

**129 St Clair Ave. West & Part of 111 St. Clair Ave. West  
Official Plan and Zoning Amendment Applications -  
Final Report**

<b>Date:</b>	January 25, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	10 314966 STE 22 OZ & 11 123806 STE 22 OZ

**SUMMARY**

This application proposes to alter the existing heritage-designated church, former Deer Park United at 129 St. Clair Ave. West, to adaptively reuse the church for non-residential and residential uses. A new 27-storey residential building and six townhouse-form grade related units fronting onto Foxbar Road are proposed. The alteration of the church includes the removal of the Sunday school wing at the south end.

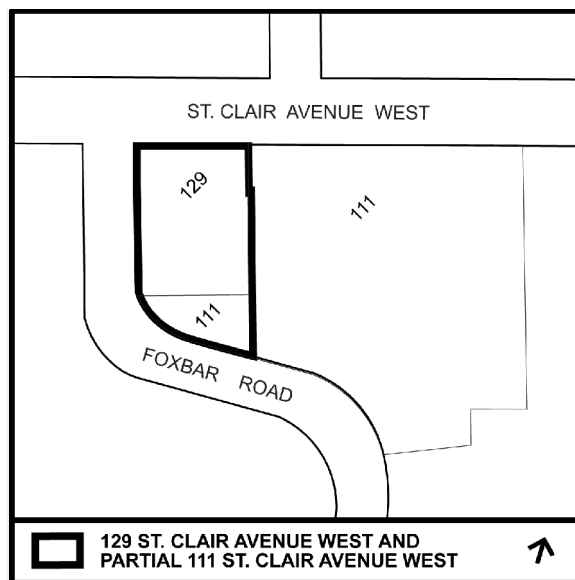
The proposed development has been found to be substantially in compliance with the development criteria for *Mixed Used Areas, Avenues, Public Realm, Built Form*, and all other relevant Official Plan and Secondary Plan policies and urban design guidelines.

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 129 St. Clair Ave. West, and part of 111 St. Clair Ave. West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11 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 129 St. Clair Ave. West and part of 111 St. Clair Ave. West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12 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 129 St. Clair Avenue West and part of 111 St. Clair Ave 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 \$1,225,000 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.
  - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. The owner shall enter into a Heritage Easement Agreement (HEA) for 129 St. Clair Avenue West to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the agreement to be

registered on title to the lands in a manner satisfactory to the City Solicitor. The HEA will include an appendix of approved alterations to the property, including the Heritage Impact Assessment prepared by E.R.A. Architects Inc., dated December 13, 2010, architectural drawings submitted by Diamond and Schmitt Architects dated July, 2010 and re-issued November 16, 2011, as well as a detailed description of how the retained portion of the designated property will be shored, stabilized, kept in-situ and protected during construction of this project.

- ii. Prior to final site plan approval, the owner shall provide to the satisfaction of the Manager, Heritage Preservation Services:
  - A. an as-found record of the existing building including photographs keyed to plans and elevations of all the visible exteriors and interiors; and
  - B. a detailed Conservation Plan for the conservation work described in the December 13, 2010 Heritage Impact Assessment prepared by E.R.A. Architects, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, estimated costs and a schedule of short and long term maintenance requirements; and
  - C. an Interpretation Plan; and
  - D. a Heritage Lighting Plan; and
  - E. site plan drawings in accordance with the approved Heritage Impact Assessment and re-zoning drawings; and
  - F. a final landscape plan that supports the heritage character of the heritage building; and
  - G. a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration and interpretation work included in the detailed Conservation Plan.
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 129 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**

City Council, at its meeting of January 26 and 27, 2010, passed By-law 1052-2010 to designate the property at 129 St. Clair Ave. West, under Part IV of the *Ontario Heritage Act* as being of cultural heritage value or interest.

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

<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-25924.pdf>

On July 13, 2011, the Committee of Adjustment approved a consent application (B0043/11TEY) to convey an 802 m<sup>2</sup> 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 approval 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 application.

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 the alteration of the existing heritage-designated church, formerly Deer Park United, at 129 St. Clair Ave. West, in order to adaptively reuse the church for non-residential and residential uses. A new 27-storey residential tower is proposed at the rear of the church structure, and six 3-storey townhouses at the southern most point of the property, fronting onto Foxbar Road. The alteration of the church includes the removal of the Sunday school wing at the south end.

A 220 square metre non-residential use is proposed at the front portion of the church, along St. Clair Ave. West. The remainder of the retained church will be adaptively reused as residential units with new entry points introduced around the church. The residential lobby entrance to the tower is proposed to be located off the circular driveway, located off of Foxbar Road.

The overall height of the tower is approximately 87 metres, including the mechanical penthouse. The 27<sup>th</sup> floor is comprised of the mechanical penthouse and a three bedroom residential unit. The overall density proposed is 6.8 times the area of the lot.

The proposed floor plate of the tower is approximately 750 square metres. The proposed tower is set back 36 metres from St. Clair Ave. West (the north property line); 9 metres from the west property line; between 11 and 21 metres from the south property line (due to the curve in property line and road); and 4.0 metres from the property line to the east. There are

1.8 metre projecting balconies located on the north, west and east sides of the towers. On the south façade the balconies are recessed and do not project beyond the main wall of the tower.

The six 3-storey townhouses are located to the south of the residential tower fronting onto Foxbar Road, with a landscaped edge along the west side of the development.

The building proposed consists of 220 residential units. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>
One-bedroom	0
One-bedroom plus den	68
Two-bedroom	87
Two-bedroom plus den	59
Three-bedroom plus den	6

Given the proposed number of units, a total of 440 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 460 square meters of indoor amenity space and 562 square metres of outdoor amenity space.

A total of 241 vehicular parking spaces are provided, including 22 spaces for visitors, in 5 levels of underground parking accessible from Foxbar Road. Bicycle parking is also provided for, with 132 long-term bicycle spaces, 33 short-term spaces, 1 retail space and 8 visitor spaces.

All servicing vehicles will access the site via a mutual driveway located off St. Clair Ave. West between the properties at 111 and 129 St. Clair Ave. West.

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

- The height was reduced from 32 storeys (104.5 metres including mechanical penthouse) to 27 storeys (87 metres including mechanical penthouse);
- The tower floor plate has increased from 700 to 750 square metres;
- The removal of the projecting balconies on the south façade;
- The number of townhouses increased from 5 to 6;
- The introduction of a non-residential use to the front portion of the church structure;
- The reconfiguration of the townhouses fronting onto Foxbar Road; and
- The introduction of a publically accessible open space at the corner of St. Clair Ave W. and Foxbar Rd.

## **Site and Surrounding Area**

The site is approximately 3,413 square metres in size and is located on the southeast corner of Foxbar Road and St. Clair Ave. West. The vacant heritage-designated Deer Park United Church is located on the site. The subject site also includes a portion of 111 St. Clair Ave. West, which was once used as surface parking for the former Imperial Oil head office.

Adjacent existing land uses are:

North: across St. Clair Ave. West is a four-storey residential building and Amsterdam Square.

South: of Foxbar Road is a low-rise residential neighbourhood.

East: is the vacant office building, standing 90-metres tall, formerly used as Imperial Oil's head office. The property is listed on the Inventory of Heritage Properties in the City of Toronto and there is a Site Plan application to adaptively re-use the building for residential and non-residential uses. There is an application to construct a 28-storey residential building and ten 3-storey townhouses at the rear of the former Imperial Oil head office (application numbers: 10 321208 STE 22 OZ & 11 124030 STE 22 OZ).

West: of Foxbar Road is the 54-metre tall office building currently occupied by the Ontario Ministry of the Environment.

## **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 on 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 the *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, the property at 129 St. Clair Ave. West is designated under Part IV of the *Ontario Heritage Act*. Development adjacent to properties on the City's *Inventory of Heritage Properties*, such as 111 St. Clair Ave. West, will respect the scale, character and form of the heritage buildings and landscapes.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://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](http://www.toronto.ca/planning/official_plan/pdf_secondary/6_yonge_stclair_june2006.pdf)

### **Zoning**

Under Zoning By-law 438-86, as amended, the site is zoned as R2 Z0.6 (See Attachment No. 7). 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 is 16 metres at 129 St. Clair Ave. West and 11 metres on the 111 St. Clair Ave. West portion of the subject site.

