

89-109 Niagara Street– Zoning Amendment Application – Final Report

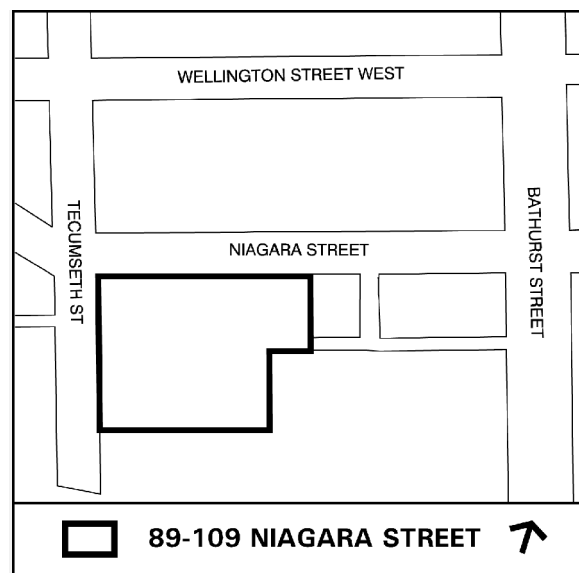
Date:	May 26, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	12 130868 STE 19 OZ

SUMMARY

This application proposes the redevelopment of the lands at 89-109 Niagara Street for a new mixed-use development which includes the retention and reuse of the existing heritage buildings facing Niagara Street, commonly referred to as the "coffin factory", and the addition of two residential towers 12 and 14 stories in height connected by a five-storey podium. The proposed uses include six ground floor commercial/office units and 367 residential dwellings, all of which permit *live-work units*.

The proposed rezoning is consistent with the current Official Plan and with the City Council-approved amendments to the Official Plan (Official Plan Amendment No. 231) currently awaiting Ministerial approval. The rezoning will provide for the rehabilitation of the existing heritage buildings through a Heritage Easement Agreement. Appropriate noise and odour mitigation measures will be secured that address land use compatibility between the proposed mixed-use development and the nearby abattoir at 2 Tecumseth Street, should the abattoir reinstate operations.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 89-109 Niagara Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report (May 26, 2014), from the Director of 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 an Agreement pursuant to Section 37 of the Planning Act to secure the following:
 - a. The provision of 21 rental housing units, including 13 *affordable* rental housing units and 8 *mid-range* rental housing units, all of which are *live-work units*, and their maintenance as rental housing for a period of at least 20 years, to the satisfaction of the Chief Planner and as provided for in Schedule "A" of the draft Zoning Bylaw Amendment .
 - b. \$150,000.00 for the purpose of capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 19.
 - c. \$100,000.00 for the purpose of improving existing parks in Ward 19.
 - d. Noise and vibration mitigation measures as identified in the Addendum to the Environmental Noise & Vibration Feasibility Study dated April 7, 2014, prepared by Gradient Microclimate Engineering Inc., and the associated peer review dated April 11, 2014, prepared by Aercoustics Engineering Limited.
 - e. Odour mitigation measures as identified in the Assessment of Potential Odour Impacts from a Nearby Abattoir dated December 2012, prepared by Zorix Environmental, and the associated peer review dated November 26, 2013, prepared by Ortech Environmental.
 - f. Warning clauses and restrictive covenants in all purchase and sale agreements regarding the potential for noise and odour impacts from the nearby abattoir and the potential for noise impacts from road and rail sources, as detailed under the heading "Section 37 of the *Planning Act*" of this report.

- g. A minimum of 30 on-street bicycle parking spaces.
 - h. *Car-share* agreement in place prior to construction, if *car-share parking spaces* replace parking spaces otherwise required for residential occupants, at a ratio of 1 *car-share parking space* to 4 residential occupant parking spaces, up to a maximum of 6 *car-share parking spaces*.
 - i. A minimum of 30% of all the *dwelling units* on the *lot* shall be 2-bedroom units.
 - j. A minimum of 10% of all the *dwelling units* on the *lot* shall be 3-bedroom units.
 - k. A Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
 - l. A Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street dated February 2012 and revised March 2014, prepared by Bernard H. Watt Architect, all to the satisfaction of the Manager, Heritage Preservation Services.
 - m. A Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, to be provided to the City prior to the issuance of any permit for the properties at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage buildings.
4. City Planning provide further information on the provision of 21 rental housing units in the proposed development and propose any needed adjustments to the draft Zoning By-law attached as Attachment No. 7 through a Supplementary Report to Toronto and East York Community Council at the meeting scheduled for either June 17, 2014, or August 12, 2014.
 5. Before introducing the necessary Bills to City Council for enactment of the proposed Zoning By-law Amendment, City Council require that the owner shall have entered into a Heritage Easement Agreement with the City for the properties at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street to the satisfaction of the Manager, Heritage Preservation Services

and the City Solicitor including registration of such agreement to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the proposed rezoning was brought forward to the Toronto and East York Community Council meeting held on May 15, 2012. The report can be found at: <http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-46664.pdf>

The Municipal Comprehensive Review that was recently completed as part of the Official Plan Review resulted in a proposed redesignation of the subject property from *Employment Area* to *Mixed Use Area* through Official Plan Amendment No. 231, which was approved by City Council on December 18, 2013 (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>), and is now subject to approval by the Ministry of Municipal Affairs and Housing. The redesignation is not considered an employment land conversion because policy 10.2 of the current Garrison Commons North Secondary Plan already permits "a mix of employment and residential uses" on the subject property.

At the Planning and Growth Management Committee meeting held on May 16, 2013, City Planning was directed to initiate a study of the area bordered by Bathurst Street, Wellington Street West, Strachan Avenue, and the Metrolinx rail corridor through Recommendation 5 from Item PG24.5. This recommendation was adopted by City Council on June 11, 12 and 13, 2013 (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG24.5>). The study commenced in October 2013 and is now referred to as the South Niagara Planning Strategy.

A previous land use and built form study was undertaken by City Planning for the area roughly bordered by Bathurst Street, King Street West, Shaw Street and the Metrolinx rail corridor (the Niagara Neighbourhood). This study was concluded in 2005 and resulted in Zoning By-law amendments in the subject area.

ISSUE BACKGROUND

Proposal

The proposed mixed-use development entails the retention and restoration of the existing heritage buildings at 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street. Two new residential towers of 12 storeys (39.3 metres) and 14 storeys (45.3 metres) are proposed south of the heritage buildings, rising from a five-storey podium containing residential units. The total site area is 6,497 square metres and the total gross floor area of the development is 30,142 square metres, providing a floor space index (density) of 4.64 times the lot area. The proposed development has a total of 367 dwelling units and 2,322 square metres of non-residential gross floor area.

The heritage buildings have six commercial units on the ground floor, three of which have a component on the basement level. The dwelling units on the upper floors of the heritage buildings and the lower three floors of the proposed 14-storey building include 97 *live-work units* that have a site-specific definition permitting the resident(s) and up to two employees, at any one given time, to work in the unit, provided the work is classified as one or more of the following: office, studio, *designer's studio*, *artist's or photographer's studio*, *custom workshop* (see definition in the draft By-law – Attachment 7), *personal grooming establishment*, *tailoring shop* (see definition in the draft By-law law – Attachment 7), and *software design and development establishment*.

The remainder of the two residential towers and the connecting five-storey podium contain 270 dwelling units that also permit *live-work units* under the standard definition and restrictions provided in Zoning Bylaw No. 438-86, which does not permit employees who are not residents of the *live-work unit*.

The proposal includes the provision of 21 *affordable* and *mid-range* rental housing units which are located on 3 different floors within the residential component of the development.

Indoor amenity space for the residential towers is primarily located on the sixth floor of both towers, with additional areas on the ground floor of both towers, for a total of 584 square metres. The existing heritage buildings will have an additional 152 square metres of indoor amenity space located on the ground floor. The indoor amenity space has a total area of 736 square metres.

Shared outdoor amenity space comprises a courtyard between the two towers with an area of 258 square metres, a playground on ground level behind the heritage buildings with an area of 138 square metres, and a deck on top of the podium on the sixth floor between the two towers with an area of 344 square metres. The outdoor amenity space has a total area of 736 square metres.

A total of 258 parking spaces are proposed, composed of 213 residential spaces throughout P1, P2, and P3, 6 *car-share parking spaces* on P1 that count as 24 residential spaces, eight commercial spaces on P1, and 37 residential visitor parking spaces at ground level and on P1, including 6 spaces that are shared with the commercial spaces.

Bicycle storage for residential occupants will be primarily located on P1, P2 and P3 in five separate bicycle storage rooms. Three more bicycle storage rooms are located on the basement level of the heritage buildings, on ground level behind the heritage buildings, and on ground level in the base of the 12-storey tower. A total of 203 indoor bicycle spaces are provided for the residential occupants. A total of 61 visitor bicycle parking spaces are provided outdoors on ground level: six for commercial visitors and 55 for residential visitors. Of those, 30 bicycle spaces are provided on Niagara Street in the public right-of-way, 18 spaces are located behind the heritage buildings, and 13 spaces are located in a small courtyard adjacent to the east side of the heritage buildings.

The entire site will have a centralized loading and garbage/recycling facility with one loading space located at the rear of the heritage building, adjacent to Tecumseth Street.

The only vehicular point of ingress will be from Tecumseth Street. Vehicles may exit the site via the same route or through a one-way breezeway through the heritage building to Niagara Street.

The proposed development is illustrated on Attachments 1 through 3. Further statistical information regarding the proposed development is provided on Attachment 6: Application Data Sheet.

Site and Surrounding Area

The site, located at the southeast corner of Niagara Street and Tecumseth Street, has an area of 6,497 square metres, with 98.5 metres of frontage on Niagara Street and 74.1 metres of frontage on Tecumseth Street. The site depth is fairly uniform, at about 74 metres, except for the most easterly portion, recognized as 89-91 Niagara Street, where the depth is only 30.6 metres. The site slopes downwards from north to south.

The existing buildings contain approximately 80 units used for a range of commercial, industrial, and other uses, including many artists' studios and workshops. The total gross floor area is 8,350 square metres. All existing buildings fronting onto Niagara Street have been listed in the City's Inventory of Heritage Properties since 2005.

The site is surrounded by a variety of uses, described as follows:

North: Facing the site on the north side of Niagara Street there are two one-storey commercial buildings, one of which, 90 Niagara Street, will be redeveloped as a five-storey residential building. Two-storey townhouses surround the two existing commercial buildings.

East: Towards Bathurst Street on the north side of Niagara Street there are two residential condominium buildings with heights of six storeys and eleven storeys and on the south side of Niagara Street there are several two-storey townhouses. Behind the townhouses there is a City-owned childcare centre and a City-owned three-storey building used for transitional housing.

South: Adjacent to the site is a vacant property, 28 Bathurst Street, owned by the City and used as a surface parking lot for the employees of the abattoir at 2 Tecumseth Street. Further south is the Metrolinx rail corridor, the Fort York National Historic Site, and the high-rise Fort York neighbourhood.

West: There is a large abattoir on the west side of Tecumseth Street, a small restaurant at the southwest corner of Tecumseth Street and Niagara Street, several 2½-storey townhouses further west on the south side of Niagara Street and a few detached houses on the north side of Niagara Street.

