

**66 Isabella Street – Zoning Amendment Application –
Final Report**

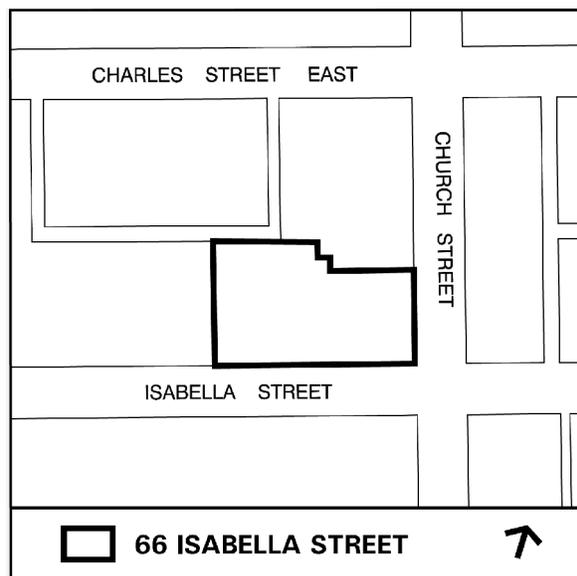
| | |
|--------------------------|--|
| Date: | December 13, 2011 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 27 – Toronto Centre-Rosedale |
| Reference Number: | 10 268121 STE 27 OZ |

SUMMARY

This application proposes a 23-storey addition to the east side of the existing 26-storey residential rental unit building at 66 Isabella Street. The addition consists of a four-storey podium and a 19-storey tower element. In total, 211 dwelling units are proposed including 199 rental units and 12 condominium units on the top two floors. The proposal also includes 458 square metres of retail space at grade fronting onto Church Street and wrapping around to Isabella Street.

The proposed zoning by-law amendment application is appropriate for the development of this site as it provides for a mixed-use development on an underutilized site and adds to the supply of purpose-built rental housing. The site is within the downtown core along Church Street and near the Yonge-University-Spadina subway line. There is already a mix of residential and commercial uses along Church Street and the proposed 23-storey addition to the east side of the existing building is an appropriate and compatible land use.

This report reviews and recommends approval of the applications 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 66 Isabella Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated December 13, 2011 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 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 of the lands at 66 Isabella Street to have approved their application requesting permission to injure or destroy any privately owned trees that are not possible to retain during construction of this development in accordance with the City of Toronto's Private Tree By-law.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 66 Isabella Street to enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a. Prior to the issuance of the first above-grade building permit for the development, pay to the City a sum of \$450,000 to be used towards local streetscape and park improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - b. Securing the rental tenure of the existing building with 200 rental dwelling units for a period of at least 20 years commencing from the date the zoning by-law comes into force and effect.
 - c. Building and site improvements to the existing building and building addition to be provided with no cost passed on to the tenants of the existing building, to include at least new indoor amenity space linked to a new laundry area at grade, provision of new storage lockers and new bicycle lockers and restoration of existing storage lockers, restoration and improvements to outdoor amenity areas and to landscaped open space and renovations to the lobby of the existing building.

- d. Access for tenants of the existing building to the new indoor and outdoor amenity areas to be provided on the site without charge and on the same basis as residents of the building addition.
- e. A Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning for the tenants occupying the 50 rental units in the existing building that require renovations in order to construct the addition, including at least the right to return to their renovated apartment at the same rent, extended notice of the date they are required to vacate for the renovations, opportunities for relocation to available units in the Existing Building or in other rental properties controlled by the owner, and financial assistance beyond that required by the Residential Tenancies Act, with extra provisions for special needs tenants.
- f. Securing the rental tenure of all the new dwelling units in the building addition with the exception of 12 proposed condominium units, for at least 20 years calculated from the date the addition is completed and occupied.
- g. At least 100 of the new rental dwelling units shall have rents that are mid-range rents during the first 5 years of occupancy, with annual rent increases not to exceed the Provincial rent guideline and permitted above guideline increases, and for tenants who remain after the fifth year, the restrictions on rent increases shall continue until the tenth anniversary of their tenancy, with provisions thereafter for a three-year phase out of the rent restrictions.

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

- h. Prior to the issuance of the first building permit, the owner shall provide a Construction Mitigation Plan and Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Original Proposal

The original application, submitted in September 2010, proposed a 32-storey addition to the east side to the existing 26-storey residential rental unit apartment building. The height of the proposed addition was 89.2 metres (95.7 metres to mechanical the penthouse).

Revised Proposal

The proposal was revised to address concerns expressed by the community as well as City Staff. Below is a table and description that outlines the revised project.

TABLE A

| Application | Height | Units | Residential GFA | Retail GFA | Total GFA | Density | Parking Spaces Required/ Provided |
|--|--------|-------|-----------------------|--------------------|-----------------------|---------|-----------------------------------|
| Original Application – October 4, 2010 | 95.7 m | 212 | 14,000 m ² | 481 m ² | 19,185 m ² | 9.8 | 132 / 72 |
| Revised Application – October 3, 2011 | 72.8 m | 211 | 15,006 m ² | 459 m ² | 16,641 m ² | 9.0 | 132 / 72 |

The applicant is proposing 23-storey addition to the east side of the existing 26-storey, 200-unit residential rental unit apartment building. The addition consists of a 4-storey podium and a 19-storey tower. The apartment units on the east side of the existing building will be altered to accommodate the addition. The units will be completely renovated and the windows and balconies will be re-oriented. The existing parking garage currently extends under the eastern portion of the property below the proposed addition and will remain. Bicycle parking and a new elevator and stair core will be added to the eastern portion of the parking garage below the addition resulting in a decrease in parking spaces from 183 to 166.

The height of the proposed building addition is 66.9 metres (72.8 metres to the mechanical penthouse). At five storeys, the roof of the podium, the building steps back 5.65 metres from the Church Street frontage and 3.99 metres from Isabella Street. The building steps back from Church Street and another 3.16 metres at 13 storeys, 3.13 metres at 20 storeys and another 1.68 metres at 23 storeys. The proposed addition is approximately 38 metres long in its east/west orientation. When combined with the existing building, the total length of the building in its east/west orientation would be approximately 69 metres at the podium levels and 59 metres at the typical floor (13th-20th floor). Including both the addition and the existing building, the typical floorplate for this building would be 1,168 square metres. The applicant proposes to mitigate the long tower dimension and floor plate larger than the staff recommended 750 square metres by highly articulating and terracing the new addition.

The addition contains 211 dwelling units including 199 rental units and 12 condominium units on the top two floors of the tower element. When combined with the existing apartment building which contains 200 rental units there will be a total of 411 residential units in the building. The most recent revisions to the proposal were submitted on

November 23, 2012 and show a unit breakdown of 179 (84.8%) one-bedroom units, 20 two bedroom units (9.5)% and 12 three bedroom units (5.7%). After these revisions were submitted to the City the applicant agreed to increase the number of three-bedroom units to 15. The corresponding decrease in the number of one and/or two-bedroom units has not yet been determined. The proposal also includes 459 square metres of at grade retail space fronting on Church Street.

There are currently 183 below grade parking spaces in two levels of underground parking. The applicant is proposing to remove 17 parking spaces to accommodate new bicycle parking and the new elevator and stair core. There are 250 bicycle parking spaces proposed (218 spaces located indoors for residents and 32 spaces located outdoors for visitors). The proposed bicycle parking spaces for residents are weather protected while the visitor bicycle parking spaces are not. There are currently seven existing bicycle parking spaces at grade which are not weather protected and eight located on the P1 level.

The proposal involves building over the 1,778 square metres of existing outdoor amenity space on the eastern portion of the site along Church Street. The applicant is proposing to replace approximately 1,059 square metres of this on the private roof of the 4-storey podium and at the rear of the building at grade level. The applicant is also proposing to add 755 square metres of indoor amenity space including 108 square metres on the ground floor in the existing building, 135 square meters of indoor amenity space in the ground floor of the proposed building and 512 square metres on the fifth floor of the proposed addition. There is currently no indoor amenity space in the existing building.

Pedestrian access to both the existing building and the addition is proposed through a new lobby situated on Isabella Street. The underground parking will continue to be accessed by the two-way driveway from Isabella Street on the western edge of the site. All loading and garbage pick-up will be from the rear lane.

Attachments 1 and 2 show the proposed site plan and building elevations. For a summary of the application details please refer to the Application Data Sheet in Attachment 4.

Site and Surrounding Area

The subject property is flat and irregularly shaped becoming wider toward at the western half of the site. It is located at the northwest corner of Church Street and Isabella Street with approximate dimensions of 36 m along Church Street and 79 metres along Isabella Street.

The western portion of the property is occupied by a 26-storey, 200-unit residential apartment building. There are five trees on the western half of the property. Four are located on the city owned right-of-way on Isabella Street and one is located at the northwest corner of the site. The eastern portion of the property contains a private green space with eight trees. There are two levels of below-grade parking under the entire site.