### **Tall Building Guidelines**

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. The Guidelines will be used to assess 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 27-storey, 87-metre (including the mechanical penthouse) tall building with a density of 6.8 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 111 St. Clair Ave. West. Approximately 100 members of the public attended the meeting. At this meeting, the applicant presented a 32-storey (104.5 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 include: the height; siting and scale of the proposed tower; setback and transition of tower to the neighbourhood; overall density; impact on local traffic; access to the site, 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 representatives from the Foxbar Neighbourhood Associations, 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', and 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 111 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 Neighbourhood Association representatives also proposed roadway modifications to address possible traffic impacts on Foxbar Road. The Foxbar Neighbourhood Association representatives 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, 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 (The "courtyard" scheme). 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**

The revised proposal submitted for Staff's final review is not the "courtyard" design generally agreed to by the working group. The revised submission, however, includes a number of features of the working group endorsed proposal, including a reduced height, publically accessible open space, an animated frontage to the church, and recessed south balconies, while maintaining the heritage preservation strategy found in the original application. The 26-storey tower presented at the working group meeting, to Planning Staff's understanding, is the same height as the current 27-storey application, since the upper floor consists of one residential unit and the mechanical penthouse. The revised submission 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.

As described in this report, a development proposal was 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 area 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.

Policy 2.6 provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved.

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.

Policy 4.2.4(e) provides a framework for protecting cultural assets by granting Municipalities' the authority to develop and implement policies and strategies to support cultural heritage conservation as built-up areas become intensified.

## **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 mixed-use building that is incorporated with an adaptively reused heritage-designated church, and residential townhouse-form buildings fronting onto Foxbar Road. All vehicular access is provided via the two-way portion of 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 are proposed within the residential tower and grade-related townhouse-form buildings along Foxbar Road. The non-residential use is permitted within the front portion of the church. These uses 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.

## **Heritage Preservation**

When a development application is received for lands listed on the City's *Inventory of Heritage Properties*, the applicant is requested to demonstrate that the alterations conserve the character and significance of the heritage property. As well, the Official Plan (Policy 3.1.5.2) states that heritage resources on properties listed on the City's *Inventory of Heritage Properties* will be conserved and 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.

The Design Criteria for Review of Tall Building Proposals suggests that the historic legacy of the City can co-exist with new development. Development should strive for the long term

protection, integration and re-use of heritage resources. The Guidelines states that matters relating to conservation of heritage resources must be taken into consideration at each phase of the planning and decision making process.

Heritage Preservation Services (HPS) staff have reviewed the potential impact of the proposed development on 129 St. Clair Ave. West and the adjacent heritage properties at 111 St. Clair Ave. West, and St. Michael's Cemetery Mortuary Vault at 1414 Yonge Street. Staff concur with the conclusions of the Heritage Impact Assessment prepared by E.R.A. Architects (dated December 13, 2010) that the proposed development, which includes the rehabilitation and adaptive reuse of the original church structure retains and respects the values and attributes of the heritage building.

The proposal is consistent with the Provincial Policy Statement and related Official Plan heritage policies that "Significant built heritage resources and cultural heritage landscapes shall be conserved." The heritage property has been identified and designated and through this development application is proposed to be protected, used and managed in such a way that its heritage values, attributes and integrity (which have been defined by City Council through provincial designation) have all been retained with one exception, the 1931 Sunday School addition.

While the 1931 Sunday school wing is to be removed, the proposed development mitigates the demolition and provides for the rehabilitation and adaptive re-use of the entire original church structure. The design and placement of the tower and its elements allows the church to retain its landmark presence. The introduction of the townhouses allows for appropriate contextual support of the church's scale and mass.

Due to heritage protections in force on the property, City Council must approve the proposed alterations under Section 33 of the Ontario Heritage Act. HPS staff have prepared a report on the alterations to 129 St. Clair Ave. West to the Toronto Preservation Board and Toronto and East York Community Council. The staff recommendations were supported by the Toronto Preservation Board at its January 16, 2012 meeting.

The report can be accessed using the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PB9.6>

## **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 27-storey building is massed to fall just under the height of the Imperial Oil building, at 87 metres to the main roof, which includes the mechanical penthouse.

The tower stands atop two low-rise forms. One is the adaptive re-used church, fronting St. Clair Ave. West and the second is six 3-storey townhouse form units, fronting onto Foxbar Road. The draft zoning by-law limits the height of these townhouses to 10 metres.

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 proposed tower is located behind the transept of the Deer Park Church. The existing character along the south side of St. Clair Ave. West consists of varying tower setbacks, 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.

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 tower is offset from the neighbouring Imperial Oil Building. The proposed tower falls just south of the neighbouring tower. The distance from the nearing corner of one corner to the other is approximately 10 metres.

The projecting balconies along the south façade of the building have been removed. Thus, site specific by-law does not permit projecting balconies along the south façade. The spatial separation between the tower and the closest house on Foxbar Road is approximately 43 metres.

Staff is satisfied with the siting of the tower. The tower is offset from the Imperial Oil Building and is positioned in a manner that balances the heritage preservation principles and the setback and transition to the low-rise neighbourhood to the south.

The proposed floor plate is generally 750 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. Staff finds the floor plate size acceptable.

The proposal calls for six 3-storey townhouses, at the south end of the site, 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 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. No vehicular access is proposed to the individual townhouse-like units. Thus, there will be no curbscuts along the Foxbar Road frontage immediately in front of the townhouse feature. 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 an acceptable spatial separation between tall buildings, in this case. The tall building fits within its existing and planned context limiting impacts on the adjacent low-rise neighbourhood.

This application supports and promotes the use of transit; contribute to the creation of a range of housing options in the community; contributes to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing; provides universal physical access to all publicly accessible spaces and buildings; and conserves heritage properties.

### **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 111 and 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 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 27 storey proposal to be acceptable. During the spring and fall equinoxes there will be no shadow impact on the adjacent low-rise *Neighbourhoods*, to the south of St. Clair Ave. West, between 9:18a.m. and 6:18p.m and minimal impact to the neighbourhood to the north. The shadow study illustration shows a shadow on one or two properties on the low-rise neighbourhood north west of Avenue Road and St. Clair Ave. West at 9:18am. Onwards there is no more shadow on the *Neighbourhoods*. In the afternoon hours the shadow is primarily cast over the existing Imperial Oil building and the office building at 95 St. Clair Ave. West.

During the spring and fall equinoxes, the development will shadow the two parks on the north side of St. Clair Ave. West., however, as the shadow drifts, it is off the parks by 12:18p.m. There is no shadow impact on the parks during the summer solstice.

Rowan Williams & Irwin Inc. (RWDI) provided a letter to present their opinion of the potential pedestrian wind conditions around the proposed development. The consultant states that the low structures on the north and south side of the tower are expected to function as a podium that will reduce the direct impact of the down-washing wind flows. The letter also states that, wind conditions on the two adjacent parks and along the public sidewalks will not be affected by the proposed development. Planning staff will required 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 14, 2010, prepared by BA 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 updated modelling of the road network, and additional background developments to be included in the analysis.

A revised Traffic Impact Study, dated December 12, 2012, prepared by BA 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 new development to the south of the Imperial Oil Building in their assessment. According to the report, the 129 St. Clair Ave. West proposal, alone, will generate approximately 50 two-way trips during the AM and 45 two-way trips in the 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 Foxbar Road to service the proposed tower. Foxbar Road is generally a one-way street southbound. However, the northern portion of the road operates as two-way traffic. Therefore, vehicle leaving this site can drive north to St. Clair Ave. West or south to Avenue Road. 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, 241 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 the underground garage. 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 loading area via a mutual driveway with 111 St. Clair Ave. West, located within the massing of the building.

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.

## **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 at the corner of St. Clair Ave. West and Foxbar Road. The open space will be designed with soft landscaping, street furniture and public art.

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 including 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.

## **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 241 residential units and 220m<sup>2</sup> of non residential uses on a site with a net area of 3,412m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.321hectares or 94.18% 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 while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 339m<sup>2</sup>.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 339m<sup>2</sup> would not be of a useable size.

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

## **Toronto Green Standard**

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 \$1,225,000 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 the Site Plan Control process.

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

1. The owner shall enter into a Heritage Easement Agreement (HEA) for 129 St. Clair Avenue West to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor. The HEA will include an appendix of approved alterations to the property, including the Heritage Impact Assessment prepared by E.R.A. Architects Inc., dated December 13, 2010, architectural drawings submitted by Diamond and Schmitt Architects dated July, 2010 and re-issued November 16, 2011, as well as a detailed description of how the retained portion of the designated property will be shored, stabilized, kept in-situ and protected during construction of this project.

