

**87 - 107 Davisville Avenue & 108 – 128 Balliol Street –
Zoning Amendment & Rental Demolition Application
under Municipal Code 667 – Final Report**

Date:	March 20, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	11 328745 STE 22 OZ & 11 328757 STE 22 RH

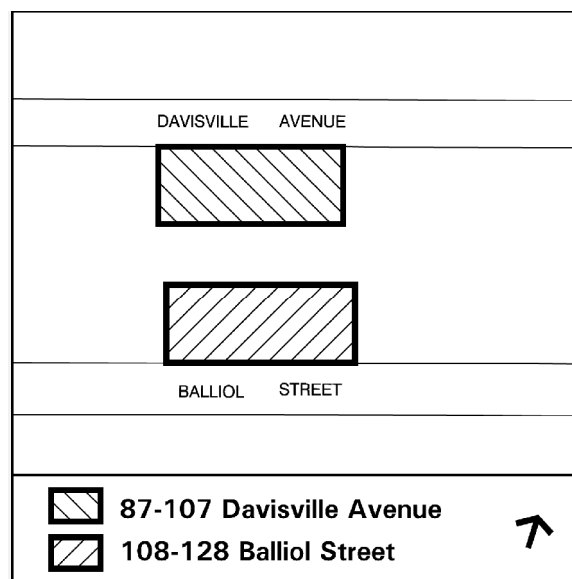
SUMMARY

This application proposes to construct 2 residential apartment buildings at 87 – 107 Davisville Avenue and 108 – 128 Balliol Street. The buildings include a 14-storey apartment building containing 180 residential units fronting onto the south side of Davisville Avenue (the north building) to be secured as rental housing and a 30-storey apartment building containing 342 residential units fronting onto the north side of Balliol Street (the south building). The proposed development contains a combined total of 522 units. The proposal involves the demolition of 21 residential rental townhouse units with no required replacement rental housing given that all 21 exceed the mid-range rent levels.

An application to demolish the existing residential rental townhouse units has also been submitted under Municipal Code 667.

This report reviews and recommends approval of the application to amend the Zoning By-law and approval of the application to demolish 21 rental townhouses without requiring replacement of the residential rental units based on its planning and design merits which include:

- a. the proposed buildings are located in an *Apartment Neighbourhood* designation within the Yonge-Eglinton Secondary



- Plan. Appropriate apartment infill or redevelopment is anticipated in this area;
- b. the proposed apartment buildings represent an intensification of two sites (containing 21 rental townhouse units in total) in an Apartment Neighbourhood in proximity to the Yonge-Davisville subway station;
 - c. the proposed buildings are within walking distance of retail shops, services, entertainment and places of employment which are found in the Yonge-Davisville and Mount Pleasant-Davisville areas;
 - d. the proposed 30-storey south building is a point tower in an area that is currently characterized by tall buildings of varying heights, many of which are slab building types;
 - e. the proposed 14-storey north building transitions to the existing built form in the *Neighbourhoods* designation on the north side of Davisville Avenue by stepping down in height from the 30 storeys of 77 Davisville Avenue and the proposed south tower and from the 24 storeys of 111 Davisville Avenue;
 - f. the proposed north building also transitions to the facing *Neighbourhoods* designation by providing grade-related residential units. Other grade-related units front onto the open space between the proposed buildings (on the south side) and provide security to that area;
 - g. the proposed buildings will not unduly shadow existing neighbourhood buildings and open spaces (including Davisville Public School) or sidewalks; and
 - h. the Section 37 benefits that would be secured as a result of approval and construction of this development. The Section 37 benefits may include public realm and streetscape improvements such as sidewalk widening on Davisville Avenue, construction of a landscaped and lit walkway connection between Balliol Street and Davisville Avenue and securing rental housing with mid-range rents in the proposed northerly residential apartment building.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 87-107 Davisville Avenue and 108 – 128 Balliol Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12 to this report dated March 20, 2013.
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, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act.
 - a. The community benefits recommended to be secured at the *owner's* sole expense in the Section 37 Agreement are, in a form satisfactory to the City with conditions providing for no credit for development charges, indexing escalation of both the financial contributions

and letters of credit, indemnity, insurance, GST, termination and unwinding and registration and priority of the agreement, as follows:

- i. the owner shall design, prior to the issuance of the first above grade building permit, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Development Engineering Toronto and East York District, a sidewalk widening within the public right-of-way on the south side of Davisville Avenue in front of the properties municipally known as 77 and 111 Davisville Avenue;
- ii. the owner shall provide, prior to the issuance of the first above grade building permit, an irrevocable Letter of Credit in the amount of \$100,000.00 for sidewalk widening design and construction described in 3.a.i. above;
- iii. the owner shall construct, prior to the completion of construction and occupancy of the proposed north building, the sidewalk widening described in 3.a.i. above to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Development Engineering, Toronto and East York District;
- iv. if this project (the sidewalk widening) is not built by the completion of construction and the occupancy of the proposed north building, all of the \$100,000.00 shall be contributed to the funds that are directed to local area park or streetscape or to other local community benefits. If this project is constructed for less than \$100,000.00, the remainder shall be contributed to the local area park or streetscape or other local community benefits;
- v. the owner shall design, prior to the issuance of the first above grade building permit, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, a landscaped and lit walkway connection between Davisville Avenue and Balliol Street;
- vi. the owner shall provide, prior to the issuance of the first above grade building permit, an irrevocable Letter of Credit in the amount of \$250,000.00 for the design and construction of a landscaped and lit walkway connection described in 3.a.v. above;
- vii. the owner shall construct, prior to the completion and occupancy of the proposed north and south buildings, the landscaped and lit walkway connection described in 3.a.v. above to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Development Engineering, Toronto and East York District;
- viii. if this project (the landscaped walkway) is not built by the completion of construction and occupancy of both proposed north and south buildings, all of the \$250,000.00 shall be contributed to the funds that are directed to local area park or streetscape or to other local community benefits. If this project is constructed

for less than \$250,000.00, the remainder shall be contributed to the local area park or streetscape or other local community benefits;

- ix. the owner shall provide, a cash payment of \$150,000.00 to be used as a contribution to the Maurice Cody Public School 'Dirt to Turf Fund' to upgrade the playing field at Maurice Cody Public School;
 - x. the owner shall provide, prior to the issuance of the first above grade building permit for the proposed development, a cash payment of \$250,000.00 which may be applied to local area park or streetscape or other local community benefits including any cost over-runs, as determined to be reasonable by the Chief Planner and Executive Director of the City Planning Division in consultation with the Director of Development Engineering Toronto and East York District, for the projects identified in 3.a.i. and 3.a.v. above;
 - xi. the owner shall agree to secure the rental tenure of all (180) new dwelling units within the building to be constructed at 87 – 107 Davisville Avenue for at least 20 years calculated from the date that the building is completed and occupied; and
 - xii. the owner shall provide at least 50% plus 1 units (91 of the currently proposed 180 units) of the new rental dwelling units within the building to be constructed at 87 – 107 Davisville Avenue comprised of 6 bachelor units, 66 one-bedroom units, 14 one-bedroom plus den units and 5 two-bedroom units with rents that shall have be no higher than 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 restriction 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.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. the owner shall provide relocation assistance for the tenants of the 21 rental townhouse units to be demolished, to include at least an extended notice period, assistance with locating alternative accommodation, and additional financial assistance beyond provincial legislative requirements, as required under the Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director; and
 - ii. the owner shall construct and/or pay for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and as accepted by the Director of Technical Services should it be determined that improvements to such infrastructure is required.

Any design of streetscape improvements complies with the Streetscape Manual or is to the satisfaction of the Chief Planner and Executive Director of the City Planning Division.

A fee of \$9,400.00 is required for Legal Services to prepare the Section 37 Agreement. This fee should be submitted to Toronto Building Customer Service, Toronto and East York District once the bill is enacted.

4. City Council require, prior to the introduction of Bills in Council, the payment of the cash contribution of \$150,000.00 for the Maurice Cody Public School 'Dirt to Turf Fund' which is required to be made to the City pursuant to Recommendation 3. vii. above.
5. City Council approve the application to demolish the 21 existing rental townhouse units located at 87, 89, 91, 93, 95, 97, 99, 101, 103 and 105 Davisville Avenue and 108, 110, 112, 114, 116, 118, 120, 122, 124, 126 and 128 Balliol Street pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667:
 - a. The owner provide and meet the requirements of the Tenant Relocation and Assistance Plan at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and which will include provisions that exceed the requirements under the Provincial Residential Tenancies Act.
 - b. The owner shall enter into and register an Agreement with the City to secure the provisions in (a) above and as described in section # 3(b)(i) of the Zoning By-law Amendment (refer to Attachment 12 of this report dated March 20, 2013).
6. City Council authorizes the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 5 above and after the Zoning By-law amendments in Recommendation 1 of this report dated March 20, 2013 have come into full force and effect.
7. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given preliminary approval in Recommendation 6 above.
8. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for the excavation and shoring for the foundation of the development, and after the Chief Planner and Executive Director of the City Planning Division has given the preliminary approval in Recommendation 6 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E of the Municipal Code on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which the demolition permit is issued and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

This is a rezoning and rental housing demolition application which proposes to demolish 21 rental townhouses and to permit the construction of two residential apartment buildings each on its own *lot*. All 21 of the existing rental townhouses have rents that exceed mid-range rents and are exempt from Official Plan policy 3.2.1.6 which requires the replacement of rental units proposed to be demolished. The two lots are separated by an approximately 23.5 metre wide area of open space which is above (in part) the underground parking garage for the apartment building at 111 Davisville Avenue (refer to Attachment 1: Context Site Plan). The north (Davisville Avenue) site is proposed to be redeveloped with a 14-storey apartment building containing 180 apartment units secured as rental housing and 100 parking spaces in a 3-level underground garage.

Access for loading and parking would be via a driveway from Davisville Avenue on the west side of the site. A pick-up and drop-off area is proposed to be located off of the access driveway. This proposal also includes eight 2-storey, grade-related units. Four would face Davisville Avenue and four would face the open space and the other proposed building to the south. (Refer to Attachment 1: Context Site Plan).

The south (Balliol Street) site is proposed to be redeveloped with a 30-storey tower containing 342 apartment units and 194 parking spaces in a 4-level underground garage. The applicant currently intends these apartments to be made available as rental units. Access for loading and parking would be via a driveway from Balliol Street on the west side of this part of the site. A pick-up and drop-off is proposed from the access driveway on the west side of the site. The access driveways for the 2 building parts (north and south) are not connected. (Refer to Attachment 1: Context Site Plan).

Site and Surrounding Area

The two sites are separated by an area of open space which is privately owned by the owner of the apartment building to the east (111 Davisville Avenue). A portion of the underground parking for 111 Davisville is below this open space which separates the sites.

Each of the sites contains a row of rental townhouse units (a total of 21 units). This includes 10 rental townhouses containing 9 three-bedroom and 1 four-bedroom units at 87 – 107 Davisville Avenue and 11 rental townhouse units containing 9 three-bedroom and 2 four-bedroom units at 108 – 128 Balliol Street. Each unit has a private driveway, front porch and rear yard. All of these townhouses are proposed to be demolished. The applicant has submitted a rental housing demolition application.

Surrounding uses are as follows:

North: the Salvation Army Meighen Health Centre consisting of a complex of buildings ranging from 3 to 6 storeys is to the north of the site immediately across Davisville Avenue. To the west of the Meighen Centre on the north side of Davisville Avenue is a row of detached and semi-detached houses. West of those houses is Davisville Public School and associated playground. To the east of the Meighen Centre is a row of houses that extends to June Rowlands Park.

West: immediately to the west of the sites (north and south), on the south side of Davisville Avenue is a 30-storey rental apartment building at 77 Davisville Avenue.

East: immediately to the east of the sites (north and south) is a 24-storey rental apartment building at 111 Davisville Avenue.

Both 77 and 111 Davisville Avenue are slab buildings which are situated in a north – south orientation on their respective lots. The two proposed redevelopment sites are framed between these buildings on their respective east and west property lines and between Davisville Avenue to the north and Balliol Street to the south. The open space which separates the two sites is part of the lands which are owned by the apartment building to the east (111 Davisville Avenue) and is located (in part) above the underground parking garage for that building

South: to the south of the south site is the 17-storey rental apartment building at 155 Balliol Street. West of that building and still on the south side of Balliol Street is an approximately 35-unit townhouse complex.

Provincial Policy Statement and Provincial Plans

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

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

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 site is within an area designated *Apartment Neighbourhoods* in the City of Toronto Official Plan and abuts a *Neighbourhoods* designation to the north.

The *Apartment Neighbourhoods* designation permits apartment buildings and all forms of residential development which are permitted in *Neighbourhoods*. The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Apartment Neighbourhoods*. The proposed development will be evaluated using the full list of criteria found in Section 4.2.2 of the Official Plan. The criteria include:

"Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- including 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; and
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces."

Policy 4.2.3 of the Official Plan provides development criteria which are intended to direct infill development applications in *Apartment Neighbourhoods*. The policy states that significant growth is not generally intended within developed *Apartment Neighbourhoods*. However, the policy also indicates that "compatible" infill development may be permitted on sites that contain an existing apartment building and which have sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.

This application is proposing the redevelopment of two *lots* and is not infill development. All existing buildings are proposed to be demolished. The completed project will only include the new buildings. None of the existing townhouses will remain after completion of the redevelopment. However, some of these development criteria are useful in the evaluation of the potential quality of life after occupation of the proposed new buildings of the new residents and the residents of the existing surrounding buildings.

