

34-50 Southport Street – Official Plan Amendment and Zoning Amendment Applications – Final Report

Date:	September 21, 2012
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	11 202261 WET 13 OZ

SUMMARY

These applications propose a mixed-use development, consisting of 29 and 26-storey high-rise apartment condominium buildings and 16 three-storey mixed-use condominium townhouse units, accommodating an overall total of 558 dwelling units and 2,203 square metres of grade-related commercial uses at 34-50 Southport Street.

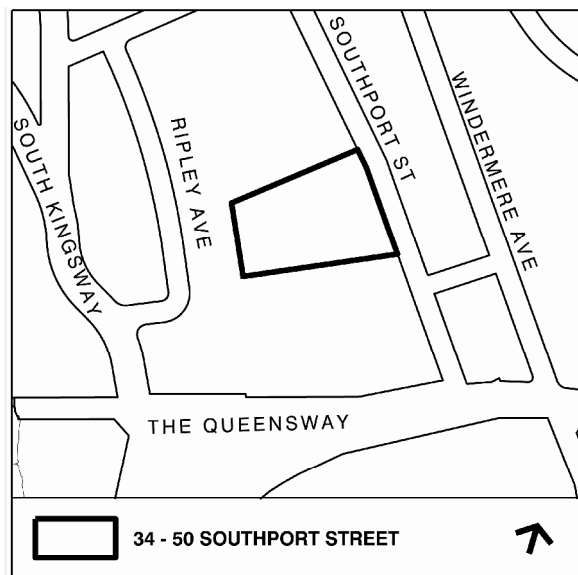
The applications have been evaluated with respect to Provincial Policies, the City’s Official Plan policy framework, urban design guidelines and various other related considerations including traffic, shadow impacts, municipal infrastructure servicing and good planning principles.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 34-50 Southport Street substantially in accordance with the draft Official Plan Amendment attached as



Attachment 6 to this report dated September 21, 2012.

2. City Council amend Zoning By-law 438-86, for the lands at 34-50 Southport Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report dated September 21, 2012.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the *owner* to submit a satisfactory Functional Servicing report to determine if the existing system requires upgrade(s) to support the development. If an upgrade is required, the *owner* is required to enter into a Section 37 agreement to the satisfaction of the City Solicitor to secure the required infrastructure upgrades.
5. Before introducing the necessary Bills to City Council for enactment, require the *owner* to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands at 34 – 50 Southport Street in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters from the *Owner* at its expense:
 - A. An indexed cash contribution of \$1,400,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated generally as follows:
 - i. \$ 25,000 for capital improvements to Swansea Mews (TCHC);
 - ii \$ 160,000 for capital improvements to Swansea Town Hall;
 - iii \$ 300,000 for capital improvements to the Runnymede Library;
 - iv \$ 20,000 for Humber River lighting hydro connections;
 - v \$ 895,000 to be distributed in consultation with the Ward 13 Councillor among a) capital improvements in local parks; b) local streetscape improvements; and, c) Day Nursery capital improvements in Ward 13.

Such cash amount to be indexed upwardly 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 of the sum by the *owner* to the City.

- B. A public art contribution in the amount of \$500,000. Such cash amount to be indexed upwardly 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 of the sum by the *owner* to the City.

- C. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development Details”).
- D. The *owner* shall incorporate in the construction of the development and there after maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- E. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services.
- F. The *owner* shall satisfy the requirements of the Toronto Catholic District School Board and the Toronto District School Board regarding warning clauses and signage.
- G. The *owner* shall agree to provisions regarding environmental sustainability, wind mitigation, municipal services and street tree irrigation.
- H. The *owner* shall complete the following transportation improvements, including providing a satisfactory detailed functional and engineering design, financial guarantees, engineering and inspection fees, and insurance to satisfaction of the City’s Executive Director of Technical Services regarding:
 - i) The Queensway/Windermere Avenue Intersection relating to:
 - a) Construction of any associated road widening (civil work) to increase the existing auxiliary southbound to eastbound left turn storage lane length at the north intersection approach to 40 metres with a 15 metre approach taper, and require the applicant to submit a cost estimate for the works to the satisfaction of the Executive Director of Technical Services.
 - b) Payment to the City for the installation of pavement markings and signage to increase the existing auxiliary southbound to eastbound left turn storage lane length at the north intersection approach to 40 metres with a 15 metre approach taper. Notwithstanding any civil work, the City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.

- ii) South Kingsway/Ormskirk Avenue Intersection relating to:
 - a) Payment to the City for the installation of pavement markings and signage of an auxiliary westbound to southbound left turn storage lane at the west intersection approach, providing 15 metre of vehicle storage with a 15 metre approach taper. This design shall be incorporated within the existing Ormskirk Avenue pavement cross-section by means of pavement markings. The City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.
 - b) Payment to the City for the installation of pavement markings and signage of an auxiliary southbound to eastbound left turn storage lane at the north intersection approach, providing 20 metres of storage and a 15 metre approach taper. This design shall be incorporated within the existing South Kingsway pavement cross-section by means of pavement markings. The City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.
 - c) Payment to the City for the removal and relocation of the existing pedestrian crossover along South Kingsway just north of the approach of Ormskirk Avenue to incorporate the auxiliary southbound to eastbound left turn storage lane. The City's Traffic Plant Installation and Maintenance Unit will prepare a cost estimate and ultimately complete this installation.
- I. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide a Pedestrian Wind Assessment study to the satisfaction of the Director, Community Planning, Etobicoke York District, and implement any recommendations therein.
- J. The *Owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee. This shall be secured through the Section 37 Agreement.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The lands were previously occupied by a local shopping plaza, which contained a grocery store, drug store, bank, restaurant and other retail uses. The lands were the subject of

applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval, filed by the previous owner in 2002.

These applications proposed a 21-storey building with commercial uses. After a number of revisions and an appeal of the applications, the Ontario Municipal Board (OMB) approved a development consisting of an 18-storey residential building and two commercial buildings on December 11, 2003. The approved development totalled 29,397 square metres of gross floor area at a Floor Space Index (FSI) of 2.4 times the area of the lot.

The property was subsequently acquired by the current proponent, who filed new Official Plan Amendment and Zoning By-law Amendment applications on May 25, 2011. The original submission proposed a mixed-use development at an FSI of 3.8, consisting of 970 square metres of commercial floor area and 548 residential dwelling units in two towers having heights of 30 and 25-storeys and 14 townhouses. After a community consultation meeting and a series of working group sessions, the proposed development was modified by increasing the amount of commercial floor area and slight adjustments to the residential building heights.

A comparative summary of the OMB approved development, the original proposal filed in May, 2011 and the current submission with respect to Gross Floor Area (GFA) and Height is as follows:

	Residential GFA (m2)	Commercial GFA (m2)	Total GFA (m2) & Floor Space Index (FSI)	Height
OMB Approved Development (Dec. 2003)	24,684	2,385 (min.) to 4,713 (max.)	29,397 (max.) FSI of 2.42	60.9 m (62.6 m to the mechanical penthouse)
Original Proposal (May 2011)	45,072	970	46,042 FSI of 3.8	95.75 m (101.25 m to the mechanical penthouse) and 81m (86.5m to the mechanical penthouse)
Current Proposal (Aug. 2012)	45,668	2,203 (max.) 1,300 (min.)	47,872 FSI of 4.0	93.5 m (99m to the mechanical penthouse) and 84.65m (90.15m to the mechanical penthouse)

ISSUE BACKGROUND

Proposal

The revised, current proposal consists of two (2) residential towers, having heights of 29 storeys (99 metres inclusive of mechanical penthouse) for the westerly Building "B" and 26 storeys (90.15 metres inclusive of mechanical penthouse) for the easterly Building "A" (see Attachment 1 – Site Plan and Attachment 2 – Elevations). The two towers will be connected by a three storey base. A separate block of 16 mixed-use townhouse units (11.4 metres in height) along the easterly portion of the north lot line is also proposed. These units are proposed to have flexible ground floor commercial space, which can be used for either retail or residential uses.

The commercial component consists of a minimum of 1,300 square metres area on the ground floor of "Building A", the 26-storey building fronting onto Southport Street, and the potential for an additional 900 square metres of area on the ground floor of the proposed three-storey mixed-use townhouse block, "Building C" (see Attachment 1 – Site Plan).

Two vehicular access points are proposed from Southport Street. The first is a driveway extending to a private courtyard, slightly north of the lot mid-point along Southport Street. This driveway will provide access to the residential lobby, covered commercial parking and at-grade, outdoor commercial parking. The second driveway access is proposed on the south edge of the lot, which will provide access to the underground residential parking, residential visitor parking and loading facilities.

The proposed development consists of 47,872 square metres of gross floor area, of which up to 2,203 square metres may be used for commercial/retail purposes. The total gross floor area equates to a Floor Space Index of approximately 4.0 times the area of the lot. The number of proposed residential dwelling units is 558 (294 one-bedroom, 248 two-bedroom and 16 three-bedroom units) and a total of 680 parking spaces are also proposed (see Attachment 5 – Application Data Sheet).

Site and Surrounding Area

The site at 34-50 Southport Street has an approximate lot area of 1.21 hectares, with approximately 106 metres frontage on Southport Street and an approximate depth of 129 metres on the north lot line and 146.9 metres on the south lot line. There is a grade difference north of the site. The higher grade to the north is accommodated by an existing retaining wall having approximate heights ranging from 1.5 metres to 1.9 metres, located 1.6 metres into the abutting property to the north at 60 Southport Street.