History

In the early 1800s the site was located on the east side of the Garrison Creek ravine, which generally ran parallel with Niagara Street and encompassed the old Garrison, otherwise known as Fort York, at the mouth of the ravine. The first building constructed on the site was the Garrison Hospital in 1835. After the construction of the railway corridor located just south of the site in 1855 the hospital was converted to industrial and commercial uses. Garrison Creek was rechanneled through a brick sewer and buried in the late 1880s.

The Garrison Hospital was demolished by the early 1880s to allow for more intensive industrial development with a private railway siding. The existing heritage buildings, ranging from three to five storeys in height, were all constructed between 1883 and 1887. The buildings were all originally designed as factories that produced a range of consumer products including felt hats, doors, window sashes and blinds, carriage parts, pianos and furniture. By 1906 the National Casket Company had replaced most of the original uses and consolidated the site. Additional one and two-storey workshops were then constructed behind the heritage buildings. Casket manufacturing was the principle use of the site until 1973, which explains the common reference to the buildings as the "coffin factory."

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. Municipalities are to ensure an appropriate range and mix of housing types, including affordable housing. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 site and adjacent lands are part of the *Employment Districts* on Map 2 – Urban Structure, which under policy 2.2.4.1 are to "be protected and promoted exclusively for economic activity in order to: (b) attract new and expand existing employment clusters that are key to Toronto's competitive advantage."

The subject site is designated *Employment Areas* on Map 18 – Land Use Plan, as illustrated on Attachment 4: Official Plan. Typically *Employment Areas* do not permit residential uses, however the subject site is within Area 2 of the Garrison Common North Secondary Plan, which states "a mix of employment and residential uses is permitted provided that employment uses are restricted to those compatible with adjacent and neighbouring residential uses in terms of emissions, odour, noise and generation of traffic." Considering the existing permission for residential uses, the proposed rezoning is not considered an employment land conversion.

Other relevant policies of the Garrison Common North Secondary Plan indicate that proposed development needs to:

- provide for "a range of housing types in terms of size, type, affordability and tenure;"
- "be sensitive to and protect industrial" uses;
- design new buildings to "easily adapt to conversion, with a particular focus on street level spaces" to "promote future flexibility in use;"
- "provide for a range of dwelling types, with an emphasis on grade related units that are suitable for households with children." and
- "be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring street and properties" by "creating appropriate transitions in scale to neighbouring existing and/or planned buildings."

Policy 4 of the Garrison Commons North Secondary Plan sets land use directions that "allow the creation, continuation and expansion of industrial uses compatible with neighbouring residential uses" to "support existing jobs and improve employment opportunities." "In assessing any applications to re-use industrial lands for non-industrial uses, uses that provide employment opportunities will be encouraged."

Section 3.2 of the Official Plan establishes the key objective of ensuring that a full range of housing, including by tenure and affordability, shall be provided throughout the City and within neighbourhoods, and new rental housing and especially affordable rental housing is to be encouraged through a range of strategies.

The Municipal Comprehensive Review of the Official Plan resulted in Official Plan Amendment (OPA) No. 231, which has been approved by City Council and is pending approval by the Ministry of Municipal Affairs and Housing. If approved, OPA No. 231 will redesignate the subject property from *Employment Areas* to *Mixed Use Areas* on Map 18 – Land Use Plan.

The proposed rezoning is consistent with the existing and planned policies and designations of the Official Plan and Garrison Commons North Secondary Plan.

Zoning

The northerly portion of the site that includes all the heritage buildings is zoned *Residential (R3 Z1.5)* under By-law 438-86, permitting a maximum floor space of 1.5 times the lot area. This zone permits a range of housing types including apartment buildings. The maximum height permitted is 12.0 metres.

The remaining southerly portion of the site that includes existing one and two-storey buildings that are not heritage buildings is zoned *Industrial (I1 D3)* under By-law 438-86, permitting a maximum floor space of three times the lot area. This zone permits a variety of workshops and studios, service shops and wholesaling establishments but not retail stores, restaurants, or residential uses. The maximum height permitted is 18.0 metres.

The current zoning is illustrated on Attachment 5: Zoning.

The new city-wide Zoning By-law 569-2013 does not yet apply to the site.

South Niagara Planning Strategy

City Planning initiated the South Niagara Planning Strategy in October 2013 for the lands bordered by Bathurst Street, Strachan Avenue, Wellington Street West, and the Metrolinx rail corridor. This area is in a state of transition from predominantly industrial to a growing number of residential and employment uses. The Strategy will ensure that these lands redevelop in a manner that balances city-wide policies with neighbourhood interests.

The study has engaged area stakeholders, including landowners, residents and business owners, in a number of formats over four community consultation events.

The Strategy envisions the South Niagara Area as a mixed-use community providing a range of housing opportunities, new residentially compatible employment uses, protecting city works services, expanding existing park spaces, achieving new pedestrian, cycling and vehicle connections, and the preservation and adaptive-reuse of the area's heritage resources, in a format which respects and provides transition to the existing neighbourhood and the adjacent Fort York National Historic Site.

The Final Report for the South Niagara Planning Strategy is anticipated to be brought forward to the Planning and Growth Management Committee meeting scheduled for August 7, 2014. This proposed rezoning is consistent with the draft strategy.

Site Plan Control

The proposed development will require an application for Site Plan Control, which has not yet been submitted.

Reasons for Application

The rezoning application is necessary to allow residential uses on the southern portion of the site, as well as to allow the proposed increase in density and height. The proposed rezoning will permit a total density of 4.64 times the lot area, a maximum height of 20 metres for the heritage building, and a maximum height of 46 metres and 40 metres for the two proposed residential towers, not including mechanical penthouses.

Community Consultation

Community consultation involved two community consultation meetings, conversations with existing tenants and local residents, written comments submitted via letters and e-mails from local residents and stakeholders, several telephone discussions with local residents, and discussions and correspondence with the Fort York Precinct Advisory Committee.

The first meeting was held on June 14, 2012, at Niagara Street Junior Public School, attended by approximately 60 people. At that time the proposed development showed two towers with heights of 15 and 19 storeys. The community raised several concerns, summarized as follows:

- **Height and Density:** The proposed development is too tall and too dense, will disrupt the existing community. The towers will block views and sunlight on the streets.
- **Traffic Congestion and Delays:** Niagara Street and Tecumseth Street are already severely congested. There are lengthy delays turning onto Bathurst Street from Niagara Street. There is a lot of truck traffic to/from Quality Meats. There should be a comprehensive review of the cumulative impact of all recent residential developments that will use Niagara Street.
- **Shadows on Neighbouring Properties:** Houses on Niagara Street will be shadowed by the proposed towers.
- **Preservation of Artists' Space:** the proposed development should provide affordable space for artists' studios and workshops.
- **Views from Historic Fort York:** How will proposed towers look from Fort York? Will they dominate the vistas?
- **Heritage of Niagara Street:** The industrial heritage and post-industrial artists' heritage of Niagara Street needs to be preserved.
- **Traffic Safety:** Niagara Street will be dangerous and difficult to cross as a pedestrian with the increased traffic that will be generated by the proposed development.

- Potential Use of Nearby Laneway – Congestion, Safety: Existing laneway provides a quiet rear yard condition for existing homes that will be disrupted if the lane provides access to the proposed development. The laneway provides safe area for children and pedestrians that will be lost if used to access the proposed development.
- Construction Management and Coordination: Construction will cause lots of noise and dust for years. Is there coordination/staggering for multiple developments in the same area?
- Site Contamination: How will the site be cleaned up? Is there contaminated soil from the old lead smelters?
- Design Principles: Preserve the eclectic culture and character of the community. Provide an active frontage on Niagara Street. Public space and pedestrian connectivity should drive design

The following points summarize additional issues raised through written comments provided at the community consultation meeting and through subsequent correspondence:

- Traffic conflicts with Quality Meats operations .
- Monstrous design; traffic congestion; obstructed views from existing residential buildings.
- Questionable community services in the area; too much intensification.
- Redevelopment needed to save historic buildings.

The second community consultation meeting was held on March 6, 2014, also at Niagara Street Junior Public School, and was attended by approximately 45 people. The purpose of this meeting was to advise the community on revisions to the proposed development and obtain additional feedback. The proposed development was revised by reducing the tower heights from 15 and 19 storeys to 12 and 14 storeys to address comments from staff and the community. The community raised the following comments and concerns:

- Mid-rise building height preferred.
- How are residential units in the existing buildings at 89-109 Niagara Street identified?
- Limit retail uses – no big chain stores.
- No more curb cuts or entrances onto Niagara Street.

- Construction Management Plan needs to be coordinated with other construction projects and involve more public input.
- Use 28 Bathurst Street for construction access.
- Using Section 37 of the *Planning Act* to secure rental units is a good alternative to a cash contribution.

The Fort York Precinct Advisory Committee submitted written comments in March 2014, summarized as follows:

- The proposed retention and conversion of the heritage buildings is applauded, although the proposed level of intervention to the existing structures may undermine the historic integrity of the buildings.
- A new public street should be introduced, connecting Bathurst Street to Tecumseth Street on the south side of the property, allowing the new buildings to have multiple street entrances, possibly in the form of town-houses.
- The proposed towers are too tall and not compatible with a height transition into the low-rise neighbourhood nor appropriate on a local neighbourhood street. A mid-rise built-form is appropriate for the site and taller buildings should be limited to sites on the Bathurst Street frontage.
- The proposed height is not justified by the high cost of retrofitting the heritage buildings since there are no guarantees the entire development proposal will proceed as a single project. Towers in this location will establish a precedent for tall buildings within the neighbourhood.
- There is the need for a clearly articulated built-form and public realm planning context to assess any single proposal. The South Niagara Planning Strategy should be completed to inform the proposed rezoning before any decision is made on the rezoning.

The aforementioned issues and comments from the community are addressed in the Comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS AND PLANNING RATIONALE

This section provides planning rationale used in the evaluation of the proposed rezoning. The rationale draws on input from City and agency staff, the community and local stakeholders, technical studies, a review of applicable planning policies, and an analysis of the proposed development, surrounding context, and historical context.

Provincial Policy Statement and Provincial Plans

The Planning Act and the associated Provincial Policy Statement state provincial interests regarding heritage resources. Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context. In the PPS 2014, "conserved" is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act." The proposed rezoning is consistent with PPS 2014 as it includes the retention and rehabilitation of several heritage properties that will be protected in perpetuity by a heritage easement agreement.

The Provincial Policy Statement (PPS) 2014 includes policies regarding the protection of employment uses, which is particularly relevant for the subject site considering it is currently designated *Employment Areas* in the Official Plan and is adjacent to an existing abattoir in an *Employment Area*. Policy 1.3.1(c) requires planning authorities to promote economic development and competitiveness by "encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities." The proposed rezoning allows this type of development. Policy 1.3.2.1 requires the protection and preservation of *Employment Areas* for current and future uses such as the nearby abattoir at 2 Tecumseth Street. The noise, vibration and odour studies prepared for the proposed rezoning and the associated peer reviews coordinated by City Planning have identified appropriate noise and odour mitigation measures that will protect the adjacent *Employment Areas*. The proposed rezoning is consistent with the PPS 2014.

