

## **545-601 Sherbourne Street and 3-7 Howard Street – Zoning Amendment Application and Rental Housing Demolition Application – Final Report**

Date: February 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District  
Ward 13 – Toronto Centre (formerly Ward 28)

**Planning Application Numbers:** 15 206976 STE 28 OZ and 15 206979 STE 28 RH

### **SUMMARY**

---

This rezoning application proposes to construct a 51-storey mixed-use building with ground floor retail space and 532 residential rental units above at 591-599 Sherbourne Street. The existing rental buildings at 545, 555, 561, 565, and 601 Sherbourne Street and 3-7 Howard Street will be retained. The designated heritage building located at 601 Sherbourne will be conserved. The proposal includes the reconfiguration and redesign of St. James Town Park West.

The Rental Housing Demolition application proposes the demolition of 24 existing rental dwelling units located at 583, 591, 595-597 and 599 Sherbourne Street and replacement of all demolished units within the proposed 51-storey mixed-use building.

The proposed building respects and reinforces the existing and planned context and is generally consistent with the Tall Building Design Guidelines and the Downtown Plan. The local community will benefit from a consolidated and redesigned version of St. James Town West Park that will be secured on partially city-owned land and partially leased land until at least the year 2162. Rental housing for 1,525 rental units will be secured on the subject site within the existing apartment buildings for at least 20 years. The proposed development is *consistent* with the Provincial Policy Statement (2014) and *conforms* with the Growth Plan for the Greater Golden Horseshoe (2017).

This report reviews and recommends approval of the application to amend the Zoning By-law and the application for a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

## RECOMMENDATIONS

---

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 545-601 Sherbourne Street and 3-7 Howard Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend Zoning By-law 438-86, for the lands at 545-601 Sherbourne Street and 3-7 Howard Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. 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 that is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,139,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, that comply with the Streetscape Manual and/or are to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
    - ii. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,139,000.00 to be allocated towards existing and/or new affordable housing that may be owned by Toronto Community Housing, and/or towards existing community facilities, and/or towards recreational space and/or cultural space improvements that may be owned by Toronto Community Housing, all located within Ward 13 and within the vicinity of the subject lands, in consultation with the Ward Councillor;
    - iii. Prior to the issuance of the first above-grade building permit, the owner shall convey to the City unencumbered parkland of at least 80.9 square metres that covers a portion of 589 Sherbourne Street. This conveyance is in addition to the parkland conveyance being secured under Section 42 of the Planning Act, and is to be made to the satisfaction

of the General Manager, Parks, Forestry and Recreation in consultation with the Chief Planner and Executive Director, City Planning Division;

iv. Prior to the issuance of the first above-grade building permit, the owner shall extend the existing park lease to the City on the lands at 589 Sherbourne Street, known as St. James Town West Park, by an additional 124 years over and above the remaining park lease term. Alternatively, at the City's discretion, the owner shall enter into a new lease that will have the effect of extending the existing lease by an additional 124 years. Such extension or new lease, as the case may be, shall be on terms and conditions satisfactory to Deputy City Manager, Corporate Services or her designate and the City Solicitor, and shall include any amendments required to give effect to such terms and conditions. Without limitation to the foregoing, the extension or new lease shall provide for the following terms and conditions, unless otherwise agreed to by the Deputy City Manager, Corporate Services, and approved by the City Solicitor, each at her sole discretion, effective as of execution thereof:

- the land at 583 Sherbourne Street and certain other lands, shall be incorporated into the leased premises, and the lands to be included in the development site and to be conveyed to the City as a parkland conveyance under Section 42 of the Planning Act shall be surrendered from the leased premises;

- as in the existing lease, the rent shall be nominal and the landlord shall be responsible for all taxes and utilities;

- the landlord's termination right currently found in the lease shall be deleted;

- the lease shall have priority over all mortgages, charges or other financial encumbrances against the lands forming the leased premises; and

- the owner shall be responsible for, and shall indemnify and save the City harmless from, any land transfer taxes or similar charges payable as a result of the new lease or lease extension.

v. The above-noted cash contributions are to be indexed upwardly with the "Non-Residential Construction Price Index for the Toronto Census Metropolitan Area", as reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, and calculated from the date that the Section 37 Agreement is registered on title.

vi. In the event the cash contributions described in recommendations 4(a)(i) and (ii) above have not been used for the intended purpose within three (3) years of the date of the issuance of the above-grade building permit, the cash contribution may be directed to another purpose, at the

discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject lands.

b. Other matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, which are listed in Schedule A of the draft Zoning By-law Amendment to Amend By-law 569-2013, attached as Attachment No. 4 to this report, which include provisions to secure parkland dedication, parkland design, an updated wind study for wind mitigation for St. James Town West Park, rental housing, heritage conservation, a construction management and community communication plan, and compliance with Tier 1 of the Toronto Green Standard, among other matters.

5. Before introducing the necessary Bills to City Council for enactment, the applicant/owner is required to:

a. Provide an updated Site Servicing & Stormwater Management Report and updated Hydrogeological Review Summary form, if necessary, to the satisfaction of Development Engineering and Toronto Water;

b. Submit a fee for the preparation of a Section 37 Agreement in accordance with the Fee Schedules for Community Planning Applications in effect at the time the fee is submitted to the Customer Service Planning Consultant in Toronto Building, Toronto and East York District;

c. Enter into a Heritage Easement Agreement with the City for the property at 601 Sherbourne Street in accordance with the plans and drawings dated July 31, 2015 and revised December 7, 2018, prepared by IBI Group, and on file with the Senior Manager, Heritage Preservation Services, the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 13, 2015, and revised December 11, 2018 and in accordance with the Conservation Plan required in Recommendation 6(e) below to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;

d. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 601 Sherbourne Street prepared by ERA Architects Inc., dated August 13, 2015, and revised December 11, 2018 to the satisfaction of the Senior Manager, Heritage Preservation Services;

6. City Council approve the application for a Rental Housing Demolition permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition

of twenty-four (24) existing rental dwelling units located at 583, 591, 595-597 and 599 Sherbourne Street, subject to the following conditions:

- a. the owner shall provide and maintain not less than twenty-four (24) replacement rental dwelling units, comprised of at least ten (10) bachelor, twelve (12) one-bedroom, and two (2) two-bedroom units, within the proposed mixed-use building on the site, for a period of at least 20 years, beginning from the date that each such replacement rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated December 21, 2018. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b. the owner shall provide and maintain at least ten (10) bachelor, eight (8) one-bedroom and two (2) two-bedroom replacement rental dwelling units at affordable rents and four (4) one-bedroom replacement rental dwelling units at mid-range rents, for a period of at least 10 years, beginning from the date that each such replacement rental dwelling unit is first occupied;
- c. the owner shall provide and maintain at least five (5) one-bedroom market rental dwelling units within the proposed mixed-use building on the site, for a period of at least 20 years, beginning from the date that each such market rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated December 21, 2018. The five (5) market rental dwelling units shall have unrestricted rents;
- d. the owner shall provide and maintain a common laundry room on the second floor of the proposed mixed-use building as illustrated in the Architectural Floor Plans dated March 2, 2018. Any changes to the proposed common laundry room shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- e. the owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed mixed-use building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any resident of the non-replacement rental dwelling units without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- f. the owner shall provide six (6) vehicle parking spaces to tenants of the replacement rental dwelling units as detailed in the Draft Terms Sheet Summary for Rental Housing set out in Attachment 7 of this report;
- g. the owner shall provide tenant relocation and assistance to all eligible tenants of the existing rental dwelling units, including the right to return to a

replacement rental dwelling unit, as detailed in the Draft Terms Sheet Summary for Rental Housing set out in Attachment 7 of this report, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

h. the owner shall enter into and register on title to the site one or more Agreement(s) to secure the conditions outlined in a, b, c, d, e, f and g above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division including an agreement pursuant to Section 111 of the City of Toronto Act, 2006.

7. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code for the demolition of the twenty-four (24) existing rental dwelling units at 583, 591, 595-597 and 599 Sherbourne Street after all of the following have occurred:

- a. satisfaction or securing of the conditions in Recommendation 6 above;
- b. the site-specific Zoning By-law Amendments have come into full force and effect;
- c. the issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division, or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;
- d. the issuance of excavation and shoring permits for the approved mixed-use building on the site; and
- e. the execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendation 6 a, b, c, d, e, f and g and any other requirements of the Zoning-Bylaw Amendment.

8. City Council authorize the Chief Building Official to issue the Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division, has given preliminary approval referred to in Recommendation 7 c above.

9. City Council authorize the Chief Building Official to issue the Residential Demolition permit under Chapter 363 of the Toronto Municipal Code and Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the proposed development, and after the Chief Planner and Executive Director, City Planning Division, has given preliminary approval referred to in Recommendation 7c above, which may be included in the Rental Housing Demolition permit under 363-11.1, of the Toronto Municipal Code, on condition that:

- a. the owner remove all debris and rubble from the site immediately after demolition;
- b. the owner erect solid construction hoarding to the satisfaction of the Chief Building Official;
- c. the owner erect the mixed-use building on the site no later than four (4) years from the day demolition of the existing buildings is commenced; and
- d. should the owner fail to complete the proposed mixed-use building within the time specified in condition 9(c) above, 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 a Residential 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.

10. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.

11. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

## **FINANCIAL IMPACT**

---

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

---

The subject site, including St. James Town West Park, is governed by several site-specific zoning by-laws. In 1971, Council adopted By-law 258-71 for the lands at 545-565 Sherbourne Street which allowed for the development of the existing retail podium and apartment buildings on site. By-law 693-80 adjusted parking requirements on the

site and By-law 1994-0621 expanded the list of non-residential uses permitted on the site to include most of those permitted in the CR zones in the City.

In 2006, Council adopted site-specific By-law 1044-2006 to amend By-law 258-71, to permit an addition to the existing mixed-use development and allow for the construction of a one-storey retail development on the north end of the podium (Shoppers Drug Mart).

On August 25, 2010, Toronto adopted Item TE36.31 and in accordance with Section 29 of the Ontario Heritage Act stated its intention to designate the property at 601 Sherbourne Street and 3-7 Howard Street, the Thomas Cruttenden building. The property was subsequently designated by City of Toronto By-law 1313-2011.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE36.31>

In 2014, Council adopted By-law 133-2014 for the lands at 545-565 Sherbourne Street to permit the development of a 43-storey infill tower and three-storey grade-related townhouses along Bleecker Street. By-law 133-2014 also secured a minimum of 4,048 square metres of landscaped open space on-site for St. James Town West Park.

The subject property is within the St. James Town Community Improvement Plan (CIP) project area. The boundaries of this CIP were approved by City Council in 2003. Background information on the CIP can be found at:  
<https://www.toronto.ca/wp-content/uploads/2018/06/97c6-St-James-Town-CIP-Report-2003.pdf>

City Planning is currently working on a potential update to the St. James Town CIP in conjunction with planned public realm and open space improvements identified through the St. James Town Connects Framework, which was endorsed by City Council in July 2018. The City Council decision on the St. James Town Connects Framework is available at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.90>

A Preliminary Report on the proposed development was brought forward to Toronto and East York Community Council (TEYCC) on November 10, 2015. TEYCC directed staff to schedule a community consultation meeting, distribute notice for the community meeting to local residents, and issue notice for a statutory public meeting under the Planning Act.

## **ISSUE BACKGROUND**

---

### **Proposal**

The development site is located at the southeast corner of Sherbourne Street and Howard Street, which is at the north end of the subject property and on the north side of



St. James Town West Park. The proposed development consists of a new 51-storey mixed-use building (153 metres including mechanical penthouse) with ground floor retail space and 532 dwelling units above. There are 1,525 existing rental dwelling units located on the southern portion of the site and, more specifically at 545, 555, 561, and 565 Sherbourne Street, that will be retained and secured as rental housing. The existing 3-storey heritage building at 601 Sherbourne Street, which includes ground floor retail space and 8 rental dwelling units on the upper floors, will be conserved, retain the existing rental dwelling units, and adjoin a new 3-storey base building that is part of the new tower.

St. James Town West Park is proposed to be reconfigured through a land-swap and parkland dedication. Specifically, an existing 3-storey building on private property at 583 Sherbourne Street, which is located near the middle of the park, is proposed to be demolished. The land-swap will allow this property to be incorporated into the park under an extended long-term lease to the City in exchange for an effectively equal-sized portion of parkland, currently leased to the City, being added to the south side of the development site. Unencumbered parkland located on the east side of the development site at the southwest corner of Howard Street and Bleecker Street that is currently being leased by the City will be conveyed to the City to satisfy the parkland dedication requirement of 526.74 square metres. An additional 80.9 square metres of unencumbered parkland will also be conveyed to the City as a community benefit under Section 37 of the Planning Act.

The proposed development has been substantially revised since the application was originally submitted in 2015. The following table quantifies the original and revised built form statistics. Development statistics are also provided in Attachment 1: Application Data Sheet.

	<b>Original Proposal (August 2015)</b>	<b>Current Proposal (December 2018)</b>
<b>Tower Height</b>		
Storeys	58 storeys	51 storeys
Metres (including mechanical penthouse)	171 metres	153 metres
<b>Gross Floor Area</b>		
Residential	40,380 sq. metres	35,024 sq. metres
Non-Residential	420 sq. metres	612 sq. metres
Total	40,800 sq. metres	35,636 sq. metres
<b>Base Building Setbacks</b>		
North property line (Howard Street)	0 metres	0 metres
South development site boundary (adjacent to St. James Town Park)	2.6 metres	0 metres
East development site boundary	0.8 metres	0 metres

(adjacent to St. James Town Park) West property line (Sherbourne Street)	0 metres	0.6 metres
<b>Tower Separation</b> Centreline of Howard Street Centreline of Sherbourne Street Centreline of Bleecker Street Existing Tower at 565 Sherbourne Street	16.6 metres 13.1 metres 35.8 metres 75 metres	17.2 metres 15.1 metres 32.3 metres 76 metres
<b>Tower Floorplate</b>	845 sq.m (floors 4-28)  743 sq.m (floors 29-44)  728 sq.m (floors 45-53)  540 sq.m (floor 54-58)  Maximum size: 845 square metres	750 sq. m (floors 5-43) 695 sq. m (floors 44-45) 669 sq. m (floors 46-47) 647 sq. m (floors 48-49) 606 sq. m (floors 50-51)  Maximum size: 750 square metres
<b>Unit Mix</b> Bachelor and one-bedroom Two-bedroom Three-bedroom Total	416 (65%) 212 (33%) 12 (2%) 640 (100%)	352 (66%) 137 (26%) 43 (8%) 532 (100%)
<b>Automobile Parking</b> (including both existing parking at 545-565 Sherbourne Street and proposed parking for new tower) Residents Visitors – residential and retail Surplus (potentially for a commercial parking garage) Total	628 230  858	597 206 93 896
<b>Bicycle Parking</b> (proposed 51-storey building only) Long-term - residents Short-term - visitors	574 64	532 53
<b>Residential Amenity Space</b> Indoor Outdoor	1,280 sq. metres 293 sq. metres	1,064 sq. metres 636 sq. metres

The tower floor plate is 750 square metres up to the 43rd floor and a smaller floor plate in the range of 606-695 square metres applies to floors 44-51, for an overall average floor plate of 734 square metres. The combined gross floor area of the proposed tower and the retained heritage building is 35,636 square metres, which includes 35,024 square metres of residential gross floor area and 612 square metres of non-residential gross floor area for the ground floor retail space.

The Rental Housing Demolition application proposes to demolish twenty-four (24) existing rental dwelling units at 583, 591, 595-597 and 599 Sherbourne Street and provide twenty-four (24) replacement rental dwelling units and five (5) secured rental one bedroom dwelling units within the proposed mixed-use building. The replacement rental dwelling units will be secured as purpose-built rental units for a period at least 20 years, beginning from the date that each such replacement rental dwelling unit is first occupied. The rental rates will be at either affordable or mid-range rents for at least 10 years and all eligible tenants will receive tenant assistance. The five (5) additional secured rental dwelling units will have unrestricted rents.

Facing Sherbourne Street, the proposed tower has a step-back from the 3-storey base building mostly in the range of 3.3 to 4.5 metres. Facing Howard Street the tower step-back from the retained 3-storey heritage building is the range of 7 to 8 metres. Facing the park on the south side the tower step-back is in the range of 3 to 6.7 metres and facing the parkland to the east the tower step-back is 3 metres.

Ground floor retail space comprises the existing space in the heritage building being retained and 400 square metres of new retail space located on the south half of the ground floor of the new building, which will be one retail unit with the potential to be divided into two units, both with their entry facing Sherbourne Street. The residential lobby entrance is located between the existing retail unit being retained in the heritage building at 601 Sherbourne Street and the proposed retail unit in the new building, and also faces Sherbourne Street.

The proposal includes 1,280 square metres of indoor residential amenity space located on approximately half of the 2nd floor, a small portion of the 3rd floor, and the entire 4th floor. Outdoor residential amenity space with a total area of 636 square metres that is primarily located on the 4th floor, as well as small covered areas on the 2nd and 3rd floors, all of which directly adjoin the indoor amenity space.

A loading area for the proposed building is located on the ground floor and accessed from Howard Street halfway between Sherbourne Street and Bleecker Street. The loading area has one Type "C" space with a length of 6 metres. The existing buildings on the subject property located south of the development site have seven loading spaces, including one Type "G" loading space and one Type "A" loading space at 545 Sherbourne Street, and four Type "B" loading spaces and one Type "G" loading space at 561-565 Sherbourne Street. All seven of the existing loading spaces are accessed from Bleecker Street.

Vehicular parking is proposed to be located in the existing 3-storey underground parking garage below St. James Town West Park and below the existing buildings at 545-565 Sherbourne Street. The garage will be expanded to provide additional parking spaces and direct internal access to the proposed building. A total of 896 parking spaces will be located in the garage, including 597 spaces for residents (0.29 spaces per dwelling unit), 206 spaces for residential and retail visitors, and 93 surplus spaces that may be incorporated into a commercial parking garage. The underground garage will be shared between the 532 dwelling units in the new building and the 1,525 dwelling units being retained in the existing buildings at 545-565 Sherbourne Street. Vehicular access will continue to be from Bleecker Street.

A total of 532 bicycle parking spaces are proposed in the new building, including 479 long-term spaces for residents and 53 short-term spaces for visitors, which are all located on P1. The bicycle parking areas will be accessed by a staircase with a bicycle ramp that leads up to the loading area with direct exterior access, or from the main elevators.

### **Site and Surrounding Area**

The subject property is a 2.04-hectare parcel bounded by Howard Street to the north, Bleecker Street to the East, the Wellesley Community Centre to the south, and Sherbourne Street to the west. Earl Street runs east-west through the site near the south end between Sherbourne Street and Bleecker Street. The property slopes gently downwards from north to south.

The property is currently occupied by thirteen (13) residential and mixed-use buildings, comprising 5 two and three-storey mixed-use buildings, 1 one-storey retail building, 3 blocks of townhouses containing 40 dwelling units, and four towers ranging in height from 28 to 43 storeys with ground floor retail space and rental units on the upper floors. There are a total 1,549 existing dwelling units on the subject site. The property also includes St. James Town West Park, which is a City park on leased land located north of the existing apartment buildings and south of the proposed 51-storey building.

The development site, identified as 589-601 Sherbourne Street and 3-7 Howard Street, is located at the north end of the subject property and has an area of 1607.5 square metres. The development site is currently occupied by four of the five existing mixed-use buildings that are located at 591-601 Sherbourne Street and includes a small portion of St. James Town Park West at 589 Sherbourne Street. 601 Sherbourne Street is a designated heritage property situated at the corner of Sherbourne Street and Howard Street, known as the Thomas Cruttenden Building.

St. James Town West Park is a City-leased park established in 1978 when the City entered into a 60-year lease with the landowner as part of the original high-rise development on the property. There are 19 years outstanding on the lease. St. James

Town West Park fronts onto Sherbourne Street, Bleecker Street and Howard Street, covering an area of 4,244 square metres. Most of the park is encumbered by an existing below-grade parking garage.

The portion of the parkland proposed to be included in the development site is being made available for development through a land swap where an existing 3-storey mixed-use building located in the middle of the park at 583 Sherbourne Street will be demolished. The modified park will have consolidated frontage on Sherbourne Street.

The four existing low-rise mixed-use buildings proposed to be demolished contain the following dwelling units by type:

- 583 Sherbourne St: two (2) bachelor and three (3) one-bedroom rental dwelling units;
- 591 Sherbourne St: one (1) bachelor and one (1) two-bedroom rental dwelling units;
- 595-597 Sherbourne St: nine (9) bachelor and six (6) one-bedroom rental dwelling units; and
- 599 Sherbourne St: one (1) bachelor and one (1) two-bedroom rental dwelling units.

The following uses surround the subject property.

North: On the north side of Howard Street are vacant 3-storey houses and vacant land that are anticipated to be redeveloped for a 50-storey mixed-use building as per a recently approved rezoning application that also applied to lands further east along the north side of Howard Street (Application No. 10 247063 STE 28 OZ) . The property at 603 Sherbourne Street contains the Anson Jones House and is designated under Part IV of the Ontario Heritage Act by City of Toronto By-law 1320-2011. Further north along the east side of Sherbourne Street there is a church and a 6-storey office building with an integrated entrance to Sherbourne subway station.

