TORONTO

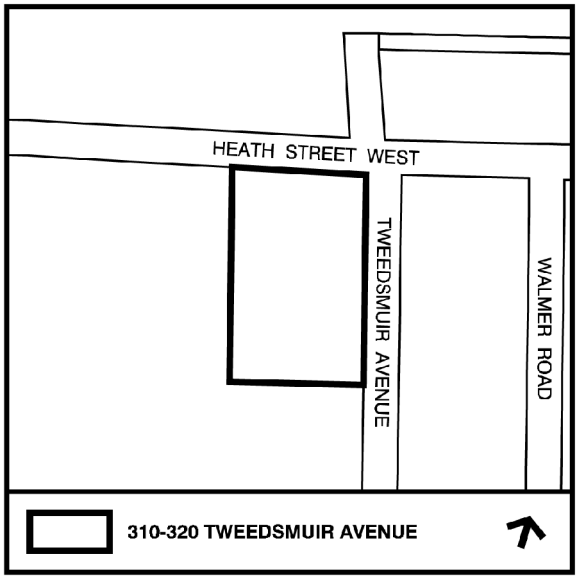
STAFF REPORT
ACTION REQUIRED

Request for Directions Report - 310 and 320 Tweedsmuir Avenue – Official Plan Amendment and Rezoning Applications

Date:	October 30, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	PL957838 and PL990391

SUMMARY

Following a lengthy hearing at which the City and the tenants of 310 and 320 Tweedsmiur Avenue appeared in opposition to the owner's application, in a Decision dated February 18, 2000, the Ontario Municipal Board (OMB) allowed the appeals against the City's refusal to amend the former City of York's Zoning By-law and Official Plan at 310 and 320 Tweedsmuir Avenue. The Decision required amongst other things, that the owner provide replacement rental housing with affordable rent levels and tenant assistance. The OMB withheld its final order until the City and the owner had executed and registered on title a Section 37 Agreement and until the tenants had signed satisfactory leases for the replacement rental housing. In addition, Site Plan approval was to be finalized.



The OMB decision allowed a mixed built form on the site consisting of two 25-storey towers, a row of townhouses and a maximum nine-storey rental building that would contain the required 146 replacement rental units. In total, 409 dwelling units were approved for the site.

Since the OMB decision, the new owner of the property (Morguard Residential) worked with City staff to redesign the built form by redeploying the approved density in a design that more closely complies with the City's Design Criteria for Review of Tall Buildings. The revised proposal contains 596 residential units, of

which 146 will be replacement rental units. The units will be contained within two towers atop 3-storey podiums. The purpose of this report is to describe the revised design, rental and affordable housing related plan and tenant assistance plan and to seek Council's direction to appear before the OMB in support of these revised plans.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board in support of the revised proposal as illustrated in the plans submitted to the City Planning Division (dated stamped: August 14, 2009), generally on the basis of the following:

    a) the applicant withdraw their appeal to the former City of York Official Plan;

    b) the City Solicitor in consultation with the Chief Planner, Executive Director, City Planning submit to the Ontario Municipal Board a Zoning By-law amendment, which provides for the development of the subject lands with up to 596 residential dwelling units, including 146 non-condominium registered affordable replacement rental units subject to the provision of the Section 37 matters in Recommendation 2 below and as discussed in more detail in the Planning report of October 30, 2009, in a matter satisfactory to such officials;

    c) the owner entering into and registering a Section 37 Agreement on title, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division securing the matters referred to in Recommendations 1(b) and 2 below; and

    d) the Ontario Municipal Board order to be held pending the satisfactory execution and registration of the Section 37 Agreement.

2. City Council authorize the appropriate City staff and require the owner to enter into and register an agreement or agreements pursuant to Section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following facilities, services and matters to be provided by the owner, at its expense to the City and as described in more detail in the Planning Report dated October 30, 2009:

    a) the owner shall pay to the City an indexed cash contribution of $500,000 to be used for capital improvements and enhancements to the Ben Nobleman Park, Wychwood Barns Park, Cedarvale Ravine, and Cedarvale Park.

        Such cash amount to be indexed 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 by the owner to the date of payment of the sum by the *owner* to the City;

b) the owner shall make the payment in Recommendation 2(a) above within 10 business days following the date the Zoning By-law Amendment comes into full force and effect and in any event prior to any building permit or any demolition permit issuing for any portion of the lands other than for the repair of any existing building on the lands;

c) the owner shall contribute $700,000 for on-site public art (indexed annually) implemented under the City's public art provisions and practises;

d) the owner shall construct, provide and maintain 146 new replacement dwelling units on the site as rental dwelling units for a period of at least 20 years, commencing from the date of initial occupancy of each unit, during which time no application for demolition without replacement or conversion to condominium or non-rental housing purposes can be made;

e) the owner shall provide rents for the 146 replacement rental dwelling units in accordance with the terms of the Section 37 Agreement for a period of 10 years for all new tenants and for the life of each tenancy for returning tenants;

f) the owner shall provide a tenant relocation and assistance package, including the right to return to a replacement rental dwelling unit on the land, in accordance with the provisions of the Section 37 Agreement; and

g) the owner shall complete the construction of the replacement rental dwelling units such that they are ready and available for occupancy prior to the date on which the earliest of the other dwelling units to be constructed on the land are ready and made available for occupancy, other than the buildings existing on the lands in 2008 or a temporary new home sales and marketing office.

3. City Council authorize the Chief Building Official to issue a permit to demolish the building(s) on the land under Section 33 of the *Planning Act*, following the last to occur of the Zoning By-law Amendment in Recommendation 1(b) coming into full force and effect, the issuance of site plan approval, and the issuance of the building permit for the foundation of the new building that contains the 146 replacement rental dwelling units, subject to the following conditions:

a) the owner erect a residential building on site no later than three (3) years from the date the first permit is issued for demolition of all or any portion of the building(s); and

b) should the owner fail to complete the new building containing the 146 replacement rental dwelling units within the time specified in condition 3(a), in addition to any other remedy, 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) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

4. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

Financial Impact
There are no financial implications resulting from the adoption of this report.