Surrounding Area

North: a 26-storey hotel (Town Inn Suites – 620 Church Street)

South: three residential apartment buildings on the south side of Isabella Street that are 12, 14 and 3 storeys tall from west to east respectively

East: two residential apartment buildings on the east side of Church Street that are 2 and 4 storeys tall from north to south respectively

West: a 10-storey residential apartment building

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within the “Downtown and Central Waterfront” area on Map 2 – Urban Structure in the Official Plan and is designated *Apartment Neighbourhoods* on Map 18 – Land Use Plan. *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated. There may, however, be opportunities for additional apartments or townhouses on underutilized sites.

Development criteria used to evaluate redevelopment proposals include:

- Locating and massing new buildings to provide transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or stepping down of the heights toward lower scale *Neighbourhoods*;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

- Providing sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and,
- maintaining an appropriate level of residential amenity on the site including recreational space, and providing existing residents with access to community benefits.

Housing policies (Chapter 3) in the Official Plan encourage the development of a full range of housing including purpose-built rental housing, with the use of regulatory measures and incentives such as Section 37 community benefits to secure the construction of new rental housing. Another policy applies specifically to applications such as 66 Isabella Street, requiring that significant new development on sites containing six or more rental units, where existing rental units will be kept, should secure the rental tenure of the existing rental housing if the rents are in the affordable and mid-range rent category. Needed improvements and renovations to the existing rental housing are also to be secured without passing the costs along to the tenants in the form of rent increases. Should the application be approved, it will be on condition of compliance with these policies.

Other important policies relevant to this application include those in the “Downtown”, “Public Realm”, “Built Form” and “Built Form – Tall Buildings” sections of the Plan. To assist with the implementation of these policies, the City has prepared "The Design Criteria for Review of Tall Building Proposals" guidelines. The Toronto Official Plan is available on the City’s website at:

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

Zoning

The site is zoned R3 Z2.5 by Zoning By-law 438-86. This zoning designation permits a variety of residential uses including apartment buildings. The maximum permitted density is 2.5 times the lot area and the maximum height permitted is 30 metres. There is an exception to Zoning By-law 438-86 that establishes that no portion of the building may penetrate the height limit created by an angular plane projected at a 44 degree angular over the lot, at an elevation of 16 metres along the entire length of a lot line that abuts Church Street. Site specific Zoning By-law 242-68 was approved in 1968 to permit the existing 26-storey building, allowing for a density of four times the lot area.

Tall Building Guidelines

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

way adjacent to the site. In this case, the right-of way for Church Street between Isabella Street and Charles Street East is 20 metres and as such, the proposed building at 72.75 metres in height is considered a tall building. The Design Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floorplates, separation distances, pedestrian realm considerations and sustainable design. This document was used to assess the proposed building.

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: www.toronto.ca/planning/urbdesign/index.htm

Site Plan Control

The proposed development is subject to site plan control. An application for site plan control (file # 11 310294 STE 27 SA) was submitted on November 15th, 2011 and is under review.

Tree Preservation

There are a total of 13 trees on this site subject to the City's Private Tree By-law or Public Street Tree By-law. Eleven of these trees must be removed in order to accommodate the proposed development. The applicant has submitted an arborist report and a tree preservation plan which was reviewed by Urban Forestry staff. The applicant has applied to the City to remove all 11 trees. Notice of the application was posted on the site on December 9th, 2011.

Reasons for the Application

A zoning by-law amendment application is required to increase the permitted height from 30 metres to 67.28 metres (72.75 metres to the top of the mechanical the penthouse) and to increase the permitted density from four times the site area to nine times the site area to permit the proposed addition.

In addition, a zoning by-law amendment is required to: permit the proposed commercial uses; reduce front yard, side yard and flanking street setbacks; increase building depth; reduce the requirements for resident and visitor bicycle parking spaces, reduce the requirement for resident and visitor automobile parking spaces; reduce the amount of required landscaped open space; and reduce the amount of required soft landscaping.

Community Consultation

A community consultation meeting was held on February 2, 2011 and was attended by approximately 80 residents. In addition, there were a number of consultation meetings attended by City staff, which were focused on the rental housing matters and involved the applicant and the existing tenants. Concerns expressed at the meeting and through written submissions and phone calls include:

- loss of green space on the eastern portion of the property

- relocation of tenants from the east side of the building during construction and compensation to be provided by the applicant
- the impact of noise and vibration on the remaining tenants during construction
- shadowing on the surrounding buildings
- concern the building is too tall and the floor plate is too big.
- concern the new glass building addition will look inappropriate attached to the existing building
- adequacy of automobile parking supply
- lack of family sized units
- residents did not want the circular driveway removed from the front of the building
- conversion of the rental units to condominium ownership after the project is constructed.

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

Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the PPS and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; by being within a short walk of the Bloor-Danforth and Yonge-University-Spadina subway lines; and by protecting and improving the existing rental housing and providing much needed new rental housing.

This site is located within the Toronto: Downtown Urban Growth Centre as illustrated in the Growth Plan. The City of Toronto's Official Plan conforms to the Growth Plan by

identifying the *Downtown* and *Central Waterfront* areas as an intensification area on Map 2.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is approximately 500 metres from the Wellesley and Bloor-Yonge subway stations.

The site is also within an Urban Growth Centre and conforms to the policies set out in the Growth Plan for the Greater Golden Horseshoe. An applicable provision of Section 2.2.5.1 of the Growth Plan requires that the planning of higher order transit corridor areas strive to achieve increased residential and employment densities that support and ensure the viability of existing and planned transit service levels. The proposed residential development will increase residential densities in an area of Church Street and Isabella Street which is in proximity to the Yonge-University-Spadina and the Bloor-Danforth Subway Lines.

Land Use

The proposed development is consistent with the land-uses permissions of the *Apartment Neighbourhoods* designation in the Official Plan which allows for residential and small scale retail uses.

The retail portion of this proposal is not currently permitted under the existing zoning bylaw which allows for residential uses and one small scale retail use only.

The subject property is located in an area in the Downtown where there is a potential to increase the intensity of uses and scale. The site is near:

- public transit, in particular the Yonge-University-Spadina subway and Bloor-Danforth subway lines
- community facilities
- places of employment
- retail stores and services
- places of entertainment.

The retail use is proposed along the Church Street frontage. Church Street is a minor arterial road with a significant amount of retail uses in the area. Staff of are the opinion that this site is appropriate for the proposed retail uses.

Height, Density and Massing

The site is located in the Downtown and Central Waterfront area as shown on Map 2 in the Official Plan which is identified as one of the areas in the city that can best accommodate growth. The site is also located within an *Apartment Neighbourhoods* designation in the Official Plan which allows for appropriate infill development subject to specific criteria. The area is generally comprised of residential rental apartment buildings and newer residential condominiums ranging in height from 3 to 44 storeys and densities

on a number of sites which exceed the 1- 2.5 times the area of their lots as permitted by the Zoning Bylaw.

The proposed development is a 23-storey addition to a 26-storey apartment building including a 4-storey podium. It is located in an *Apartment Neighbourhoods* in which residential slab towers are a common built form. The site does not abut a *Neighbourhoods* designation but the proposed development's 4-storey base provides an appropriate transition down to the existing 2 and 4-storey residential buildings to the east and south. The main part of the addition is similar in height to the building to the north (620 Church Street).

This site is not subject to a secondary plan or site or area specific policies. The Official Plan provides guidance for infill development within *Apartment Neighbourhoods* designations. Section 4.2.2 of the Official Plan provides development criteria for new buildings which are proposed to be located within *Apartment Neighbourhoods*. The proposal addresses the criteria relating to building height, density and massing by:

- Stepping down in height toward Church Street to provide a transition between areas of different development intensity and scale. The 5.65 metres stepback of the fifth storey of the base building helps provide transition to lower scale buildings along Church Street.
- Locating and massing the addition to frame the edge of Church Street and Isabella Street with good proportion. The stepback at the fifth storey helps to maintain sunlight and comfortable wind conditions for pedestrians on both Church and Isabella Streets.
- Providing ground floor uses that enhance safety, amenity and animation of adjacent streets. The proposal includes retail uses along Church Street wrapping around the intersection on Isabella Street. The applicant is also proposing an amenity space for residents adjacent to the retail on Isabella Street as well as a new lobby for tenants of the building.
- Maintaining adequate sunlight, privacy and areas of landscaped open space for both new and existing residents.

Conformity with Design Criteria for the Review of Tall Building Proposals

The Design Criteria for the Review of Tall Building Proposals provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals.

The guidelines recommend siting the primary face of the base building parallel to the street and aligning it with adjacent building facades. In this case the property immediately to the north (620 Church Street) is setback from the property line and does

not form a street wall. Any future infill development on this site will be required to align with the height of the base building at 66 Isabella Street if approved. The 4-storey base building respects the scale of the existing 4-storey apartment buildings to the south at 608 Church Street and the 4-storey co-operative residence at 74 Isabella Street.

The zero front lot line set back for floors two to four is consistent with the typical building setbacks found along Church Street. The zero lot line setback for the first floor on the north property line is also typical of other building setbacks along Church Street. On the Isabella Street frontage the base building is set back four metres from Isabella Street to provide space for pedestrian activities and tree planting in accordance with the guidelines.