2. Prior to final site plan approval, the owner shall provide to the satisfaction of the Manager, Heritage Preservation Services:
  - A. an as-found record of the existing building including photographs keyed to plans and elevations of all the visible exteriors and interiors; and
  - B. a detailed Conservation Plan for the conservation work described in the December 13, 2010 Heritage Impact Assessment prepared by E.R.A. Architects, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, estimated costs and a schedule of short and long term maintenance requirements; and
  - C. an Interpretation Plan; and
  - D. a Heritage Lighting Plan; and
  - E. site plan drawings in accordance with the approved Heritage Impact Assessment and re-zoning drawings; and
  - F. a final landscape plan that supports the heritage character of the heritage building; and
  - G. a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration and interpretation work included in the detailed Conservation Plan.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,770,044.00. 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**

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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: Ground Floor

Attachment 4: North Elevation

Attachment 5: West Elevation

Attachment 6: South Elevation

Attachment 7 East Elevation

Attachment 8: Zoning By-law 438-86

Attachment 9: Official Plan Map

Attachment 10: Yonge-St Clair Secondary Plan

Attachment 11: Draft Official Plan Amendment

Attachment 12: Draft Zoning By-law

## Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	10 314966 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 15, 2010

Municipal Address:	129 ST CLAIR AVE W & PART OF 111 ST CLAIR AVE W
Location Description:	PLAN 325E PT LOTS 11 TO 13 PT LOTS 19 TO 21 **GRID S2211
Project Description:	Rezoning application to convert existing heritage church to dwelling units and construct a new 26 storey residential tower with six 3-storey town house units at rear. A 220 square metre retail area on the ground floor of the retained heritage structure is proposed. A total of 220 residential dwellings units, 241 parking spaces in 3 levels below grade parking and 187 bicycle parking spaces are also proposed.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
DIAMONDCORP			CHAPPELL COURT ESTATES INC

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	Y
Height Limit (m):	16	Site Plan Control Area:	

### PROJECT INFORMATION

Site Area (sq. m):	3412.8	Height:	Storeys:	26
Frontage (m):	45		Metres:	82
Depth (m):	82.01			
Total Ground Floor Area (sq. m):	1485			<b>Total</b>
Total Residential GFA (sq. m):	23035		Parking Spaces:	241
Total Non-Residential GFA (sq. m):	220		Loading Docks	1
Total GFA (sq. m):	23255			
Lot Coverage Ratio (%):	43.5			
Floor Space Index:	6.81			

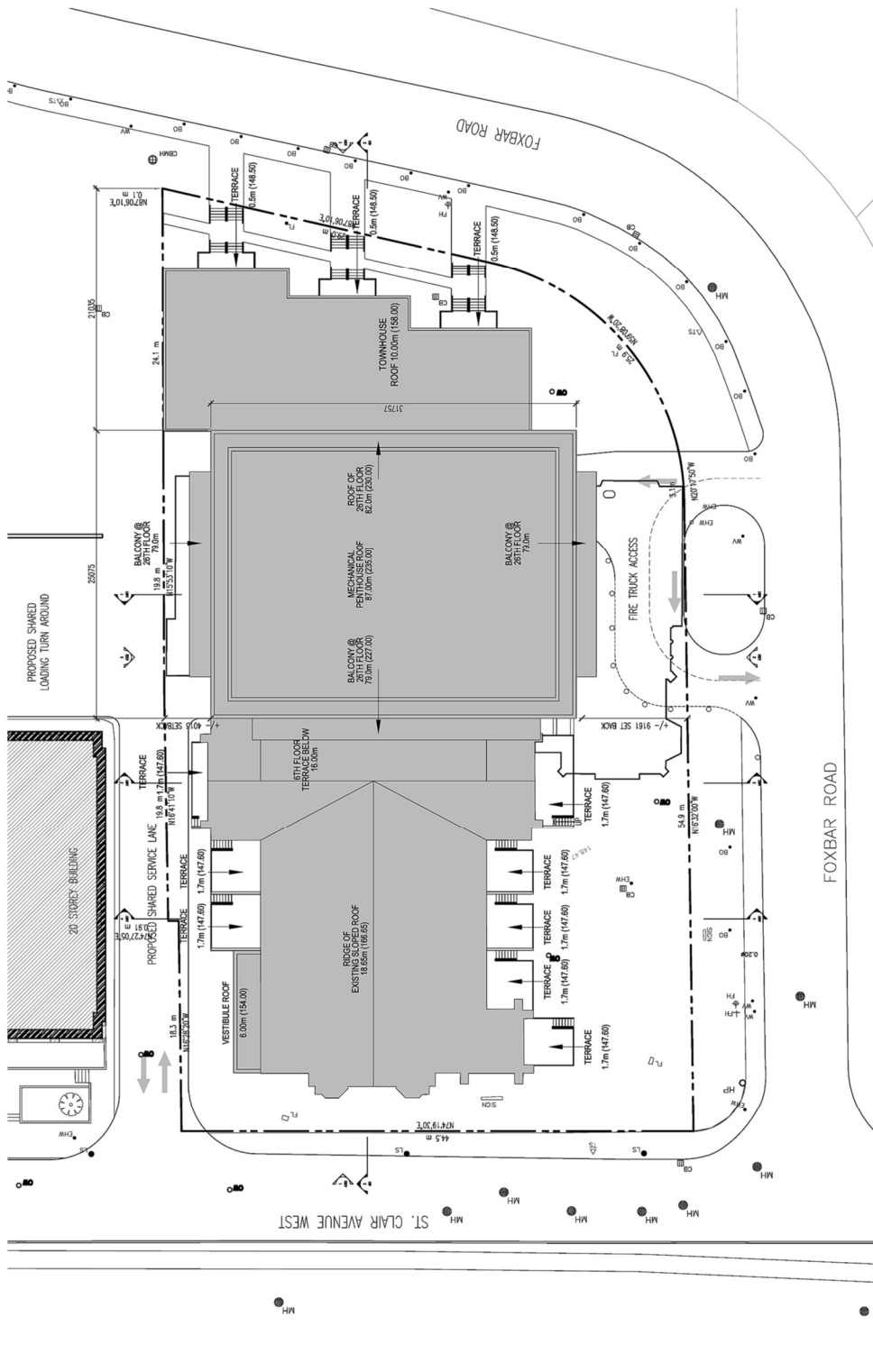
### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	68
2 Bedroom:	146
3 + Bedroom:	6

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	23035		0
Retail GFA (sq. m):	220		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

