipal services and street tree irrigation, to the satisfaction of the Chief Planner and Executive Director.
- (12) The *owner* of the *lot* shall enter into and register on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.