The guidelines contain recommendations for the location and design of the primary entrance. These include locating the main entrance of the building at grade with clear site lines from the street to the entrance. They also include using architectural and landscape treatments to emphasize the primary entrance. The proposal involves redesigning the main entrance to incorporate a new main entrance and a lobby area that straddles the existing building and the addition. The entrance is located off Isabella Street and is emphasised through a new canopy and framed by new landscaping. The guidelines also recommend using multiple access points for lobbies where possible. The proposal involves a secondary pedestrian entrance to be located closer to the circular driveway for automobile pick-ups and drop-offs.

The guidelines recommend that buildings with floor plates larger than 743 square metres be articulated to break down the mass of the building and to create street interest and enhance skyline character. Including both the addition and the existing building, the typical floorplate for this building would be 1,168 square metres.

The proposed addition has been well articulated to address the large floor plate. The addition is offset from the existing building and is terraced down toward Church Street. On the south elevation of the addition the typical floors are approximately eight metres closer to Isabella Street than the existing building while still maintaining a four metre stepback from the edge of the podium at the fifth floor and a 7.28 metre stepback at the 23rd floor. The addition steps back 5.65 metres from the 4-storey podium on Church Street. There are also stepbacks of 9.96 metres at the 13th floor, 12.99 metres at the 20th floor and 14.67 metres at the 23rd floor. Staff are satisfied that the articulation of the addition helps break down the overall mass of the building and reduces the negative impacts associated with a large elongated floor plate.

The proposed addition will provide an adequate separation from existing tall buildings in the area. The 4-storey podium is located on the abutting north lot line which is a typical condition along Church Street. No windows to residential units are proposed along this wall. The podium steps back seven metres from the north property line between floors five and 23. The distance between the proposed addition and the Town-Inn suites (620 Church Street) to the north is approximately 33 metres which is greater than the 25 metres recommended in the guidelines.

The guidelines contain recommendations for creating attractive, interesting, comfortable and functional pedestrian space. This is accomplished by providing attractive legible entrances and views to the street and providing high quality streetscapes. On sites with retail at grade, development will be appropriately setback between the base building face and the public sidewalk.

The proposal includes retail uses on the Church Street frontage that wrap around the building onto Isabella Street. This will help animate the streetscape and keep "eyes on the street" to help promote safety for pedestrians. The first floor is set back 1.63 metres from the property line to increase the amount of pedestrian space on Church Street, provide weather protection and create a more comfortable environment. The applicant is proposing to plant six street trees along Church Street and 10 street trees on the publicly owned Isabella Street frontage. The applicant is also proposing three large growing shade trees on private property along Isabella Street and new landscaping framing both building entrances.

Sun, Shadow

The Official Plan requires that new development in *Apartment Neighbourhoods* is to be located so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The site does not have a common lot line with a *Neighbourhoods* designated area. The closest *Neighbourhoods Area* is on the south side of Gloucester Avenue, east of Church Street. All nearby *Neighbourhoods Areas* are out of the shadow impact range of this proposed development.

A Shadow Study was submitted by the applicant and concluded that all shadow cast by the proposed development will fall within the *Apartment Neighbourhoods* in which the site is located and the *Mixed Use Area* north of the property. Shadowing from taller buildings is generally anticipated and experienced within *Apartment Neighbourhoods*. The shadowing of the *Mixed Use* area is contained within the block until the afternoon hours when the other buildings along Church Street begin to shadow the street as well. The building has only minor shadow impacts on Isabella Street during the morning hours in the summer and does not shadow Charles Street East at any time throughout the day. No parks will be shadowed by this proposal.

Wind Analysis

The Official Plan policies require new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of winds on neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a Pedestrian Level Preliminary Wind Assessment. Their analysis concludes that the pedestrian level wind conditions on Church Street and Isabella Street will remain comfortable and similar to those in the current setting. The report states the wind conditions will be suitable for the areas intended purpose, which is standing or walking

and better than those required to suit the urban context. Staff are satisfied with these conclusions and find the resultant wind conditions satisfactory.

Traffic Impact, Access, Parking

A Transportation Assessment Study prepared by MMM Group was submitted and reviewed by Transportation Services and Transportation Planning staff. The consultant has concluded that the traffic generated from the proposed development will not have any measurable traffic impacts on the boundary roadway operations and that the site driveway intersection is forecast to operate at good levels of service during peak hours. Vehicular access to the site will be consistent with the existing conditions on site. The circular driveway and the ramp to the parking garage will remain in their current location.

Although the proposed parking supply does not meet the City of Toronto bylaw standards, the study concludes it is still adequate for this site and proposal, representing a practical approach to the provision of parking that reflects an emphasis on transit usage, walking, cycling and the surplus parking related to the existing building. Staff are satisfied with these conclusions and find the proposed number of automobile parking spaces satisfactory.

Residential Amenity Space

The general zoning bylaw requires two square metres of common outdoor amenity space and two square metres of indoor amenity space be provided for each unit constructed. The proposed development meets both these requirements by providing at least 937 square metres of outdoor amenity space on the private roof of the 4-storey podium, including provisions for plantings and container gardens for the residents, and at the rear of the building at grade level. The provision of new, replacement outdoor amenity space and improvements to existing outdoor amenity space meet the intent of the Official Plan policies for intensification by maintaining an appropriate level of residential amenity, and preserving or replacing important landscape features and recreational space.

The applicant is also proposing to add approximately 705 square metres of indoor amenity space which includes 108 square metres of ground floor indoor amenity space in the existing building, 135 square meters of indoor amenity space in the ground floor of the proposed building and 462 square metres in the fifth floor of the proposed addition. Residents of the existing building and the addition will be able to access all these amenity spaces. There is currently no indoor amenity space in the existing building, though existing tenants have stated that there used to be space on the ground floor that was later converted to offices. By restoring that amenity space in the existing building and linking it directly to the outdoor amenity space, as well as providing new indoor facilities in the new addition for socializing, exercise, meetings and other activities, the intent of the Official Plan policies on intensification is being met and existing residents are being provided with access to the community benefits and on-site recreation space.

Servicing

The Functional Servicing Report, dated November 11, 2011, prepared by Dillon Consulting Limited has been reviewed and determined to be generally acceptable for its

intended purposes. However, through the site plan application process the applicant will have to submit a revised functional servicing report, site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services Division.

Bicycle Parking

There are currently only 15 bicycle parking spaces on site, only eight of which are weather protected. The proposed development will provide two bicycle parking spaces for residents and 32 bicycle parking spaces for visitors. The P1 level of the parking garage will contain 68 bicycle parking spaces while the P2 level will contain 32 spaces. The majority of new residential bicycle parking, 118 spaces, will be located in a new ground floor bicycle room. Weather protection for the 32 outdoor visitor parking spaces is not currently shown on the plans but will be pursued by staff as part of the site plan application.

Open Space/Parkland

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

The application proposes 211 residential units and 459 square metres of non residential uses on a 1,389.5 square metre portion of the existing development site. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.281 hectares or 202% of the portion of the site area being developed. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 136 square metres.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 136 square metres would not be of a useable size and the site would be fully 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.

Public Realm and Streetscape

The Official Plan's development criteria in *Apartment Neighbourhoods* call for development to: provide ground floor uses that enhance the safety, amenity, and animation of adjacent streets and open spaces; frame the edges of streets with good proportion; and, locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The proposed development includes retail uses on the ground floor fronting on to Church Street and wrapping around the corner to Isabella Street. Active retail uses help enhance safety, amenity and animation on the adjacent streets by providing more pedestrian traffic and by providing retail uses to service area residents. The proposed podium frames the edges of the streets in good proportion by respecting the height of the adjacent 4-storey buildings to the south and east and continuing the street wall along Church Street. The proposed podium is set back from the lot line of both Church and Isabella Streets at the ground floor to allow for a wider sidewalk, more room for pedestrians and the addition of six street trees along Church Street and 10 street trees along Isabella Street.

Garbage, loading and service areas are located toward the interior of the site off of the rear laneway. The ramp to the parking garage will remain in its current location along the west side of the property. The ramp is set back behind the line of the south building face screening it from Church Street and minimizing its impact on Isabella Street.

Further details with respect to landscaping, tree planting and weather protection in the form of entrance awnings or canopies will be assessed at the time of Site Plan review.

Urban Forestry

The proposal requires the removal of 11 trees. Eight of these trees are subject to the City of Toronto's Private Tree By-law and three are subject to the City of Toronto's Street Tree By-law. The applicant has submitted an application to the City of Toronto to remove all eleven trees. Public notice of the application was posted on the site on December 9th, 2011. As a condition of approval for this zoning bylaw amendment application, the applicant is required to have the application to remove the private trees approved before the Bills necessary for this development to proceed can be introduced to City Council for enactment.