Some of the pertinent development criteria include:

- provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of this plan;
- maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible; and
- preserve and/or replace important landscape features and walkways and create such features where they did not previously exist.

The *Built Form* section of the Official Plan also provides policies that will assist in the evaluation of this proposal. *Built Form* policies which are applicable include the policies of Section 3.1.2.3:

"New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces having regard for the varied nature of such areas; and
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

The housing policies in Chapter 3 of the Official Plan provide for the provision of a full range of housing. Specifically, Section 3.2.1.6 protects existing rental housing in new developments that result in the loss of six or more rental units. Demolition in these cases is not to be approved unless the rental units have rents that exceed mid-range rents. In addition, Section 3.2.1.3 encourages the development of 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.

Yonge-Eglinton Secondary Plan

The site is also within the Yonge-Eglinton Secondary Plan. The Secondary Plan generally defers to the Official Plan with respect to the applicable development criteria for proposals which are within *Apartment Neighbourhoods*. However, some policies of the Secondary Plan do apply. These include:

Section 2.4, "it is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement."

Section 2.7, "In order to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all new buildings within Yonge-Eglinton Secondary Plan area form a positive visual relationship to the street, it is an objective of this Secondary Plan to:

- maintain the existing scale of developments within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas* and *Apartment Neighbourhoods*;
- secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods* and, in particular, to those sites which abut a *Neighbourhood*;
- ensure that development of the greatest height, density and scale are situated within *Mixed Use Area 'A'*, and that developments of a lesser scale that are contextually appropriate and compatible with adjacent areas will occur in *Mixed Use Areas 'B', 'C' and 'D'*; and
- direct higher density residential development proposals within the *Apartment Neighbourhoods* to sites with nearby subway station access."

Section 2.10, "New Development will be required to provide an adequate supply of parking and loading to meet site requirements while balancing the City's goal to reduce reliance on automobile use. Parking requirements may be reduced for the development in *Mixed Use Areas* and *Apartment Neighbourhoods* which are in close proximity to subway and light rapid transit access provided the proponents can demonstrate how projected travel can be accommodated by other modes. The purpose of such relief is to: reduce reliance on automobiles; reduce conflicts between vehicular traffic and on-street servicing; and maximize the utilization of existing parking facilities."

Section 2.16, "Improvements to the public realm throughout the area will be encouraged including enhancements to streetscapes, existing open spaces and wider sidewalks. When a new development is proposed on a major street, the possibility of a building setback to provide a wider sidewalk will be considered. When the Eglinton Avenue or Yonge Street right-of-way is reconstructed, wider sidewalks will be considered as part of the reconstructed right-of-way."

Tall Buildings Guidelines

Toronto City Council approved the use of the document titled, "Design Criteria for Review of Tall Building Proposals" in June 2006. In April 2010, Council extended the authorization of its use.

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. Using this definition, both proposed buildings qualify as tall buildings. However, the north building has been designed to function as a 'taller' mid-rise building in order to provide transition to the adjacent neighbourhood.

The Design Criteria for Review of Tall Building Proposals provides policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document can be found on the City's website at:
<http://www.toronto.ca/planning/urbdesign/index.htm>.

Zoning

The site is zoned R2 Z0.35 under By-law 438-86. That classification permits a range of residential uses including detached and semi-detached houses, row houses and apartment buildings built to a total

density of 0.35 times the lot area. The height restriction is 38 metres or approximately 12 storeys. (Refer to Attachment 10: Zoning.)

By-law 22535 is a prevailing site specific zoning by-law which was enacted in 1965 to implement the construction of the existing townhouses on the site as well as the two adjacent apartment buildings at 77 and 111 Davisville Avenue and other buildings. As it relates to the subject lands, By-law 22535 permits the existing townhouses to a height of 9 metres and a density of 0.6 times the lot area. By-law 22535 would have to be amended or the parts related to the site rescinded if the proposed development were approved by Council.

Site Plan Control

This application is subject to site plan control. An application will be submitted.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City's Official Plan policies protecting rental housing. The by-law established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. The By-law prohibits demolition or conversion of housing units without a permit issued under Section 111 of the City of Toronto Act. Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council under Section 111 of the City of Toronto Act. Council may refuse an application or approve the demolition with conditions that must be satisfied before a permit is issued under the Building Code Act.

Under Section 33 of the Planning Act and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the Planning Act and Section 111 of the City of Toronto Act. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the Planning Act and Chapter 667 of the Municipal Code, and the Chief Planner and Executive Director of the City of Toronto Planning Division in consultation with the Chief Building Official may report on the application for a City Council decision.

Reasons for Application

The applicant proposes to amend the provisions of By-law 438-86 to permit the proposed heights of 45.3 and 91.35 metres and total densities of 5.3 and 10.0 times their lot areas for the north and south buildings respectively.

A height of 38 metres and a density of 0.35 times the lot area is permitted on both sites. Additional zoning amendments would also be required to allow a reduction in the number of required parking spaces and to allow reductions in landscaped open space and amenity space.

The proposed redevelopment with the demolition of 21 existing rental townhouses requires that an application be made under Municipal Code 667 and approval of a Section 111 permit is needed before any demolition can proceed.

Community Consultation

An initial community consultation was held on December 6, 2011. The meeting was attended by approximately 85 people, most of whom were primarily residents of the local area. The building heights, densities, parking and access and other built form and zoning related matters were discussed. Comments and issues raised by those in attendance at the meeting as well as comments received by planning staff subsequent to the meeting have been discussed with the applicants who have revised the original drawings since that meeting.

Concerns expressed by residents included:

- the impacts of the height of the south building (ie., shadow, privacy) ;
- insufficient parking;
- intensity of use issues resulting from the proposed number of new residential units added to the community (ie., traffic congestion and sidewalk congestion on Yonge Street and Davisville Avenue, peak-hour congestion on subway);
- the potential for approval of this development to set a precedent for similar townhouse sites in the neighbourhood; and
- the creation of an unappealing, unsafe, enclosed space between the two proposed buildings and the existing buildings to the east and west.

A second community consultation meeting was held by the Ward Councillor on December 11, 2012. Approximately 65 residents were in attendance.

The purpose of this meeting was to provide local residents with a second opportunity to discuss this proposal with the applicants, the Ward Councillor and Planning Department staff and an opportunity to review the revisions that the developer had made since the last community presentation.

The applicant's revisions included:

- increased setbacks and therefore separation distances to existing towers to the east and west of both the north and south buildings;
- increased setbacks from the street of both the north and south buildings;
- increased visibility of the inner open space from grade;
- enhanced landscape plan which includes a walkway connection between Balliol Street and Davisville Avenue and the proposed tree planting within the un-owned open space between the two proposed buildings; and
- improved façade treatment which includes intermittent balconies on both buildings to reduce the perception of building mass.

Concerns expressed by residents at the second community consultation included:

- the proposal represents "overdevelopment" of the townhouse lots;
- sidewalks are already congested on Davisville Avenue (in particular) and Balliol Street, 521 new units in the area will exacerbate that problem ;
- the subway is already congested on weekday rush hour peaks, and 521 new units may exacerbate this problem as well;
- too few visitor parking spaces in both building garages will result in street parking becoming more difficult to find;
- approval of this development would set a precedent and pave the way for redevelopment proposals for similar townhouses which are located in this *Apartment Neighbourhood*; and
- the need to secure the proposed walkway and the landscaping of the un-owned open space between the two buildings.

The City's by-law on Rental Housing Demolition requires City Planning to hold a community consultation meeting to consider issues related solely to rental housing and tenant impact. At the time of the application for demolition, all except for one unit was occupied. A consultation meeting on rental issues was held with the affected tenants on June 14, 2012. Nine tenants attended the meeting representing seven households. Planning staff reviewed the City's Official Plan policies and by-law requirements and explained that all of the rental units have rents that exceed mid-range rents and the City's policy is not to require replacement rental units when this criteria is met.

Other issues concerning rental housing which were discussed included: tenant financial assistance, demolition notice period, ways that the applicant can assist the tenants and next steps in the application process.

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 and is consistent with the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application 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 minimize 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 Provincial Policy Statement and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; and by being within a short walk of the Yonge-Davisville subway station and other surface TTC public transit routes.

The proposal 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.

Land Use

The proposed residential apartment buildings are permitted land uses in the Official Plan and Yonge-Eglinton Secondary Plan *Apartment Neighbourhoods* designations for the sites.

The slab built form of many of the existing apartments in *Apartment Neighbourhoods* can dominate the local landscape. To offset the impact of the building mass of this built form, these buildings are frequently surrounded by large areas of open space. These open spaces are often the subject of development applications which propose infill developments of various forms on those lands. In addition to the potential impact that these infill proposals may have on the existing slab apartment buildings, they (infill proposals) may also have implications for the local area with respect to the loss of open space.

The proposed buildings are not infill developments on lands that are currently open space. Rather, they are redevelopment of built sites in an *Apartment Neighbourhood*. As a result, there is no overt loss of open space to the neighbourhood.

Density, Height, Massing

North Building

The proposed north building is 14-storeys (45.03 metres) with a total density of 5.17 times its lot area. It is considerably lower in height than the 30-storey (84.5 metre) or 24-storey (65.05 metre) slab towers which are located to the west (77 Davisville) and east (111 Davisville) respectively.

Section 4.2.2(a) of the Official Plan requires that redevelopment in *Apartment Neighbourhoods* be located and massed to allow for appropriate downward transition of heights and densities to lower scale residential development in *Neighbourhoods* designations. The north building is on the northern edge of an *Apartment Neighbourhood* and faces a *Neighbourhoods* designation.

Land uses on the southern edge of the *Neighbourhoods* designation and facing the north building are a 6-storey seniors building, Davisville Public School and school yard and four 2-storey houses. North of Millwood Avenue, this *Neighbourhoods* area is comprised predominantly of 2 and 3-storey single detached and semi-attached houses.

The proposed 14 residential-storey north building is an appropriate height which shows a reasonable transition from the existing 30 and 24-storey slab towers and the proposed 30-storey point tower which fronts onto Balliol Street to the *Neighbourhoods* land uses on the north side of Davisville Avenue.

To reduce the overall impression of building mass from the street, the north building has a setback of 6.7 metres at grade and is stepped back by 7.61 metres above the 6th floor. Floors 2 – 6 cantilever over the ground floor by 1.95 metres and provides weather-protected entrances to grade-related units.

South Building

At 91.35 metres (including a 6.5 metre mechanical penthouse) and 30 storeys, the proposed south building is approximately the same height as the existing 30-storey (including mechanical penthouse) rental building to the west at 77 Davisville.

In terms of building mass, with a tower floorplate of 762 m², the south building tower is slender in comparison with the existing slab towers at 77 Davisville Avenue and 111 Davisville Avenue. The massing of the proposed south building allows more view through the site between Davisville Avenue and Balliol Street than do the existing slab towers on either side.

The density of the south tower, on its Balliol Street site, is approximately 10.0 times its lot area but the proposed building fits within its existing context of surrounding slab buildings and the open space to its north (which is not owned by this applicant but which is to be landscaped with additional tree plantings as part of this application).

Parking and Access

North Building

Each of the 10 existing townhouses on the north site have individual access driveways to Davisville Avenue. Access to parking and loading for the proposed north building is consolidated into a single driveway along the west edge of the site.

The applicant is proposing 100 parking spaces for the proposed 180 residential units of the north building in a 3-level underground garage. Of those 100 parking spaces, 82 would be for the residents of the building and 18 would be for their visitors.

By-law 438-86 which is the City-wide Zoning By-law that applies to the sites requires a total of 158 (113 for residents and 45 for their visitors) parking spaces. The By-law parking requirements for residents are calculated based on the amount of floor area in the building.

In their October 2012 comments to Planning staff, the Director of Development Engineering Toronto and East York District recommended a parking ratio (based on the number of bedrooms per unit rather than total floor area). Using the Development Engineering ratio, the north building would require a total of 100 parking spaces, 82 for residents and 18 for their visitors, as is proposed.

South Building

Each of the 11 existing townhouses on the south site have individual access driveways to Balliol Avenue. Access to parking and loading for the proposed south building is consolidated into a single driveway along the west edge of the site.

The applicant is proposing 194 parking spaces for the proposed 330 residential units of the south building in a 4-level underground parking garage. Of those 194 parking spaces, 160 would be for the residents and 34 would be for their visitors.

By-law 438-86 requires a total of 293 (211 for residents and 83 for their visitors) parking spaces.

Development Engineering recommend the same parking ratio for the south building as for the north. That ratio would require a total of 194 parking spaces, 160 for residents and 34 for their visitors as is proposed.

The Development Engineering ratio (for both buildings) is based on the expected parking demand for rental buildings such as the proposed north and south buildings which are well located within proximity to a subway station (within 400 metres) and other forms of public transit.

Zoning amendments have been included in the site-specific zoning by-law (refer to Attachment 12: Draft Zoning By-law Amendment) to allow the proposed parking allotment for the north and south buildings as deemed appropriate by Development Engineering.

Traffic Impact

The applicant's transportation consultant prepared a transportation impact study. The consultant's study found that the proposed development would result in generating a net increase of 30 two-way vehicle trips in both the weekday morning and the weekday afternoon peak hours for the north building which is the smaller of the two proposed buildings.

The consultants project that the proposed south building is forecast to generate approximately 60 and 50 vehicular trips during the morning and afternoon week-day peak hours respectively.