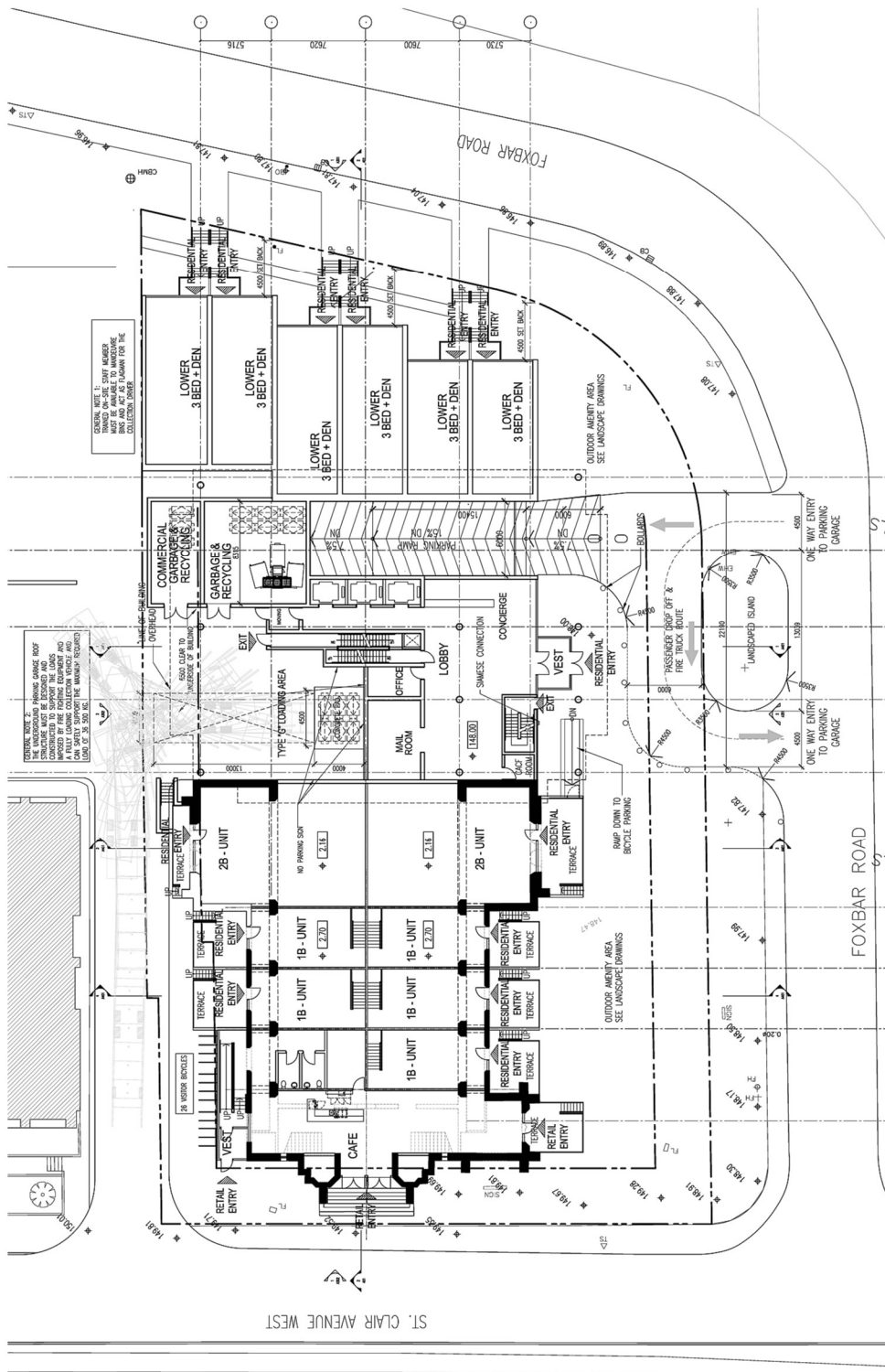
# Attachment 2: Site Plan



**129 St. Clair Avenue West and  
Part of 111 St. Clair Avenue West**  
File # 10 314966 0Z

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
01/25/2012

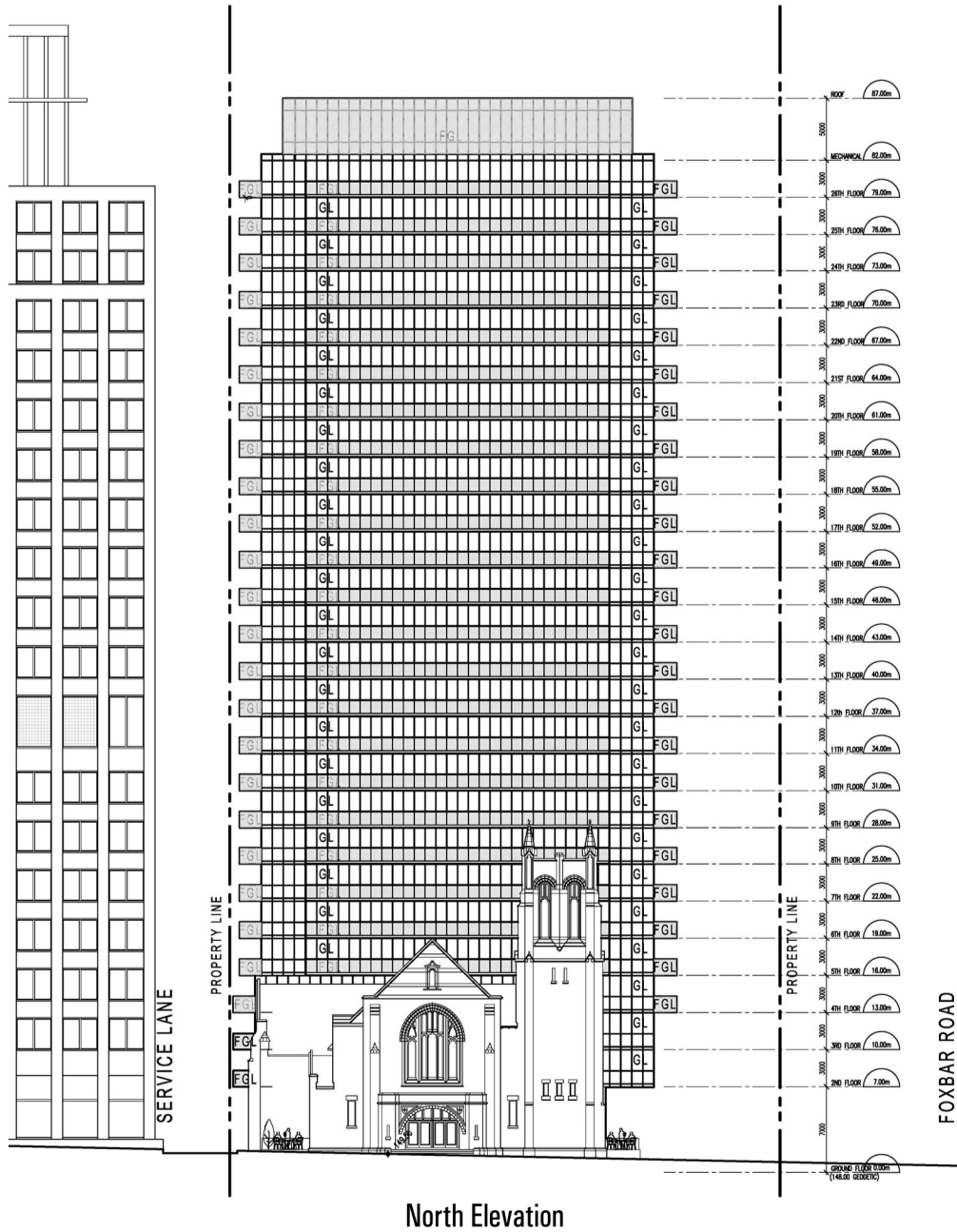
Attachment 3: Ground Floor



129 St. Clair Avenue West and  
Part of 111 St. Clair Avenue West  
File # 10 314966 0Z

Ground Floor Plan  
Applicant's Submitted Drawing  
Not to Scale  
01/25/2012

# Attachment 4: North Elevation



## Elevations

Applicant's Submitted Drawing

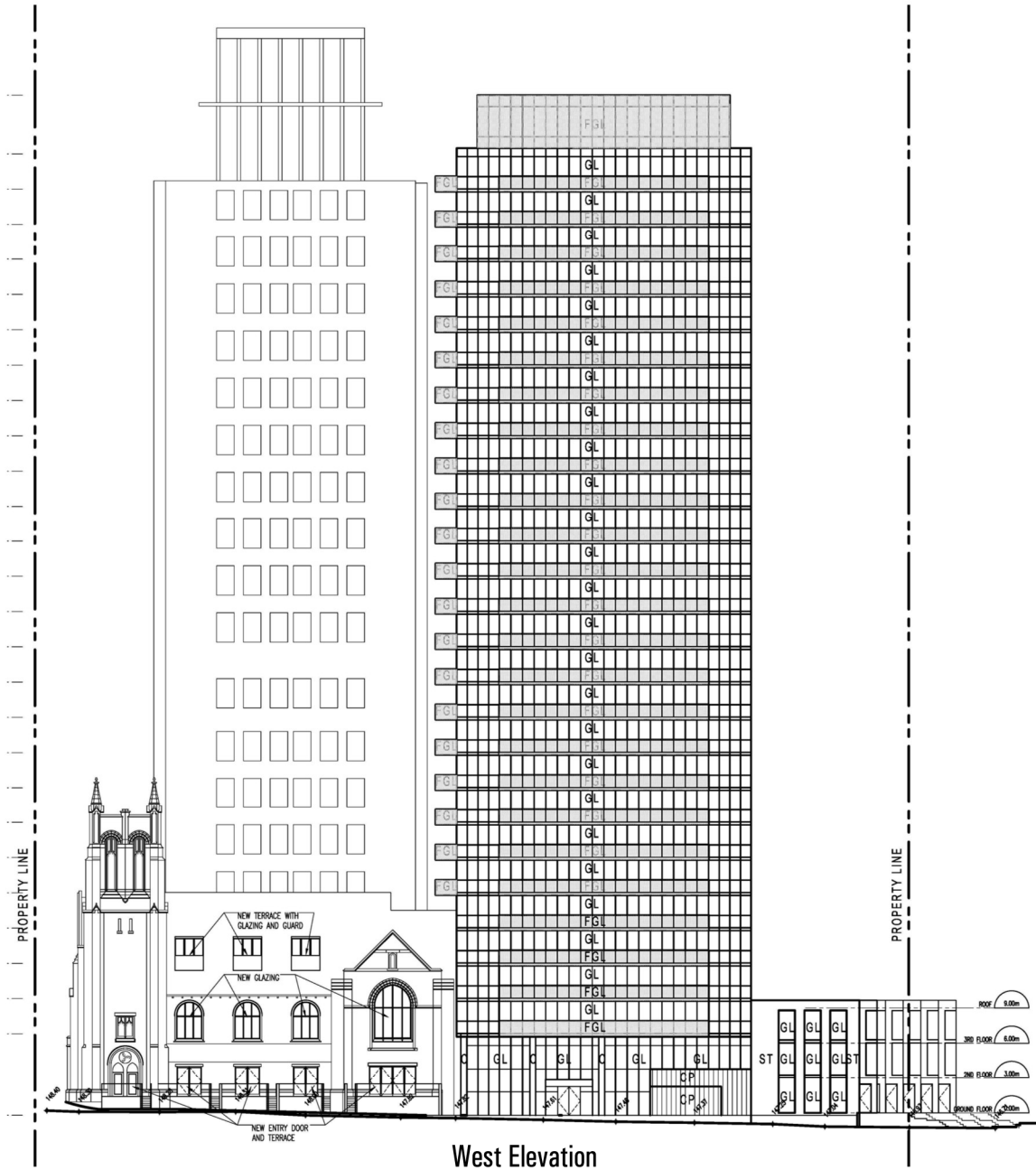
Not to Scale  
01/25/2012

## 129 St. Clair Avenue West and Part of 111 St. Clair Avenue West

File # 10 314966 0Z



# Attachment 5: West Elevation



## Elevations

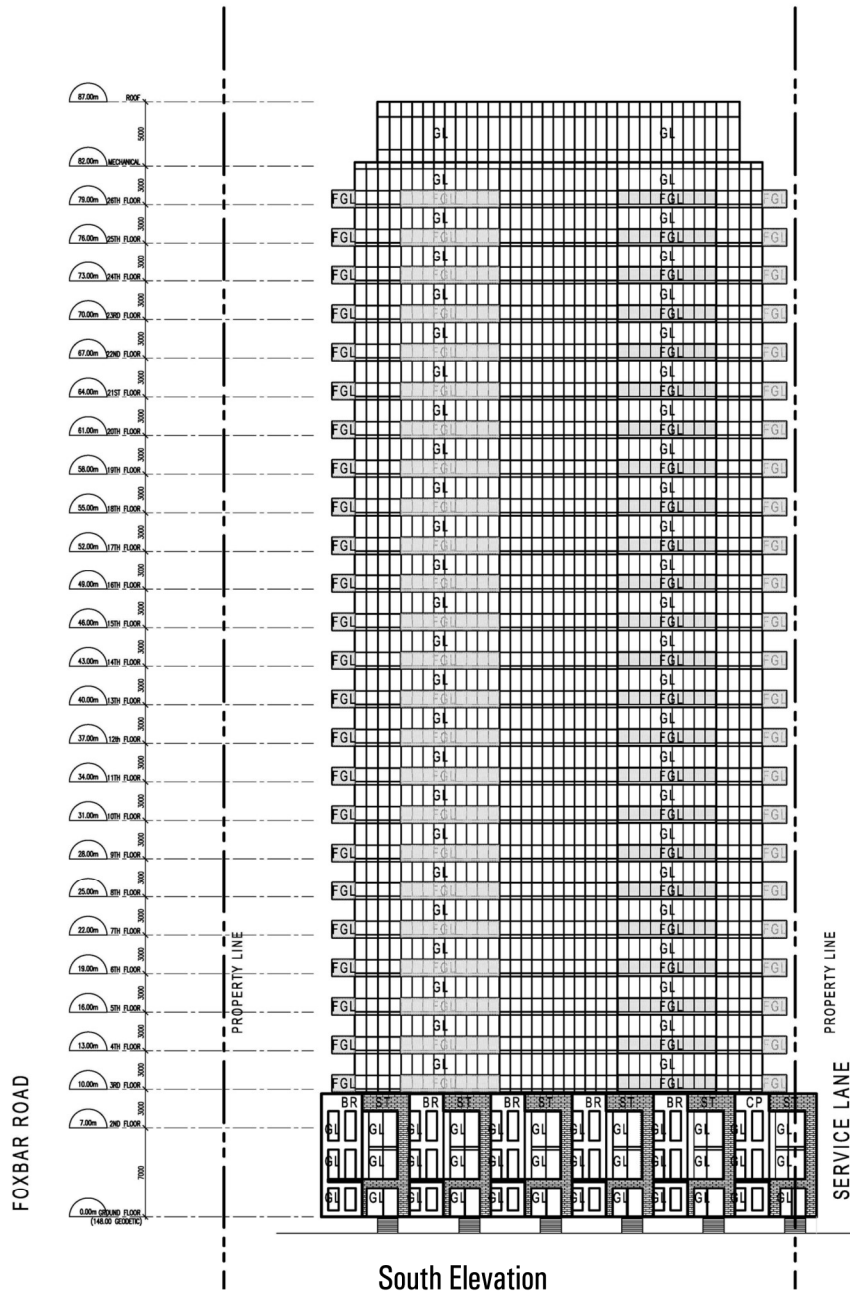