At present, there exists a large surface parking facility that was associated with the two recently demolished commercial buildings that previously occupied the site.

Surrounding land uses are as follows:

- North: a residential complex with two 18-storey apartment houses and a surface parking lot abutting the subject site.
- East: a 17-storey apartment house and related outdoor amenities.
- South: a residential apartment complex containing three buildings having heights of 6, 8 and 10 storeys.
- West: an approximately 15 metre wide vacant strip of land, owned by and connecting 35 Ormskirk Avenue to the north of the subject site, south to The Queensway. Further west are employment/commercial uses in 1 and 2-storey buildings along Ripley Avenue.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Mixed Use Areas* on Map 15 - Land Use Plan (Attachment 4 – Official Plan). Land use designations surrounding the site include *Apartment Neighbourhoods* to the north, east and south, as well as an *Employment Areas* designation for properties along Ripley Avenue.

The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. It is one of four designations identified in the Official Plan providing opportunities for increased jobs and/or population.

The Official Plan states that “*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.” However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new

development to provide a transition between areas of different development intensity and scale.

The Official Plan cites Development Criteria in *Mixed Use Areas* in Section 4.5, which are addressed in the Comments section of this report, under the heading Land Use.

Zoning

The lands are zoned CR T1.0 C1.0 R0.35 and limited to a maximum height of 9 metres by the former City of Toronto By-law 483-86. The CR Zone permits a wide range of retail and service uses including: a branch of a bank or financial institution, dry-cleaner's distribution station or dry-cleaning shop, personal grooming establishment and a retail store. Uses including a bake-shop, restaurant, take-out restaurant, and live-work units are permitted, subject to certain qualifiers outlined in By-law 438-86.

Site Plan Control

Site Plan Control is applicable and will be required for this proposed development, but an application has not been submitted.

Reasons for Application

The proposed development is in excess of the permitted density and height as regulated by Zoning By-law 438-86. The proposal is also deficient with respect to the minimum of 2,385 square metres of floor area for the purposes of retail and service uses required to conform with the Official Plan (Secondary Plan). For these reasons, both an Official Plan Amendment and a Zoning By-law Amendment are required.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal to redevelop an underutilized vacant parcel that has not operated since 2006, with intensified mixed-use development is consistent with the Provincial Policy Statement.

The proposed development will offer new housing with a range of sizes, and commercial uses to serve as an amenity for the surrounding apartment neighbourhood and beyond.

The proposal is consistent with the policies in Section 1.1 "Managing and Directing Land Use To Achieve Efficient Development and Land Use Patterns".

The redevelopment promotes the efficient use of land, resources, infrastructure, with densities that can support public transit, provided by the 77 Swansea Bus and the 501 Streetcar routes.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

1. Official Plan

The City of Toronto Official Plan cites development criteria in *Mixed Use Areas*, in Section 4.5.2. The criteria have been addressed as follows:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

The proposed development consists of residential dwellings, balanced with a potential of 2,200 square meters of commercial floor area that will provide retail and service amenity within walking distance from the surrounding apartment neighbourhood area and for the future residents of the development. It will also serve residents beyond the immediate area.

The development also proposes an accessible courtyard to complement the commercial uses. The space will be designed and programmed to accommodate multi-purposes and can provide an outdoor location for area residents to enjoy a meeting destination, social interaction, or commercial activity accessory to the indoor commercial use.

- providing for new jobs and homes for Toronto's growing population on underutilized lands;

The site is currently vacant and has not been used for an extended period of time. The proposed commercial/retail space will assist to replace some of the jobs that had existed with the previous plaza. In terms of providing new homes, this development will provide 558 new dwelling units.

- 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 appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;

The proposed development addresses the Southport Street frontage with a three-storey base condition, with retail floor area on the ground floor. The retail space will have direct access to the Southport Street sidewalk. An

outdoor courtyard is proposed to also provide transition into the site and interface with the three-storey mixed-use block on the north side of the site (Building C).

The proposed scale, height and massing of Building C, the courtyard and the podium of Building A, provide an appropriate scale and edge condition to Southport Street, which has a 20 metre right-of-way width. The proposed setbacks from Southport Street also provide an opportunity for an enhanced streetscape, public realm and pedestrian perception zone.

The tower elements of the proposed development (Buildings A and B), provide setbacks from each other and all lot lines, in accordance with the Tall Building Guidelines. The Guidelines serve to address light, views, and privacy issues associated with Tall Buildings. The building floor plates also conform with the Guideline maximum of 750 square metres. This limitation serves to reduce shadows and their duration onto surrounding properties, while allowing for improved views through and around the site.

The site is generally located in the centre of an *Apartment Neighbourhoods* area with *Neighbourhoods* designated properties located north of Ormskirk Avenue, on the side east of Southport Street, south of Windermere Place to The Queensway, and on the east side of The South Kingsway. Generally, the separation distances, setbacks and the stepping of heights for the two proposed buildings, provides for an adequate transition.

- locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

The proposed development conforms with the City's Tall Buildings Guidelines. As a result of the building separation distances and the floor plate restrictions incorporated into the proposed building locations and mass, shadows are adequately limited, as illustrated in the Sun/Shadow Study submitted in support of the proposed development. Staff have reviewed the study and conclude that shadows generated from the proposed development are acceptable.

- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

The scale, height and mass of Buildings A and C provide an appropriate edge and interface to the Southport Street public realm. A Wind Assessment study and any resulting recommendations will be secured

through Site Plan Approval process to ensure that comfortable wind conditions.

- having access to schools, parks, community centres, libraries and childcare;

The site is in close proximity to Ormskirk Park, Windermere Avenue Parkette, Rennie Park Sir Casimir Gzowski Park and High Park. Community Centres in the area include Swansea Community Recreation Centre and Swansea Town Hall, with libraries including the Swansea Memorial Library and the Runnymede Library.

The area is experiencing accommodation issues with respect to schools and child care. The recommendations of this report address the school board accommodation issue as requested in comments by the School Boards. This proposal offers an opportunity for capital improvements funding for Day Nurseries in Ward 13 as part of the Section 37 Community Benefit.

- providing an attractive, comfortable and safe pedestrian environment;

The proposed development will enhance the Southport Street streetscape and complement that streetscape with a publicly accessible open courtyard. The streetscape will be animated with commercial uses fronting and accessing Southport Street, which will provide greater transparency to and from the site. The proposed courtyard will be wrapped with commercial uses as well. The commercial amenity will provide a pedestrian destination opportunity for local shopping.

- taking advantage of nearby transit services;

At the request of the Toronto Transit Commission, a new bus platform for the 77 Swansea Bus in front of the proposed development will be secured as part of the development, through a Section 37 Agreement. The 501 Streetcar line runs along The Queensway in close proximity to the south of the proposed development.

- providing good site access and circulation and an adequate supply of parking for residents and visitors;

The site access, circulation and parking have been reviewed and are acceptable. Details in regard to these matters will be secured through the Site Plan Approval process.

- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and

Service areas and ramps are located internally off of a private driveway on the south side of the lot. These areas will be screened to limit views of the services areas from the abutting residential apartment complex to the south.

- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The development will be providing the required indoor and outdoor amenity space for the future residents, consistent with existing By-law standards.

Policies cited in the Healthy Neighbourhoods section 2.3.1, have been addressed through the conformity with the Tall buildings Guidelines, the Toronto Green Standard and the assessments referred to below in subsequent sections of in this report.

2. Swansea Secondary Plan

The lands are located within the Swansea Secondary Plan Area (Map 25), which forms part of the Official Plan. The application to amend the Official Plan relates to the Swansea Secondary Plan and the policies contained therein, which affect the subject lands. Specifically, the lands are subject to a Site and Area Specific Policy in Section 6.1, which states:

"A maximum density of 2 times the lot area is permitted provided that:

- (a) any new development has a minimum of 2,385 square metres of floor area for the purposes of retail and service uses;
- (b) an appropriate physical and visual transition, such as setbacks from property lines will be provided between the subject lands and adjacent Apartment Neighbourhoods, in order to prevent any adverse impact on adjacent Apartment Neighbourhoods; and
- (c) traffic and parking studies of any new development will be completed to examine the traffic and parking impacts both on-site and on the surrounding road network, and to ensure sufficient parking to meet the demand of the retail and service uses."

The Ontario Municipal Board (OMB) approved a density of approximately 2.4 times the area of the lot, deployed in a development that included an 18-storey slab form residential building in a north to south orientation on the west side of the site, with two free-standing 13 and 14 metre high commercial pad form buildings, with retail uses permitted by the CR Zone (see Attachment 8 – OMB Approved Development).

The current proposal has a density of slightly under 4 times the area of the lot.

The amount of retail floor area is approximately 182 square metres below the minimum amount required by the site and area specific policy. The proposed retail floor area also has an outdoor open space component for spill-over commercial activity and social gathering. The proposed amount of commercial floor area satisfies the purpose and intent of the site and area specific policy. It provides for a superior overall relationship to the site and Southport Street, compared to the approved development.

As previously noted, proposed buildings conform to the Tall Building Guidelines to establish appropriate physical and visual separations and transitions, as well as setbacks and floor plate limitations to address shadow impacts on adjacent properties. A Sun/Shadow analysis demonstrates that shadows have been limited so as not to create any unacceptable shadow impact on the adjacent *Apartment Neighbourhoods* properties.

A Traffic Impact Study and parking analysis were submitted by the proponent in support of the proposed development, and updated in accordance with City staff comments. The City recommended parking standards are incorporated in Attachment 7 – Draft Zoning By-law. The recommendations in this report also represent Transportation Services staff requirements for upgrades to the road network.