The consultant's conclusions with respect to the potential traffic impact of the proposed development on the local streets and intersections are:

- new development site traffic volumes can be acceptably and appropriately accommodated on the area street network;
- site related traffic impacts are small and will not noticeably change operating conditions at area signalized and unsignalized intersections during the peak hours;
- site traffic will be distributed throughout the area street system. The proposed site access arrangements and connections provided between Davisville Avenue, Yonge Street and Mt Pleasant Road will serve to provide multiple routing opportunities for site related traffic travelling to and from the proposed buildings, will enable motorists to avoid the more difficult left turn movements onto Yonge Street and Mt Pleasant Road so that they avoid compounding congestion levels at these locations and minimizes resulting site related impacts on area intersection operations;
- traffic volume increases on the collector road system to the south and east of the two development sites will not change the character and function of those streets; and

- the proposed site access driveways will appropriately provide for the access needs of the proposed buildings.

The City's Transportation Services Division has reviewed the consultant's report and accepts their conclusions.

Design Criteria for Review of Tall Buildings

As previously stated, a tall building is generally defined as a building that is taller than the road right-of-way which is adjacent to the site. The Design Criteria provide recommendations to assist staff in their review of tall buildings. The Design Criteria expand upon the Official Plan policies (particularly those policies of Section 3.1.2 – Built Form) regarding issues of: transition in scale; building placement and orientation; entrances; massing of base buildings; tower floor plates; separation distances and pedestrian realm and other considerations.

The intent of these criteria has been met through the design of the proposed buildings as follows:

1. Transition in Scale – Scale of the District

Section 3.1.2(3b) of the Official Plan recommends that new development is massed to fit harmoniously into its existing or planned context and limits its impacts on neighbouring streets, parks, buildings and open space by creating appropriate transitions in scale to neighbouring and existing buildings. The Official Plan indicates that transition may be achieved through various methods including the use of: angular planes; stepping of heights; location and orientation of the building and the use of setbacks and step backs of the building mass. The use of angular planes, setbacks and step backs are discussed in other sections below.

With respect to the "scale of the district", the Design Criteria defines scale of the district as referring to a situation where a proposed development contemplates a tall building on a site which is adjacent to an area of different heights or scale of development. The Design Criteria indicate that stepping down of heights between buildings and open spaces in lower scale *Neighbourhoods* is critical.

The proposed north building faces a school yard (Davisville Public School) which is within the southern extent of a *Neighbourhoods* designation on the north side of Davisville Avenue. The proposed 14-storey height of this building provides an appropriate transition down from the 20 to 30-storey heights which are prevalent in this Apartment Neighbourhood to the low-rise Neighbourhood on the north side of Davisville Avenue.

The proposed south building (also located within the *Apartment Neighbourhood* designation) has no common boundaries with a *Neighbourhoods* designation. For this building, transitioning down in height is less significant than its fit within this neighbourhood of tall buildings. This 'fit' is discussed in following report sections.

2. Tall Building Address (Entrance)

Section 3.1.2(1b, c) of the Official Plan directs new development to locate a building's main entrance so that it is clearly visible and directly accessible to the public sidewalk. The Official Plan also directs new development to have ground floor uses that have views to and, when possible, access to adjacent streets, parks and open spaces.

The Design Criteria reiterate that well-designed buildings should provide prominent main building accesses which are directly accessible to the public sidewalk. Main entrances should be emphasized, when appropriate, through the use of high quality landscape treatment. The Design Criteria also state that the most vital and interesting streets are those which are lined with residential (or commercial) uses resulting in a fine grain of entrances along the street edge.

The proposed north building has a well-defined main entrance area at the north west corner next to a passenger drop-off and walkway from the Davisville Avenue sidewalk. The north building also includes 4 individual grade-related units with direct entrances through a landscaped front yard area to the street. These units break up the building's mass into a fine grain of individual residential entrances.

The proposed south building provides a similarly well-defined entrance (to the north building) located at the south west corner next to a passenger drop-off and walkway from Balliol Street. There are no grade-related units in the south building. Instead it proposes, a prominent 2-storey lobby faced with glass to draw views into the building's entry level from Balliol Street.

3. Site Servicing and Parking

Section 3.1.2(2) of the Official Plan directs new development to locate and organize vehicle parking and access and service areas to minimize the impact on the new development and on existing buildings in proximity to the site(s).

The Design Criteria recommend that new developments organize site access and servicing to screen service uses from public view and to consolidate and minimize the number of driveways and curb cuts across the public sidewalk.

Both proposed buildings organize their vehicle parking access and service areas in a similar fashion (refer to Attachment 1: Context Site Plan). Driveways extend to the rear of the buildings from the street where a ramp leads to the below-grade parking garages. The loading areas are accessed from this driveway. The loading areas are beneath the second floors in both buildings but are unenclosed to allow views through the buildings from the street to the open space when the loading areas are unoccupied (which is most of the time).

Each building has a second curb cut which provides a passenger drop-off loop. The existing 21 curb cuts are reduced to 4 for the proposed buildings.

4. Scale of the Base Building

Section 3.1.3(1a) of the Official Plan requires base buildings of tall buildings to be an appropriate scale with adjacent streets and open spaces. The Official Plan also requires that base buildings integrate with the scale of adjacent buildings and minimize the impact of parking and service uses.

The Design Criteria indicate that the building base (which comprises the largest massed area at street level) is to be designed in a manner that allows appropriate access to sunlight and to sky view. The base is also to be designed to ensure that the massing of the resulting street wall is not overwhelming to pedestrians. To achieve these objectives, the Design Criteria indicate that the height of the base building should fit within a 45 degree angular plane measured from the curb on the opposite side of the street or it should fit within the existing context height.

Both sites are within an *Apartment Neighbourhood* designation in which apartment buildings and residential condominiums are permitted uses. A common built form within this apartment neighbourhood is the slab apartment tower. Typically the slab built form has no discernable base. It maintains the same bulky floor plate from grade to its top.

The subject sites are bounded on the west and east by such slab buildings. Neither 77 nor 111 Davisville Avenue have a building 'base' nor a significant step back in any of the elevations above grade to reduce the impact of their mass on the streets.

By contrast, the proposed south building is a point tower which has a floor plate of 762 square metres (slightly more than the maximum floor plate size recommended by the Design Criteria). The south building fits into the local area by providing a break in the slab, tower-in-the-park built form of this apartment neighbourhood. The 2-storey base of the south building is recessed to provide for a sheltered entrance. The base levels are predominantly finished with glass which allows views from the street through the building to the open space.

The north building integrates with the adjacent buildings by being designed in a slab form of lower height and maintains a floor plate of 860 square metres above the sixth floor (small by comparison with typical buildings of this type). Also, by designing its 6-storey base to fit within a 45 degree angular plane and by providing grade-related units facing Davisville Avenue the north building fits well in its transition to the Neighbourhoods designation on the north side of the street.

Both proposed buildings minimize the impact of the parking access driveways and servicing areas by providing them in unenclosed spaces within the building. This design allows views through the building's lower levels to the open space except when occupied by a loading vehicle.

5. Tall Buildings Floor Plates

Section 3.1.3(1b) of the Official Plan requires that new development be designed with a floorplate size and shape that has appropriate dimensions for the site and is oriented on its site and on top of its base building to allow it to fit harmoniously into its existing and/or planned context.

The Design Criteria encourages properly located, thin tower floor plates (maximum area of 743 m²) since they: result in towers which cast smaller and faster moving shadows; may improve sky views; and may permit better views between buildings and through the site. The Design Criteria indicate that residential floor plates larger than 743 square metres in area are to be articulated architecturally to minimize shadows; loss of sky view and wind conditions on adjacent open space.

At approximately 762 square metres, the proposed south building tower floor plate is marginally larger than recommended (but is still considered a point tower). It has been designed with randomly located balconies to break up the mass of the tower and to provide visual interest.

As has been established in this report, by definition, the north building is a tall building. However, it has been designed as a shortened slab building and its 'tower' component (defined by stepbacks above the 6th floor) consists only of the seven floors from seven to thirteen inclusively.

The north building also has randomly located balconies which are a design characteristic that tends to break up the mass of the building's Davisville Avenue façade.

6. Spatial Separation

Section 3.1.2(3)(d) of the Official Plan requires that tall buildings will be massed and designed to fit harmoniously into its existing and/or planned context and will limit its impact on neighbouring streets, parks, open spaces and properties by providing adequate light and privacy and other means.

In order to provide adequate privacy and natural light into the proposed units of the north and south towers and to maintain adequate privacy and natural light into the existing residential towers on either side of these lots, the Design Criteria recommend a minimum separation distance of 25 metres (12.5 metre setback to the property line on either side of the lot line) between residential towers including potential tower redevelopment sites.

The proposed buildings meet or exceed a minimum of 25 metres of separation between their towers and all existing residential buildings in the neighbourhood. The north building is over 32 metres from the residential tower at 77 Davisville Avenue and is 25 metres above the 6th floor (the 'tower' component) to the residential tower at 111 Davisville Avenue.

The proposed buildings are separated by approximately 32 metres of landscaped (grass) open space which is above a portion of the underground parking garage for 111 Davisville Avenue. Approximately 23.5 of the 32 metres of open space which separates the two proposed buildings is part of the lot for 111 Davisville Avenue and is not owned by this applicant (refer to Attachment 1: Context Site Plan).

Planning staff have reviewed the development potential of the intervening 23.5 metre wide open space which is owned by 111 Davisville Avenue (as mentioned above). Staff find that limited forms of lower density residential development such as townhouses may be possible on those intervening lands (with zoning amendments).

If similar setbacks are provided to the north and south property lines of this area of open space as are provided by the proposed north building (6.5 metres) and the proposed south building (6.4 metres) a single row of townhouses or other low density form of housing may be possible. By-law 22535 would also have to be amended as it applies to 111 Davisville Avenue (ie.the requirement for 73% of the lot to be provided in landscaped open space).

The apartment building and all associated lands (including the lands which separate the proposed buildings) at 111 Davisville Avenue are leased to a separate lease holder whose lease expires in 2033 at which point they have the option to purchase the property (refer to Attachment 1: Context Site Plan). This leaseholder of the property for the next 20 years has provided a written statement confirming that they have no intention to develop the strip of open space between the proposed buildings and that they do not object to the proposed north and south buildings being set back 6.25 and 6.4 metres from their property lines.

7. Streetscape, Landscape and Open Space

Section 3.1.2(5a, b, d) of the Official Plan requires that new development will add to the use and aesthetics of the streetscape by providing hard and soft landscape improvements including street trees and other landscape plantings, lighting and other street furniture. The Design Criteria broaden the landscape requirements of the Official Plan and recommend that the proposed buildings contribute positively to the streetscape by providing views to the street from on-site open spaces for security purposes and by providing soft landscaping elements between the building base and the sidewalk.

Section 3.1.2(5d) of the Official Plan requires new developments to provide for adjacent streets (public sidewalks) and open spaces in a manner which makes these areas attractive, interesting, comfortable and functional for pedestrians through the landscaping of these spaces. The Design Criteria broaden the definition of amenities to include those that are provided for the exclusive use of owners or tenants of the new building and the amenities which are publicly accessible, visually and/or physically. New developments may and should provide both.

Both proposed buildings provide upgraded landscaping with new tree and shrub plantings between the building fronts and the respective streets which they face. In addition the open space between the proposed buildings which is not owned by the applicant will be planted (with the leasehold owner's agreement) with new trees and shrubs.

Opportunities for views of the open space from the streets and views to the streets from the open space are increased due to the shorter footprints of both buildings when compared with the existing townhouses on the lots. This adds to the aesthetics of the streetscape and to the security of the inner open space.

Additional security will be provided to open space between the proposed buildings by the incorporation of 4 grade-related units in the south elevation of the north building. These 4 units will have individual doors facing the open space. There will be no privacy fences impeding views from either proposed building to the open space between them. Views of the open space are widened by the open design of the loading areas which are beneath the second floor in both buildings.

The applicant is also proposing to provide a walkway connection between Davisville Avenue and Balliol Street. The walkway would be landscaped and lit and will be constructed and maintained, at the applicant's expense. The walkway would connect the two streets through the proposed development sites and through the area of open space which is not owned by this applicant. The applicant has the leaseholder's agreement to construct the walkway across lands under their control until 2033. The walkway will provide a public pedestrian connection that will provide shortened pedestrian trips between the Balliol Street portion of this *Apartment Neighbourhood* and the Davisville subway station.

The current pedestrian traffic on Davisville Avenue is high. The applicant is proposing to widen the sidewalk on the south side of Davisville Avenue in front of the north building and also in front of 77 and 111 Davisville Avenue. This is anticipated to better serve the existing high pedestrian volume and additional volume on the Davisville sidewalk which may occur after construction of the proposed buildings and of the walkway connection.

Open space amenities are also provided on roof deck areas for the exclusive use of future building tenants. The proposed north building includes a landscaped outdoor amenity area on a portion of the thirteenth floor roof. The proposed south building includes a landscaped open space area on a portion of the second floor roof deck.

8. Sun, Shadow and Sky View

Section 3.1.2(3) of the Official Plan requires new development to adequately limit any resulting shadowing of neighbouring streets, properties and open spaces (i.e., Davisville Public School playground).

Section 3.1.2(4) requires new development to be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings are to be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Design Criteria recognize that tall buildings can adversely affect the environmental quality of surrounding areas through the loss of sky view and by the overshadowing of adjacent public and private open spaces and that restricting the floorplate size of tower components will be beneficial in mitigating shadow impacts. The Design Criteria also recommend that new developments should be spaced to provide adequate light, view and privacy in surrounding buildings.