South: The Wellesley Community Centre is adjacent to the south end of the subject property and extends south to Wellesley Street East. Construction of a new indoor swimming pool recently commenced on the east side of the community centre. On the south side of Wellesley Street East there is a row of three 5-storey residential buildings.

East: At the southeast corner of Howard Street and Bleecker Street is a three-storey mixed-use building. Further south along the east side of Bleecker Street down to Wellesley Street East there are four high-rise residential buildings ranging in height from 21 to 29 storeys that are owned and operated by Toronto Community Housing.

West: At the southwest corner of Selby Street and Sherbourne Street there is a 50-storey mixed-use building under construction with residential rental units and

commercial space in a restored heritage building. The property is designated under part IV of the Ontario Heritage Act by City of Toronto By-law 312-89 amended by By-law 62-2015. Further south along Sherbourne Street is a 32-storey mixed-use building with condominium dwelling units and a restored heritage building known as James Cooper Mansion, which is designated under part IV of the Ontario Heritage Act. Further south are a row of nine 3-storey houses that are listed on the City's Heritage Register, followed by a 7-storey hotel with a ground floor restaurant. South of Isabella Street along the east side of Sherbourne Street there is a 1-storey Toronto Hydro building followed by a 14-storey residential building and a 5-storey residential building. A church is located at the southwest corner of Sherbourne Street and Earl Street.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Section 2 of the Planning Act sets out matters of provincial interest that City Council shall have regard for when carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historic interest; the adequate provision of employment opportunities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the

Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application was reviewed against all the policies of the Official Plan including the "Downtown", "Transportation", "Environment", "Public Realm", "Built Form" and "Parks and Open Space" sections of the Plan. The Official Plan is available at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

### **Chapter 2 - Shaping the City**

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation: The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 – Urban Structure of the Official Plan. Map 2 identifies the subject property as being within the Downtown and Central Waterfront area, which is a growth area.

### **Chapter 3 - Building a Successful City**

Section 3.1.2 Built Form: The Official Plan states that architects and developers have a



civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

The housing policies of the Official Plan include policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1(5) provides that significant new development on sites containing 6 or more rental units, where the existing rental units will be kept in the new development will secure the tenure of buildings where there are affordable or midrange rents, and may also secure improvements to the existing buildings to maintain their viability and to provide amenity to the residents at no extra cost to the tenants.

Policy 3.2.1(6) provides that when new development requires the removal or the partial removal of rental housing containing six or more units, and any one of the units is affordable or mid-range, the units must be replaced by size, number, type and at rents similar to those at the time of application, that the rents of those units will be secured for at least 10 years and that an acceptable tenant relocation and assistance plan will address the right to return to a replacement unit and mitigation to lessen hardship.

The Official Plan policies regarding heritage resources set out directions for conserving our heritage through listing properties, designating them and entering into conservation agreements. Once a property is listed on the City's Heritage Register it is to be conserved and any development proposal on a heritage property requires a Heritage Impact Statement. Policy 3.1.5(26) states that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

## Chapter 4- Land Use Designations

The subject lands have three land use designations as shown on Map 18 – Land Use Plan. The properties located at the corner of Howard Street and Sherbourne Street, municipally known as 591-601 Sherbourne Street and 3-7 Howard Street are designated *Mixed-Use Areas*. The properties at 545, 555, 561, 565 and 583 Sherbourne Street are designated *Apartment Neighbourhoods*, and St. James Town West Park at 589 Sherbourne Street is designated *Parks*.

The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings are to provide a transition between areas of different intensity and scale, including stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

*Apartment Neighbourhoods* allow for apartment buildings, parks, local institutions, cultural and recreational facilities and small-scale retail service and office uses that serve the needs of the area residents. The Plan includes criteria for development within this designation such as: mass new buildings to provide a transition between areas of different development intensity and scale; mass new buildings to frame the edge of streets and parks with good proportions and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and mass new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*.

The *Parks* designation is primarily intended for public parks and recreational opportunities. The Plan includes criteria for development of the Parks and Open Space designation such as: protect, enhance or restore natural features; preserve, or improve public visibility and access; maintain and create linkages between parks and open spaces; maintain or expand the size and improve the usability of publicly owned parkland for public parks; and provide comfortable and safe pedestrian conditions.

### Official Plan Amendment (OPA) 406 – Downtown Plan

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018. The Council decision is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here: <https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. The Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and it is now under review. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

OPA 406, in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the Planning Act.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore)

The proposed 51-storey building, located on the northerly portion of the subject site, is designated *Mixed Use Areas 2 - Intermediate* on Map 41-3 of the Downtown Plan. This designation provides for a diverse range of uses, including retail, service, office, institutional and residential, and allows for a range of building typologies, including some tall buildings. Policy 6.26 requires the scale and massing of buildings to "respect reinforce the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type."

OPA 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

### OPA 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 and December 7, 2018, the OMB issued Orders partially approving OPA 320 and brought into force updates to Section 2.3.1 and new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

OPA 320 helps to implement the City's Tower Renewal Program by promoting the renewal and retrofitting of older apartment buildings, and by encouraging fruit and vegetable gardens on underutilized portions of *Apartment Neighbourhood* sites.

The outcome of staff analysis and review of relevant Official Plan policies and designations and the Downtown Plan are summarized in the Comments section of the Report.

## **Zoning**

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is partially in effect and partially still under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the proposed development site. Only Zoning By-law 438-86 applies to St. James Town West Park and the existing apartment buildings south of the park.

Under Zoning By-law 569-2013, the proposed development site located at 591-601 Sherbourne Street and 3-7 Howard Street is zoned *Commercial-Residential (CR 1.5 (c1.0, r1.0) SS2 x2174)* and is restricted to a height limit of 12 metres. The property at 583 Sherbourne Street is zoned *Residential (R (d 2.0) (x975))*. There is also site-specific By-law 574-85 that applies to the property, which permits an eating establishment at-grade with 4 dwelling units above.

Under Zoning By-law 483-86, properties at 591-601 Sherbourne Street and 3-7 Howard Street are zoned *CR T1.5 C1.0 R1.0*, which permits residential and a range of commercial uses. The property at 583 Sherbourne Street is zoned *R3 Z 2.0*. The west portion of St. James Town West Park is zoned *R3 Z2.0* and the eastern portion is zoned *R2 Z1.0*.

## **Design Guidelines**

The following design guidelines have been adopted by City Council apply to the proposed development. Official Plan Policy 5.3.2.1 states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements.

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

## **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

The subject site fronts onto Sherbourne Street which is identified as a "High Street" with a Tower-Base Form. The site is located on the portion of Sherbourne Street identified to accommodate a height range of 77 to 137 metres or 25 to 45 storeys.

## **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Growing Up Draft Urban Design Guidelines have been considered in the review of this proposal. The Guidelines can be found here: <https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

## **St. James Town Connects**

The St. James Town Connects Framework establishes key directions to improve St. James Town's public realm and open spaces by creating safer, greener and more usable open space and pedestrian connections. St. James Town West Park, located on the subject lands at 589 Sherbourne Street and 19 Howard Street, is identified as Open Space. Bleecker Street, adjacent to the east side of the subject lands, is identified as a Primary Pedestrian Connection.

## **Heritage**

The development site includes the heritage property located at 601 Sherbourne Street, the Thomas Cruttenden Building. This building is included on the City's Heritage Register and was designated by Toronto City Council under Part IV of the Ontario Heritage Act on December 1, 2011 by By-law No. 1319-2011.

Contextually, the Thomas Cruttenden Building is an integral part of the collection of surviving heritage buildings dating to the late 19th and early 20th centuries that characterizes the Howard Street neighbourhood as it originated and evolved as a desirable upscale residential enclave southeast of Sherbourne Street and Bloor Street East. The property is visually and historically linked to its neighbourhood surroundings, as it represents the post-1900 evolution of the historical enclave and stands as a highly visible commercial building anchoring the west entrance to Howard Street.

While the Thomas Cruttenden Building typifies the commercial buildings that appeared in the early 20th century when the Edwardian Classical style was favoured for domestic and commercial architecture, the building is distinguished by its craftsmanship with the classical roof detailing, distinctive rounded corner, and the structure's scale and placement near the Sherbourne Street and Howard Street intersection.

The applicant has submitted a Heritage Impact Assessment in support of their planning application that describes how the proposed development will conserve the Thomas Cruttenden Building and the heritage properties adjacent to the development site.

### **Site Plan Control**

The proposed development is subject to Site Plan Control. A Site Plan Control application was submitted in April 2018 and is under review.

### **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law) established Chapter 667 of the Toronto Municipal Code and implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six (6) or more residential units, of which at least one (1) unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of a demolition under Section 33 of the *Planning Act* may also be required where six (6) or more residential units are proposed to be demolished before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where a Zoning By-law Amendment application triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City

Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On August 14, 2015, the applicant submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the Toronto Municipal Code. As per Chapter 667-14, a tenant consultation meeting is required to review the impact of the proposal on tenants of the residential rental property to be demolished and other matters under Section 111.

### **Reasons for Application**

The proposed development requires a zoning by-law amendment because the proposed height and density exceed the height and density permitted by the existing zoning. The proposed Zoning By-law Amendment establishes development standards for the proposed development related to, among other matters, maximum density and height, commercial and residential floor area, parking and loading requirements, building envelopes and amenity space. The lands to be conveyed for parkland are proposed to be rezoned to *Open Space - Recreation (OR)*.

The applicant has submitted an application for a Rental Housing Demolition permit because the proposed development would require the demolition of at least six (6) residential dwelling units and at least one (1) rental dwelling unit.

### **Application Submission**

The following reports/studies were submitted in support of the application:

- Planning and Urban Design Rationale
- Shadow Impact Study
- Pedestrian Level Wind Study
- Stage 1 Archaeological Assessment
- Heritage Impact Assessment
- Housing Issues Report
- Community Services and Facilities Report
- Toronto Green Standards Checklist
- Tree Inventory & Analysis Report and Tree Preservation Plan
- Traffic Impact Study
- Functional Servicing and Stormwater Management Report
- Geotechnical Study
- Hydrogeological Report

The above studies are available through the Application Information Centre (AIC), at: <http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=3806580&isCofASearch=false&isTlabSearch=false>



## **Agency Circulation**

The applications, together with the applicable plans and reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Community Consultation**

A community consultation meeting was held on February 24, 2016, at the Wellesley Community Centre where the original 58-storey building proposal was presented. Approximately 50 members of the public attended. The following issues were raised by the community:

- proposed tower height exceeds that of surrounding existing and planned tower heights;
- existing heritage building at 601 Sherbourne Street should be preserved;
- insufficient TTC capacity, especially on the Sherbourne bus route, to accommodate additional density in the area;
- additional community services should be provided prior to adding additional density to the area;
- pick-up and drop-off by taxis and other automobiles along Sherbourne Street and Howard Street will create more traffic congestion;
- pedestrian lighting in the neighbourhoods needs to be improved; and
- the new building should include additional affordable housing.

In response to the community feedback and City staff feedback, the proposed development has been revised as follows:

- the proposed height is reduced from 58 to 51 storeys to roughly correspond with recently planned developments in the surrounding area;
- the existing heritage building at 601 Sherbourne Street will now be preserved without any portion of the proposed tower overhanging the heritage building;
- local community services and facilities are being expanded through Community benefits being secured under Section 37 of the Planning Act to provide:

-a cash contribution of \$1,139,000.00 for local parks and/or streetscape improvements;

-a cash contribution of \$1,139,000.00 for existing or new affordable housing that may be owned by Toronto Community Housing, and/or improvements to existing recreational and/or cultural spaces that may include open space owned by Toronto Community Housing within St. James Town;

-a 124-year extension on the City's lease on the open space currently used for St. James Town West Park; and

-an over-dedication of 80.9 square metres of on-site parkland dedication at the southwest corner of Howard Street and Bleecker Street in addition to 526.74 square metres of on-site parkland dedication being secured under Section 42 of the *Planning Act*;

### **Tenant Consultation**

Staff held two Tenant Consultation Meetings with impacted tenants to provide an overview of the City's rental replacement policy and Rental Housing Demolition By-law, view unit layouts for the proposed replacement rental dwelling units and temporary rental dwelling units, and discuss the demolition process and proposed tenant relocation and assistance plan. The first tenant meeting, held on December 5, 2017, was attended by 15 tenants. The second tenant meeting, held on October 15, 2018, was attended by 10 tenants.

## **COMMENTS**

---

This section provides an overview of provincial and municipal planning considerations used in the evaluation of the proposal. The comments draw on input from City and outside agency staff, technical studies, Official Plan and Downtown Plan policies, design guidelines, an analysis of the proposed built form, surrounding context and historical context and community and stakeholder consultation, as described in the Issue Background Section of this report.

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against Section 2 of the Planning Act, the PPS (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report. The proposal is consistent with the PPS and conforms with the Growth Plan. The following policy excerpts highlight how the PPS and Growth Plan apply to the proposed development.

The proposed development has demonstrated regard to relevant matters of provincial interest in Section 2 of the Planning Act as the proposal provides for a built form that is well-designed given the constraints of the site and the proposal adequately conserves identified features of historical interest, specifically the on-site heritage properties.

In accordance with Policies 1.1.1(a) and (b) of the PPS, the proposed development will contribute to a healthy, liveable and safe community through increased density that will make more efficient use of existing infrastructure and through the provision of an appropriate mix of residential and employment uses, including retail, residential rental units and rental replacement units that include 34% two and three-bedroom units.

In keeping with Policy 1.1.3.3, the subject site is suitably located for intensification as it is within a built up area that is well served by existing infrastructure, including municipal sewage and water services as specified in Policy 1.6.6.1(a).

Policy 1.6.7.4 of the PPS promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard. The proposed density and mix of land uses supports an efficient use of land and existing transit considering the proximity to Sherbourne subway station, Sherbourne bus route, and the extensive and increasing employment opportunities within the *Downtown*.

The proposed development provides improvements to existing parkland and adjacent streets that will help foster social interaction and facility active transportation and community connectivity, which will promote healthy, active communities in accordance with PPS Policies 1.5.1(a) and (b).

The proposal is consistent with Policies 1.7.1(c) and (d) of the PPS that states that "long-term economic prosperity should be supported by enhancing the vitality of downtowns and main streets, encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources." The proposal will contribute to the character of Sherbourne Street through a physically comparable low-rise street wall with retail space that serves the local community and the conservation of the existing heritage building at 601 Sherbourne Street.

The complete retention of the existing heritage building also satisfies PPS Policy 2.6.1 that states "significant built heritage resources and significant cultural heritage landscapes shall be conserved." The proposed design of the base building adjacent to the heritage building will have a similar height and an increased setback from Sherbourne Street, allowing the heritage building to maintain prominence.

PPS Policy 2.6.3 states that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed

development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." The proposed design of the base building suitably responds to the scale and materials of adjacent heritage buildings across the street on the west side of Sherbourne Street.

The Official Plan is the most important vehicle for implementation" of the PPS as stated in Policy 4.7 and zoning bylaws are also important for implementing the PPS as per Policy 4.8. Relevant Official Plan policies are analyzed in subsequent subsections of this report.

With respect to the Growth Plan, the subject site is suitably located for intensification because it is within an urban growth centre that is intended to accommodate significant population growth as per Policy 2.2.3(1)(d) and specifically planned to achieve a minimum density target of 400 residents and jobs combined per hectare by 2031 as required by Policy 2.2.3(2)(a). The proposed development will contribute towards achieving the minimum density target.

The proposal supports the achievement of complete communities in accordance with Growth Plan Policy 2.2.1(4) by providing convenient access to a range of transportation options, expanding the supply of safe publicly-accessible open spaces and parks, and providing a compact built form with an attractive and vibrant public realm. Specifically, the sidewalk along Sherbourne Street will be widened and made more attractive through the addition of street trees and benches. As well, the existing on-site parkland, St. James Town West Park, will be expanded, consolidated, and redesigned to create a more functional and welcoming public open space.

Policy 4.2.7 of the Growth Plan states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. The conservation of the heritage building at 601 Sherbourne Street satisfies this policy.

## **Land Use**

The proposed mixed-use building is an appropriate use for the subject site and is consistent with the *Mixed Use Areas* designation shown on Map 18 of the Official Plan. The proposed use is also consistent with the *Mixed Use Areas 2 - Intermediate* designation in the *Downtown Plan*, which provides for a diverse range of uses including retail, service, office and residential uses. The proposed small scale retail space on the ground floor will contribute to the mix of retail uses along Sherbourne Street that serves the local residents and help animate the street.

The proposed mix of dwelling units includes 137 (26%) two-bedroom units and 43 (8%) three-bedroom units, which meets the general intent of the objectives of the Growing Up Urban Design Guidelines for providing a critical mass of family sized units and supporting a diversity of housing. While the proposed 26% of two-bedroom units

substantially exceeds the guideline for a minimum 15% two-bedroom units, the proposed 8% of three-bedroom units doesn't quite achieve the guideline for a minimum 10% of three bedroom units.

The unit mix is close to the minimum of 10% three-bedroom units and 30% two or three-bedroom units as specified in Policy 11.1 of the Downtown Plan. The unit mix represents an acceptable number of family-sized units considering the advanced nature of the rezoning application when the Downtown Plan was approved by City Council and considering the Downtown Plan is not yet in force. The number of three-bedroom units has been substantially increased since the original proposal was submitted that provided only 12 (2%) three-bedroom units. The size of the 3-bedroom units are mostly in the range of 85 to 94 square metres.

The proposed residential amenity space of 1,064 square metres equals the standard minimum requirement of 2.0 square metres per dwelling unit. The proposed outdoor amenity space of 636 square metres represents 1.20 square metres per dwelling unit, which is less than the minimum standard of 2.0 square metres per unit. The proposed residential outdoor amenity space is justified by the provision of the leased parkland for St. James Town West Park, which provides conveniently located outdoor amenity space for residents in addition to the local community.

### **Density, Height, Massing**

The proposed increase in density is supported by Official Plan policies that direct growth to *Mixed Use Areas* and to the *Downtown*, which is an Urban Growth Centre identified in the Growth Plan. The proposed height and massing adequately addresses Policy 4.5(2)(c) that requires development in *Mixed Use Areas* to be located and massed "to provide a transition between areas of different development intensity and scale." In this case the immediate surrounding context includes a recently constructed 50-storey mixed-use building nearby on the west side of Sherbourne Street at 592 Sherbourne Street and a planned 50-storey mixed-use building on the north side of Howard Street at 603-607 Sherbourne Street.

The Downtown Tall Buildings: Vision and Supplementary Guidelines identify Sherbourne Street between Wellesley Street East and Bloor Street East as a High Street suitable for a tower-base building typology with heights up to 45 storeys. The proposed 51-storey height is reasonably close to the guideline and suitable considering the existing context of recently approved buildings that includes two 50-storey buildings nearby.

The proposed building has a tower floor plate of 750 square metres on floors 5-43 and a smaller floor plate in the range of 606-695 square metres on floors 44-51, for an overall average tower floor plate of 734 square metres. This size of floor plate is consistent with the Tall Building Design Guidelines that indicate towers should not exceed a 750 square

metre floor plate. The size of the proposed tower floor plate, together with the relatively square, point-tower shape of the tower, serve to minimize the loss of sky view from the public realm and minimize shadow impacts.

The proposed tower separation from existing and planned towers is acceptable since it significantly exceeds the minimum standards provided in the Tall Building Design Guidelines. The proposed tower also complies with the separation requirements specified in By-laws 1106-2016 and 1107-2016 -- Downtown Tall Building Setback Area, which reflect the Tall Building Design Guidelines. The standards require a minimum 25-metre separation between towers by requiring a minimum 12.5-metre separation from the centreline of adjacent streets and a minimum 25-metre separation from other towers located on the same property. The proposed tower is 76 metres from the closest existing tower located on the subject site on the south side of St. James Town West Park, is 15.1 metres from the centreline of Howard Street, is 17.2 metres from the centreline of Sherbourne Street, and is 32.3 metres from the centreline of Bleecker Street.

The base building of the proposed tower is 3 storeys with a height of 12 metres, which corresponds with the height of the existing abutting heritage building that is being conserved at 601 Sherbourne Street. The base building height is consistent with the Tall Building Design Guidelines that specify the base building height should align with the streetwall height of neighbouring buildings and should be within the range of 10.5 metres and 80% of the width of the adjacent right-of-way, which works out to 16 metres given that both Sherbourne Street and Howard Street are 20 metres wide.

The tower step-backs above the base building are mostly in the range of 3.3 to 4.5 metres facing Sherbourne Street, approximately 7 to 8 metres facing Howard Street, 3 to 6.7 metres facing south towards St. James Town West Park, and 3 metres facing east towards Bleecker Street. The tower step-backs serve to create a well-defined low-rise street wall that complements the existing street wall along much of Sherbourne Street in the vicinity. The tower step-backs facing Sherbourne Street and Howard Street also allow the existing heritage building at 601 Sherbourne Street to maintain its prominence.