If these application are approved, Parks, Forestry and Recreation will require the replacement of trees at a ratio of 3:1 or where the plantings cannot be accommodated on site will require the applicant make a cash in lieu payment of an amount equate to 120% of the cost of replanting and maintaining the trees for a period of two years. The applicant is proposing 18 large growing shade trees on the site including 13 red oak trees along Isabella Street and six red oaks along Church Street.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. The site plan was submitted on November 21, 2011. TGS performance measures will be secured through the Site Plan Approval process.

North Downtown Yonge Street Planning Framework Study

Planning staff are in the process of undertaking an Urban Design Review Study formally called the North Downtown Yonge Street Planning Framework Study with boundaries from College Street/Carlton Street to Bloor Street and from Bay Street to Church Street.

This study was started in July, 2011 and this rezoning application was submitted in September, 2010. Planning staff have deemed this application to be exempt from this study because this application was submitted approximately 10 months before the beginning of this study.

Tenure

A total of 399 of the proposed maximum 411 residential units will be rental housing, with no condominium registration. The remaining 12 units are proposed to be condominium. The residential rental units are comprised of 200 existing rental apartments and 199 new rental apartments.

The zoning by-law and Section 37 Agreement will ensure that the 399 rental units and all related common areas and ancillary facilities will remain as purpose-built rental housing. No application can be made to convert to condominium or other non-rental housing purpose, or to demolish without replacement for a period of at least 20 years, and unless and until such time as such an application were approved by the City, the 399 residential units must be maintained as rental housing.

Existing Rental Housing

The 200 unit building comprises 175 one-bedroom and 25 two-bedroom apartments, with ground floor space that currently includes the owner's property management offices as well as some previously leased but now vacant commercial office space. Most of the rental units have rents in the mid-range, although 24 one-bedroom units have affordable rents.

Tenure

The owner has agreed to meet the Official Plan requirements to secure the rental tenure of the existing building for a period of at least 20 years, which means that no application can be made to convert to condominium or other non-rental housing purpose, or to demolish any rental units without replacement as rental housing.

Improvements

The Official Plan policy on intensification of existing rental properties also seeks re-investment by the owner in the existing rental property at the same time as investment is being made in the new infill building. The intent is to ensure the ongoing viability of the existing rental use in the future, as well as to provide that some of the benefits of the improvements to the property be enjoyed by tenants of the existing buildings. Through the use of Section 37 community benefit provisions, the tenants are assured that none of the cost of these improvements or any of the general redevelopment costs will be passed

on to them in the form of above-guideline rent increases that would otherwise be permitted under the provincial *Residential Tenancies Act*.

In addition, existing features and facilities that will be removed as a result of the redevelopment, such as landscaped or outdoor recreational space are to be replaced and secured as a legal convenience through the Section 37 Agreement as well as through Site Plan approval.

The improvements and the replacement of existing facilities to be secured include:

- improved outdoor amenity space and new indoor amenity space on the ground floor of the existing building, directly linked, accessible to all residents and adjacent to the newly located laundry room;
- significant amount of new indoor and outdoor amenity space in the new addition, accessible to all residents;
- a new laundry area on the ground floor of the existing building (replacing one in the basement), with windows to the outside as well as into the indoor amenity area, and direct access to both;
- renovated locker facilities in the underground garage and the addition of new storage lockers;
- new bicycle lockers (currently there are only eight bicycle parking spaces);
- renovated lobby; and
- new outdoor landscape areas at grade.

Renovations to 50 existing apartments

The proximity of the new building addition to the east wall of the existing building, both at the podium and tower levels, necessitates the removal of the east-facing balconies and windows from the 50 affected apartments and requires the complete renovation and re-orientation of the apartments to face either north or south from the previous eastern orientation. The 50 renovated unit types and sizes will not change from the existing apartments.

Tenants will be required to move from all 50 apartments and be relocated for a period of approximately 6-12 months. The owner has agreed to a Tenant Relocation and Assistance Plan to be secured in the Section 37 Agreement for these 50 tenant households, which resembles similar plans the City requires when rental units are being demolished and replaced. These provisions include but extend beyond those provided for in the provincial *Residential Tenancies Act*. Key features include:

- tenants receiving a Notice to Vacate for renovation will be given 120 days notice;
- tenants may choose to find their own alternate accommodation, receiving payment equivalent to three months rent, in accordance with Residential Tenancies Act;
- as an alternative to finding their own accommodation and receiving the 3-month payment, the owner has agreed to offer subject to availability, and the tenant, at its discretion may accept, vacant rental units that the owner may have in 66 Isabella Street or elsewhere in the owner's portfolio of rental buildings;
- tenants have the right to return to their renovated apartments 66 Isabella Street at the same rent as if they hadn't temporarily relocated;
- special needs tenants shall receive additional financial assistance for the relocation; and,
- each tenant is entitled to a moving out allowance and if returning, will receive a move-back allowance.

Tenants who will have to move have expressed concern about the inconvenience, costs and the effect of relocation. A number, especially those who will be re-oriented to face north, have expressed concern about the loss of sunlight and views.

Other tenants who will not have to move during the renovations have expressed concerns about the noise impacts inside the building when the eastern face of the building is being substantially altered, as well as general construction nuisance from the renovations experienced inside their units and in the hallways and common areas. The applicant will be required to provide a Construction Mitigation Plan and Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning in order to address these concerns.

New Rental Housing

The proposed unit mix for the 199 new rental units shall be as set out in the following table, except that the owner has agreed to add three 3-bedroom units to the earlier proposal of nine, raising the number of three-bedroom rental units to 12. There may be a corresponding adjustment downwards to the number of units of a smaller type.

All 199 rental units and ancillary areas will be secured as rental housing for at least 20 years, and at least 100 of these units will have rents secured as mid-range rents. The 100 mid-range rental units will maintain mid-range rents (where maximum rent is no more than 50% above the affordable rent limit, defined as average market rent by unit type as reported by Canada Mortgage and Housing Corporation). These rent limits and annual rent increases will apply for the first five years of the building's occupancy, and will continue to apply for ten years with an additional three-year phase in to market, for any tenant who moved in during that period and who remains after the first five years.

New Rental Housing Addition

| Unit Type | Mid Range Rental Units | Unit Size (sq. m) |
|------------------------|--------------------------------|--|
| MID RANGE | | |
| 1 Bedroom | 90 | Minimum: 45 sq. m Average: 53 sq. m |
| 2 Bedroom | 10 | Minimum: 65 sq. m Average: 73 sq. m |
| TOTAL MID RANGE | 100 | |
| MARKET | Market Rental Units | |
| 1 Bedroom | 83 | Minimum: 47 sq. m Average: 59 sq. m |
| 2 Bedroom | 7 | Minimum: 67 sq. m Average: 72 sq. m |
| 3 Bedroom | 9 | Minimum: 85 sq. m Average: 96 sq. m |
| TOTAL MARKET | 99 | |
| TOTAL PROPOSED | 199 | |

Securing new purpose-built rental housing is a high priority policy objective, and qualifies as a Section 37 community benefit. Almost all new residential construction in the last 15 years has been for the ownership market, with new rental housing comprising only between five and eight percent of new units. In recent years, only a small portion of applications similar to the application at 66 Isabella Street involving intensification of existing rental sites have agreed to secure new, purpose-built rental housing. Most intensification proposals involve condominium tenure. Some obtain condominium registration, but may initially choose to rent the apartments, with the ability at a time of their choosing to sell any or all of these 'temporary rental' units to condominium purchasers, without need for further approvals.

With continued demand for apartment living downtown, these 199 new rental units will fill an important gap in the market for new rental units, which is otherwise dominated downtown by new condominium buildings.

Construction Mitigation and Tenant Communication Strategy

When existing tenants are to remain on site while demolition or construction activity is underway, the City's practice is to require a specific tenant-oriented plan for construction mitigation and a strategy for communication to tenants during this period, to be secured in the Section 37 Agreement as a legal convenience. Components include the provision of alternative facilities and services during construction when access is temporarily affected, such as the temporary loss of parking spaces while the underground garage is being renovated, and tailoring some of the construction practices while renovating the 50 apartments to lessen dust and noise infiltration into the hallways and adjacent apartments. The owner has agreed to secure the requirements for such a plan, which will be to the satisfaction of the Chief Planner and Executive Director, City Planning.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The community benefits recommended to be secured in the Zoning By-law Amendment and the Section 37 agreement are as follows:

Before introducing the necessary Bills to City Council for enactment, require the Owner of the lands at 66 Isabella Street to enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:

- a. Prior to the issuance of the first above-grade building permit for the development, pay to the City a sum of \$450,000 to be used towards local streetscape and park improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
- b. Securing the rental tenure of the existing building with 200 rental dwelling units for a period of at least 20 years commencing from the date the zoning by-law comes into force and effect;
- c. Building and site improvements to the existing building and building addition to be provided with no cost passed on to the tenants of the existing building, to include at least new indoor amenity space linked to a new laundry area at grade, provision of new storage lockers and new bicycle lockers and restoration of existing storage lockers, restoration and

improvements to outdoor amenity areas and to landscaped open space and renovations to the lobby of the existing building;

- d. Access for tenants of the existing building to the new indoor and outdoor amenity areas to be provided on the site without charge and on the same basis as residents of the building addition;
- e. A Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning for the tenants occupying the 50 rental units in the existing building that require renovations in order to construct the addition, including at least the right to return to their renovated apartment at the same rent, extended notice of the date they are required to vacate for the renovations, opportunities for relocation to available units in the Existing Building or in other rental properties controlled by the owner, and financial assistance beyond that required by the Residential Tenancies Act, with extra provisions for special needs tenants;
- f. Securing the rental tenure of all the new dwelling units in the building addition with the exception of 12 proposed condominium units, for at least 20 years calculated from the date the addition is completed and occupied; and,
- g. At least 100 of the new rental dwelling units shall have rents that are mid-range rents during the first 5 years of occupancy, with annual rent increases not to exceed the Provincial rent guideline and permitted above guideline increases, and for tenants who remain after the fifth year, the restrictions on rent increases shall continue until the tenth anniversary of their tenancy, with provisions thereafter for a three-year phase out of the rent restrictions.

