

**111 St Clair Avenue West
Official Plan and Zoning Amendment Applications
Final Report**

Date:	January 25, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	10 321208 STE 22 OZ & 11 124030 STE 22 OZ

SUMMARY

The applications propose to construct a 28-storey residential building and ten 3-storey townhouses at the rear of the lands municipally known as 111 St. Clair Ave. West.

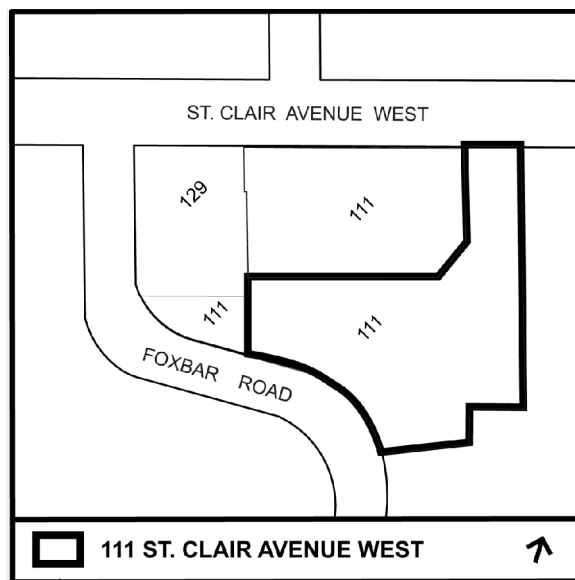
The proposed development has been found to be substantially in compliance with the development criteria for *Mixed Used Areas, Avenues, Public Realm, Built Form*, and all other relevant Official Plan and Secondary Plan policies and urban design guidelines.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 111 St. Clair Ave. West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 10 to the report of the Director of Community Planning, Toronto and East York District, dated



January 25, 2012.

2. City Council amend Zoning By-law 438-86, for the lands at 111 St. Clair Ave. West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 11 to the report of the Director of Community Planning, Toronto and East York District, dated January 25, 2012.
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, City Council require the owner of the lands at 111 St. Clair Avenue West to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash payment of \$1,025,000 payable prior to the issuance of the first above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for local parkland and streetscape improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - ii. A public art contribution of \$675,000 towards the Public Art Program. The public art is to be located on site adjacent to St. Clair Avenue West, on privately owned and publically accessible open space. The location will be identified as part of the Site Plan Control process.
 - iii. The owner shall provide an easement over the subject lands, to the satisfaction of the City Solicitor, in order to provide publically accessible open space, to the satisfaction of the Chief Planner, in association with the public art installation. The easement will be secured, and the open space will be designed, through the Site Plan Control process.
5. Before introducing the necessary Bills to City Council for enactment, City Council require that the applicant shall have been issued a Notice of Approval Conditions as part of the Site Plan Control process under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.
6. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 111 St. Clair Ave. West to enter into a secured Agreement with the City to ensure the provision of all necessary improvements to the existing municipal infrastructure in connection with the Functional Servicing Report, to the satisfaction of the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On July 13, 2011, the Committee of Adjustment approved a consent application (B0043/11TEY) to convey an 802 square metre parcel of land from 111 St. Clair Ave. West to 129 St. Clair Ave. West. The decision was appealed to the Ontario Municipal Board. The appeal, however, was withdrawn the day of the OMB Hearing (November 14, 2011) and the decision to approve the consent is now final and binding. This subject parcel is generally where the six townhouses are proposed in conjunction with a proposal on the adjacent parcel at 129 St. Clair Ave. West.

City Council, at its meeting of September 21 and 22, 2011, stated its intention to designate the property at 111 St. Clair Ave. West, under Part IV of the *Ontario Heritage Act* as being of cultural heritage value or interest. The building is considered to be designated, although the Bill is pending.

The Staff report can be found on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE9.13>

On November 16, 2011, the Committee of Adjustment issued their decision to approve two applications (B0049/11TEY and B0050/11TEY) for lot additions with associated easements, which were made for the property municipally known as 111 St. Clair Avenue West. The lot conveyance reconfigured two separately owned parcels, which previously made up 111 St. Clair Ave. West, into the proposed 101 St. Clair Ave. West and 111 St. Clair Ave. West parcels.

On December 21, 2011, the Committee of Adjustment issued their decision to approve two applications (B0081/11TEY and B0082/11TEY) requesting reciprocal easements over the lands proposed to access the common loading driveway between 111 St Clair Ave. West and 129 St. Clair Ave. West.

ISSUE BACKGROUND

Proposal

The proposal calls for a new 28-storey residential building with ten 3-storey townhouse form units to the south of the vacant, heritage-designated, office building at 111 St. Clair Ave. West (former Imperial Oil head office). The overall height of the proposed tower is approximately 87.3 metres including the mechanical penthouse. The overall density proposed is 3.96 times the area of the portion of the site, which is the subject of the rezoning application.

The tower portion of the development is set back 55 metres from St. Clair Ave. West; 11 metres from the east property line; approximately 14 metres from the south property line adjacent to the cemetery; 27 metres to the south property line adjacent to the low-rise residential neighbourhood; and 69 metres from the west property line. The tower is approximately 23 metres south of the vacant office building at 111 St. Clair Ave. West (see Attachment No. 2, Site Plan).

The proposed floor plate of the tower is generally 790 square metres. The floor plate size drops to 613 square metres on floors 25 and 26, and 406 square metres on floors 27 and 28.

The four-storey podium terraces back at each floor, gradually reducing in floor size. To the west of the podium are ten townhouse-form buildings fronting onto Foxbar Road. There are no curb cuts, or driveways proposed on Foxbar Road to service the ten townhouses.

The building proposed consists of 273 residential units. The proposed residential unit breakdown is as follows:

Unit Type	Number of Units
One-bedroom	172
Two-bedroom	91
Townhouses	
Three-bedroom	10

Given the proposed number of units, a total of 546 square metres is required for both indoor and outdoor amenity space using the standards in the existing zoning by-law. The applicant is proposing a total of 254 square meters of indoor amenity space and 901 square metres of outdoor amenity space on site. The proposal and corresponding draft zoning by-law calls for the remainder of the required indoor amenity space to be located within the converted Imperial Oil building, accessible to all residents.

A total of 271 vehicular parking spaces are provided, with no parking for visitors, in 4 levels of underground parking accessible from St. Clair Ave. West. A portion of the parking spaces are intended to be located within a commercial parking garage to be shared with 111 St. Clair Ave. West. It is planned that the commercial parking component will provide visitor parking to the residential and commercial components of the subject site and adjacent site (111 St. Clair Ave. West). Bicycle parking is also provided, with 160 residential spaces and 40 visitor spaces.

All servicing will be provided from a mutual driveway located off St. Clair Ave. West between the properties at 111 and 129 St. Clair Ave. West. The loading facilities will be located off-site on the adjoining lands at 111. St. Clair Ave. West.

Revisions from the original application to the current proposal can be summarized as follows:

- The height was reduced from 36 storeys (118 metres including mechanical penthouse) to 27 storeys (87.3 metres including mechanical penthouse);
- The tower has shifted to the north and west;
- The total number of proposed units has been reduced from 331 to 273;
- The number of townhouses has been reduced from 15 to 10 to accommodate for a revised podium design;
- The total number of proposed parking spaces has been reduced from 324 to 271;
- The indoor amenity space arrangement has been revised;
- The density has been reduced from 4.8 to 3.96; and
- The introduction of a publically accessible open space to the east of the vehicular entrance on St. Clair Ave. West.

Site and Surrounding Area

The site is approximately 6,641 square metres in size and is located on the south side of St. Clair Ave. West, just east of Foxbar Road. The site is comprised of a portion of the 111 St. Clair Ave. West property, namely the area to the east and south of the existing Imperial Oil building.

To the west of this application, there is a separate rezoning and Official Plan Amendment application at 129 St. Clair Ave. West (application numbers: 10 314966 STE 22 OZ & 11 123806 STE 22 OZ), which is the subject of a separate report.

Adjacent existing land uses are:

North: is a vacant office building, which is listed on the City of Toronto Inventory of Heritage properties and is now a designated building. Staff are currently reviewing a site plan application, regarding the conversion of the existing building for retail and residential purposes.

South: of Foxbar Road is a low-rise residential neighbourhood and St. Michael's cemetery.

East: is a 16-storey office building.

West: is 129 St. Clair Ave. West, which is the subject of rezoning and Official Plan Amendment applications to permit the alteration of the existing heritage-designated church, formerly Deer Park United, in order to adaptively reuse the church for residential and non-residential uses. A new 27-storey residential tower is proposed at the rear of the church structure, and six 3-storey townhouse-form buildings at the southern most point of the property, fronting onto Foxbar Road.

Provincial Policy Statement and Provincial Plans

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

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

Official Plan

The City of Toronto Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods* and locates the site on an *Avenue*, as shown on Map 2, of the Official Plan's Urban Structure map. The site also falls within the boundaries of the Yonge-St. Clair Secondary Plan. There is a discrepancy between the Land Use Designations Map in the Official Plan (Attachment No. 9) and the Mixed Use Areas Map in the Yonge-St. Clair Secondary Plan (Attachment No. 10). Section 5.6, Policy 6 of the Official Plan, states that "The policies of this Plan apply to the areas subject to Secondary Plans contained in Chapter Six, except in the case of

a conflict, the Secondary Plan policy will prevail.” Therefore, the majority of the site is considered to be *Mixed Use Areas* except for a small portion to the south of the site on Foxbar Road designated *Neighbourhoods*.

Mixed Use Areas

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Neighbourhoods

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings (Policy 4.1.1). Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Avenues

The subject site is located on an *Avenue* as identified on the Urban Structure Map (Map 2), of the Official Plan. *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities. A framework for change will be tailored for each of the *Avenues* through a local *Avenue Study*. The growth and redevelopment of the *Avenues* should be supported by: high quality transit services; urban design; and traffic engineering practices that promote a street that is safe, comfortable, and attractive for pedestrians and cyclists.