DECISION HISTORY
In its Decision No. 0235 dated February 18, 2000, the Ontario Municipal Board (OMB) allowed the appeals against the City's refusal to amend the applications of the former City of York's Zoning By-law and Official Plan at 310 and 320 Tweedsmuir Avenue. The OMB allowed for increased height and density on the site in return for the public benefit of providing 146 affordable replacement rental dwelling units on the site and a comprehensive tenant relocation and assistance plan. The OMB withheld its final order until the tenants had signed satisfactory leases, until the owner and City had executed and registered on title to the lands a Section 37 Agreement and until the Site Plan approval had issued.

The OMB imposed maximum rent levels for the replacement rental units ranging from $725.00 a month to $1,125.00 per month regardless of when the new building was first occupied, which were deemed to be affordable by the OMB. The OMB required that the tenants residing at 310 and 320 Tweedsmuir Avenue on October 6, 1995 and up to the date of the decision would be given the right of first refusal to rent the new dwelling units at rents not exceeding half the difference between the old rent of such tenants on October 6, 1995 and the new allowable rent for new tenants. The decision also outlined a tenant relocation and assistance plan for returning tenants, which included compensation above and beyond provincial legislation. The OMB also ordered that the rent levels be set for a period of ten years, subject to annual rent increases starting from the date of moving back into the new apartment building. Staff are securing these rental provisions, with certain improvements discussed below through the latest proposed Zoning By-law and the proposed Section 37 Agreement, both of which will be brought forward to the OMB.

ISSUE BACKGROUND
This section of the report describes the proposal before the OMB and includes excerpts from OMB Decision No. 0235.

OMB Approved Proposal
Two redevelopment options were before the OMB. In its decision, the OMB preferred Option 2(A), which provided for two 25-storey towers with 250 units, thirteen townhouses and up to a nine-storey rental apartment building containing 146 replacement rental apartment units, for a total of 409 dwelling units. The OMB found that this mixed built form, "would be a reasonable form of residential intensification for the site. The redevelopment would represent a good integration with the surrounding neighbourhood and would be compatible with and can co-exist with other buildings in the area."

The OMB imposed maximum rent levels for the replacement rental units ranging from $725.00 a month to $1,125.00 per month, which were deemed to be affordable. The OMB found that the existing tenants (residing at 310 and 320 Tweedsmuir Avenue on October 6, 1995 and up to the

date of the decision) would be given the right of first refusal to rent the new dwelling units. The decision also outlined a tenant relocation and assistance plan for returning tenants, which included compensation above and beyond provincial legislation. The OMB also ordered that the rent levels be set for a period of ten years, subject to annual rent increases starting from the date of moving back into the new apartment building. Staff are securing these rental provisions through the Section 37 Agreement.

Site and Surrounding Area

The subject property is located just north of St. Clair Avenue West at Heath Street on Tweedsmuir Avenue. At the time of the OMB decision and existing on site as of the date of this report, are two 12-storey fifty year old rental apartment buildings, containing 246 rental apartment units. In the OMB decision, the City's planning witness stated to have characterized the site as being, "under-utilized and capable of accommodating increased density (i.e., it is a re-urbanization area), could add another .5 FSI [Floor Space Index]. A more efficient use of the site with a higher density would be appropriate."

The following uses abut the site:
-Directly to the west is the St. Michael's College football field.
-Directly to the south is the two-storey Holy Rosary Catholic School.
-Across Heath Street, to the north is an 18-storey condominium building that steps down in building height towards the west along Heath Street.
-Across Tweedsmuir Avenue, to the east are two 25-storey rental apartment buildings.

Applicable Policies in Effect

The OMB found, "that the various policies in the Provincial Policy Statement, Section 2(j) of the *Planning Act*, the York Official Plan, Official Plan Amendment 128 Secondary Plan as well as the Metropolitan Official Plan have generally been maintained" with the approval of the proposal. The rental replacement proposal required by the Board decision is consistent with the City's rental replacement evidence at the hearing.

COMMENTS – REVISED PROPOSAL

This section of the report describes in detail the merit of the revised proposal as it relates to the policies and guidelines in place, as of the date of the Supplementary Report. The revised proposal contains a total of 596 residential dwelling units, 146 of which are the replacement rental dwelling units, as per the OMB decision. The north tower is proposed to contain rental units and will include the non-condominium registered replacement rental dwelling units, while the south tower will contain condominium units. The applicant is proposing an acceptable mix of unit types in both buildings. One-third of units in the rental building will be two-bedroom and larger, while the remaining units are one-bedroom plus den and smaller. The condominium tower will contain 14 townhouses with access off the ground level. Almost one-half of the units will be two-bedroom and larger, and the remaining units will be one-bedroom plus den and smaller. Staff reviewed the unit mix and find them to be acceptable and in keeping with the mix approved by the OMB. Together with the replacement rental units, the revised proposal provides a housing mix that contributes to the full range of housing, which is consistent with the Official Plan.

Provincial Planning Framework

The revised proposal is consistent with the Provincial Policy Statement 2005 (PPS) and the Growth Plan for the greater Golden Horseshoe. City Council's decisions are required to be consistent with the PPS. The PPS includes policies (Section 1.0) directing municipalities to manage and direct land uses in order to achieve efficient development patterns. Given the subject property's proximity to the St. Clair West subway station, access to the St. Clair streetcar and various bus surface routes, it is staff's opinion that the subject site can and should accommodate an intensified built form to promote the use of transit and decrease automobile dependency.

The replacement of the 146 rental units proposed for demolition (with affordable rents), helps the City to retain a full range of housing, in terms of tenure and affordability to meet the needs of current and future residents. The proposal to replace rental units ensures that growth pressures do not result in development that is at the expense of affordable rental housing. It also ensures that the safe and orderly development of communities proceeds without the displacement of much needed rental housing.

Official Plan - Land Use

The City's Official Plan designates the subject property as *Apartment Neighbourhoods*. The Official Plan sets out criteria to evaluate opportunities for additional apartments on underutilized sites within built up *Apartment Neighbourhoods*. The revised proposal consists of 596 dwelling units, of which 146 are replacement rental units. The proposed residential use is both in keeping with the OMB decision and the City's Official Plan designation and applicable policies for the site.