Staff are recommending that City Council amend the Official Plan for the lands at 34-50 Southport Street substantially in accordance with the draft Official Plan Amendment attached as Attachment 6 – Draft Official Plan Amendment.

Community Consultation

The initial Community Consultation meeting was held on October 5, 2011, at the Swansea Legion. There were many concerns expressed. Generally, the issues reflected broader themes including: lack of commercial space to serve the neighbourhood; traffic and parking; height, density and mass of the proposal and resulting impacts; lack of hard and soft services to accommodate growth.

After the Community Consultation meeting, some area residents formed the South Kingsway Neighbourhood Committee (SKNC). The SKNC, in consultation with the Ward Councillor and the Residents Association in the area, requested that a Working Group be established to facilitate discussion with the proponent related to concerns with the proposed development.

A Working Group was formed, with representation from all the residential buildings in the surrounding area, as well as the area residents association. The working group also retained their own consultants to assist in detailing their concerns. A key component was a consultant peer review of the Commercial Market Study that was submitted by the applicant.

There were four Working Group sessions held to discuss retail space, traffic, heights, shadows, and views.

As a result of the sessions, certain changes were made to the proposal including: an increase in the amount of commercial area from 970 square metres to an area of up to 2,203 square metres of commercial area, the re-alignment of surface commercial parking and the at-grade covered commercial parking, which resulted in increasing the number of overall parking spaces, and a slight increase in overall density.

With respect to the balance of the major issues, a detailed presentation of the shadows and views analysis was presented to the Group by the proponent's Architect. Although there was a minor height redeployment between the two tower components there still remains concern with respect to the proposed building heights.

The SKNC held a Community meeting on June 25, 2012 to inform area residents of the process undertaken with the City and proponent and the changes made to the proposal. The proponent and City staff were not present. Contact information for City staff was provided in order to convey comments related to the proposal.

Arising from changes made through the Working Group process and to address technical comments made by City staff, a revised development proposal was resubmitted on August 2, 2012.

Following the resubmission, a Community Consultation/Open House was held on September 13, 2012 to update and engage the community regarding the final submission.

Comments and concerns raised at this meeting and since, as well as the period between June 25th and the September 13th are noted and addressed in Attachment 9 – Community Comments. Many of these issues and concerns raised are also addressed in the body of this report.

Density, Height, Massing

The proposed density of approximately 4.0 times the area of the lot, along with the proposed height and mass of the development, have been discussed in several sections of this report.

The proposed density is less than recently approved developments in the surrounding area, with the development at 103 and 105 The Queensway at over 5 times the area of the lot, and the development at 1900 Lake Shore Boulevard West being 7.44 times the area of the lot.

The proposed density can be accommodated on the site without generating any unacceptable impacts, from a traffic or shadows perspective. The proposed parking, indoor and outdoor amenity space are also acceptable.

The proposed building heights are in character with recent developments in the Swansea area, where building heights on the south side of the Queensway range from 28 to 35-stories. The proposed tall building elements conform to the City of Toronto Tall Building Guidelines, which provide a visual and physical separation and transition

between the proposed buildings and the surrounding area, as well as appropriate building massing.

Sun, Shadow, Wind

In general, the mass of the proposed buildings has been oriented to conform to the City of Toronto Tall Building Guidelines.

An updated Sun/Shadow Study prepared by E.I. Richmond Architects Ltd., was submitted with the applications as currently proposed, which demonstrates the shadows of each of the buildings moving quickly in the spring and fall equinoxes.

Generally, each of the two shadows has moved from an individual site within one hour. There is a large break in the shadows cast between the two buildings as a result of the 40 metre building separation. The shadows cast by the current proposal are similar to the original submission, whereby the Shadow Impact Study prepared by Gradient Microclimate Engineering Inc. concluded:

" The shadows cast by the proposed development generally satisfy the requirements of the City of Toronto, in that they do not propose additional shadow impacts on public parks or publically accessible open spaces for extended periods. Incidentally the results of this study also indicate that, although shadows cast from the proposed Towers will sequentially impact the residential building at 60 Southport Street during the autumn, winter and spring periods, these impacts will be short-lived and non-problematic, in that their impact periods will occur for less than 3 hours cumulatively."

Staff have reviewed both Shadow studies and concur with the findings.

With respect to pedestrian wind conditions, staff have recommended that prior to Site Plan approval pursuant to Section 114 of the City of Toronto Act, the *owner* shall provide a Pedestrian Wind Assessment study to the satisfaction of the Director, Community Planning, Etobicoke York District, and implement any recommendations therein, in order to ensure that the proposed development does not create adverse wind conditions.

Traffic Impact, Access, Parking

The applicant submitted an addendum to the Urban Transportation Considerations report, dated July, 2012, prepared by *BA Group* in conjunction with the subject revised rezoning proposal, which is now acceptable to Transportation Services staff.

However, the adjacent road network requires several roadway improvements to mitigate the weekday peak hour traffic impacts associated with the proposed development. These improvements have been included in the recommendations section of this report.

The location of the two proposed full-movement site driveways to Southport Street is acceptable from a traffic operations perspective. A more comprehensive and detailed

review of the access driveways and internal site circulation will be undertaken during the site plan review process.

A transit shelter/bus stop for the Swansea 77 Bus is located within the proposed south driveway location. The re-location of this transit shelter/bus stop to the north of the proposed driveway is recommended. This will be secured through the Site Plan Approval process.

In December of 2005, the City of Toronto retained the services of a traffic engineering firm, *Cansult Limited*, to conduct a comprehensive review of residential parking standards for apartment buildings and condominium townhouse developments. This study was conducted in conjunction with the City's Zoning By-law Project.

In February of 2007, the consultant submitted their parking study in this regard, which includes recommendations for parking standards corresponding to various types of multiple-unit residential developments, and their location relative to the Downtown Core, Centres, Avenues, and high-order transit corridors. The study also reviewed the parking demand associated with multiple-unit residential buildings in lower density residential neighbourhoods that have limited levels of transit accessibility.

Based on these recommended resident parking ratios, the proposed residential component of this development requires a minimum of 532 resident parking spaces and 112 visitor parking spaces for a total of 644 residential component parking spaces.

According to the submitted site and parking garage plans, the applicant proposes a total of 680 parking stalls, including: 545 stalls for residents; 56 stalls are for the exclusive use of residential visitors; and 56 stalls shared between residential visitors and the retail component; and, 23 stalls for the exclusive use of the retail component.

The proposed resident and visitor parking supply satisfy the above recommended parking requirements.

While the former City of Toronto By-law 438-86 does not explicitly require on-site parking for general retail-commercial type uses, 23 surface parking stalls are illustrated on the site plan for the exclusive use of the retail component of the proposed development, and 56 ground floor stalls (within Building 'B') that are proposed to be shared between residential visitors and the retail component. Based on the overlap in the peak parking demand that is typically characteristic of retail patrons and residential visitors, Transportation Services staff have no objections should the applicant decide to share a portion of the proposed residential visitor parking with the retail component of this development.

A shared parking arrangement will be subject to the following conditions to be secured through the Site Plan Approval process:

- a minimum of 56 visitor parking stalls shall be shared with the proposed

- commercial uses;
- all shared parking stalls must be available to residential visitors between the hours of 7:00 p.m. and 7:00 a.m., seven days a week;
- each of the designated visitor/commercial parking stalls must be signed to this effect;
- commercial units must not be given exclusive use of any of the shared stalls; and
- the *owner(s)* shall provide an effective enforcement mechanism ensuring that this arrangement remains in effect at all times.

Transportation Services recommends the applicant provide parking for the physically disabled at a minimum ratio of one parking stall for every 100 parking stalls required or part thereof. All parking designated for the physically disabled should be situated as close as practicable to the principal entrance(s) of each residential building.

Transportation Services also recommends that the internal vehicle circulation system and parking areas be designated common elements at the condominium registration stage of the development review/approval process.

A more detailed review of the proposed parking supply and design/layout of the below-grade parking areas will be conducted through site plan control.

Servicing

The proponent submitted Functional Servicing report. The report has been reviewed with staff requiring additional assessment to the water and wastewater infrastructure to be completed and reviewed in order to determine if the existing system requires upgrade(s) to support the development. If an upgrade is required, the applicant is required to enter into a Section 37 agreement to the satisfaction of the City Solicitor to secure the required infrastructure upgrades, as recommended in this report.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with over 3.0 hectares of local parkland per 1,000 people as per Map 8B/C of the Official Plan. This represents the highest quintile of parkland provision. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units and 2% of the commercial site area specified in By-law 1020-2010, the residential parkland dedication requirement is 0.73 hectares or 61.5% of the proportionate residential site area. Therefore for sites that are 1 to 5 hectare in size, a cap of 15% is applied to the residential portion and 2% for the commercial portion.

If the development application is approved, the applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment. The City's Parks and Recreation Division considers this appropriate due to the development being located in an area with

the highest quintile of parkland provision per 1,000 people. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The proposed development will provide an upgraded streetscape treatment for Southport Street, which will include boulevard trees, a widened sidewalk and opportunities for street furniture. The Three-storey base of Building "A" will have a commercial component that will address the street with direct connections to the public sidewalk, while wrapping around the building to also animate an open publicly accessible courtyard.

The introduction of commercial uses oriented to Southport Street will serve to animate and enhance the pedestrian experience along this portion of the street, while offering commercial amenity within walking distance for much of the area.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS, which will be secured in the Section 37 Agreement..