There is no *Avenue Study* for this portion of St. Clair Ave. West. Development in *Mixed Use Areas* on *Avenues*, prior to an *Avenue Study*, has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. Development may be permitted on *Avenues* prior to an *Avenue Study* and will be considered on the basis of all of the policies of the Official Plan. Therefore, *Avenue Segment Studies* are required for any development proposals on *Avenues* without an *Avenue Study* in order to: assess the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances; consider whether incremental development of the entire *Avenue* would adversely impact any adjacent *Neighbourhoods*; and consider whether the proposed development is supportable by available infrastructure.

The *Avenues* will be transformed incrementally. They will change building-by-building over a number of years. Development in *Mixed Use Areas* on an *Avenue* that precedes the completion of an *Avenue Study* will, amongst other things: support and promote the use of transit; contribute

to the creation of a range of housing options in the community; contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing; provide universal physical access to all publicly accessible spaces and buildings; and incorporate environmentally sustainable building design and construction practices.

Heritage

Heritage policies are found under Section 3.1.5 of the Plan. The Plan states that significant heritage resources will be conserved by listing and designating properties of architectural and/or historic interest on the City's Inventory of Heritage Properties. Heritage resources on properties listed on the City's *Inventory of Heritage Properties* will be conserved. In this case, although not a part of the current application, a building on the property at 111 St. Clair Ave. West is listed on the City's Inventory of Heritage Properties. As well, development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes. The adjacent heritage buildings include 111 St. Clair Ave. West, 129 St. Clair Ave. West and the St. Michael's Cemetery Mortuary Vault (which was designated by City Council under Part IV of the Ontario Heritage Act on December 10, 1975).

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

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

Yonge-St. Clair Secondary Plan

The site forms part of the Yonge-St. Clair Secondary Plan, which contains policies relating to properties found on Map 6-1 of the Secondary Plan (Appendix No. 10). The majority of the site falls within the *Mixed Use Areas 'B'* designation, and a southern portion of the site is designated *Neighbourhoods*.

The Secondary Plan provides Urban Design and Built Form guidelines. Within the Secondary Plan, "buildings will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading" (Policy 3.2(b)). With respect to developments in the *Mixed Use Areas 'B'* adjacent to *Neighbourhoods*, the Plan states that new development will "provide massing transition on buildings adjacent to house-form buildings, stepping the mass from the height limit to the height of the adjacent building" (Policy 5.7 (c)(i)).

The Yonge-St. Clair Secondary Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_secondary/6_yonge_stclair_june2006.pdf

Zoning

Under Zoning By-law 438-86, as amended, the property has two zoning designations. The east portion of the site is zoned CR T4.25 C2.0 R3.0 and the west portion of the site is zoned R2 Z0.6 (See Attachment No. 7).

The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 4.25 times the area of the lot when mixed with commercial and residential uses. The maximum permitted height for this portion of the site is 46 metres.

The Residential (R) zoning classification permits a number of uses, including apartments building having a gross floor area of up to 0.6 times the lot area. The maximum permitted height for this part of the site is 11 metres.

Design Criteria for the Review of Tall Building Proposals

Toronto City Council approved the use of the document “Design Criteria for Review of Tall Building Proposals” in June, 2006. In April, 2010, Council extended the authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site.

The Design Criteria provide guidance for tall buildings on issues of transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document will be used to assess the design of the proposed tower.

The City’s “Design Criteria for Review of Tall Building Proposals” can be found on the City’s website at: <http://www.toronto.ca/planning/urbdesign/index.htm>

Site Plan Control

The proposal is subject to Site Plan Control. A site plan application has not been submitted.

Reasons for Application

The proposal calls for a 28-storey, 87.3-metre (including the mechanical penthouse) tall building with a density of 3.96 times the area of the subject site. The proposed density and height exceeds the permissions in Zoning By-law 438-86, as well as areas of non-compliance with the Zoning By-law. A Zoning By-law amendment is therefore required.

The Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods*, as discussed earlier in this report. The proposal calls for an underground garage, which services the residential towers, to be located below-grade in the *Neighbourhoods* designation. The Official Plan Amendment application was submitted to address this issue.

Community Consultation

A community consultation meeting was held in the neighbourhood on March 24, 2011 to discuss two planning applications. One application is the subject of this report and the second application is the neighbouring application at 129 St. Clair Ave. West. Approximately 100 members of the public attended the meeting. At this meeting, the applicant presented a 36-storey (118 metres tall) proposal, which has since been revised.

During the discussion and question period residents in the neighbourhood raised a number of concerns regarding both applications. A presentation was given by a representative of the Foxbar Neighbourhood Association to begin the discussion period. Issues raised at the meeting included: the height; siting and scale of the proposed tower; setback and transition of tower to the neighbourhood; impact on local traffic, access to the site; overall density; proposed parking supply; shadow impacts; design of townhouses; and construction related concerns.

At the community consultation meeting, the local area Councillor called for the establishment of a working group to provide a forum for the local community to discuss their concerns about the

proposal with the applicant. The working group meetings were organized through the Councillor's office in concert with Planning staff. The meetings were hosted by the local area Councillor. The working group included the Foxbar Neighbourhood Association, the Deer Park Residents' Group, South Hill Residents' Association, representatives from both Granite Place condominiums, Forest Hill Ratepayers Association, and Bradgate Arms. City Staff, the applicants for both applications, their representatives and consultants also participated in the working group meetings.

Four working group meetings were held on, May 16, 2011, June 6, 2011, June 20, 2011 and September 13, 2011. The four working group meetings were structured to address issues relating to: tower location; heritage preservation; transportation and vehicular access; and overall tower massing and design. These working group meetings addressed both the application subject of this report and the application at 129 St. Clair Ave. West.

A general consensus was agreed to at the final working group meeting for one of the two applications. The applicants at 129 St. Clair Ave. West presented a revised proposal which was supported by the Foxbar Neighbourhood Association and was generally agreed to by the remainder of the working group members present regarding the development at 129 St. Clair Ave. West. The plan presented to the group was of a tower with a reduced height at 26 storeys, with a larger floor plate at 750 square meters, shifting the tower north by 7 metres and recessing the south facing balconies, and altering the heritage conservation approach to an outdoor courtyard proposal within a portion of the church's walls. The Foxbar Residents' group clearly stated that the "courtyard" proposal was part of a "package" that they were supporting.

While it was stated that discussions were taking place between some of the working group members and the applicant for 111 St. Clair Ave. West, subject of this report, no consensus was reached by the conclusion of the working group meetings.

A second community meeting was called, and hosted, by the local area Councillor on October 26, 2011 to discuss primarily the revised proposal resulting from the Working Group meetings (i.e. "courtyard" scheme for 129 St. Clair Ave. West). Thus, the application at 129 St. Clair Ave. West was the focus of the community meeting and not this application. However, there was some discussion with the community regarding the common issues to the two applications. Planning staff, including Heritage Preservation staff were in attendance to respond to questions from the community. Issues relating to, heritage preservation, traffic and construction related matters were raised during the meeting.

Agency Circulation

Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards. As described in this report, a development proposal has been submitted on the adjacent property to the west. Staff assessed these applications concurrently, with respect to their individual and cumulative impacts.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS sets the policy foundation for regulating the development and use of land. The PPS promotes additional density through intensification and redevelopment to accommodate an appropriate range and mix of

employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Policy 1.1.3.4 requires intensification areas to meet appropriate development standards, which is discussed further in this report under the subsections Density, Height and Massing.

In regards to the efficient use of infrastructure and transportation systems; Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within steps of the St. Clair streetcar right-of-way and is within a relatively short walking distance of the St. Clair subway station.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. Policy 2.2.2 directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

Land Use

The land use pattern along St. Clair Ave. West is a combination of non-residential and residential uses. This is reflected in the policy and zoning within the area. Over time, a number of the existing office buildings have converted into residential buildings, although there is still a significant presence of office uses in the area. Given the varied setbacks along St. Clair Ave. West, retail at-grade is found closer to Yonge Street and on the south side of St. Clair Ave. West where the base of buildings are located close to the sidewalk.

Proposed is a residential tower set back from St. Clair Ave. West and residential townhouse-form buildings fronting onto Foxbar Road. All vehicular access is provided via St. Clair Ave. West and not Foxbar Road. The underground garage serving the residential tower, however, will be located in the area designated as *Neighbourhoods* in the Secondary Plan.

Planning staff are satisfied that the land use as proposed is acceptable. The residential uses proposed within the residential tower and grade-related townhouse form buildings along Foxbar Road do not conflict with the mix of uses along St. Clair Ave. West and the existing residential homes along Foxbar Road. The parking garage will be located underground and landscaping is proposed in the front yards of the proposed townhomes.

Density, Height, Massing

This site is located along one of the City's designated *Avenues*. The Official Plan states that growth will be directed to *Centres, Avenues, Employment Districts* and the *Downtown*, which are areas with good access to transit, and can best accommodate this growth.

The Secondary Plan describes a hierarchy of density and scale within the boundary of the Plan. The higher density and scale is to be found at the node at Yonge Street and St. Clair Ave. The medium density is found within the *Apartment Neighbourhoods* and *Mixed Use Areas*. This includes the majority of lands along St. Clair Ave. West and Avenue Road, within the Secondary Plan area. Lower scale density, described as "main street type" development is then to be found north and south of the node along Yonge Street. The areas outside of these zones are generally

Neighbourhoods, which are high quality low rise areas. The Urban Design Principles of the Secondary Plan (3.1.1) states that development will be responsive to the urban structure elements of the Yonge-St. Clair area as described.