In reviewing the revised proposal, staff applied Official Plan policies, including the development criteria in *Apartment Neighbourhoods* (Policy 4.2.2). The revised proposal adheres to the development criteria, which are:

a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and

h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Density

On March 14, 2001, the City Solicitor submitted a memo to the OMB enclosing a Final By-law and Official Plan Amendments, which corresponded with the OMB decision. The revised By-law indicated that, the total gross floor area erected and used on the lands, exclusive of the apartment house shall not exceed 39,811 square metres (4.31 times the area of the lot). The By-law further outlined minimum gross floor area ranges for the replacement rental units, which generated total gross floor area ranging from 8,425 square metres to 9,854 square metres (0.91 times the area of the lot and 1.07 times the area of the lot, respectively). The variability in areas is due to the range of unit sizes, as outlined in the OMB decision.

The revised proposal reflects a re-deployment of the approved density figures and generates a total gross floor area of 50,500 square metres or 5.47 times the area of the lot (this figure includes the gross floor area for the replacement rental units).

Tower Heights

The OMB approval provided for a mix of built form, with two 25-storey towers (with no proposed podium), 13 townhouses and a 9-storey apartment building containing the replacement rental units. The two 25-storey towers were proposed to have frontage on Tweedsmuir Avenue, the 9-storey apartment building was situated along the southern property line reflecting a "slab-like" form, and the 13-townhouses had no public street frontage and were situated along the west property line, with a north-south alignment. City Planning did not support the proposed built form.

The revised proposal re-deploys the approved density into design that more closely complies with the City's Design Criteria for Review of Tall Buildings (http://www.toronto.ca/planning/pdf/tallbuildings_udg_aug17_final.pdf), which was completed in June 2006. The revised proposal has two 30-storey towers, atop a 3-storey podium. The placement of the two towers, atop a podium, fronting onto the street, is more in keeping with the Council endorsed tall buildings guidelines.

The OMB approved proposal is not consistent with the City's Design Criteria for Review of Tall Buildings (not approved at the time of the hearing) and by current standards does not reflect a well planned block with taller elements. The positive impact of the improved massing proposed in the revised plans outweighs the impacts generated by additional height (5-storeys) above the OMB approved building heights.

The OMB approval located the 146 replacement rental units in an isolated apartment building along the south property line of the site. The revised design features two symmetrical towers; the north tower will include the replacement rental units on the first ten floors and contain rental units above that, while the south tower will become a condominium. Given the symmetrical building design, one will not be able to distinguish between the tenure of the residents living in each tower, which is a positive urban design and socially inclusive component of the revised plans.

Massing

Both towers in the revised proposal include a well-designed and articulated 3-storey podium. Each proposed tower is set back 5 metres from the main walls of the 3-storey podium on both the Tweedsmuir and Heath frontages. The podiums provide an appropriate scale of built form at the pedestrian level. The tower setback from the podium will help to mitigate the additional building heights generated by the towers as viewed from the pedestrian level.

At approximately, 680 square metres, the proposed floor plate for each tower is below 743 square metres, which is the suggested maximum residential floor plate in the City's guidelines. The two towers feature an approximate separation distance of 40 metres between one another, which is optimal for sky view and sun and light penetration, as well as minimizing privacy and overlook issues for future residents of the development. The City's guidelines suggest a tower separation of 25 metres.

Sun, Shadow, Wind

The OMB decision acknowledges the additional shadows generated by the two 25-storey towers. The Board was satisfied that any adverse impact was minimal and acceptable. The OMB decision stated that there did already exist in the area a certain amount of shadow impact from adjoining buildings because of the number of high-rise buildings in the immediate neighbourhood. The Board found that there already existed a tolerance for shadowing and that there would be a tolerable visual impact from the two new 25-storey condominium towers.

The applicant was required to submit a shadow impact study comparing the shadow cast by the OMB approved proposal and the revised proposal, which staff reviewed. Staff are of the opinion that the minimal additional shadow generated by the revised proposal is acceptable for several reasons. The revised towers are slimmer than the OMB approved towers, which will allow the shadows to move more quickly and in conjunction with the 40 metre tower separation distance, the revised scheme provides additional sun and light penetration, where the OMB approved towers did not.

In response to staff's concern for uncomfortable pedestrian wind conditions along Tweedsmuir Avenue and Heath Street during the spring and autumn periods, the applicant proposed additional architectural and landscaping elements, which include privacy screens between entrances and patios, entrance canopies, concrete piers, fencing, shrubbery and deciduous trees along both streets. It is staff's opinion that these mitigation measures are acceptable and address concerns of wind conditions at the pedestrian level.

Parking

The proposed parking supply is 577 spaces, which is considerably more than the minimum parking supply of approximately 517 parking spaces as required by the former City of York By-law. The applicant retained a traffic consultant to examine the proposed parking supply. The consultant's report characterized the subject property as having a high level of transit accessibility available and connections to subway lines, which provides new residents with excellent non-auto trip making opportunities. The subject property is located 150 metres from a TTC entrance/exit to the St. Clair West subway station. As such, the consultant's report concluded that the site's location is strongly supportive of lower end parking standards, given the

extent and convenience of travel alternatives to prospective residents. The following tables outline the parking provision for both the rental and condominium buildings.

Table 1: Parking Statistics for the South Building (Condominium Units)

Unit Type	Number of Units	Proposed Parking Ratio (spaces per unit)	Proposed Parking Spaces
Bachelor	8	0.3	2.4
One Bedroom	113	0.7	79.1
Two Bedroom	116	1.0	116
Three Bedroom	4	1.2	4.8
Townhouses	14	1.2	16.8
Visitor Parking	255 units	0.15	38
TOTAL PARKING REQUIRED			257 (219 residents, 38 visitors)
TOTAL PARKING PROVIDED			277 (including 3 *car-share* spaces)

Table 2: Parking Statistics for the North Building (Rental Units)

NORTH BUILDING - RENTAL			
Unit Type	Number of Units	Proposed Parking Ratio (spaces per unit)	Proposed Parking Spaces
Bachelor	28	0.3	8.4
One Bedroom	183	0.6	109.8
Two Bedroom	130	0.7	91
Three Bedroom	0	0.9	0
Visitor Parking	341 Units	0.15	51 spaces
TOTAL PARKING REQUIRED			260 (209 Residents, 51 visitors)
TOTAL PARKING PROVIDED			300 (including 3 car-share and 26 public pay spaces)

Transportation Services and Planning staff reviewed the consultant's study and concur that the proposed development can be supported by the parking ratio, outlined in the above tables, which are higher than the ratios incorporated in the former City of York By-law 1-83.