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

The applicant has indicated they will pursue Tier 2 of the TGS which includes possible refunds against Development Charges payable for the development.

Section 37

City Planning has followed the Section 37 Official Plan policies and protocol adopted by City Council. In consultation with the Ward Councillor and the proponent, the proposed development warrants Section 37 community benefits as outlined below.

The cumulative community benefits recommended and agreed to by the proponent to be secured in the Section 37 agreements are as follows:

- i) \$25,000 for capital improvements to Swansea Mews (TCHC);
- ii) \$160,000 for capital improvements to Swansea Town Hall;
- iii) \$300,000 for capital improvements to the Runnymede Library;
- iv) \$20,000 for Humber River lighting hydro connections;
- v) \$895,000 to be distributed in consultation with the Ward 13 Councillor among i) capital improvements in local parks; ii) local streetscape improvements; and, iii) Day Nursery capital improvements in Ward 13.

An indexed public art contribution is also being secured through Section 37 in the amount of \$500,000.

The other matters cited in Recommendations 4 and 5 of this report are also to be secured in the Section 37 agreements as a legal convenience to support development.

School Board Requirements

The Toronto District School Board and the Toronto Catholic District School Board have requested that the proponent be required to erect Notice Signs and that warning clauses be inserted in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development, that reference the potential for children from the development, to be transported to schools outside of the immediate neighbourhood. These requirements will be included in the Section 37 Agreements, and subsequently maintained through the condominium process.

CONTACT

Philip Carvalino, Senior Planner
Tel. No. 416-394-8233
Fax No. 416-394-6063
E-mail: pcarval@toronto.ca

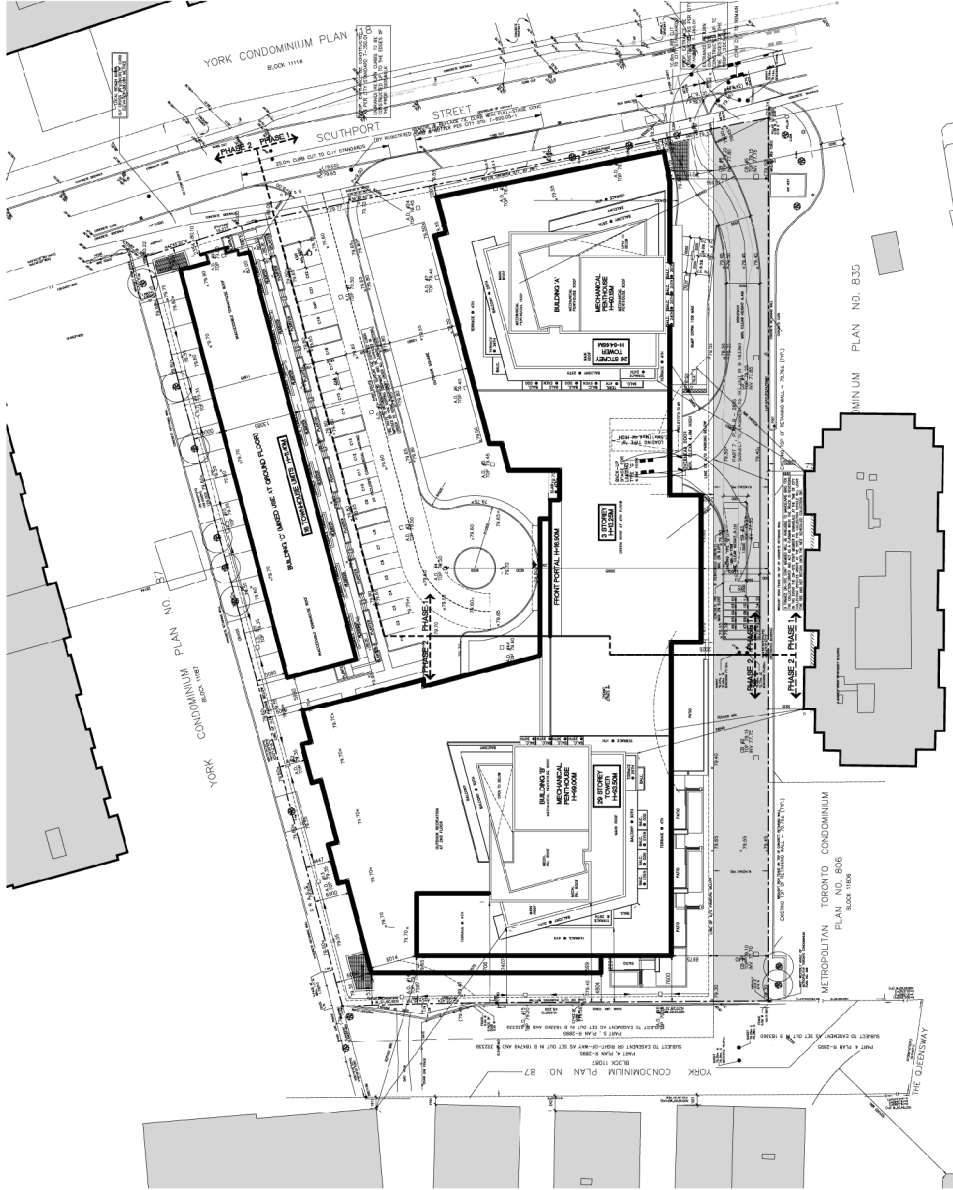
SIGNATURE

Thomas C Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment
Attachment 8: OMB Approved Development
Attachment 9: Community Comments