Heights within the node at Yonge Street and St. Clair Ave. vary. The tallest building in that area, recently approved, is a 37-storey mixed-use building at 118 metres tall. The existing Weston Tower at 22 St. Clair Ave. East is 91 metres tall and the Office Building at 2 St. Clair Ave. West is 82 metres tall. Between Yonge St. and Avenue Road, there are a series of tall buildings ranging in heights between 50, 60 and 90 metres in height. The tallest of these buildings is the former Imperial Oil office building at 111 St. Clair Ave. West at 90 metres.

The tower, podium and townhouse elements of the development relates to the built form context along St. Clair Ave. West and Foxbar Road. The main roof of the proposed 28-storey building is massed to fall just under the height of the Imperial Oil building, at 87.3 metres to the main roof, which includes the mechanical penthouse. The building is massed with three distinctive vertical elements with varying heights. While the central component is the tallest at 87.3 metres, the eastern roof height is proposed at 80.5 metres and the western side is 74.3 metres in height.

The tower transitions down to a 4-storey podium that links to ten 3-storey townhouse form units fronting onto Foxbar Road. The draft zoning by-law limits the height of these townhouses to 10 metres, with a rooftop feature above that height to access a rooftop amenity space.

The Secondary Plan states that development in Mixed Use Areas in Yonge-St. Clair shall create a visual impression of St. Clair Avenue as comfortable and spacious, not crowded and cramped, through the location and massing of building. The new residential tower is located further back than its adjacent buildings. Varying setbacks is the existing character along the south side of St. Clair Ave West, between Avenue Road and Yonge Street. There are a number of buildings along this corridor with deep setbacks and several of which are located at the rear of other buildings.

With respect to the siting of the tower, staff had the benefit of a master plan to understand how the new tower could be positioned on the block. The depth and size of the site provides sufficient space for the siting of the tower. The tower is positioned with its primary façade parallel to and visible from St. Clair Ave. West. The primary entrance to the residential tower is located at grade along a walkway from St. Clair Ave. West. A landscape treatment is proposed to emphasize the primary entrance.

The Design Criteria for Review of Tall Building Proposals suggests that the minimum spacing between the shafts of two tall buildings should equal the widest tower width measured perpendicularly to building face, but it will be no less than 25 metres. In this case the original application proposed a 25 metre separation distance from the Imperial Oil Building and a 10 metre separation distance from the east property line. To respond to the resident and neighbour concerns over the location of the tower in proximity to the low-rise neighbourhood and eastern property line, the tower footprint was shifted. In the current proposal the tower is offset from the Imperial Oil building and varies in separation distance from 22 to 26 metres. The tower has also been shifted to the west, so the setback is now 11 metres from the eastern property line. The tower is also over 27 metres from the south property line.

Staff is satisfied with the siting of the tower. The tower is offset from the Imperial Oil Building and the office building at 95 St. Clair Ave. West. The tower location balances the objectives of giving the tower a presence on St. Clair Ave. West, providing sufficient tower separation between the neighbouring towers and providing additional setbacks from the low-rise neighbourhood to the south.

The proposed floor plate is generally 790 square metres. The Design Criteria for Review of Tall Building Proposals suggests that residential floor plates larger than 743 square meters be articulated architecturally to minimize shadows, loss of sky view and wind conditions in adjacent open space. The development application proposes an articulated floor plate and creates an enhanced sky line character.

The proposal calls for 3-storey townhouses along the Foxbar Road frontage to integrate development with the adjacent *Neighbourhoods* and to provide appropriate transitions in building height and separation distances. Transition in scale can be achieved with many geometric relationships and design methods in different combinations including: angular planes; stepping height limits; appropriate location and orientation of the building; the use of setbacks; and stepbacks of building mass. The location and mass of the new tower, base and townhouses, provides an acceptable transition between the taller buildings along St. Clair Ave. West and the low-rise buildings on Foxbar Road, by providing sufficient separation from the tower and the neighbourhood and by stepping the tower down in height from the Imperial Oil building.

The proposed townhouse-form is to be located within the *Neighbourhoods* designation of the Secondary Plan. *Neighbourhoods* are intended to be stable areas. When redevelopment is proposed in *Neighbourhoods* in Yonge-St. Clair the built form of the development is to respect and reinforce the essential elements of established neighbourhood structure and character, be compatible with adjacent residential developments, and recognize low scale urban structure of the local neighbourhood.

The proposed townhouses are paired, with a staggered setback to reflect the scale of the existing homes along Foxbar Road and to follow the curvature of the street. The proposed massing and design of the townhouses provides for a landscaped setback that responds to the topographical change, with the townhouses being elevated above the height of the sidewalk. No vehicular access is proposed. Thus, there will be no curbcuts along the Foxbar Road frontage. There will be a series of walkways to access the front entrances and terraces of the townhouses. The proposed landscape design will improve the pedestrian amenity of Foxbar Road. The townhouse design is therefore compatible with the nearby residential properties.

The site has been organized in a way that provides acceptable transition to adjacent *Neighbourhoods* and ensures appropriate spatial separation between tall buildings. The tall building fits within its existing and planned context limiting impacts on the adjacent low-rise neighbourhood.

Heritage Preservation

As discussed earlier, the development proposal is located south of the designated building at 111 St. Clair Ave West, formally the head offices of Imperial Oil. The Official Plan states that developments adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes.

A Heritage Impact Assessment, prepared by E.R.A. Architects Inc., was submitted in support of the applicant's proposal. Heritage Preservation Services (HPS) staff have reviewed the potential impact of the proposed development on the adjacent heritage properties at 111 St. Clair Ave. West, 129 St. Clair Ave. West and St. Michael's Cemetery Mortuary Vault at 1414 Yonge Street. Staff find that the proposal does not visually impede the setting of the heritage buildings. A Heritage Easement Agreement will be secured for the former Imperial Oil property as part of a site plan application related to the adaptive re-use of that building.

Avenue Segment Study

Development in *Mixed Use Areas* on *Avenues*, prior to an *Avenue* Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located.

An Avenue Segment Study was submitted, prepared by Walker, Nott, Dragicevic Associates Ltd., to assist in the review of the Zoning By-law and Official Plan Amendment applications at both 111 St. Clair Ave. West and the neighbouring application at 129 St. Clair Ave. West. The study area was bounded by Delisle Avenue to the north, St. Michael's Cemetery to the south, Yonge Street to the east, and Avenue Road to the west. The study identified 11 potential soft sites. After further consideration of each of the potential soft sites, it was determined that only two of the sites were viable redevelopment sites over the short to medium term of approximately 10 years. One site is located at the southeast corner of Heath St. West and Yonge St. and the other is located on the south side of St. Clair Ave. W. generally comprised of the Badminton and Racquet Club of Toronto.

The study suggests that the potential development on those two soft-sites would comprise of 770 potential new dwelling units and concludes that these future redevelopment scenarios would respond positively to the Avenue designation and benefit from the high level of community services and facilities available in the area. These soft site development scenarios within the study do not appear to adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*.

Staff are satisfied that the subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

Sun, Shadow, Wind

The applicant submitted a revised shadow study, which Planning staff have reviewed to assess the shadow impacts, particularly on nearby parks and lower scale *Neighbourhoods*. The Official Plan states that new development will be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Staff find the shadow impacts resulting from the 28 storey proposal to be acceptable. During the spring and fall equinoxes there will be no shadow impact on the adjacent low-rise *Neighbourhoods*, north and south of St. Clair Ave. West, between 9:18a.m. and 6:18p.m. In the early morning hours, until about noon, the shadow moves along the south façade of the existing Imperial Oil building. From about 12:18p.m. to 1:18p.m. a shadow is cast over St. Clair Ave. West up to its northern sidewalk. Over the afternoon the shadow is cast over the office building

at 95 St. Clair Ave West and then by 5:18 the shadow covers the west façade of the western most Granite Place condominium.

Rowan Williams & Irwin Inc. (RWDI) provided a letter to present their opinion of the potential pedestrian wind conditions around the proposed development. The consultant concludes that conditions on the sidewalks along St. Clair Ave. West and Foxbar Road will not be affected significantly by the proposed development and that suitable wind conditions are predicted at the entrances to the townhouses through the year. Planning staff will require a more detailed study to be undertaken as part of the Site Plan Control process. Any mitigation measures suggested will be used to provide for improved comfort, primarily around the publically assessable areas.

Traffic Impact, Access, Parking

A Traffic Impact Study, dated December 2010, prepared by MMM Group, was submitted in support of the proposal. Staff assessed the initial study and determined that additional information was required prior to accepting the traffic impacts of the proposal. In summary, Staff asked for additional intersections to be added into the study area, updated traffic volumes for some intersections, updated modelling of the road network, and additional background developments to be included in the analysis.

A revised Traffic Impact Study, dated January 2012, prepared by MMM Group, was submitted and reviewed by Transportation Services. The Study, among other background developments, considers both the conversion proposal at 111 St. Clair Ave. West and the neighbouring application at 129 St. Clair Ave. West in their assessment. According to the report, the 111 St. Clair Ave. West proposal, alone, will generate approximately 65 two-way trips during the AM and PM peak hours. The Study concludes that the additional traffic generated by the subject development can be accommodated on the road network. Transportation Services agree with this conclusion and find the traffic impacts to be acceptable.

The proposed development provides residential vehicular access via St. Clair Ave. West to service the proposed residential tower and proposed conversion of the Imperial Oil office building, on the eastern portion of the site. A shared service vehicle entrance is proposed off St. Clair Ave. West between the two heritage properties. The shared access arrangements minimize pedestrian/vehicle conflicts in the design. Staff is satisfied with the access locations.

To satisfy the parking demand generated by the development, 271 underground vehicular parking spaces are proposed for the development project. The site specific zoning by-law provides for minimum and maximum parking standards, which is supported by City staff.

