

1-11 Delisle Avenue and 1496-1510 Yonge Street – Official Plan and Zoning By-law Amendment Application – Supplementary Report

Date: July 14, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 - Toronto-St. Paul's

Planning Application Number: 18 189938 STE 22 OZ

SUMMARY

This report summarizes the virtual community consultation meeting held on July 7, 2020, and revises the recommendations from the Final Report dated February 25, 2020 to make minor modifications to the draft zoning by-laws, including amenity space rates, and clarify the requirements of the parkland dedication. Following the deferral of the item at the March 12, 2020 and June 18, 2020 Toronto and East York Community Council meetings, staff have elected to accept the parkland dedication as a fee simple strata conveyance and not a 999-year lease.

RECOMMENDATIONS

The City Planning Division recommends that recommendations 2, 3, 6, 7 and 9.d.xiii in the report (February 25, 2020) from the Director, Community Planning, Toronto and East York District, be deleted and replaced with the following:

Ellen prefers that these be listed separately i.e. rec 1 - delete and replace rec 1 with the following, rec 2 delete and replace rec 3 with the following.....

2. City Council amend Zoning By-law 438-86, for the lands at 1-11 Delisle Avenue and 1496-1510 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (July 14, 2020) from the Director, Community Planning, Toronto and East York District.

3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1-11 Delisle Avenue and 1496-1510 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report (July 14, 2020) from the Director, Community Planning, Toronto and East York District.

6. City Council authorize the acceptance of a fee simple strata conveyance to the City, for nominal consideration, of part of the lands municipally known as 30 and 40 St. Clair Avenue West, as follows:

- a. 1,763 square metres of land as an off-site parkland dedication pursuant to section 42 of the *Planning Act*, notwithstanding that this land is above an existing underground parking garage on the basis that an area greater than 10% of the development site is being secured to compensate for the stratification of the land; and
- b. a minimum 743 square metres of additional parkland (also above an existing underground parking garage), to be provided as a community benefit pursuant to section 37 of the *Planning Act*,

for a total combined stratified park conveyance of 2,506 square metres (the foregoing parcels of land being hereafter collectively referred to as the “Combined Parkland Dedication”) with the final location, configuration and lower vertical limit of the off-site strata conveyance to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, subject to the reservation of any easements in favour of the subjacent lands for support and maintenance and repair of the parking garage situate therein, and together with any easements in the subjacent lands in favour of the Combined Parkland Dedication, as may be deemed appropriate by the Executive Director, Corporate Real Estate Management Division, in consultation with the General Manager, Parks, Forestry and Recreation and in form and substance satisfactory to the City Solicitor.

7. City Council direct the City Solicitor to secure the Combined Parkland Dedication through an Agreement pursuant to section 37 of the *Planning Act*, and any other necessary agreement(s), satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor to be binding on the owner(s) of the development site and the owner(s) of 30 and 40 St. Clair Avenue West, being both the current owners of the Combined Parkland Dedication (and the underground parking garage) and related entities to the owner of 1-11 Delisle Avenue and 1496-1510 Yonge Street, to the satisfaction of the General Manager, Parks, Forestry and Recreation, including terms relating to the following:

- a. the owners' obligations to convey to the City the Combined Parkland Dedication prior to the issuance of the first above grade building permit for the site, and to design and construct base and above-base park improvements; and
- b. other matters including ongoing maintenance obligations of the owners, including requirements to reconstruct the park should it be damaged as a result of work being conducted on the underground garage and the requirement to post financial security to secure same as outlined in the memorandum from Parks, Forestry and Recreation dated July 10, 2020.

9. Before introducing the necessary Bills to City Council for enactment, the owner(s) of the development site and, for the purpose of provisions respecting the Combined Parkland Dedication, the owner(s) of 30 and 40 St. Clair Avenue West be required to enter into an Agreement pursuant to section 37 of the *Planning Act*, and any other

necessary agreement(s), satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such agreement(s) to be registered on title to the lands at 1-11 Delisle Avenue, 1496-1510 Yonge Street and 30 and 40 St. Clair Avenue West in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense, including:

c. an additional 743 square metres of strata off-site parkland above the required in-kind off-site parkland contribution pursuant to section 42 of the *Planning Act*;

d. the following matters are also recommended to be secured in the section 37 Agreement as a legal convenience to support development:

xiii. prior to the execution of the section 37 agreement, the owner(s) of 30 and 40 St. Clair Avenue West shall cause a section 118 Restriction under the *Land Titles Act* to be registered on the lands municipally known as 30 and 40 St. Clair Avenue West (including without limitation the Parkland Dedication Lands) to the satisfaction of the General Manager of Parks, Forestry and Recreation prohibiting the transfer or charging of such lands without the prior written consent of the General Manager of Parks, Forestry and Recreation; and

xiv. a pick-up and drop-off area located on the ground floor level must be provided on the lot.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

