

1500-1536 St. Clair Avenue West and 20-36 Caledonia Road – Official Plan Amendment and Zoning By-law Amendment Application – Final Report

Date: May 13, 2022
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 9-Davenport

Planning Application Number: 21 1795097 STE 09 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law to permit two 16 and 18-storey mixed use buildings at 1500-1536 St. Clair Avenue West and 20-36 Caledonia Road. The buildings are proposed to contain 752 dwelling units and 1289 square metres of retail space. Two levels of underground parking are proposed with 320 vehicle parking spaces and a total of 752 bicycle parking spaces.

RECOMMENDATIONS

The City Planning Division recommend that:

1. City Council amend the Official Plan, for the lands at 1500-1536 St. Clair Avenue West and 20 – 36 Caledonia Road substantially in accordance with the draft Official Plan Amendment attached as Attachment 5 to the report (May 9, 2022) from the Director, Community Planning, Toronto and East York District Including a holding (h) provision requiring related to engineering conditions to met
2. City Council amend Zoning By-law 569-2013, for the lands at 1500-1536 St. Clair Avenue West and 20-36 Caledonia Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (May 9, 2022) from the Director, Community Planning, Toronto and East York District. Including a holding (h) provision requiring related to engineering conditions to met

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council authorize the City Solicitor and appropriate City staff to take such actions as are required to implement City Council's decision, including the execution and implementation of appropriate agreements.
5. City Council authorize the entering into of an Agreement pursuant to Section 37 of the Planning Act, satisfactory to the City Solicitor to secure the following matters as a legal convenience to support the development:
 - a) the owner shall enter into assignable Agreement(s) of Purchase and Sale ("Purchase Agreements") to convey, at below market value (as further described below), forty (40) dwelling units comprised of thirty-seven (37) two-bedroom; and three (3) one-bedroom units (the "Affordable Ownership Units") for the purchase of affordable ownership housing by Habitat for Humanity (or a related corporation) and/or Community Affordable Housing Solutions (or a related corporation (the "Provider"), with the City included as a contingent transferee, which Purchase Agreements will be formalized by the owner, the Provider and the City (as contingent transferee) entering into the owner's standard form of residential condominium agreement of purchase and sale for the Development as amended to reflect the terms and conditions set out below, within the later of 30 days of the owner being licenced with the Home Construction Regulatory Authority and Tarion and having finalized for release the disclosure statement required by the Condominium Act; in accordance with the following terms:
 - i. The Affordable Ownership Units shall have the following minimum specifications:
 - A. the Affordable Ownership Units shall have a minimum area of 2,369 sq. m (25,500 square feet) and shall include:
 - i) three (3) one-bedroom units; and
 - ii) at least thirty-seven (37) two-bedroom units;
 - B. the location and layouts of the new Affordable Ownership Units within the approved development on the lands shall be to the satisfaction of the Executive Director, Housing Secretariat;

- C. the Affordable Ownership Units shall be constructed to a fully-finished condition, with appliances including washer and dryer, to a similar standard as the market units in the remainder of the Development;
- ii. the owner shall ensure that the condominium Declaration provides all owners or residents of the Affordable Ownership Units with access to, as well as the use of, all indoor and outdoor amenities in the Development at no extra charge and on the same terms and conditions as any other owner or resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
 - iii. the owner shall ensure that the condominium Declaration provides all owners or residents of the Affordable Ownership Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building and in accordance with the Zoning By-law;
 - iv. the proportionate share of each Affordable Ownership Unit's interest in the common interests/common expense of the condominium reflected in Schedule D to the condominium Declaration expressed as a percentage shall be stated as 50 percent of the proportionate interest/share of the common interests/common expenses (including 50 percent of any reserve fund contributions, and 50 percent of any special assessments) for the same type and size of market unit in the condominium;
 - v. the Declaration shall contain an express duty that the Condominium Corporation shall not take steps to amend the Declaration or impose other fees and charges against or attributable to the Affordable Ownership Units for the 99 year term to indirectly make up or increase the common expenses payable by these units;
 - vi. the Declaration shall contain a requirement that the Condominium Corporation provide to the Provider and the City written notice at least 90 days prior to a meeting of the board of directors of the condominium to pass a resolution approving any proposed amendment to the Declaration, with a copy of the proposed amendment;
 - vii. prior to the registration of the condominium, the obligations in Part 5.a)iv., 5.a)v and 5.a)vi above shall be reflected in an indemnity agreement (the "Indemnity Agreement") to be entered into between the owner, Provider and the City of Toronto, with content satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor;

- viii. following Condominium Registration and prior to the conveyance of the first market unit in the condominium, an assumption agreement of the Indemnity Agreement shall be entered into by the Owner and the condominium corporation, in a form of assumption agreement acceptable to the subject parties (the “Indemnity Assumption Agreement”), through which the condominium corporation shall assume all of the owner’s obligations under the Indemnity Agreement; an executed copy of the Indemnity Assumption Agreement shall be delivered to the City within five (5) business days thereafter together with a copy of the registered bylaw of the condominium corporation;
- b) the purchase price payable to the owner shall be up to \$1,225.00 per square foot inclusive of HST (the “Purchase Price”) to a maximum total of \$23,774,250 for the forty (40) Affordable Ownership Units, (inclusive of a downward adjustment to the Purchase Price of \$7,500,000 and subject to an adjustment for the amount of the Development Charge Deferral as set out below), and shall be subject to the following:
- i. the owner shall pay all applicable land transfer taxes associated with the conveyance of the Affordable Ownership Units to the Provider;
- ii. there shall be no closing adjustments made with respect to the forty (40) Affordable Ownership Units transferred to the Provider, other than adjustments for monthly occupancy fees or common expense fees and realty taxes for the year in which the final closing date occurs, adjusted and payable on either the interim occupancy or final closing date of the sale of each unit, and in accordance with Part 5.a)ii.D. below;
- iii. the owner shall be solely responsible and liable for remitting the Harmonized Sales Tax eligible on each of the units' conveyances, if the conveyances to the Provider and/or the City of Toronto are not be eligible for any new housing rebates; and
- iv. the Purchase Price shall be adjusted downward by the amount of the Development Charge Deferral as set out in Part 5.c below.
- v. Prior to the issuance of the first above grade building permit, the owner shall provide a total cash contribution of \$7,500,000.00 towards the purchase of the Affordable Ownership Units, which shall be delivered by way of a credit to the Purchase Price of each Affordable Ownership Unit, the amount of such credit to each Affordable Ownership Unit to be determined by the City.
- vi. All cash contributions referred to in Recommendation 5.b)v. above, shall be indexed upwardly in accordance with the Statistics Canada

Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made.

- c) the owner shall enter into an agreement with the Provider and the City, being a Home Ownership Assistance Program (“HOAP”) delivery agreement (“HOAP Agreement”), no later than 180 days after zoning by-law amendment(s) permitting the Development becomes final and binding or within such longer period of time as the City and the owner may agree to, but in any case before Development Charges for the Affordable Ownership Units would otherwise be due, which HOAP Agreement will provide for the Affordable Ownership Units to be secured as affordable ownership housing for a minimum period of 99 years beginning from the date that each such unit is first sold to an eligible purchaser, on terms satisfactory to the City. The HOAP Agreement will include:
 - i. a requirement and timelines for the Provider to prepare a long term affordable ownership plan, outlining its method of ensuring that affordability will be maintained for the 99 year period, to be provided to the satisfaction of the Executive Director, Housing Secretariat and the Provider shall be obligated to administer the units in accordance with the finally approved plan;
 - ii. a requirement that at least 10% of the Affordable Ownership Units be dedicated to the Black North Initiative Homeownership Bridge Program administered by the Provider;
 - iii. at least six months in advance of any new Affordable Ownership Unit being made available for occupancy, the Provider shall develop and implement an Owner/Occupant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - iv. the deferral of development charges for the Affordable Ownership Units under the terms of the City's Home Ownership Assistance Program, such that the owner shall not be obligated to pay to the City the otherwise payable Development Charges for the Affordable Ownership Units, (the “Development Charge Deferral”) and re-payment of such deferred Development Charges by the owner shall occur if the owner is unable to transfer the units for affordable housing in accordance with these terms, and thus the owner is able to sell the units without restrictions;
 - v. the benefit of the Development Charge Deferral shall be secured by a charge against the Lands equivalent to the amount of the Development Charge Deferral;

- vi. the charge in favour of the City will be registered after the execution of the Home Ownership Assistance Program Agreement and prior to when the Development Charges would otherwise be payable by the owner to the City; the City agrees to postpone the charge and rank behind charges for preconstruction, construction and surety financings, easements for utilities and telecommunications and, and in the event the charge encumbers lands required in support of the Development to be transferred to the City or other government authority, such as the Toronto and Region Conservation Authority, the City shall provide a release and partial discharge;
 - vii. the charge described above, shall be partially discharged forthwith from all but the Affordable Ownership Units upon the availability of a legal description for the said units;
 - viii. the charge will be discharged from each Affordable Ownership Unit upon a second charge being registered to secure the value of the Development Charge Deferral by the Provider or eligible purchaser, as the case may be, to the satisfaction of the City;
- d) in the event the owner, after employing reasonable commercial efforts;
- i. does not enter the Home Ownership Assistance Program Agreement with the Provider and the City in accordance with Part 5.c. above; or
 - ii. does not enter into the Purchase Agreements for all the Affordable Ownership Units or is unable to complete all the transfers to the Provider or the City's Assignee, or the City, in its sole discretion, chooses not to accept the transfers from the owner or assign its rights, as contingent transferee in accordance with the Purchase Agreements for the Affordable Ownership Units, the owner shall instead make a cash contribution to the City in the amount of \$7,500,000 to be used towards affordable housing ("Affordable Housing Cash Contribution"); the Affordable Housing Cash Contribution payment shall occur upon the issuance of the first Above-Grade Building Permit, if the Home Ownership Assistance Program Agreement is not executed by the parties; alternatively, if the Home Ownership Assistance Program Agreement is executed by the parties, the Affordable Housing Cash Contribution shall be made the later of the following events: (a) the issuance of the first Above-Grade Building Permit, or (b) the first of the following two events, being either the failure of the owner and Provider to enter into the Purchase Agreements for all of the Affordable Ownership Units in accordance with the terms set out herein, or the failure to complete the transfers of the Affordable Housing Units to the Provider, the City or its assignee

in accordance with the terms of the Purchaser Agreements for the Affordable Ownership Units; and