The proposed buildings comply with these requirements by allowing significant separation distances to each other and to the existing residential tall buildings which are adjacent to the sites. This maintains adequate sky view and privacy within the adjacent apartments and within the proposed new buildings.

With respect to shadowing, the sites are located within an Apartment Neighbourhood where tall buildings exist and cast shadows and where new tall buildings are expected to be built. The shadows cast by the proposed buildings do not exceed acceptable levels of new shadowing on neighbouring buildings, local streets, sidewalks and open spaces such as Davisville Public School playground.

The south building has a thin tower of 762 square metres. New shadow cast by that building (which is not cast within existing shadows of other buildings) moves quickly across the landscape and adjacent buildings. The north building has a longer slab-like floorplate but, at 14 storeys it is low-rise by comparison and casts short shadows. Most of the shadows cast by the north building are lost within the existing shadowing in this apartment neighbourhood.

Servicing

The applicant has submitted a stormwater management report and site servicing plan and, a site grading and drainage plan in support of the proposed development to the Director of Development Engineering Toronto and East York District for review and acceptance prior to entering into a Site Plan Agreement with the City. The owner shall be required to construct and/or pay for any improvements to the municipal infrastructure as may be required in connection with the 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 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 minority area, as per the City Wide Parkland Dedication By-law 1020-2010.

This application as it pertains to 87 – 107 Davisville Avenue proposes 180 residential units on a site with a net area of 2,211 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.24 hectares or 108.5% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement for this development site is 221 square metres.

This application as it pertains to 108 – 128 Balliol Street proposes 342 residential units on a site with a net area of 2,211 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law

1020-2010, the parkland dedication requirement is 0.456 hectares or 206.2% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement for this development site is 221 square metres.

The applicant is required to satisfy the parkland dedication requirements for each of the two development sites through cash-in-lieu. This is appropriate as the parkland dedication requirement on either of the two sites would not be of a useable size and both sites 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.

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. Applicable TGS performance measures will be secured through the Site Plan Approval process.

Tenure

A total of 522 residential units are proposed. The owner has agreed to secure the rental tenure of the building to be constructed at 87 – 107 Davisville Avenue (180 units) for a period of a least 20 years with no condominium registration. The owner advises that their current plans are to operate the 342 residential units which are to be constructed at 108 – 128 Balliol Street as rental housing. The rental tenure of this building will not be secured and the owner is free to consider condominium registration.

Rental Housing Demolition

There are 21 existing rental townhouses proposed for demolition. This includes 10 rental townhouse units at 87 – 107 Davisville Avenue and 11 rental townhouse units at 108 -128 Balliol Street. The existing rental units consist of 18 three bedroom townhouses and 3 four bedroom townhouses which are row houses with private driveways, front porches and rear yards. The rents for all 21 units exceeded mid-range rents (more than one and a half times the average market rent) at the time of the application and therefore, replacement is not required under Official Plan policy 3.2.1.6.

All of the townhouse units are currently occupied. Existing tenants will have no right to return. The owner has agreed to provide tenant relocation assistance beyond what is required under provincial legislation. Tenants will receive a longer notice period for the demolition. Eligible tenants will receive additional financial assistance beyond the payment equivalent to three months rent specified in the Residential Tenancies Act.

The owner has also agreed to provide additional assistance to tenants with long-term tenancies or special needs as well as the services of a professional realtor in finding comparable accommodations. Subject to availability, tenants will also be provided the opportunity to select a vacant rental unit elsewhere in the owner's portfolio of rental buildings.

There is a limited supply of rental townhouses in the City. Since 1991, the supply of private rental row houses has declined by over 15%. By 2012 there was a total supply of 4,418 private rental row houses in the City. Combined with the number of private rental townhouse demolitions that have not yet occurred but have been approved or are under review by Council, the demolition of these 21 rental townhouses with others currently proposed, account for an additional 375 units or a 9% reduction in this form of rental housing stock. While the loss of the 21 rental townhouses suitable for large families is regrettable, the owner has agreed to secure one of the proposed residential apartment buildings as rental tenure for at least 20 years. Although the unit types and the built form is not comparable, the secured rental building will add 180 smaller units to the City's overall rental housing supply.

Staff are satisfied with the proposed Tenant Relocation and Assistance Plan and are recommending that it shall be required as a condition of the Section 37 Agreement.

New Rental Housing

All 180 units in the building to be constructed at 87 – 107 Davisville Avenue will be secured as rental housing for a period of 20 years, with no applications for condominium registration or for conversion to non-rental housing purposes. Of these secured rental units (180), at least 50% plus 1 units (91) will have rents secured as 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 the period and who remains after the first five years.

The unit mix of the 91 mid-range rental units will be secured in the Section 37 Agreement and shall be comprised of 6 bachelor units, 66 one-bedroom units, 14 one-bedroom plus den units and 5 two-bedroom units.

Securing 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 for 87 – 107 Davisville Avenue and 108 – 128 Balliol Street have agreed to secure new, purpose-built rental housing. Most intensification proposals involve condominium tenure. Some who register as condominium but do not initially sell the units may initially choose to rent the apartments, with the ability to sell any or all of these 'temporary rental' units to condominium purchasers at any time without need for further approvals.

The 180 new rental units at 87 – 107 Davisville Avenue will fill an important gap in the market for new rental units which is otherwise dominated by new condominium buildings.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, purpose-built rental housing with mid-range or affordable rents and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon subject to the policies of Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, congested sidewalks, poor mid-block pedestrian linkages).

The applicant agrees to a contribution of \$400,000.00 (indexed to inflation) to be deposited to the Planning Act Reserve Fund. The funds will be secured in the Section 37 Agreement entered into with the owner and may be used for the capital construction of, or the capital improvements to one or more of the following at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor as follows:

- i. \$150,000.00 to be used as a contribution to the Morse Cody (Public School) 'Dirt to Turf Fund' for the upgrading of the sports field for joint use between the TDSB and the City of Toronto. Such payment would be due prior to the introduction of the Bills in City Council; and
- ii. \$250,000.00 to be used for local area park or streetscape projects or other local community benefits as appropriate including any cost over-runs as may be determined reasonable by the Chief Planner and Executive Director of the City Planning Division and the Director of Technical Services, for the projects identified as design and construction of 'sidewalk widening' and 'walkway connection.' Such payment will be due upon the issuance of any above-grade building permit.

In addition, the applicant agrees to design and construct, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Development Engineering Toronto and East York District, widened sidewalks to the extent possible within the public right-of-way on the south side of Davisville Avenue in front of the properties municipally known as 77 and 111 Davisville Avenue. The applicant also agrees to design and construct a widened sidewalk in front of the proposed north building at 87 – 107 Davisville Avenue.

The applicant also agrees to design and construct a landscaped and lit walkway connection for public use between Davisville Avenue and Balliol Street.

The applicant agrees to provide letters of credit as securities for their design and construction of the sidewalk widening and the landscaped walkway prior to the issuance of the first above grade building permit as follows:

- i. \$100,000.00 for sidewalk widening design and construction to be done within the public right-of-way on the south side of Davisville Avenue in front of the properties municipally known as 77 and 111 Davisville Avenue. If this project (sidewalk widening) is not built by the completion of the construction and the occupancy of the proposed north building, all of the \$100,000.00 shall be contributed to the funds that are directed to local area park or streetscape or other local community benefits (set out in ii. above). If this project is constructed for less than \$100,000.00, the remainder shall be contributed to the local area park or streetscape or other local benefits (set out in ii. above); and

- ii. \$250,000.00 for the design and construction of a landscaped and lit walkway connection between Davisville Avenue and Balliol Street. If this project (landscaped walkway) is not built by the completion of the construction and of the occupancy of the proposed south building, all of the \$250,000.00 shall be contributed to the funds that are directed to local area park or streetscape or other local community benefits (set out in ii. above). If this project is constructed for less than \$250,000.00, the remainder shall be contributed to the local area park or streetscape or other local benefits (set out in ii. above).

Section 5.1.1.6(i) of the Official Plan authorizes Section 37 of the Planning Act to be used to secure purpose-built rental housing with mid-range or affordable rents. This applicant agrees:

- i. to secure the rental tenure of all (180) of the new dwelling units at 87 -107 Davisville Avenue for at least 20 Years calculated from the date of the building being completed and occupied; and
- ii. that at least 50% plus 1 (91) 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 Section 37 Agreement entered into by the owner shall be registered on title to the lot to the satisfaction of the City Solicitor and shall also secure the provision by the owner of the following:

- i. assistance for the tenants of the 21 rental townhouse units to be demolished as required under the Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director of the City Planning Division;
- ii. construction of and payment for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required; and
- iii. a Construction Mitigation Plan and Resident Communication Strategy.

In order to mitigate the construction impacts on the surrounding neighbourhood, a Section 37 Agreement can include a requirement that the owner draft and implement a Construction Mitigation Plan and Resident Communication Strategy. The plan/strategy is best drafted prior to the issuance of the first permit (excavation) when the owner has finalized the construction phasing plan for the development and is aware of the timing and duration of the various construction processes that will be involved in this specific development.

The owner of this site will be required (through a condition of the section 37 Agreement) to work with the Ward Councillor's office and the local residents in consultation with Planning staff to draft area-specific guidelines and restrictions for construction activity should the development be approved by City Council. The plan/strategy will identify many construction related issues that are regulated by other City-wide enforcement measures (i.e., noise by-law, dust control by-law).

A resident liaison committee may be established consisting of local residents, business people, the owner's construction manager and a representative of the Ward Councillor's office.

The mitigation plan and communication strategy will address matters that will include:

- the period of construction including the general construction processes in the construction stages and the duration of each stage;
- an approach to identifying and mitigating, if possible, potential negative impacts of construction activity such as: construction noise (hours of permissible construction work); dust control; construction vehicle access and material deliveries; parking for construction trades; interruption of services (hydro, water, gas) for local residents;
- a tentative meeting schedule and a strategy for distributing information through the resident liaison committee to the neighbourhood on construction phases providing advance notice where possible and including contact names and phone numbers for residents to call regarding noise and dust and other construction related questions or concerns;
- identifying and posting a number to call to report any emergency or urgent concerns during non-office hours;
- the provision and distribution of individual notices that identify the start date for the commencement of each phase of the construction and the anticipated completion date and information regarding applicable regulating provisions that would apply; and
- any other matters that may be appropriate including but not limited to the provision of reasonable notice respecting the anticipated interruption to services, where possible, and measures to prevent dust and construction debris from impacting existing residents.

CONTACT

Tim Burkholder, Senior Planner
Tel. No. (416) 392-0412
Fax No. (416) 392-1330
E-mail: tburk@toronto.ca

Kirsten Stein, Planner
Tel. No. (416) 392-0421
Fax No. (416) 397-4080
E-mail: kstein@toronto.ca

SIGNATURE

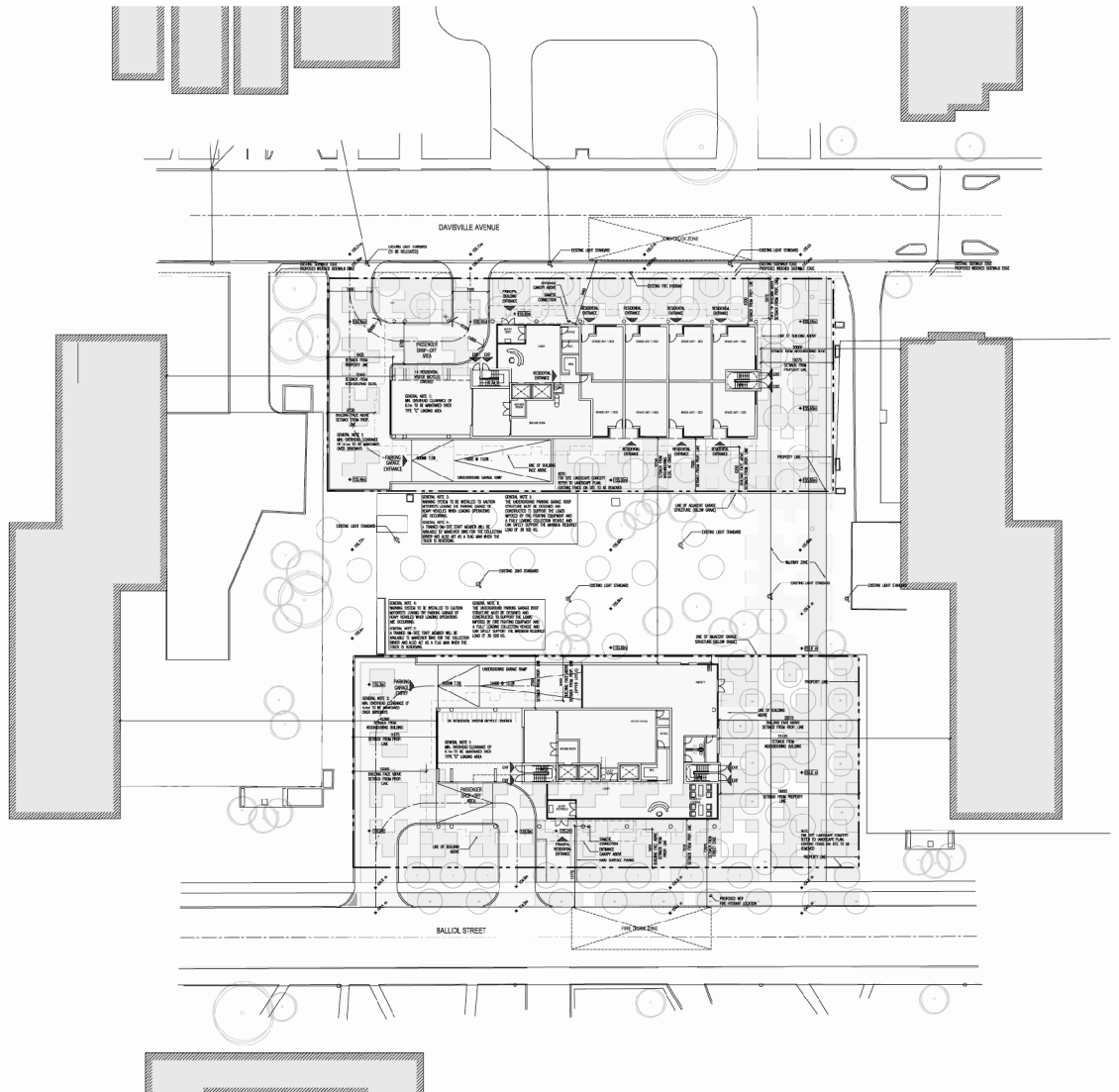
Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Context Site Plan -- Davisville Avenue and Balliol Street Building
Attachment 2: South Elevation – Davisville Building
Attachment 3: West Elevation – Davisville Building
Attachment 4: North Elevation – Davisville Building
Attachment 5: East Elevation – Davisville Building
Attachment 6: South Elevation – Balliol Building
Attachment 7: West Elevation – Balliol Building
Attachment 8: North Elevation - Balliol Building
Attachment 9: East Elevation - Balliol Building
Attachment 10: Zoning
Attachment 11: Application Data Sheet
Attachment 12: Draft Zoning By-law Amendment