Overall, in accordance with Official Plan policy 3.1.2(1), the proposed massing fits with the existing and planned context, complies with the applicable design guidelines, will complement the existing on-site heritage building at 601 Sherbourne Street, and will frame the adjacent streets and St. James Town West Park with a low-rise street wall. Pedestrian safety and interest will be improved through animated at-grade uses with entrances facing Sherbourne Street and retail space facing both the street and St. James Town West Park.

## **Sun, Shadow**

The shadow impact from the proposed development is acceptable as it adequately

addresses the direction provided in Section 1.4 of the Tall Building Design Guidelines to protect access to sunlight for surrounding streets, parks and open spaces. The guidelines help interpret and quantify Official Plan Policies 4.5(2)(d) and (e) that apply to new development in *Mixed Use Areas*, which require new buildings to be located and massed to "adequately limit shadow impacts on adjacent *Neighbourhoods*" and maintain sunlight for pedestrians on adjacent streets, parks and open spaces.

The proposed tower has a shape, size and placement that serves to minimize shadow impact on adjacent streets, parks and open spaces. The point tower shape and moderately sized tower floor plate provide for limited shadow on the relatively small northerly portion of St. James Town West Park, located between the tower and Bleecker Street, for approximately 2.5 hours in the mid-afternoon during the spring and fall equinoxes. Most of St. James Town West Park, including the main area being consolidated on the south side of the proposed tower, will not experience any additional shadow impact during the equinoxes.

The proposed tower does not cast any additional shadow on the *Neighbourhoods* area located west of Sherbourne Street. In the afternoon there is a minor shadow impact on the *Neighbourhoods* located north of Howard Street and east of Glen Road where some of the houses will experience approximately one hour of shadow at some point between 3:00 and 5:30 p.m. during the equinoxes. The shadow impact is acceptable.

## **Wind**

The base building and tower step-backs have been designed to mitigate pedestrian level wind impacts on the adjacent streets and open spaces. Wind conditions are projected to increase marginally compared to the existing condition but still provide for a reasonable level of comfort. Specifically, existing annual average wind conditions within St. James Town West Park are generally suitable for sitting or standing. Along Sherbourne Street, existing wind conditions are generally suitable for standing or leisurely walking. The projected annual average wind conditions are mostly suitable for standing throughout the park and mostly suitable for leisurely walking along the adjacent sidewalks.

Wind conditions in St. James Town West Park during the spring time are of particular concern since the existing condition provides sitting or standing levels of comfort whereas the proposed condition does not include any areas considered comfortable for sitting. Spring time is an especially sensitive season for winds since people are keen to sit outside but the days are still relatively cool. A wind mitigation strategy for the park to create areas suitable for sitting is feasible but requires flexibility in order to allow for various design and programming options for the park that will be determined through a future park design process led by Parks, Forestry and Recreation. A wind mitigation strategy will be further refined through the redesign process for St. James Town West Park. Funding for the wind mitigation strategy, and if necessary, a peer review for the

wind mitigation strategy, will be at the owner's expense and secured in the Section 37 Agreement.

## **Streetscape**

The proposed retail space on the ground floor will help animate the street and provide passive monitoring of the street and adjacent park. The retail space has a floor-to-floor height of 5.3 metres, which exceeds the 4.5-metre minimum height guideline provided in the Tall Building Design Guidelines that provides for flexible commercial and retail space. The retail space includes covered terraces on the south side facing St. James Town West Park that will help animate the park while providing gentle transition between the base building and the park.

The proposed base building provides for a sidewalk width along Sherbourne Street ranging from 4.8 to 6.2 metres. Typically a new tall building would provide for a minimum 6.0-metre wide sidewalk along the adjacent street frontages but in this case a slightly narrower sidewalk along a portion of the Sherbourne Street frontage is appropriate in order to provide a gentle transition to the existing sidewalk width of 3.9 metres in front of the existing heritage building at 601 Sherbourne Street that is being conserved. Along Howard Street the existing sidewalk width of 6.4 metres will be maintained. The proposed sidewalk widths are sufficient to provide for safe, attractive, interesting and comfortable spaces that can facilitate tree plantings and street furnishings as specified in Official Plan Policy 3.1.1(6)

Street trees will be planted in two continuous tree trenches along both Sherbourne Street and Howard Street adjacent to the curb, creating a buffer between the pedestrian clearway and the curb. Post-and-ring bicycle parking and benches are proposed between the tree trenches along Sherbourne Street. An existing bike share docking station on Howard Street is proposed to be retained. Official Plan Policy 3.1.1(5)(a) and (b) recognizes that such street elements will help connect people and support economically vibrant and complete communities.

Overall, the proposed streetscape will contribute to high-quality, attractive public realm with new amenities for pedestrians and cyclists.

## **Traffic Impact, Access, Parking**

Transportation Services reviewed the Traffic Impact Study and concurs with its findings that traffic impact generated by the proposed development will be minimal. The estimated peak traffic impact is 78 two-way vehicular trips during the weekday morning peak hour and 94 trips during the evening peak hour. Staff accept the projected traffic impact.

Access to the proposed new loading area within the proposed building is from Howard Street. Access to the existing loading areas and to the ramp to the underground parking



garage is from an existing point of access on Bleecker Street just south of St. James Town West Park. The proposed vehicular access minimizes conflicts between pedestrians and vehicles as it relies entirely on existing curb cuts without any new points of access. On Howard Street the potential conflict with pedestrians will be reduced since the existing curb cut provides access to several parking spaces that will be replaced with a single loading space.

The proposed additional parking on the subject site will be consolidated with the existing underground parking garage, allowing for an efficient use of existing points of access, driveways, and drive aisles. The consolidated visitor parking for both the residential and non-residential components will serve to maximize the visitor parking available during the day for the retail uses and during the evening for residential visitors. The proposed consolidation of vehicular access, loading areas, and parking garage satisfies Policy 3.1.2(2) that requires new development to locate and organize parking, loading and vehicular access to "minimize their impact" and "improve the safety and attractiveness of adjacent streets, parks and open spaces."

### **Servicing**

The proposed building will be serviced by existing water mains that run along Sherbourne Street and by sanitary and storm sewers that run along Howard Street.

The Hydrogeological Review Summary form and the Functional Servicing Report and Stormwater Management Report require technical updates to address comments from Development Engineering. As indicated in the Recommendations section of this report, staff recommend that the Bills to pass the proposed zoning by-law amendment be held until the applicant submits updated versions of the Hydrogeological Review Summary form and the Functional Servicing Report and Stormwater Management Report that are to the satisfaction of Development Engineering and Toronto Water.

### **Open Space / Parkland**

To fulfil the parkland dedication requirement under Section 42 of the Planning Act, the owner will provide an on-site parkland dedication of 527 square metres. In addition, the owner will provide an additional 81 square metres of parkland dedication as part of the community benefits being secured under Section 37 of the Planning Act. The combined parcel of 607.64 square metres is unencumbered and will be added onto the existing City-owned parkland of 195 square metres located on the south side of Howard Street just west of Bleecker Street, which is part of St James Town West Park, to create a consolidated 802 square metre parcel of City-owned parkland.

On the south side of the existing and proposed City-owned parkland, the applicant is currently leasing to the City parkland with an area of 4,048 square metres, which makes up most of St. James Town West Park, that is located above an existing underground parking garage. Existing amenities of St. James Town West Park include a playground,

pathways, drinking fountain, seating and horticulture display. A 60-year lease was executed on December 6, 1978, and the applicant has agreed to lease the lands for an additional 124 years, beyond the 19 years that are remaining from this point in time, at nominal cost to the City as part of the Section 37 community benefits and with consideration for the lack of separation between the proposed building and the leased parkland. The 60-year lease expires in 2038 and the additional 124-year lease will expire in 2162.

There is a 3-storey house-form building located at 583 Sherbourne Street on a property with an area of 235 square metres that is surrounded by St. James Town West Park. To achieve a consolidated area of parkland for St. James Town West Park, the owner purchased the property located at 583 Sherbourne Street for a land exchange with the City of Toronto. The land exchange will provide the applicant with an almost equal sized parcel of land along the north edge of St. James Town West Park that will be removed from the leased parkland and added to the development site for the proposed 51-storey building.

St. James Town West Park will be redesigned as a consolidated public park following repairs to the underground garage membrane below the leased parkland that will require the temporary closure of the park. St. James Town West Park will have a total area of 4,244 square metres including both the City-owned parcel and the leased parkland. The end result will be an improved version of St. James Town West Park secured until at least 2162 with consolidated frontage on Sherbourne Street and additional City-owned frontage on Howard Street and Bleecker Street.

### **Rental Demolition and Replacement**

The applicant proposes to demolish twenty-four (24) existing rental dwelling units at 583, 591, 595-597 and 599 Sherbourne Street and provide, maintain and secure twenty-four (24) replacement rental dwelling units and five (5) secured rental dwelling units within the proposed mixed-use building. The unit mix for the replacement rental dwelling units would be comprised of ten (10) bachelor, twelve (12) one-bedroom and two (2) two-bedroom units. This proposed unit mix is slightly different than the existing unit mix as three (3) existing bachelor units would be replaced with three (3) one-bedroom units. The five (5) secured rental units would all be one-bedroom units.

Upon completion, the total gross floor area for the twenty (24) replacement rental dwelling units would be greater than the total gross floor area for the twenty (24) existing rental dwelling units proposed to be demolished. The average unit size for each unit type within the replacement rental proposal would be larger than the average unit size for each unit type currently existing on the site.

The twenty (24) replacement rental dwelling units would be provided with a balcony or terrace and central air conditioning. Tenants of the replacement rental dwelling units

would have access to a common laundry room, all indoor and outdoor amenity space within the proposed mix-use building, all required bicycle parking and visitor parking and six (6) designated vehicle parking spaces as set out in the Draft Term Sheet in Attachment 7 of this report.

The applicant has agreed to provide, maintain and secure the rental tenure of the twenty (24) replacement rental dwelling units within the proposed mixed-use building for at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing buildings contained twenty (20) affordable rental units (11 bachelor, 7 one-bedroom unit and 2 two-bedroom units) and four (4) mid-range rental units (2 bachelor and 2 one-bedroom units). The applicant has agreed to secure the rents for the twenty (20) affordable and four (4) mid-range replacement rental dwelling units for at least ten (10) years, beginning from the date that each replacement rental dwelling unit is first occupied.

Staff are satisfied with applicant's replacement rental proposal as it conforms with the intent of the City's replacement rental policy (OP Policy 3.2.1.6) and standard practices, maintaining at least the same number, size and type of rental housing units at similar rents. The Section 37 and Section 111 Agreements would secure all details regarding unit mix, unit sizes, tenure, permitted rents and other related rental matters.

### **Tenant Relocation and Assistance**

The owner has agreed to provide assistance to all eligible tenants residing at 583, 591, 595-597 and 599 Sherbourne Street, all of which would be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and secured through one or more agreements with the City. As part of this Tenant Relocation and Assistance Plan, eligible tenants would receive the following:

- A temporary rental dwelling unit at 561 Sherbourne Street, provided at similar rents, for the duration of construction;
- The right to return to a replacement rental dwelling unit in the proposed mixed-use building, with rent protected for at least to twenty (20) years;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit; and
- Special needs compensation equal to two (2) months' rent as determined by the Chief Planner and Executive Director, City Planning Division.

Alternatively, eligible tenants who do not accept the temporary rental dwelling unit at 561 Sherbourne Street as provided for above, would receive the following:

- At least six (6) months' notice of the date that they must vacate their current rental unit;
- The right to return to a replacement rental dwelling unit in the proposed mixed-use building, with rent protected for at least to twenty (20) years;
- Compensation equal to three (3) month's rent pursuant to the *Residential Tenancies Act*;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure; and
- Special needs compensation equal to two (2) months' rent as determined by the Chief Planner and Executive Director, City Planning Division.

Staff are satisfied with the owner's proposed Tenant Relocation and Assistance Plan as it would help mitigate hardship experienced by eligible tenants required to move from their current homes and is in line with the City's standard practices.

### **Rental Housing Intensification**

The applicant has agreed to maintain and secure the rental tenure of the 1,525 existing rental dwelling units at 545, 555, 561, 565, 545-565 and 601 Sherbourne Street and 3-7 Howard Street to be retained on site, for at least twenty (20) years, beginning from the date that the Zoning By-law Amendment comes into full force and affect.

The applicant has also agreed to complete the following building improvements to the existing rental building at 601 Sherbourne Street, prior to the issuance of the first above grade building permit for the new mixed-use building on the site, which would be retained on site:

- Replace all flooring within the building's common corridors and entrances;
- Replace all lighting fixtures within the building's common corridors and entrances; and
- Repaint the common corridors and entrances.

Staff are satisfied with applicant's proposal as conforms with the intent of the City's rental intensification policy (OP Policy 3.2.1.5) and standard practices The Section 37 Agreement would secure all of the above conditions of approval.

### **Tenant Communication Strategy and Construction Mitigation Strategy**

The owner will, in consultation with any tenant association, existing tenants, the local councillor's office and City staff, submit a Tenant Communication Plan and Construction Mitigation Strategy prior to the issuance of the shoring and excavation permit for the proposed mixed-use building. The Tenant Consultation Plan will identify and outline how and when tenants of the existing rental buildings will be consulted and informed throughout the construction process. The Construction Mitigation Strategy will identify

measures to address impacts resulting from construction activity, including, but not limited to, building or property access, personal safety, building security, noise, dust and vibration. The final form of these documents shall be to the satisfaction of the Chief Planner and secured through one or more agreements with the City.

### **Archaeological Assessment**

An archaeological assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. A small portion of the north end of the subject property was identified as having archaeological potential on the City's TO maps database. The applicant submitted a Stage 1 Archaeological Assessment, which identified lands on the east side of the proposed 51-storey building as having archaeological potential and recommended a Stage 2 Archaeological Assessment for those lands. Staff recommend that a Stage 2 Archaeological Assessment in accordance with the recommendations provided in the Stage 1 Archaeological Assessment be secured in the Section 37 Agreement.

### **Heritage Impact & Conservation Strategy**

Heritage Preservation services has reviewed the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc. submitted in support of the application. The HIA finds that the proposed development conserves the cultural heritage value of the Thomas Cruttenden building. Overall, staff concur with this assessment and are supportive of the proposal. The proposal has been designed to conserve the cultural heritage values, attributes and character of both the onsite and the adjacent heritage properties.

The proposed new residential building will abut the south elevation of the Thomas Cruttenden building. This elevation is a party wall and is currently partially obscured by an abutting non-heritage two storey building that is proposed to be demolished as part of this development. As this wall is not identified as a heritage attribute, the minor physical alterations to this wall required in order to accommodate the new building will not have a negative heritage impact on the property.

The ground floor of the Thomas Cruttenden building has storefronts that address both Sherbourne and Howard Streets. These storefronts have been heavily altered over time. As part of the development proposal the owner has proposed to rehabilitate these storefronts using a combination of documentary evidence where available and examples from typical storefronts from the time period. Preliminary storefront elevations have been submitted as part of the Heritage Impact Assessment. Should Council approve the proposed conservation strategy the design of these storefronts will be further refined as part of a subsequent conservation plan.

The new residential building has been designed with a three storey base building that will front on to Sherbourne Street adjacent to the Thomas Cruttenden building. Immediately adjacent to the heritage building the base will contain a three-storey glazed

entrance vestibule that will serve as the primary entrance to the new residential development. This vestibule will be setback from the street in order to reveal the upper cornice return of the Thomas Cruttenden building. South of the vestibule, the three storey base building will be clad in brick and will respond in height and design to the heritage building. The proposed base building design reinforces the height, scale, vertical and horizontal articulation of the heritage building.

The proposed tower is stepped back approximately 4.5 metres from the Sherbourne Street elevation of the base building. The step back will reinforce the existing streetwall height established by Thomas Cruttenden building while the tower rises behind.

The balconies of the proposed development will slightly cantilever over the Thomas Cruttenden building. Staff have worked with the applicant through the application process in an effort to decrease the extent of this cantilever. In the current proposal the extent of the cantilever will be less than one metre stepped back more than six metres from Howard Street. In keeping with Official Plan Policy 3.1.5(26), the visual impact from this cantilever should be minimal and as such it should not have significant impact on the scale form and massing of the heritage building nor should it subordinate the heritage property.

The proposed residential building has been designed to conserve the adjacent heritage properties. The proposed three storey base building with its approximately 4.5 metre step back to the residential tower will reinforce the existing streetwall height on this stretch of Sherbourne Street established not only by the onsite heritage building, but by the adjacent heritage properties on the west side of Sherbourne Street and by the heritage property north of the development site at 603 Sherbourne Street. The proposed vertical articulation of the base building responds to the rhythm of built form established by the adjacent properties, while the proposed material palette with punched windows is clearly of its time but is also sympathetic to the heritage character on the street, which further addresses Official Plan Policy 3.1.5(26).

### **Tree Preservation**

There are 4 existing street trees, 6 existing private trees, and 24 existing park trees that are subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Articles II (Street Trees by-law) Article III (Private Tree by-law), and Chapter 608, Article VII (Parks by-law), respectively. The 4 existing street trees are all located on Bleecker Street and will be retained. The 6 existing private trees are located adjacent to Bleecker Street just south of Howard Street, which will be retained and become park trees since that portion of the subject site will be conveyed to the City for parkland and form part of St. James Town West Park.

The 24 existing park trees are all located within St. James Town West Park which is on land leased to the City by the owner of the subject site. The existing underground

garage is beneath the park. 21 trees of the 24 trees are proposed to be removed and 3 trees are proposed to be relocated to facilitate maintenance to the underground garage and allow for construction of an expansion to the garage. The applicant is to submit a tree planting deposit to ensure the planting and survival of replaced and relocated park trees.

Additional street trees are proposed along Sherbourne Street and Howard Street, which will be secured through the Site Plan Control process. New trees for St. James Town West Park will be planted following maintenance and construction on the underground parking garage and following a design process for improvements to St. James town West Park.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Some performance measures for the Tier 1 development features will be secured through the zoning by-law amendment and/or Section 37 Agreement. Other performance measures will be secured through the Site Plan Control process.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A Community Services and Facilities Study was submitted as part of the complete application requirement for the proposed rezoning. The City also recently completed a Downtown Community Services and Facilities Strategy as part of the TOcore study that

resulted in the Downtown Plan. The following information incorporates information from both of these studies as well as other community services and facilities studies.

The local public elementary school, Rose Avenue Junior Public School, is nearing capacity, having increased from 85% capacity in 2015 to 93% in 2018, and may reach or exceed capacity within the next few years. For the broader area located within the *Downtown* east of Yonge Street and south of Bloor Street, there is currently inadequate capacity in local elementary schools to accommodate the projected growth to 2041. The Toronto District School Board has advised that potential future residents should be warned that students may have to attend a school beyond the local area if Rose Avenue Junior Public School does not have sufficient capacity in the future. The Toronto District School Board is currently evaluating various options to address the anticipated population growth within the Rose Avenue Public School catchment area.

The local Catholic elementary school, Our Lady of Lourdes, is also near capacity but has declined in enrollment from 91% capacity in 2015 to 85% capacity in 2018. The local public secondary school, Jarvis Collegiate Institute, has sufficient capacity to accommodate projected future growth as enrollment has declined from 74% capacity in 2015 to 64% capacity in 2018. The nearest Catholic coed secondary school is St Patrick Secondary School, which was at 60% capacity in 2018 and is expected to accommodate future growth.

Regarding child care facilities, the applicant's study indicates there were 76 vacancies across 18 child care facilities within the local area but no vacancies for infants up to 18 months of age. The proposed development is anticipated to generate demand for approximately 17 child care spaces. The Community Services and Facilities Strategy associated with the Downtown Plan indicates that approximately 3,700 new child care spaces, or approximately 60 new child care facilities, will be in demand within the *Downtown* by 2041. Child care facilities are potentially suitable community benefits to be secured under Section 37 of the Planning Act, however, for this project, community benefits related to parks and open spaces and affordable housing were determined to be a priority, which are detailed in the subsequent section of this report.

The subject site is close to the Wellesley Community Centre located at the northeast corner of Sherbourne Street and Wellesley Street East, which includes a gymnasium, fitness room, 7 multi-purpose rooms, and a co-located library known as the St. James Town Branch. A new indoor pool is under construction at the Wellesley Community Centre. Other local community and recreational facilities include the Cabbagetown Youth Centre, the Toronto Kiwanis Boys and Girls Club, and The 519 Community Centre.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning



Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows, to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

1. Cash contribution of \$1,139,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13;
2. Cash contribution of \$1,139,000.00 to be allocated towards existing and/or new affordable housing that may be owned by Toronto Community Housing, and/or towards existing community facilities, and/or towards recreational space and/or cultural space improvements that may be owned by Toronto Community Housing in Ward 13;
3. Conveyance to the City of 80.9 square metres of unencumbered parkland located near the southwest corner of Howard Street and Bleecker Street, which is in addition to the parkland conveyance being secured under Section 42 of the Planning Act; and
4. A 124-year extension to an existing lease to the City, or a new lease for the same duration, on the parkland at 589 Sherbourne Street, known as St. James Town West Park.