- iii. the Affordable Housing Cash Contribution shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment.
 - e) forthwith following the registration of the Section 37 Agreement, the owner shall register, to the satisfaction of the City Solicitor, a restriction against title to the Lands pursuant to Section 118 of the Land Titles Act, R.S.O. 1990, c. L.5 to restrict the transferring and/or charging of the Lands by the owner, other than as may be consented to in writing by the Executive Director, Housing Secretariat, which consent won't be unreasonably withheld and which for greater certainty, shall not be withheld to facilitate financing and development;
 - f) the Section 118 Restriction shall be removed forthwith by the City upon any one of the following events occurring as required by these terms: the registration of the charge securing the Development Charge Deferral; or where the Affordable Housing Cash Contribution is paid in accordance with these terms;
 - g) the owner shall ensure that new Affordable Ownership Units shall be made ready and available for occupancy no later than the date by which 70 percent of the new dwelling units erected on the Lands are available and ready for occupancy, where a purchaser of an Affordable Ownership Units would pay occupancy fees upon taking occupancy of such unit.
6. City Council authorize the Executive Director, Housing Secretariat to execute on behalf of the City of Toronto, the Purchase Agreements for the Affordable Ownership Units, provided that the Purchase Agreements provide the City with the right to assign the Purchase Agreements to other non-profit housing providers or to an eligible purchaser pursuant to the City's Home Ownership Assistance Program, the City is not liable to pay any deposit, penalty or liquidated damages to the owner or the Provider in the event it terminates the Purchase Agreement at a later date for any reason.
 7. City Council authorize the Executive Director, Housing Secretariat to execute, on behalf of the City of Toronto, all development charges deferral agreements ("HOAP Agreement") and any security or financing or other documents required by the Provider or a related corporation to obtain conventional financing and subsequent refinancing, including any postponement, tripartite, confirmation of

status, discharge or consent documents of any City of Toronto security documents where and when required during the term of the HOAP Agreement, as required by normal business practices, and provided that such documents do not give rise to financial obligations on the part of the City of Toronto that have not been previously approved by City Council.

8. City Council approve that in accordance with Section 42 of the Planning Act prior to the First Above Grade Building Permit, the owner shall convey to the City, a total required parkland dedication value of \$6,500,000.00, indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto calculated upon the submission of an application for the first above-grade building permit, composed of off-site parkland dedication, of properties acceptable to the General Manager, Parks, Forestry and Recreation and the City Solicitor, subject to the following:
 - a). at least two acceptable properties shall be acquired by the owner and shall be conveyed to the City prior to the issuance of the first above-grade building permit for the development;
 - b). the owner shall comply with the City's environmental requirements with respect to conveyances to the City prior to the conveyance of the off-site parkland dedication to the City and shall be responsible for all costs associated with any environmental work to be completed prior to the conveyance of the land, including the peer review process;
 - c). prior to the issuance of the first above-grade building permit for the development site, the owner shall be responsible for the cost, design and construction of the Base Park Improvements on the off-site parkland dedications; and,
 - d). if the value of the land acquired for the off-site dedication is less than \$6,500,000.00, indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto calculated upon the submission of an application for the first above-grade building permit, net of reasonable real estate commissions of 5%, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks, Forestry and Recreation, the remainder will be paid as cash in lieu to the City prior to the issuance of the first building permit for the development.
9. City Council approve the acceptance of off-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

10. 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 & Recreation. 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, Parks, Forestry and Recreation, 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.
11. City Council direct the City Solicitor to secure the provisions of recommendations 8 to 10 above 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, General Manager, Parks, Forestry and Recreation and the City Solicitor.
12. City Council also direct that the following additional matters be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:
 - a) The owner shall submit a comprehensive Construction Management Plan for each stage of the construction process, to the satisfaction of the General Manager, Transportation Services, the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning and the Ward Councillor. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested in consultation with the Ward Councillor;
 - b) The owner shall implement the recommendations of the approved Traffic Impact Study including Transportation Demand Management Measures and traffic improvements, to be constructed and paid for by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
 - c) The owner shall submit a Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d) The owner shall submit a Commemoration Plan to the satisfaction of the Senior Manager Heritage Planning and Chief Planner and Executive Director, City Planning;

- e) The peer review of the submitted Rail Safety Assessment, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f) The peer review of the submitted Noise and Vibration Impact Study, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- g) The owner shall provide to the City for nominal consideration Privately Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 450 square metres located within the centre of the subject site, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own expense, stating that members of the public shall be entitled to the use of the POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The owner intends to offer up to forty (40) dwelling units, comprised of thirty-seven (37) two-bedroom and three (3) one-bedroom units, for purchase by Habitat for Humanity, GTA, to be delivered to eligible purchasers as affordable ownership housing. The purchase price of the units will be \$1,225.00 per square foot to be paid by Habitat for Humanity deferred by a contribution of \$7,500,000 by the owner. The owner may instead make a cash contribution to the City of \$7,500,000.00 to be used towards affordable housing if the units are not purchased by Habitat for Humanity or the City as an alternate transferee

Subject to City Council's approval of this report, development charges will be deferred over the long term under the City's Home Ownership Assistance Program (HOAP) for up to 40 units. The value of the deferred development charges will be applied as down payment assistance for each eligible buyer. Based on the November 1, 2021 development charge rates by unit size, the value of the development charge deferral is an estimated \$2,143,174.

There are no further financial implications (current year or future) other than those identified within this report. The Chief Financial Officer and Treasurer have reviewed this report and agrees with the financial impact information provided.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on September 9, 2021 authorizing staff to hold a community consultation meeting with an expanded notification area. The Toronto and East York Community Council Decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.20>

A portion of the site is designated General Employment Areas and is subject to Site and Area Specific Policy (SASP) 154 and 313 (the latter is currently under appeal and not in force and effect). These SASPs permit residential uses within Employment Areas throughout the City, including this site.

Redesignation of General Employment Areas requires evaluation through a Municipal Comprehensive Review (MCR). On April 27, 2022, Planning and Housing Committee directed Staff to review SASPs that provide residential permissions in *Employment Areas* (including SASP 154 and 313) and consider matters such as existing and proposed uses on the lands and the character of the surrounding area to determine if the lands should be redesignated as part of the MCR:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH33.13>

SITE AND SURROUNDING AREA

Description: The site is located at the northwest corner of St. Clair Avenue West and Caledonia. It is irregular in shape and approximately 11,202 square metres in size. The site has 71 metres of frontage on St. Clair Avenue West and 129 metres of frontage on Caledonia Road. The southwest corner of the site is subject to a drastic grade change to accommodate an overhead rail bridge crossing over St. Clair Avenue West. The site is currently occupied by multiple one storey commercial buildings and a concrete batching operation.

Official Plan Designation: Mixed Use Areas, Utility Corridors and General Employment Areas and is located within the Site and Area Specific Policy 154 and 313 (the latter of which is currently under appeal and not in force and effect).

Zoning: I1 D2 under Zoning By-law 438-86 and CR 3.0 (c1.0; r2.5) SS2 (x1160) and UT under Zoning By-law 569-2013 with a height limit of 16 metres and a density limit of 3.0 times the area of the lot. See Attachment No. 4 to this report for the Existing Zoning By-law Map.

Surrounding Land Uses:

North: is a multi-unit, one storey commercial building fronting onto Caledonia Road used for Employment purposes. Further north, the lands are occupied by 2 and 3-storey residential units.

South: of St. Clair Avenue West is occupied by one storey commercial uses and Earls court Park to the southeast.

East: of Caledonia Road is a series of 2-3 storey low density residential neighbourhoods. At the northeast corner of St. Clair Avenue West and Caledonia Road are one storey commercial uses including a car wash facility and a bakery.

West: is the Kitchener Line Go Transit rail line, owned by Metrolinx. Further west, Dons Panos Park and a low density residential neighbourhood.

THE APPLICATION

Description: 16 and 18-storey (55 metres and 64.9 metres, inclusive of the mechanical penthouse) mixed-use buildings.

Density: 4.3 times the area of the lot.

Dwelling Units and Amenity Space: 752 residential dwelling units are proposed. A total of 3,018 square metres of amenity space (4.0 square metres per unit) is proposed, consisting of 1,509 square metres of indoor amenity space (2.0 square metres per unit) and 1,509 square metres of outdoor amenity space (2.0 square metres per unit).

Retail: The proposal includes 1,289 square metres of retail space located along the corner of St. Clair Avenue West and Caledonia Road

Access, Parking, and Loading: At the rear, a consolidated driveway access from Caledonia Road will provide vehicular and loading access to the underground parking garage. Seven surface level parking spaces are provided along the westerly side of the parking podium with the remainder 302 parking spaces, loading spaces, and 752 bicycle parking provided in the two-level underground parking garage.

Additional Information

See Attachment No. 1 to this report for the location map, Attachment No. 2 for the project data, Attachment No. 7 for the site plan, Attachments No. 8-9 for a three

dimensional representation of the current proposal in context, and Attachments No. 11-14 for the elevations.