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

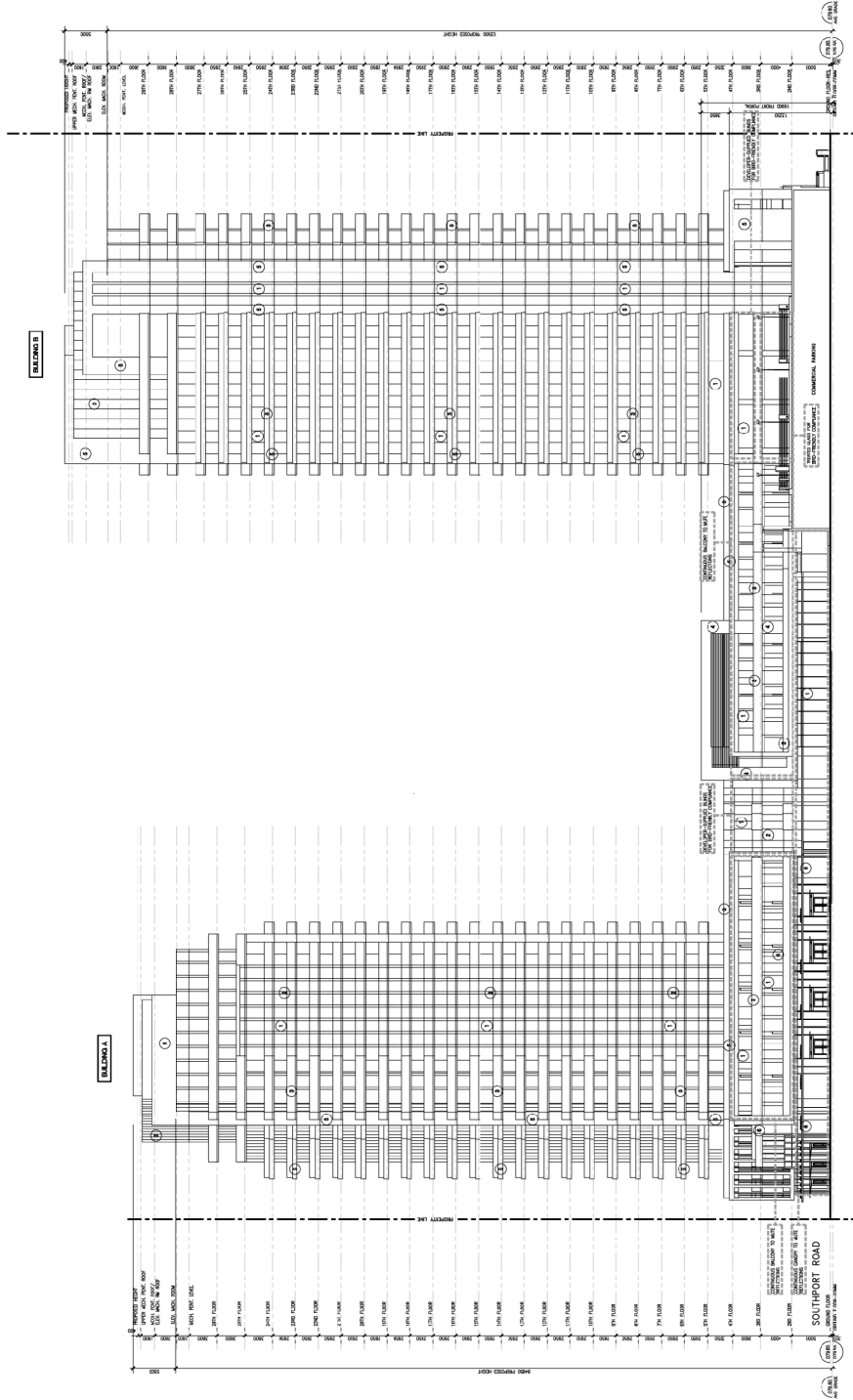
Not to Scale
05/31/12



34 - 50 Southport Street

File # 11 202261 WET 13 0Z

Attachment 2: Elevations



North Elevation Building A and B

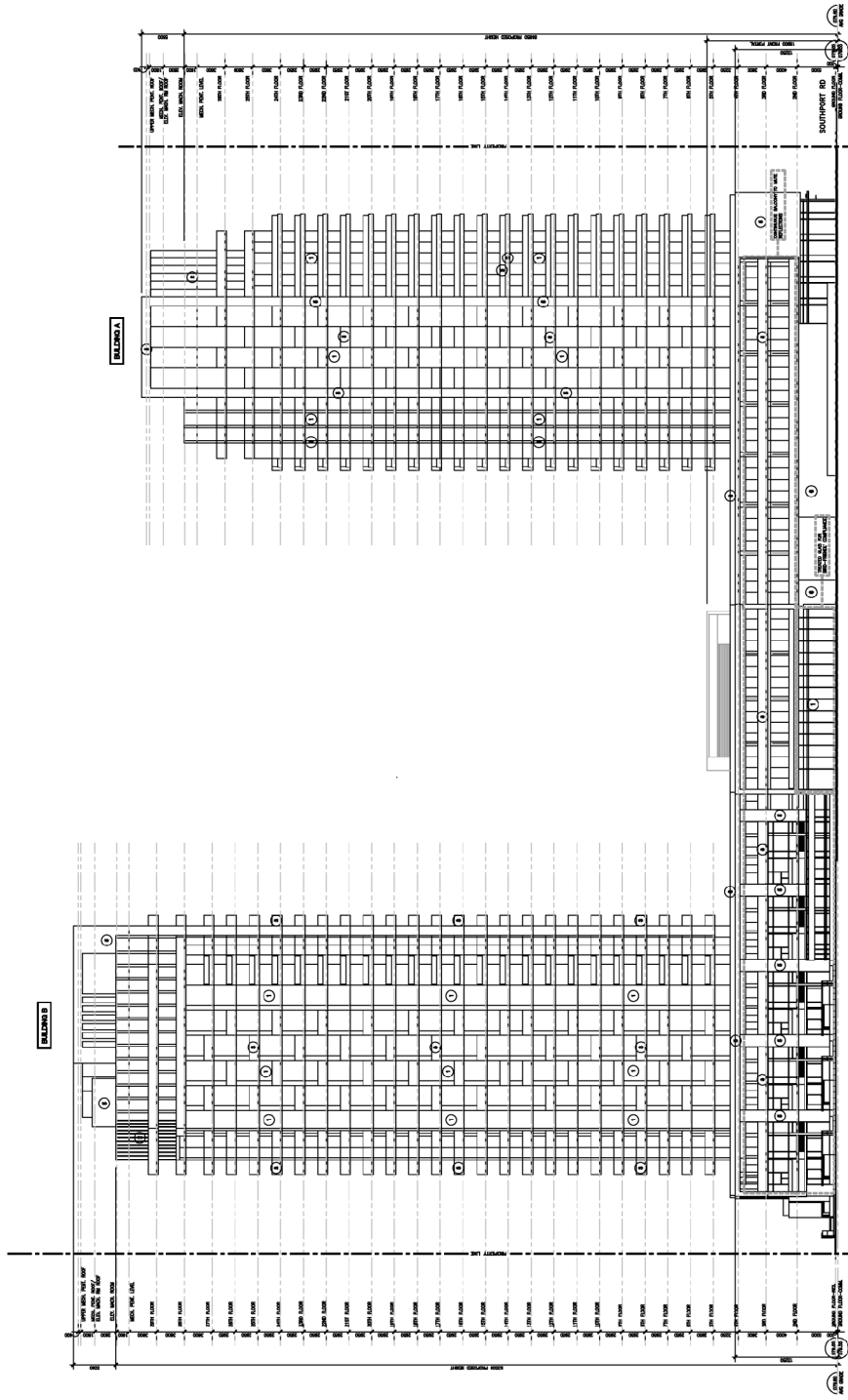
Elevations

Applicant's Submitted Drawing

Not to Scale
05/31/12

34 - 50 Southport Street

File # 11 202261 WET 13 02



South Elevation Building A and B

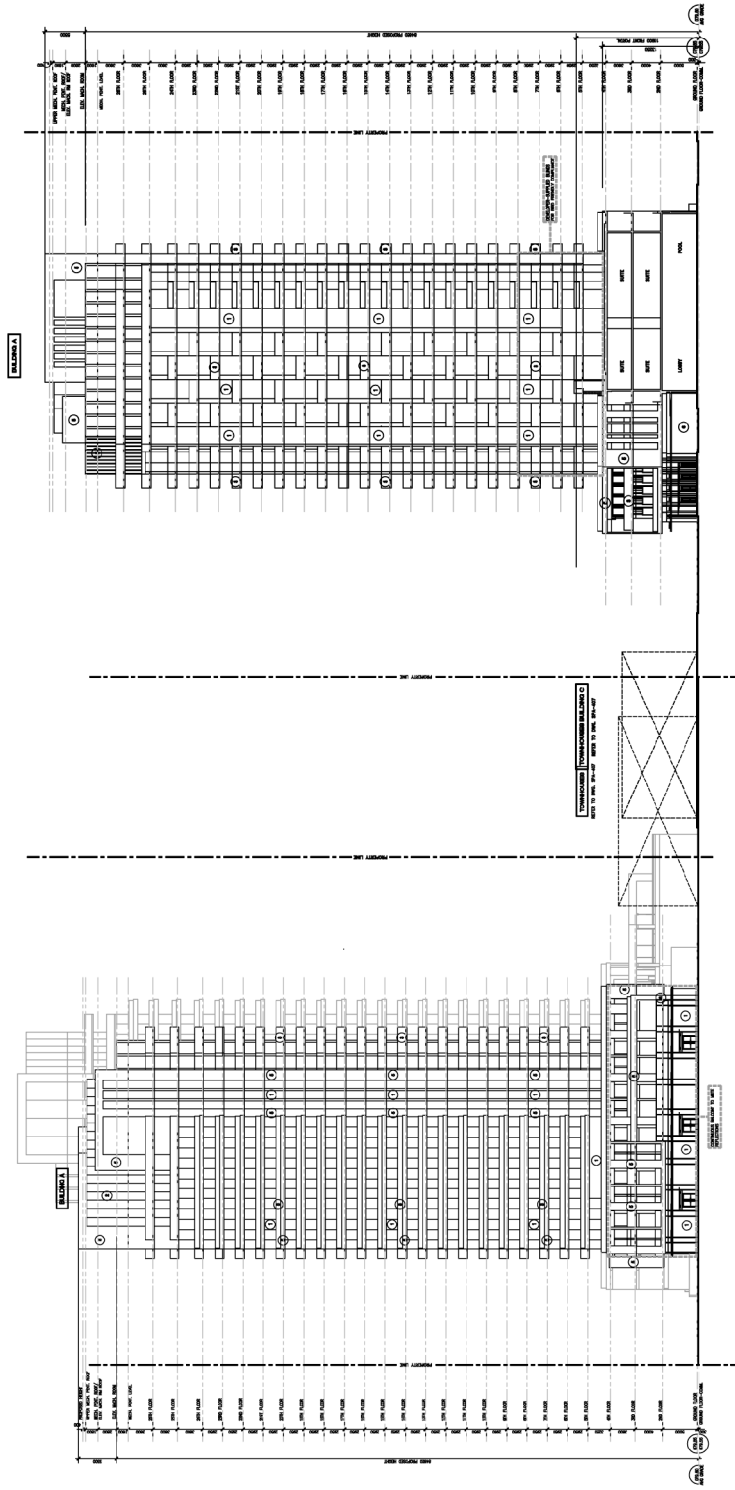
Elevations

Applicant's Submitted Drawing

Not to Scale
05/31/12

34 - 50 Southport Street

File # 11 202261 WET 13 0Z



East Elevation Building A

West Elevation Building A

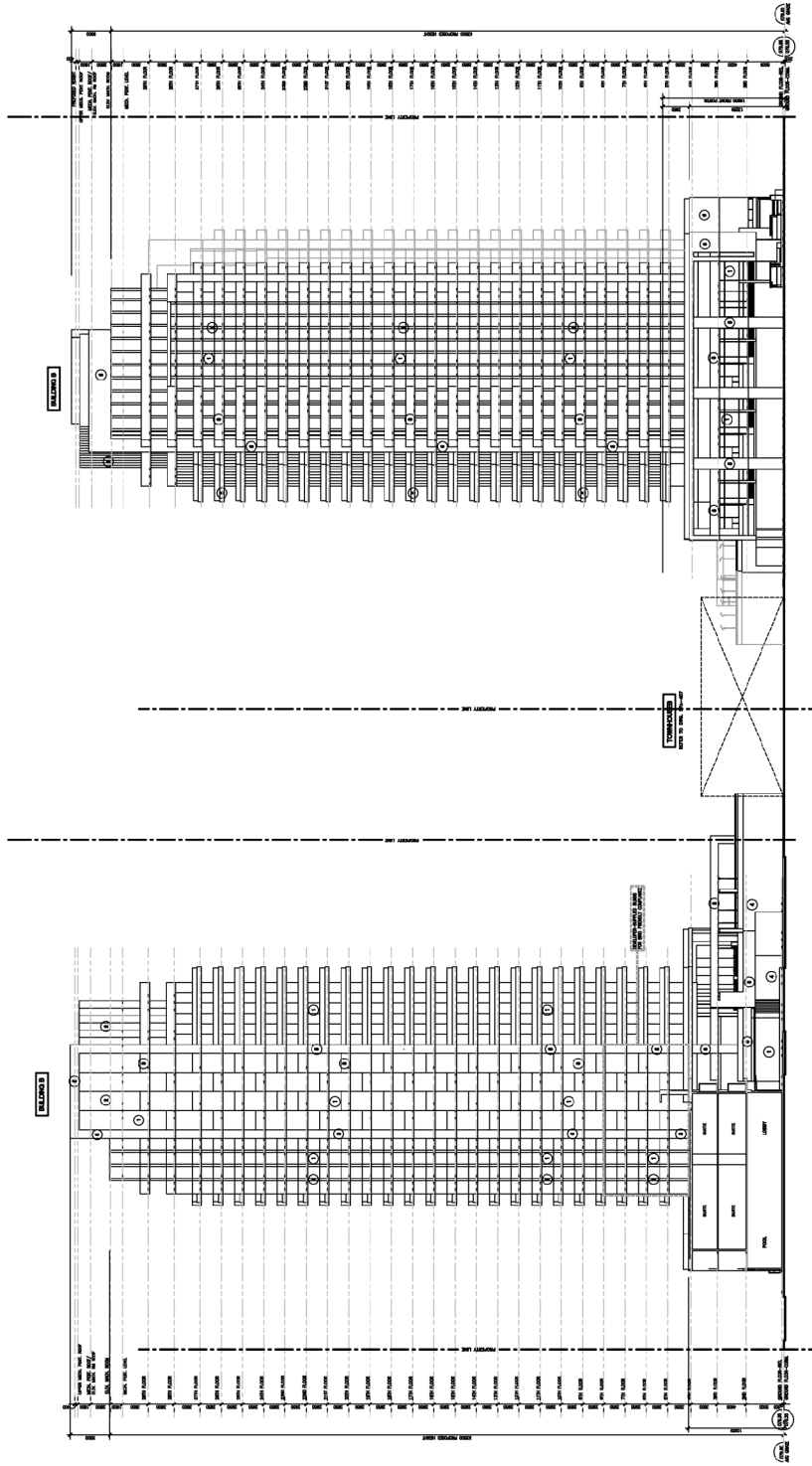
Elevations

34 - 50 Southport Street

Applicant's Submitted Drawing

Not to Scale
05/31/12

File # 11 202261 WET 13 0Z



West Elevation Building B

East Elevation Building B

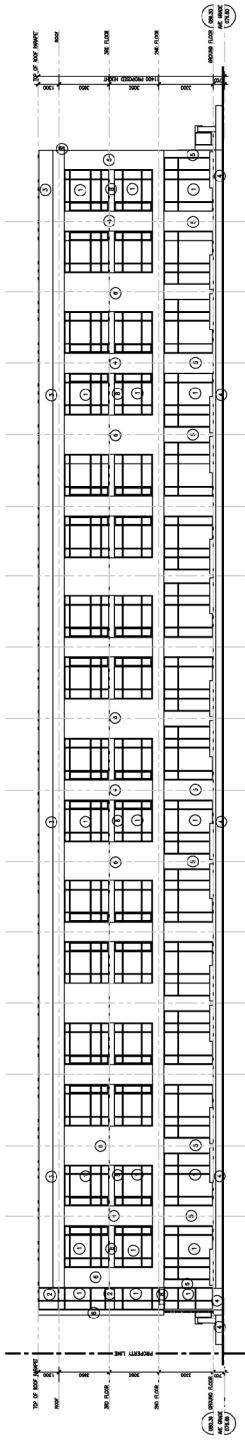
34 - 50 Southport Street

Elevations

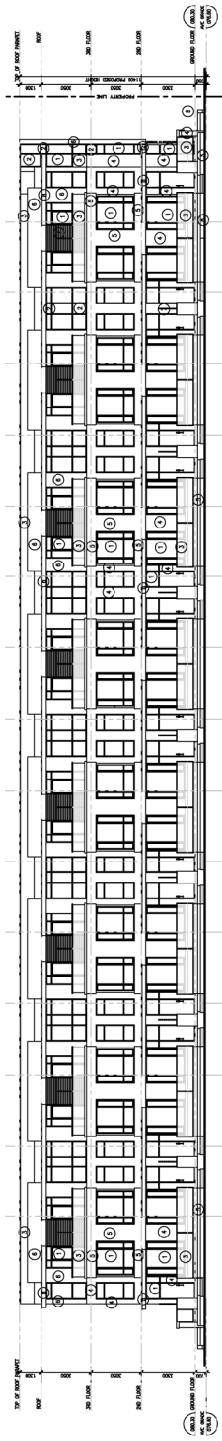
Applicant's Submitted Drawing

Not to Scale
05/31/12

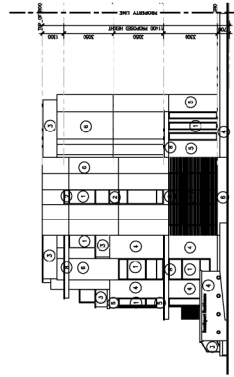
File # 11 202261 WET 13 0Z



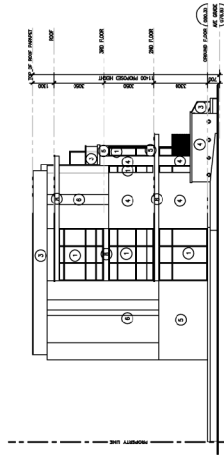
North Elevation



South Elevation