In consultation with the Ward Councillor, the applicant is proposing to provide 26 public pay spaces within the north (rental) building, with access off of Heath Street. It should be noted that there are 25 non-pay visitor spaces within the parking facilities for the rental building. The 26 public pay spaces form part of the total requirement of 89 visitor spaces (51 within the rental tower and 38 within the condominium tower). The applicant is also proposing to provide 3 carsharing spaces within each building, for a total of six carsharing parking spaces.

The revised proposal includes a total of 200 bicycle parking spaces, 40 of which are visitor spaces. Bicycle parking spaces will be secured in the Section 37 Agreement to ensure that tenants of the replacement rental units have equal access to the bicycle parking spaces.

Traffic Impact, Access

The applicant submitted a Traffic Impact Study in support of the revised proposal. The consultant carrying out the study conducted traffic counts and a capacity analysis of all intersections in the study area, which includes intersections along Tichester Road/Heath Street West from Bathurst Street to the west and Spadina Road to the east. Based on this data collection and analysis, the consultants projected future traffic conditions to include trips generated by future residents of the proposed development, and trips using the proposed public pay parking in the underground garage. The consultant found that the proposed redevelopment presents no traffic impacts in their study area and adheres to the City standards. Transportation Services staff reviewed the study and accepted the traffic impacts presented in the study and indicated that the consultant addressed all outstanding traffic issues raised through the review process.

The proposal includes three vehicular access points. The first vehicular access point is located where the south property line intersects with Tweedsmuir Avenue and leads into a 6 metre wide driveway, which follows the property line leading to the second access point where the western property line meets Heath Street. This driveway essentially forms a "ring road" around the site, providing access for loading, solid waste collection and for resident and visitor parking. The third vehicular access point is off of Tweedsmuir Avenue and leads into a circular driveway, which is interior to the site and acts as the fire route. This circular driveway is intended for pick-up and drop-off purposes, with no vehicular parking permitted. The proposed circulation into and out of the site allows for a continuous street wall, which is appropriate and desirable for a pedestrian experience along Tweedsmuir Avenue and Heath Street.

Servicing and Loading

The revised plan proposes one Type G loading space to serve the two residential towers. Trucks using the loading space would enter the site off the Tweedsmuir Avenue vehicular entrance, and then exit the site on Heath Street. Staff reviewed the specifications of the loading space and determined that the proposed loading is acceptable and is eligible for bulk-lift City refuse collection.

In support of the revised plans, the applicant submitted a Functional Servicing Report (Water Wastewater Stormwater Management). Technical Services and Development Engineering staff reviewed the report and determined that the findings are acceptable. There are sufficient municipal services to service the proposed development.

Open Space and Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The site is in the lowest quintile of the current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication Bylaw 1420-2007.

The applicant proposes 596 units on a site of 0.9233 hectares (9,233 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.7946 hectares (7,946 square metres). However, a cap of 10% applies and hence the parkland dedication would be 0.09233 hectares (923.3 square metres).

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Rental Housing Replacement

The OMB decision found that all 146 existing rental units on the site should be replaced in the new development with the same number of bedrooms and similar amenities. Further, a tenant relocation and assistance plan was identified by the Board. As the Board decision varied in some respects from current policies and practice for rental demolition applications, all efforts have been made to bring the provisions outlined by the OMB in line with current policies.

The 146 replacement rental units will be comprised of 23 bachelor units, 83 one-bedroom units, and 40 two-bedroom units. This replaces the make-up of rental units that currently exists in the two rental buildings. As per the Board decision, replacement units were allowed to be slightly smaller in size than what previously existed. The replacement rental units will be secured for a period of at least 20 years, during which time no application for the demolition without replacement or conversion to condominium or non-rental housing purposes may be considered. The Board decision had required the replacement units be permanently rental stock.

The OMB decision set maximum rents at $725.00 for a bachelor unit, $950.00 for a 1-bedroom unit and $1,125.00 for a 2-bedroom unit for new tenants. The OMB decision required that returning tenants have maximum rents not exceeding the sum of their previous rent as of the decision date plus half the difference between their previous rent and the maximum rent, such rents to be subject only to annual increases not exceeding the Provincial rent guideline and, if applicable, permitted above guideline increases. The owner has agreed to secure these rents for existing tenants for the life of their tenancy in order to prevent economic eviction, whereas the OMB decision had only secured these rents for a 10 year period.

New tenants may be charged rents not exceeding the maximum rent. Rental charges for all tenants shall include all utilities and cable television, consistent with the rent for the existing tenants. Rents for new tenants will be secured, as per the OMB decision, for a period of 10 years, subject to annual guideline increases and, if applicable, permitted above guideline increases, after which time they may be phased in to market rents over a three year period, in equal increments. This diverges from current City practice, which requires that tenants who rent a unit in the first ten years have protected rents until they end their tenancy or the 20 year rental period expires, whichever occurs first.

The OMB also outlined provisions for a Tenant Relocation and Assistance Plan for all eligible tenants. The decision stated that there is a social as well as economic cost associated with the redevelopment of this site and the Board found that the public interest would be well served by the developer assisting, in every way, to relocate existing tenants, particularly seniors and the handicapped, and moving them back into the new building when it is completed.

As such, the assistance outlined in the decision includes the following: a payment equivalent to 3 months rent upon vacating the unit; the right to return to a replacement rental unit; a lump sum payment to each tenant in the amount of $4,000.00 upon vacating the unit, (tenants who moved

out prior to February 1, 2001 receive up to $4000.00 based on receipts) for moving to temporary housing and a further payment of $3000.00 to each tenant moving back to a replacement unit to be paid within 30 days of moving into such unit. The owner has also agreed to temporarily relocate the remaining tenants as of 2008 from 310 & 320 Tweedsmuir Avenue to the Colonnade, a rental property they own at Bloor Street West and Avenue Road, at the same rent that tenants were previously paying.