The current proposal incorporates numerous revisions from the original application as summarized below:

- Additional stepping down towards the east of the site to provide an appropriate transition to the Neighbourhood to the west;
- Decreased unit count from 753 units to 752 units;
- Decreased parking from 332 to 320 spaces; and,
- Increased density from 4.24 to 4.31 times the area of the lot.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density, and height, as well as site-specific provisions for setbacks, parking and bicycle parking to implement the development.

The proposal also requires an amendment to the Toronto Official Plan to redesignate a portion of the site from Utility Corridor to Mixed Use Areas.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted on April 21, 2022 and is under review.

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial Policy Statement, conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and conformity to the City's Official Plan. The Provincial Policy Statement (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. 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 Greater Golden Horseshoe region.

Agency Circulation

The application together with the reports/studies submitted in support of the application 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 and Official Plan designation.

COMMUNITY CONSULTATION

A virtual community consultation meeting was held on September 28, 2021. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the meeting attendees included:

- Severe traffic congestion along St. Clair Avenue West needs to be addressed;
- The proposed 18-storey massing is too overwhelming and out of character for the neighbourhood;
- Support for building design not using spandrel glass;
- Need to provide appropriate transition to low density Neighbourhood;
- Concerns about shadow impacts;
- Support for more housing options outside of the Downtown;
- Increased population needs to be supported by enhancements to surrounding park and community service facilities;
- Maintaining appropriate sidewalk connections to the building due to grading challenges; and,
- Need to accommodate family sized units in the development.

The issues raised through community consultation have been considered through the review of the application. Comments with respect to the proposed height, massing, family-sized units, sun shadow impacts, and traffic are addressed in the Comments section below. The detailed building design, including proposed materials, and the construction management plan will be addressed during the Site Plan Control review process.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS (2020) and generally conforms with the Growth Plan (2020).

Change in Land Use

The proposal seeks to redesignate a portion of the site from Utility Corridors to Mixed Use Areas, to retain the General Employment Areas Designation on lands fronting onto Caledonia Road, and to retain the Mixed Use Areas Designation fronting onto St. Clair Avenue West in the Toronto Official Plan. The proposed redesignation will reflect that the Utility Corridor portion of the site is no longer required for future expansion of the rail corridor and has been disposed of by Metrolinx for private development. City Planning staff finds that the proposed redesignation is good planning and conforms with the applicable Official Plan policies with respect to Mixed Use Areas.

Affordable Ownership Homes

The owner has agreed to sell 40 units at below market rates to the non-profit agency Habitat for Humanity, GTA, for the purposes of affordable home ownership. Habitat for Humanity will be supported by the City's Home Ownership Assistance Program (HOAP), whereby City development charges with an estimated value of \$2,140,501, will be deferred and the value of the development charges delivered as down-payment assistance loans to eligible purchasers. A minimum of 10% of the affordable home ownership units will be delivered under the Black North Initiative Homeownership Bridge Program. The 40 units are planned to be comprised of three 1-bedroom and 37 2-bedroom units within the development of this site. Through Habitat for Humanity's administration, the homes will remain affordable for at least 99 years.

Built Form

City Planning staff finds that the proposal conforms with the applicable Official Plan policies with respect to built form, massing and transition to adjacent Neighbourhoods.

City Council adopted the Tall Building Guidelines containing performance standards for tall buildings. They identify a list of best practices and establish a set of performance standards for development over 11-storeys. Key issues addressed include: maximum allowable building footprints; setbacks and step backs; sunlight; pedestrian realm conditions; transition to Neighbourhoods and Parks and Open Space Areas; and corner sites.

The proposed height of 16 and 18-storeys (55 and 64.9 metres, inclusive of the mechanical penthouse) is acceptable given the site's location within the St. Clair Avenue West – Keel Street to Glenholme Avenue Study Area..

The proposed massing for the 16-storey building provides a streetwall height of 10 storeys (35.8 metres) on St. Clair Avenue West which will frame the street with good proportion that fits within the vision of the St. Clair West – Keele Street to Glenholme Avenue Study Area of 7 to 9 storeys. Caledonia Road will be framed by a two storey podium (8.5 metres) with a building height of ten storeys above. This will frame the street with good proportion that fits with the existing and planned context, including the existing low density Neighbourhoods to the east of the site on Caledonia Road. Above the 2nd and 10th floors, 4.0 metre setbacks are provided and above the 8th floor, a 2.0 metre setback is provided along the Caledonia Road street frontage to provide appropriate sunlight access. Along St. Clair Avenue West, the 18-storey building massing provides a 3.18 metre setback above the 10th floor, and a 22.39 metre setback above the 12th floor. The building massing is consistent with the policies of the Official Plan which call for setbacks and building mass reductions for transitions to lower scale developments.

The resulting form is also generally consistent with the Tall Building Design Guidelines which recommend building bases that "fit harmoniously" with existing built forms and to mitigate the perception of height. The proposed buildings feature large Y-shaped footprints that exceed the Tall Building Design Guideline building footprint maximum of 750 square metres. However, the Y-shape and regular setbacks in the wings provide for massing that does not overwhelm the site or surrounding neighbourhood.

The proposal generally meets a 45 degree angular plane measured from the edge of the Neighbourhoods designation to the east of the site. By using a Y-shaped built form, the 16-storey building orientates the tallest portion of the building away from the Neighbourhood to the east, with two short 10-storey wings facing Caledonia Road providing an appropriate transition to the Neighbourhood.

Heritage

Lands to the west, municipally known as 1550 St. Clair Avenue West are listed on the City's Heritage Register. The lands were previously occupied by the CN St. Clair Station, constructed in 1931. The site was Designated in 1984 under the Heritage Railway Stations Protection Act, however, the structure was destroyed by fire in 1997.

The location of the Lake Iroquois shoreline feature also passes through the site which was used as an indigenous trail connecting the Don and Humber Rivers.

As part of the Site Plan review, a Commemoration Plan will be required to explore and implement opportunities to reflect the cultural heritage context of the area.

Shadow Impact

The submitted Shadow Study shows the proposal casting new shadows on the Neighbourhoods east of the site after 3:18pm on March 21st and September 21st and after 4:18pm on June 21st and casts new shadows on EarlsCourt Park to the southeast after 6:18pm during each month. The proposal also casts new shadows on the Caledonia Road sidewalks in the afternoon. The proposal does not cast shadows on any existing parks or Neighbourhoods, during the morning and majority of the afternoon all year.

City Planning staff finds the proposal adequately limits shadow impacts on adjacent Neighbourhoods and the shadow impacts are therefore acceptable.

Wind Impact

A Pedestrian Level Wind Study reflecting the proposal was submitted in support of the application. The study indicates that the surrounding public realm will experience wind conditions that require mitigation to be detailed during the Site Plan stage. A comparison of the existing versus future wind comfort surrounding the study site indicates that the proposed development will have an influence on grade-level wind conditions that can be mitigated along St. Clair Avenue West. Through the detailed design, the outdoor amenity spaces will be suitable for sitting or sedentary activities throughout the spring and summer.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

Unit Mix

A total of 752 residential units are proposed, consisting of 559 one-bedroom units (74.3%), 115 two-bedroom units (15.3%), and 78 three-bedroom units (10.4%), comprising 47,012.64 square metres of residential gross floor area.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing and meets the unit mix objectives of the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines") to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within new developments. However, the unit sizes do not meet the unit size objectives of the Growing Up Guidelines, which City Planning staff will continue to encourage the applicant to provide through the Site Plan Control review process.

Amenity Space

Amenity space for building residents is proposed above the two storey podium and within the first and second floors at a rate that meets the minimum requirement of 4 square metres of amenity space per dwelling unit (of which at least 2 square metres shall be indoor) contained in Zoning By-law 569-2013. A total of 1,509 square metres of

indoor amenity space (2.0 square metres per unit) is proposed along with 1,509 square metres of outdoor amenity space (2.0 square metres per unit).

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines) will be reviewed and secured through the Site Plan Control review process.

Public Realm

The building podium is set back 15 metres from St. Clair Avenue West with a cantilever overhang setback 4.15 metres from the property line resulting in a 8.15 metre setback from building face to curb. The proposed setback is compatible with the building line of the adjacent properties to the east and will contribute to a continuous streetwall along this segment of St. Clair Avenue West. On Caledonia Road, the building podium is set back 8.17 metres, with a 2.66 metre building cantilever that provides a 6.66 metre setback from building face to curb. A Landscape Concept Plan submitted in support of the application shows 17 new street trees, terraced planter beds, and a landscaped rail trail along the west portion of the site within the public realm adjacent to the subject site. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

Ground floor uses including retail space and POPS (privately owned public space) will be located along St. Clair Avenue West and Caledonia, allowing for access and views from the public realm. The residential lobbies have been located to the west of the building facing St. Clair Avenue West and north of the retail space for the building facing Caledonia Road to provide interfaces with the rail trail and the adjacent Neighbourhood to the east. First floor heights for these street-facing uses will meet the recommendations in the Retail Design Manual for boutique type retail spaces.

City staff are satisfied that the proposal is consistent with the applicable public realm policies of the Official Plan.

Parkland

The City of Toronto [Parkland Strategy](#) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 12 - 28 m² of parkland per person, which is less than the city-wide average provision of 28 m² of parkland per person (2016). Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, sites 1 to 5 hectares in size shall dedicate a cap of 15% of the development side, applied to the residential use, while non-residential uses are subject to a 2% parkland dedication. Staff have indicated that an on-site dedication of 1,641 square metres is required to facilitate the proposal. However, on April 7, 2022 City Council adopted Motion MM42.41 which directs staff to pursue off-site parkland dedication and an alternative of cash-in-lieu of parkland dedication if a suitable off-site dedication is not provided.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit, in the event that off-site parkland dedication is not provided. The residential component of this proposal is subject to a 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication, should off-site land dedication not be secured.