East Elevation



West Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
05/31/12

34 - 50 Southport Street

File # 11 202261 WET 13 0Z

Attachment 3: Zoning



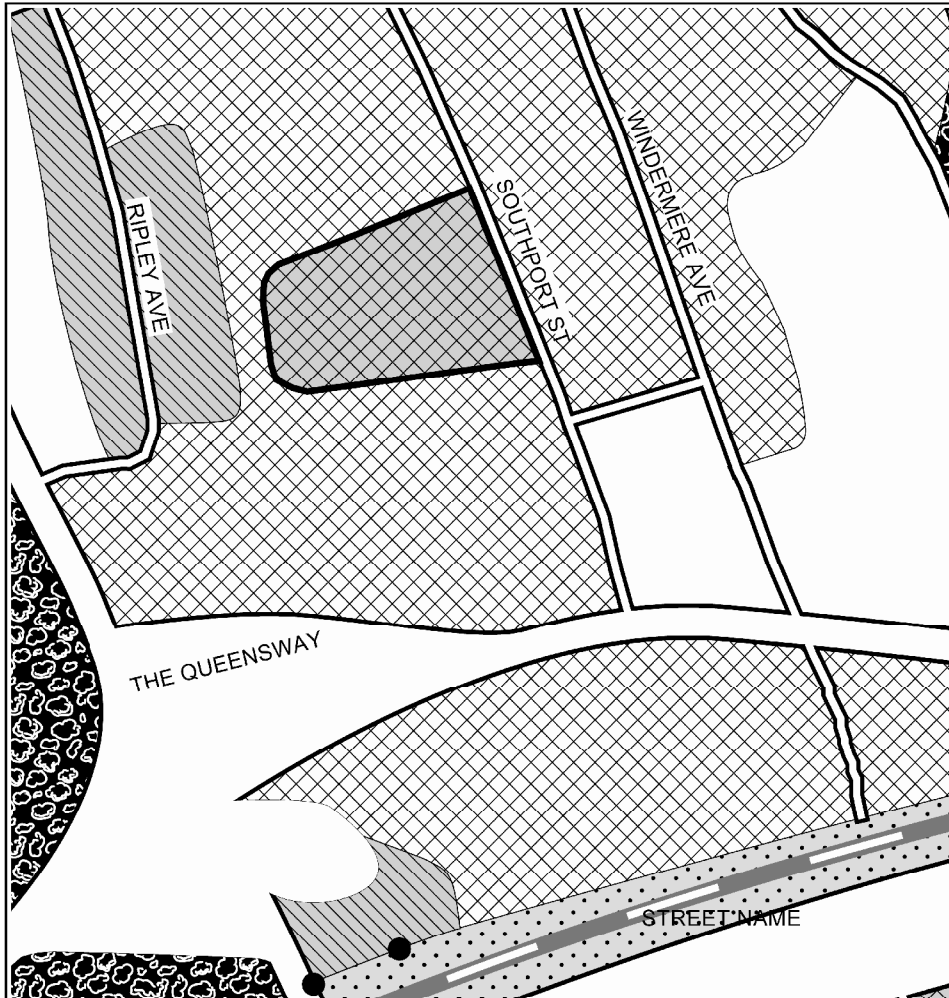
TORONTO City Planning
Zoning

34 - 50 Southport Street
 File # 11 202261 WET 13 OZ

- R2 Residential District
- CR Mixed-Use District
- IC Industrial District
- I1 Industrial District

↑
 Not to Scale
 Former Toronto Zoning By-law 438-86
 Extracted 06/28/2011

Attachment 4: Official Plan



Toronto City Planning
Official Plan

34 - 50 Southport Street

File # 11_202261

 Site Location	 Employment Areas
 Neighbourhoods	 Utility Corridors
 Apartment Neighbourhoods	 Natural Areas
 Mixed Use Areas	


 Not to Scale
 July/08/2011

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 202261 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 25, 2011

Municipal Address: 34-50 SOUTHPORT ST
 Location Description: PL M1143 BLK B PL 1 SUBJ TO EASEMENT & SUBJ TO ROW **GRID W1309
 Project Description: Proposal to construct a mixed use building comprised of two towers at 29 storeys and 26 storeys connected by a three storey base, as well as 16 three storey townhouse units.