Similar to the PPS policies described above, policy 2.2.6.2(b) in the Growth Plan for the Greater Golden Horseshoe addresses the needs of existing businesses by requiring municipalities to promote economic development and competitiveness supporting "a wide range of economic activities and ancillary uses" and taking into account "the needs of existing and future businesses." The noise and odour mitigation measures mentioned above adequately provide for the needs of abattoir operations at 2 Tecumseth Street, should the abattoir operations be reinstated. The proposed rezoning conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The subject site and surrounding area have a long history as an *Employment Area* that recently has been transitioning into a mixed-use area with greater emphasis on residential and commercial uses. The current policies of the Garrison Commons North Secondary Plan allow for a mix of employment and residential uses on the subject property despite the *Employment Area* designation on Map 18 of the Official Plan. The Municipal Comprehensive Review (Official Plan Amendment (OPA) No. 231) that has been approved by City Council and is pending approval by the Ministry of Municipal Affairs and Housing redesignates the subject property from *Employment Area* to *Mixed Use Area*. OPA 231 also redesignates the nearby abattoir property at 2 Tecumseth Street from *Employment Area* to *Regeneration Area* and provides conditions to permit residential uses on the entirety of 28 Bathurst Street, which is adjacent to the south side of the subject property. The impending redesignations and policies of OPA 231 affirm the transition of the subject site and surrounding area into a mixed-use area that includes residential uses.

Considering the impending *Mixed Use Areas* designation for the subject site through OPA 231, the most appropriate zoning category for the subject site under Zoning Bylaw No. 438-86 is a *CR* zone under Section 8 – Mixed Use Districts.

The proposed rezoning redesignates the entire site to a *CR* zone. The *CR* zone permits a wide range of residential, commercial, and light industrial uses. *Live-work units* are permitted in any *dwelling unit* in a *CR* zone, subject to qualifications that restrict non-resident employees and the types of work that can be conducted in the *dwelling unit*. The types of work permitted are office, workshop, studio, *personal grooming establishment*, and *tailoring shop*.

The proposed rezoning includes site-specific provisions that will restrict non-residential uses from being located in the new buildings on the south side of the site, except for *live-work units*. The proposed rezoning also provides a more flexible site-specific definition of a *live-work unit* that is applied to the heritage buildings on the north side of the site and to the lower three floors of the 14-storey building on the south side of the site. The site-specific definition will allow for up to two employees in addition to the resident(s) and allow for *designer's studio*, *artist's or photographer's studio*, *custom workshop* (see definition in the draft By-law), *tailoring shop* (see definition in the draft By-law), and *software design and development establishment*, in addition to the work uses already permitted in a typical *live-work unit* in a *CR* zone.

The provisions for *live-work units* in the proposed rezoning provide opportunities for artists' studios and workshops, which is a major component of the existing tenancy at 89-109 Niagara Street. Such uses contribute to the economic development of the city and were identified by the community as desirable uses that should be incorporated into the proposed development.

The proposed rezoning requires that ground floor uses facing Niagara Street be entirely non-residential to provide space for commercial and retail uses. This will provide a more active frontage on Niagara Street, show regard for the currently underlying *Employment Areas* designation in the Official Plan, and respect the non-residential heritage of the existing buildings.

The total non-residential floor space shall be at least 2,322 square metres, comprised of 1,495 square metres on the ground floor and 827 square metres in the basement. To promote a mix of non-residential uses and a fine-grained active street frontage, the ground floor area of any non-residential unit shall be limited to 350 square metres. This is consistent with the current ground floor plan that illustrates a total of six non-residential units with ground floor areas ranging from 148 square metres to 316 square metres.

Overall, the proposed land use is appropriate for the subject property and consistent with the existing and planned designations and policies of the Official Plan.

Land Use Compatibility

The proposed residential uses on the subject site raise issues of land use compatibility due to the proximity to the abattoir at 2 Tecumseth Street, the Metrolinx rail corridor to the south, and the Gardiner Expressway further south. To determine the implications of these uses on the proposed development, the applicant was required to submit an Environmental Noise & Vibration Study and an Assessment of Potential Odour Impacts. Both studies were peer reviewed by qualified consultants, which resulted in revisions and addendums to the original studies.

Noise and Vibration

The findings of the peer reviewed Environmental Noise & Vibration Feasibility Study indicated that the noise generated by the combination of road traffic, rail traffic, and the abattoir operations will cause noise levels that exceed the guidelines of the Ministry of the Environment (MOE) at points of reception on some residential and amenity space components of the proposed development. The study identified a combination of noise mitigation measures that is expected to adequately address the excessive noise levels.

The noise from the Gardiner Expressway and the Metrolinx rail corridor cause excessive noise levels on the sixth floor outdoor amenity space between the two proposed towers. The noise can be sufficiently mitigated by the use of a noise barrier with a height of 2.0 metres along the south edge of the amenity space, extending from tower to tower. The noise barrier can be fabricated of any transparent or opaque material having a surface density of at least 20 kilograms per square metres.

The provision of central air conditioning will be required throughout the proposed development to allow occupants to keep their windows closed to mitigate noise.

The combined noise from the Gardiner Expressway, Metrolinx-Kitchener rail corridor, and abattoir operations also cause excessive noise levels on the south facing residential

units in the proposed buildings. This can be mitigated by windows with a sound transmission class (STC) rating in the range 39 to 44. In addition, exterior wall components will be required to be brick or masonry cladding, or an acoustical equivalent.

The abattoir's loading dock operations on the west side of Tecumseth Street would cause noise levels that exceed the MOE guidelines on the west face of the second floor of the heritage building and the west face of the first, second and third floors of the proposed 14-storey tower. These components of the existing and proposed buildings will contain a total of 17 residential units that are impacted by the excessive noise levels. Since noise mitigation is not feasible at the source considering there is insufficient space to enclose the loading dock, noise mitigation can be applied at the points of reception by requiring windows with specified STC values, un-openable windows, and enclosed balconies with openable windows on both the interior face and exterior face. Should the abattoir permanently cease operations, the un-openable windows and enclosed balconies will not be required.

The abattoir's cooling towers will potentially cause excessive noise levels for upper floors on the south side of the heritage building and the west side of the 14-storey tower. There is opportunity to provide noise mitigation at the source by providing a noise barrier between the cooling towers and the proposed development. Further study is required to measure the actual noise generated by the cooling towers and potentially detail necessary noise mitigation measures that can be applied on the abattoir property. The Section 37 Agreement associated with the proposed rezoning will be used to secure such noise mitigation measures as a condition to obtaining an above grade building permit.

Warning clauses and restrictive covenants will be included in all residential purchase and sale agreements to advise prospective purchasers of the potential for excessive noise. A warning clause is also required because the development is within 300 metres of the rail corridor, although ground vibration due to passing rail traffic was found to be below the levels of human perception. The warning clauses and restrictive covenants will be secured through the Section 37 Agreement.

The application of all the noise mitigation measures described in this section is expected to adequately protect the proposed development from adverse noise impacts. While the provision for non-openable windows and enclosed balconies on some dwelling units is not preferable, its limited application to 17 out of 367 dwelling units is a reasonable requirement. If the abattoir at 2 Tecumseth Street permanently ceases operations, the non-openable windows and enclosed balconies may no longer be required.

Odour

The findings of the peer reviewed Assessment of Potential Odour Impacts found there is potential for offensive odours from the abattoir at 2 Tecumseth Street to occasionally adversely affect the outdoor amenity spaces and residential uses in the proposed development. However, odours are generally "expected to be slight, relatively inoffensive, and transient, and therefore fit within expectations for a mixed-use urban environment."

The study involved a review of the history of odour complaints made to the Ministry of the Environment (MOE) since 2007 regarding odours from abattoir. A total of 19 odour complaints were made since 2007 but only one complaint since 2011, showing a trend of declining complaints.

A number of mitigation measures will be required to reduce the potential for offensive odours from the abattoir at 2 Tecumseth Street, including limiting operable windows on the west face of the development and specified Heating, Ventilation and Air Conditioning (HVAC) requirements comprising an air-tight building, central air conditioning, air intake from the top of the building and activated carbon filters for odour removal. The mitigation measures are further detailed in the peer reviewed Assessment of Potential Odour Impacts

In addition to the odour mitigation measures described above, City Planning recommends that warning clauses and restrictive covenants be included in all residential purchase and sale agreements to advise prospective purchasers of the potential for occasional odour from the abattoir, should it reinstate operations.

The odour mitigation measures will not completely ensure that the outdoor amenity spaces and residential units in the proposed development will never experience offensive odours but will provide an acceptable level of odour mitigation. This conclusion is based on the trend of declining odour complaints since 2007 and the fact that there are several existing residential properties located along Niagara Street that are closer to the abattoir than the proposed development that do not have the odour mitigation measures described above and have not recently made odour complaints to the MOE.

Height

The heritage buildings will generally maintain their current height and appearance. A one-storey addition on 95 Niagara Street will increase the height to four storeys and create a more uniform roof line with the adjacent buildings. Small fifth floor additions on the heritage buildings will be setback from all sides to avoid a visual impact on the heritage buildings when viewed from Niagara Street or Tecumseth Street.

The height of the proposed towers of 12 and 14 storeys is a reduction from the original proposal for 15 and 19 storeys, a change made in response to concerns from City staff and the community regarding excessive height in an established mixed-use community largely characterized by two and three-storey houses. The location of the proposed towers behind the heritage buildings serves to minimize the towers' visual impact from Niagara Street or Tecumseth Street and protect the existing historic scale of Niagara Street.

City-Wide Tall Building Design Guidelines (Density, Massing)

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to

ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

The following is a review of the proposed rezoning in relation to key performance standards of the TBDG.

The massing provides a suitable fit and transition in scale to lower buildings on surrounding lands by providing substantial separation distances from existing buildings, particularly the houses on Niagara Street that are designated *Neighbourhoods* in the Official Plan.

The proposed development will not significantly impact the views from Historic Fort York. The height of the buildings provides a transition between taller buildings on Bathurst Street and lower buildings in the immediate vicinity. Impact on sky view is limited considering a separation of approximately 130 metres between the proposed towers and Historic Fort York. The south façade of the proposed building will be treated as another front face with appropriate articulation, multiple entrances at grade, and no visible parking or loading areas, to avoid the perception that the view from Historic Fort York is of the rear of the proposed buildings.

In accordance with Section 1.6, Heritage Properties and Heritage Conservation Districts, the proposed built form has been designed to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties. The rehabilitation of the existing heritage buildings has been designed in such a way as to conserve the integrity of their cultural heritage values, attributes, character and three-dimensional form through a full program of adaptive re-use and exterior restoration.

In accordance with Section 2.1, the proposed buildings frame the east side of Tecumseth Street and frame the south side of the property, which may eventually abut a new public east-west street between Tecumseth Street and Bathurst Street if the adjacent property, 28 Bathurst Street, is developed. Landscaping opportunities are available within the 5.5 metre setback south of the proposed buildings and within the right-of-way of Tecumseth Street and Niagara Street. The internal courtyard and outdoor amenity space on the roof of the base building between the proposed towers provides additional landscaping opportunities.

The loading area is not visible from Niagara Street or Tecumseth Street. Vehicular parking is primarily underground. A total of six parking spaces are located in the courtyard at grade, which are barely observable from Tecumseth Street.

The base building between the two towers has a height of 16.6 metres, which represents 83% of the width of Tecumseth Street. This is very close to the guideline provided in Section 3.1.1 that indicates the base building height should not exceed 80% of the adjacent right-of-way. Furthermore, the height of the base building is generally consistent with the height of the existing heritage buildings.

The proposed development will contribute to street animation by providing ground floor commercial uses along Niagara Street and by providing townhouse-style units with direct exterior access around the exterior perimeter of the proposed buildings.