Tree Preservation

The applicant submitted an Arborist Declaration in support of the application proposing several tree removals within the municipal right of way. During the Site Plan Control stage, the applicants will be required to adjust the driveway access to ensure no conflicts with existing municipal tree canopy.

Traffic Impact, Access, Parking and Loading

Vehicular access for parking will be from Caledonia Road, at the northeast corner of the site. A ramp on the west side of the site will provide access to a two-level underground parking garage containing a total of 234 parking spaces for residents. Seventy-five (75) and 11 parking spaces are proposed for visitors and the retail uses, respectively. Access to Type G, B and C loading spaces will also be from the driveway access from Caledonia Road.

A total of 752 bicycle parking spaces are proposed, including 75 bicycle parking spaces for visitors on the ground floor, with residents' parking located on the P1 Level, ground level, and mezzanine. The proposed bicycle parking spaces meet the Zoning By-law requirements. Transportation Services staff are supportive of the proposed loading arrangement.

Transportation Services staff have also reviewed the Urban Transportation Considerations Report and accepted its conclusions. Additional comments related to site access arrangements, site circulation and layout, design of the proposed site entrance driveway, layout of the proposed parking supply including ingress/egress provided thereto, and requirements for electric vehicle infrastructure will be provided through the Site Plan Control review process.

Servicing and Stormwater Management

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review, including the need for testing to support the discharge to the sewer in the existing condition, and revisions to the Functional Servicing and Stormwater Management Report to demonstrate adequate capacity in the watermain and sewer systems. Staff recommend that these ECS matters be secured through the Holding Provision applied in the Zoning By-law.

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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and generally conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to the proposed change in land use, the provision of an appropriate mix of residential and non-residential uses, and a built form which provides an appropriate relationship to the surrounding public realm and a suitable transition to adjacent Neighbourhoods. Staff recommend that Council support approval of the application.

CONTACT

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E-mail: Erik.Hunter@toronto.ca

SIGNATURE

Dan Nicholson, Manager, Community Planning on behalf of
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

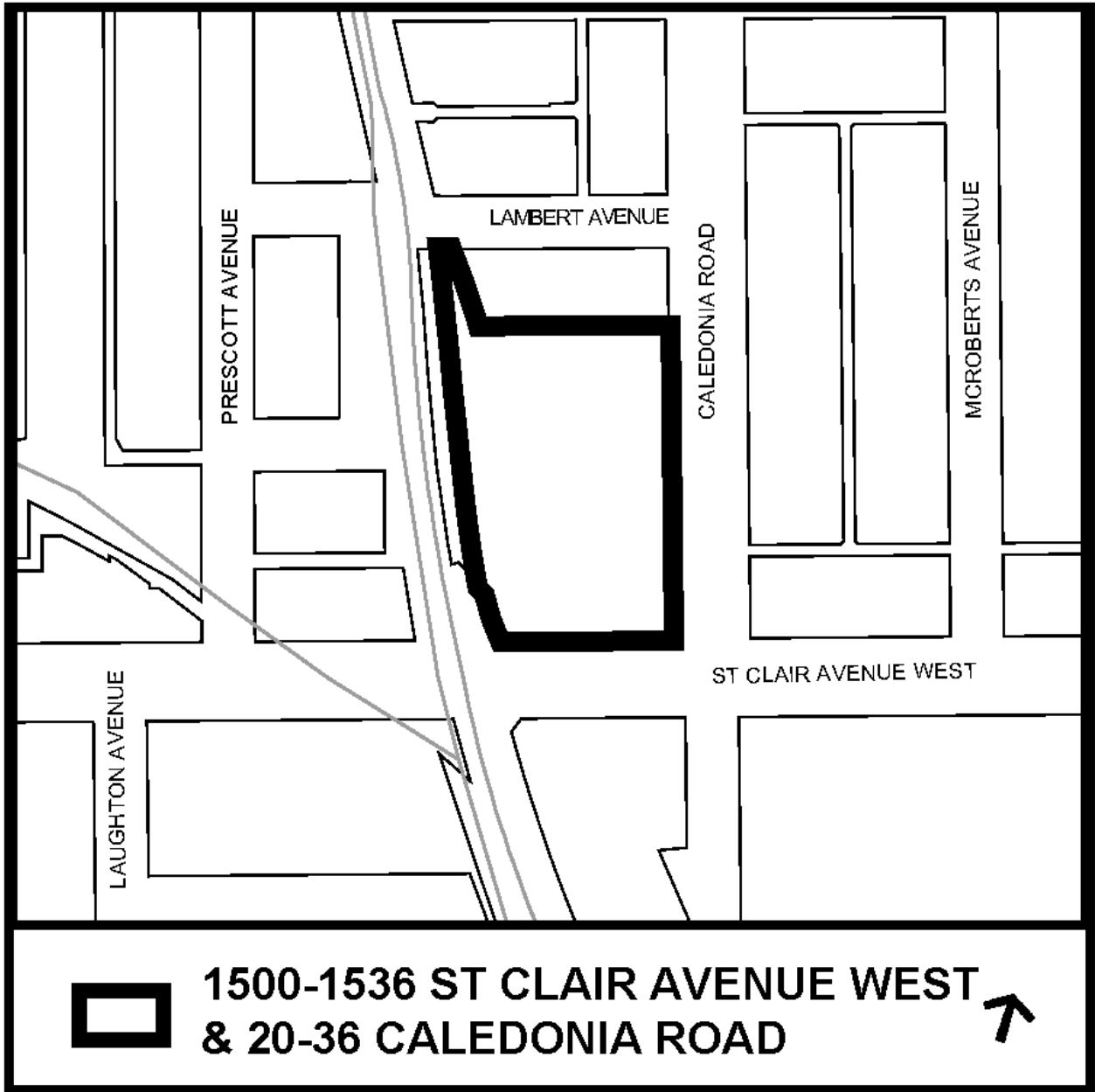
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Official Plan Amendment
- Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: 3D Model of Proposal in Context - Southeast
- Attachment 9: 3D Model of Proposal in Context - Northeast
- Attachment 10: 3D Model of Proposal in Context – Northwest
- Attachment 11: East Elevation
- Attachment 12: South Elevation
- Attachment 13: West Elevation
- Attachment 14: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1500-1536 ST CLAIR AVE W, 20-36 CALEDONIA RD **Date Received:** June 23, 2021

Application Number: 21 175097 STE 09 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Two mixed-use towers having heights of 16 and 18-storeys (including mechanical penthouse) having 752 dwelling units and 1,289.45 square metres of retail.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		SWEENY & CO ARCHITECTS	ST CLAIR CALEDONIA LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 154; SASP 313
Zoning:	CR 3.0 (c1.0; r2.5) SSW (x1160); UT; I1D2	Heritage Designation:	No
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 11,202 Frontage (m): 71 Depth (m): 129

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,670	2,670
Residential GFA (sq m):			47,013	47,013
Non-Residential GFA (sq m):	3,169		1,290	1,290
Total GFA (sq m):	3,169		48,302	48,302
Height - Storeys:			18	18
Height - Metres:			58	58

Lot Coverage Ratio (%): 23.84 Floor Space Index: 4.31

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	47,012	
Retail GFA:	1,290	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			752	752
Other:				
Total Units:			752	752

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			559	115	78
Total Units:			559	115	78

Parking and Loading

Parking Spaces: 320 Bicycle Parking Spaces: 752 Loading Docks: 3

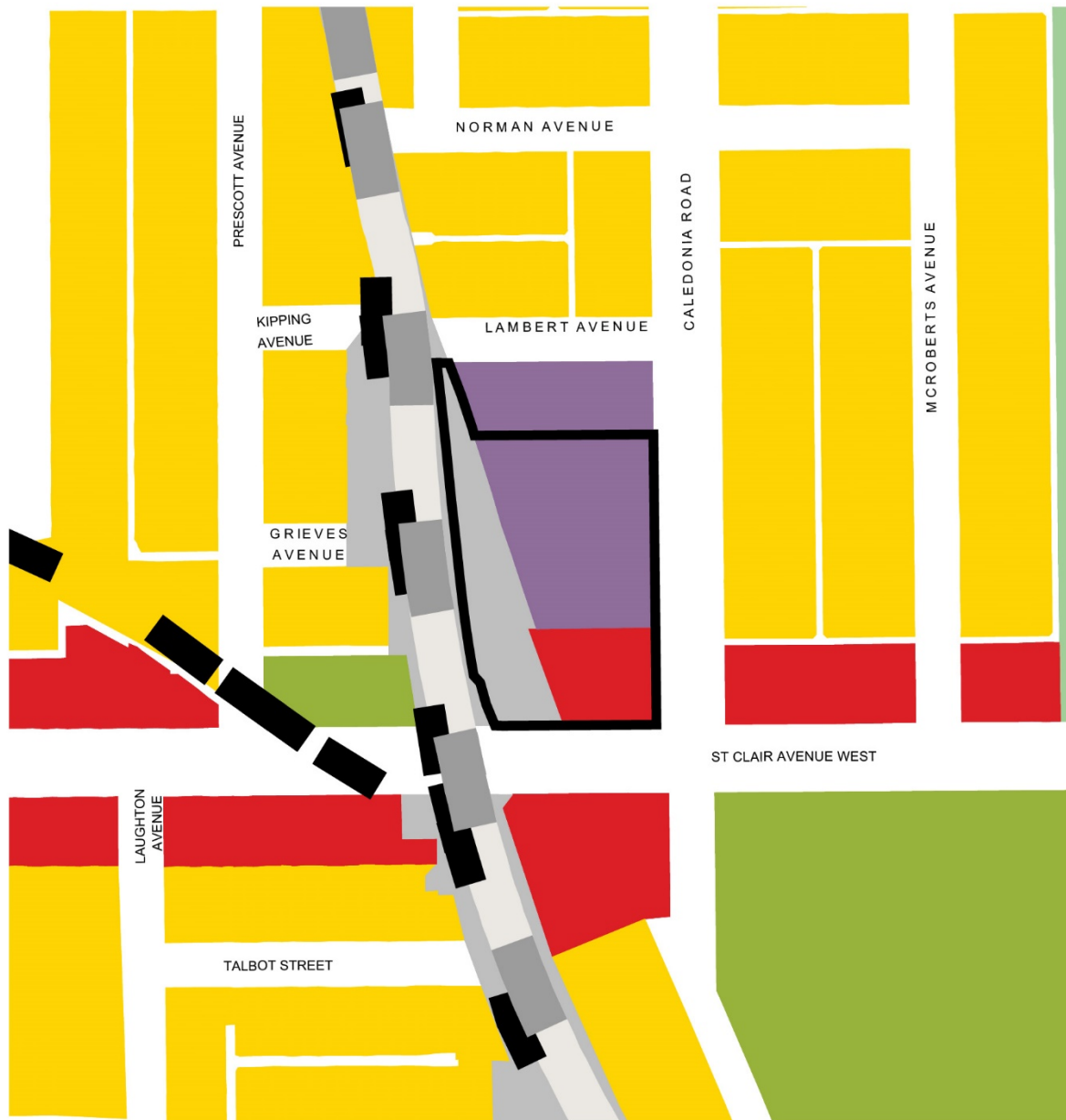
CONTACT:

Melanie Schneider, Planner, Community Planning

416-397-7569








Melanie.Schneider@toronto.ca

Attachment 3: Official Plan Land Use Map



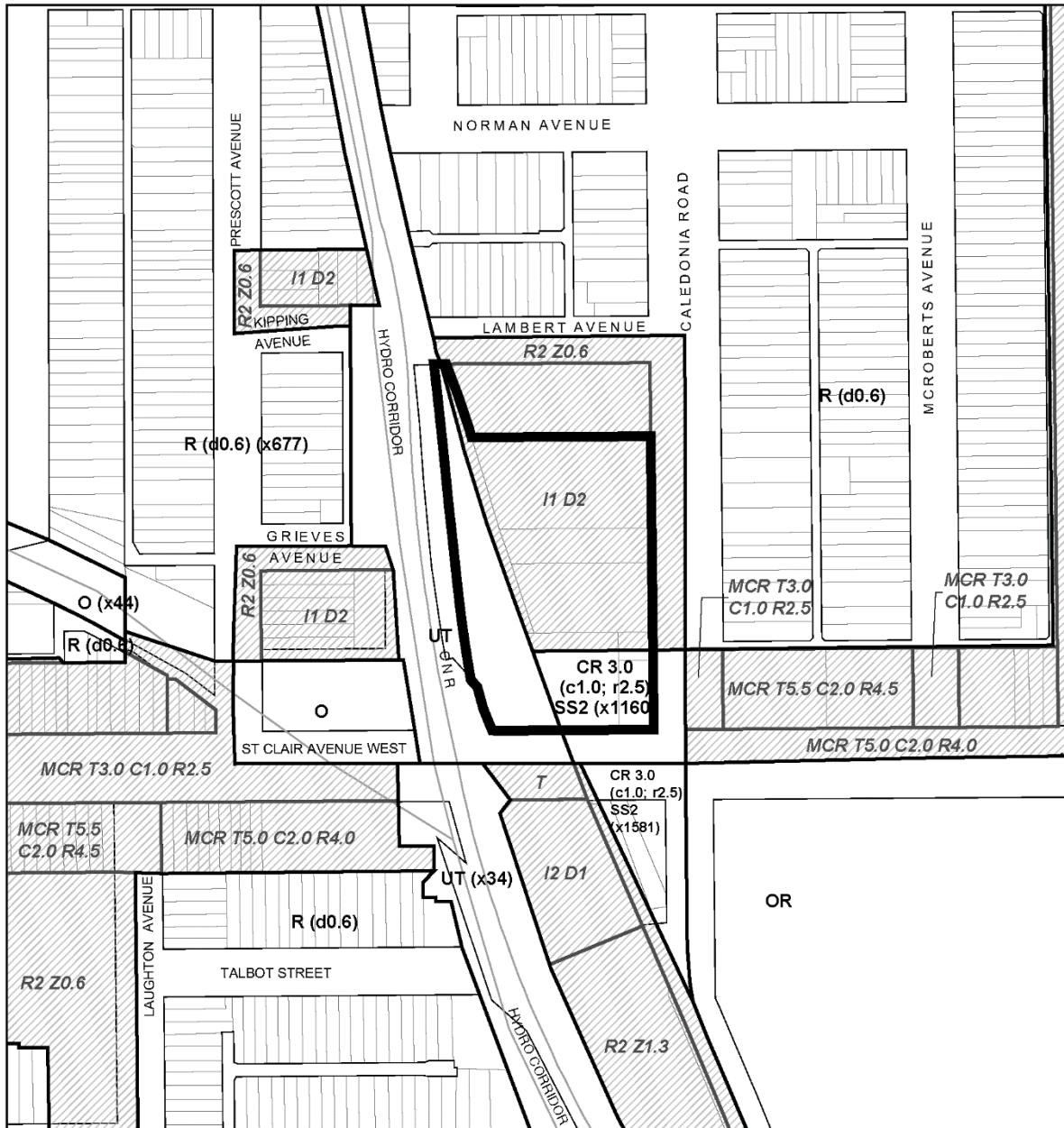
1500-1536 St Clair Avenue West & 20-36 Caledonia Road
 Official Plan Land Use Map #17

File # 21 175097 STE 09 02

- | | | |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|  Location of Application |  Parks |  Utility Corridors |
|  Neighbourhoods |  Other Open Space Areas |  General Employment Areas |
|  Mixed Use Areas | | |

↑
 Not to Scale
 Extracted: 06/28/2021

Attachment 4: Existing Zoning By-law Map




1500-1536 St Clair Avenue West & 20-36 Caledonia Road

Zoning By-law 569-2013

File # 21 175097 STE 09 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation
- UT** Utility and Transportation

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- MCR** Mixed-Use District
- I2** Industrial District
- G** Parks District


 Not to Scale
 Extracted: 06/28/2021

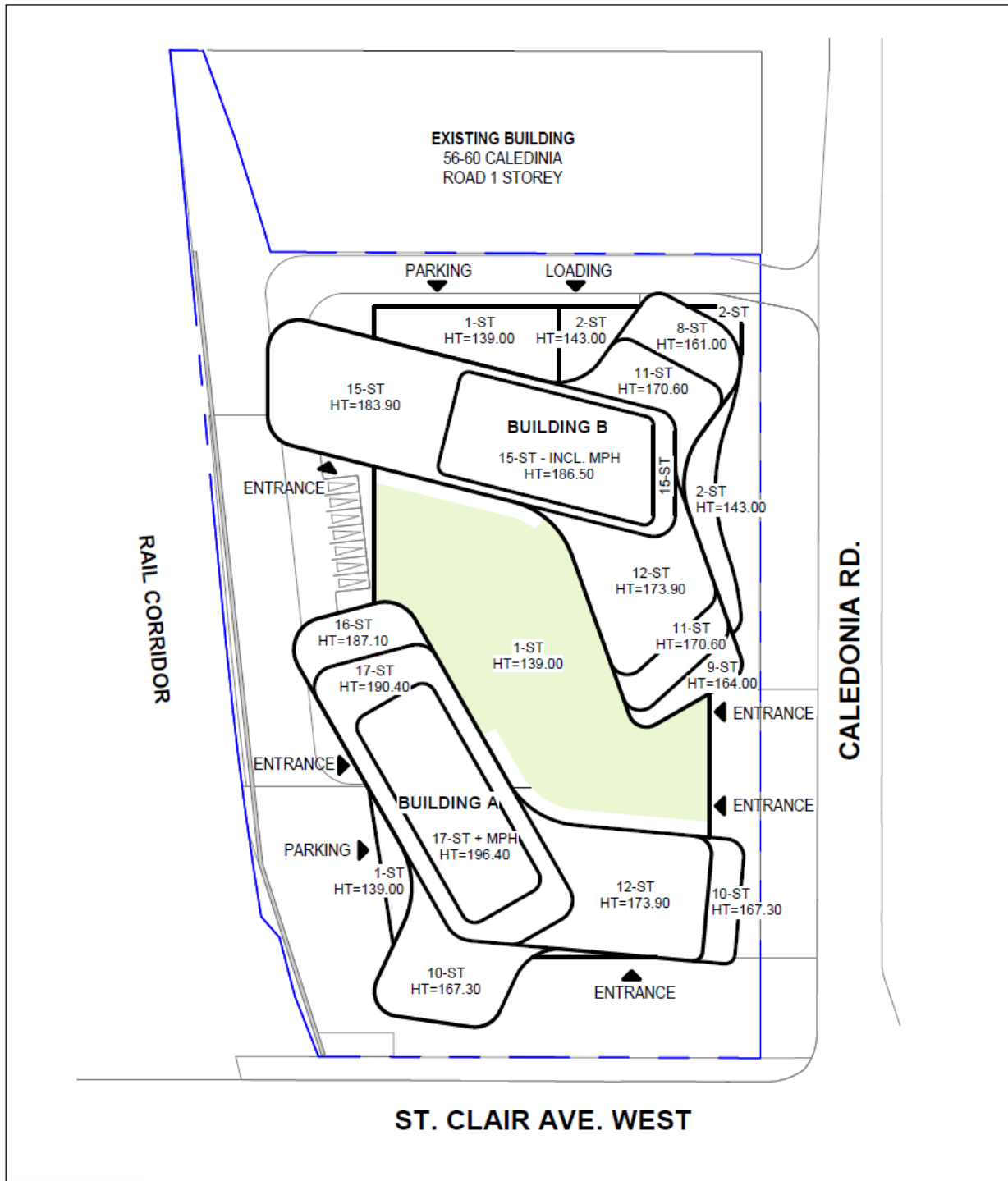
Attachment 5: Draft Official Plan Amendment

The draft By-law will be made available on or before the May 26, 2022 Toronto and East York Community Council Meeting.