The Official Plan states that new development will locate and organize vehicle parking to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by consolidating and minimizing the width of driveways and curb cuts across the public sidewalk and by providing underground parking where appropriate. This application meets these requirements.

The Secondary Plan calls for an adequate amount of short-term parking to be available for shoppers and visitors to the *Mixed Use Areas*. The applicant is proposing to provide the required visitor parking spaces in an underground commercial parking garage accessible from St. Clair Ave. West. Staff is satisfied with this arrangement.

Servicing

The Official Plan states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

The proposed loading space supply is acceptable. The proposal provides for a shared service area via a mutual driveway. The servicing area is proposed to be screened within an enclosed loading facility located at rear of the existing building at 111 St. Clair Ave. West. It is intended to have this project serviced by three loading spaces, which will consist of one Type G and two Type B spaces. All loading spaces will be located off site within the adjacent building at 111 St. Clair Ave. West. Use of these loading spaces will be shared amongst both developments. Appropriate provisions are provided for in the site specific zoning by-law to permit the off-site loading spaces.

As part of the site plan application review for both this application and the conversion of the office building at 111 St. Clair Ave. West, additional information and diagrams are required for the proposed loading spaces of this project in order to determine if their location is acceptable, with respect to manoeuvrability of the service vehicles.

Technical Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application. Staff is not satisfied with the FSR in its current form. While it appears that there are no site servicing issues resulting from the rezoning application for the subject site, staff have provided the recommendation that Council not enact the Bills until a revised FSR is submitted to the satisfaction of the Executive Director of Technical Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 273 residential units on a site with a net area of 6,641m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.364 hectares or 54.8% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 664m².

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no appropriate location for an on-site parkland dedication and the site will be encumbered by below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The proposed development will contribute positively to the streetscape. There will be active frontages along St. Clair Ave. West and Foxbar Road. It is anticipated as part of the Section 37

contribution proposed in this report that a privately owned, but publically accessible, open space will be provided along the St. Clair Ave. West frontage with soft landscaping, street furniture and public art. This feature will animate and link the plaza in front of 95 St. Clair Ave. West and the Imperial Oil building lobby.

Along Foxbar Road, the townhouse feature will improve the boulevard with the introduction of a new sidewalk and street trees which will be co-ordinated with landscape plans of the adjacent planning application. The topography is intended to reflect the raised homes along the southern part of Foxbar Road with a landscaped boulevard and a gradual slope with walkways to the townhouse feature.

This development proposal provides high quality landscaped spaces for the use of visitors, residents and workers in the Secondary Plan area.

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 reduce the negative impacts of development, while also improving 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. The site specific zoning by-law will secure performance measures for the following Tier 1 development feature: Cycling Infrastructure, Pedestrian Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. An indexed cash payment of \$1,025,000 payable prior to the issuance of the first above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for local parkland and streetscape improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
2. A public art contribution of \$675,000 towards the Public Art Program. The public art is to be located on site adjacent to St. Clair Avenue West, on privately owned and publically accessible open space. The location will be identified as part of the Site Plan Control process.

3. The owner shall provide an easement over the subject lands, to the satisfaction of the City Solicitor, in order to provide publically accessible open space, to the satisfaction of the Chief Planner, in association with the public art installation. The easement will be secured, and the open space will be designed, through Site Plan Control.

Development Charges

It is estimated that the development charges for this project will be \$1,914,596.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Oren Tamir, Planner
Tel. No. (416) 392-7349
Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation
Attachment 6: West Elevation
Attachment 7: Zoning By-law 438-86
Attachment 8: Official Plan Map
Attachment 9: Yonge-St Clair Secondary Plan
Attachment 10: Draft Official Plan Amendment
Attachment 11: Draft Zoning By-law

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	10 321208 STE 22 OZ 11 124030 STE 22 OZ
		Application Date:	December 30, 2010

Municipal Address: 111 ST CLAIR AVE WEST

Location Description: PLAN 325E PT LOTS 13 TO 25 PLAN 1235 PT BLK A **GRID S2211

Project Description: Rezoning application for a new 28 storey residential building (proposed address is 101 St. Clair Ave W) located south and east of the existing Imperial Oil office building located at 111 St. Clair Ave W. The application proposes 273 residential units and 3 levels of below grade parking with 271 parking spaces. Also proposed are 10 three-storey townhomes.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL			2246299 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T4.25 C2.0 R3.0, R2 Z0.6	Historical Status:
Height Limit (m):	46m, 11m	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	6372	Height:	Storeys:	28
Frontage (m):	14.37		Metres:	87.37
Depth (m):	69.4			
Total Ground Floor Area (sq. m):	2436			Total
Total Residential GFA (sq. m):	25232		Parking Spaces:	271
Total Non-Residential GFA (sq. m):	0		Loading Docks	3
Total GFA (sq. m):	25232			
Lot Coverage Ratio (%):	38.2			
Floor Space Index:	3.96			

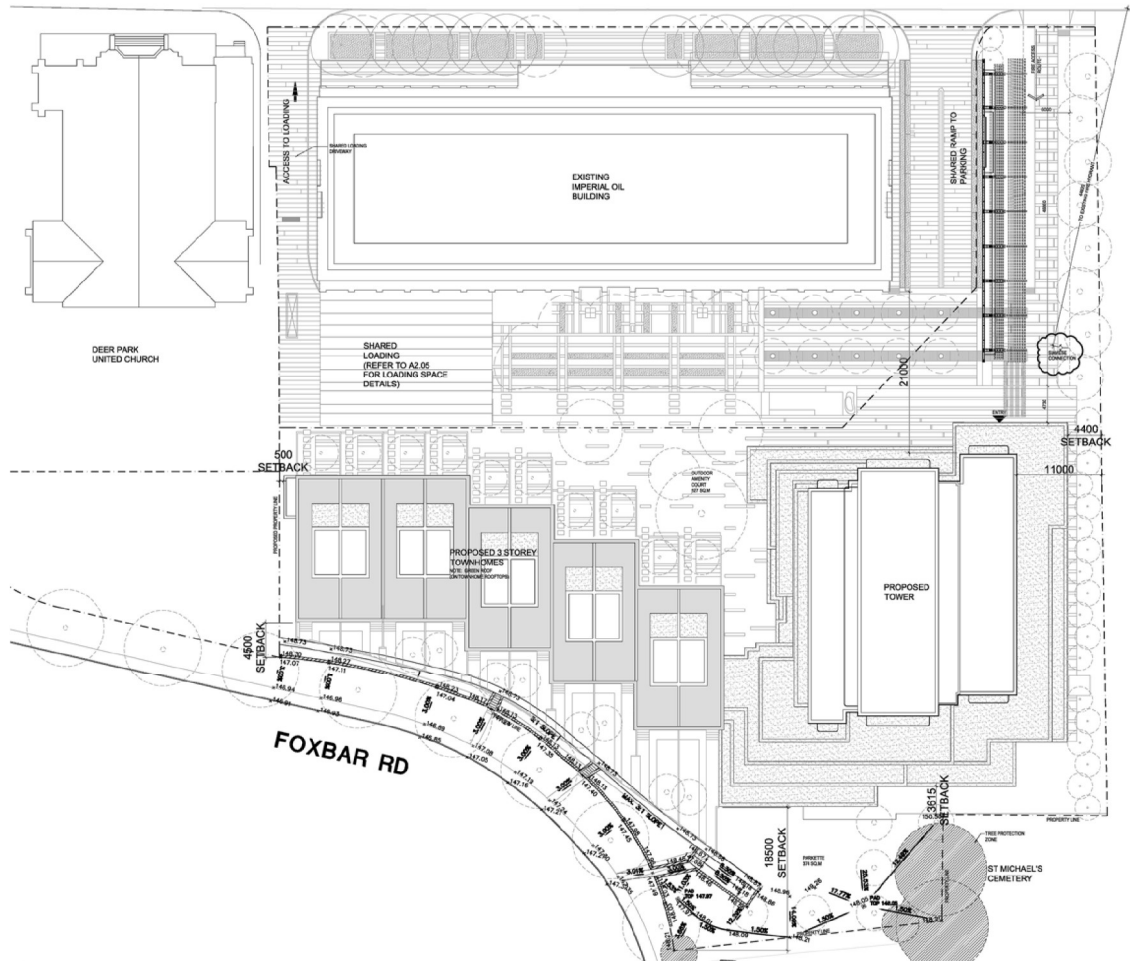
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	25232	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	172	Office GFA (sq. m):	0	0
2 Bedroom:	91	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0	0
Total Units:	273			