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

1. Unencumbered parkland dedication of 607.64 square metres at the southwest corner of Howard Street and Bleecker Street, which includes the 80.9-square metre conveyance secured as a Section 37 community benefit and the parkland dedication required under Section 42 of the Planning Act;
2. Environmental assessment of the lands being conveyed for parkland and the lands forming the leased premises under the parkland lease referred to above;
3. Base park improvements for the parkland conveyance and St. James Town West Park;
4. Temporary fencing for the parkland during construction;
5. Appropriate grading and drainage for the parkland;
6. Credits against development charges for above base park improvements;

7. Above base park improvements;
8. An updated Pedestrian Level Wind Study, and if necessary, a peer review, to provide for a suitable wind mitigation strategy for St. James Town West Park;
9. Warranty for park improvements;
10. Heritage conservation for the existing heritage building at 601 Sherbourne Street, including a detailed landscape plan, a heritage lighting plan, a heritage interpretation plan, a signage plan, building permit drawings in accordance with the Conservation Plan; and a letter of credit to secure all the work included in the conservation, lighting, and interpretation plan;
11. A Stage 2 Archaeological Assessment;
12. Rental housing provisions including an agreement to maintain 1,525 rental dwelling units on the subject site for at least 20 years; improvements to the existing residential rental units in the heritage building at 601 Sherbourne Street, a Tenant Communication Plan and Construction Mitigation Strategy;
13. A Construction Management and Community Consultation Plan;
14. Municipal infrastructure improvements, if necessary; and
15. Construction and maintenance of the proposed development in accordance with Tier 1 performance measures of the Toronto Green Standard.

## **Conclusion**

The proposed rezoning has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to a mixed-use development that respects and reinforces the existing and planned context. The proposed tower is generally consistent with the Tall Building Design Guidelines. The proposed development conserves both the on-site Thomas Cruttenden building and the adjacent heritage properties. Staff recommend that City Council support approval of the rezoning application.

Staff have reviewed the Rental Housing Demolition application against the City's rental housing demolition policies and have determined that the applicant's demolition and replacement proposal for 583, 591, 595-597 and 599 Sherbourne Street would satisfy all of the required City's approval conditions. This report recommends that City Council approve, with conditions, the application for a Rental Housing Demolition permit in

accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of the twenty-four (24) existing rental units.

## **CONTACT**

---

Thomas Rees, Planner, Community Planning  
Tel. No. 416-392-1791, E-mail: [thomas.rees@toronto.ca](mailto:thomas.rees@toronto.ca)

Jeremy Kloet, Senior Planner, Strategic Initiatives, Policy & Analysis (Housing)  
Tel. No. 416-392-7863, E-mail: [jeremy.kloet@toronto.ca](mailto:jeremy.kloet@toronto.ca)

## **SIGNATURE**

---

Lynda H. Macdonald, MCIP, RPP, OALA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

---

City of Toronto Data/Drawings  
Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Existing Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map  
Attachment 5: Draft Zoning By-law Amendment to Amend By-law 569-2013  
Attachment 6: Draft Zoning By-law Amendment to Amend By-law 438-86  
Attachment 7: Draft Terms Sheet for Rental Housing

Applicant Submitted Drawings  
Attachment 8: Site Plan  
Attachments 9a-d: Elevations  
Attachments 10a-b: Perspective Renderings

## Attachment 1: Application Data Sheet

Municipal Address: 545-601 SHERBOURNE ST Date Received: August 14, 2015

Application Number: 15 206976 STE 28 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Redevelopment of the subject properties for a 51-storey rental building, with retail uses at grade. As part of these applications they are also proposing to reconfigure St. James Town West Park, and make significant improvements to it. The existing heritage designated building at 601 Sherbourne Street (known as the Thomas Cruttenden Building) will be retained and no changes will be made to the existing rental units within the building. The existing underground parking garage on the Block will be modified to connect below grade to the new building. The new building will have a total Gross Floor Area (GFA) of approximately 34600 square metres, of which approximately 400 square metres will be at-grade retail space. A total of 532 new rental residential units are proposed.

Applicant	Agent	Architect	Owner
LINDSAY DALE-HARRIS (BOUSFIELDS)		IBI GROUP	712953 ONTARIO LIMITED

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood CR 1.5 (c1.0; r1.0) SS2	Site Specific Provision:	N
Zoning:	(x2174); R3 Z2.0 & R4 Z2.0	Heritage Designation:	Y
Height Limit (m):	30	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 20,414 Frontage (m): 94 Depth (m): 51

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	10,711	10,711	1,160	11,871

Residential GFA (sq m):	110,116	110,116	34,600	144,716
Non-Residential GFA (sq m):	5,448	5,448	400	5,848
Total GFA (sq m):	115,564	115,564	35,000	150,564
Height - Storeys:	43	43	51	51
Height - Metres:	128	128	145	145

Lot Coverage Ratio (%)      58      Floor Space Index:    7.38

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	144,716	
Retail GFA:	5,848	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	1,557	1,533	532	2,065
Condominium:				
Total Units:	0	0	0	0

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		310	573	515	135
Proposed:		71	279	139	43
Total Units:		381	852	654	178

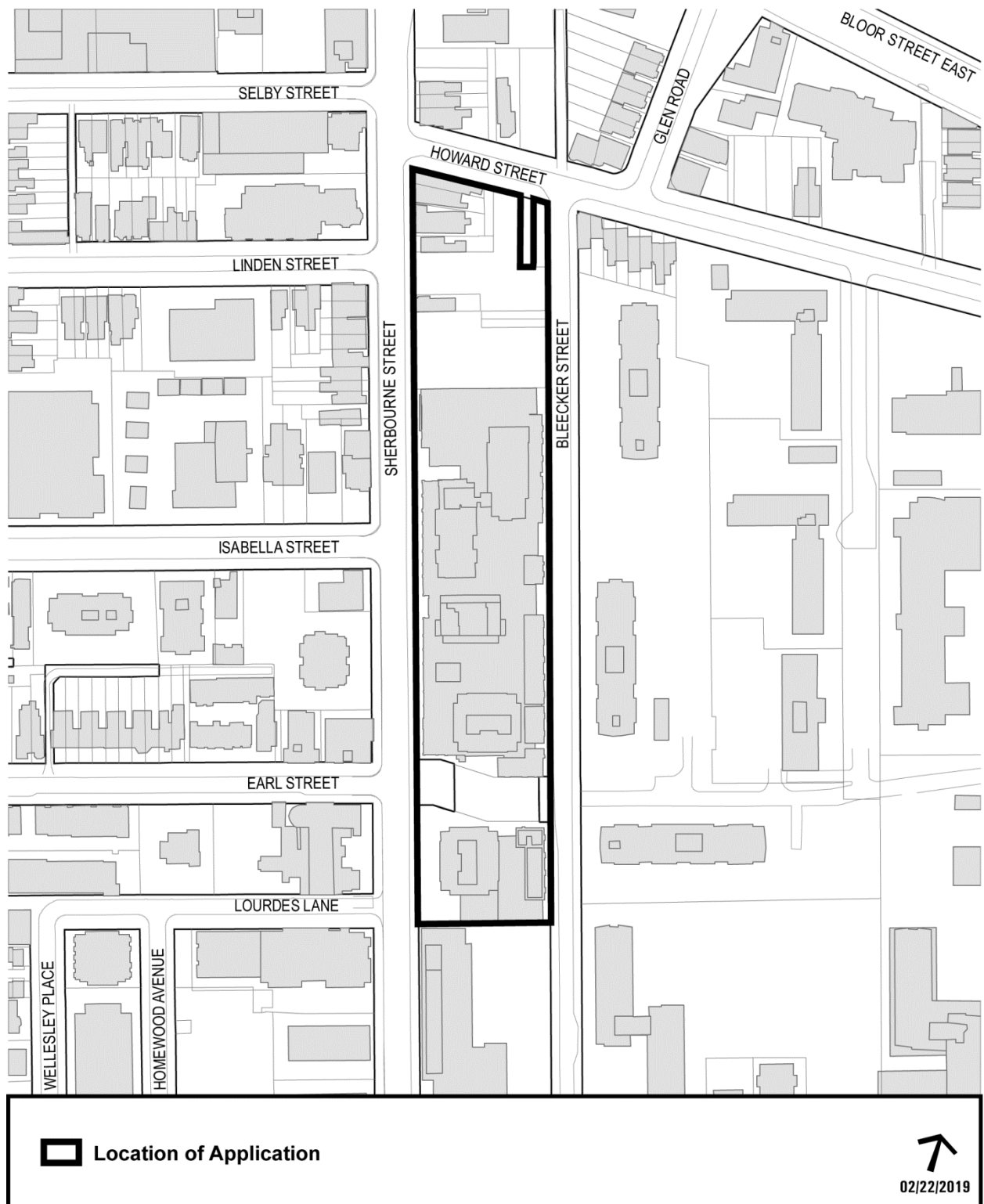
#### Parking and Loading

Parking Spaces:      896      Bicycle Parking Spaces:    963      Loading Docks:    8

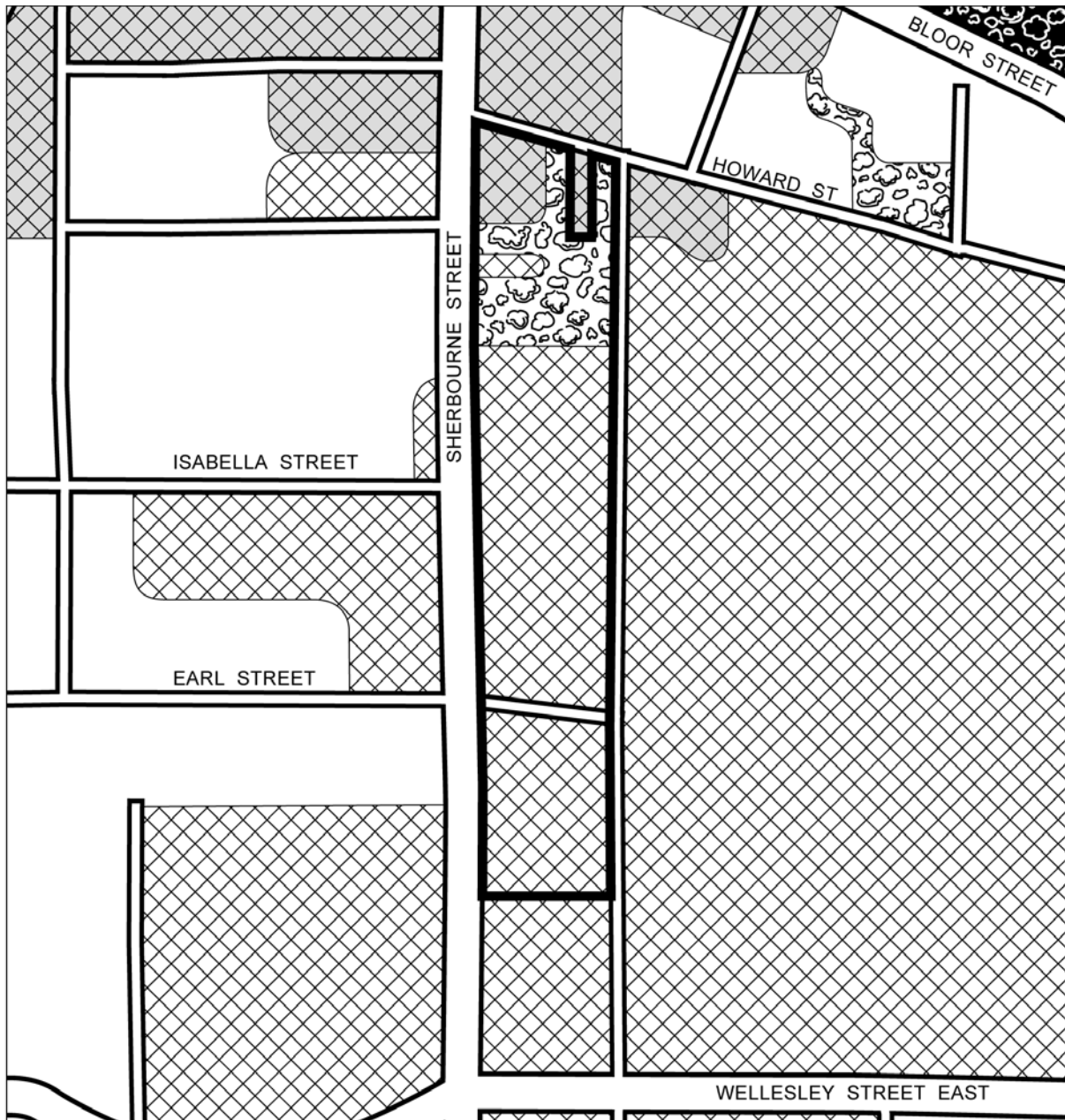
#### CONTACT:

Thomas Rees, Planner  
416-392-1791  
Thomas.Rees@toronto.ca

## Attachment 2: Location Map



**Attachment 3: Existing Official Plan Land Use Map**



**TORONTO**  
**Official Plan Land Use Map #18**

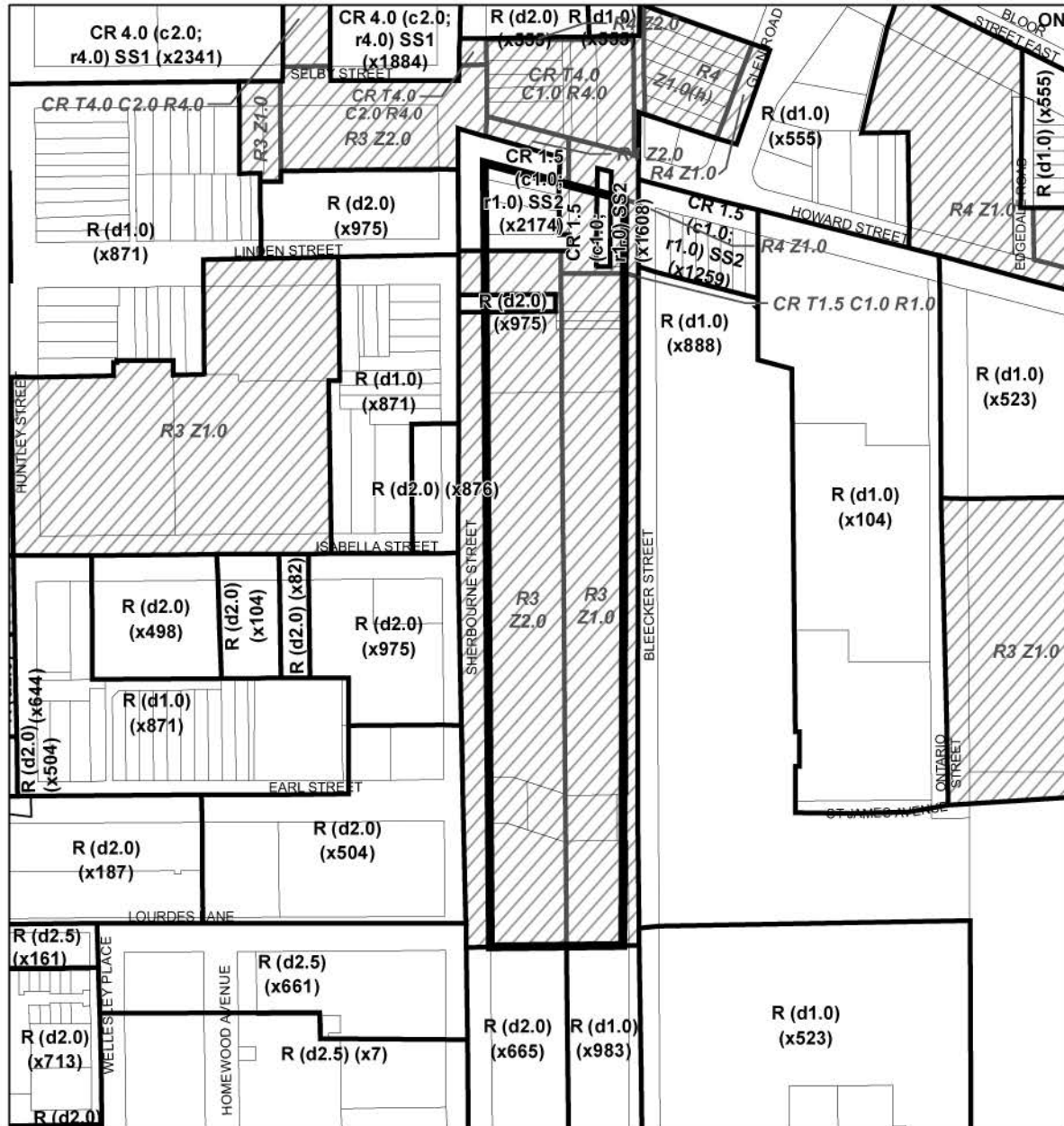
**545-601 Sherbourne Street  
 and 3-7 Howard Street**

File # 15 206976 STE 28 OZ

- |  |  |
|--|--|
|  Location of Application  |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

↑  
 Not to Scale  
 02/27/2019

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**545-601 Sherbourne Street**

File # 15 206976 STE 28 0Z

Location of Application

**R** Residential    **CR** Commercial Residential  
**ON** Open Space Natural

See Former City of Toronto By-Law No. 438-86

**R3** Residential District  
**R4** Residential District  
**CR** Mixed-Use District  
**G** Parks District



Not to Scale  
 Extracted: 02/15/2019



## **Attachment 5: Draft Zoning By-law Amendment to Amend By-law 569-2013**

Authority: Toronto and East York Community Council Item ~, as adopted by City of Toronto Council on ~, 2019

### **CITY OF TORONTO**

**Bill No. BY-LAW No. -2019**

**To amend City of Toronto By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 545, 555, 565, 583, 589, 591, 595, 599 and 601 Sherbourne Street and 3, 5 and 7 Howard Street.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

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

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands at 591, 595, 599, and 601 Sherbourne Street and 3, 5, an 7 Howard Street and applying the following zone label to these lands: CR 1.5 (c1.0; r1.0) SS2 (x###) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding 545, 555, 565, 583 and 589 Sherbourne Street to the Zoning By-law Map in Section 990.10, and applying the following zone labels, CR 1.5 (c1.0; r1.0) SS2 (x###) and OR, to the lands as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding 545, 555, 565,583 and 589 Sherbourne Street, to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 1, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended is further amended by adding 545, 555, 565,583 and 589 Sherbourne Street, to the Height Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: HT 12, as shown on Diagram 4, attached to this By-law.
7. Zoning By-law 569-2013, as amended is further amended by adding 545, 555, 565,583 and 589 Sherbourne Street, to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands shown on Diagram 5 attached to the By-law.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number ### so that it reads:

**Exception CR ###**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions

(A) On 545, 555, 565, 583, 589, 591, 595, 599 and 601 Sherbourne Street and 3-7 Howard Street, if the requirements of Section 8 and Schedule A of By-law [Clerks to insert Bylaw #] are complied with, Regulations 40.10.40.10(2) and 40.10.40.40(1) do not apply to prevent the erection of mixed-use buildings and residential buildings that comply with (B) to (O).

(B) In Area A as shown on Diagram 1 of By-law \_\_\_-2019, [Clerks to insert Bylaw #] The total gross floor area must not exceed 36,000 square metres, of which 35,200 square metres may be used for residential uses, and 800 square metres may be used for non-residential uses;

(C) In Area B, the maximum gross floor area must be in accordance with prevailing By-law 133-2014.

(D) In Area A, the number of dwelling units and types of dwelling units in Area A must comply with the following:

- i. The maximum total number of dwelling units is 545
- ii. The minimum number of three-bedroom dwelling units is 43; and
- iii. The minimum number of two-bedroom dwelling units is 137;

(E) Despite Regulations 5.10.40.70(1) and 40.10.40.70(2), the required minimum building setbacks for Building E within Area A are identified on Diagrams 1 and 6 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #],;

(F) Despite Clause 40.10.40.60 and (E) above, the following are permitted to encroach into the required building setbacks shown on Diagrams 6 and 7 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #],:

- i. cornices, lighting fixtures, , ornamental elements, parapets, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps,, thermal insulation and roof ballast, and pipes , to a maximum of 0.3 metres;
- ii. window washing equipment and vents to a maximum of 3.0 metres;
- iii. canopies and awnings to a maximum of 3.5 metres;
- iv. balconies located within Area A as shown on Diagram 1 of By-law \_\_\_\_-2019 to a maximum of 2.0 metres, provided they do not project beyond the lot line; and
- v. balconies located within Area B as shown on Diagram 1 of By-law \_\_\_\_-2019 may project a maximum of 1.5 metres beyond the heavy lines shown on Diagram 7 of By-law \_\_\_\_-2019 as measured perpendicular to the exterior walls of the building;

(G) Despite Regulations 40.5.40.10(1) and (2), the height of a building or structure is the distance between the Canadian Geodetic Datum elevation of 115.30 metres in the year 2018 and the elevation of the highest point of the building or structure;

(H) Despite Regulation 40.10.40.10(2), any building the permitted maximum height must not exceed the height in metres specified by the numbers following the symbol "HT" on Diagram 6;

(I) Despite Clause 40.5.40.10 and (H) above, the following building elements and structures within Area A as shown on Diagram 1 of By-law \_\_\_\_-2019 may project

above the permitted maximum height shown on Diagram 6 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #],:

- i. stairs and stair enclosures, elevator, heating, cooling or ventilating equipment, mechanical penthouse, wall or structure enclosing such elements to a maximum of 7.5 metres ;
- ii. decks, planters, parapets, railings retaining walls, and roof access hatches to a maximum of 1.5 meters;
- iii. chimneys, fencing, landscape and public art features, lighting fixtures, ornamental elements, trellises, flues, pipes, stacks, stairs, structures located on the roof used for outside or open air recreation, terrace or balcony guard dividers, vents, wind protection and safety features to a maximum of 3.0 metres; and
- iv. waterproofing materials, pavers and green roof elements to a maximum of 0.4 metres;

(J) Despite Regulations 40.10.40.10(2) and 40.5.40.10, any building located within Area B, as identified on Diagram 1 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #], must not exceed the height in metres specified by the numbers following "H" on Diagram 7 of By-law \_\_\_\_-2019, subject to the following exceptions:

- i. The maximum height for parapets, terrace guards and dividers, planters, railings, decorative screens, and window washing equipment is the sum of 1.0 metres and the applicable height limit shown on Diagram 7.