Attachment 6: Draft Zoning By-law Amendment

The draft By-law will be made available on or before the May 26, 2022 Toronto and East York Community Council Meeting.

Attachment 7: Site Plan

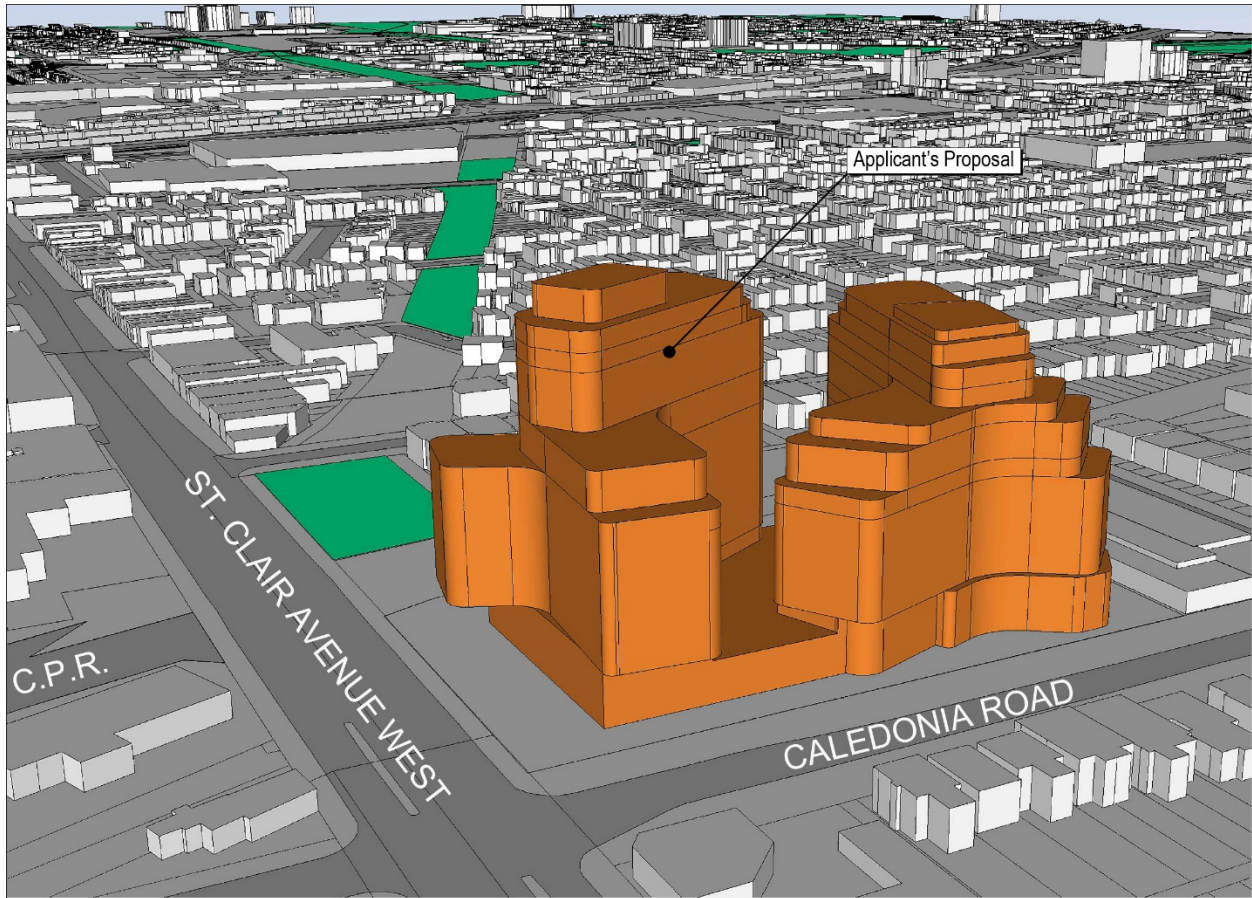


TORONTO
SIMPLIFIED
SITE PLAN

1500 St. Clair Avenue West

Former City of Toronto By-Law 438-86