Applicant's Submitted Drawing

Not to Scale  
01/25/2012

129 St. Clair Avenue West and  
Part of 111 St. Clair Avenue West

File # 10 314966 0Z

## Attachment 6: South Elevation



### Elevations

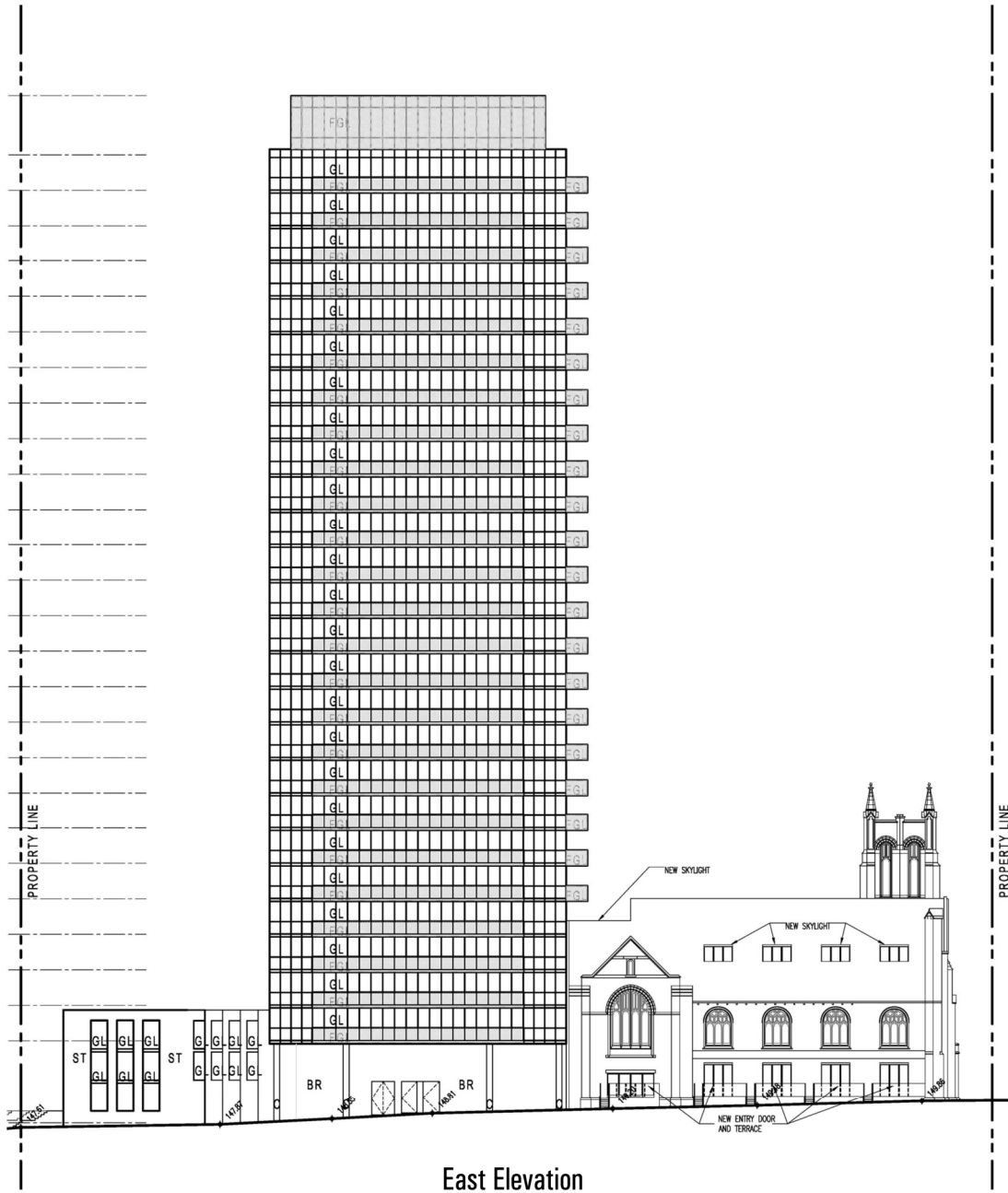
Applicant's Submitted Drawing

Not to Scale  
01/25/2012

### 129 St. Clair Avenue West and Part of 111 St. Clair Avenue West

File # 10 314966 0Z

**Attachment 7: East Elevation**



**East Elevation**

**Elevations**

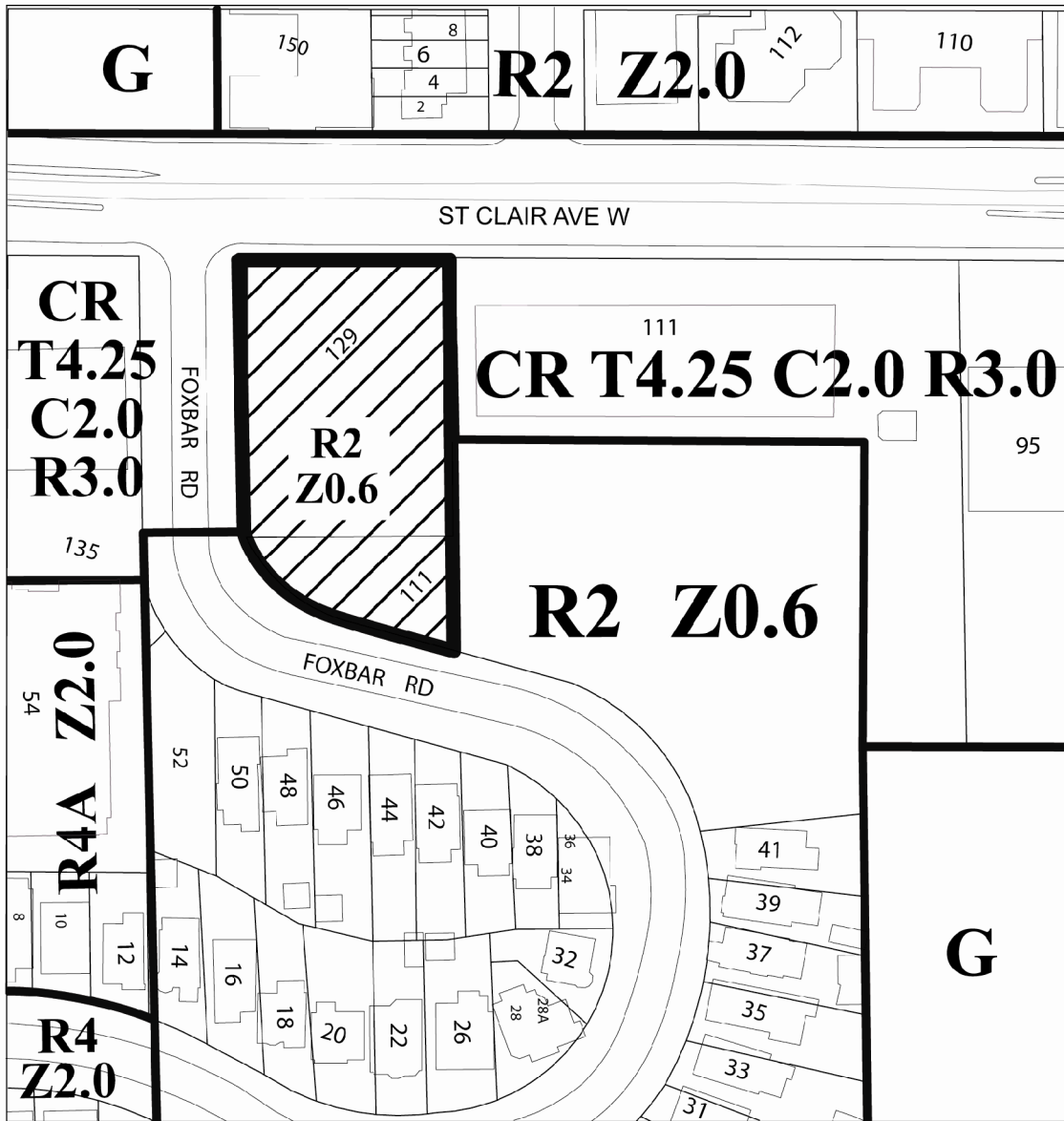
Applicant's Submitted Drawing

Not to Scale  
01/25/2012

**129 St. Clair Avenue West and  
Part of 111 St. Clair Avenue West**

File # 10 314966 02


Attachment 8: Zoning By-law 438-86




**TORONTO** City Planning  
Zoning