Amenity

The revised proposal includes 1,604 square metres of indoor amenity space and 1,192 square metres of outdoor amenity space. The amenity space is proposed to be located in a 2-storey building along the west property line, in between the towers. This amenity building is connected to the residential portions of the development and is divided in half. Both the indoor and outdoor amenity spaces for the rental tower and for the condominium tower are identical in terms of gross floor area and amenities provided. The amenities include an indoor swimming pool, exercise room, theatre, and a party room which is adjacent to the outdoor terrace space. These amenities, including laundry facilities will be secured in the Section 37 Agreement to ensure that tenants of the replacement rental units have equal access to the amenities.

Toronto Green Standard

The applicant submitted the Toronto Green Standard Checklist and is proposing to meet 28 of the 35 minimum requirements under the checklist. The applicant is proposing a green roof above the 7 storey wings of each residential tower and above the building containing the indoor amenity space. Staff will secure the green roof components through the Site Plan Agreement.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the *Planning Act*. In addition, the Official Plan includes specific policies requiring rental replacement in development proposals which propose the demolition of rental housing, other than where all units are high end rental housing.

One hundred of the existing rental units on the site comprised short term furnished rental units, which were determined to be high end rental by the OMB (prior to formal definitions existing in the Official Plan). Current Official Plan policies require replacement of the 146 affordable rental housing units at similar rents and similar unit types and sizes. The revised proposal meets these policies for replacement rental on the site.

The community benefits recommended to be secured in the Zoning By-law Amendment and Section 37 agreement are as follows:

1. the owner shall pay to the City an indexed cash contribution of $500,000 to be used for capital improvements and enhancements to the Ben Nobleman Park, Wychwood Barns Park, Cedarvale Ravine, and Cedarvale Park.

   Such cash amount to be indexed 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 by the owner to the date of payment of the sum by the owner to the City;

2. the owner shall make the payment in Clause (1) above within 10 business days following the date the Zoning By-law Amendment comes into full force and effect and in any event prior to any building permit or any demolition permit issuing for any portion of the lands other than for the repair of any existing building on the lands;

3. the owner shall contribute $700,000 for on-site public art (indexed annually) implemented under the City's public art provisions and practises;

4. the owner shall construct, provide and maintain 146 new replacement dwelling units on the site as rental dwelling units for a period of at least 20 years, commencing from the date of initial occupancy of each unit, during which time no application for demolition without replacement or conversion to condominium or non-rental housing purposes can be made;

5. the owner shall secure rents for the 146 replacement rental units for existing tenants as at Oct. 6, 1996 based on the rents paid by such tenants as described in this report, for the life of their tenancy with only guideline increases and potential for above guideline increases in accordance with an approved process, and for new tenants at rents in accordance with the terms of the Section 37 Agreement and the OMB decision, for a period of 10 years;

6. the owner shall provide a tenant relocation and assistance package, including the right to return to a replacement unit, in accordance with the provisions of the Section 37 Agreement as discussed in this report; and

7. the owner shall complete the construction of the replacement rental units prior to the earlier of the date on which the earliest of the other dwelling units to be constructed on the site are ready and made available for occupancy, other than the buildings existing on the lands in 2008 or a temporary new home sales and marketing office, and within 3 years from the date the demolition commences.

Development Charges

It is estimated that the development charges for this project will be $ 3,700,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

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SIGNATURE

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Raymond David, Director
Community Planning, Toronto and East York District