(K) Despite By-law 133-2014, a minimum of 3,440 square metres of landscaped open space shall be provided on the lands;

(L) Despite Regulation 40.10.40.50(1), amenity space must be provided for each building identified on Diagrams 6 and 7 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #],, or on the lands, as follows:

- i. Building A – a minimum of 200 square metres of indoor amenity space for the dwelling units;
- ii. Building B – a minimum of 250 square metres of indoor amenity space for the dwelling units;
- iii. Building C – a minimum of 223 square metres of indoor amenity space for the dwelling units;
- iv. Building D – a minimum of 2.0 square metres of indoor amenity space per residential unit within Building D for the dwelling units;
- v. Building E – a minimum of 1,060 square metres of indoor amenity space for the dwelling units;

- vi. Building E – a minimum of 630 square metres of outdoor amenity space for the dwelling units; and
- vii. A minimum of 3,280 square metres of outdoor amenity space must be provided on the lands, excluding the outdoor amenity space required for Building E as specified in L.vi. above.

(M) Despite Regulation 200.5.10.1(1) and Section 5.(l)(iii) of By-law 133-2014, parking spaces must be provided and maintained on the lands as follows:

- i. a minimum of 597 parking spaces must be provided for the residents of the dwelling units;
- ii. a minimum of 206 parking spaces must be provided on Level P1 for visitors to residents of the dwelling units and non-residential uses;
- iii. a maximum of 93 parking spaces may be used as public parking; and
- iv. of the total number of parking spaces on the lands, a maximum of 243 parking spaces may be obstructed on one side.

(N) Despite Clause 230.5.10, bicycle parking spaces must be provided and maintained for each building identified on Diagrams 6 and 7 of By-law \_\_\_\_-2019 [Clerks to insert Bylaw #],, or on the lands follows:

- i. Buildings A, B and C – a minimum of 194 long-term bicycle parking spaces for the residents of the dwelling units;
- ii. Building D – a minimum of 246 long-term bicycle parking spaces for the residents of the dwelling units;
- iii. Building E – a minimum of 475 long-term bicycle parking spaces for the residents of the of the dwelling units;
- iv. a minimum of 150 short-term bicycle parking spaces for visitors of the dwelling units and non-residential uses for all buildings on the lands, of which a minimum of 40 short-term bicycle parking spaces must be provided above ground and the remaining must be located below ground in a secured room on Level P1; and
- v. bicycle parking spaces may be stacked bicycle parking spaces;;

(O) Despite Clause 220.5.10.1(3), loading spaces must be provided on the lands in accordance with the following:

- i. a minimum of one loading space – type “A”;
- ii. a minimum of four loading spaces – type “B”;

- iii. a minimum of one loading spaces – type “C”; and
- iv. a minimum of two loading space – type “G”, one of which will have a minimum vertical clearance of 6.1 metres for 9.5 metres of its length.

Prevailing By-laws and Prevailing Sections: By-law 133-2014

9. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Area A of Diagram 3 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on (leave blank - clerk to insert the date), 2019.

Frances Nunziata, Ulli S. Watkiss,  
Speaker City Clerk

(Seal of the City)

## SCHEDULE A Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development, or otherwise agreed to by the owner, on the lands shown on Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act where the owner agrees as follows:

### *Community Benefits*

1. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,278,000.00, to be allocated as follows:
  - a. \$1,139,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13 that comply with the Streetscape Manual and/or are to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - b. \$1,139,000.00 to be allocated towards existing and/or new affordable housing that may be owned by Toronto Community Housing, and/or towards existing community facilities, and/or towards recreational space and/or cultural space improvements that may be owned by Toronto Community Housing in Ward 13, in consultation with the Ward Councillor;
2. Prior to the issuance of the first above-grade building permit, the owner shall convey to the City unencumbered parkland of at least 80.9 square metres that covers a portion of 589 Sherbourne Street and/or adjacent lands., to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Chief Planner and Executive Director, City Planning Division This conveyance is in addition to the parkland conveyance being secured under Section 42 of the Planning Act;
3. Prior to the issuance of the first above-grade building permit for all or any part of the lands, the owner shall extend the existing park lease to the City on the lands at 583-589 Sherbourne Street, known as St. Jamestown West Park, by an additional 124 years over and above the remaining park lease term. Alternatively, at the City's discretion, the owner shall enter into a new lease with the City that will extend the existing lease by an additional 124 years. Such an extension or new lease, as the case may be, shall be on terms and conditions satisfactory to Deputy City Manager, Corporate Services or her designate and the City Solicitor, and shall include any amendments required to give effect to such terms and conditions. Without limitation to the foregoing, the extension or new lease shall provide for the following, effective as of execution thereof:
  - the land at 583 Sherbourne Street and certain other lands, shall be incorporated into the leased premises, and the lands to be included in the development site and to be conveyed to the City as a parkland conveyance under Section 42 of the Planning Act shall be surrendered from the leased premises;
  - as in the existing lease, the rent shall be nominal and the landlord shall be responsible for all taxes and utilities;
  - the landlord's termination right currently found in the lease shall be deleted; and

- the lease shall have priority over all mortgages, charges or other financial encumbrances against the lands forming the leased premises;
4. The payments required in items 1a and 1b, above, are to be indexed upwardly with the "Non-Residential Construction Price Index for the Toronto Census Metropolitan Area", as reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, and calculated from the date that the Section 37 Agreement is registered on title;
  5. In the event the cash contributions required in item 1 above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the land;

#### *Parkland Dedication*

6. The Owner will be required to convey the 607.64 m<sup>2</sup> portion of the development site for public parkland purposes, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning Division. This parkland conveyance includes 526.64 square metres being conveyed under Section 42 of the Planning Act and 80.9 square metres being conveyed under Section 37 of Planning Act. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation (PFR);
7. The Owner is required to convey the parkland to the City prior to the issuance of the first above grade building permit for the development;
8. The Owner is to pay for the costs of the preparation and registration of all relevant documents. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland;

#### *Environmental Assessment:*

9. Prior to conveying the parkland to the City, the Owner must:
  - 9.1 Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements



or such greater amount specified by the Executive Director of Engineering & Construction Services;

9.2 Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$ 8,000.00 towards the cost of the peer review in the form of a certified cheque, to the Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);

9.3 Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director, Engineering and Construction Services;

9.4 At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, Engineering & Construction Services for peer review and concurrence, which states:

9.4.1 In the opinion of the Qualified Person:

9.4.1.1 It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

9.4.1.2 To the extent that the opinion in 4.4.1(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

9.4.2 Land to be conveyed to the City meets either:

9.4.2.1 The applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or

9.4.2.2 The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

9.5 The Qualified Person's statement, referenced in 4.4 above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with

O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director of Engineering & Construction Services.

9.6 For conveyance of lands requiring a Record of Site Condition:

9.6.1 File the Record of Site Condition on the Ontario Environmental Site Registry; and

9.6.2 Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Executive Director, Engineering & Construction Services.

*Park Construction: Base Park Improvements*

10. The Owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:

10.1 Demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;

10.2 Grading inclusive of 300mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with MOECC regulations, the required depth profile of the environmental soil / soft cap will be 1.5 m of engineered fill compacted to 95% SPD and certified by the consulting engineer;

10.2.1 In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Reg. 153/04 Table 3 RPI standards;

10.3 Sodding #1 nursery grade or equivalent value of other approved park development;

10.4 Fencing, where deemed necessary to the satisfaction of PF&R;

10.5 Sanitary and storm service connections with manholes at streetline;

10.6 Water and electrical service connections; (minimum water: 50mm to the street line including backflow preventers, shut off valves, water metre and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (100 Amp service));

- 10.7 Street trees along all public road allowances abutting City-owned parkland; and;
- 10.8 Standard park sign (separate certified cheque required).
11. All work described in item 10 above is to be completed to the satisfaction of the General Manager, PFR.
12. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, PFR.
13. Prior to the issuance of the first above grade building permit, the Owner shall submit a cost estimate and any necessary plans for the reinstatement of the existing leased park, to current City standards such as AODA standards, all the satisfaction of the General Manager, PFR.
14. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
15. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the park reinstatement costs, to the satisfaction of the General Manager, PFR. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with the reinstatement of the existing leased park.
16. The construction of the Base Park Improvements to the park block and the reinstatement of the existing leased park shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late completion of the construction of the Base Park Improvements to the park block may be taken into consideration and the date for completion may be extended at the discretion of the General Manager, PFR.
17. Should the Owner carry out any of the Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain, at the Owner's expense, a Park Occupation Permit (POP) from PFR's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park, to the satisfaction of the General Manager, PFR.

### *Temporary Fencing*

18. Prior to conveyance of the parkland the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

#### *Parkland Grading and Drainage*

19. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, PFR.

20. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

#### *Credit against DC's for Above Base Park Improvements*

21. Should the owner agree to design and construct the Above Base Park Improvements for a development charge credit against the parks and Recreation component of the Development charges, the following condition applies:

21.1 The Owner agrees to design and construct the Above Base Park Improvements to the new park, to the satisfaction of the General Manager, PFR, for a development charge credit against the Parks and Recreation component of the Development Charges. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. Prior to the issuance of the first above grade building permit for all or any part of the site, the Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a Letter of Credit equal to 120% of the Parks and Recreation Development Charges payable for the development, all to the satisfaction of the General Manager, PFR.

#### *Above Base Park Improvements*

22. The Owner will be responsible to design and construct the Above Base Park Improvements for the new park as well as any new features/elements on the leased park, all to the satisfaction of the General Manager, PFR. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, PFR.

23. Prior to the issuance of the first above grade building permit for the development of all or any part of the site, the Owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park Improvements for the new park as well as any new features/elements on the leased park, for review and approval by the General Manager, PFR.

24. The construction of the Above Base Park Improvements to the park block, which includes the new park as well as the existing leased park, shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, PFR. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block may be taken into consideration and the date for completion may be extended at the sole discretion of the General Manager, PFR.

25. Should the Owner carry out any of the Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain, at the Owner's expense, a Park Occupation Permit (POP) from PFR's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, PFR. The Owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

26. The owner agrees to further update the Final Pedestrian Level Wind Study by Theakston Environmental dated September 4, 2018, to provide adequate wind mitigation for St. James Town West Park, including both the parkland to be conveyed to the City and the parkland being leased to the City, to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Chief Planner and Executive Director, City Planning Division. The owner agrees that such updates to the Final Pedestrian Level Wind Study will be done through the City's design process for Above Base Park Improvements for St. James Town West Park. The owner agrees to pay all costs for the updates to the Final Pedestrian Level Wind Study, and, if applicable, all costs for a peer review of the study should a peer review be deemed necessary by the General Manager, Parks, Forestry and Recreation or the Chief Planner and Executive Director, City Planning Division.

### *Warranty*

27. The Owner, upon completion of the construction and installation of the Base and Above Base Park Improvements, to the satisfaction of the General Manger, PFR, shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, PFR be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

28. The Owner, upon completion of the construction and reinstatement of the existing leased park, to the satisfaction of the General Manger, PFR, shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Upon the City's acceptance of the certificate, the Letter of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period

29. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, PFR.

30. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to PFR. A complete set of "as built" plans shall be provided electronically on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, PFR. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

31. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to PFR.

#### *Heritage Conservation*

32. Prior to final Site Plan approval for the subject lands, the owner shall:

32.1. Provide final site plan drawings substantially in accordance with the approved Conservation Plan above to the satisfaction of the Senior Manager, Heritage Preservation Services;

32.2. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

32.3 Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;

32.4. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Preservation Services.

32.5. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

32.6. Submit a Signage Plan for the property at 601 Sherbourne Street to the satisfaction of the Senior Manager, Heritage Preservation Services.

33. Prior to the issuance of any permit for all or any part of the property at 545-601 Sherbourne Street and 3-7 Howard Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

32.1. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

32.2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2 above including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;

32.3. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation, Lighting, and Interpretation Plan.

34. Prior to the release of the Letter of Credit required in 31.3 above, the owner shall:

34.1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, the required interpretive work, and the required heritage lighting work has been completed in accordance with the Conservation Plan, Interpretation Plan, and Heritage Lighting Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services;

34.2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

#### *Archaeological Assessment*

35. The owner agrees to conduct a Stage 2 Archaeological Assessment in accordance with the recommendations provided in the Stage 1 Archaeological Resource Assessment on the lands at 601, 599, 591 and 583 Sherbourne Street, prepared by Archaeological Consultants & Contractors, dated August 9, 2015., to the satisfaction of the Senior Manager, Heritage Preservation Services, City Planning Division.

#### *Rental Housing*

36. The owner covenants and agrees to maintain and secure the rental tenure of the one thousand five hundred and twenty-five (1,525) rental dwelling units to be retained in

the existing rental apartment buildings municipally known as 545, 555, 561, 565, 545-565 and 601 Sherbourne Street and 3-7 Howard Street for a period of at least 20 years commencing from the date that the Zoning By-law Amendments come into full force and effect, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. None of the rental dwelling units to be retained in the existing rental apartment buildings shall be registered as a condominium, converted to any non-rental housing purpose, or demolished without providing for replacement rental dwelling units during the 20 year period.

37. The owner shall undertake building improvements and renovations to the existing rental building at 601 Sherbourne Street and 3-7 Howard Street at no extra cost to tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. These building improvements and renovations shall include, but not be limited to, replacing all flooring and lighting fixtures within the common corridors and entrances and repainting the common corridors and entrances.

38. Prior to the issuance of the shoring and excavation permit for the proposed mixed-use building, the owner shall develop a Tenant Communication Plan and Construction Mitigation Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

39. The owner shall provide and maintain not less than twenty-four (24) replacement rental dwelling units, comprised of at least ten (10) bachelor, twelve (12) one-bedroom, and two (2) two-bedroom units, within the proposed mix-use building on the site, for a period of at least 20 years, beginning from the date that each such replacement rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated December 21, 2018. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

40. The owner shall provide and maintain at least ten (10) bachelor, eight (8) one-bedroom and two (2) two-bedroom replacement rental dwelling units at affordable rents and four (4) one-bedroom replacement rental dwelling units at mid-range rents, for a period of at least 10 years, beginning from the date that each such replacement rental dwelling unit is first occupied.

41. The owner shall provide and maintain at least five (5) one-bedroom market rental dwelling units within the proposed mixed-use building on the site, for a period of at least 20 years, beginning from the date that each such market rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated December 21, 2018. The five (5) market rental dwelling units shall have unrestricted rents.

42. The owner shall provide and maintain a common laundry room on the second floor of the proposed mixed-use building as illustrated in the architectural floor plans dated March 2, 2018. Any changes to the proposed common laundry room shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

43. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed mix-use building at no extra



charge. Access and use of these amenities shall be on the same terms and conditions as any resident of the non-replacement rental dwelling units without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings.

44. The owner shall provide six (6) vehicle parking spaces to tenants of the replacement rental dwelling units as detailed in the approved terms sheet for rental housing.

45. The owner shall provide tenant relocation and assistance to all eligible tenants of the existing rental dwelling units, including the right to return to a replacement rental dwelling unit, as detailed in the approved terms sheet for rental housing, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

#### *Construction Management*

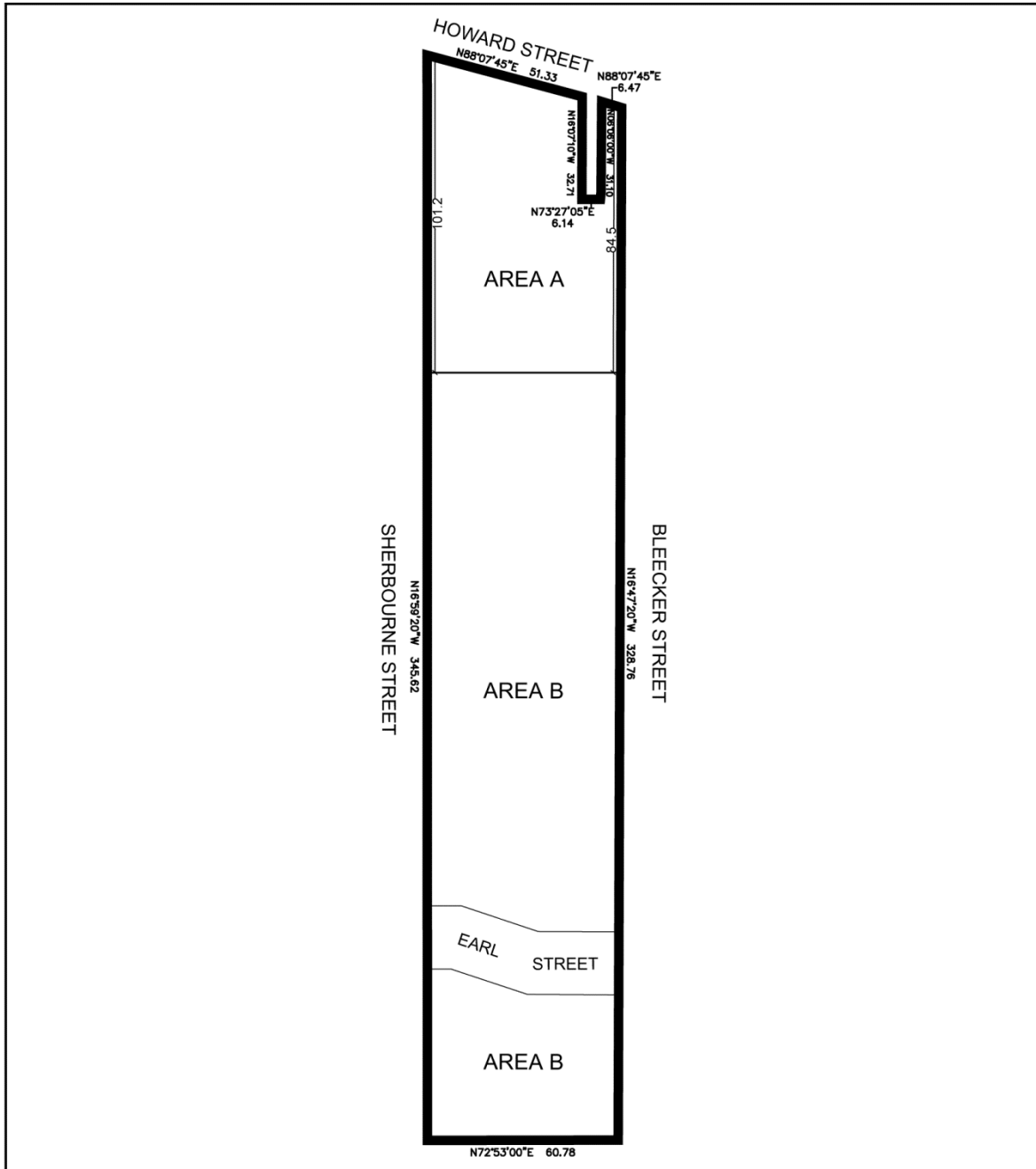
46. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management and Community Consultation Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management and Community Consultation Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.

#### *Municipal Infrastructure*

47. The owner agrees to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Executive Director, Engineering & Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

#### *Toronto Green Standard*

48. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, version 2.