129 St. Clair Avenue West  
(Partial 111 St. Clair Avenue West)

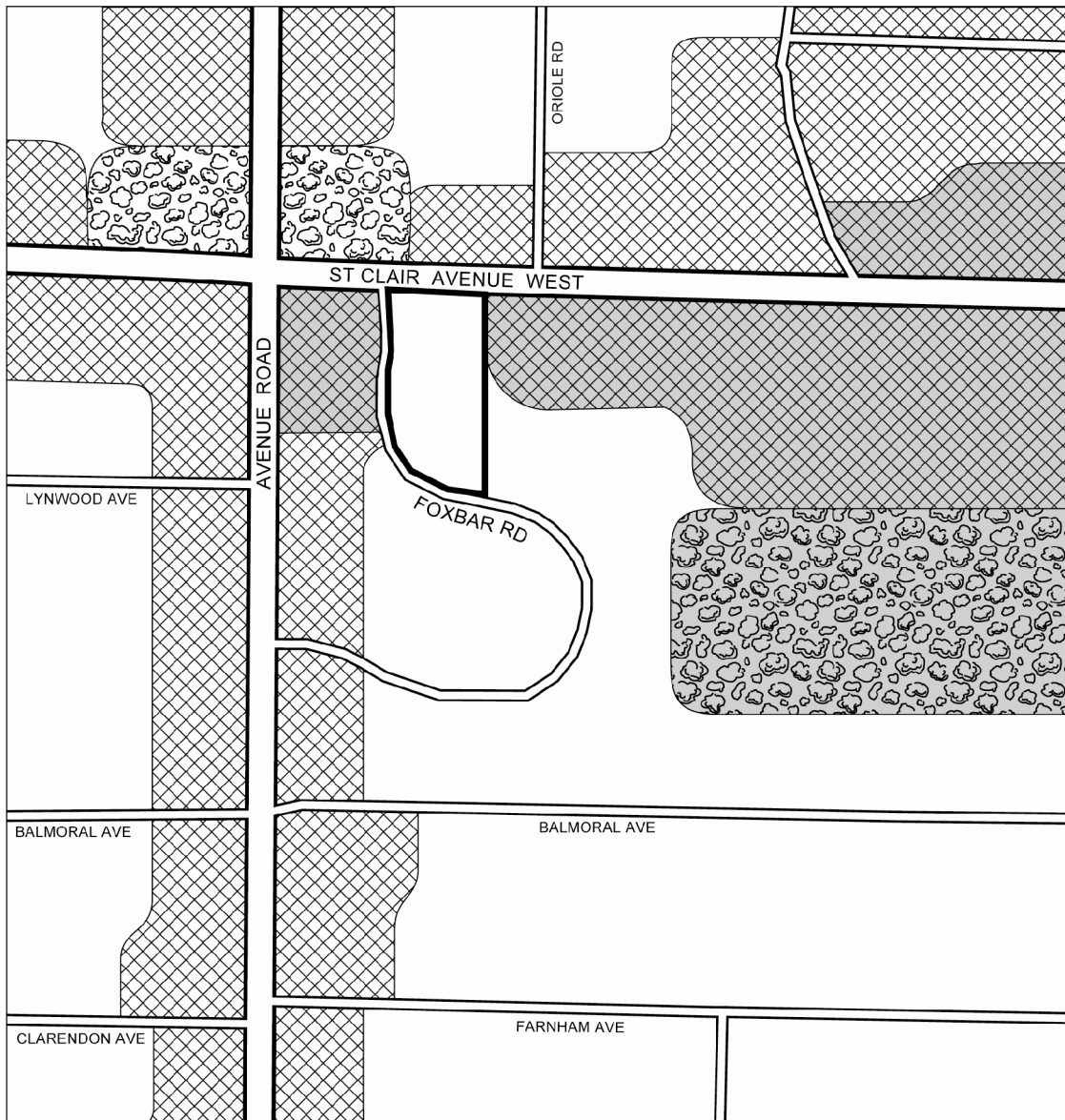
File # 10\_314966 02

	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



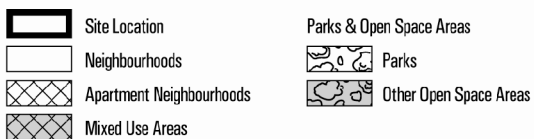
# Attachment 9: Official Plan Map



**Toronto** City Planning  
**Official Plan**

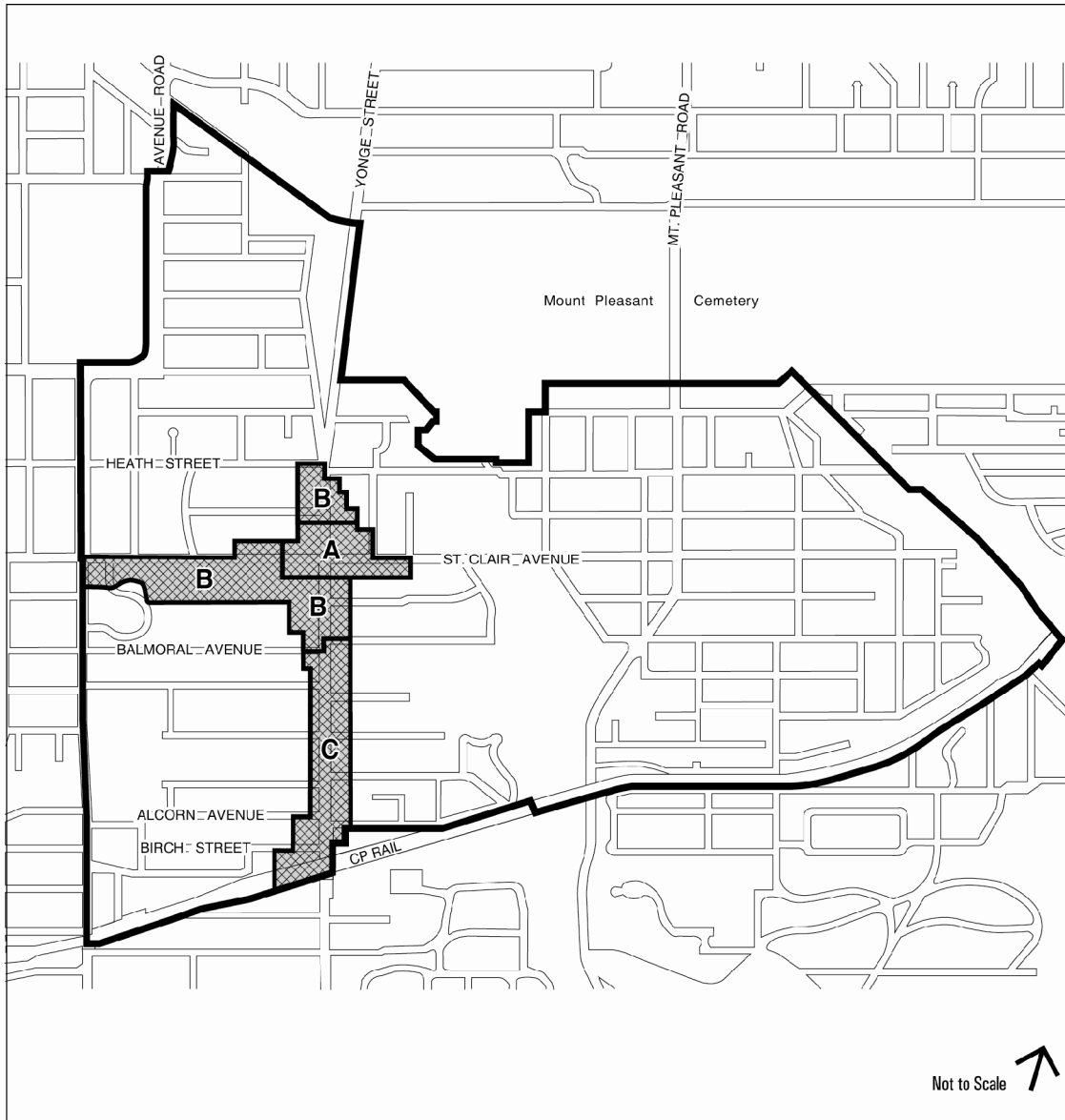
**129 St. Clair Avenue West  
(Partial 111 St. Clair Avenue West)**

File # 11\_123806\_OZ





  
Not to Scale  
02/15/2011

# Attachment 10: Yonge-St. Clair Secondary Plan



**Toronto** City Planning  
**Official Plan**

**Yonge-St. Clair Secondary Plan**  
**MAP 6-3 Mixed Use Areas**  
 File # 11\_123806\_OZ

-  Secondary Plan Boundary
-  Mixed Use Areas

June 2006