At its meeting on June 18, 2020, Toronto and East York Community Council deferred item TE15.2, 1-11 Delisle Avenue and 1496-1510 Yonge Street – Official Plan and Zoning By-law Amendment Application – Final Report dated February 25, 2020. The report recommends approval of a 44-storey mixed use building.

COMMUNITY CONSULTATION

Following the deferral of the item at the June 18, 2020 Toronto and East York Community Council meeting a virtual community meeting was held on July 7, 2020, attended by 56 members of the public, recorded and posted on the Ward Councillor's website for other members of the public to view. At the meeting members of the working group and City Planning staff gave presentations on the process and revised proposal.

Following the presentations, the Ward Councillor's staff hosted a question and answer period. The attendees asked questions and expressed thoughts on the revised proposal, including:

- length and details of construction;
- limiting sidewalk and traffic lane closures during construction;
- construction management plan details;
- construction liaison group;
- truck and loading vehicle access;
- wind, shadow and traffic impacts of the revised proposal;
- status of the transportation study requested by the Ward Councillor;
- proposed unit type, size and tenure;
- subway capacity details;
- school capacity details;
- opportunities for a traffic light at Yonge Street and Delisle Avenue;
- approving 44-storeys will encourage more aggressive development in the area; and,
- building height is taller than what many in the community would prefer, however, the proposed community building benefits (i.e. wider sidewalks, expanded public park, section 37 community benefits) aren't worth risking over a few storeys.

COMMENTS

Parkland

Following the deferral of this item at the March 12, 2020 and June 18, 2020 Toronto and East York Community Council meetings, City Planning staff were advised by Parks Planning in consultation with City Legal and Corporate Real Estate Management, and through discussions with the applicant, that they had elected to accept the encumbered parkland dedication as a fee simple strata conveyance and not a 999-year lease. The recommendations in this report delete and replace those found in the Final Report dated February 25, 2020 to reflect this position.

As stated in the Final Report the owner(s) of 30 and 40 St. Clair Avenue West are currently leasing to the City of Toronto 1,880 square metres of parkland that makes up Delisle Parkette, which is located above their existing below grade parking garage. The Final Report also stated that the lease entered into in 1984 was for a duration of 40 years. Through further discussions with Corporate Real Estate Management staff it was identified that the lease was extended to 99 years when the agreement was amended in 1987. To compensate for the value of the remaining lease the parkland dedication requirement has been increased from 1,677 square metres to 1,763 square metres. The remaining 743 square metres of the total 2,506 square metre combined parkland dedication will be counted as section 37 community benefit. The Recommendations in this report reflect this new information.

The current owner(s) of the Combined Parkland Dedication lands, being the owner(s) of 30 and 40 St. Clair West, is or are related companies to the owner of the development site. All requirements of the owner as set out in the memorandum from Parks, Forestry

and Recreation dated July 10, 2020 include both the owner of the development site as well as the owner(s) of 30 and 40 St. Clair West.

Indoor/Outdoor Amenity Space

After looking at possible unit layouts within the building, the applicant decided to increase the number of units while maintaining the previously proposed floor area, including the area for indoor and outdoor amenity space. This change has altered the square metre per unit ratio for amenity space. The applicant is now proposing a minimum of 2.5 square metres per unit of indoor amenity space and a minimum of 1.2 square metres per unit of outdoor amenity space. The total amenity space proposed is 3.7 square metres per unit. Planning staff are satisfied with the amenity space proposed.

CONTACT

Kevin Friedrich, Planner
Tel. No. (416) 338-5740
E-mail: Kevin.Friedrich@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment 438-86
Attachment 2: Draft Zoning By-law Amendment 569-2013

Attachment 1: Draft Zoning By-law Amendment 438-86

To be provided prior to the July 16, 2020 Community Council meeting

Attachment 2: Draft Zoning By-law Amendment 569-2013

To be provided prior to the July 16, 2020 Community Council meeting