Attachment 2: Site Plan

ST. CLAIR AVENUE WEST



Site Plan

Part of 111 St. Clair Avenue West

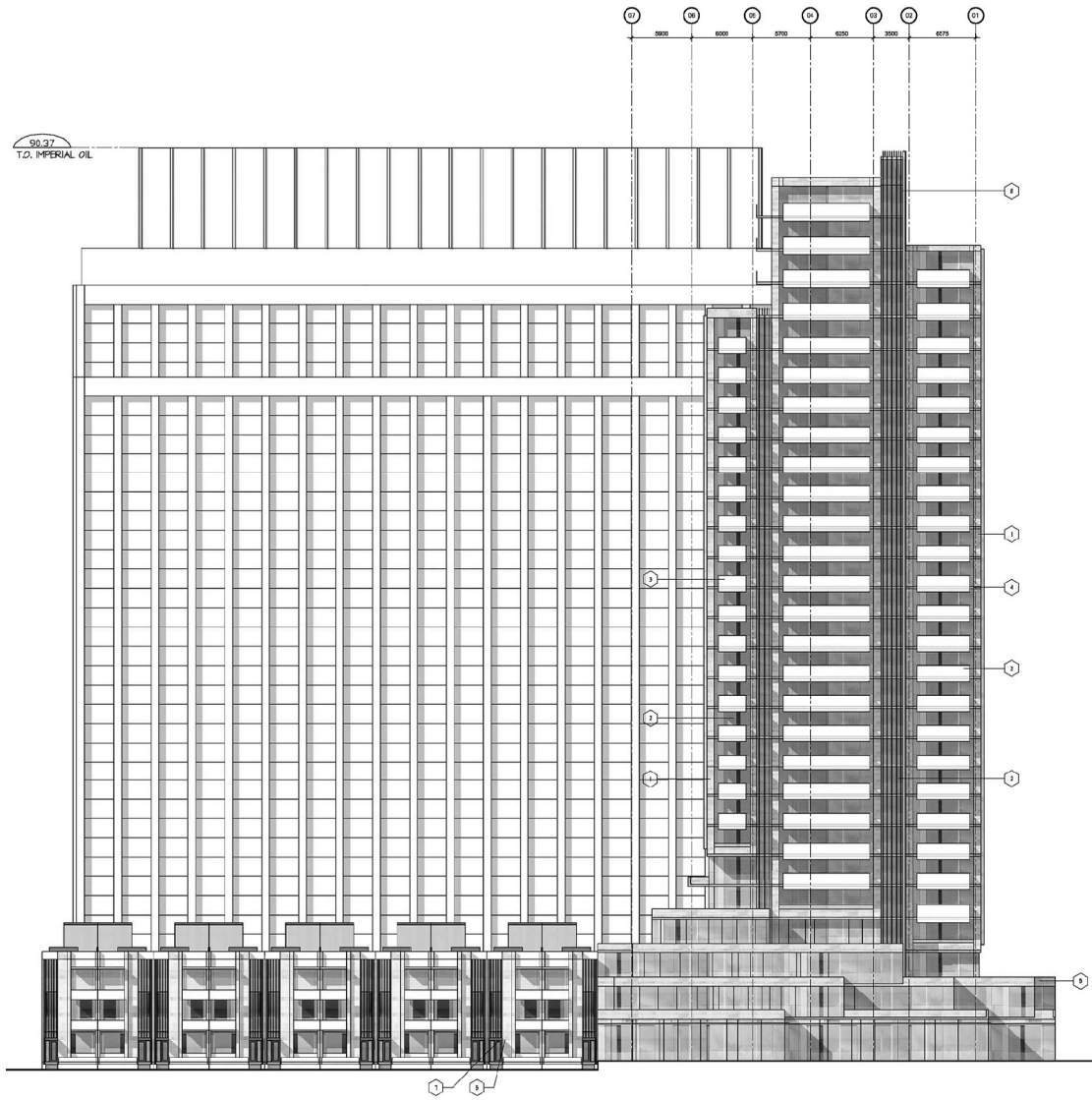
Applicant's Submitted Drawing

Not to Scale
01/25/2012



File # 10_321208 02

Attachment 3: South Elevation



South Elevation

Elevations

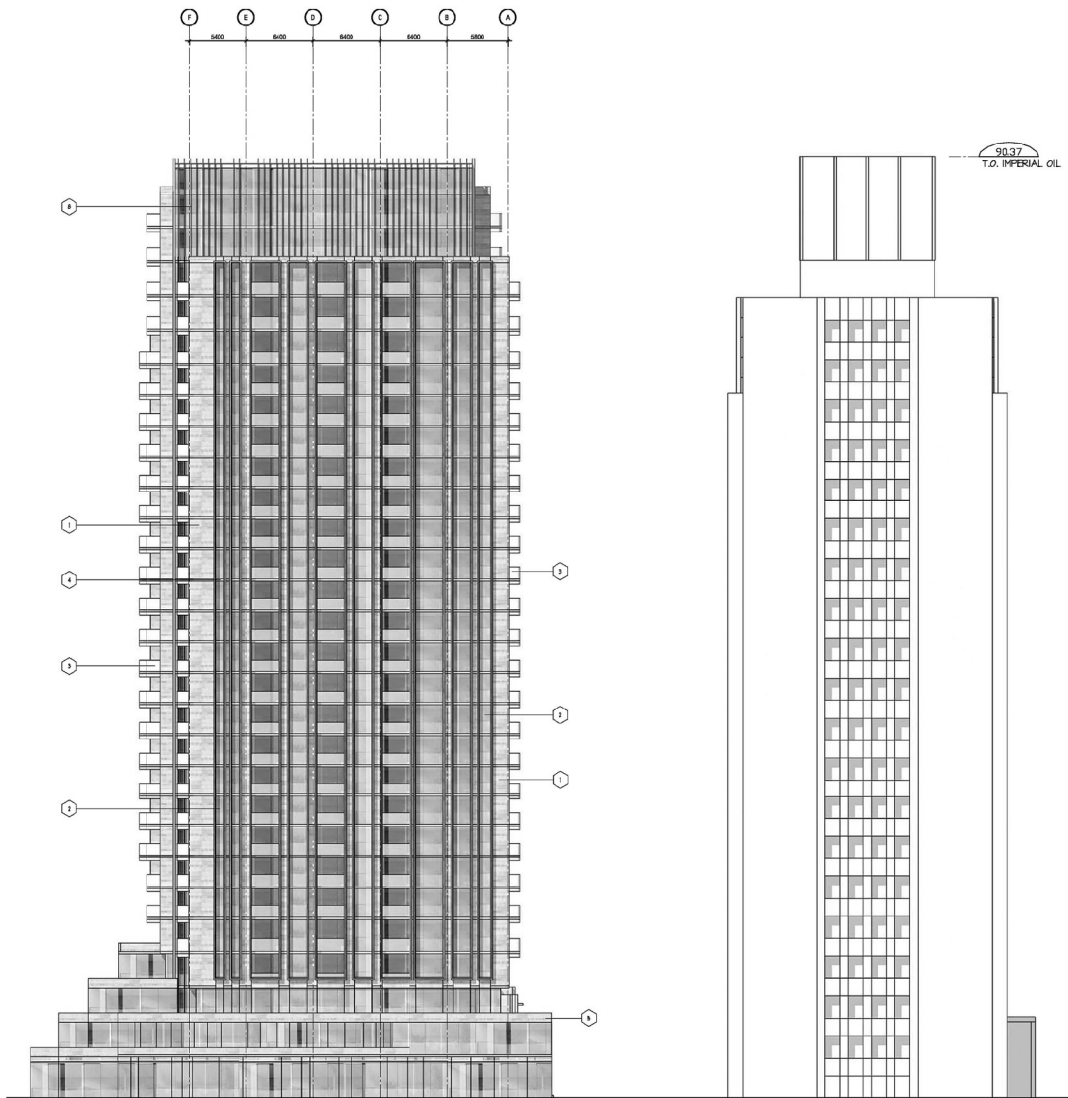
Part of 111 St. Clair Avenue West

Applicant's Submitted Drawing

Not to Scale
01/25/2012

File # 10_321208 02

Attachment 4: East Elevation



East Elevation

Elevations

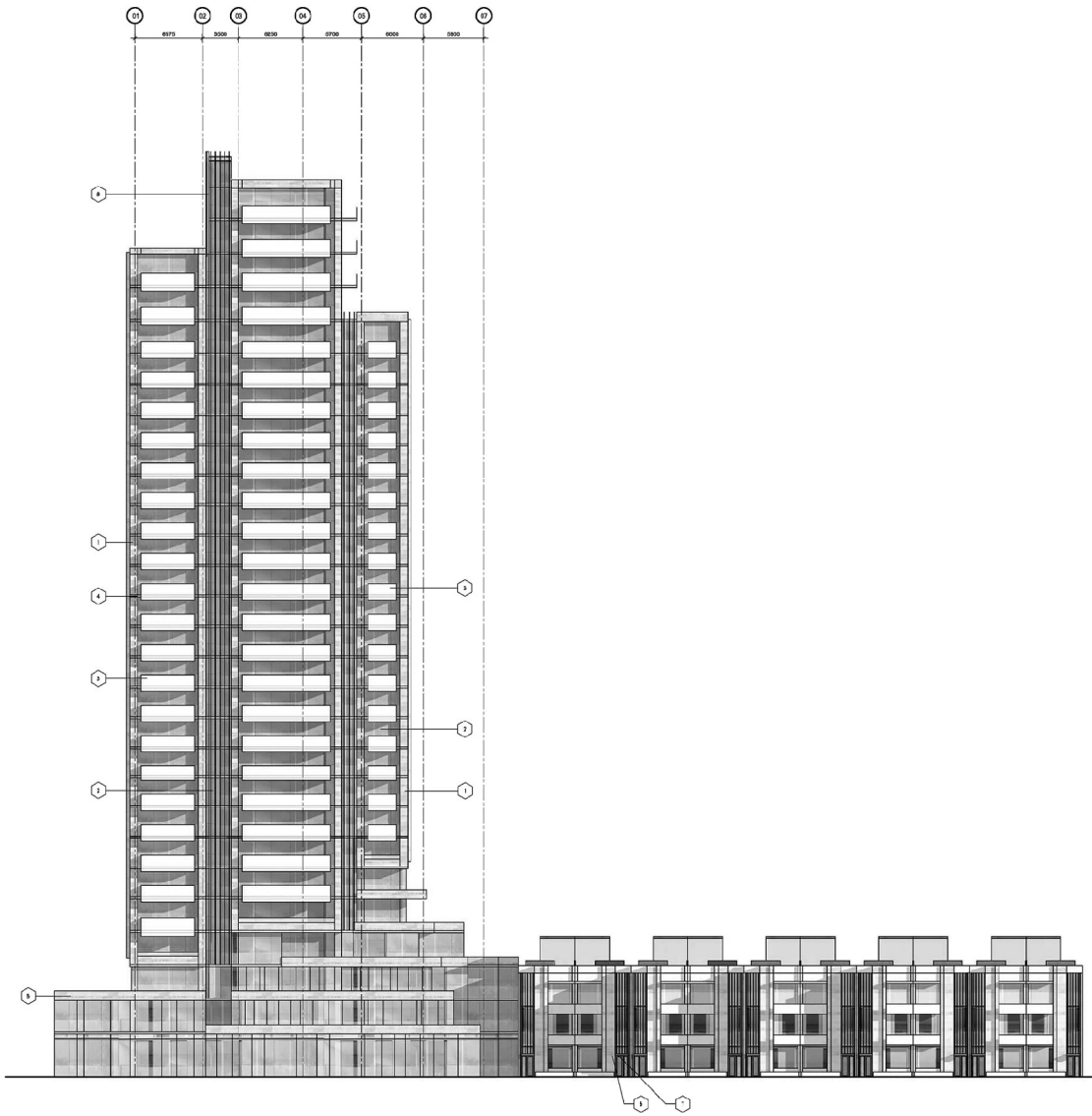
Applicant's Submitted Drawing

Not to Scale
01/25/2012

Part of 111 St. Clair Avenue West

File # 10_321208 0Z

Attachment 5: North Elevation



North Elevation

Elevations

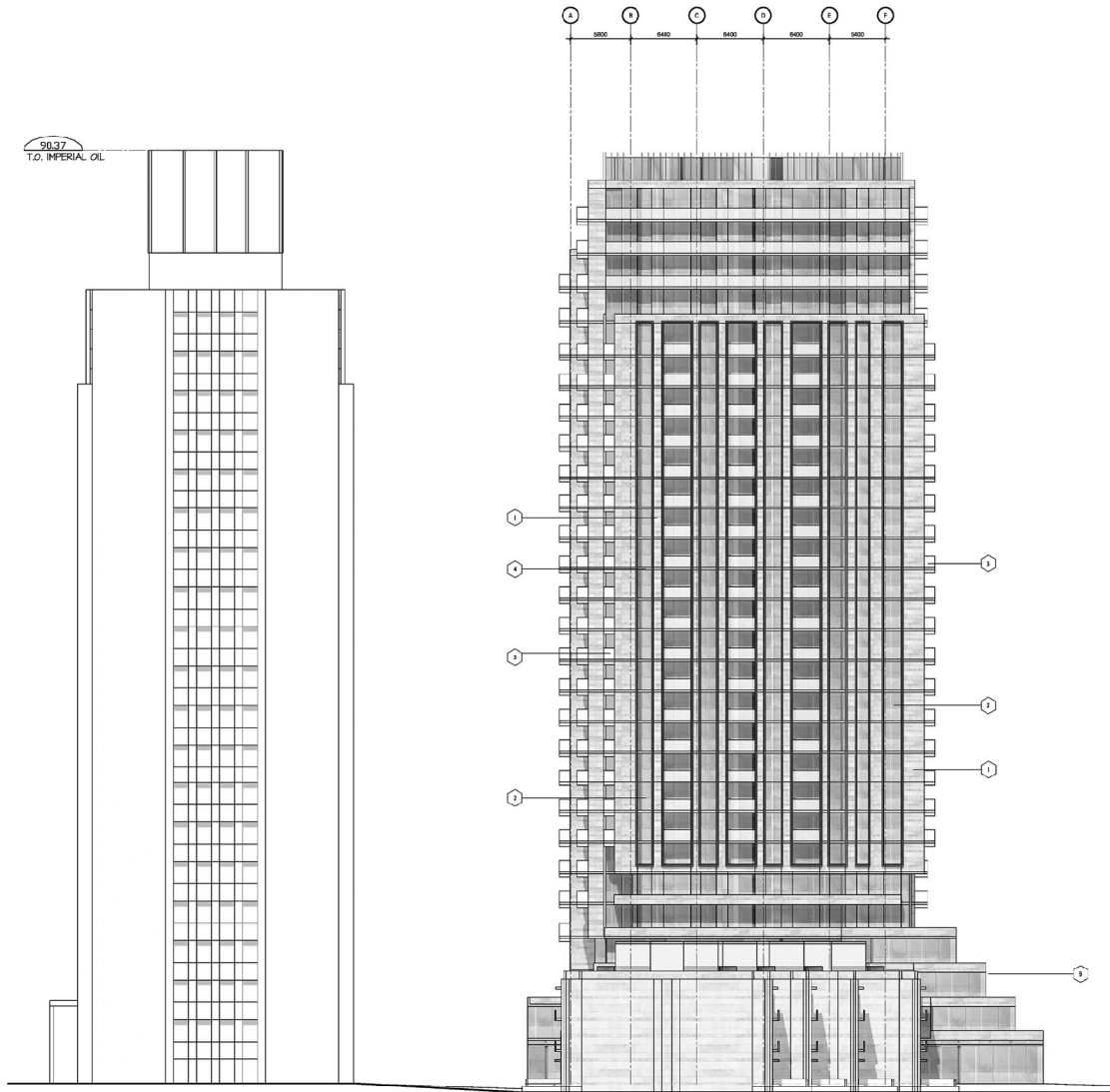
Part of 111 St. Clair Avenue West