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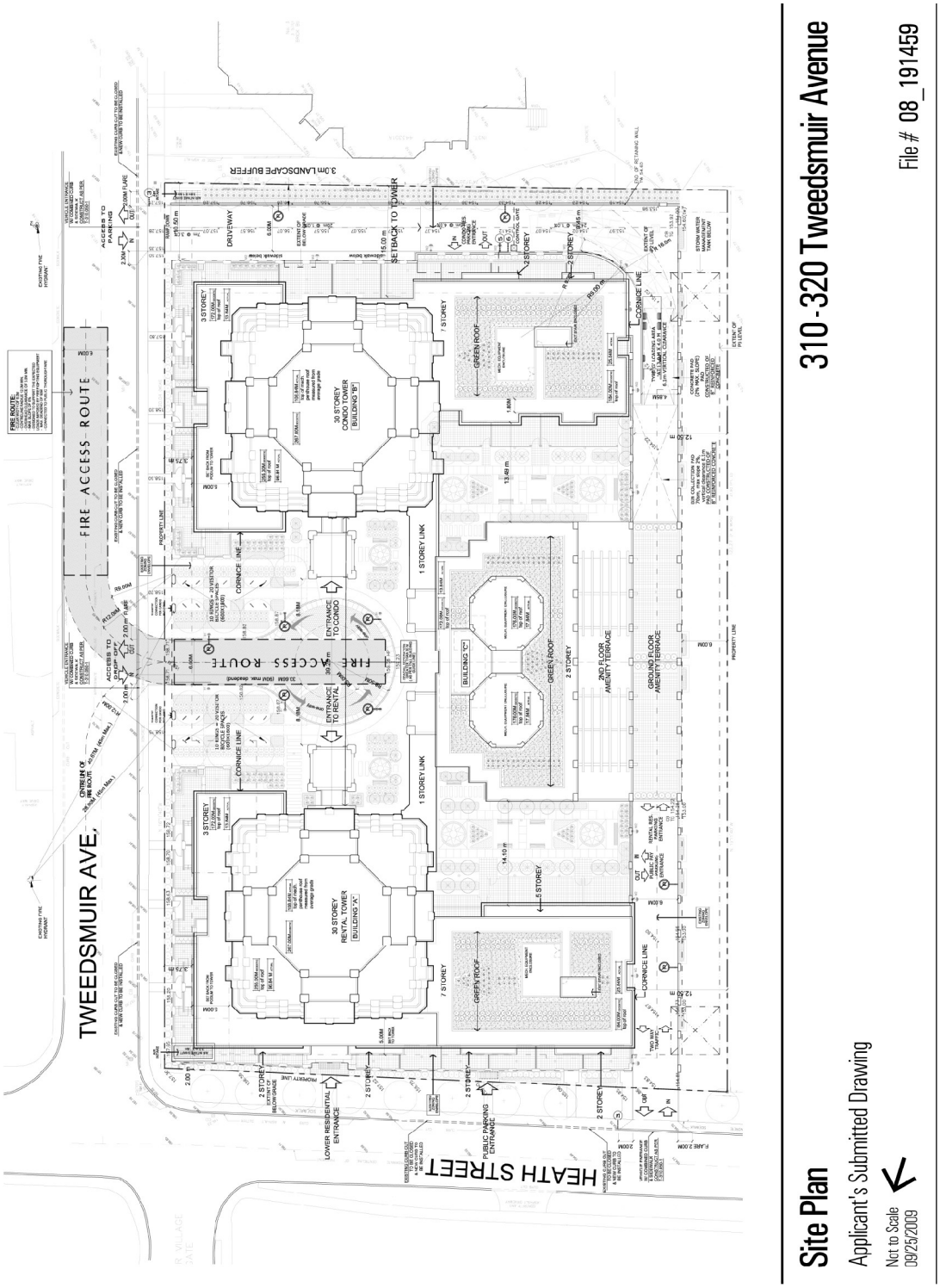
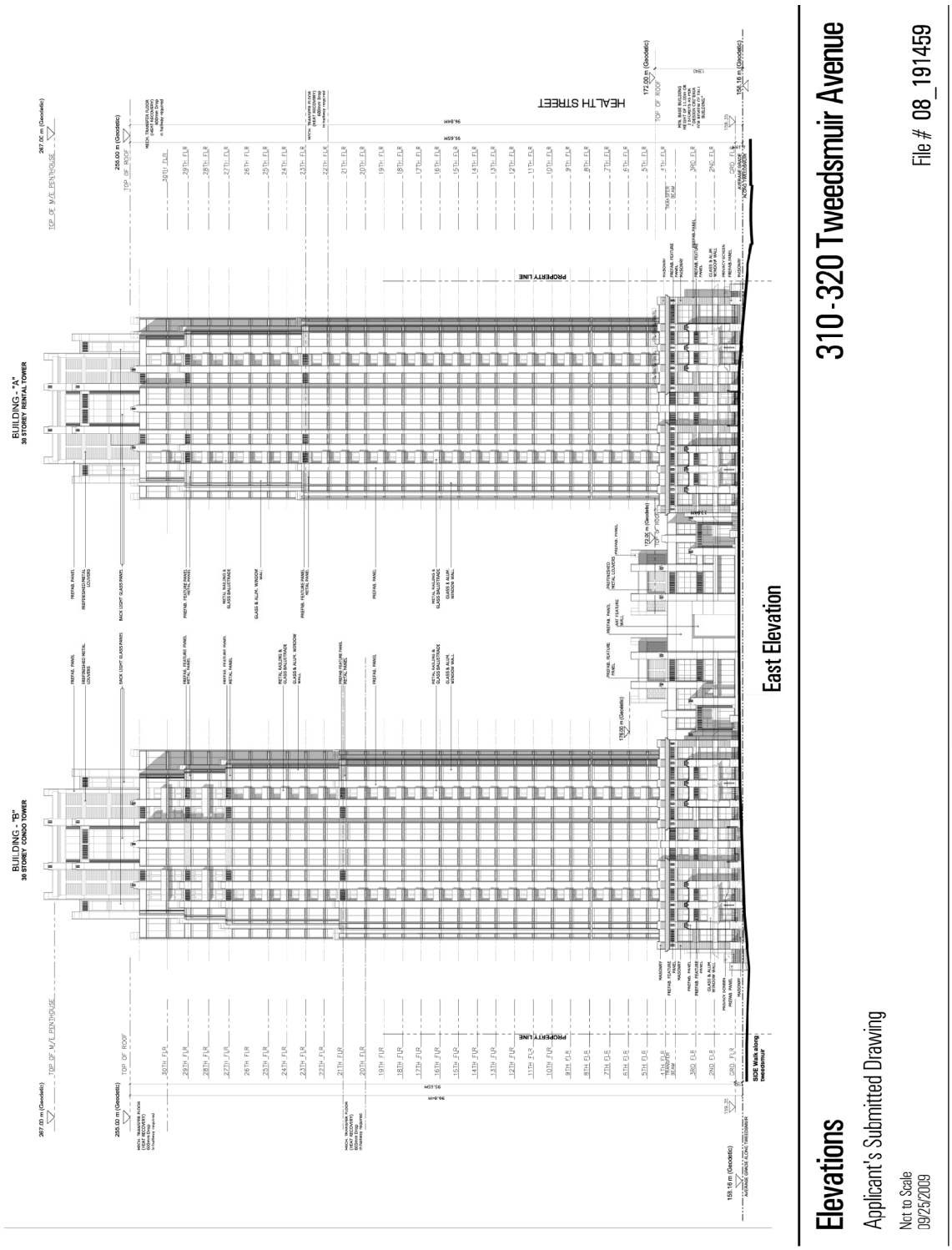
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation (Tweedsmuir Avenue frontage)
Attachment 3: West Elevation (rear frontage)
Attachment 4: North Elevation (Heath Street frontage)
Attachment 5: South Elevation
Attachment 6: Application Data Sheet