Applicant:	Agent:	Architect:	Owner:
EI RICHMOND ARCHITECTS LTD			SOUTHPORT STREET DEVELOPMENT CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T1.0 C1.0 R0.35	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	12130	Height:	Storeys:	29	
Frontage (m):	104		Metres:	93.5	
Depth (m):	135				
Total Ground Floor Area (sq. m):	4464				Total
Total Residential GFA (sq. m):	45668		Parking Spaces:	680	
Total Non-Residential GFA (sq. m):	2203.6		Loading Docks	0	
Total GFA (sq. m):	47871.6				
Lot Coverage Ratio (%):	36.8				
Floor Space Index:	3.9				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	294
2 Bedroom:	248
3 + Bedroom:	16
Total Units:	558

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	45668	0	0
Retail GFA (sq. m):	2203.6	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Philip Carvalino, Senior Planner
	TELEPHONE:	416-394-8233

Attachment 6: Draft Official Plan Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2012, as
34-50 Southport Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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

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

1. The attached Amendment No. 198 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

The following text constitutes Amendment No. 198 to the Official Plan for the City of Toronto, being an amendment to the provisions of Chapter 6, Section 25, Swansea Secondary Plan.

1. The Official Plan of the City of Toronto is amended as follows:

Chapter 6, Section 25, Swansea Secondary Plan, is amended by deleting Policy 1. of Section 6. Site and Area Specific Policies therein and replacing it with the following text:

- " 1. 34- 50 Southport Street

A maximum density of 4.0 times the lot area is permitted provided that:

- (a) any new development has a minimum of 1,300 square metres and a maximum of 2,200 square metres of floor area for the purposes of retail and service uses."

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Attachment 7: Draft Zoning By-law

CITY OF TORONTO BY-LAW No. _____ - 2012

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 34 -50 Southport Street

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

WHEREAS pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law;

WHEREAS the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”);

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development;

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.

2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*

4. None of the provisions of Sections 2 with respect to the definitions *grade, height, and lot, live live/work units* and *parking garage* 4(2)(a), 8(2)14, 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part IV 1, 8(3) Part XI 2 (i) (ii) and (iii) of By-law 438-86 of the former City of Toronto, being “A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection or use of one or more *mixed-use buildings and live work units* including *accessory uses* and a *parking garage*, on the lands shown on Map 1, municipally known as 34 - 50 Southport Street (hereinafter referred to as the "*lot*"), provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 47,900 square metres provided:
 - (i) the *residential gross floor area* does not exceed 45,700 square metres, and shall not be located above the elevation of 93.5 metres for building B or 84.65 metres for building A;

 - (ii) a minimum of 1,300 square metres and a maximum of 2,200 square metres of *non-residential gross floor area* shall be provided on the *lot*;

 - (iii) the minimum *non-residential gross floor area* used for *retail stores* is 1,250 square metres; and,

 - (iv) the *retail stores* shall only be permitted on the first storey above grade located within the building identified as Building 'A' on the attached Map 2; and

 - (c) no portion of the building or structures erected on the *lot* or used above

grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 attached to and forming part of this By-law, except for the following;

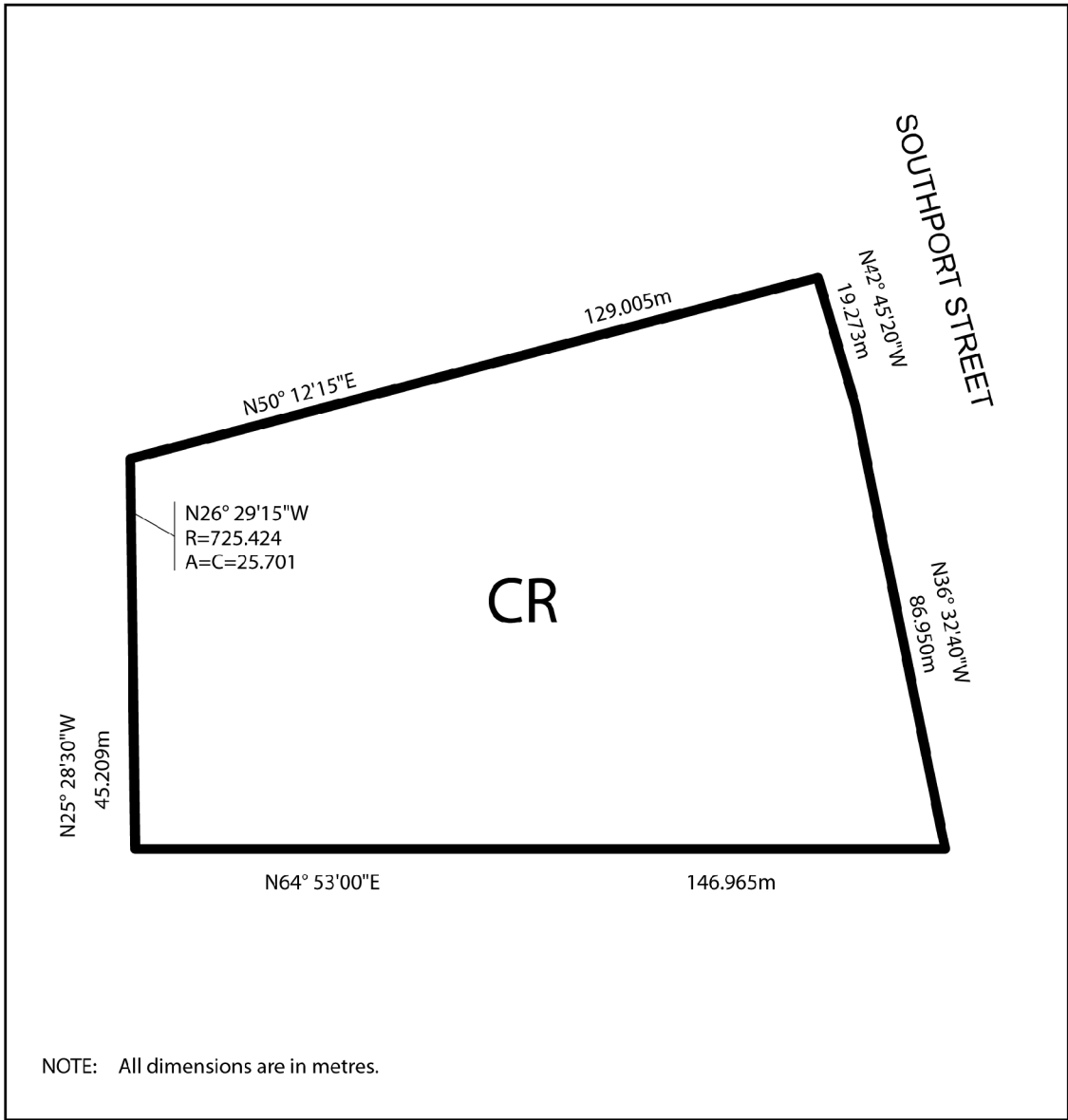
- (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2;
 - (ii) lighting fixtures, lightning rods, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2; and
 - (iii) balconies, which may extend to a maximum horizontal projection perpendicular from an exterior building wall of 1.8 metres beyond the heavy lines shown on Map 2, provided that such a balcony does not project beyond the dashed line on Map 2 indicating the boundary of the *lot*.
- (d) the *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by the numbers following the symbol H on the attached Map 2 except those items listed in Section 2(c) (i)(ii)(iii) of this By-law;
- (e) *parking spaces* are provided on the lot in accordance with the following minimum standards:
- (i) *0.80 parking spaces* for each *bachelor dwelling unit*;
0.90 parking spaces for each *one bedroom dwelling unit*;
1.00 parking spaces for each *two bedroom dwelling unit*;
1.20 parking spaces for each *dwelling unit having three or more bedrooms*;
 - (ii) a minimum of *.20 parking spaces* per residential dwelling unit shall be provided for use of visitors; and
 - (iii) for the purposes of this By-law, a minimum of 56 residential visitor parking spaces may be shared. All shared parking must be available to residential visitors between the hours of 7:00 p.m. and 7:00 a.m., seven days a week, with each of the designated visitor/commercial parking stalls being signed to this effect.
- (f) a minimum of 416 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