Applicant's Submitted Drawing

Not to Scale
01/25/2012

File # 10_321208 02

Attachment 6: West Elevation



West Elevation

Elevations

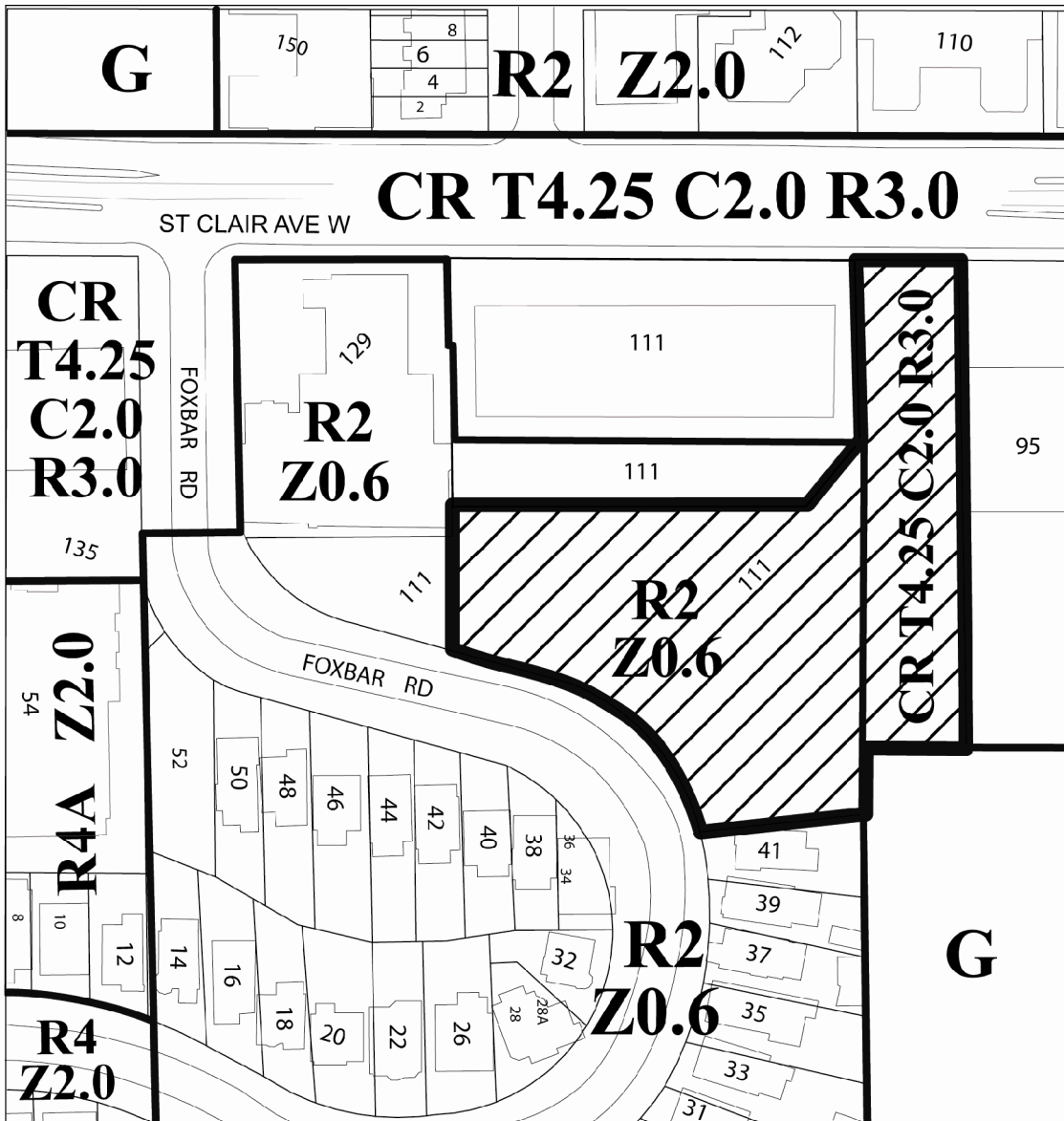
Part of 111 St. Clair Avenue West

Applicant's Submitted Drawing

Not to Scale
01/25/2012

File # 10_321208 02


Attachment 7: Zoning By-law 483-86



Zoning City of Toronto By-law 438-86

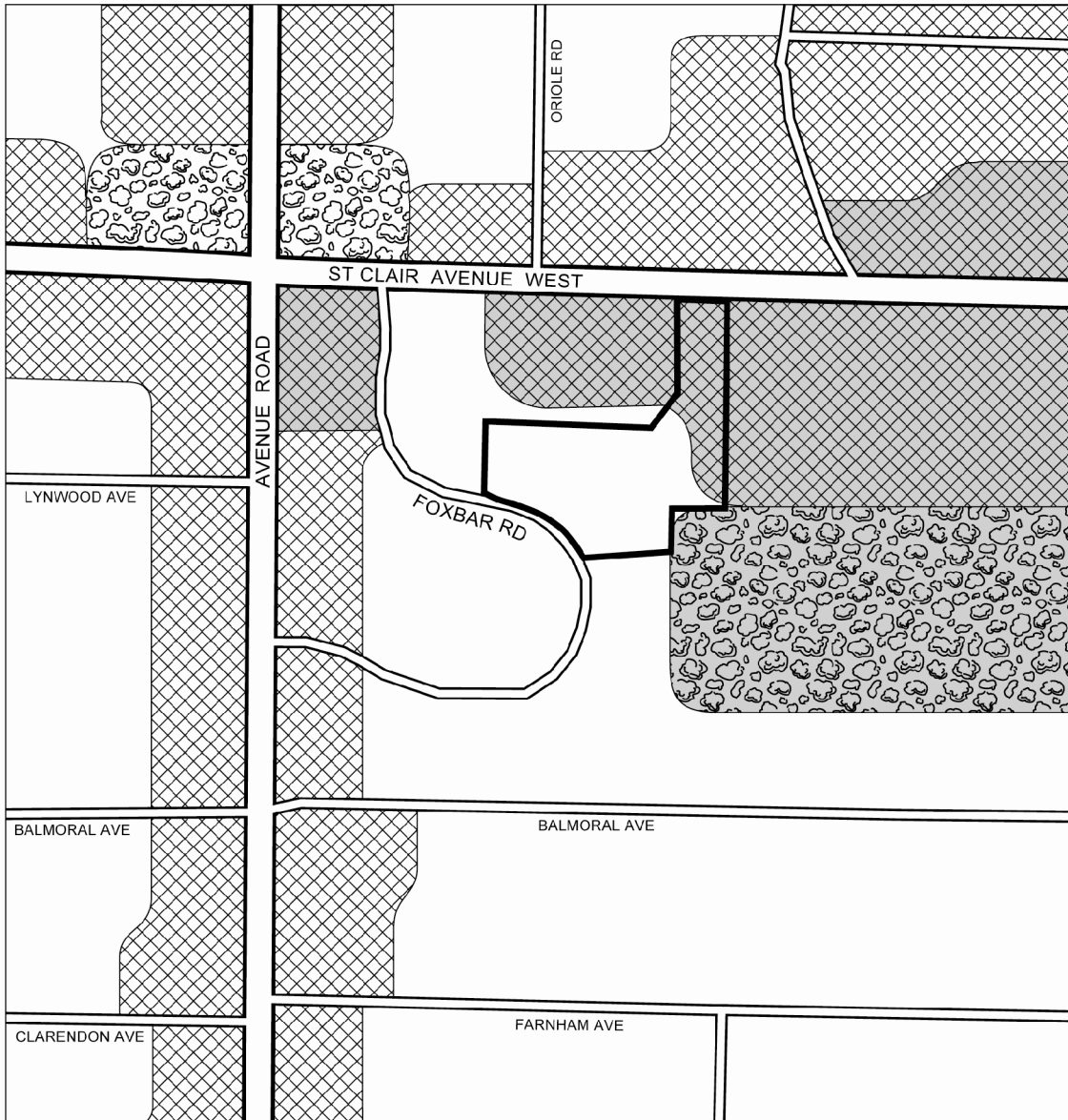
111 St. Clair Avenue West

File # 10_321208 0Z

	Site Location		
R2	Residential District	CR	Mixed-Use District
R4	Residential District	G	Parks District

↑
Not to Scale
Zoning By-law 438-86 as amended
02/09/11 - MH







Attachment 8: Official Plan Map



TORONTO City Planning
Official Plan

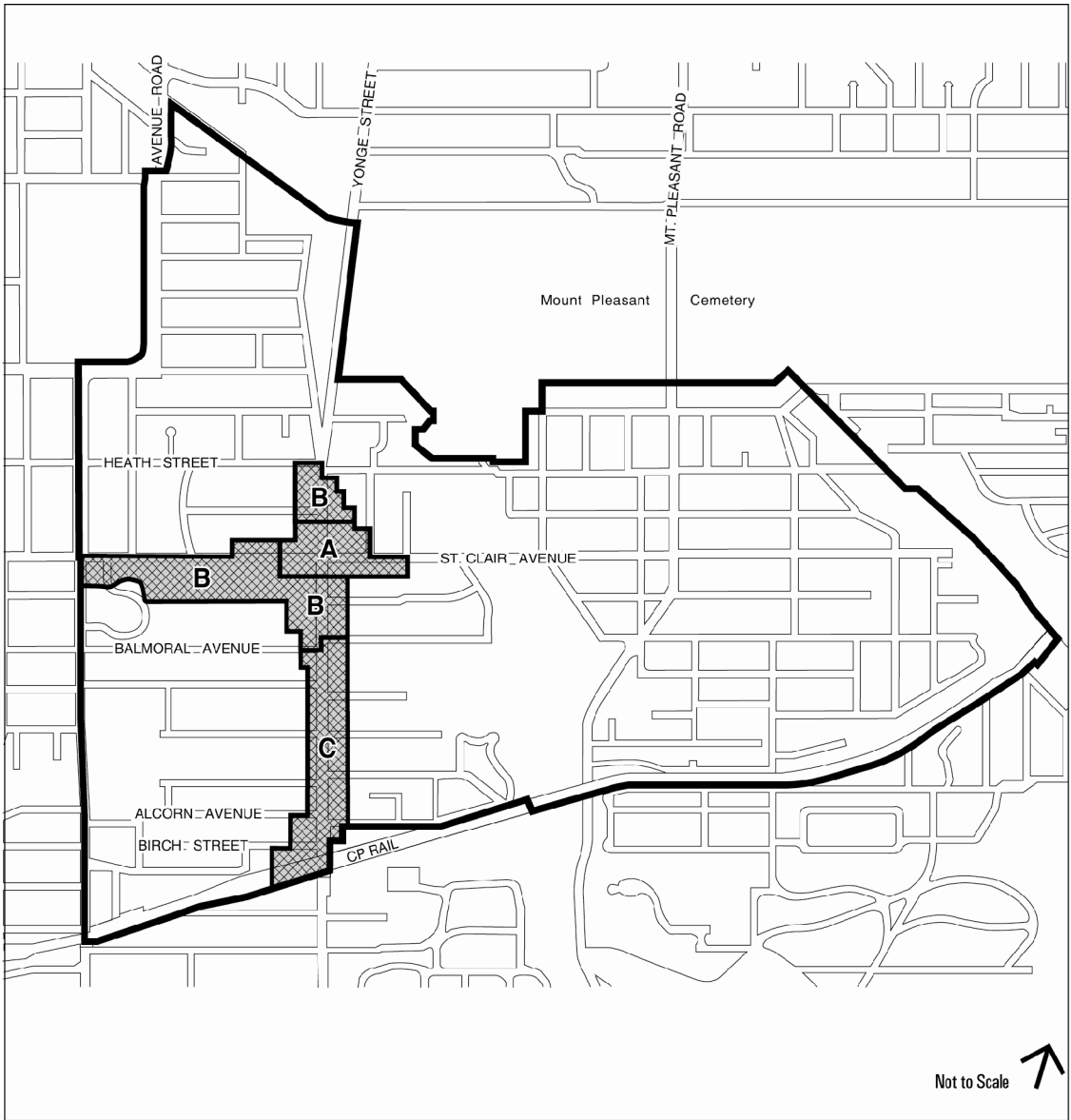
111 St. Clair Avenue West

File # 11_124030_0Z

- | | |