The floor plate of both towers is rectangular with a north-south dimension of 32 metres and an east-west dimension of 25 metres. The shorter east-west dimension serves to reduce shadow impacts that primarily fall north of a building. The tower floor plates are each 755 square metres, which is very close to the maximum of 750 square metres indicated in Section 3.2.1.

Section 3.2.3 indicates that towers should be separated from each other by at least 25 metres. The separation distance of 23.3 metres between the two proposed towers is suitable considering the towers have a relatively low height and will provide significant light and sky views through the centre of the site.

The separation distance between the proposed easterly tower and the existing adjacent three-storey transitional housing building to the east is approximately 15 metres, which is appropriate for a relatively low tower adjacent to a three-storey building where neither property is designated *Neighbourhoods* in the Official Plan.

The proposed 5.5-metre setback between the proposed towers and the southerly property line will provide a separation distance of at least 20.5 metres from any future development on the adjacent lands at 28 Bathurst Street, provided a new public road with a right-of-way width of at least 15 metres is constructed along the north side 28 Bathurst Street. The draft South Niagara Planning Strategy identifies the need for such a road at that location and indicates that the portion of 28 Bathurst Street that is south of the subject property should not have a building height exceeding that of a mid-rise building. A 20.5-metre separation distance between a relatively low tower and a mid-rise building is sufficient.

Sun, Shadow

The height and massing of the proposed development have been positioned to minimize shadow impact on nearby residential properties and provide a minimum of five hours of sunlight on the opposite side of the adjacent streets at the equinoxes in accordance with Section 1.4 (a) of the Tall Building Design Guidelines.

Traffic Impact, Access, Parking, Loading

The proposed development is projected to generate 75 two-way trips during weekday a.m. peak hours and 80 two-way trips during the weekday p.m. peak hours. Significant congestion and traffic queuing are experienced for eastbound movement at the unsignalized intersection of Bathurst Street and Niagara Street and for westbound movement at the intersection of Bathurst Street and Wellington Street, particularly during the weekday p.m. peak period. The City is signalizing the intersection of Bathurst Street and Niagara Street, which will increase capacity for future scenarios. The proposed development will not have a significant effect on traffic conditions at intersections in the vicinity of the subject property. The access points from the subject property onto Niagara Street and Tecumseth Street will operate with a good level of service, minimal delays, and residual capacity.

The allocation of parking spaces will be provided in accordance with the parking rates provided in the city-wide Zoning By-law 568-2013, Policy Area 1. Policy Area 1 includes most of the lands within the downtown area bounded by Bathurst Street to the west. The city-wide Zoning By-law does not technically apply to the subject property since it is still covered by the underlying Zoning By-law 438-86, however the parking rates provided in the city-wide Zoning By-law, Policy Area 1, as follows, have been deemed the most appropriate rates to use for the proposed development.

One-bedroom units:	0.5 spaces per unit
Two-bedroom units:	0.8 spaces per unit
Three-bedroom units:	1.0 spaces per unit
Residential visitors:	0.1 spaces per unit
Non-residential uses:	0.35 spaces per 100 square metres

One Type 'G' loading space will be shared between the residential and commercial development, accessed from Tecumseth Street. Transportation Services has reviewed and accepted the proposed parking and loading provisions.

Servicing

The proposed site servicing, including water supply, sanitary sewers, and stormwater management, has been accepted in principle by Engineering and Construction Services. Additional fire hydrant water pressure testing is required to confirm sufficient capacity for the proposed development.

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 that are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second 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 367 residential units and 2,322 square metres of non-residential uses on a site with a net area of 6,497 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirements is 0.489 hectares or 75.3% of the site area. However, for sites that are less than one 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 610 square metres.

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

Heritage

The existing buildings fronting onto Niagara Street have been listed in the City's Inventory of Heritage Buildings since July 2005 in accordance with the recommendations of a staff report approved by City Council.

The applicant has submitted a Heritage Impact Assessment (HIA) and drawing, prepared by Bernard H. Watt Architect, that provides a detailed history of the subject site, identifies the heritage attributes of the listed heritage buildings, and details proposed alternations.. The HIA outlines the guiding principles for a heritage conservation strategy in accordance with the Ministry of Culture's Guiding Principles in the Conservation of Built Heritage Properties.

Heritage planning staff have no concerns with the proposed development and are recommending that the property be designated under Part IV of the Ontario Heritage Act and that a Heritage Easement Agreement be a rezoning condition to ensure that conservation work proceeds in accordance with the approved plans and so that 89-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street will be retained in perpetuity. The Heritage Easement Agreement will set out permitted alterations and development and secure a letter of credit for the approved Conservation Plan. This report recommends that the owner enter into a Heritage Easement Agreement with the City prior to approving the associated Bills.

Heritage Preservation Services is preparing a separate report for the Toronto Preservation Board that will designate all of the listed properties on the site under Part IV of the Ontario Heritage Act.

Tenure

The existing buildings at 89-109 Niagara Street are occupied by approximately 80 tenants who use their units for a broad range of employment and related uses, including artists' studios and workshops, offices, light industrial uses, other commercial uses, and other uses.

The existing tenants all have individual Commercial Premises Leases with the owner that state "the Leased Premises shall be used for light industrial purposes only" and "in no event shall the Leased Premises be used for residential purposes."

Rental Housing

Many of the existing tenants at 89-109 Niagara Street are artists, providing a cultural asset valued by the local community. Since the proposed development will displace the existing tenants, it was determined through the application review process that the provision of rental housing that provides new live/work space for artists and other existing tenants would be a suitable community benefit to secure through Section 37 of the *Planning Act*. The Section 37 Agreement that is described in this report and in Schedule "A" of the draft Bylaw (see Attachment 7) will secure a total of 21 live/work housing rental units that will be prioritized for existing tenants of 89-109 Niagara Street and other tenants who are artists. The rental housing will be provided for at least 20 years. The rents for the 13 *affordable* housing units and 8 *mid-range* housing units will be secured for at least 15 years, with provisions for a gradual phase-out after that period to market rents.

The Section 37 Agreement will also secure a financial contribution of \$150,000.00 for the purpose of capital improvements to existing City-owned rental housing units in Ward 19.

A Supplementary Report, is being prepared by City Planning that will further detail the provisions for the rental housing being secured through the Section 37 Agreement and the appropriate provisions for the draft zoning by-law amendment. The Supplementary Report will recommend further additions to the rental housing provisions contained in Schedule "A" of the draft Bylaw as found in Attachment 7.

Environmental Remediation

The proposed rezoning represents a change in use from an industrial use to a more sensitive (i.e. residential) land use. The change in land use triggers the need for a Record of Site Condition, meaning the property must not have any soil or groundwater contamination that exceeds acceptable levels for residential use as per Ministry of Environment regulations. If there is such contamination, it must be remediated before a Record of Site Condition is issued. A Record of Site Condition is a requirement prior to issuance of a building permit.

The applicant submitted a Phase II Environmental Site Assessment prepared by Trow Associates Inc., which is a subsurface investigation of soil and groundwater conditions. The assessment found that existing fill material and groundwater on the site currently exceed the Ministry of the Environment (MOE) standards. The removal of the fill material from the site is expected to result in remediated soil and groundwater conditions.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is

required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The proposed rezoning is consistent with Tier 1 of the TGS.

Section 37 of the *Planning Act*

The community benefits recommended to be secured in the Section 37 Agreement are as follows and further detailed in Schedule "A" of the draft Zoning Bylaw Amendment found in Attachment 7 of this report.

1. The provision of 21 rental units in the proposed development, all of which shall be *live-work units* as defined by the draft By-law. 13 of the 21 rental units will have *affordable* rents and 8 will have *mid-range* rents. The 21 rental units will be maintained as rental housing units for at least 20 years. Priority for rental of the units will be given to those who have the longest history of tenancy at 89-109 Niagara Street and artists. More detailed criteria are provided in Schedule "A" of the draft By-law found in Attachment 7 and additional provisions will be provided in a Supplementary Report to Toronto and East York Community Council.
2. A financial contribution of \$150,000.00 for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 19.
3. A financial contribution of \$100,000.00 for the purpose of improving existing parks in Ward 19.
4. Prior to issuance of the first above grade building permit, the owner is required to coordinate and implement noise mitigation measures on the existing abattoir facility at 2 Tecumseth Street in accordance with the noise mitigation recommendations of the peer reviewed Environmental Noise & Vibration Study prepared by Gradient Microclimate Engineering.
5. Prior to occupancy of Building A and Building B as delineated on Map 2 of the draft By-law and no later than condominium registration, the owner is required to implement noise mitigation measures, including non-openable windows on the west face of the second floor of Building A and on the west face of the first, second and third floors of Tower 1 of Building B, as per the peer reviewed Environmental Noise & Vibration Study prepared by Gradient Microclimate Engineering.
6. Prior to occupancy of any building on the *lot* and no later than condominium registration, the owner is required to implement odour mitigation measures in accordance with the odour mitigation recommendations included in the peer reviewed Assessment of Potential Odour Impacts from a Nearby Abattoir on Proposed Development at 89-109 Niagara Street.

7. The owner is required to include the following warning clauses and restrictive covenants in all residential purchase and sale agreements regarding the potential for adverse noise, vibration, and odour impacts.

In order to control noise from adjacent roadway, railway, and an industrial facility, dwelling units in this building have been supplied with central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Toronto's and the Ministry of the Environment's noise criteria.

Purchasers/tenants are advised that despite the inclusion of noise control features in the development, outdoor sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the City's and the Ministry of the Environment's noise criteria."

Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwelling(s). CNR or its assigns or successors in interest will not be reasonable for any complains or claims arising from use or such facilities and/or operations on, over or under the aforesaid rights-of-way.

In order to control odour from the industrial facility at 2 Tecumseth Street, dwelling units in this building have been supplied with central air conditioning which will allow windows and exterior doors to remain closed.

Purchasers/tenants are advised that despite the inclusion of odour control features in the development, offensive odour from the industrial facility at 2 Tecumseth Street may be occasionally experienced.

The Transferee covenants with the Transferor that the above clauses, verbatim, shall be included in all subsequent Agreements of Purchase and Sale and deeds conveying the lands described herein, which shall run with the said lands and is for the benefit of the subsequent owners of the said lands and the owner of the adjacent road.

8. All noise and odour mitigation requirements and warning clauses that are required to address adverse impacts from the existing abattoir at 2 Tecumseth Street shall not be required if it is confirmed to the satisfaction of the Chief Planner of City Planning that the abattoir is permanently ceasing operations and will not be replaced by another *offensive* industrial use.

9. Prior to occupancy of any building on the *lot* and no later than condominium registration, the owner is required to provide thirty (30) bicycle parking spaces on the south side of the Niagara Street right-of-way in front of the *lot*.
10. Prior to the issuance of any below-grade building permits for Building B, the owner shall enter into an agreement with a *car-share* service provider, if *car-share parking spaces* replace parking spaces otherwise required for residential occupants, up to a maximum of 6 spaces.
11. A minimum of 30% of all the *dwelling units* on the *lot* shall be *2-bedroom* units.
12. A minimum of 10% of all the *dwelling units* on the *lot* shall be *3-bedroom* units.
13. Prior to the issuance of the first building permit for the proposed development, the owner shall submit a Construction Management Plan including, but not limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
14. A Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 81-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street dated February 2012 and revised March 2014, prepared by Bernard H. Watt Architect, all to the satisfaction of the Manager, Heritage Preservation Services.
15. A Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, to be provided to the City prior to the issuance of any permit for the properties at 81-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage buildings.