**Attachment 11: 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  
129 St Clair Ave W and part of 111 St. Clair Ave 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.177 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)

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**AMENDMENT NO. 176 TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2011 AS**  
**111ST CLAIR AVENUE WEST**

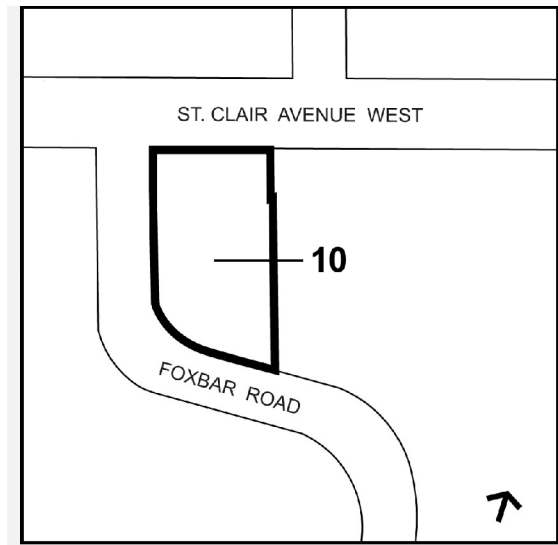
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The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 177 for lands known municipally in 2011 as 129 St. Clair Avenue West and part of 111 St. Clair Avenue West as follows:

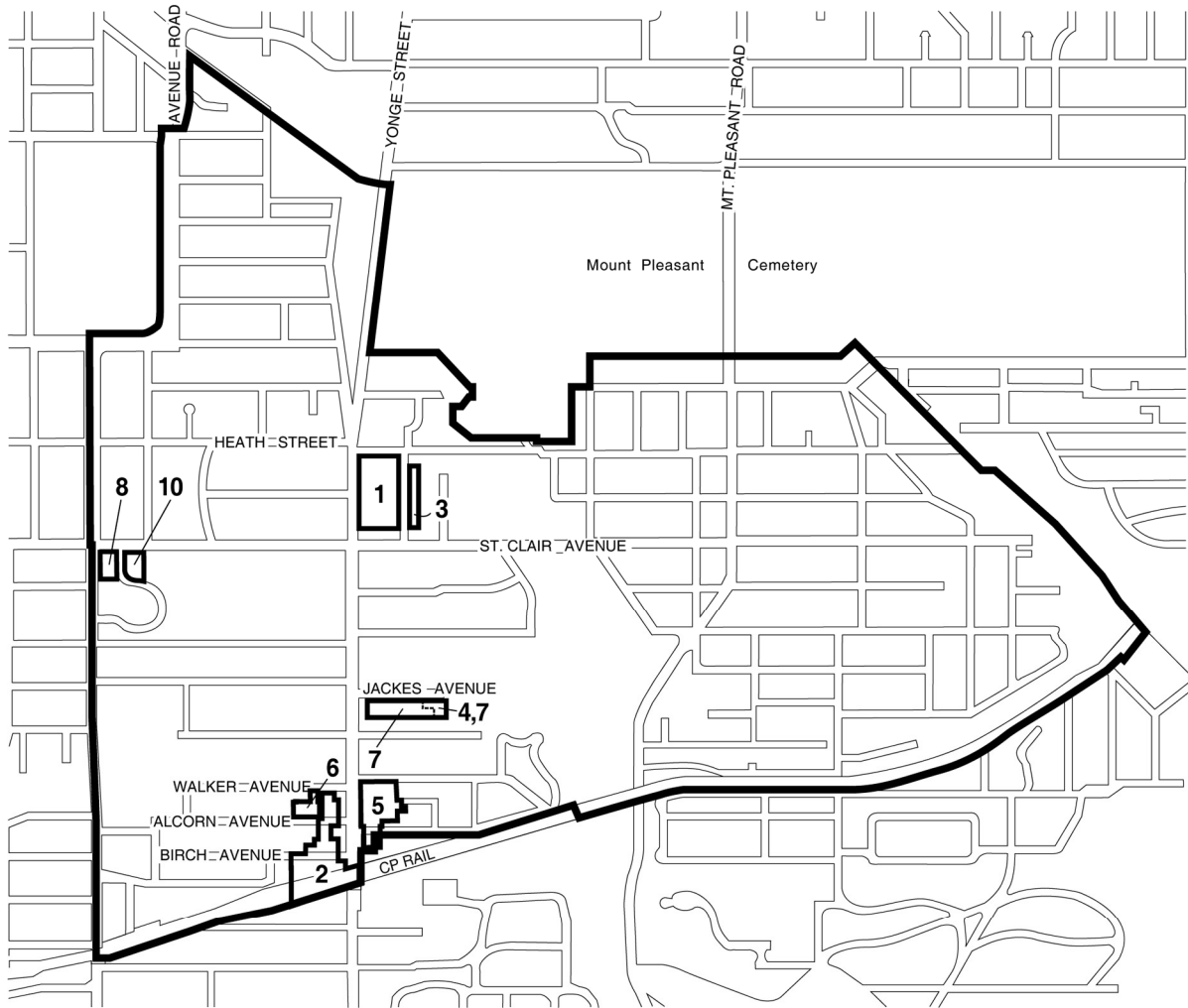
**10. 129 St. Clair Avenue West and part of 111 St. Clair Avenue West**