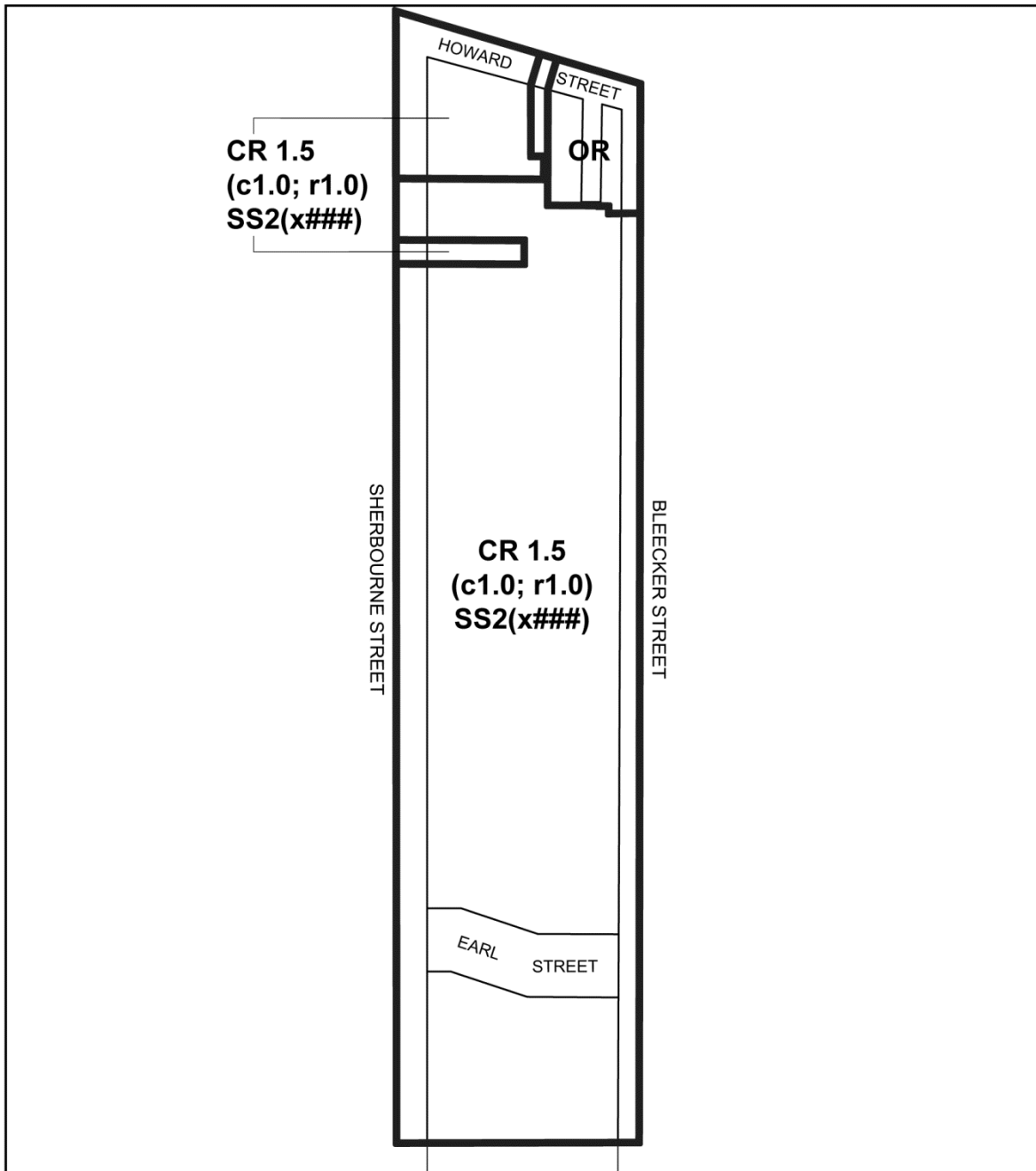


**TORONTO**  
Diagram 1

**545-601 Sherbourne Street  
and 3-7 Howard Street**

File # 15 206976 STE 28 0Z


City of Toronto By-law 569-2013  
Not to Scale  
02/26/2019

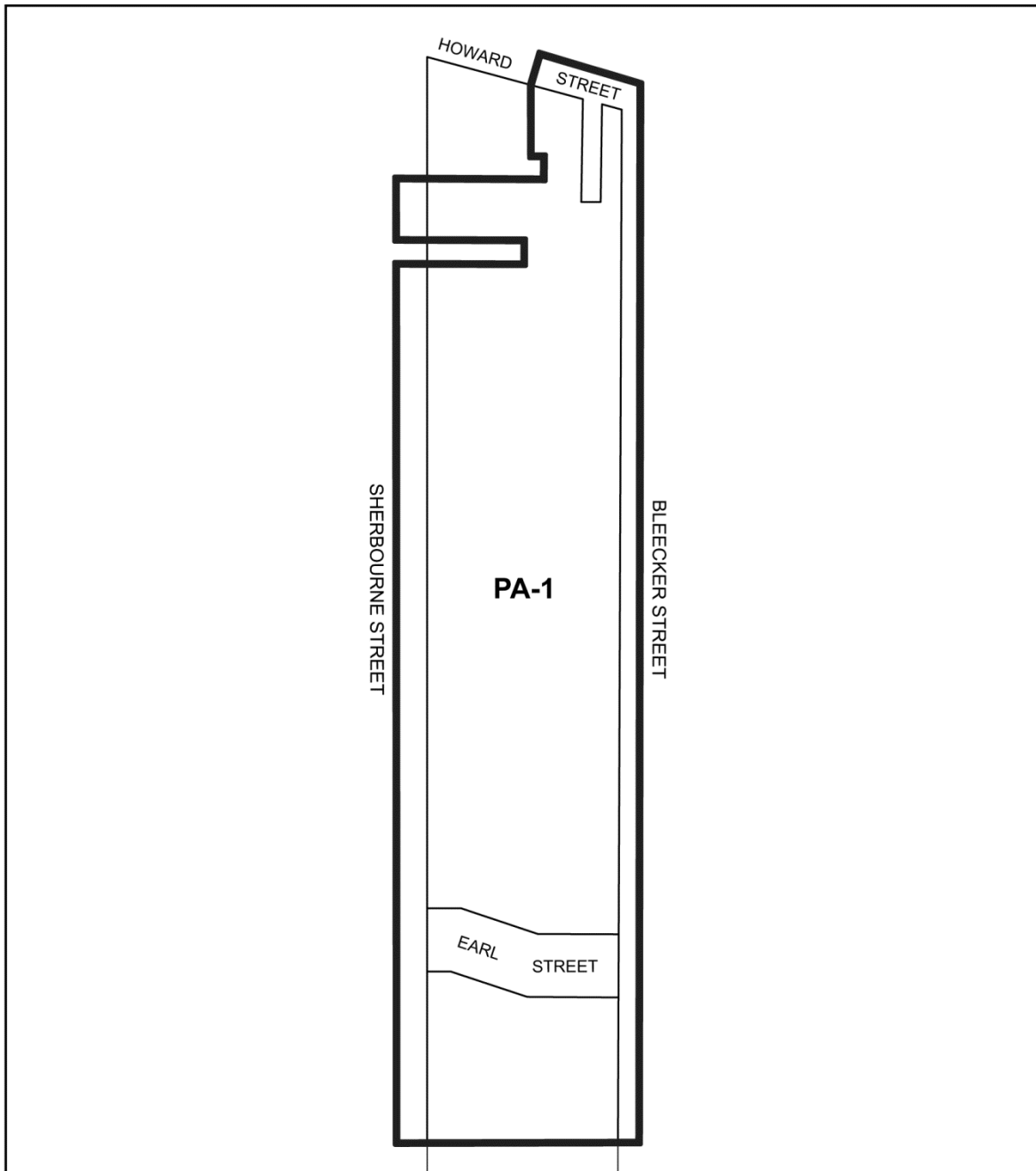


**TORONTO**  
 Diagram 2

**545-601 Sherbourne Street  
 and 3-7 Howard Street**

File # 15 206976 STE 28 0Z


  
 City of Toronto By-law 569-2013  
 Not to Scale  
 02/26/2019

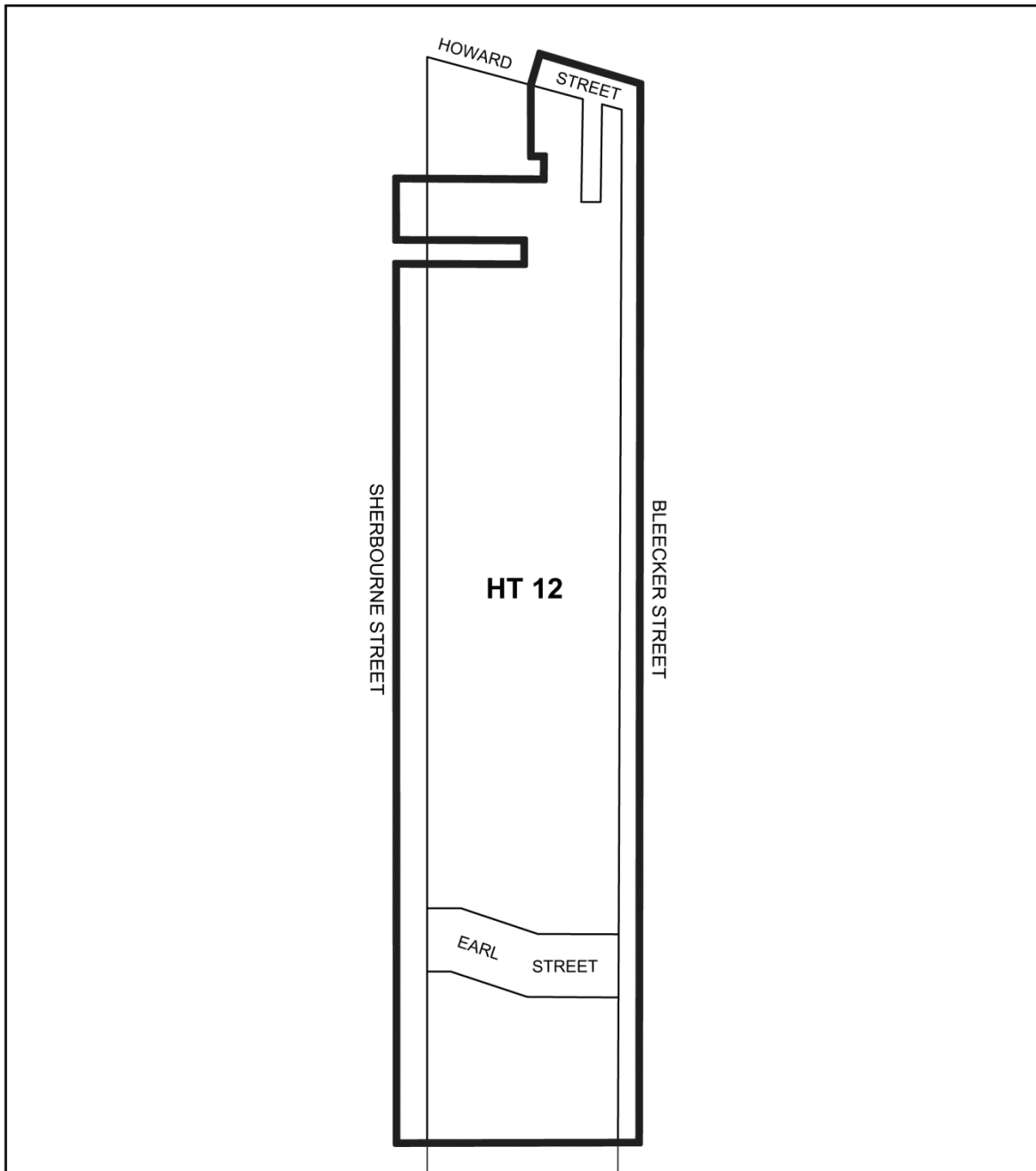


 **TORONTO**  
Diagram 3

**545-601 Sherbourne Street  
and 3-7 Howard Street**

File # 15 206976 STE 28 0Z


  
City of Toronto By-law 569-2013  
Not to Scale  
02/26/2019

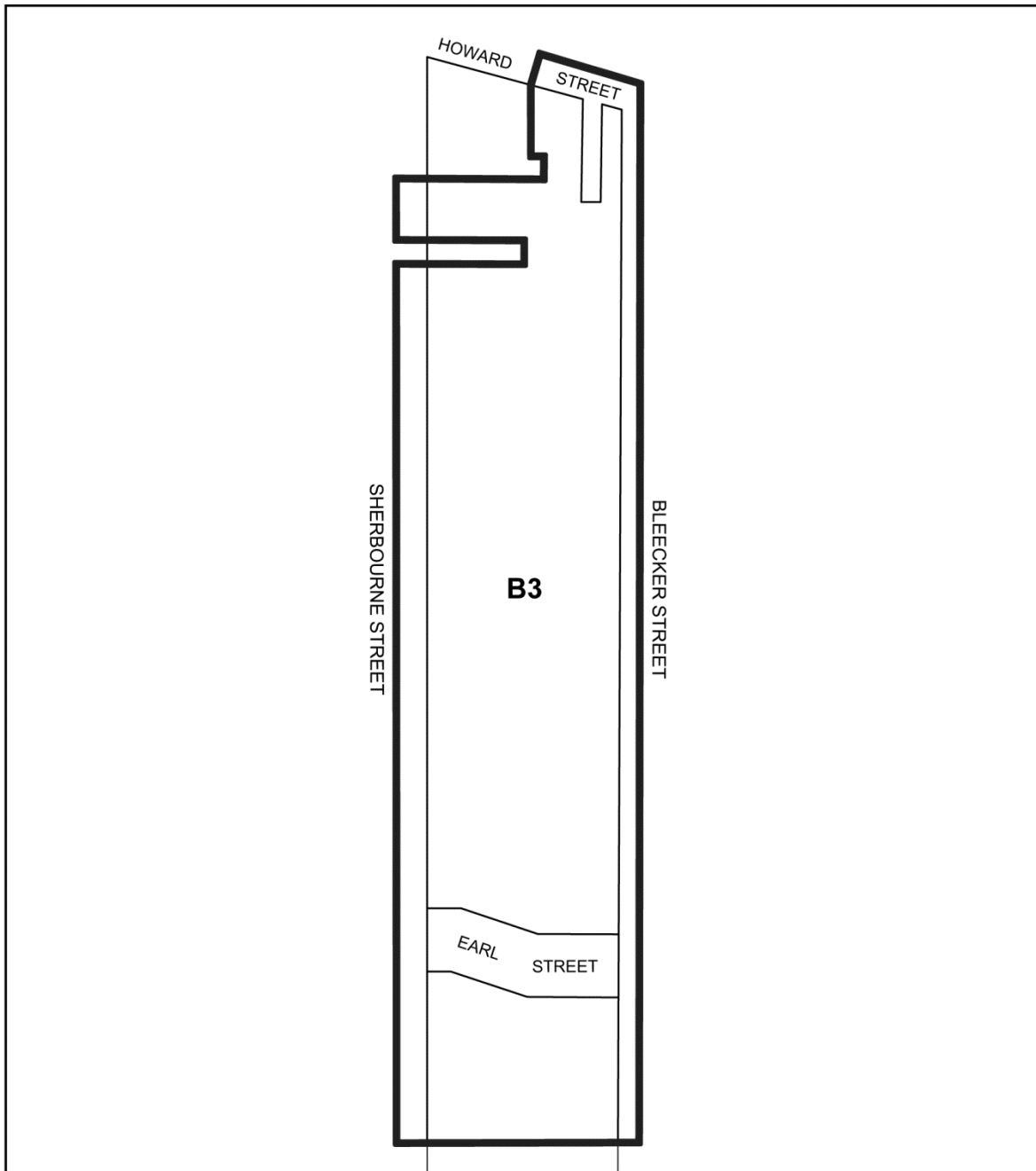


 **TORONTO**  
Diagram 4

**545-601 Sherbourne Street  
and 3-7 Howard Street**

File # 15 206976 STE 28 0Z


  
City of Toronto By-law 569-2013  
Not to Scale  
02/26/2019

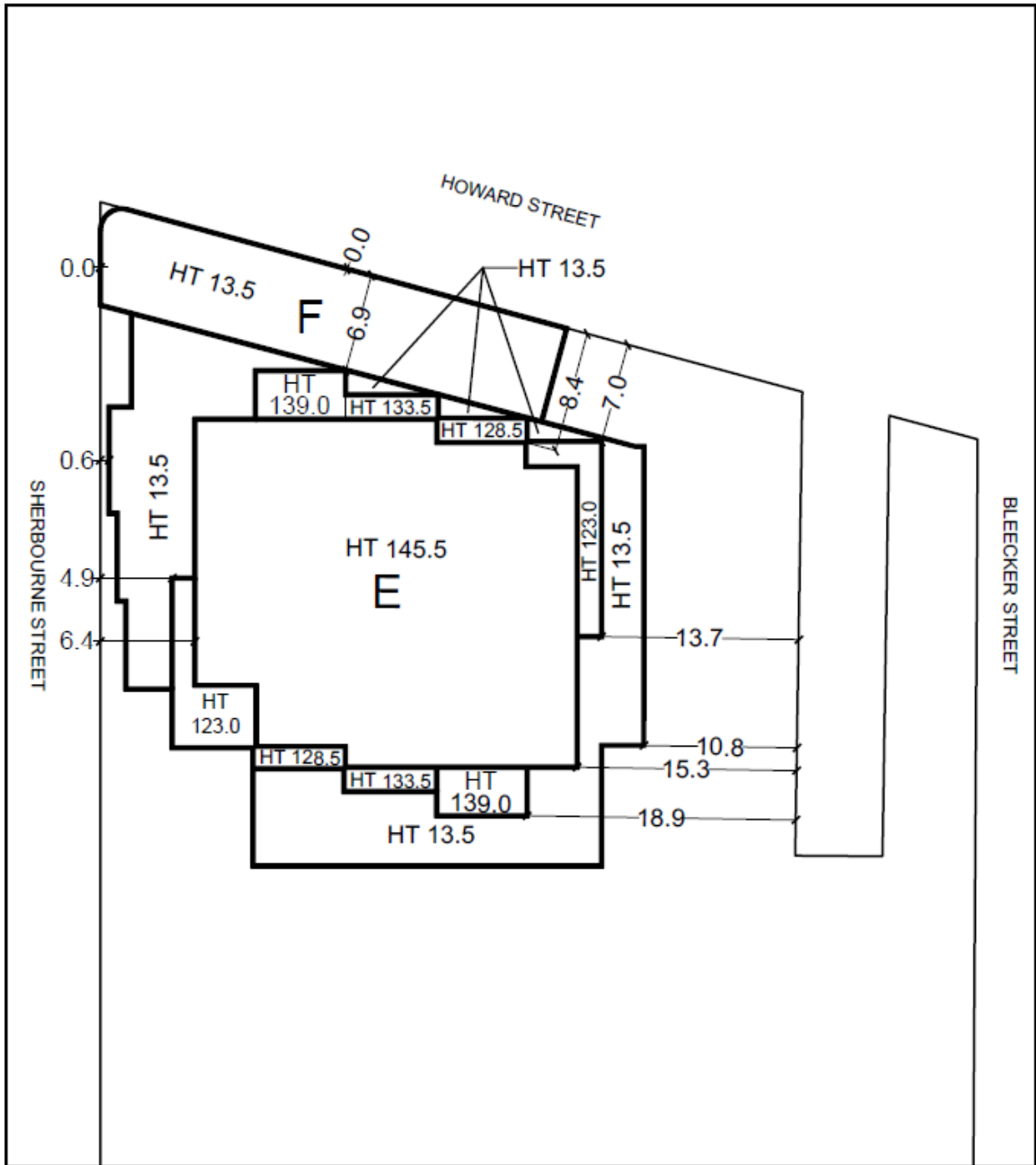


 **TORONTO**  
Diagram 5

**545-601 Sherbourne Street  
and 3-7 Howard Street**

File # 15 206976 STE 28 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
02/26/2019

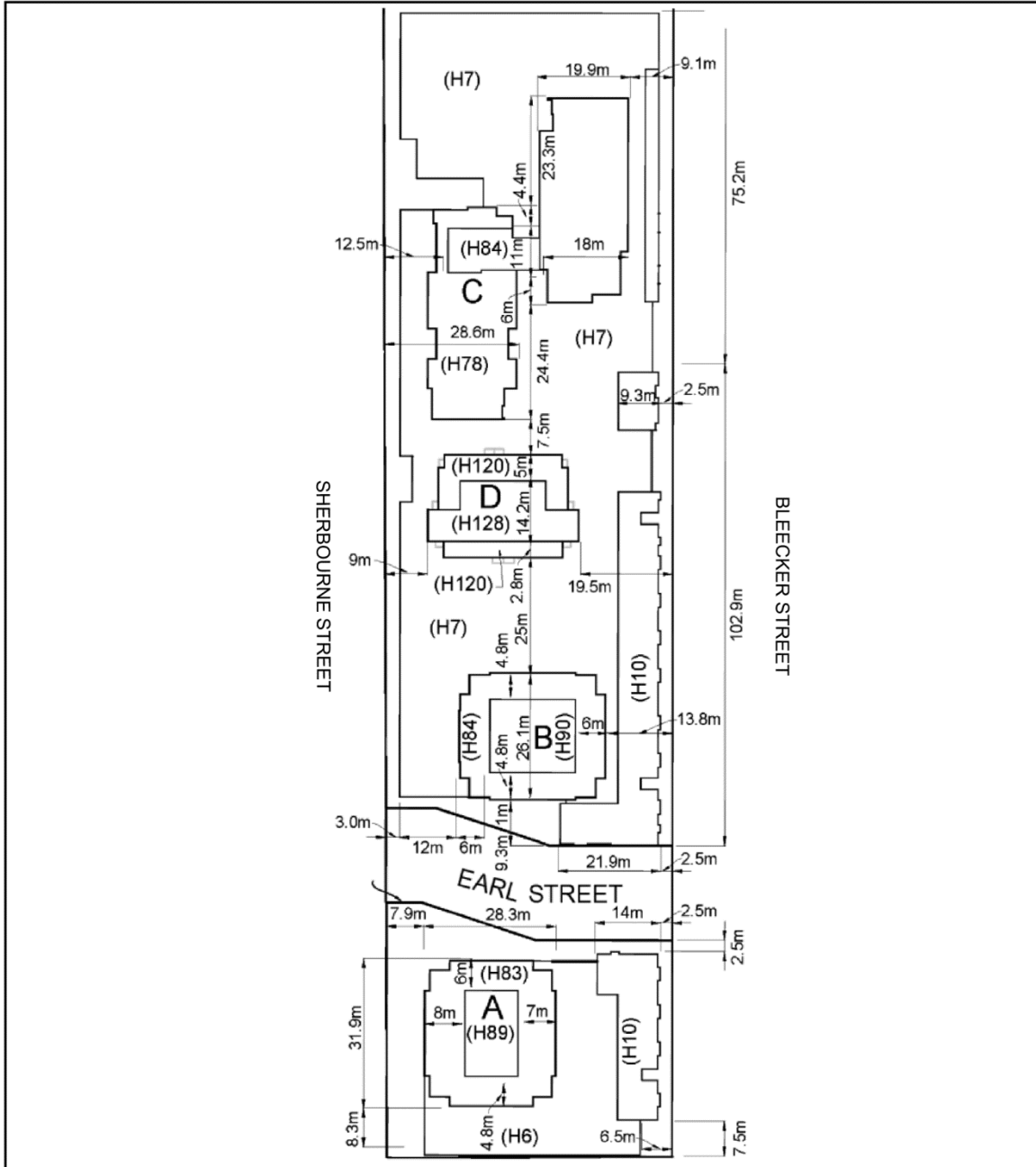


**Toronto**  
 Diagram 6

**545-601 Sherbourne Street  
 and 3-7 Howard Street**

File # 15 206976 STE 28 OZ

City of Toronto By-law 569-2013  
 Not to Scale  
 02/26/2019



**Toronto**  
 Diagram 7

**545-601 Sherbourne Street  
 and 3-7 Howard Street**

File # 15 206976 STE 28 0Z

City of Toronto By-law 569-2013  
 Not to Scale  
 02/26/2019



**Attachment 6: Draft Zoning By-law Amendment to Amend By-law 438-86**

To be provided prior to the Toronto and East York Community Council meeting on March 19, 2019.