Conclusion

The proposed rezoning is appropriate for this site and is consistent with the existing and planned Official Plan policies and designations. The proposed rezoning permits a built-form consistent with the draft South Niagara Planning Strategy and mostly consistent with the Tall Building Design Guidelines. The heritage buildings will be retained and

restored, providing a valuable contribution to the City's built heritage. Noise and odour impacts from the adjacent abattoir can be reasonably mitigated through a combination of mitigation measures, although such measures will not be required if the abattoir permanently ceases operations. A Section 37 Agreement under the *Planning Act* will secure community benefits including 21 rental housing units, \$150,000.00 to preserve or improve existing City-owned rental housing units, and \$100,000.00 to improve local parks. City Planning recommends approval of the proposed rezoning.

CONTACT

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Fax No. 416-392-1330
E-mail: trees2@toronto.ca

SIGNATURE

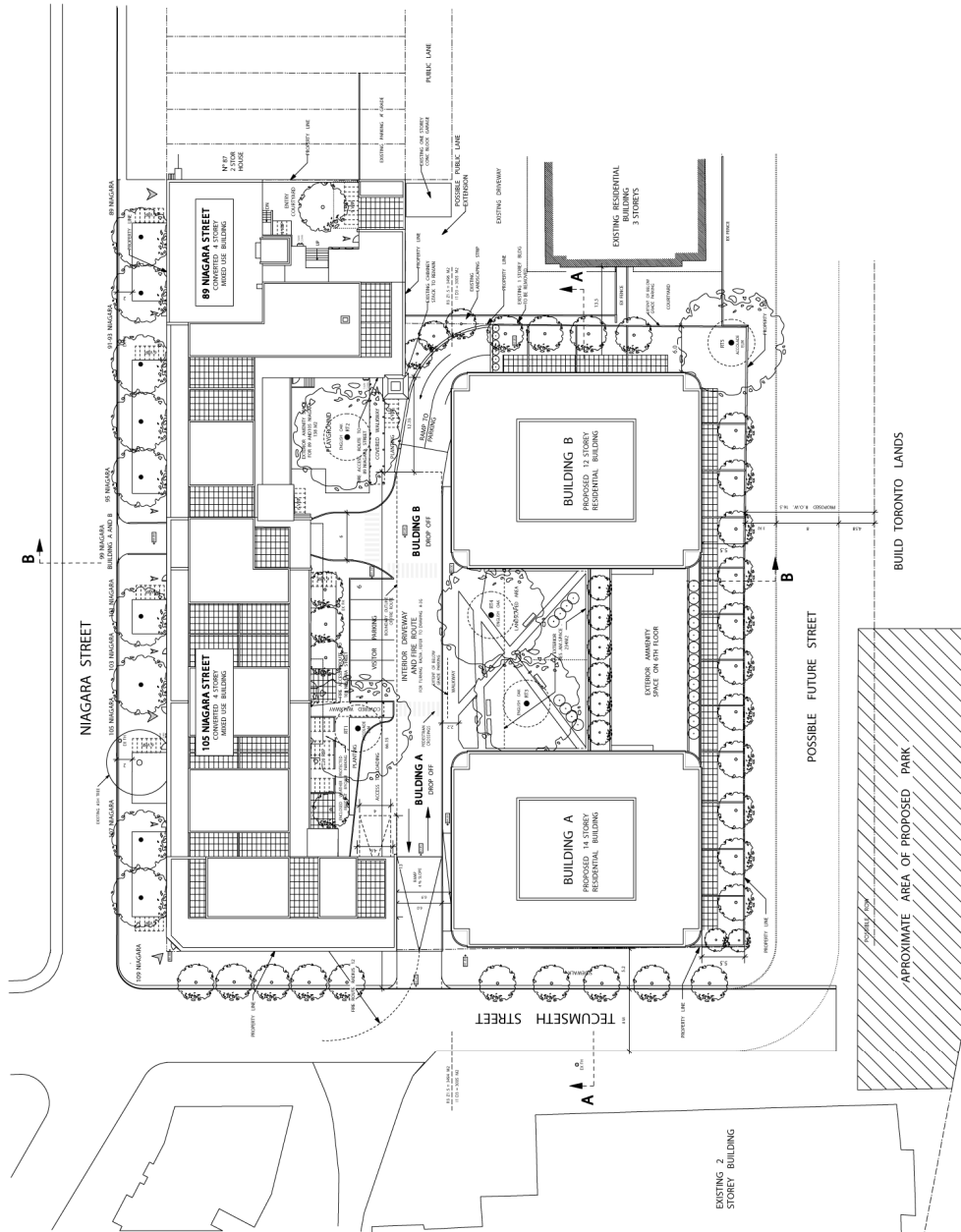
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: West and North Elevations
Attachment 2b: East and South Elevations
Attachment 2c: North and South Elevations from Courtyard
Attachment 3: 3D Renderings
Attachment 4: Official Plan
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



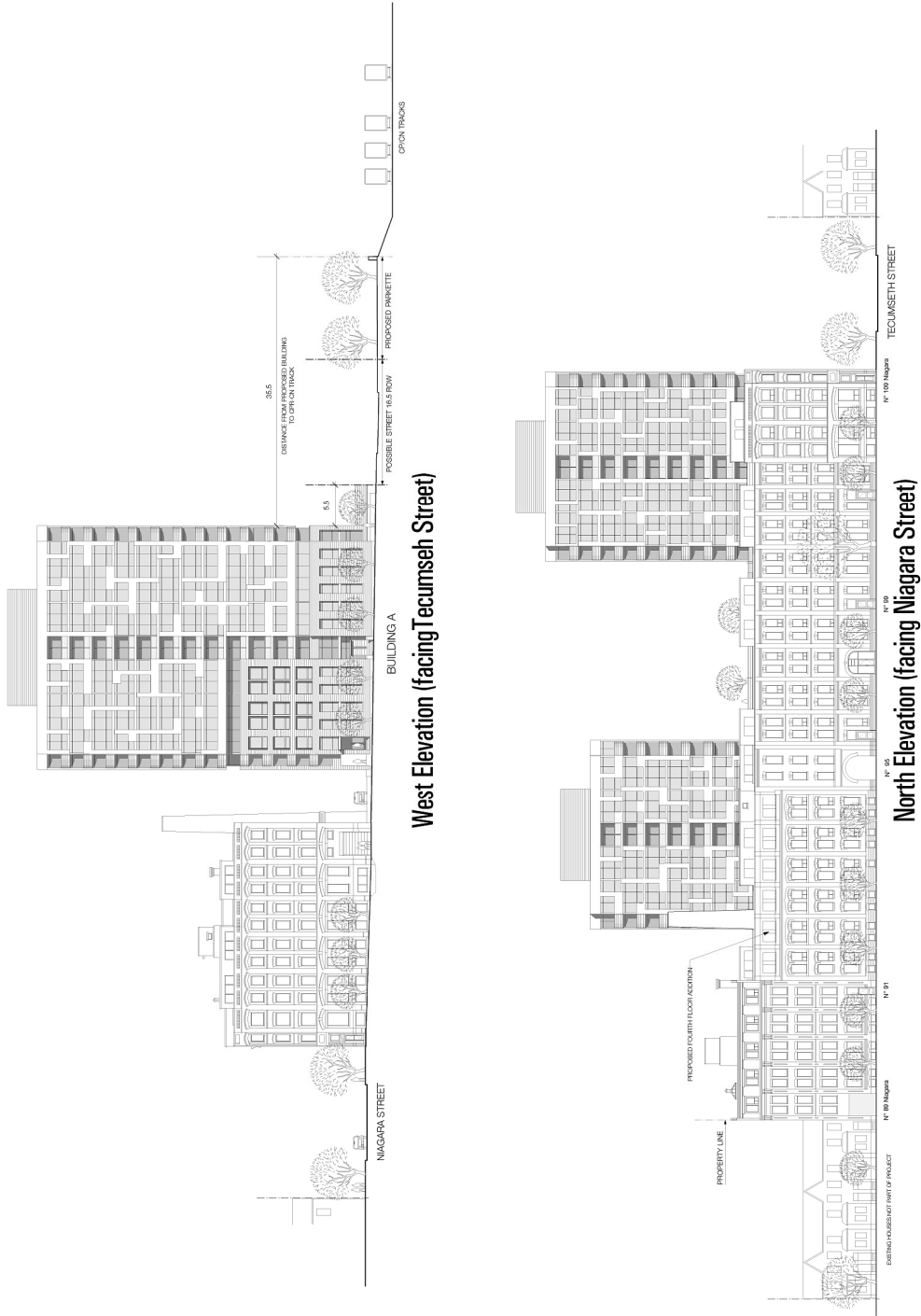
89-109 Niagara Street

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 03/11/2014

File # 12 130868 0Z

Attachment 2a: West and North Elevations



89-109 Niagara Street

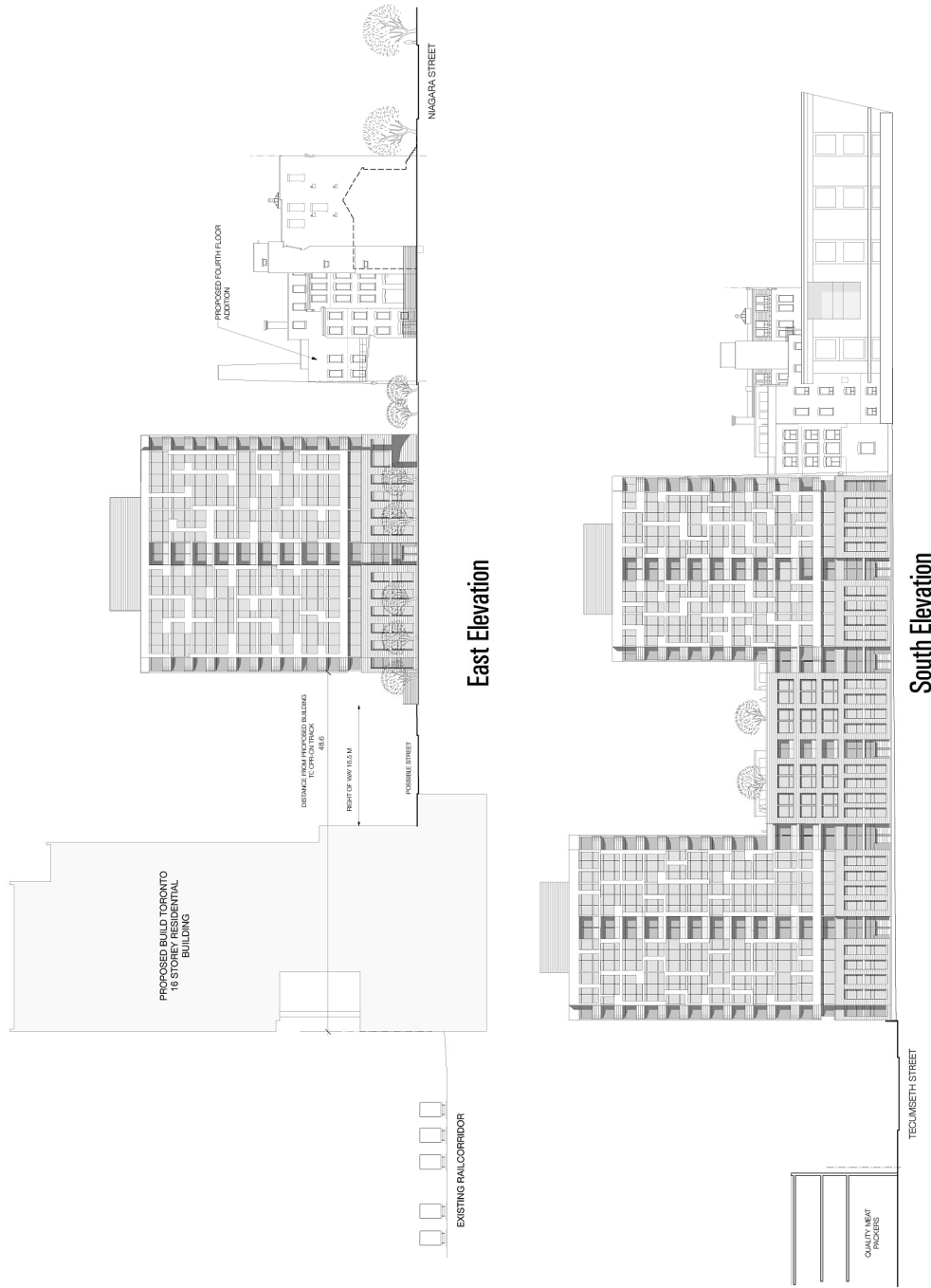
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Elevations