 Not to Scale
 2022-04-20

Attachment 8: 3D Model of Proposal in Context - Southeast

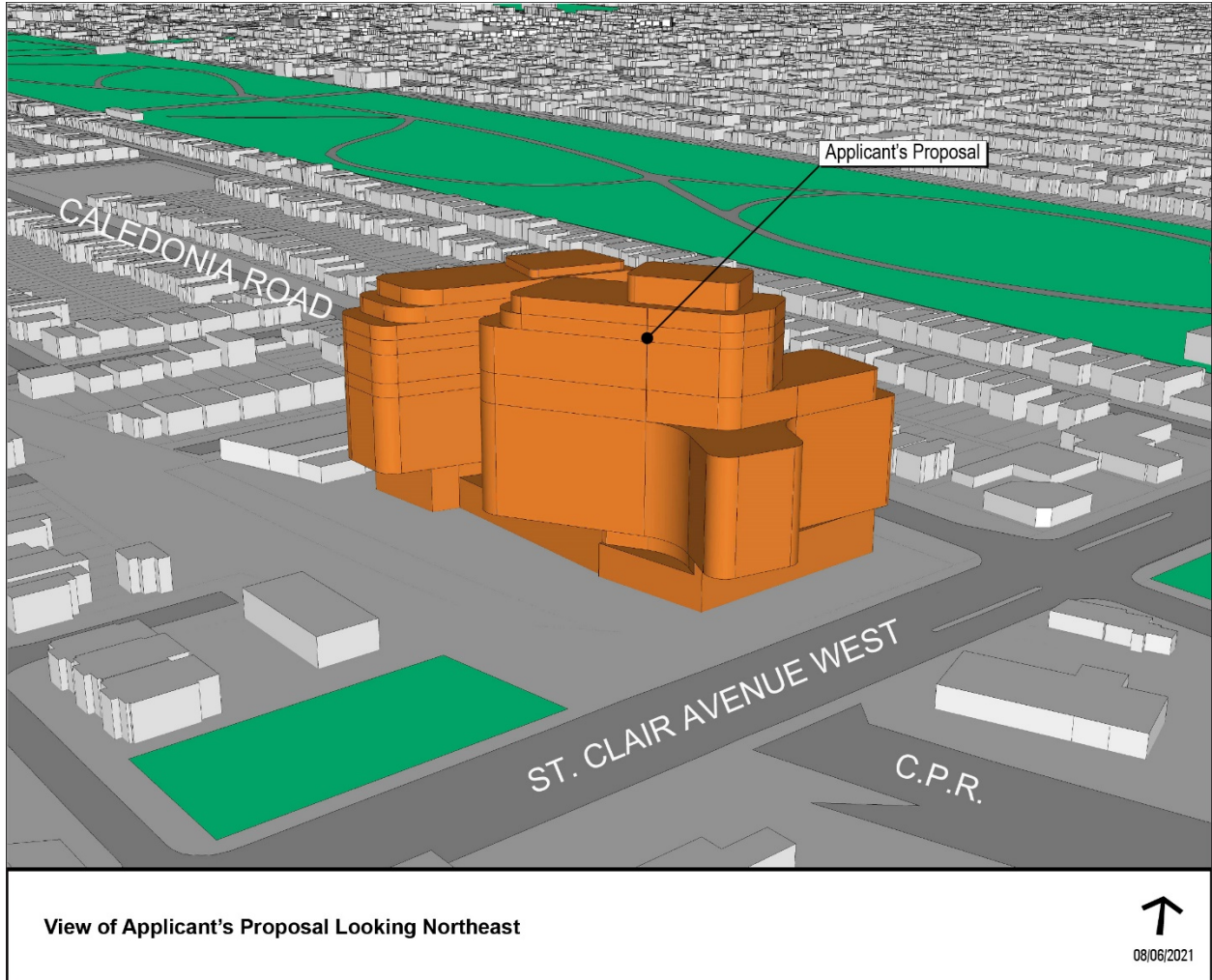


View of Applicant's Proposal Looking Southeast

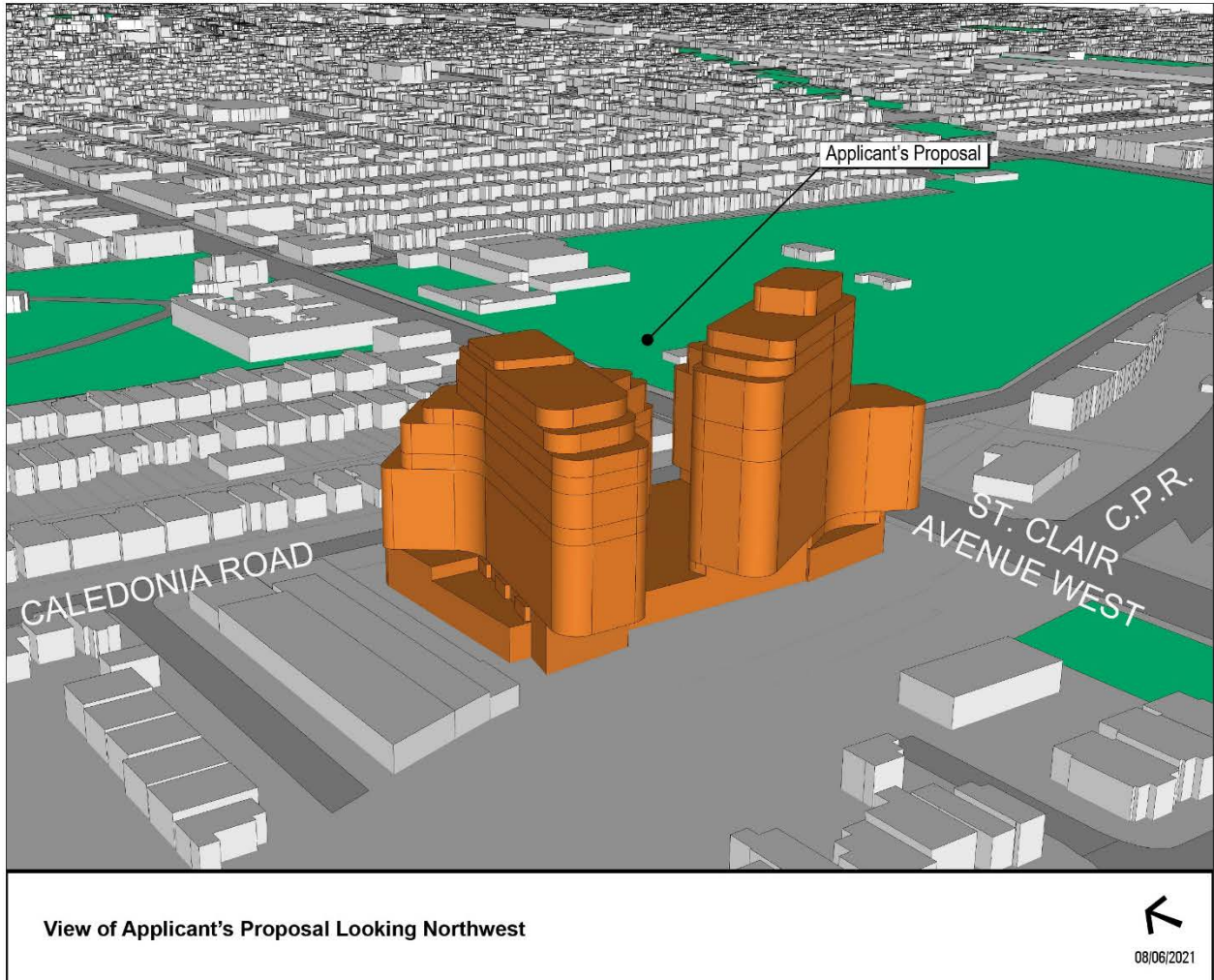


08/06/2021

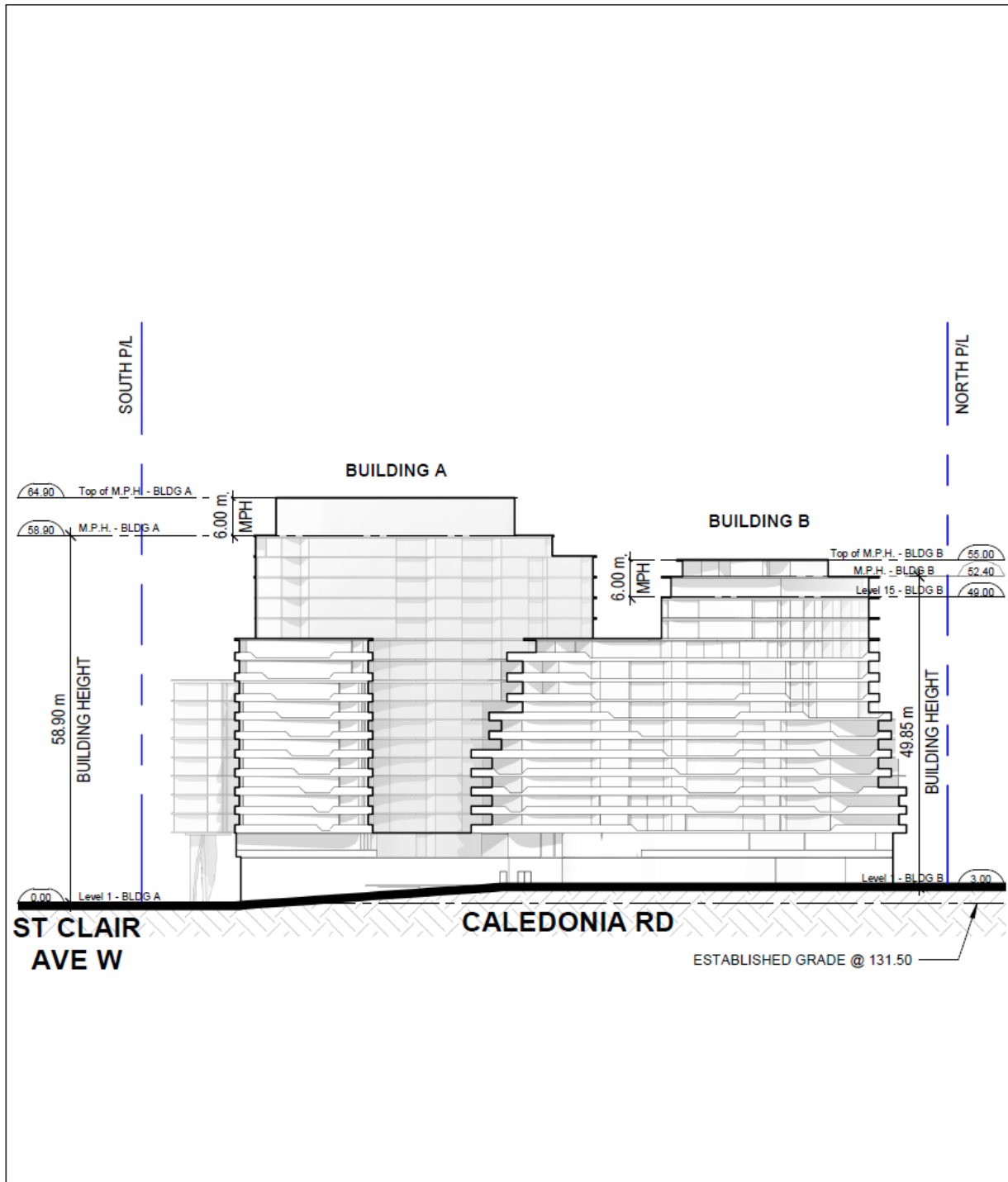
Attachment 9: 3D Model of Proposal in Context - Northeast