## Attachment 7: Draft Terms Sheet for Rental Housing

545-601 Sherbourne Street and 3-7 Howard Street

Rental Housing Terms Sheet  
February 28, 2019

Official Plan and Zoning By-law Amendment Application: 15 206976 STE 28 OZ  
Rental Housing Demolition and Conversion Application: 15 206979 STE 28 RH

The following selected key terms and provisions will form the basis of the Section 37 and Section 111 agreements between Medallion Development (acting on behalf of 2370165 Ontario Limited, 591 Sherbourne Street Limited and 601 Sherbourne Street Limited) and the City (the “Agreements”) and reflect the provisions required in the draft zoning by-law amendment and the City’s approval under Section 111 of the City of Toronto Act.

### Existing, Replacement, Retained and New Secured Rental Units

#### Existing Rental Units

The subject site is comprised of the following 10 residential properties containing a total of 1,549 Existing Rental Units:

545 Sherbourne St.: 30-storey mixed-use building containing 300 units;  
555 Sherbourne St.: 30-storey mixed-use building containing 294 units;  
561 Sherbourne St.: 43-storey mixed-use building containing 369 rental units;  
565 Sherbourne St.: mixed-use building with two 28-storey towers containing a total of 514 units;  
545-565 Sherbourne St.: 40 3-storey townhouses (facing Bleecker Street);  
583 Sherbourne St.: 3-storey mixed-use building containing 5 units;  
591 Sherbourne St.: 2.5-storey mixed-use building containing 2 units;  
595-597 Sherbourne St.: 3-storey mixed-use building containing 15 units;  
599 Sherbourne St.: 2-storey mixed-use building containing 2 units; and  
601 Sherbourne St. and 3-7 Howard St.: 3-storey mixed-use building containing 8 units.

According to the December 14, 2017, Addendum to the Housing Issues Report submitted by the applicant, the location and unit type of the 1,549 Existing Rental Units are as follows:

Table 1: Existing Rental Units

According to December 14, 2017 Addendum to the Housing Issues Report

Address	Unit Type					Total
	Bach.	One-bedroom	Two-bedroom	Three-bedroom	Townhouse	
545 Sherbourne St.	117	67	116	0	0	300
555 Sherbourne St.	118	61	115	0	0	294
561 Sherbourne St.	82	246	41	0	0	369

565 Sherbourne St.	67	355	38	54	0	514
545-565 Sherbourne St.	0	0	0	0	40	40
583 Sherbourne St.	2	3	0	0	0	5
591 Sherbourne St.	1	0	1	0	0	2
595-597 Sherbourne St.	9	6	0	0	0	15
599 Sherbourne St.	1	0	1	0	0	2
601 Sherbourne St. and 3-7 Howard St.	4	4	0	0	0	8
	401	742	312	54	40	1,549

Existing Rental Units to be Demolished

According to the Housing Issues Report submitted by the applicant, the location, unit type and size of the 24 Existing Rental Units to be demolished are as follows:

Table 2: Existing Rental Units to be Demolished  
According to Housing Issues Report

#	Address	Unit #	Unit Type			Net Floor Area	
			Bach.	One-bedroom	Two-bedroom	Ft2	M2
1	583 Sherbourne St.	201		1		451	41.9
2	583 Sherbourne St.	202		1		454	42.2
3	583 Sherbourne St.	301		1		386	35.9
4	583 Sherbourne St.	303	1			328	30.5
5	583 Sherbourne St.	304	1			203	18.9
6	591 Sherbourne St.	1	1			464	43.1
7	591 Sherbourne St.	2			1	600	55.7
8	595-597 Sherbourne St.	11	1			333	30.9
9	595-597 Sherbourne St.	12	1			305	28.3
10	595-597 Sherbourne St.	13	1			306	28.4
11	595-597 Sherbourne St.	14	1			340	31.6
12	595-597 Sherbourne St.	15		1		481	44.7
13	595-597 Sherbourne St.	21	1			333	30.9
14	595-597 Sherbourne St.	22	1			311	28.9
15	595-597 Sherbourne St.	23	1			306	28.4
16	595-597 Sherbourne St.	24		1		482	44.8

17	595-597 Sherbourne St.	25		1		481	44.7
18	595-597 Sherbourne St.	31		1		562	52.2
19	595-597 Sherbourne St.	32	1			318	29.5
20	595-597 Sherbourne St.	33	1			320	29.7
21	595-597 Sherbourne St.	34		1		492	45.7
22	595-597 Sherbourne St.	35		1		481	44.7
23	599 Sherbourne St.	1	1			619	57.5
24	599 Sherbourne St.	2			1	626	58.2
			13	9	2	9,982	927.4

### Replacement Rental Units

The 24 Replacement Rental Units will be located on floors 5-29 of the new mixed-use building. As per the Floor Plans provided December 20, 2018, the location, unit type and size of the 24 Replacement Rental Units will be as follows:

Table 3: Replacement Rental Units  
According to Floor Plans provided on December 20, 2018

#	Unit #	Unit Type			Net Floor Area	
		Bachelor	One-bedroom	Two-bedroom	Ft2	M2
1	504		1		475	44.1
2	510	1			401	37.3
3	511			1	685	63.6
4	604		1		475	44.1
5	610	1			401	37.3
6	611			1	685	63.6
7	704		1		475	44.1
8	710	1			401	37.3
9	804		1		475	44.1
10	810	1			401	37.3
11	904		1		475	44.1
12	910	1			401	37.3
13	1004		1		475	44.1
14	1010	1			401	37.3
15	1104		1		475	44.1
16	1110	1			401	37.3
17	1204		1		475	44.1
18	1210	1			401	37.3
19	1304		1		475	44.1
20	1310	1			401	37.3
21	1404		1		475	44.1

22	1410	1			401	37.3
23	1504		1		475	44.1
24	2907		1		594	55.2
		10	12	2	11,199	1,040.5

### Existing and Replacement Rental Units

The unit mix for the 24 Existing Rental Units to be demolished and the 24 Replacement Rental Units to be located in the new mixed-use building are as followings.

Table 4: Summary of Existing and Replacement Rental Units by Unit Type According to Housing Issues Report and Floor Plans provided on December 20, 2018

Unit Type	Existing Rental Units	Replacement Rental Units
Bachelor	13	10
One-bedroom	9	12
Two-bedroom	2	2
Total	24	24

The total Gross Floor Area for the 24 Existing Rental Units to be demolished is 9,982ft<sup>2</sup> (927.4m<sup>2</sup>). Based on the floor plans submitted by the applicant, the total GFA for all 24 Replacement Rental Units will be 11,199ft<sup>2</sup> (1,040.4m<sup>2</sup>) or, approximately 112% of the total GFA for the 24 Existing Rental Units.

Table 5: Existing Versus Proposed Replacement Rental Units According to Housing Issues Report and Floor Plans provided on December 20, 2018

Unit Type	Existing Rental Units to be Demolished		Replacement Rental Units		Difference
	Ft <sup>2</sup>	M <sup>2</sup>	Ft <sup>2</sup>	M <sup>2</sup>	
Average Unit Size – All Units	416	38.6	466	43.4	112%
Average Unit Size – Bachelor	345	32.1	401	37.3	116%
Average Unit Size – One-bedroom	474	44.1	484	45.1	102%
Average Unit Size – Two-bedroom	613	57.0	685	63.6	112%
Total Rental Gross Floor Area	9,982	927.4	11,199	1040.5	112%

### Retained Rental Units

According to the information provided by the applicant, the location and unit type for the 1,525 Existing Rental Units to be retained on site are as follows:

Table 6: Retained Rental Units

According to December 14, 2017 Addendum to the Housing Issues Report

Address	Unit Type					
	Bach.	One-bedroom	Two-bedroom	Three-bedroom	Townhouse	Total
545 Sherbourne St.	117	67	116	0	0	300
555 Sherbourne St.	118	61	115	0	0	294
561 Sherbourne St.	82	246	41	0	0	369
565 Sherbourne St.	67	355	38	54	0	514
545-565 Sherbourne St.	0	0	0	0	40	40
601 Sherbourne St. and 3-7 Howard St.	4	4	0	0	0	8
	388	733	310	54	40	1,525

### New Market Rental Units

The 5 New Secured Units will be located on floors 30 through 34 of the new mixed-use building. As per the Floor Plans provided on December 20, 2018, the location, unit type and size of the New Secured Rental Units will be as follows:

Table 7: New Market Rental Units

According to Floor Plans provided on December 20, 2018

#	Unit #	Unit Type			Net Floor Area	
		Bachelor	One-bedroom	Two-bedroom	Ft2	M2
1	3007		1		594	55.2
2	3107		1		594	55.2
3	3207		1		594	55.2
4	3307		1		594	55.2
5	3407		1		594	55.2
			5		2,970	276.0

### Additional Rental Replacement Provisions

The Owner covenants and agrees that the Replacement Rental Units will be provided in accordance with the following:

Floor Plans provided on December 20, 2018, and any changes shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

The minimum unit sizes described in Table 3 and Table 5 above may vary by a maximum of 3%, but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design, to the satisfaction of the Chief Planner and Executive Director, City Planning;

All Replacement Rental Units shall have a balcony or terrace for private and exclusive access; and

The owner shall maintain the Replacement Rental Units and New Market Rental Units in a contiguous grouping of at least six (6) rental units.

#### Facilities and Amenities

The Owner covenants and agrees that tenants occupying the Replacement Rental Units in the new mixed-use building on the Site will be provided with access and use for all of the following:

Bicycle parking spaces shall be made available to all residents on the site, including tenants of the Replacement Rental Units, in accordance with the Zoning By-law Amendments and on a first-come first-serve basis;

At least six (6) Vehicle Parking Spaces shall be provided to tenants of the Replacement Rental Units;

Visitor Parking Spaces shall be made available to all residents on the site, including tenants of the Replacement Rental Units, in accordance with the Zoning By-law Amendments, on a first-come first-serve basis and at no charge;

A common laundry room comprised of at least 28 washers and 28 dryers shall be made available to all residents on the site, including tenants of the Replacement Rental Unit, as illustrated in the Floor Plans dated March 2, 2018. Any changes to the proposed common laundry room shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

Central air conditioning shall be provided in each of the Replacement Rental Units; and

Tenants of the Replacement Rental Units shall have access to all indoor and outdoor amenity spaces at no extra charges. Access and use of these amenities shall be on the same terms and conditions as other residents without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings.

The Owner covenants and agrees that, prior to the issuance of the first above grade building permit for the new mixed-use building on the Site, the owner shall, at its sole expense, complete the following improvements to the retained mixed-use building at 601 Sherbourne Street:

Replace all flooring within the building's common corridors and entrances;

Replace all lighting fixtures within the building's common corridors and entrances; and

Repaint the common corridors and entrances.

#### Timing to Construct Replacement Rental Units and New Secured Rental Units

The Owner covenants and agrees that the Replacement Rental Units and New Secured Rental Units shall be ready and available for occupancy, as confirmed by Toronto Building, no later than the date that seventy percent (70%) of the New Units are erected on the Site, exclusive of the Replacement Rental Units and New Secured Rental Units, are available and ready for occupancy.

## Terms and Conditions of Setting Rents

### Summary of Rental Tenure Provisions

The following is a general summary of the rental tenure provisions for the 24 Replacement Rental Units. The Owner covenants and agrees that:

The 24 Replacement Rental Units on the Site shall be provided and maintained as rental dwelling units for at least 20 years beginning from the date that each Replacement Rental Unit is first occupied and until the owner obtains approvals for a zoning by-law amendment removing the requirement for the Replacement Rental Units to be maintained as rental dwelling units;

The 24 Replacement Rental Units shall have no condominium registration, and no application may be submitted for condominium approval or for any conversion to any non-rental housing purposes as defined in the City's by-law pursuant to Section 111 of the City of Toronto Act, or for demolition without providing for rental unit replacement during the 20-year period; and

At such time as the 20 Year Replacement Rental Period has expired, the Rental Owner shall continue to provide and maintain the Replacement Rental Units as Rental Units unless and until such time as the Rental Owner may have applied for and obtained the necessary approvals.

The following is a general summary of the rental tenure provisions for the 5 New Secured Rental Units. The Owner covenants and agrees that:

The 5 New Secured Rental Units on the Site shall be provided and maintained as rental dwelling units for at least 20 years beginning from the date that the Zoning By-law Amendment comes into full force and effect and until the owner obtains approvals for a zoning by-law amendment removing the requirement for the New Market Rental Units to be maintained as rental dwelling units;

The 5 New Secured Rental Units shall have no condominium registration, and no application may be submitted for condominium approval or for any conversion to any non-rental housing purposes as defined in the City's by-law pursuant to Section 111 of the City of Toronto Act, or for demolition without providing for rental dwelling unit replacement during the 20-year period; and

At such time as the 20 Year Rental Period has expired, the Rental Owner shall continue to provide and maintain the New Secured Rental Units as Rental Units unless and until such time as the Rental Owner may have applied for and obtained the necessary approvals.



The following is a general summary of the rental tenure provisions for the 1,525 Retained Rental Units at 545, 555, 561, 565, 545-565 and 601 Sherbourne Street. The Owner covenants and agrees that:

The 1,525 Retained Rental Units on the Site shall be provided and maintained as rental dwelling units for at least 20 years beginning from the date that the Zoning By-law Amendment comes into full force and effect and until the owner obtains approvals for a zoning by-law amendment removing the requirement for the Retained Rental Units to be maintained as rental dwelling units;

The 1,525 Retained Rental Units shall have no condominium registration, and no application may be submitted for condominium approval or for any conversion to any non-rental housing purposes as defined in the City's by-law pursuant to Section 111 of the City of Toronto Act, or for demolition without providing for rental dwelling unit replacement during the 20-year period; and

At such time as the 20 Year Rental Period has expired, the Rental Owner shall continue to provide and maintain the Retained Rental Units as Rental Units unless and until such time as the Rental Owner may have applied for and obtained the necessary approvals.

#### Rent Classification

The parties acknowledge and agree that the rent classifications for the Existing Rental Dwelling Units were as described in the rent rolls provided by the applicant at the time of application. All of which was to the satisfaction of the Chief Planner and Executive Director, City Planning.

The 24 Replacement Rental Units will have the following rent classifications.

Table 6: Summary of Replacement Rental Units by Rent Classification According to Housing Issues Report

Unit Type	Rent Classification			
	Affordable	Mid-range	High-End	Total
Bachelor	10	0	0	10
One-bedroom	8	4	0	12
Two-bedroom	2	0	0	2
<b>Total</b>	<b>20</b>	<b>4</b>	<b>0</b>	<b>24</b>

#### Terms and Conditions of Setting Rents in the Ten-Year Period

The 24 Replacement Rental Units shall be provided and maintained by the Owner at its own expense, with rents subject to the following terms:

The Parties acknowledge that it is the intent of the Owner to provide for individual metering for some or all of the utilities of the Rental Replacement Units, such that the

tenants will be responsible for payment of their own costs for some or all of the heating, power, gas and water;

The Parties further acknowledge that the utility costs for heat and water were included in the rents charged for the Existing Rental Units located at 591, 595-597 and 599 Sherbourne Street and that the utility costs for power were not included in such rents.

The Parties further acknowledge that the utility costs for heat, power and water were included in the rents charged for the Existing Rental Units located at 583 Sherbourne Street.

The basis for establishing the maximum rents for the affordable rental units is 1 times the average CMHC rent by unit type, inclusive of all utility costs for heat, power, water and gas (but not TV service, phone, internet, and parking); and

The basis for establishing the maximum rents for the mid-range rental units is 1.5 times the average CMHC rent by unit type, inclusive of all utility costs for heat, power, water and gas (but not TV service, phone, internet, and parking).

The maximum Initial Rent for an affordable or mid-range Replacement Rental Unit shall be subject to downward adjustments if any of the basic utilities, whose cost is otherwise included in the average CMHC rent, are to be made the responsibility of the tenant to pay, and the adjustments shall be based on objective cost data provided to the satisfaction of the Chief Planner and Executive Director, City Planning, by the Replacement Rental Owner, with the final approved adjustment to be subject to the approval of the Chief Planner and Executive Director, City Planning, in writing.

The maximum Initial Rent for a Returning Tenant of an affordable Replacement Rental Unit shall not exceed the lesser of:

an amount that is 1.0 times the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, less any adjustments if tenants are directly paying for any of the basic utility costs; or

the sum of which equals the last legal rent paid by such tenant, excluding any amounts paid to the Owner or landlord for separate charges, increased by:

a one-time 'new building allowance' of 4%; and

annual increases permitted by the Provincial Rent Increase Guideline beginning on the month that is twelve months after the last increase that occurred for each Eligible Tenant and ending with the last twelve month anniversary date before the date of first occupancy of the Replacement Rental Unit; and

increased (or decreased) by any adjustments for changes to the responsibility for payment of basic utilities.

The maximum Initial Rent for a Returning Tenant of an mid-range Replacement Rental Unit shall not exceed the lesser of:

an amount that is 1.5 times the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, less any adjustments if tenants are directly paying for any of the basic utility costs, or

the sum of which equals the last legal rent paid by such tenant, excluding any amounts paid to the Owner or landlord for separate charges, increased by:

a one-time 'new building allowance' of 4%;

annual increases permitted by the Provincial Rent Increase Guideline beginning on the month that is twelve months after the last increase that occurred for each Eligible Tenant and ending with the last twelve-month anniversary date before the date of first occupancy of the Replacement Rental Unit; and

increased (or decreased) by any adjustments for changes to the responsibility for payment of basic utilities.

The maximum Initial Rent for a New Tenant occupying an affordable Replacement Rental Units shall not exceed an amount that is 1.0 times the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, less any adjustments if tenants are directly paying for any of the basic utility costs.

The maximum Initial Rent for a New Tenant occupying a mid-range Replacement Rental Units shall not exceed an amount that is 1.5 times the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type less any adjustments if tenants are directly paying for any of the basic utility costs.

#### Rent Increases

The Parties acknowledge and agree that, for tenants who take up occupancy of the Replacement Rental Unit within the Ten (10) Year Period, rent may be escalated annually by not more than the Guideline until the tenancy ends.

The Parties acknowledge and agree that the general intent is for the provisions for setting maximum Rents to apply to the affordable Replacement Rental Units and to the mid-range Replacement Rental Units for an initial Ten (10) Year Period. If during the Ten (10)Year Period:

An affordable Replacement Rental Unit becomes vacant and is re-rented to a new tenant, the Initial Rent for such new tenant shall not exceed an amount that is 1.0 times the most recent CMHC Rent, by unit type, less any adjustments if such tenants are directly paying for any of the basic utility costs; and

A mid-range Replacement Rental Unit becomes vacant and is re-rented to a new tenant, the Initial Rent for such new tenant shall not exceed an amount that is 1.5 times

the most recent CMHC Rent, by unit type, less any adjustments if such tenants are directly paying for any of the basic utility costs.

Rents charged to New Tenants who take up occupancy of a Replacement Rental Unit after the completion of the 10-year period will not be subject to restrictions by the City of Toronto under the terms of the Agreements.

#### Other Charges

The Owner covenants and agrees that for tenants who take up occupancy of a Replacement Rental Unit during the Ten (10) Year Period, there shall be no other mandatory extra charges added to the Rents for facilities and services such as air conditioning and ensuite laundry. Any extra charges shall be for optional services (such as television, internet, storage and vehicle parking) that the tenant is free to turn down.