Applicant's Submitted Drawing

Not to Scale
11/18/2013

Attachment 2b: East and South Elevations



East Elevation

South Elevation

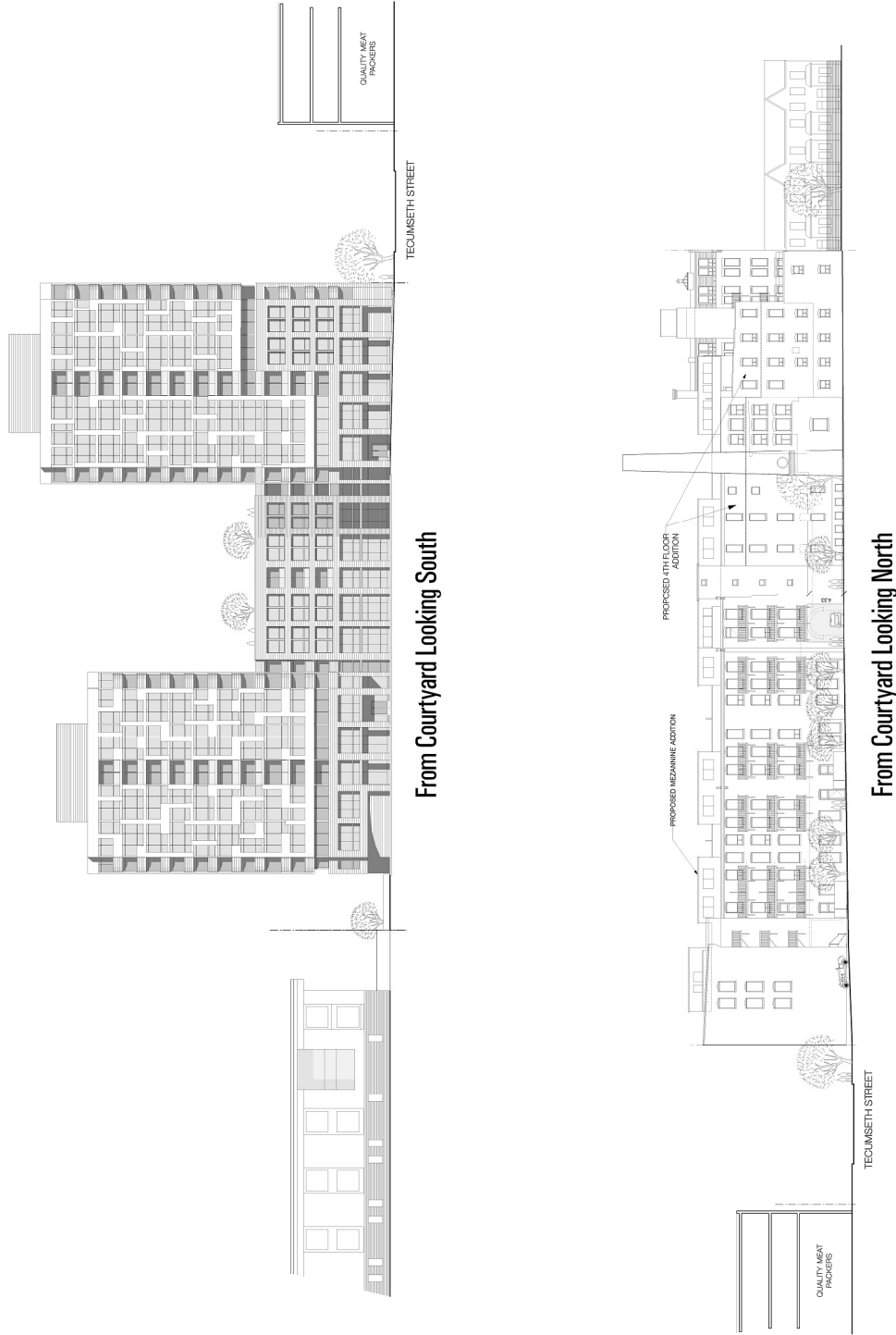
89-109 Niagara Street

Elevations
Applicant's Submitted Drawing

Not to Scale
 11/18/2013

File # 12 130868 0Z

Attachment 2c: North and South Elevations from Courtyard

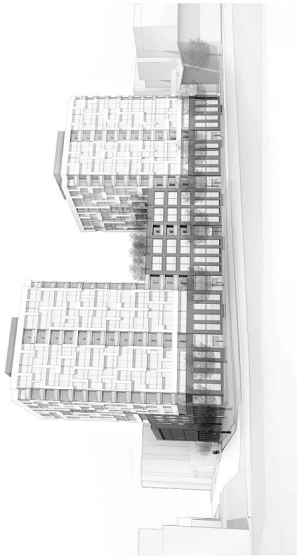


89-109 Niagara Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 11/18/2013

File # 12 130868 0Z

Attachment 3: 3D Renderings



Architect's Renderings

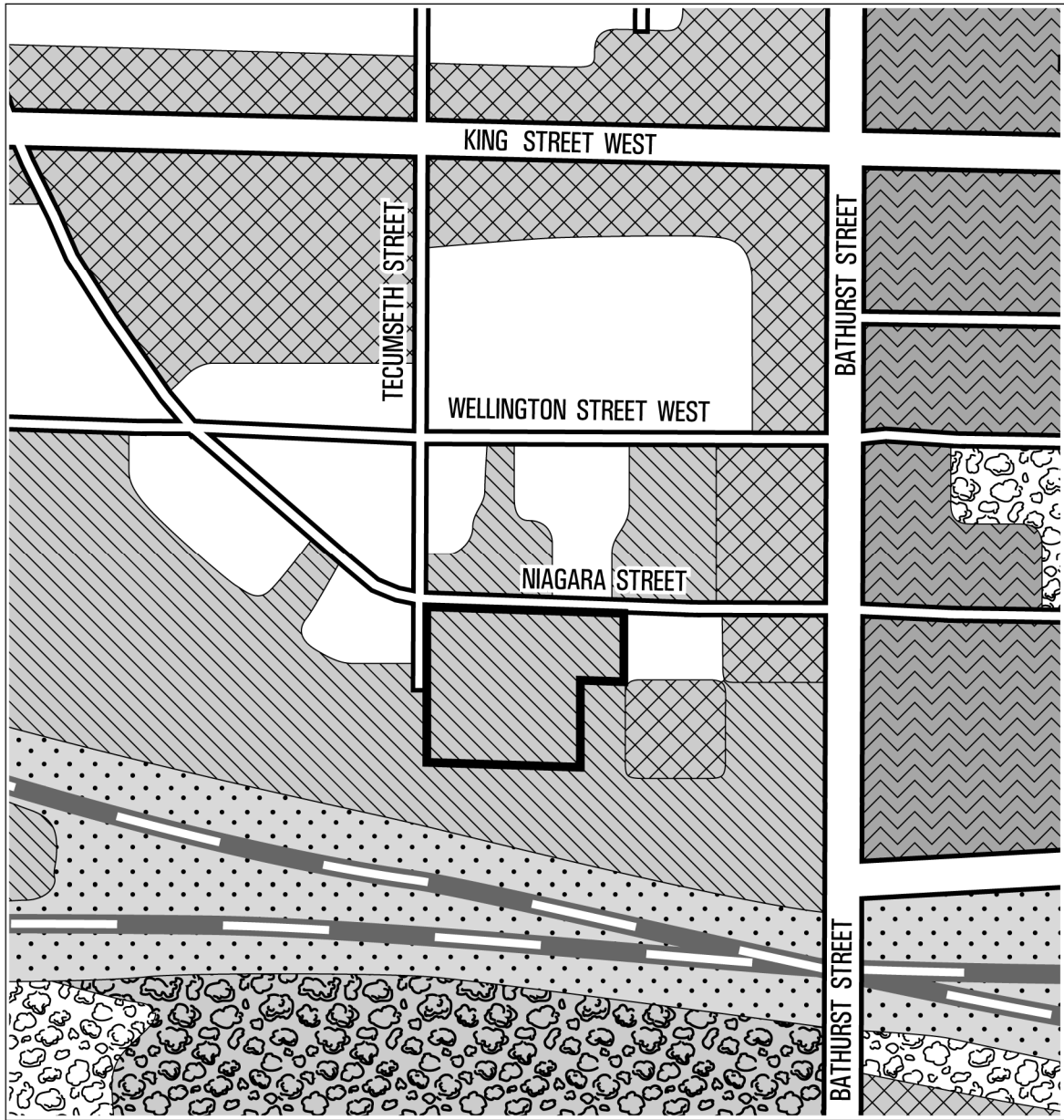
Applicant's Submitted Drawing

Not to Scale
11/18/2013

89-109 Niagara Street

File # 12 130868 0Z

Attachment 4: Official Plan



TORONTO City Planning Division
Official Plan

89 - 109 Niagara Street

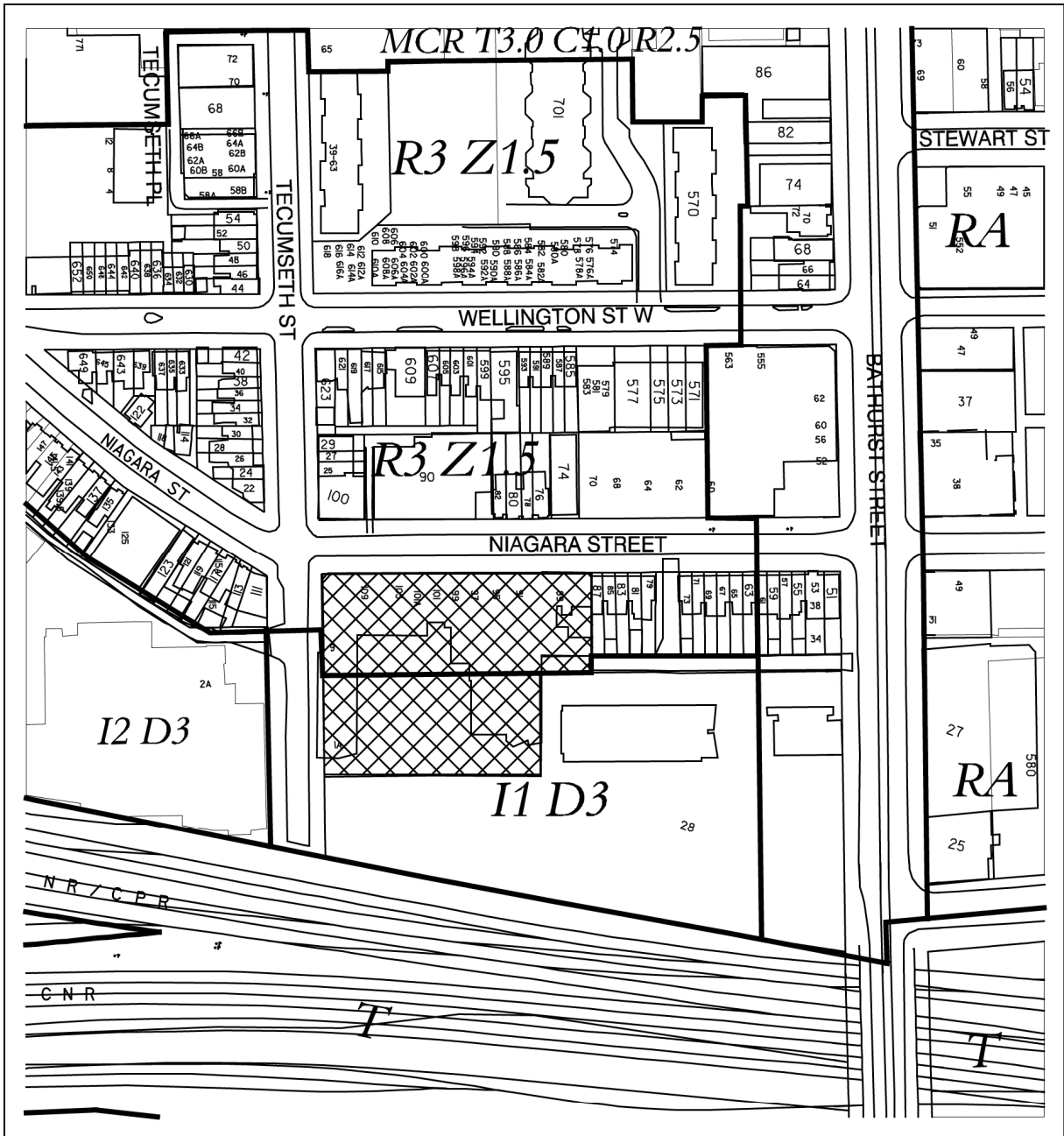
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Site Location	Parks & Open Space Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Natural Areas	Regeneration Areas	
Apartment Neighbourhoods	Parks	Employment Areas	
Mixed Use Areas	Other Open Space Areas		



Not to Scale
 04/02/2012

Attachment 5: Zoning



89 - 109 Niagara Street

File # 12_130868_0Z

R3 Residential District	I1 Industrial District
MCR Mixed-Use District	I2 Industrial District
CR Mixed-Use District	T Industrial District
RA Mixed-Use District	



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/30/2012

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	12 130868 STE 19 OZ
Details	Rezoning, Standard	Application Date:	March 2, 2012

Municipal Address: 89-109 NIAGARA STREET

Location Description: Southeast corner of Niagara Street and Tecumseth Street

Project Description: Rezoning application to permit the redevelopment of the lands for a new mixed use development which includes the retention and reuse of the existing heritage buildings on the site and the addition of two residential towers 12 and 14 stories in height. Proposal includes a total gross floor area of approximately 30142m²

Applicant:	Agent:	Architect:	Owner:
BERNARD H. WATT ARCHITECT		BERNARD H. WATT ARCHITECT	SHIMCOR INVESTMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	R3 Z1.5; I1 D3	Historical Status: Listed
Height Limit (m):	0, 0, 0	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	6497	Height:	Storeys:	14
Frontage (m):	98.9		Metres:	45.3
Depth (m):	74.1			
Total Ground Floor Area (sq. m):	3677			Total
Total Residential GFA (sq. m):	27820		Parking Spaces:	260
Total Non-Residential GFA (sq. m):	2322		Loading Docks	1
Total GFA (sq. m):	30142			
Lot Coverage Ratio (%):	56.6			
Floor Space Index:	4.64			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	202
2 Bedroom:	145
3 + Bedroom:	20
Total Units:	367

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27820	0
Retail GFA (sq. m):	2322	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Thomas Rees, Planner
TELEPHONE: 416-392-0758

Attachment 7: Draft Zoning By-law 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 amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as
89-109 Niagara Street**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of 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*;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. District Map 49G-323 contained in Appendix 'A' of By-law No. 438-86, being “a

- By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures in various areas of the City of Toronto”, as amended, is further amended by re-designating the *lot*, as delineated by heavy lines on the attached Map 1 forming part of this By-law, to CR (T4.64; C1.00; R4.28).
2. Height and Minimum Lot Frontage Map 49G-323 contained in Appendix 'B' of Bylaw No. 438-86, as amended, is further amended in accordance with Map 2 forming part of this By-Law.
 3. Notwithstanding the provisions of Section 8(1), 8(2), and Section 8(3) Part XI of By-law No. 438-86, as amended, the permitted uses in the buildings on the *lot* as delineated on Map 2 forming part of this By-law shall be limited as follows:
 - a. Building A
 - i. Building A is a mixed-use building that allows both residential and non-residential uses.
 - ii. *Dwelling units* are not permitted on the ground floor level and basement level.
 - iii. The only type of *dwelling units* permitted on the second, third, fourth and fifth floors are *live-work units*, as defined by this By-law.
 - iv. Non-residential uses shall be consistent with the provisions of Section 8(1) and 8(2) of By-law No. 438-86.
 - b. Building B
 - i. Building B is a residential building that does not permit non-residential uses.
 - ii. Building B comprises Tower 1, Tower 2, and a connecting base building as delineated on Map 2 forming part of this By-law.
 - iii. *Live-work units*, as defined by this By-law, are only permitted on the first, second, and third floors of Tower 1.
 - iv. *Live-work units* as defined in Section 2 of By-law 438-86, as amended, and qualified by Section 8(2)14 of By-law 438-86, as amended, are permitted.
 - c. In addition to the uses permitted in Section 8(1)(f)(a) and 8(1)(f)(b) of By-law 438-86, as amended, *car share* and *care share parking space* are permitted uses on the *lot*;
 4. Notwithstanding the provisions of Section 4(2), Section 8(3) Part I, Section 8(3) Part II, and Section 11(b) and (c) of By-law No. 438-86, as amended, the height, density, setback and building location requirements are as follows:
 - a. The maximum height of Building B, as delineated on Map 2 forming part of this Bylaw, shall not exceed the following:

- i. Tower 1: 14 *storeys* above *grade*
 - ii. Tower 2: 12 *storeys* above *grade*
- b. No portion of a building above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following: light fixtures, cornices, sills, eaves, mullions, canopies, awnings, parapets, trellises, ornamental and architectural elements, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, platforms, wheel chair ramps, vents, air shafts, underground garage ramps and their associated structures, privacy screens and walls, fences, bollards, retaining walls, landscape features, lightning rods, transformer vaults and elements required for the functional operation of the building, window washing equipment, balconies and public art features, and heritage features.
- c. No portion of the building or structure on the *lot* shall have a greater *height*, in metres above *grade*, than the height limit in metres above *grade* specified by the numbers following the symbol 'H' on the attached Map 2 except that:
 - i. a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilation equipment or window washing equipment on the roof of the building or a fence, wall, decorative feature or structure enclosing such elements may exceed the height limits on the attached Map 2 by no more than 5.0 metres provided that such elements or enclosures are within the mechanical area lines shown on Map 2;
 - ii. a structure on the roof of the building, used for outside or open air recreation, landscaping, architectural purposes, privacy, safety, noise mitigation or wind protection may exceed the height limits shown on the attached Map 2 by no more than 3.0 metres provided the structure is at least 3.0 metres from any property line;
 - iii. heritage features as defined in the Heritage Easement Agreement have no height limit.
- d. The minimum ground floor height of Building B, measured floor-to-floor from the ground floor to the second floor, is 4.5 metres.
- e. The amount of *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall be as follows:
 - i. the *residential gross floor area* shall not exceed 27,820 m²;
 - ii. the *non-residential gross floor area* shall be at least 2,322 m²;
 - iii. a non-residential unit or portion of a non-residential unit located above *grade* shall have a maximum *non-residential gross floor area* of 350 m².

- iv. the combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 30,142 m²; and
 - v. the combined *residential gross floor area* and *non-residential gross floor area* of Building A as defined on Map 2 forming part of this By-law shall not exceed 8,465 m².
- f. The maximum *tower floor plate* for any building on the *lot* is 755 m².
- g. Minimum building setbacks from the property line and minimum separation distances between buildings within the *lot* shall be in accordance with the dimensions shown on Map 2 forming part of this By-law.
5. Notwithstanding the provisions of Section 4(12) of By-law No. 438-86, as amended, the residential amenity space requirements for the *lot* are as follows:
- a. a minimum of 2.0 m² per dwelling unit of indoor *amenity space* shall be provided on the *lot*;
 - b. a minimum of 2.0 m² per dwelling unit of outdoor *amenity space* shall be provided on the *lot*;
 - c. an outdoor *amenity space* shall be provided in a location adjoining or directly accessible from an indoor *amenity space*;
 - d. Building A, as delineated on Map 2 forming part of this By-law, shall include a minimum of 152 m² of indoor *amenity space* on the ground floor and shall include a kitchen and washroom;
 - e. a minimum of 138 m² of outdoor *amenity space* shall be located adjacent to the indoor amenity space in Building A;
 - f. Building B, as delineated on Map 2 forming part of this By-law, shall include indoor *amenity space* on the sixth floor of both Tower 1 and Tower 2 with a combined area of 444 m². Both indoor *amenity spaces* on the sixth floor of Tower 1 and Tower 2 shall each include a kitchen and washroom;
 - g. Building B, as delineated on Map 2 forming part of this By-law, shall include outdoor *amenity space* on the sixth floor that is adjacent to, and directly accessible from, the indoor *amenity spaces* on the sixth floor of both Tower 1 and Tower 2; and
 - h. the indoor *amenity spaces* on the ground floor of Building B in both Tower 1 and Tower 2, as delineated on Map 2 forming part of this By-law, do not require a kitchen or washroom.

6. Notwithstanding the provisions of Section 4(4), 4(7), 4(9), 4(10)(d), 4(13), 4(16), 8(3) Part XI 2(i)(iii) of By-law No. 438-86, as amended, the parking, loading and bicycle parking requirements for the *lot* are as follows:

- a. Minimum parking space requirements shall also be consistent with the following ratios:
 - i. 0.5 spaces for every bachelor and one-bedroom *dwelling unit* for residential occupants;
 - ii. 0.8 spaces for every two-bedroom *dwelling unit* for residential occupants;
 - iii. 1.0 spaces for every three-bedroom *dwelling unit* for residential occupants;
 - iv. 0.1 spaces for all *dwelling units* for residential visitors, in addition to the parking requirement for residential occupants; and
 - v. 0.35 spaces per 100 m² of non-residential uses.

The minimum parking space requirements for residential visitors and non-residential uses can be shared between the two uses for up to a maximum of six spaces.