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

- h. Prior to the issuance of the first building permit, the owner shall provide a Construction Mitigation Plan and Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Development Charges

It is estimated that the development charges for this project will be \$1,381,127.69. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning is supportive of the proposal for a 23-storey addition to the existing 26-storey apartment building. This proposal for 199 residential rental units and 12 residential condominium units with retail uses at grade is consistent with provincial planning policy and the Official Plan's Development Criteria in *Apartment Neighbourhoods*. The proposal also conforms to Official Plan policies on rental housing by proposing building and site improvements, adding 199 new residential rental units to the city of Toronto's rental housing stock, securing the tenure of all the existing and proposed 399 residential rental units for 20 years and securing mid-range rents for 100 residential rental units for five years.

CONTACT

Alex Teixeira, Planner
Tel. No. 416-392-0481
Fax No. 416-392-1330
E-mail: ateixei@toronto.ca

SIGNATURE

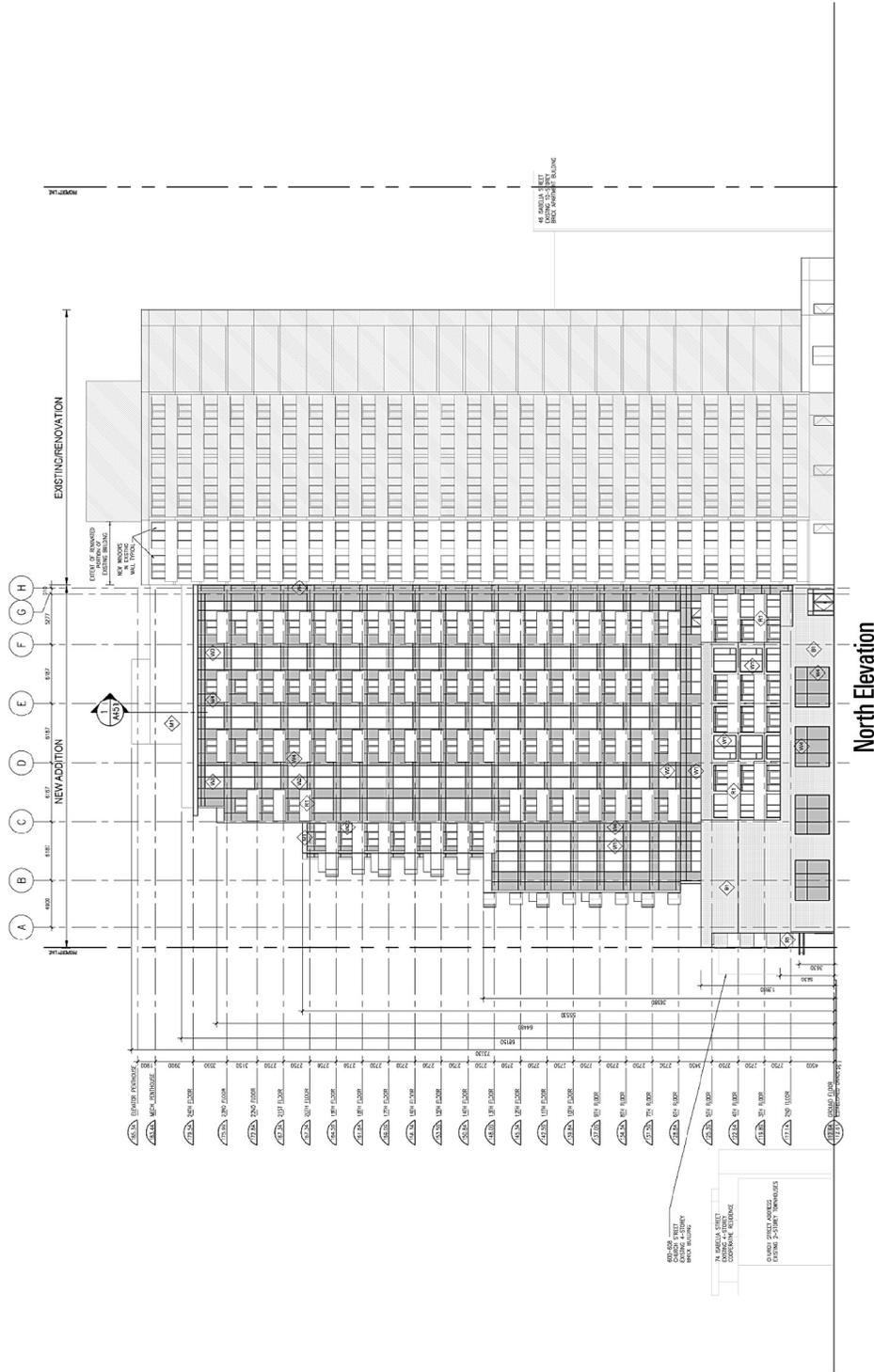
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

(p:\2011\Cluster B\pln\teycc25883083012) - vc

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: South Elevation
Attachment 2c: East Elevation
Attachment 2d: West Elevation
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