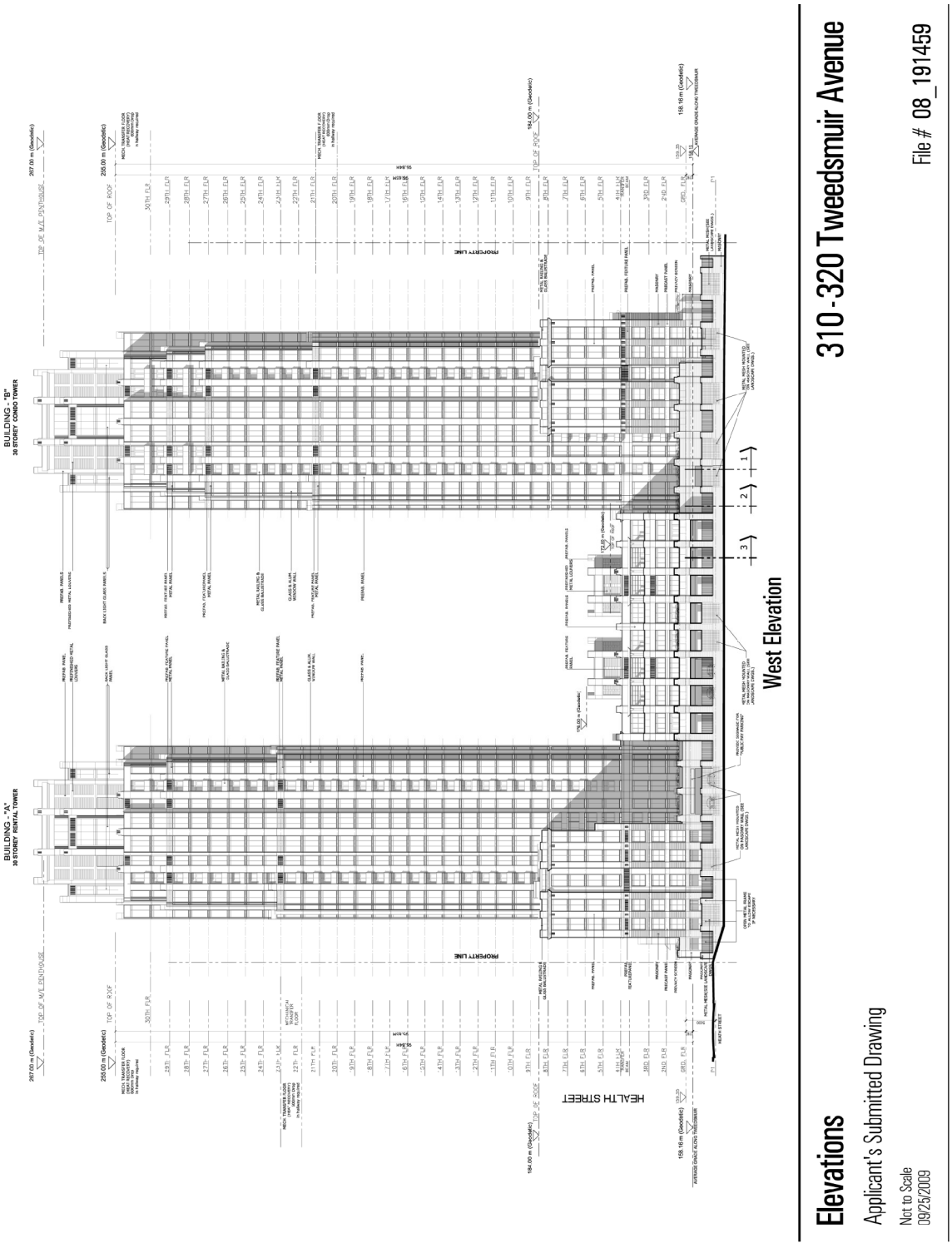
Attachment 1: Site Plan



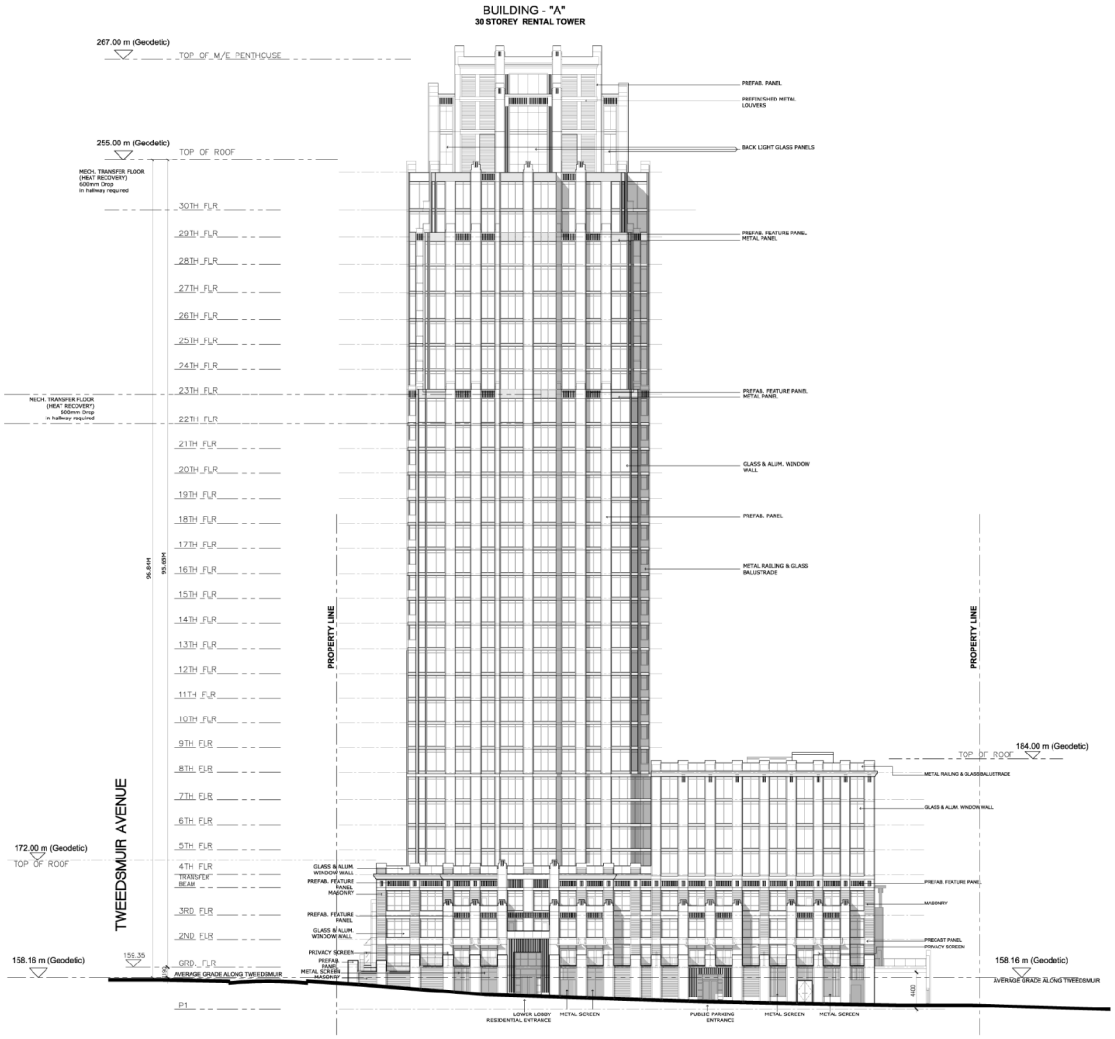
Attachment 2: East Elevation (Tweedsmuir Avenue frontage)