Attachment 1: Context Site Plan – Davisville Avenue and Balliol Street Building



Context Site Plan

87-107 Davisville Avenue

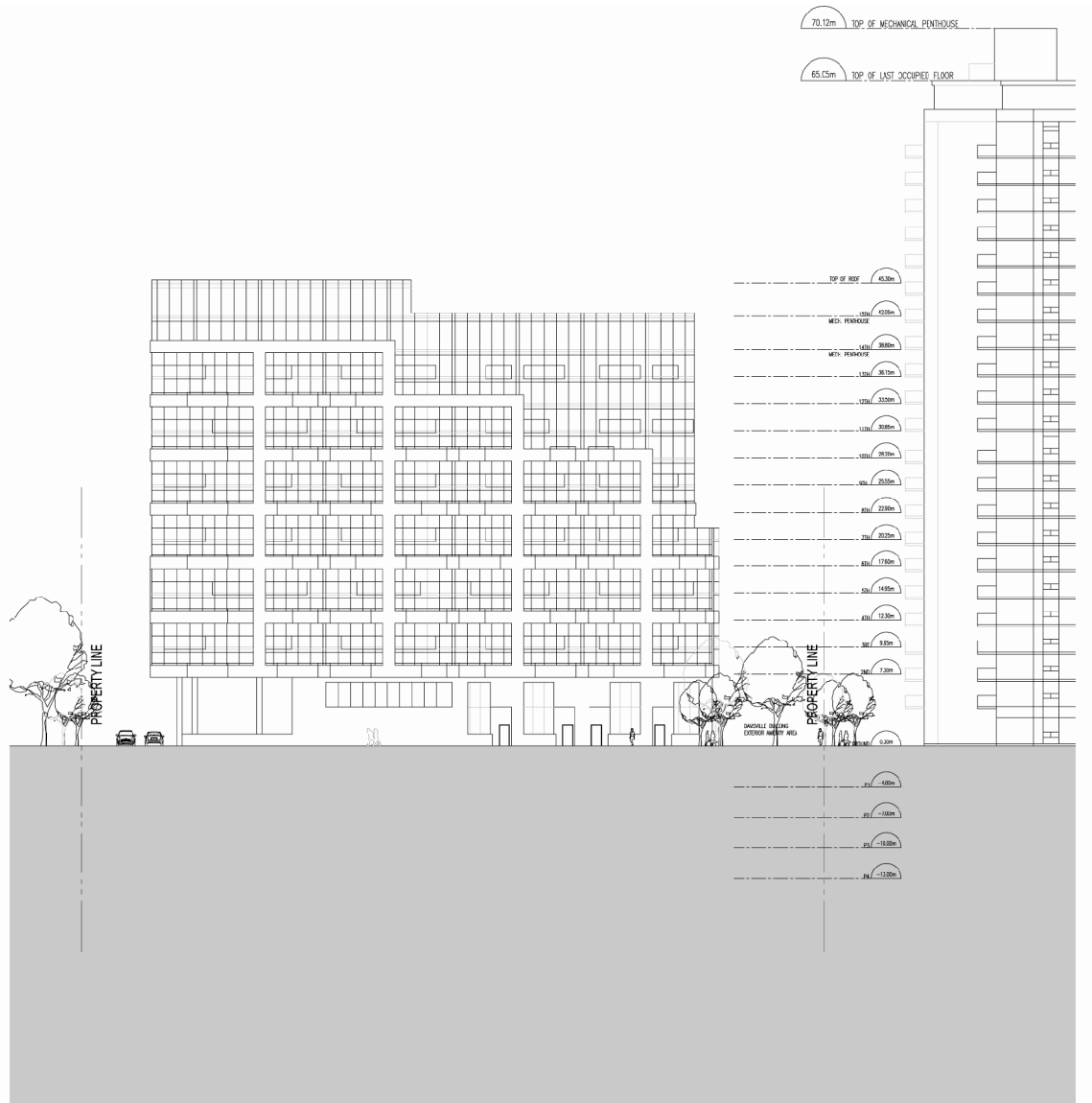
Applicant's Submitted Drawing

Not to Scale
02/21/2013



File # 11_328745_02

Attachment 2: South Elevation – Davisville Avenue



South Elevations

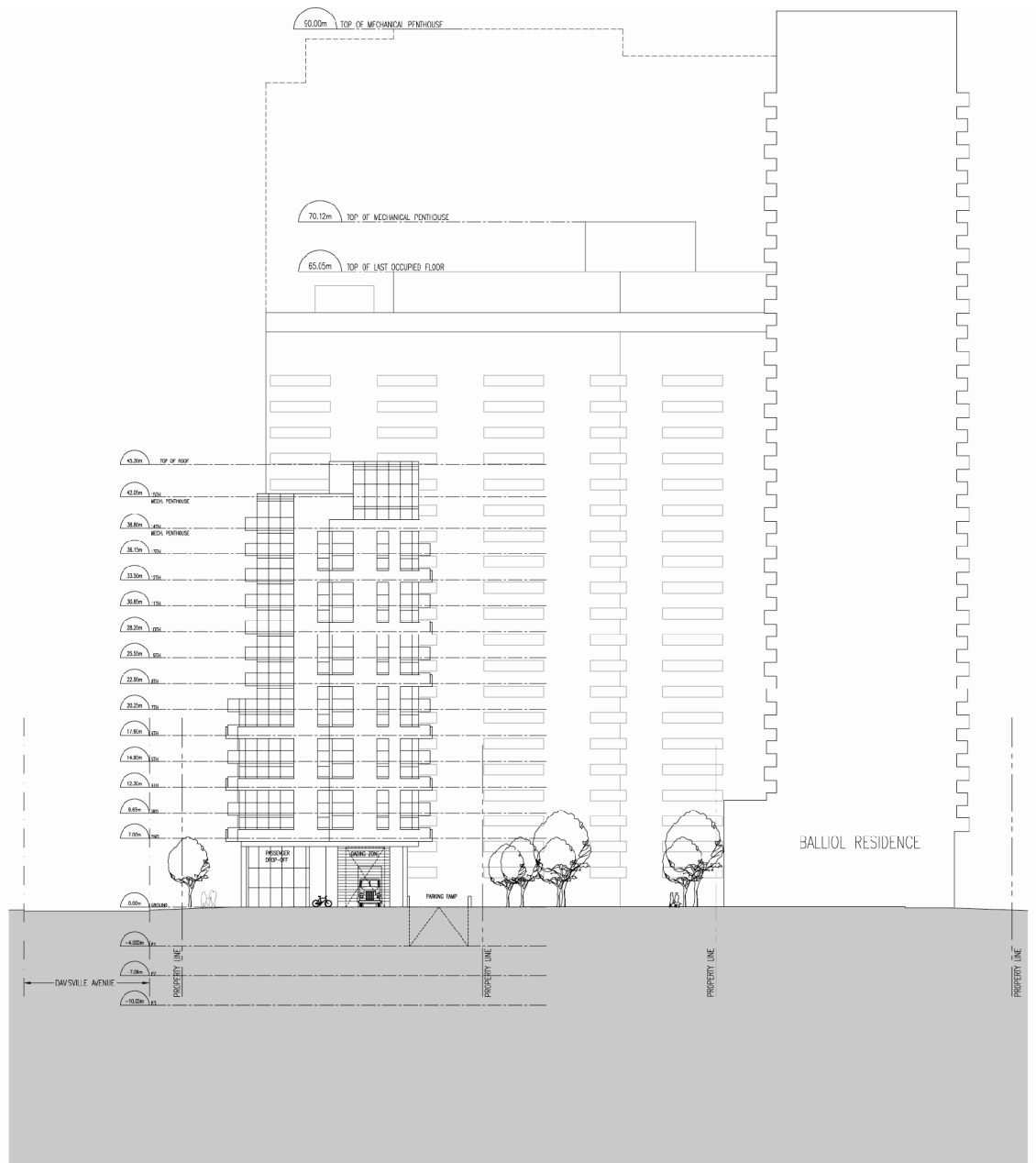
87-107 Davisville Avenue

Applicant's Submitted Drawing

Not to Scale
02/21/2013

File # 11_328745_02

Attachment 3: West Elevation – Davisville Building



West Elevations

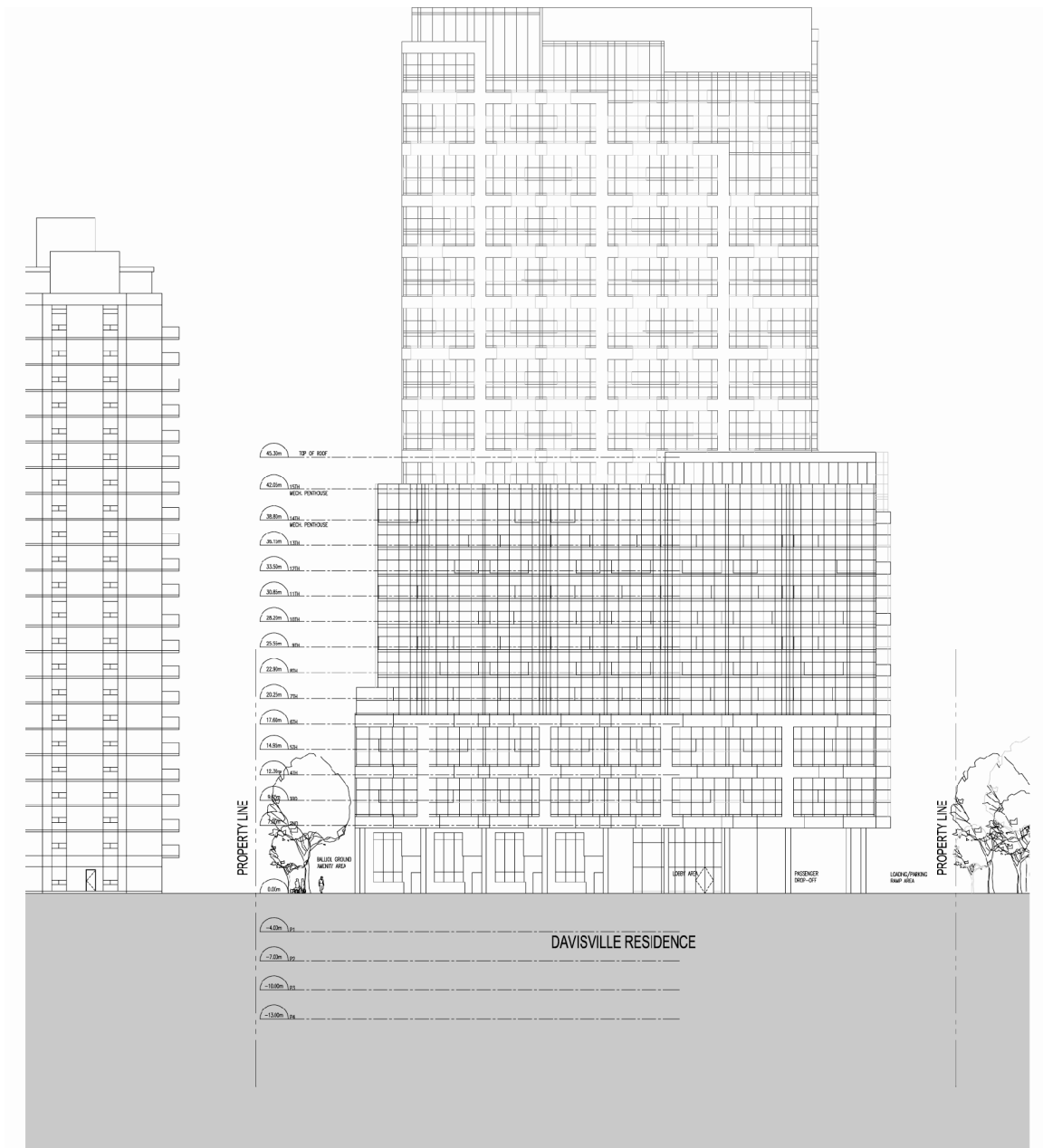
87-107 Davisville Avenue

Applicant's Submitted Drawing

Not to Scale
02/21/2013

File # 11_328745_02

Attachment 4: North Elevation – Davisville Building



North Elevations

87-107 Davisville Avenue

Applicant's Submitted Drawing

Not to Scale
02/21/2013

File # 11_328745_02

Architectural elevation drawing of the Balliol Residence. The drawing shows a tall building with a mechanical penthouse. The building is situated on a plot with a property line and a driveway. The drawing is labeled "BALLIOL RESIDENCE" and includes a north arrow.