|--|--|
|  Site Location |  Parks |
|  Neighbourhoods |  Other Open Space Areas |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 02/15/2011

Attachment 9: Yonge St Clair Secondary Plan



 **TORONTO** City Planning
Official Plan

Yonge-St. Clair Secondary Plan
MAP 6-3 Mixed Use Areas
File # 11_124030_0Z

-  Secondary Plan Boundary
-  Mixed Use Areas

June 2006

Attachment 10: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

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, as
111 St Clair Avenue West**

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.176 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. 176 TO THE OFFICIAL PLAN

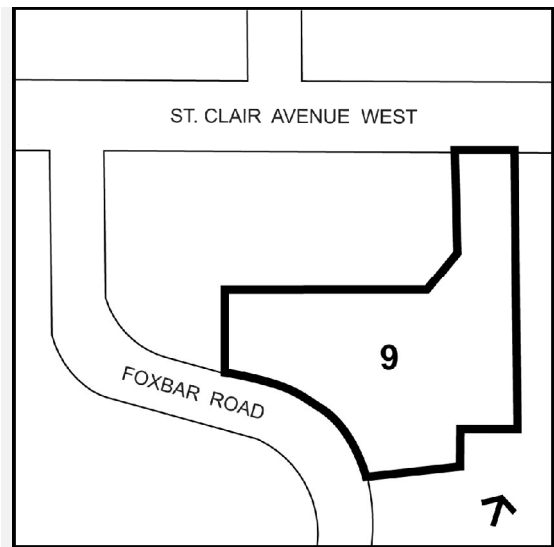
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2011 AS
111 ST CLAIR AVENUE WEST**