Attachment 3: West Elevation (rear frontage)



Attachment 4: North Elevation (Heath Street frontage)



North Elevation

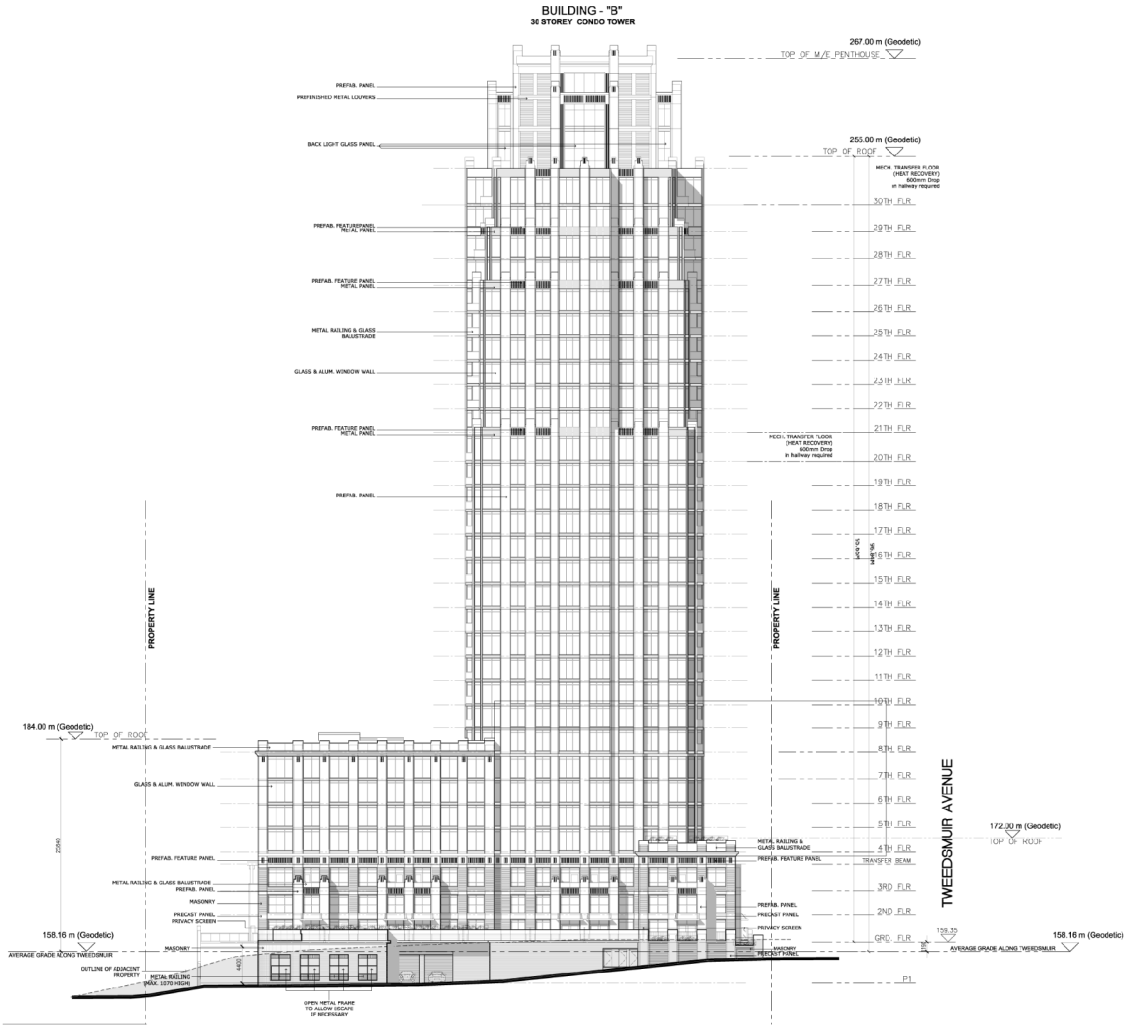
Elevations — **310-320 Tweedsmuir Avenue**

Applicant's Submitted Drawing

Not to Scale
09/25/2009

File # 08_191459

Attachment 5: South Elevation



South Elevation

Elevations — **310-320 Tweedsmuir Avenue**

Applicant's Submitted Drawing

Not to Scale
09/25/2009

File # 08_191459

Attachment 6: Application Data Sheet

Application Type	Ontario Municipal Board Appeal	Application Number:	08 191459 STE 21 SA
Details		Application Date:	August 8, 2008

Municipal Address:	310 and 320 TWEEDSMUIR AVE
Location Description:	CON 3 F.T.B PT LT25 **GRID S2106
Project Description:	Proposed two - 30 storey residential towers with 3 and 7 storey podiums. North Tower is rental and South tower is Condo, with 2 storey amenity building at grade between. 4 Levels of below grade parking. Total number of units is 596

Applicant:	**Agent:**	**Architect:**	**Owner:**
RICHARD KUCHYNSKI			LAURIE INVESTMENTS (TORONTO) LTD

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:		Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9233.69	Height:	Storeys:	30
Frontage (m):	120.04		Metres:	96.84
Depth (m):	76.28			
Total Ground Floor Area (sq. m):	4153			**Total**
Total Residential GFA (sq. m):	50500		Parking Spaces:	577
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	50500			
Lot Coverage Ratio (%):	44.9			
Floor Space Index:	5.47			

DWELLING UNITS **FLOOR AREA BREAKDOWN** (upon project completion)

			Above Grade	**Below Grade**
Tenure Type:	Rental, Condo, Other			
Rooms:	0	Residential GFA (sq. m):	50500	0
Bachelor:	36	Retail GFA (sq. m):	0	0
1 Bedroom:	309	Office GFA (sq. m):	0	0
2 Bedroom:	233	Industrial GFA (sq. m):	0	0
3 + Bedroom:	18	Institutional/Other GFA (sq. m):	0	0
Total Units:	596			

CONTACT: **PLANNER NAME:** **Jeffrey Cantos, Planner**
TELEPHONE: **(416) 338-5740**