Key features and labels:

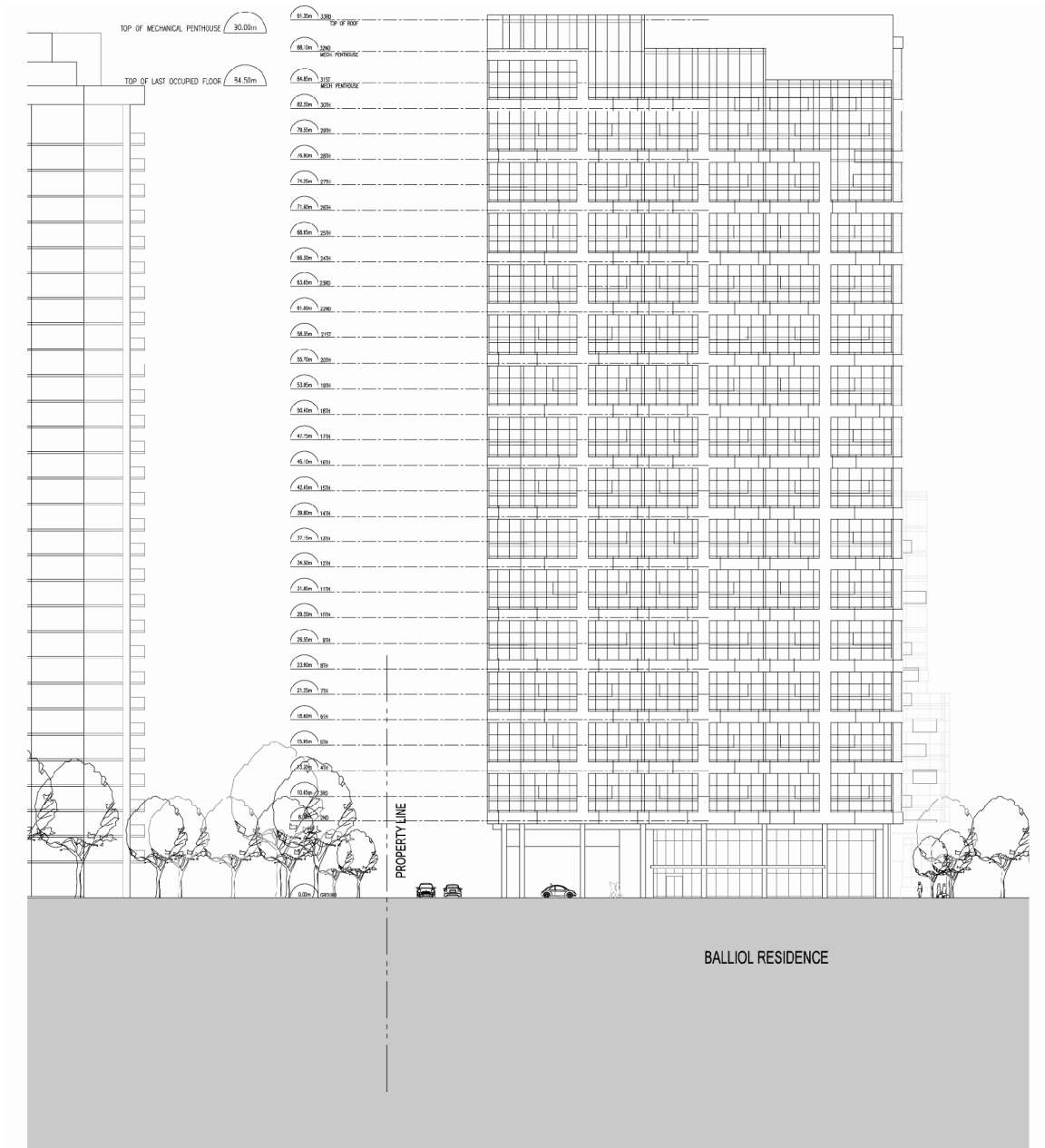
- TOP OF MECHANICAL PENTHOUSE / 90.00m**
- TOP OF LAST OCCUPIED FLOOR / 84.50m**
- BALLIOL RESIDENCE**
- PROPERTY LINE**
- DAVISVILLE AVENUE**
- 0.00m**
- 1.00m**
- 2.00m**
- 3.00m**
- 4.00m**
- 5.00m**
- 6.00m**
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87-107 Davisville Avenue

Not to Scale
02/21/2013

File # 11 328745 0Z

Attachment 6: South Elevation – Balliol Building



South Elevations

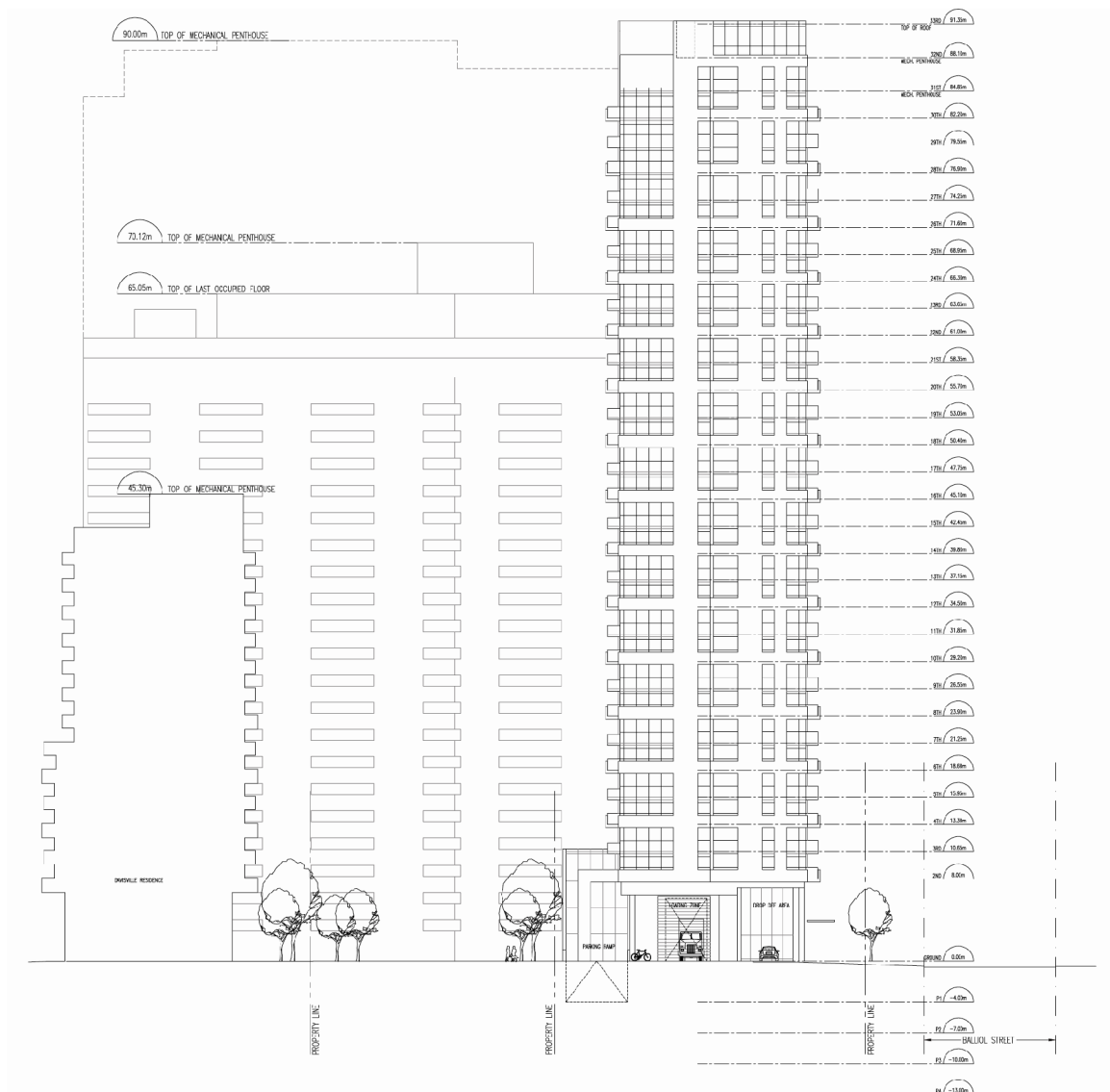
108-128 Balliol Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_328745

Attachment 7: West Elevation – Balliol Building



West Elevations

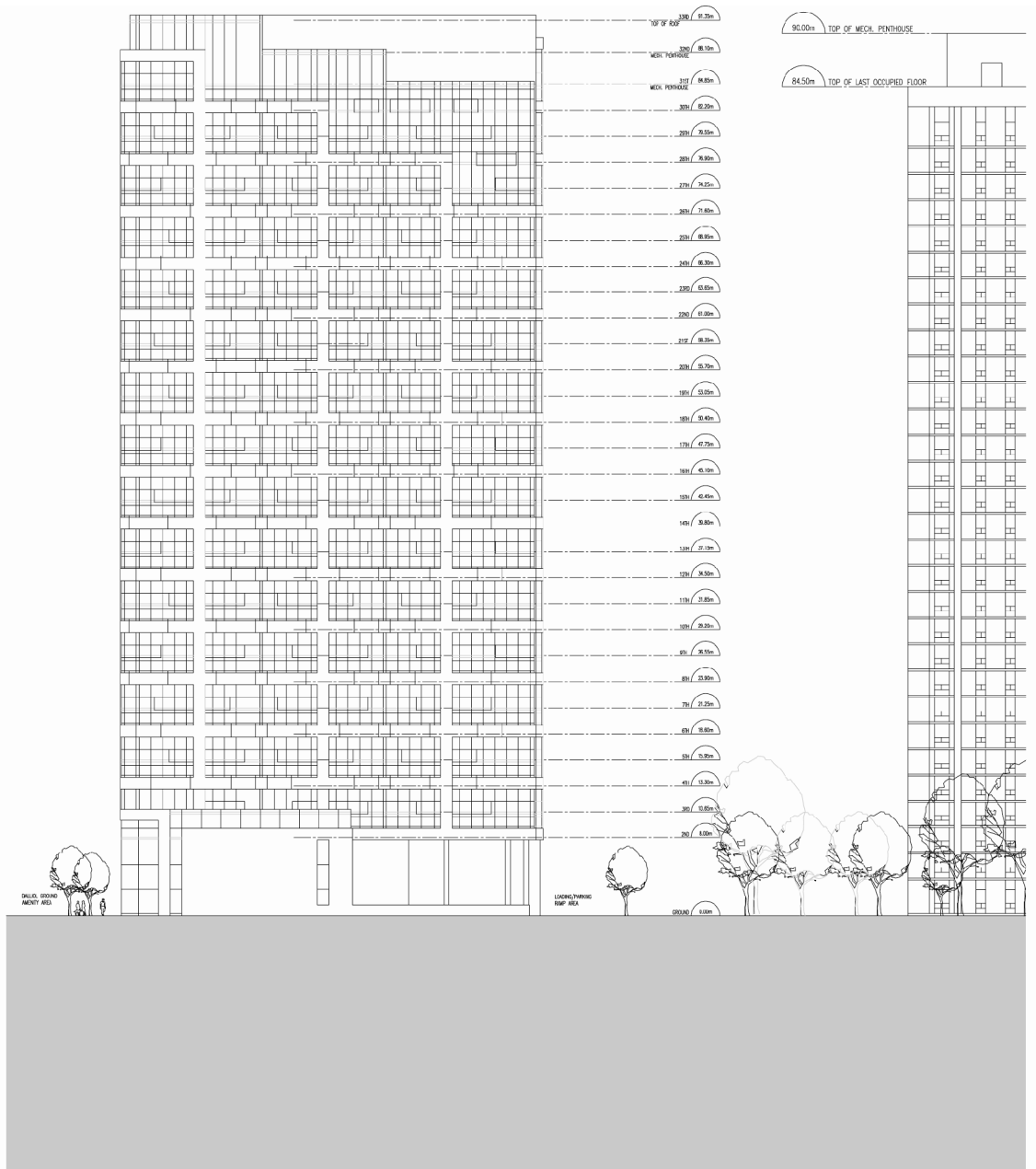
108-128 Balliol Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_328745