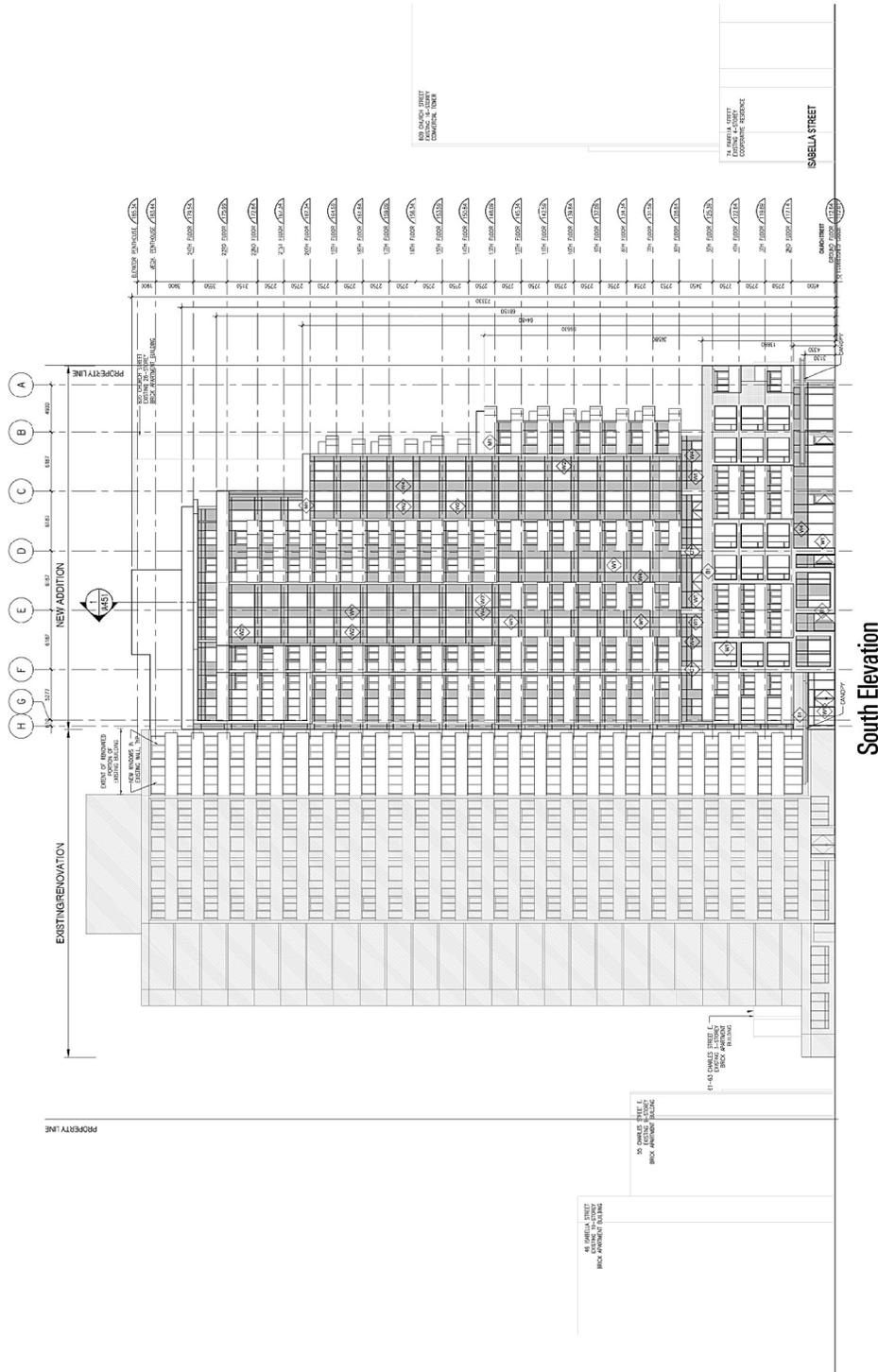
Attachment 2a: North Elevation



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 11/24/2011

66 Isabella Street
 File # 10 268121 0Z

Attachment 2b: South Elevation



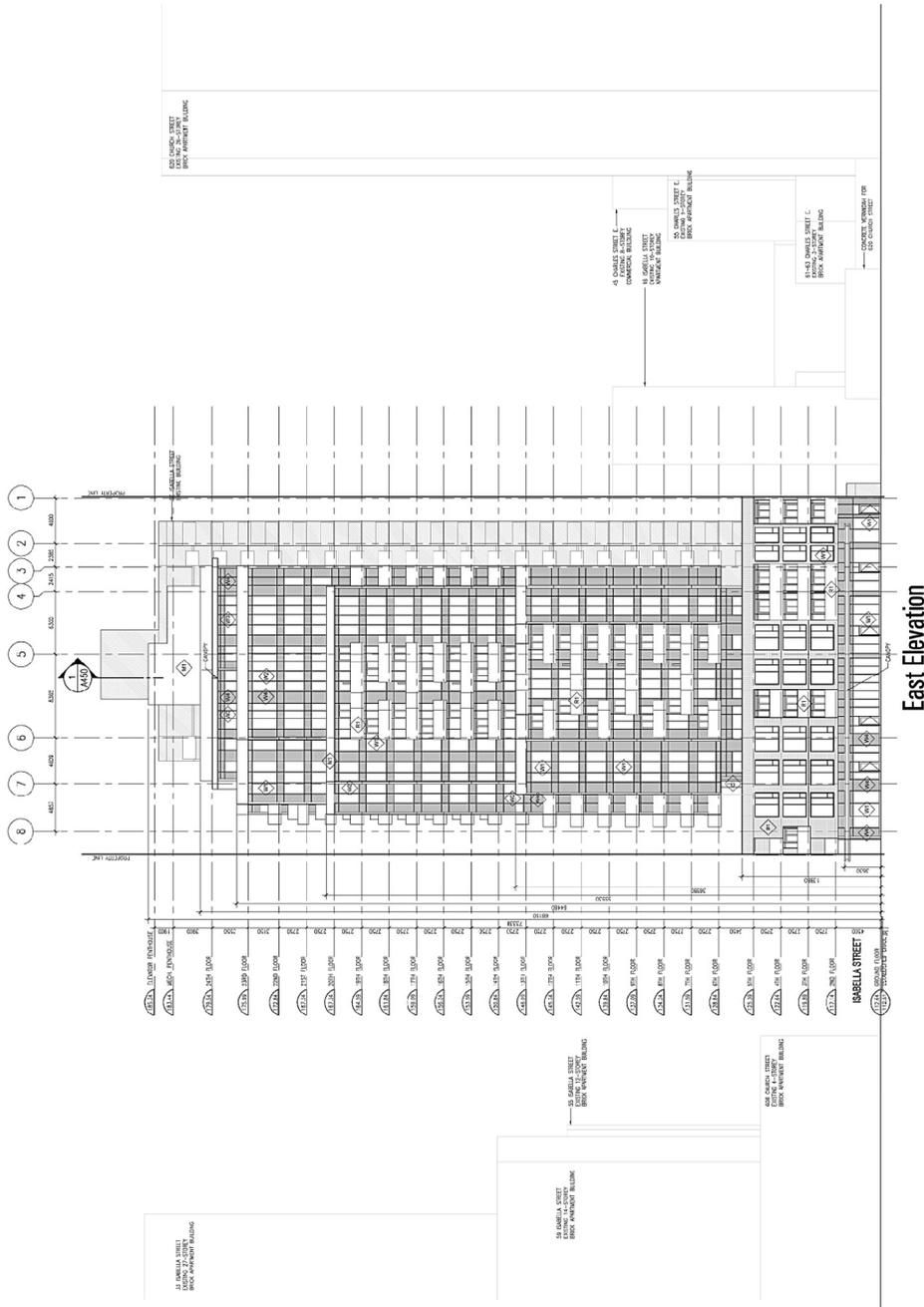
66 Isabella Street

Elevations
Applicant's Submitted Drawing

File # 10 268121 0Z

Not to Scale
11/24/2011

Attachment 2c: East Elevation



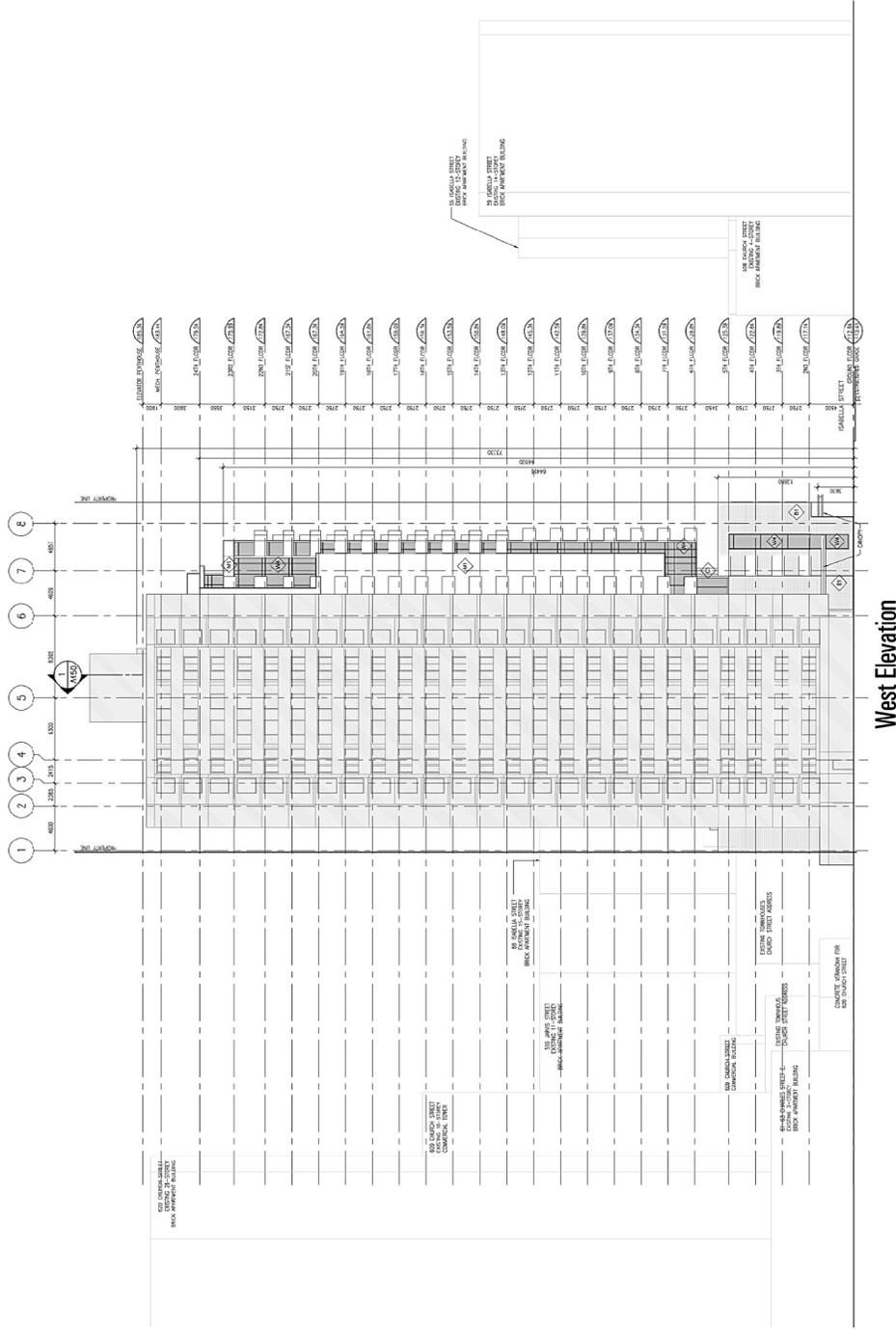
66 Isabella Street

File # 10 268121 0Z

Elevations
Applicant's Submitted Drawing

Not to Scale
11/24/2011

Attachment 2d: West Elevation



66 Isabella Street

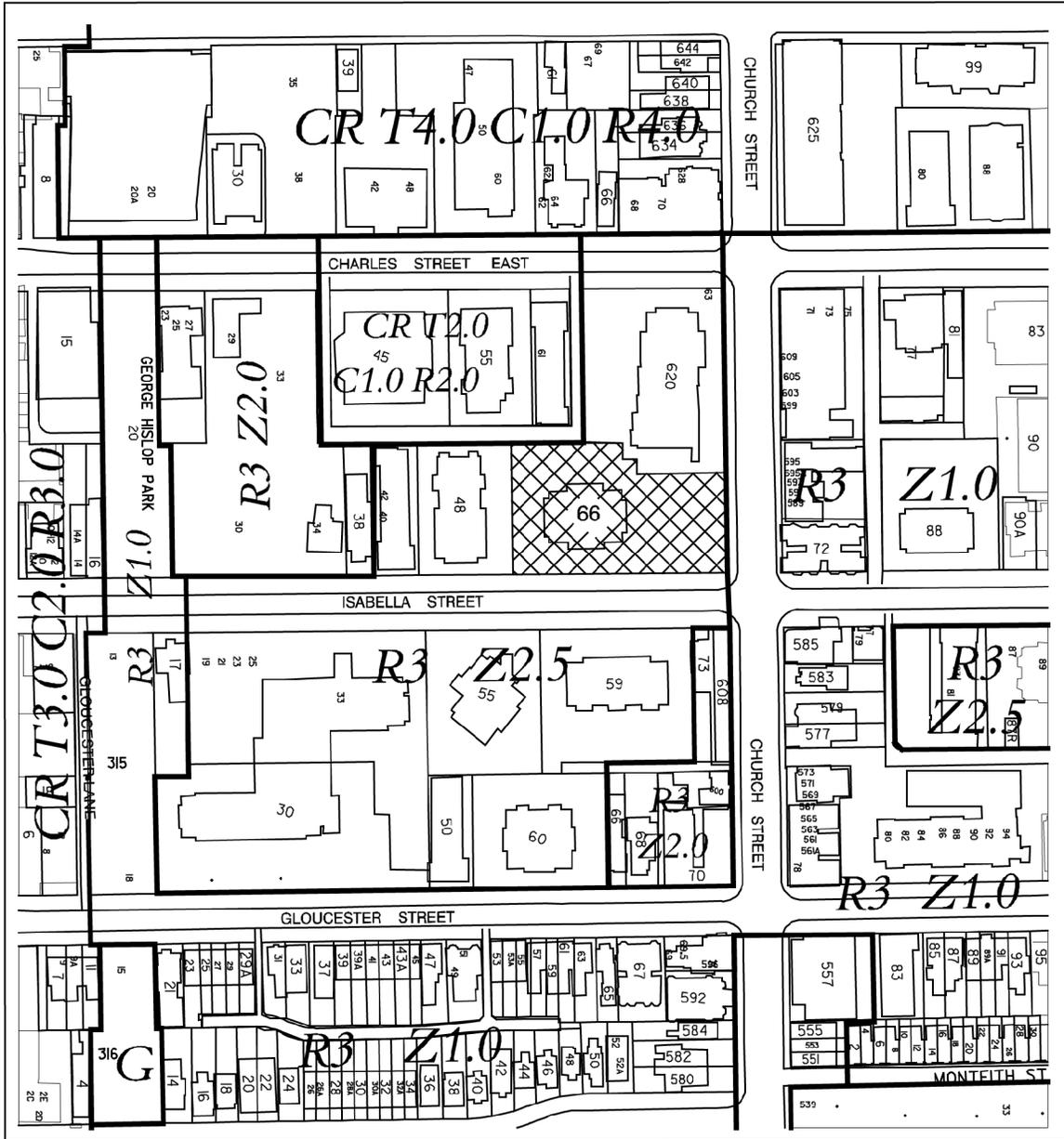
File # 10 268121 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
11/24/2011

Attachment 3: Zoning



66 Isabella Street

File # 10_268121

- G Parks District
- R3 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/26/2010

Attachment 4: Application Data Sheet

| | | | |
|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 10 268121 STE 27 OZ |
| Details | Rezoning, Standard | Application Date: | September 29, 2010 |

Municipal Address: 66 ISABELLA ST

Location Description: PLAN R4944 PARTS 3 & 5 PLAN R4163 PARTS 1 3 & 4 **GRID S2708

Project Description: Application to amend the Zoning By-law proposes to permit a 23-storey addition to the east side of the existing 26-storey residential apartment building. The proposed addition steps down to a 4-storey podium along Church Street. It contains 211 dwelling units including 199 residential rental units as well as 12 residential condominium units. The underground parking is proposed to be reduced from 183 parking spaces to 166 parking spaces.

| | | | |
|--|---|--|--|
| Applicant: | Agent: | Architect: | Owner: |
| BOUSFIELDS INC., 3 CHURCH ST, SUITE 200, TORONTO, ON M5E 1E2 | BOUSFIELDS INC. 3 CHURCH ST, SUITE 200, TORONTO, ON M5E 1E2 | QUADRANGLE ARCHITECTS LIMITED, 300 WEILLINGTON ST W, TORONTO, ON M5V 1E3 | MOHICAN HOLDINGS LIMITED, 16 ESNA PARK DRIVE, SUITE 200, MARKHAM, L3R 5X1 |

PLANNING CONTROLS

| | | | |
|----------------------------|--------------------------|--------------------------|---|
| Official Plan Designation: | Apartment Neighbourhoods | Site Specific Provision: | N |
| Zoning: | R3 Z2.5 | Historical Status: | N |
| Height Limit (m): | 30 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-------|---------|-----------------|-------------------------------------|
| Site Area (sq. m): | 3368 | Height: | Storeys: | 23 |
| Frontage (m): | 36 | | Metres: | 67.28 (excludes mech. Penthouse) |
| Depth (m): | 78 | | | |
| Total Ground Floor Area (sq. m): | 1821 | | | Total |
| Total Residential GFA (sq. m): | 28542 | | Parking Spaces: | 166 |
| Total Non-Residential GFA (sq. m): | 458 | | Loading Docks | 1 |
| Total GFA (sq. m): | 29000 | | | |
| Lot Coverage Ratio (%): | 54.1 | | | |
| Floor Space Index: | 9.0 | | | |

DWELLING UNITS

| | |