The Owner covenants and agrees that the six (6) vehicle parking spaces shall be made available to tenants of the Replacement Rental Units on the following conditions:

Returning Tenants who rented or had access to a vehicle parking space in the Existing Rental Building(s) at the time the Agreement to End your Tenancy or Notice to End your Tenancy was issued by the Owner shall be given first priority to rent one of the six (6) vehicle parking spaces within the new mixed-use building;

For Returning Tenants who rented or had access to a vehicle parking space in the Existing Rental Building(s), the monthly charge for renting one of the six (6) vehicle parking spaces within the new mixed-use building shall be no more than the monthly charge such tenant paid for a vehicle parking space at the time the Agreement to End your Tenancy or Notice to End your Tenancy was issued by the Owner, increased on an annual basis by not more than the Guideline; and

For Returning Tenants, who did not rent a vehicle parking space in the Existing Rental Building(s), the monthly charge for renting one of the six (6) vehicle parking spaces within the new mixed-use building shall be no more than \$150 per month per each rental vehicle parking space, increased on an annual basis by not more than the Guideline.

#### Tenant Relocation and Assistance Plan

The Tenant Relocation and Assistance Plan shall be provided to the satisfaction of the Chief Planner and Executive Director, City Planning, all of which shall be secured through one or more agreements with the City.

#### Timing of Demolition

The Owner shall not be entitled to, and the Owner agrees that it shall not request, the issuance of a Demolition Permit to demolish any residential building, Existing Rental Unit or portion thereof existing on the Site on the date of this Agreement until, in addition to any other requirements, all of the following have been satisfied:

The first Building Permit for either foundation or excavation and shoring for the Development has been issued;

The Chief Planner has given the preliminary approval to the application under the Toronto Municipal Code Chapter 667;

The Zoning By-law Amendment has come into full force and effect;

The Chief Planner has issued the Notice Of Approval Conditions for Site Plan Approval that implements the Zoning By-law Amendments, or as otherwise authorized by the Chief Planner;

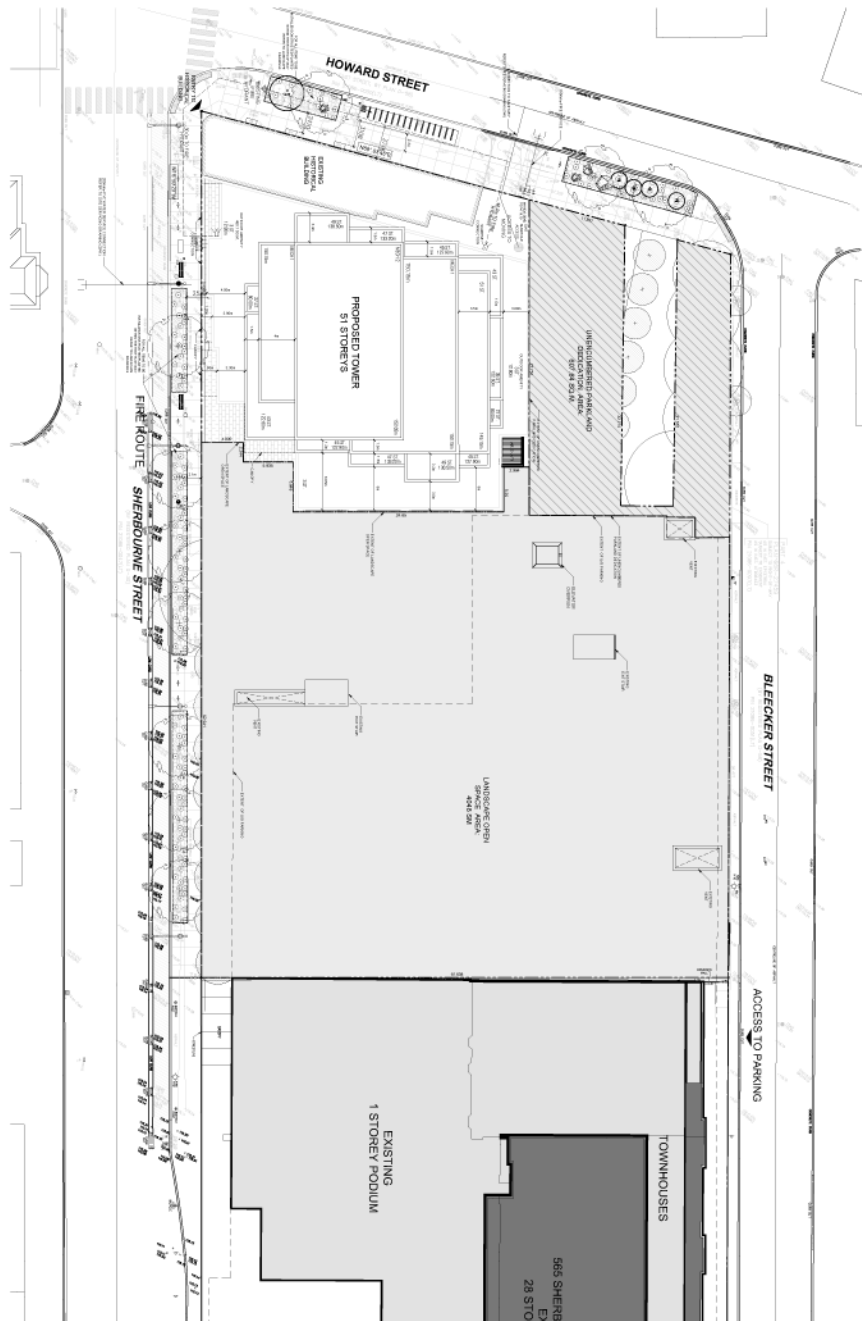
The Owner has entered into and registered one or more agreements with the City pursuant to Section 111 of the City of Toronto Act, 2006 and Toronto Municipal Code Chapter 667, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning; and

#### Construction Mitigation Strategy and Tenant Communication Plan

The Owner shall, prior to the issuance of the first below grade building permit, develop a Construction Mitigation Strategy in consultation with any tenant association within the existing rental building, existing tenants, the councillor's office and city staff. The Construction Mitigation Strategy shall identify measures to address impacts resulting from construction activity, including, but not limited to, building or property access, personal safety, building security, noise, dust and vibration. The final form and contents of the Construction Mitigation Strategy shall be to the satisfaction of the Chief Planner, Executive Director City Planning and secured within one or more agreements with the City.

The Owner shall, prior to the issuance of the first below grade building permit, develop a Tenant Consultation Plan in consultation with any tenant association within the existing rental building, existing tenants, the councillor's office and city staff. The Tenant Consultation Plan shall identify and outline how and when tenants of the existing rental building will be consulted and informed throughout the construction process. The final form and contents of the Tenant Consultation Plan shall be to the satisfaction of the Chief Planner, Executive Director City Planning and secured within one or more agreements with the City.

**Attachment 8: Site Plan**



**Site Plan**

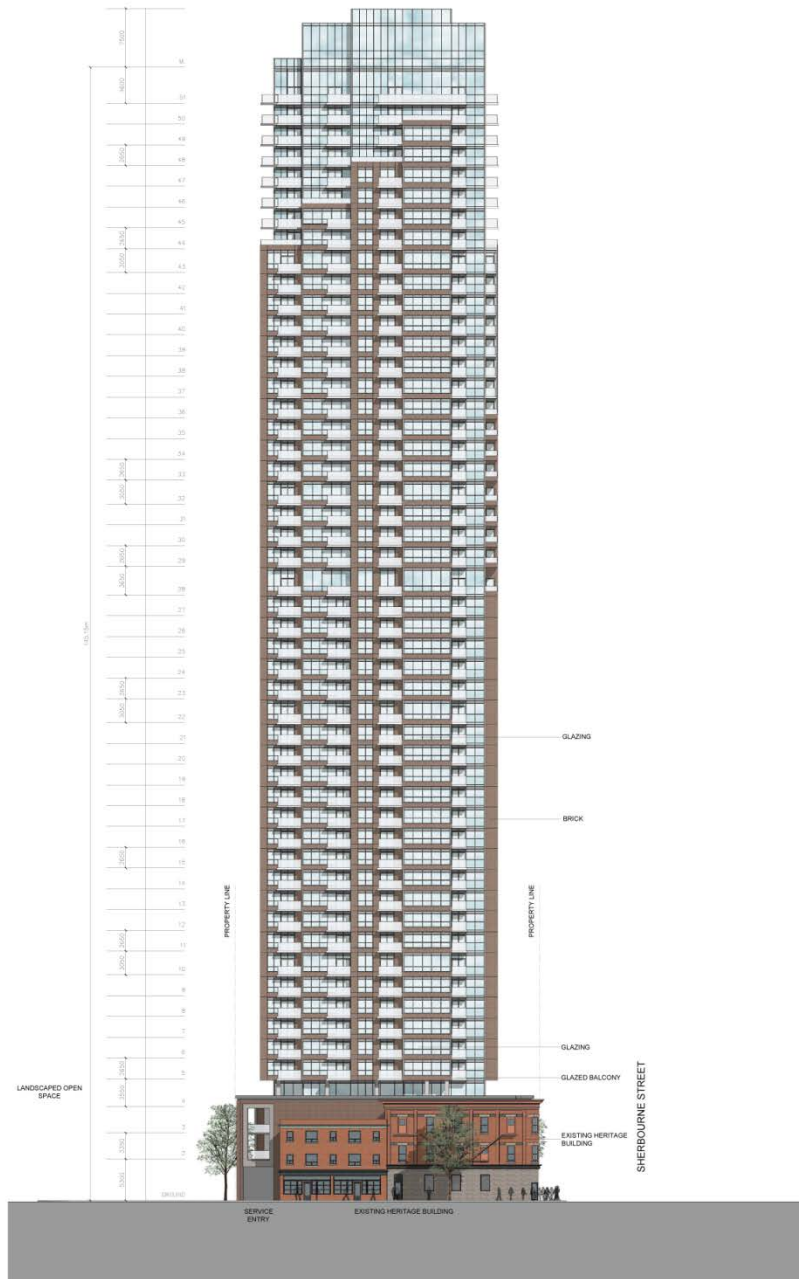
**545-601 Sherbourne Street**

Applicant's Submitted Drawing

Not to Scale   
02/19/2019

File # 15 206976 STE 28 0Z

# Attachment 9a: North Elevation



## North Elevation

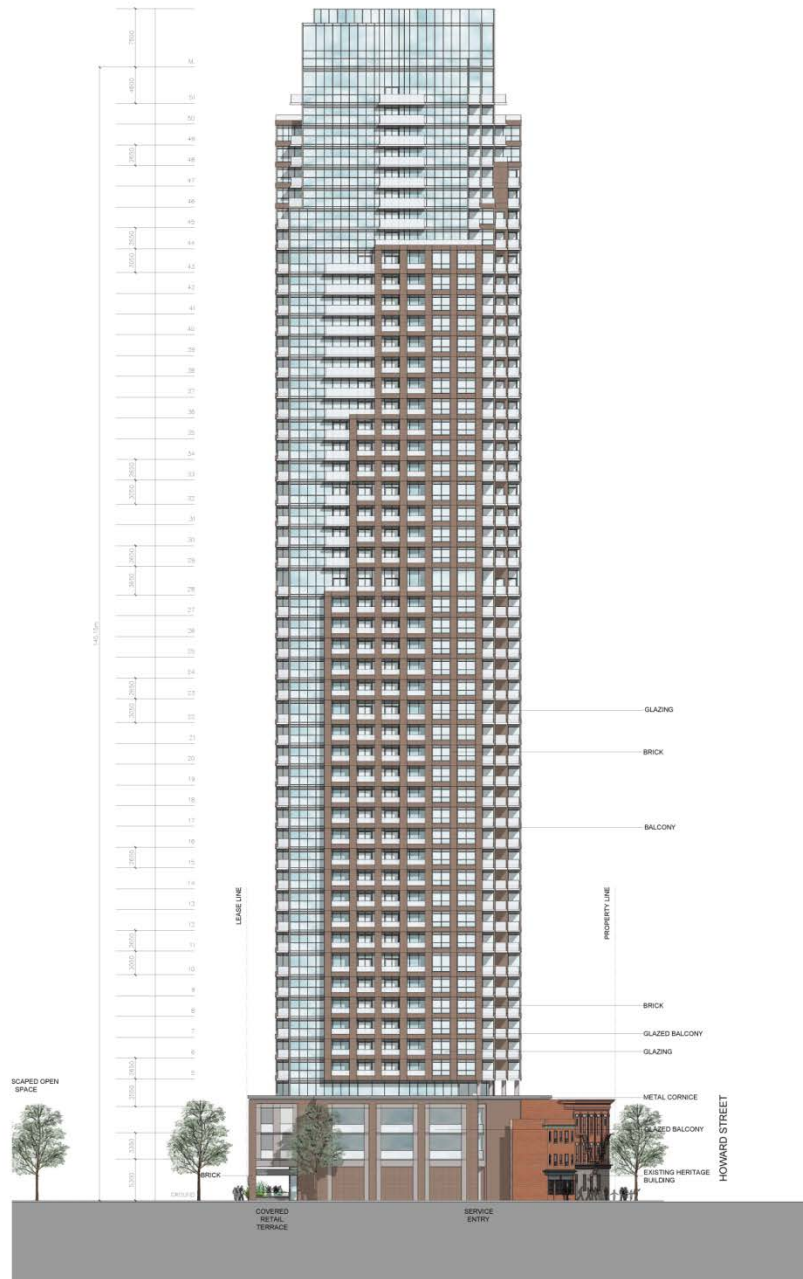
545-601 Sherbourne Street

Applicant's Submitted Drawing

Not to Scale  
02/19/2019

File # 15 206976 STE 28 0Z

# Attachment 9b: East Elevation



## East Elevation

Applicant's Submitted Drawing

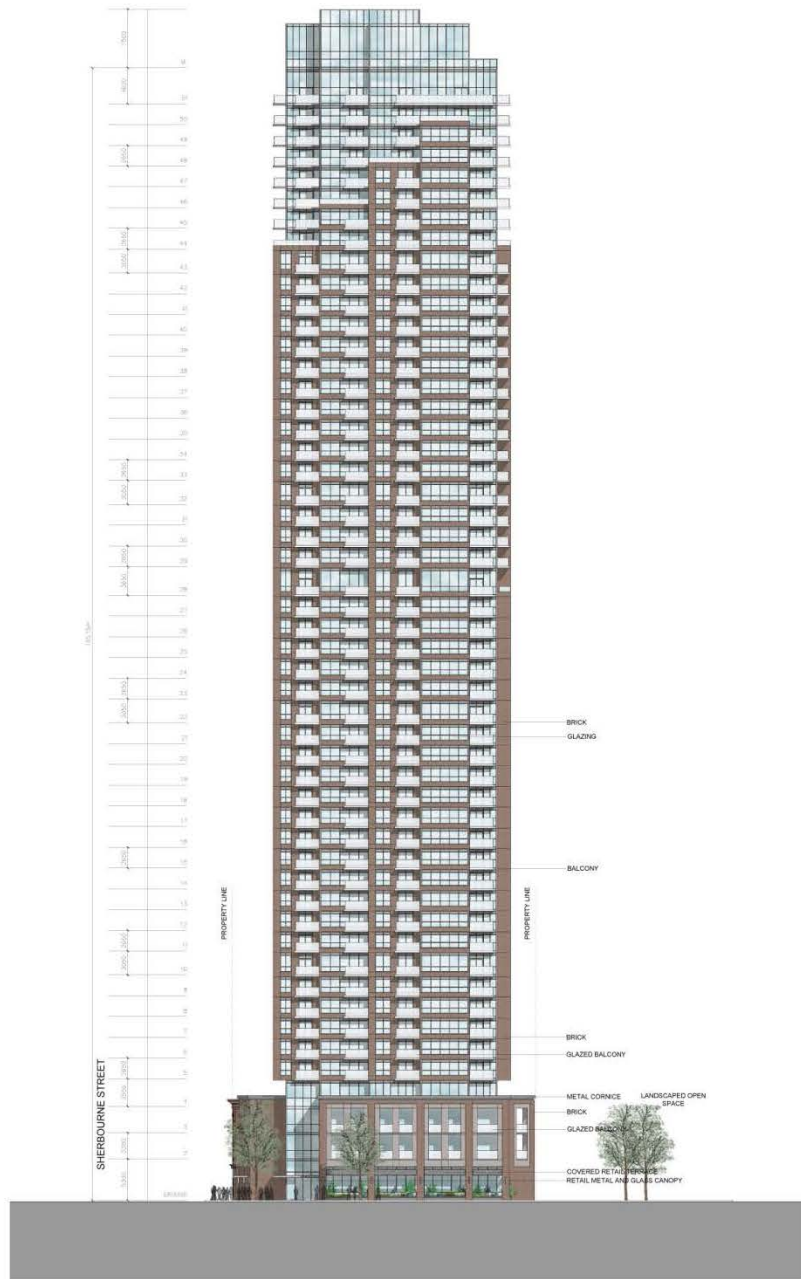
Not to Scale  
02/19/2019

545-601 Sherbourne Street

File # 15 206976 STE 28 0Z



# Attachment 9c: South Elevation



## South Elevation

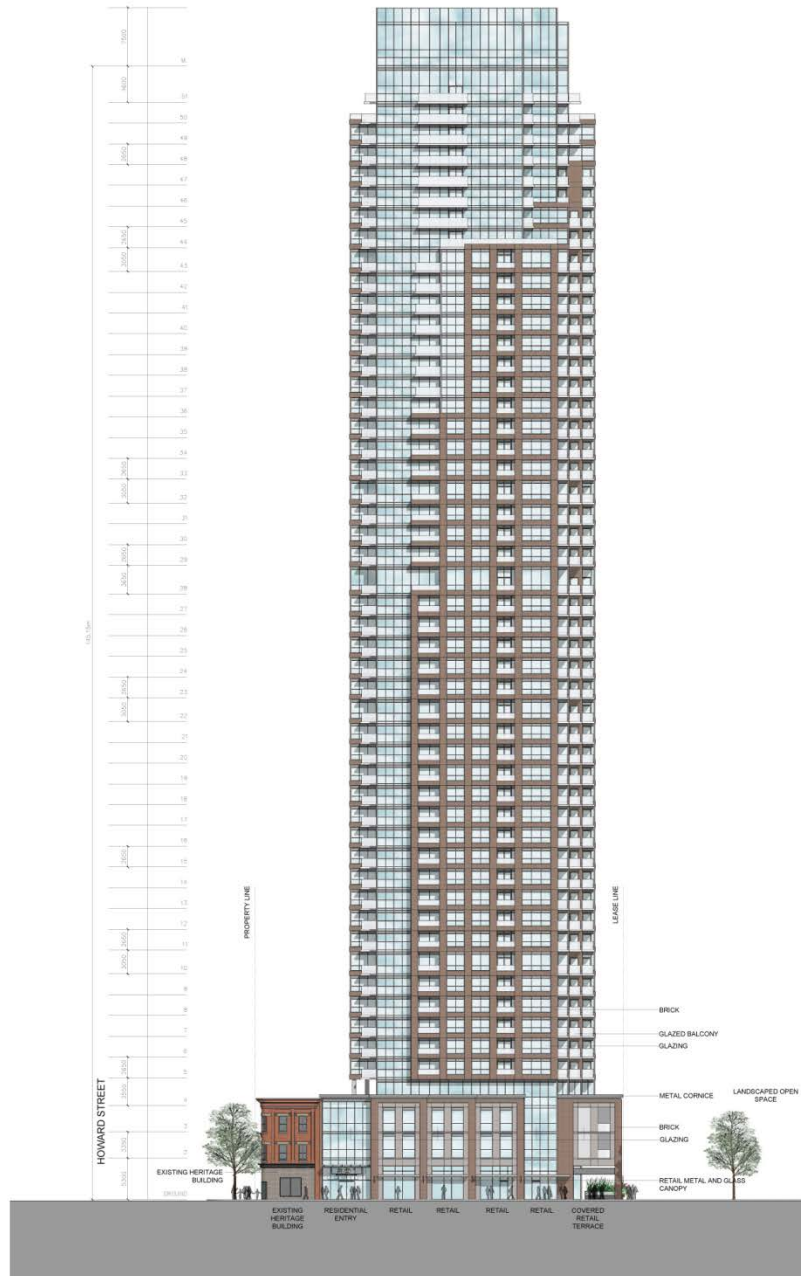
545-601 Sherbourne Street

Applicant's Submitted Drawing

Not to Scale  
02/19/2019

File # 15 206976 STE 28 0Z

# Attachment 9d: West Elevation



## West Elevation

545-601 Sherbourne Street

Applicant's Submitted Drawing

Not to Scale  
02/19/2019

File # 15 206976 STE 28 OZ

**Attachment 10a: Perspective Rendering Looking Northeast**



---

**Perspective looking North East**

**545-601 Sherbourne Street**

Applicant's Submitted Drawing

Not to Scale  
02/19/2019

File # 15 206976 STE 28 OZ

**Attachment 10b: Perspective Rendering Looking Northwest**



---

**Perspective looking North West**

**545-601 Sherbourne Street**

Applicant's Submitted Drawing

Not to Scale  
02/19/2019

File # 15 206976 STE 28 OZ

---