Attachment 8: North Elevation – Balliol Building



North Elevations

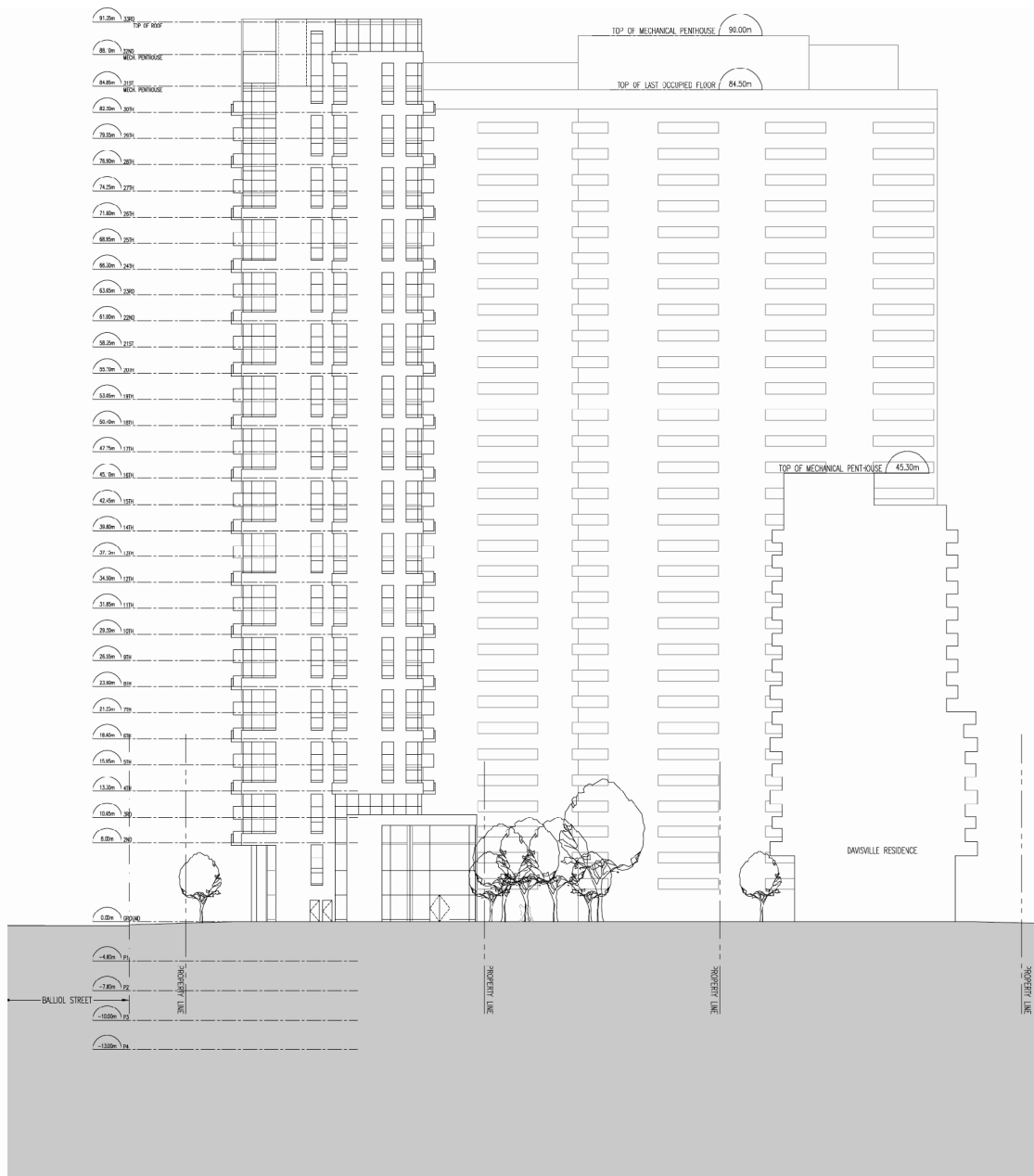
108-128 Balliol Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_328745

Attachment 9: East Elevation – Balliol Building



East Elevations

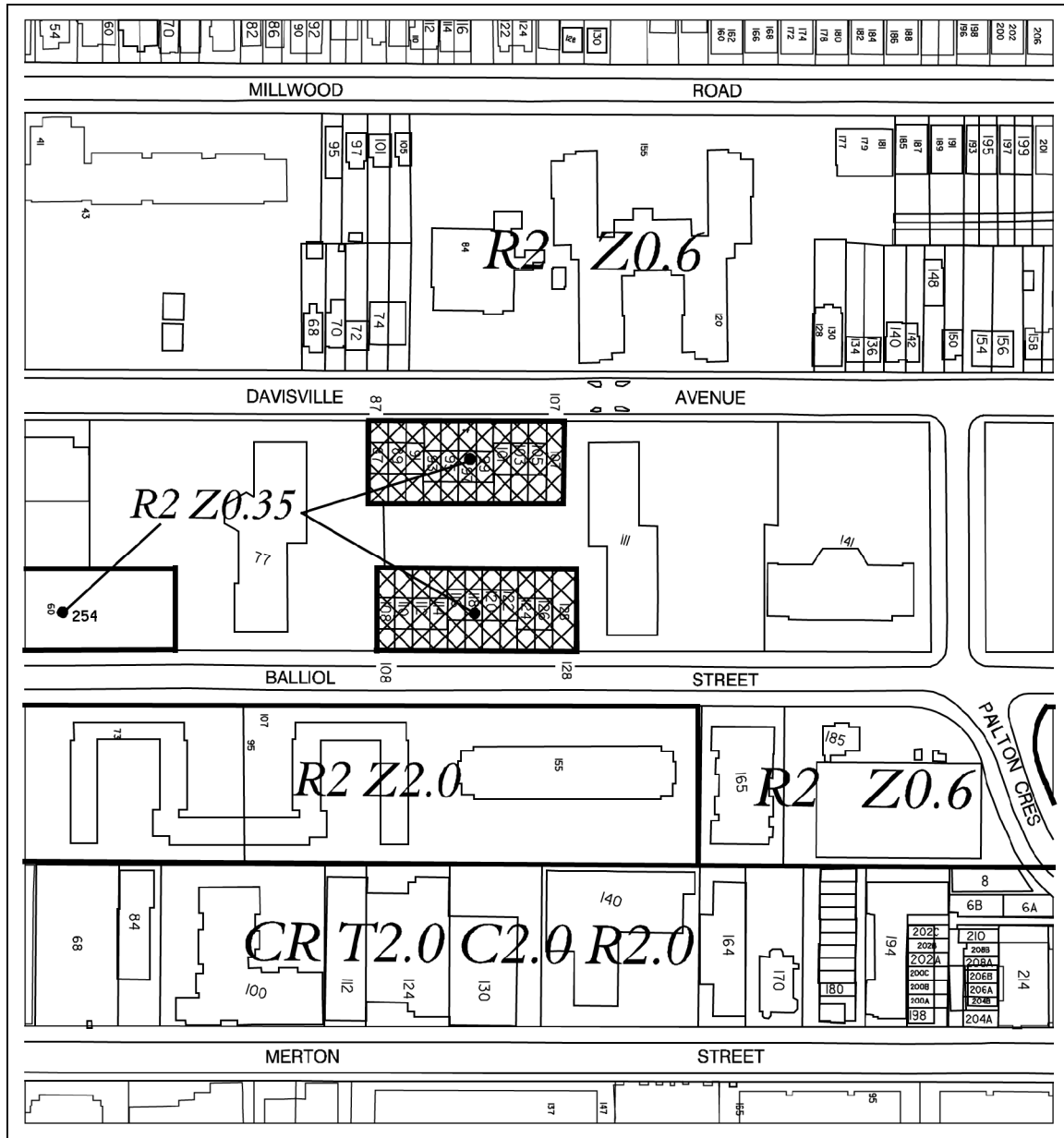
108-128 Balliol Street

Applicant's Submitted Drawing

Not to Scale
02/25/2013

File # 11_328745

Attachment 10: Zoning



TORONTO City Planning
Zoning

87-107 Davisville Avenue and 108-128 Balliol Street

File # 11_328745_02

R2 Residential District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/07/2012

Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	11 328745 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 20, 2011
Municipal Address:	107 DAVISVILLE AVE		
Location Description:	PLAN 799 YORK PT LOT 43 & 44 RP 63R3343 PART 15 **GRID S2208		
Project Description:	Rezoning application to permit the redevelopment of the sites municipally known as 87-107 Davisville Ave and 108-128 Balliol Street for the purposes of a 14- storey rental apartment building fronting onto the south side Davisville Ave and for the purposes of a 29-storey rental apartment building fronting onto the north side of Balliol Street. In total, the site would be developed with 522 rental apartment units complete with 294 vehicular parking spaces located in a below grade parking facility. The existing 21 townhouse rental apartment units located on the sites would be demolished to accommodate the proposal.		

Applicant:	Agent:	Architect:	Owner:
ROBERT GLOVER		Diamond & Schmidt Architects	688288 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R2 Z0.35	Historical Status:
Height Limit (m):	38	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	4422	Height:	Storeys:	29
Frontage (m):	72.5		Metres:	84.7
Depth (m):	30.5			
Total Ground Floor Area (sq. m):	1086.93			Total
Total Residential GFA (sq. m):	30996		Parking Spaces:	285
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	30996			
Lot Coverage Ratio (%):	24.6			
Floor Space Index:	7.01			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	136
1 Bedroom:	274
2 Bedroom:	90
3 + Bedroom:	0
Total Units:	500

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	30996	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Tim Burkholder, Sr. Planner
	TELEPHONE:	(416) 392-0412

Attachment 12 – Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by
City of Toronto Council on ~, 2013

Enacted by Council: ~, 2013
DRAFT BY-LAW

CITY OF TORONTO

BY-LAW No. ~-2013

To amend Zoning By-law 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 87 – 107 Davisville Avenue and 108 – 128 Balliol Street, and to repeal By-law 22535 of the former City of Toronto with respect to the lands municipally known as 87 – 107 Davisville Avenue and 108 – 128 Balliol Street

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning 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 2013 as 87 – 107 Davisville Avenue & 108 – 128 Balliol Street to pass this By-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

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

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

WHEREAS the owner of the *lot* hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands 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 are to be secured by one or more agreements by the owner of the *lot* and the City of Toronto; and

WEREAS 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 lands as permitted in this By-law.

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

1. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(12), 6(3) PART I (1), 6(3) PART II (2) to (5) and 6(3) PART III (1)(b) of Zoning By-law 438-86, of the former City of Toronto, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of an *apartment building* on each of *Lot A* and *Lot B*, subject to the following:
 - (a) the *lot* consists of those lands delineated by heavy lines as Lot A and Lot B on the Map 1 attached to and forming part of this By-law;
 - (b) the total *residential gross floor area* erected or used on the *lot* shall not exceed the following:
 - (i) 11,500 square metres on Lot A, and
 - (ii) 21,400 square metres on Lot B;
 - (c) the maximum number of *dwelling units* does not exceed the following:
 - (i) 180 *dwelling units* on Lot A, and
 - (ii) 342 *dwelling units* on Lot B;
 - (d) no part of any building or structure on the *lot* erected or used above finished ground level is located other than wholly within the areas delineated by heavy lines shown on Map 2(a) and Map 2(b) attached to and forming part of this By-law;
 - (e) no part of any building or structure on the lot erected or used above finished ground level shall exceed the height limits shown in metres and specified by the numbers following the letter "H" in the areas delineated on Map 2(a) and 2(b) attached to and forming part of this By-law;
 - (f) nothing in Sections 1(d) and 1(e) above of this by-law shall prevent the following elements from projecting within the lot beyond the heavy lines and above height limits shown on Maps 2a and 2b:

- (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend to a maximum of 1.0 metres beyond the heavy lines shown on Map 2a and 2b;
 - (ii) balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Map 2a and 2b as measured perpendicular to the exterior walls of the building;
- (g) the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on Map 2a and 2b, with the exception of the following:
 - (i) The maximum *height* for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment shall be the sum of 1.5 metres and the applicable height limit shown on Map 2a and
- (h) *parking spaces* shall be provided and maintained on Lot A and on Lot B in accordance with the following minimum requirements:
 - (i) 0.27 parking space(s) for each bachelor dwelling unit;
 - (ii) 0.44 parking space(s) for each 1 bedroom dwelling unit;
 - (iii) 0.60 parking space(s) for each 2 bedroom dwelling unit;
 - (iv) 1.0 parking space(s) for each 3 or more bedroom dwelling unit;
 - (v) 0.10 parking space(s) for each dwelling unit for visitors to the buildings;
- (i) *residential amenity space* for the dwelling units shall be provided and maintained on the *lot(s)* in accordance with Section 4(12) of By-law No. 438-86 of the former City of Toronto as amended, with the exception that:
 - (i) on Lot A, a minimum of 370 square metres of indoor *residential amenity space* shall be provided; and
 - (ii) On Lot B, a minimum of 668 square metres of indoor *residential amenity space* shall be provided;
- (j) no outdoor *residential amenity space* shall be required on Lot A or Lot B; and

- (k) *landscaped open space* shall be provided and maintained on the *lot(s)* as follows:
 - (i) on Lot A, a minimum of 760 square metres (34.4% of the *lot*); and
 - (ii) on Lot B, a minimum of 850 square metres (38.4% of the *lot*).
- 2. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in *height* and *density* of development on the *lot* beyond that which is otherwise permitted in the By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* of the *lot* to the City of the following facilities, services and matters at the *owner's* sole expense:
 - (1) Prior to the issuance of the first above grade building permit for the proposed developments on either Lot A or Lot B, the owner shall provide an irrevocable Letter of Credit in the amount of \$100,000.00 for sidewalk widening design and construction to be done by the owner within the public right-of-way on the south side of Davisville Avenue in front of the properties municipally known as 77 and 111 Davisville Avenue.