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 129 St. Clair Avenue West and part of 111 St. Clair Avenue 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 12: 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 General Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally in the year 2011 as 129 St Clair Avenue West and Part of 111 St Clair Avenue West**

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 129 St. Clair Ave. West and part of 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 Sections 2 with respect to *lot*, *grade*, *height*, and *bicycle parking space - visitor* and Sections 4(2)(a), 4(4)(b), 4(6), 4(11), 4(13)d, 6(1)(f)(b), 6(3)PART I 1, 6(3)PART II, 6(3)PART III, 12(2)262(g), 12(2)263(i), and 12(2)263(v) of By-law 438-86 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”, as amended, shall apply to prevent the erection or use of buildings containing residential and non-residential uses and uses *accessory* thereto, provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) no portion of the building or structure erected or used on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
    - (i) cornices, awnings, lighting fixtures, ornamental elements, finials, trellises, eaves, parapets, window sills, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, terrace guards and dividers, platforms, canopies, wheelchair ramps, vents, stacks, underground ramps, fences, retaining walls, screens, planters, window washing equipment, architectural features, landscape and public art features may extend beyond the heavy lines shown on Map 2;
    - (ii) Balconies are permitted to project a maximum of 2.0 metres beyond the heavy lines of *Building A*, with the exception that no balconies attached to the south wall of *Building A* shall project beyond the heavy lines shown on Map 2;
    - (iii) A rooftop outdoor *residential amenity space* is permitted project from the north wall of *Building A* in the location shown as H=16m on Map 2;
    - (iv) Notwithstanding Section 7(b)(i) of this By-law, permitted projections from the *Heritage Building* are limited to the following:

1. canopies, cornices, lighting fixtures, ornamental elements, finials, trellises, eaves, window sills, railings, stairs, stair landings, wheelchair ramps, planters, terrace guards and dividers, and privacy screens may extend beyond the heaving lines of the *Heritage Building* shown on Map 2; and
  2. terraces may extend beyond the heavy lines of the *Heritage Building* in the locations shown on Map 2;
- (v) Notwithstanding Section 7(b)(i) of this By-law, permitted projections from *Building B* are limited to the following:
1. cornices, awnings, lighting fixtures, ornamental elements, finials, trellises, eaves, parapets, window sills, railings, stairs, stair enclosures, stair landings, terrace guards, platforms, canopies, wheelchair ramps, fences, retaining walls, screens, planters, architectural features, landscape and public art features may extend beyond the heavy lines shown on Map 2; and
  2. terraces may extend beyond the heavy lines in the locations shown on Map 2.
- (c) the *height* of any building or structure, or portion thereof does not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, with the exception of:
- (i) the structures or elements permitted in Section 1(b) of this By-law herein, provided that:
    1. parapets, terrace guards and dividers, finials, screens and architectural features shall not exceed 1.2 metres above the *height* shown on Map 2; and
    2. stacks and vents shall not exceed 1.5 metres above the *height* shown on Map 2.
- (d) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 23,275 square metres, excluding the area occupied by storage lockers and *accessory* uses in the *Heritage Building* provided that:
- (vi) the *residential gross floor area* on the *lot* does not exceed 23,050 square metres, of which;
    1. the *residential gross floor area* in *Building A* does not exceed 750 square metres per storey at and above the 4<sup>th</sup> storey;

2. the *residential gross floor area* in the *Existing Heritage Building* is limited to a maximum of 2,550 square metres;
- (vii) the *non-residential gross floor area* on the *lot* does not exceed 225 square metres, subject to the following;
1. the *non-residential gross floor area* may be located only within the *Heritage Building*; and
  2. the non-residential uses permitted herein do not include an *adult entertainment parlour*, an *entertainment facility* and those provided in Section 9(1)(f)(b)(ix), (x), and (xiii) of By-law No. 438-86.
- (e) the maximum number of *dwelling units* on the *lot* shall be 241, subject to the following:
- (i) the maximum number of dwelling units in *Building B* shall be 6 *dwelling units*.
- (f) a minimum of 30% of the area of the *lot* shall be maintained as *landscaped open space*;
- (g) a minimum of 1 *loading space – type G* shall be provided on the *lot* which may be accessed by way of a shared or exclusive use driveway located on the lands municipally known as 111 St Clair Avenue West in the year 2011.
- (h) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (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;
- (i) a minimum of 0.6 *bicycle parking spaces – occupant* for each *dwelling unit* and 0.15 *bicycle parking space – visitor* for each *dwelling unit* shall be provided and maintained on the *lot*, of which a minimum of 18 *bicycle*

*parking spaces – visitors* shall be provided and maintained at finished ground level on the *lot*.

8. None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of the passing of this By-law.
9. 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.
10. Definitions:

For the purpose of this By-law, all italicized words and expressions shall have the same meaning as defined in By-law 438-86, as amended, with the exception of the following terms:

The following definitions shall apply:

*“bicycle parking space – visitor”* means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles which may be located outdoors or indoors, including within a secured room or enclosure, and

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.

*“Building A”* means the areas identified as A on Map 2 and includes the areas subject to height limits of 82 and 87 metres;

*“Building B”* means the area identified as B on Map 2 and includes the areas subject to a height limit of 10 metres;

*“Heritage Building”* means the areas identified as Heritage Building on Map 2 and includes those areas subject to height limits of 6 metres, 16 metres, 19 metres and 29 metres;

*“grade”* means the Canadian Geodetic elevation of 148.00 metres;

*“height”* means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law; and

*“temporary sales office”* means an office or showroom located in a building existing on the *lot* at the date of enactment of this By-law or in a temporary building, structure or facility, used exclusively for the sale of *dwelling units* to be erected on the *lot*.

## 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 129 St. Clair Ave. West and part of 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 \$1,225,000 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.
  - d. The owner shall enter into a Heritage Easement Agreement (HEA) for 129 St. Clair Avenue West to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor. The HEA will include an appendix of approved alterations to the property, including the Heritage Impact Assessment prepared by E.R.A. Architects Inc., dated December 13, 2010, architectural drawings submitted by Diamond and Schmitt Architects dated July, 2010 and re-issued November 16, 2011, as well as a detailed description of how the retained portion of the designated property will be shored, stabilized, kept in-situ and protected during construction of this project.
  - e. Prior to final site plan approval, the owner shall provide to the satisfaction of the Manager, Heritage Preservation Services:

- i. an as-found record of the existing building including photographs keyed to plans and elevations of all the visible exteriors and interiors; and
  - ii. a detailed Conservation Plan for the conservation work described in the December 13, 2010 Heritage Impact Assessment prepared by E.R.A. Architects, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, estimated costs and a schedule of short and long term maintenance requirements; and
  - iii. an Interpretation Plan; and
  - iv. a Heritage Lighting Plan; and
  - v. site plan drawings in accordance with the approved Heritage Impact Assessment and re-zoning drawings; and
  - vi. a final landscape plan that supports the heritage character of the heritage building; and
  - vii. a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration and interpretation work included in the detailed Conservation Plan.
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.