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

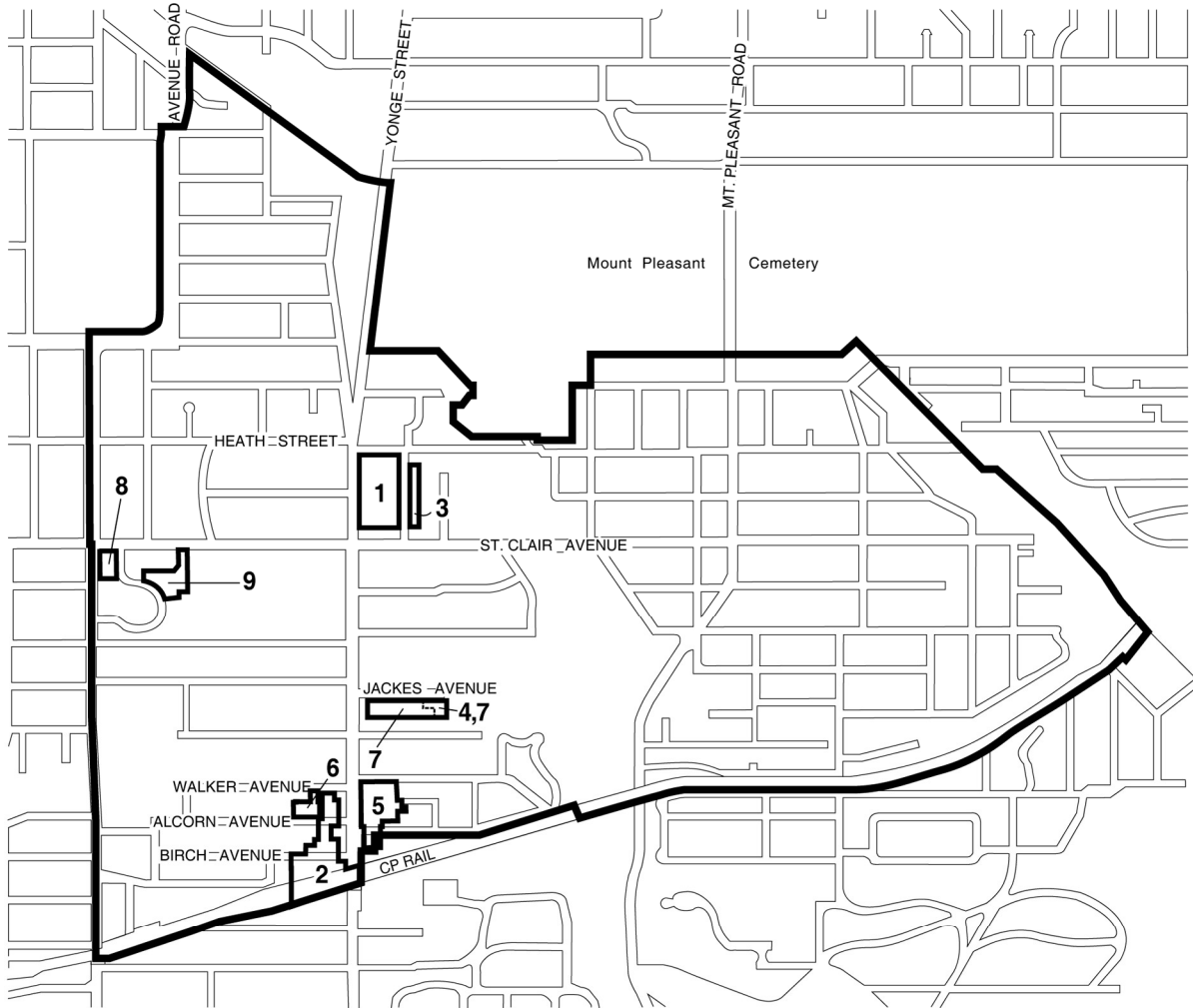
1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 176 for lands known municipally in 2011 as 111 St. Clair Avenue West as follows:

- 9. 111 St. Clair Avenue West**

A below-grade garage for parking and servicing is permitted.



2. Chapter 6, Map 6-2, Site and Area Specific Policies, is revised to add the lands known municipally in 2011 as 111 St. Clair Ave. West shown on the map above as Site and Area Specific Policy No. 9.



Not to Scale 



Yonge-St.Clair Secondary Plan

MAP 6-2 Site and Area Specific Policies

 Secondary Plan Boundary

 Site and Area Specific Policies

January 2012

Attachment 11: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
111 St Clair Ave W**

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

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 Council of the City of Toronto, at its meeting on _____, 2012, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2011 as 111 St. Clair Avenue West;

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

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. 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 3 of this By-law.
3. 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 facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37

of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
7. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height*, *lot*, *owner*, *parking garage* and *residential amenity space*, Sections 4(2)(a), 4(4)(b), 4(6), 4(12), 4(16), 6(1)(e), 6(3) Part I 1, 6(3) Part II, 6(3) Part III 1, 6(3) Part IV 2, 8(3) Part I 1, 2 and 3, 8(3) Part II, 8(3) Part IV 1, 12(2) 262(g) and 12(2) 267 of Zoning By-law No. 438-86, of the former City of Toronto, as amended, 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 an *apartment building* and *parking garage* on the *lot* provided that:
 - (a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the *residential gross floor area* erected or used on the *lot* does not exceed 25,500 square metres, of which:
 - (c) the *non-residential gross floor area* erected or used on the *lot* does not exceed 2,200 square metres;
 - (d) in addition to the uses permitted in Sections 6(1)(f) and 8(1)(f), a *commercial parking garage* shall be permitted on the *lot*;
 - (e) a minimum of 2.0 square metres per *dwelling unit* of indoor *residential amenity space* and a minimum of 2.0 square metres per dwelling unit of outdoor *residential amenity space* is required, and:
 - (i) a minimum of 254 square metres of indoor *residential amenity space* will be provided and maintained on the *lot* and may be contained in non-contiguous rooms;
 - (ii) outdoor *residential amenity space* will not be adjoining/directly accessible from the indoor *residential amenity space*;

- (f) a minimum of 2.0 square metres per *dwelling unit* of outdoor *residential amenity space* shall be provided and maintained on the *lot* and will not be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (g) a minimum of 40 percent of the *lot* area shall be provided and maintained as *landscaped open space*;
- (h) no portion of the building or structure erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may project beyond the areas delineated by such heavy lines:
 - (i) cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and site servicing features, public art features, railings, awnings and canopies; and
 - (ii) notwithstanding (i) above, within the area identified as “balcony projection zone”, as shown on Map 2, balconies may project up to 2.0 metres from the face of the component of the building to which they are attached;
- (i) the *height* of any building or structure, or portion thereof including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (i) cornices, window washing equipment, lighting fixtures, ornamental elements, trellises, planters, partitions dividing outdoor recreation areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, *parking garage*, fences, screens, architectural features, roofing materials, elements of a green roof, lightning rods, and exhaust flues, located above the *height* of each of the roof levels of the building;
 - (ii) railings and parapets having a maximum *height* of the sum of 1.2 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (iii) stair towers having a maximum *height* of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (iv) an architectural feature having a maximum *height* of 3.0 metres

shall be permitted within the area demarcated as “architectural feature” on Map 2;

- (v) stair enclosures and associated enclosed space up to a maximum of 25 square metres for each *dwelling unit* within any building, structure, or portion thereof identified with a *height* limit of 10.0 metres, as shown on Map 2, provided a minimum 4.0 metre setback from the front wall of each *dwelling unit* within any building, structure or portion thereof is provided;
- (j) *parking spaces* shall be provided and maintained on the *lot* within a *parking garage*, in accordance with the following:
 - (i) *Bachelor dwelling units* – a minimum of 0.6 *parking spaces* per *dwelling unit* and a maximum of 0.9 *parking spaces* per *dwelling unit*;
 - (ii) 1-Bedroom *dwelling units* – a minimum of 0.7 *parking spaces* per *dwelling unit* and a maximum of 0.8 *parking spaces* per *dwelling unit*;
 - (iii) 2-Bedroom *dwelling units* – a minimum of 0.9 *parking spaces* per *dwelling unit* and a maximum of 1.3 *parking spaces* per *dwelling unit*;
 - (iv) 3+ Bedroom *dwelling units* – a minimum of 1.0 *parking spaces* per *dwelling unit* and a maximum of 1.5 *parking spaces* per *dwelling unit*; and
 - (v) 0.1 *parking spaces* per *dwelling unit* for visitors;
- (k) visitor *parking spaces* may be provided within a *commercial parking garage* located on the *lot* or within a *commercial parking garage* located at the property municipally known in 2012 as 111 St. Clair Avenue West;
- (l) despite the definition of *parking space*, a maximum of one tandem parking space may be provided in addition to the *parking spaces* required by Section 2(h) of this By-law;
- (m) in addition to Section (j) above, *parking spaces* on the *lot* may serve the uses located within the building located at the property municipally known in 2012 as 111 St. Clair Avenue West;
- (n) one *loading space* – type “G” and two *loading space* – type “B” shall be provided off-site within 30 metres of the *lot*, and may be provided in a shared facility.

8. A temporary *sales presentation centre* shall be permitted on the *lot*, and shall not be located within 10 metres of Foxbar Road, and none of the other provisions of this By-law and of By-law 438-86 shall apply to such use.
9. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

“*grade*” means 150.55 metres Canadian Geodetic Datum;

“*lot*” means at least the lands delineated by heavy lines shown on Map 1;

“*height*” means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise listed in Sections 7(h) and 7(i) of this By-law;

“*owner*” means the registered owner of the *lot* or any part thereof;

“*parking garage*” means a building or a portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles;

“*residential amenity space*” means a common area or areas within the *lot* or located off-site within 50 metres of the *lot* which are provided for the non-exclusive use of residents of a building for recreational or social purposes; and

“*sales presentation centre*” shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*;

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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 letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 111 St. Clair Avenue West to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a) An indexed cash payment of \$1,025,000 payable prior to the issuance of the first above grade building permit. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for local parkland and streetscape improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - b) A public art contribution of \$675,000 towards the Public Art Program. The public art is to be located on site adjacent to St. Clair Avenue West, on privately owned and publically accessible open space. The location will be identified as part of the Site Plan Control process.
 - c) The owner shall provide an easement over the subject lands, to the satisfaction of the City Solicitor, in order to provide publically accessible open space, to the satisfaction of the Chief Planner, in association with the public art installation. The easement will be secured, and the open space will be designed, through the Site Plan Control process.
2. The *owner* of the *site* entering into and registering 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 1.
3. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