If this project is not built, all of the \$100,000.00 shall be contributed to the funds outlined in Section 2(4) below. If this project is constructed for less than \$100,000.00, the remainder shall be contributed to the funds outlined in Section 2(4) below.
 - (2) Prior to the issuance of the first above grade building permit for the proposed developments on either Lot A or Lot B, the owner shall provide an irrevocable Letter of Credit in the amount of \$250,000.00 for the design and construction, to be done by the owner, of a landscaped and lit walkway connection between Davisville Avenue and Balliol Street.

If this project is not built, all of the \$250,000.00 shall be contributed to the funds outlined in Section 2(4) below. If this project is constructed for less than \$250,000.00, the remainder shall be contributed to the funds outlined in Section 2(4) below.
 - (3) The *owner* shall provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$150,000.00 to be applied towards the "Dirt to Turf Fund" to upgrade the playing field at Maurice Cody Public School.
 - (4) Prior to the issuance of the first above grade building permit for the proposed development, the *owner* shall provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$250,000.00 may be applied to local area park

or streetscape projects or other community benefits within the local community including any cost over-runs, as determined to be reasonable by the Chief Planner and Executive Director of the City Planning Division and the Director of Technical Services, for the projects identified in section 2(1) and 2(2) above.

Such total amount is 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.

- (5) All of the *dwelling units* in the building to be constructed on Lot A including all associated common areas shall be provided as rental housing, of which at least 50% plus 1 of the rental dwelling units shall be provided as mid-range rental dwelling units, subject to the following:
- (i) the new rental dwelling units and all associated common areas shall be maintained as rental housing for at least 20 years, beginning with the date that the units are available for occupancy;
 - (ii) no portion of the building 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 building without replacement, can be made for at least 20 years from the date the units are first occupied;
 - (iii) the owner shall provide and maintain mid-range rents charged to the tenants who rent the 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;
 - (iv) the unit mix for the mid-range rental units shall include at least 5 two bedroom units and at least 80 units shall be one-bedroom or bachelors, provided that no more than 6 bachelor units shall be included;
 - (v) increases in the initial rents charged to tenants occupying any of the 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;

- (vi) rents charged to tenants occupying any of the 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
 - (v) rents charged to tenants newly occupying one of the 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* shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the *lot(s)* to the satisfaction of the City Solicitor to secure:
- (a) the matters provide for in Section 2(1),(2),(3),(4),(5) & (6) above;
 - (b) the provision by the *owner* of the following to facilitate the development:
 - (i) the owner shall provide relocation assistance for the tenants of the 21 rental townhouses to be demolished, to include at least an extended notice period, assistance with locating alternative accommodation, and additional financial assistance beyond provincial legislative requirements as required under the Tenant Relocation and Assistance Plan, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division;
 - (ii) construction and payment for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and as accepted by the Director of Technical Services should it be determined that improvements to such infrastructure is required; and
 - (iii) draft and implement a Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of the first permit (demolition and excavation), to the satisfaction of the Chief Planner and Executive Director of the City Planning Division

4. By-law 22535 of the former City of Toronto is repealed with respect to 87 – 107 Davisville Avenue and 108 – 128 Balliol Street.
5. Section 13 of By-law 438-86 of the former City of Toronto is amended by deleting the entry for “By-law No. 22535” and replacing it with the following:

“By-law No. 22535 respecting 31 to 41, 71 to 85, 109 to 125, and 157 to 231 Davisville Avenue, and 52 to 106, 130 to 166, and 204 to 302 Balliol Street.”
6. Except as otherwise provided herein, the provisions of By-law 438-86 of the former City of Toronto, as amended, shall continue to apply to Lot A and Lot B as shown on Map 1 attached to this By-law.
7. The *owner* of Lot A and Lot B shall ensure that all water mains, sanitary and storm sewer and appropriate appurtenances required for the development of Lot A and Lot B have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
8. Despite any existing or future consent, partition or division of Lot A and/or Lot B, the provisions of this By-law shall apply to the whole of Lot A and/or Lot B as if no consent, partition or division had occurred.
9. Definitions

For the purposes of this By-law, all italicized words and expressions shall have the same meaning as such terms have for the purposes of By-law 438-86 of the former City of Toronto, as amended, except for the following:

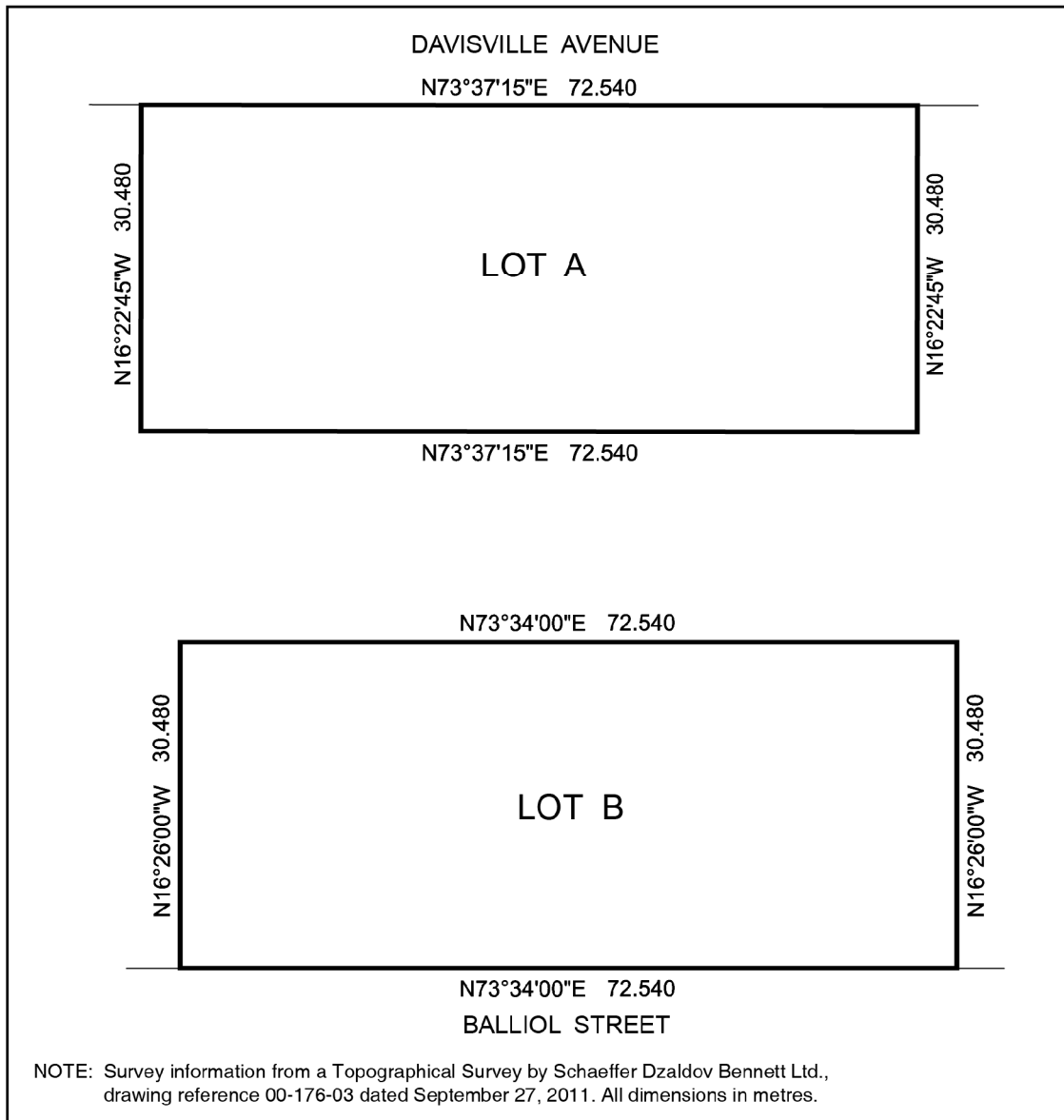
- (a) “Lot A” means the lands outlined with heavy lines and indicated as “Lot A” on Map 1;
- (b) “Lot B” means the lands outlined with heavy lines and indicated as “Lot B” on Map 1;
- (c) “*grade*” means 155.5 metres Canadian Geodetic Datum for Lot A, and 155.1 metres Canadian Geodetic Datum for Lot B;
- (d) “*height*” means the vertical distance between *grades* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law.

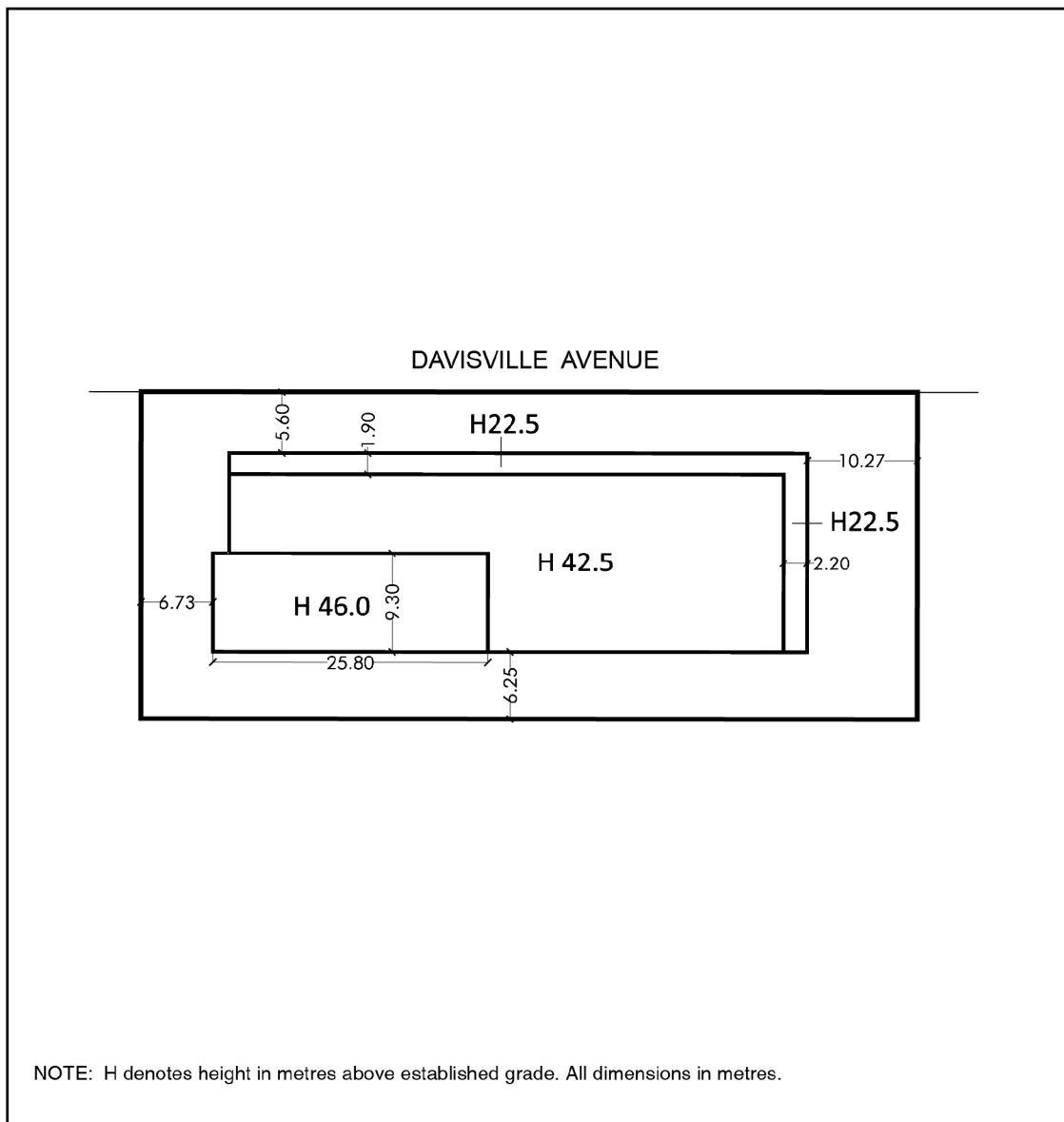
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

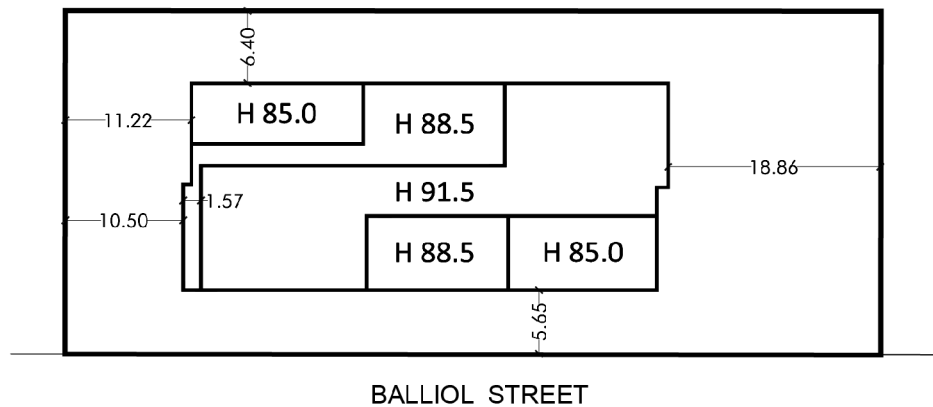
FRANCES NUNZIATA,
Speaker

(Corporate Seal)

ULLI S. WATKISS,
City Clerk







NOTE: H denotes height in metres above established grade. All dimensions in metres.