|--------------|------------------|
| Tenure Type: | Rental, Freehold |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 354 (86%) |
| 2 Bedroom: | 45 (11%) |
| 3 + Bedroom: | 12 (3%) |
| Total Units: | 411 |

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|----------------------------------|--|-------------|-------------|
| Residential GFA (sq. m): | | 26661.4 | 0 |
| Retail GFA (sq. m): | | 458.7 | 0 |
| Office GFA (sq. m): | | 0 | 0 |
| Industrial GFA (sq. m): | | 0 | 0 |
| Institutional/Other GFA (sq. m): | | 0 | 0 |

CONTACT: **PLANNER NAME:** **Alex Teixeira, Planner, ateixei@toronto.ca**
TELEPHONE: **416-392-0481**

Attachment 5:

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 By-law No. 438-86, as amended, of the former City of Toronto with
respect to lands known municipally in the year 2011 as 66 Isabella Street**

WHEREAS the Council of the City of Toronto has been requested to amend its By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2011 as 66 Isabella Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS Subsection 37(3) of the *Planning Act*, the Council of the Municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increase in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

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

WHEREAS the increase in the density or height permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

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

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

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all

of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City as the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 4(1) of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *lot*.
4. None of the provisions of Section 2 with respect to the definition of the terms *lot*, *grade* and *height*, and Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4(13), 4(17), 6(1)(a), 6(3)PART I, 6(3)PART II, 6(3)PART III, 12(2)260., of By-law No. 438-86 of the former City of Toronto, being “A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed use building* on the lands municipally known as 66 Isabella Street in the year 2011 (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1 attached to and forming part of this by-law;
 - (b) the *mixed-use building* on the *lot* shall be comprised of the *Existing Building* and the *Building Addition*;
 - (c) the amount of *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed the following:
 - (i) the *residential gross floor area* of the *Existing Building* as existing in the year 2011;
 - (ii) the *residential gross floor area* of the *Building Addition* shall not exceed 15,100 square metres and the *non-residential gross floor area* shall not exceed 500 square metres;
 - (d) a maximum of 411 *dwelling units* shall be permitted on the *lot*, subject to the following:

- (i) the number of *dwelling units* in the *Existing Building* shall be 200; and,
 - (ii) the number of *dwelling units* permitted in the *Building Addition* shall be not less than 180 and not more than 211 of which not less than 12 of the rental *dwelling units* required shall be 3 bedroom *dwelling units*;
- (e) non-residential uses shall be limited to those uses listed in Section 8(1)(f)(b)(iv) and (vi) of By-law 438-86, as amended;
 - (f) no part of the *Building Addition* or any structure erected or used above finished ground level on the *lot* shall exceed the *height* limits above *grade* in meters specified by the numbers following the symbol “H” as shown on Map 2;
 - (g) no portion of the *Building Addition* located above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (h) nothing in Sections 4.(d) and 1(e) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the *height* shown on Map 2 for the *Building Addition*:
 - (i) subject to (ii), eaves, cornices, lighting fixtures, awnings, canopies, fences and safety railings, architectural features, parapets, trellises, balustrades, window sills, window washing equipment, privacy screens, mechanical and architectural screens, guardrails, chimneys, vents, stacks, mechanical fans, terraces, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, stair landings, planters and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes;
 - (ii) no part of any building including the elements permitted in (i) herein shall be located within the hatched area shown on Map 2 from finished ground level to 4.0 metres above *grade* other than canopies, columns and structural support elements;
 - (i) nothing in sections 4. (d) and 4. (e) of this By-law shall prevent balconies, to a maximum horizontal projection of not more than 2.5 metres from the main wall of the *Existing Building* and *Building Addition* from projecting beyond the heavy lines and above the *height* shown on the attached Map 2;

- (j) the height of the *Existing Building* shall not exceed the height of such building as it existed on the *lot* in the year 2011;
- (k) *residential amenity space* shall be provided as follows:
 - (i) a minimum of 700 square metres of indoor *residential amenity space* shall be provided on the *lot* of which at least 100 square metres shall be in the *Existing Building* in a multipurpose room with direct access to the outdoor *residential amenity space* and at least 600 square metres shall be in the *Building Addition* in a room or rooms, of which at least one shall be a multipurpose room which shall contain a kitchen and a washroom with direct access to the outdoor *residential amenity space* on the roof terrace of the *Building Addition*; and,
 - (ii) a minimum of 937 square metres of outdoor *residential amenity space* shall be provided on the *lot*, of which at least 525 square metres is to be provided in a location that is adjoining or directly accessible from indoor *residential amenity space*;
- (l) a minimum of 250 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - (i) for residents, a minimum of 218 *bicycle parking spaces – occupant*, shall be provided on the following floors:
 - Ground Floor – 118 *bicycle parking space*
 - P1 – 68 *bicycle parking spaces*
 - P2 – 32 *bicycle parking spaces*
 - (ii) residential *bicycle parking spaces – occupant* shall not be combined with storage lockers for *dwelling units*;
 - (iii) for visitors, not less than 32 *bicycle parking spaces – visitor*, shall be provided at finished ground level;
- (m) a minimum of 166 *parking spaces* shall be provided and maintained on the *lot*, of which a minimum of 153 shall be for the exclusive use of residents and 13 *parking spaces* shall be provided for the exclusive use of residential visitors;
- (n) *parking spaces* shall comply with the dimensional requirements of 4(17) of By-law 438-86, as amended; with the exception that *parking spaces* and drive aisles existing on the *lot* in the year 2011 may be maintained;

- (o) a minimum of one *loading space - type G* shall be provided and maintained on the *lot*;
 - (p) a minimum of 700 square metres of *landscaped open space* shall be provided and maintained on the *lot*;
5. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
6. No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway;
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Definitions:
- (a) For the purpose of this By-law, the terms set forth in italics, subject to Section 3 (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86 of the former City of Toronto, as amended;
 - (b) the following definitions shall apply:
 - (i) “*Existing Building*” means the existing *apartment building* and *accessory* structures, including an underground *parking garage* and enclosed garage entry ramp, subject to alterations, additions and internal modifications which do not result in any additional *residential gross floor area*, located on the *lot* in the year 2011 as shown on Map 2;
 - (ii) “*Building Addition*” means any building or structures within the heavy lines shown on Map 2 above finished ground, as well as buildings or structures below finished ground associated with building or structures above finished ground;
 - (iii) “*grade*” means the Canadian Geodetic elevation of 112.61 metres;
 - (iv) “*height*” means the highest point of the roof above *grade* except for those elements prescribed in this By-law;

(v) “*lot*” means those lands outlined in heavy lines on Map 1 attached hereto;

8. By-law No. 242-68 is hereby repealed as it applies 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* of a temporary sales office.

Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot*, or portion thereof at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above-grade building permit for the development, pay to the City the sum of \$450,000.00 to be used towards local streetscape and park improvements, as determined by the Chief Planner and Executive Director, City Planning (the "Chief Planner") in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
2. At least 190 up to a maximum of 199 rental *dwelling units* within the *Building Addition -Rental*, of which not less than 100 *dwelling units* shall be provided and maintained in the *Building Addition* (the "New Rental Dwelling Units") which together with all associated common areas, shall comprise the "Building Addition – Rental" of which not less than 100 New Rental Dwelling Units, shall be provided as mid-range rental *dwelling units*, as such terms are defined in the agreement, and consistent with the City's Official Plan definition of such terms, subject to the following:
 - (a) the *Building Addition -Rental*, including the New Rental Dwelling Units shall be maintained as rental housing for at least 20 years, beginning with the later of the date that such units are:
 - (i) available for occupancy; or,
 - (ii) the initial commencement date in a signed offer to lease for each New Rental *Dwelling Unit* (the "Commencement Date").
 - (b) No portion of the *Building Addition - Rental*, including the New Rental *Dwelling Units* shall be registered as condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a unit, and no application for conversion for non-rental housing purposes, or application to demolish any portion of the of the *Building Addition - Rental*, including the New Rental *Dwelling Units* can be made for at least 20 years from the latest of the Commencement Dates for each New Rental *Dwelling Unit*;

- (c) the *owner* of the *lot* shall identify in writing to the City 100 of the New Rental *Dwelling Units* as mid-range rental units prior to any Commencement Date (the "100 Mid-Range Rental Units") and thereafter shall provide and maintain mid-range rents charged to the tenants who rent the 100 Mid-Range Rental Units during the first five years of occupancy, such that the initial rent for such units shall not exceed an amount equal to 1.5 times the average rent by unit type for the City of Toronto as reported by the most recent Canada Mortgage and Housing Corporation annual Rental Market Report in effect on the Commencement Date;
 - (d) the 100 Mid-Range Rental Units are to be comprised of 90 one-bedroom *dwelling units* and 10 two-bedroom *dwelling units*;
 - (e) increases to the initial rents charged to tenants occupying any of the 100 Mid-Range Rental Units after the first year of occupancy shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, and upon turnover, rents charged to new tenants of such units during the first five years of occupancy shall not exceed the greater of the most recently charged rent or an amount not exceeding 1.5 times the average market rent by unit type as reported by the most recent Canada Mortgage and Housing Corporation annual Rental Market Report;
 - (f) rents charged to tenants occupying any of the 100 Mid-Range Rental Units at the end of the first five years of occupancy shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their rental *dwelling unit*, until the tenth anniversary of their tenancy at which time there shall be a phase-in-period of at least 3 years for rent increases to unrestricted market rent; and
 - (g) rents charged to tenants newly occupying one of the 100 Mid-Range Rental Units after the first five years of such unit's occupancy will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.
3. The *owner* of the *lot* shall prior to the issuance of any building permit for all or any part of the *lot*, including for excavation or shoring but excluding any permits required for maintenance or repairs to the *Existing Building*, provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner which requires the *owner* to provide relocation assistance for eligible tenants who occupy the 50 rental *dwelling units* located in the *Existing Building* that require renovations in order to construct the *Building Addition*, including at least the following:
- (a) the right to return to their renovated *dwelling unit* at the same rent as if their occupancy had not been interrupted;

- (b) five months notice of the date they are required to vacate for the renovations;
 - (c) financial assistance beyond that required by the *Residential Tenancies Act*, including opportunities for relocation within the *Existing Building* or other buildings controlled by the *owner* of the *lot* and with extra provisions for special needs tenants.
4. The *owner* of the *lot* shall make improvements to the *lot*, the *Existing Building*, and the *Building Addition* to benefit the residents of the *Existing Building* and the residents of the *Building Addition*, to the satisfaction of the Chief Planner, including but not limited to, creating new indoor *residential amenity space*, improving existing and adding new outdoor *residential amenity space*, adding *bicycle parking spaces* for the *Existing Building*, renovating existing and adding new storage lockers, creating a new laundry room in the *Existing Building*, renovating the existing lobby, and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the *Existing Building*.
 5. The *owner* of the *lot* shall maintain the 200 rental *dwelling units* and associated spaces located within the *Existing Building* on the date of enactment of this By-law (the "Existing Rental Units") as rental housing for a minimum period of 20 years from the date this By-law comes into force and effect. None of the Existing Rental Units or associated spaces shall be registered as condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a unit, and no application for conversion for non-rental housing purposes, or application to demolish the Existing Rental Units or associated spaces can be made during such 20 year period.
 6. None of the provisions of this By-law shall apply to prevent the *owner* of the *lot* from registering as a condominium a maximum of 12 located on the two highest storeys in the *Building Addition*, together with providing for appropriate access to such units on the *lot* and for parking, bicycle parking and shared loading, and for access to shared indoor and outdoor *residential amenity space*, to the satisfaction of the Chief Planner.

