

Toronto and East York Community Council

(Deferred by City Council from October 8, 9, 10 and 11, 2013 - 2013.TE21.14)
 (Deferred by City Council from July 16, 17, 18 and 19, 2013 - 2013.TE21.14)
 (Deferred by City Council from March 21, 2013 - 2013.TE21.14) (Deferred by City Council from February 20 and 21, 2013 - 2013.TE21.14)

TE21.14	Action			Ward:28
---------	--------	--	--	---------

Final Report - 25 Ontario Street - Zoning Amendment Application

Statutory - Planning Act, RSO 1990

Community Council Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 25 Ontario Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13 to the report (December 18, 2012) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into a Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner 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 contribution of \$400,000.00 which will be allocated towards the North St. Lawrence Market redevelopment, the implementation of the Heritage Lighting Master Plan for Old Town Toronto and the Heritage Interpretation Master Plan for Old Town Toronto, and local streetscape improvements, the design of which will be to the satisfaction of the Chief Planner and Executive Director, City

Planning Division.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. At least ten, three-bedroom dwelling units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code, shall be provided in the building.
 - ii. The Owner shall construct and maintain the development in accordance with Tier 1 - required, and Tier 2 - enhanced, performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.
 - iii. Design and construction of proposed development on the lot substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Burka Architects, dated November 30, 2012, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.
 - iv. Prior to final site plan approval the owner shall provide a noise impact study and emissions study, which shall be peer reviewed by the city at the owner's cost; the owner shall incorporate appropriate mitigation, attenuation or equivalent measures into the design of the proposed building in response to the findings of the peer reviewed studies, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - v. Prior to final site plan approval, the owner shall provide a pedestrian level wind study to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - vi. Prior to Final Site Plan approval, the owner shall:
 - a. Provide a detailed Conservation Plan for the conservation work described in the HIA, prepared by a qualified heritage consultant detailing all recommended interventions, and estimated costs for all conservation work satisfactory to the Manager, Heritage Preservation Services.
 - b. Submit final landscape plans and drawings, satisfactory to the Manager, Heritage Preservation Services.

- c. Submit an Interpretation Plan that fully interprets the heritage values of the Drug Trading Company Administrative Office to the satisfaction of the Manager, Heritage Preservation Services.
 - d. Submit a Lighting Plan that describes how the building will be sensitively illuminated at night to enhance the building's heritage character to the satisfaction of the Manager, Heritage Preservation Services.
- vii. Prior to the issuance of any heritage permit for the heritage property, 25 Ontario Street, including a permit for the demolition, excavation, and or shoring of the subject property, the applicant shall provide the following to the satisfaction of the Manager, Heritage Preservation Services; the owner shall:
 - a. Submit final building permit plans and drawings for the alterations and new construction, satisfactory to the Manager, Heritage Preservation Services.
 - b. Provide a Letter of Credit in accordance with the approved Conservation Plan in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure the approved conservation work.
 - c. Prior to the release of the Letter of Credit, the owner shall provide replacement Heritage Easement Agreement photographs and a certificate of completion prepared by a qualified heritage consultant confirming that the conservation work has been completed in accordance with the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
- viii. The Owner retain a consultant archaeologist, licensed by the Ministry of Culture and Tourism under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. (i.e., Stage 3-4).

The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture and Tourism. Should the archaeological assessment process continue beyond a Stage 2 assessment, any recommendations for Stages 3-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.

- a. The Owner shall ensure that no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation

Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

- b. Prior to final Site Plan approval, the Owner shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
 - c. Prior to final Site Plan approval the Owner shall incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
 - d. Prior to the release of any above grade permit for the subject property, the Owner shall provide a Letter of Credit in a form and amount satisfactory to the Manager, Heritage Preservation Services, to secure any on-site interpretation as may be required.
 - e. Prior to the return of the Letter of Credit, the owner shall implement site interpretation as may be required, to the satisfaction of the Manager, Heritage Preservation Services.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to submit a noise impact and emissions study to the City, which shall be peer reviewed by the City at the Owner's cost, addressing the impacts of both noise and exhaust emanating from the property at 280 King Street East onto the proposed development and the appropriate mitigation, revisions or equivalent measures required to be incorporated by the Owner into the design of the proposed development, satisfactory to the Chief Planner and Executive Director, City Planning Division.
6. City Council direct that the local capital improvement portion of the cash-in-lieu of parkland payment (i.e., 25 percent) made pursuant to Section 42 of the Planning Act with respect to the development be directed to improvements within the St. Lawrence Neighbourhood and King-Parliament areas.

Community Council Decision Advice and Other Information

The Toronto and East York Community Council held a statutory public meeting on January 22, 2013, and notice was given in accordance with the Planning Act.

Origin

(December 18, 2012) Report from the Director, Community Planning, Toronto and East York District

Summary

This application proposes the redevelopment of the property at 25 Ontario Street with a 21-storey mixed-use building, consisting of commercial uses on the ground floor and a residential condominium above. The proposal includes the retention of the north and west walls of the existing listed heritage building. A total of 219 dwelling units, including 35% at two-bedroom or larger, and 198 vehicular parking spaces in five levels of below-grade parking are proposed. The applicant is seeking to attain Tier Two of the Toronto Green Standard for the proposed development.

The proposed building, with its heritage retention and contextually sensitive massing represents the type of built form that is consistent with the planning framework and emerging built form for this area of King-Parliament.

This report reviews and recommends approval of the application to amend the Zoning By-law.

Background Information (Community Council)

(December 18, 2012) Report from the Director, Community Planning, Toronto and East York District - 25 Ontario Street - Zoning Amendment Application - Final Report
(<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-53903.pdf>)

Background Information (City Council)

Report Item TE21.14 deferred at City Council on October 8, 9, 10 and 11, 2013
(<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-67199.htm>)

Communications (Community Council)

(January 22, 2013) Letter from Neil M. Smiley, Fasken Martineau DuMoulin LLP (TE.Supp.TE21.14.1)

(December 13, 2012) Letter from E. Stuart Bowden, SAS, addressed to the City Planning Division (TE.Supp.TE21.14.2)

Speakers

Joe Berridge, Urban Strategies Inc.

Neil Smiley, Faskin Martineau DuMoulin LLP