- b. 1 *car-share parking space* may replace 4 parking spaces otherwise required for residential occupants, up to a maximum of 6 *car-share parking spaces*.
- c. A motor vehicle driveway that provides direct access from the *lot* to Niagara Street shall have a minimum width of 3.84 metres, not including a sidewalk, and shall not permit motor vehicle ingress from Niagara Street to the *lot*.
- d. A minimum of one *loading space – type G* shall be provided and maintained on the *lot*.
- e. A minimum of 255 *bicycle parking spaces* shall be provided and maintained on the *lot*, of which a minimum of 224 shall be provided as *bicycle parking spaces – occupant* and a minimum of 31 shall be provided as *bicycle parking spaces – visitor*.
- f. Commercial uses located on the ground floor in Building A as delineated on Map 2 forming part of this Bylaw are exempt from the provisions of Section 8(3) Part XI 2(i) and (iii) of By-law No. 438-86, as amended.

7. Notwithstanding the definitions provided in Section 2 of By-law No. 438-86, as amended, the following definitions will apply to the *lot* unless indicated otherwise in this By-law. Where italicized terms referred to in this By-law are not defined in this By-law, the definitions provided in Section 2 of Bylaw No. 438-86, as

amended, will apply.

- a. *Affordable* means rental housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation.
- b. *Amenity space* means a common area or areas within the *lot* which are provided for recreational or social purposes, and may be shared between all uses on the lot.
- c. *Bicycle parking space – occupant* means an area that is equipped with a bicycle rack, locker or stacker for both residential and commercial occupants for the purpose of providing parking and securing of bicycles, and
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.80 metres and a vertical dimension of at least 1.2 metres;
 - ii. Where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.60 metres by 1.20 metres and a vertical dimension of at least 1.90 metres.
- d. *Bicycle parking space – visitor* means an area that is equipped with a bicycle rack, locker or stacker for both residential and commercial visitors for the purpose of providing parking and securing of bicycles, and
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.45 metres by 1.80 metres and a vertical dimension of at least 1.20 metres;
 - ii. Where the bicycles are to be parked in a vertical position, has a horizontal dimensions of at least 0.60 metres by 1.20 metres and a vertical dimension of at least 1.90 metres.
- e. *Car-share* means the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- f. *Car-share parking space* means a parking space that is reserved and actively used for *car share*.
- g. *Custom workshop* means a portion of a building where there is carried on non-offensive individual custom production of drapes and slip covers,

venetian blinds, handmade leather goods, millinery, weaving, gold and silver engraving or an upholsterer's shop and other non-*offensive* custom production of articles or things but does not include factory production or a shop or factory otherwise classified in By-law 438-86, as amended.

- h. *Grade* means the Canadian Geodetic elevation of 84.12 metres.
 - i. *Height* means the vertical distance between *grade* and the highest point of the roof except for the excluded elements prescribed in this By-law;
 - j. *Live-work unit* is defined as a *dwelling unit* that also may be used for work purposes where the resident or residents of such accommodation and up to a maximum of 2 employees, at any one given time, work in the dwelling unit, provided the work component is restricted to the following uses or classifications: office, studio, *designer's studio*, *artist's or photographer's studio*, *custom workshop* (see definition in this By-law), *personal grooming establishment*, *tailoring shop* (see definition in this By-law), and *software design and development establishment*.
 - k. *Lot* means those lands outlined in heavy lines on Map 1 that forms part of this By-law.
 - l. *Mid-range* means rental housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) exceeds *affordable* rents but fall below one and one-half times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by Canada Mortgage and Housing Corporation.
 - m. *Tailoring shop* means a portion of a building where the business of individual custom tailoring or non-*offensive* clothing manufacturing is carried on.
 - n. *Tower floor plate* means the total built area of each floor that is above the fifth floor within a building of at least 12 storeys, measured from the exterior of the main walls at each floor, but excluding balconies.
8. Except otherwise noted herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
9. None of the provisions of By-law No. 438-86 of the former City of Toronto, as amended, or of this By-law shall apply to prevent the erection or use on the lot for a temporary condominium sales showroom.
10. Notwithstanding any existing or future severances, 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.

11. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

12. SECTION 37 OF THE PLANNING ACT

- a. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the *lot*.
- b. Where Schedule "A" of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- c. The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule "A" are satisfied.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the Owner agrees as follows:

1. The Owner will provide and maintain 21 rental housing *dwelling units* on the *lot* in accordance with the following:
 - a. No above grade building permit for Building B nor any building permit for Building A, as delineated on Map 2 forming part of this By-law, shall be issued that does not provide for the construction of the rental housing units in accordance with the following provisions of this By-law and the Section 37 Agreement.
 - b. All of the rental housing units located in Building A or Building B, as delineated on Map 2 forming part of this By-law, shall be completed, and made ready and available for occupancy, no later than the date that 90% of the other residential dwelling units in the same building are ready and available for occupancy.
 - c. The 21 rental housing units will generally be provided in accordance with the rental housing floor plans dated May 15, 2014, and any changes shall be to the satisfaction of the Chief Planner of City Planning.
 - d. The Owner shall submit approved building permit drawings that provide for at least 21 rental housing *dwelling units*, all of which shall be *live-work units* as defined in this By-law, as follows:
 - i. 4 *dwelling units* will be in the form of 2-storey townhouse units at the base of Building B as delineated on Map 2 forming part of this By-law.
 - ii. There will be no more than 11 one-bedroom *dwelling units*, and there will be at least 8 two-bedroom and 2 three-bedroom *dwelling units*.
 - iii. The combined floor areas of all of the 21 rental housing units shall comprise at least 1,588 square metres and minimum floor areas for each unit shall be as provided for in the Section 37 Agreement.
 - iv. Car and bicycle parking spaces will be reserved for the rental housing units
 - v. Access to the common facilities and residential amenity spaces on the *lot* will be provided.
 - vi. At least 13 of the 21 rental housing units will have *affordable* rents, and no more than 8 will have *mid-range* rents, for a period of at least 15 years, with provisions for phase-out to market rents.
 - vii. The 21 rental housing units shall remain as rental housing for a period of at least 20 years, with no application for demolition without replacement, or for condominium registration or any

conversion to non-rental housing purposes.

2. Prior to the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a bank draft or certified cheque made payable to the Treasurer, City of Toronto, in the amount of \$150,000.00 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, for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 19.
3. Prior to the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a bank draft or certified cheque made payable to the Treasurer, City of Toronto, in the amount of \$100,000.00 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, for the purpose of improving existing parks in Ward 19.

The facilities, services and matters set out below are required to be in an agreement or agreements under Section 37(3) of the *Planning Act* as a legal convenience to support development whereby the Owner agrees as follows:

4. Prior to issuance of the first above grade building permit, the Owner is required to coordinate and implement noise mitigation measures on the existing abattoir facility at 2 Tecumseth Street in accordance with the noise mitigation recommendations of a report entitled Addendum to GME's Environmental Noise & Vibration Feasibility Study prepared by Gradient Microclimate Engineering Inc. dated April 7, 2014, and a peer review report entitled Environmental Noise and Vibration Study Peer Review prepared by Aercoustics Engineering Limited dated April 15, 2014. The required noise mitigation measures may be revised if a qualified acoustical consultant conducts further testing and analysis of noise generated by the abattoir operations at 2 Tecumseth Street and provides alternative noise mitigation recommendations that are verified through a peer review process coordinated by the City at the Owner's expense.
5. Prior to occupancy of Building A and Building B as delineated on Map 2 of this By-law and no later than condominium registration, the Owner is required to implement noise mitigation measures, including non-operable windows on the west face of the second floor of Building A and on the west face of the first, second and third floors of Tower 1 of Building B, as per the noise mitigation recommendations of a report entitled Addendum to GME's Environmental Noise & Vibration Feasibility Study prepared by Gradient Microclimate Engineering Inc. dated April 7, 2014, and a peer review report entitled Environmental Noise and Vibration Study Peer Review prepared by Aercoustics Engineering Limited dated April 15, 2014. The required noise mitigation measures may be revised if a

- qualified acoustical consultant conducts further testing and analysis of noise generated by the abattoir operations at 2 Tecumseth Street and provides alternative noise mitigation recommendations that are verified through a peer review process coordinated by the City at the Owner's expense.
6. Prior to occupancy of any building on the *lot* and no later than condominium registration, the Owner is required to implement odour mitigation measures in accordance with the odour mitigation recommendations included in the Assessment of Potential Odour Impacts from a Nearby Abattoir on Proposed Development at 89-109 Niagara Street, Toronto prepared by Zorix Environmental, dated December 2012 and in accordance with the odour mitigation recommendations included in the peer review report entitled Peer Review of Assessment of Potential Odour Impacts prepared by Ortech Environmental dated November 26, 2013.
 7. The Owner is required to include the following warning clauses and restrictive covenants in all residential purchase and sale agreements regarding the potential for adverse noise, vibration, and odour impacts.

In order to control noise from adjacent roadway, railway, and an industrial facility, dwelling units in this building have been supplied with central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Toronto's and the Ministry of the Environment's noise criteria.

Purchasers/tenants are advised that despite the inclusion of noise control features in the development, outdoor sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the City's and the Ministry of the Environment's noise criteria."

Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwelling(s). CNR or its assigns or successors in interest will not be reasonable for any complains or claims arising from use or such facilities and/or operations on, over or under the aforesaid rights-of-way.

In order to control odour from the industrial facility at 2 Tecumseth Street, dwelling units in this building have been supplied with central air conditioning which will allow windows and exterior doors to remain closed.

Purchasers/tenants are advised that despite the inclusion of odour control features in the development, offensive odour from the industrial facility at 2 Tecumseth Street may be occasionally experienced.

The Transferee covenants with the Transferor that the above clauses, verbatim, shall be included in all subsequent Agreements of Purchase and Sale and deeds conveying the lands described herein, which shall run with the said lands and is for the benefit of the subsequent owners of the said lands and the owner of the adjacent road.

8. All noise and odour mitigation requirements and warning clauses as referenced in items 4, 5, and 6 of Schedule "A" forming part of this bylaw that are required to address adverse impacts from the existing abattoir at 2 Tecumseth Street shall not be required if it is confirmed to the satisfaction of the Chief Planner of City Planning that the abattoir is permanently ceasing operations and will not be replaced by another *offensive* industrial use.
9. Prior to occupancy of any building on the *lot* and no later than condominium registration, the Owner is required to provide thirty (30) bicycle parking spaces on the south side of the Niagara Street right-of-way in front of the *lot*.
10. Prior to the issuance of the first below grade building permit for Building B, the Owner shall enter into an agreement with a *car-share* service provider, if *car-share parking spaces* replace parking spaces otherwise required for residential occupants.
11. A minimum of 30% of all the *dwelling units* on the *lot* shall be *2-bedroom units*.
12. A minimum of 10% of all the *dwelling units* on the *lot* shall be *3-bedroom units*.
13. Prior to the issuance of the first building permit for the proposed development, the owner shall submit a Construction Management Plan including, but not limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
14. A Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 81-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street dated February 2012 and revised March 2014, prepared by Bernard H. Watt Architect, all to the satisfaction of the Manager, Heritage Preservation Services.

15. A Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, to be provided to the City prior to the issuance of any permit for the properties at 81-91 Niagara Street, 93-97 Niagara Street, 100-107 Niagara Street and 109 Niagara Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage buildings.