Attachment 10: 3D Model of Proposal in Context - Northwest



Attachment 11: East Elevation

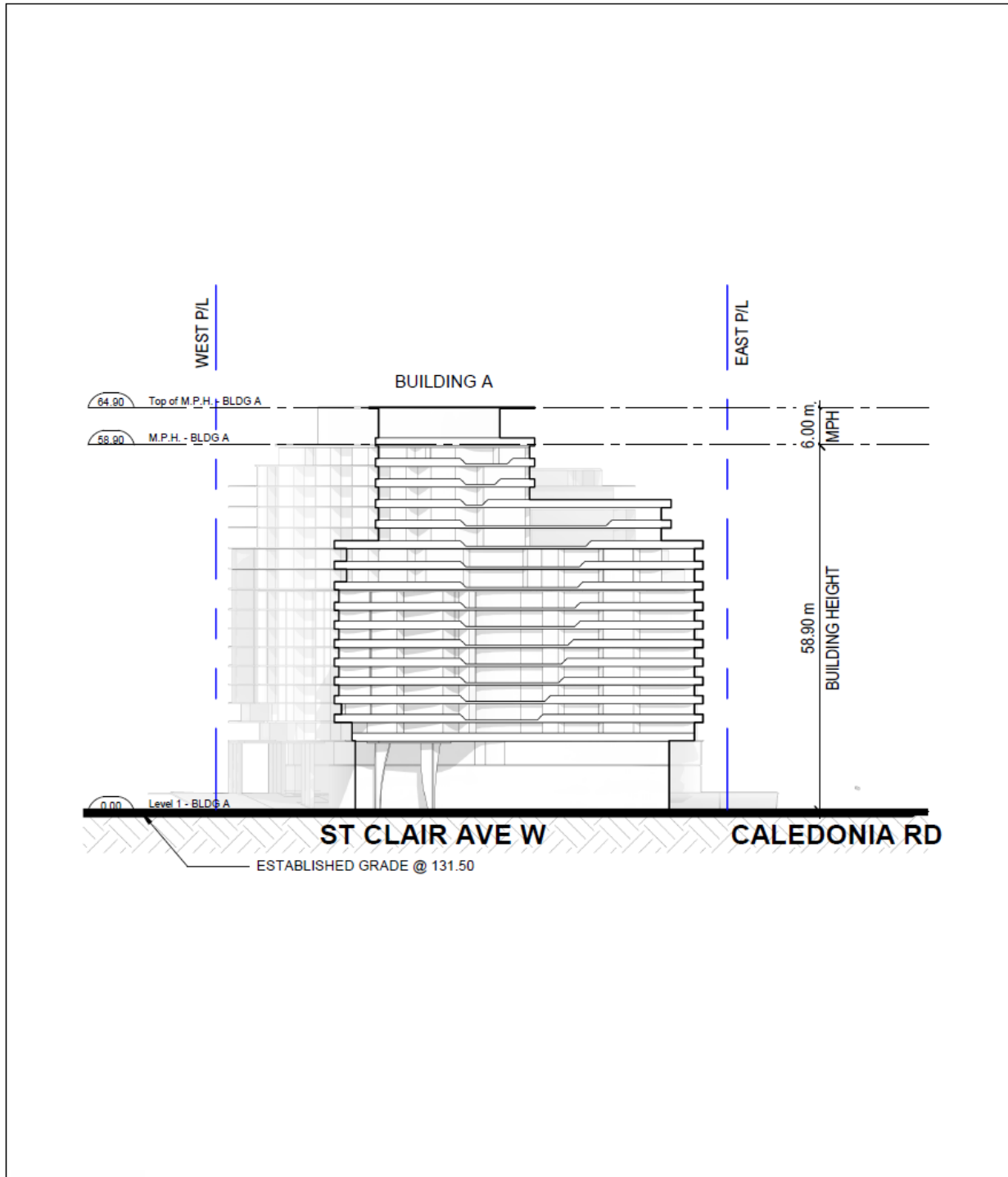


TORONTO
SIMPLIFIED
EAST
ELEVATION

1500 St. Clair Avenue West

Former City of Toronto By-Law 438-86
 Not to Scale
 2022-04-20

Attachment 12: South Elevation

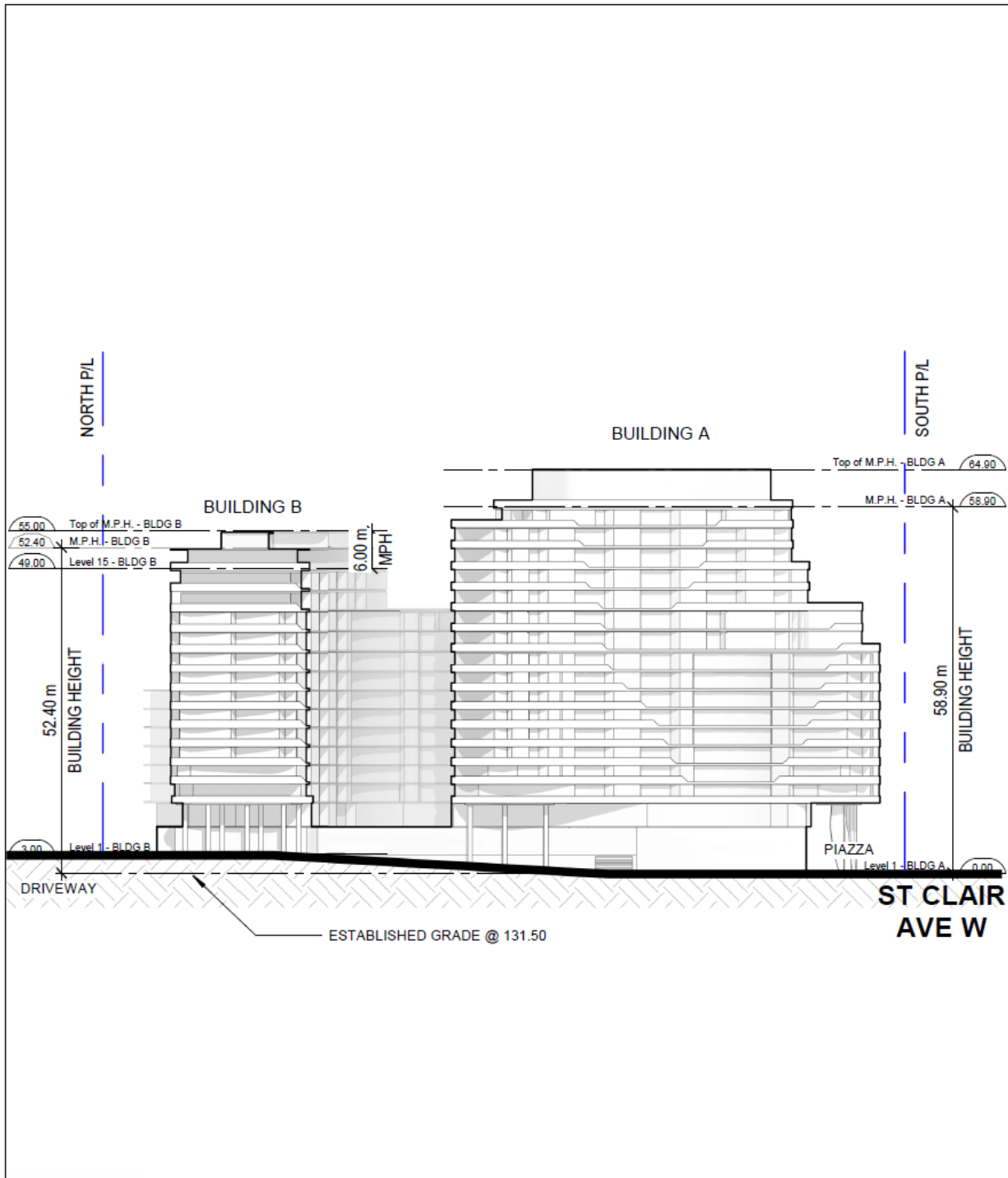


Toronto
SIMPLIFIED
SOUTH
ELEVATION

1500 St. Clair Avenue West

Former City of Toronto By-Law 438-88
 Not to Scale
 2022-04-20

Attachment 13: West Elevation

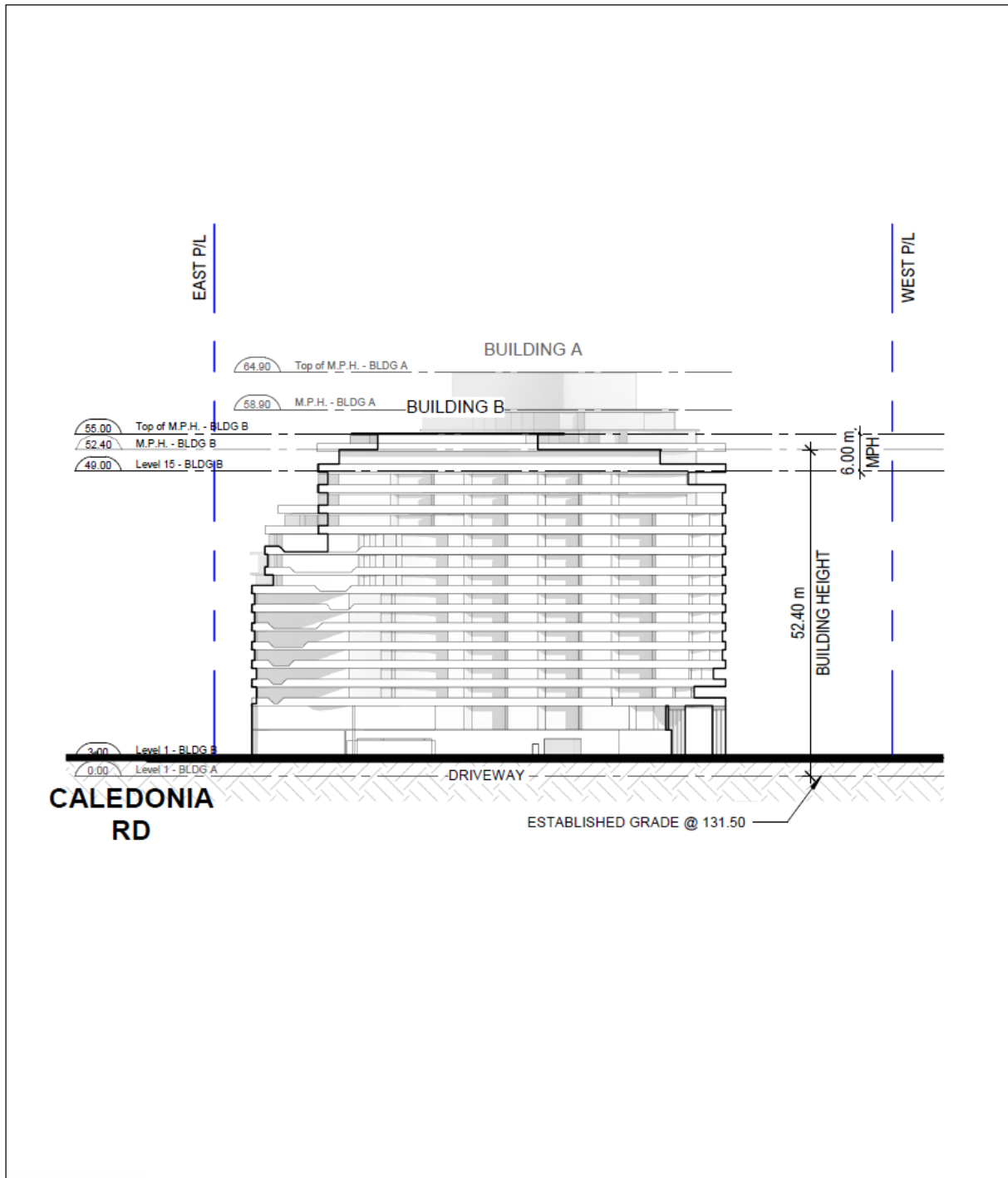


TORONTO
SIMPLIFIED
WEST
ELEVATION

1500 St. Clair Avenue West

Former City of Toronto By-Law 438-96
 Not to Scale
 2022-04-20

Attachment 14: North Elevation



TORONTO
SIMPLIFIED
NORTH
ELEVATION

1500 St. Clair Avenue West

Former City of Toronto By-Law 438-86
 Not to Scale
 2022-04-20