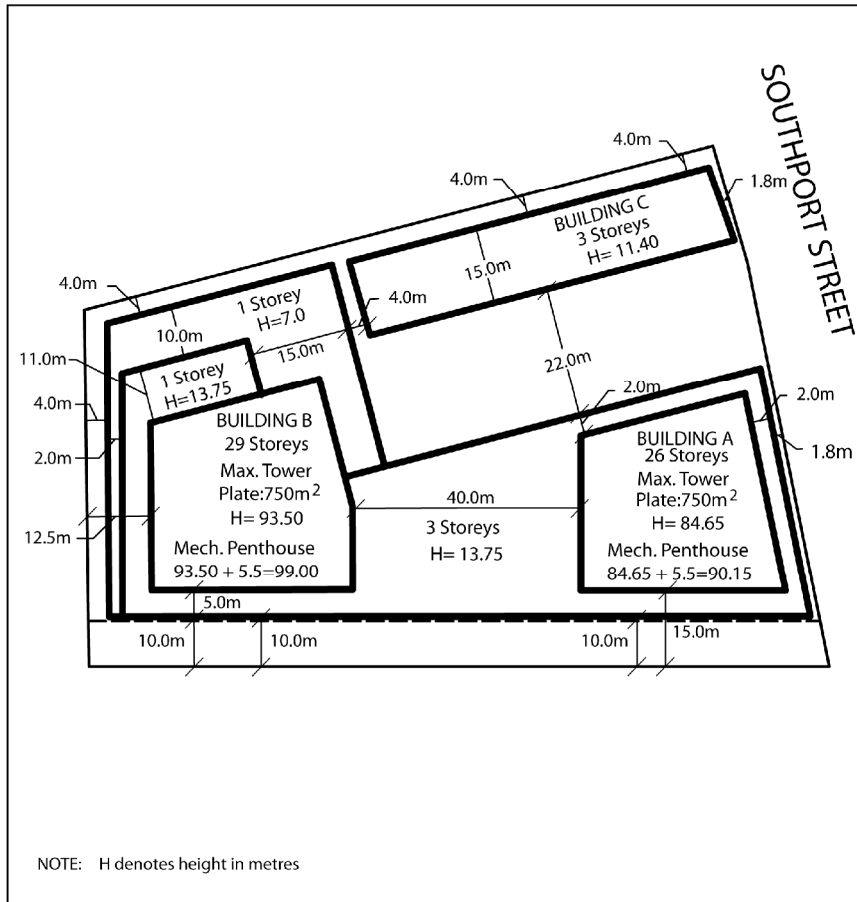
- i) for residential occupants, not less than a minimum of 326 *bicycle parking spaces-occupant*;
 - (ii) for residential visitors, not less than a minimum of 82 *bicycle parking spaces-visitor* to be provided.
 - (iii) for commercial/retail occupants, not less than a minimum of 2 *bicycle parking spaces-occupant*; and
 - (iv) for commercial/retail visitors, not less than a minimum of 6 *bicycle parking spaces-visitor* to be provided.
- (g) at least one *loading space-type G* shall be provided and maintained on the *lot*;
- (h) at least one *loading space-type B* shall be provided and maintained on the *lot*;
5. Notwithstanding Section 8(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the *lot* for any purpose except one or more of the following uses,
- (i) one or more *mixed-use buildings*;
 - (ii) *retail store, restaurant or take-out restaurant* having a minimum of 1,250 square metres;
 - (iii) *live work unit*; and
 - (iv) uses *accessory* thereto, including a *parking garage*.
6. For the purposes of this By-law,
- (a) *grade* means 79.60 metres Canadian Geodetic Datum;
 - (b) "*lot*" comprises the parcel of land outlined by heavy lines on Map the attached Map 1;
 - (c) "*height*" shall mean the vertical distance between *grade* and the highest point of the roof surface of the building, but excludes mechanical penthouses, elevator rooms, parapets, and architectural elements, which are permitted at a maximum of 5.5 metres above the maximum permitted height;
 - (d) a "*live live/work unit*" shall be defined as "a unit that contains a subsidiary business or retail use, which business or retail use is

conducted only by an individual that lives/resides in the dwelling. The subsidiary business or retail use shall be restricted to the ground/ main floor only. The uses allowed as a subsidiary business include restricted professional offices or retail store (not including any medical, dental, medical laboratories, restaurant, food preparation, food retail, video sales/rentals, automotive repair, rental or parts, printing or photo finishing, or dry cleaning establishments), workshop, studio, personal grooming establishment or tailoring shop, professional office, or travel agency.

- (e) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of sale of *dwelling units* to be erected on the *lot*; and
 - (f) excluding definitions found in 4(a)-(f) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
7. None of the provisions of former City of Toronto By-law 438-86, as amended, shall apply to prevent the erection and use of a *temporary sales office* on the *lot*.
 8. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition, or division occurred.
 9. Phasing of the development is permitted provided that each phase of the development shall comply with all zoning requirements related to each phase.
 10. Despite any other By-laws that apply to the lot, the provisions of this By-law shall prevail.
 11. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities. (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 12. Except as provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this ___ day of _____, 20___.





Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of both the financial contributions and any letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- (1) the *owner* shall provide prior to the issuance of the first above grade building permit for all or any part of the *lot* the *owner* shall pay to the *City* the sum of an indexed cash contribution of \$1,400,000, prior to the issuance of the first above-grade building permit, to be allocated generally as follows:
 - i. \$ 25,000 for capital improvements to Swansea Mews (TCHC);
 - ii \$ 160,000 for capital improvements to Swansea Town Hall;
 - iii \$ 300,000 for capital improvements to the Runnymede Library;
 - iv \$ 20,000 for Humber River lighting hydro connections;
 - v \$ 895,000 to be distributed in consultation with the Ward 13 Councillor among a) capital improvements in local parks; b) local streetscape improvements; and, c) Day Nursery capital improvements in Ward 13.

Such cash amount to be indexed upwardly 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 of the sum by the *owner* to the *City*.

- (2) the *owner* shall provide a public art contribution in the amount of \$500,000. Such cash amount to be indexed upwardly 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 of the sum by the *owner* to the *City*.
- (3) Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director (“Approved Exterior Development

Details”).

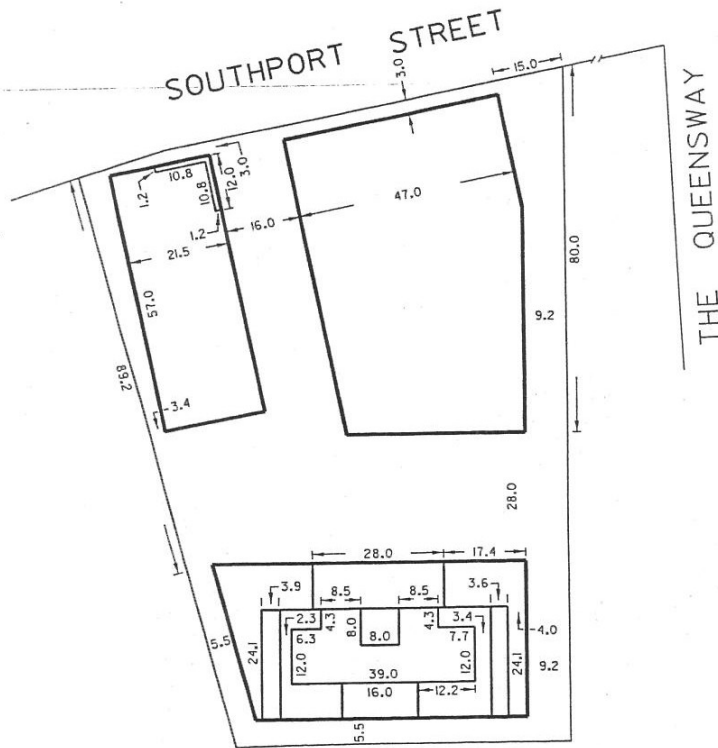
- (4) the *owner* shall incorporate in the construction of the development and there after maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (5) the *owner* shall incorporate in the construction of the development and there after maintain the Approved Exterior Development Details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (6) the *owner* shall, prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services.
- (7) the *owner* shall agree to provisions regarding environmental sustainability, wind mitigation, municipal services and street tree irrigation.
- (8) the *owner* shall complete the following transportation improvements, including providing a satisfactory detailed functional and engineering design, financial guarantees, engineering and inspection fees, and insurance to satisfaction of the City’s Executive Director of Technical Services regarding:
 - i) The Queensway/Windermere Avenue Intersection relating to:
 - a) Construction of any associated road widening (civil work) to increase the existing auxiliary southbound to eastbound left turn storage lane length at the north intersection approach to 40 metres with a 15 metre approach taper, and require the applicant to submit a cost estimate for the works to the satisfaction of the Executive Director of Technical Services.
 - b) Payment to the City for the installation of pavement markings and signage to increase the existing auxiliary southbound to eastbound left turn storage lane length at the north intersection approach to 40 metres with a 15 metre approach taper. Notwithstanding any civil work, the City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.
 - ii) South Kingsway/Ormskirk Avenue Intersection relating to:

- a) Payment to the City for the installation of pavement markings and signage of an auxiliary westbound to southbound left turn storage lane at the west intersection approach, providing 15 metre of vehicle storage with a 15 metre approach taper. This design shall be incorporated within the existing Ormskirk Avenue pavement cross-section by means of pavement markings. The City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.
 - b) Payment to the City for the installation of pavement markings and signage of an auxiliary southbound to eastbound left turn storage lane at the north intersection approach, providing 20 metres of storage and a 15 metre approach taper. This design shall be incorporated within the existing South Kingsway pavement cross-section by means of pavement markings. The City's Traffic Signs and Pavement Markings Unit will prepare a cost estimate and ultimately complete the pavement marking installation.
 - c) Payment to the City for the removal and relocation of the existing pedestrian crossover along South Kingsway just north of the approach of Ormskirk Avenue to incorporate the auxiliary southbound to eastbound left turn storage lane. The City's Traffic Plant Installation and Maintenance Unit will prepare a cost estimate and ultimately complete this installation.
- (9) prior to the issuance of any site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006* the *owner* of the *lot* shall provide a Construction Management Plan at its expense to the satisfaction of the Director, Technical Services, and thereafter the *owner* shall implement such plan;
 - (11) the *owner* shall, prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide a Pedestrian Wind Assessment study to the satisfaction of the Director, Community Planning, Etobicoke York District, and implement any recommendations therein.
 - (12) The *owner* shall satisfy the requirements of the Toronto Catholic District school Board and the Toronto District School Board regarding warning clauses and signage.
 - (13) the *Owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee

- (14) The *owner* of the *lot* shall enter into and register on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.

Attachment 8: OMB Approved Development

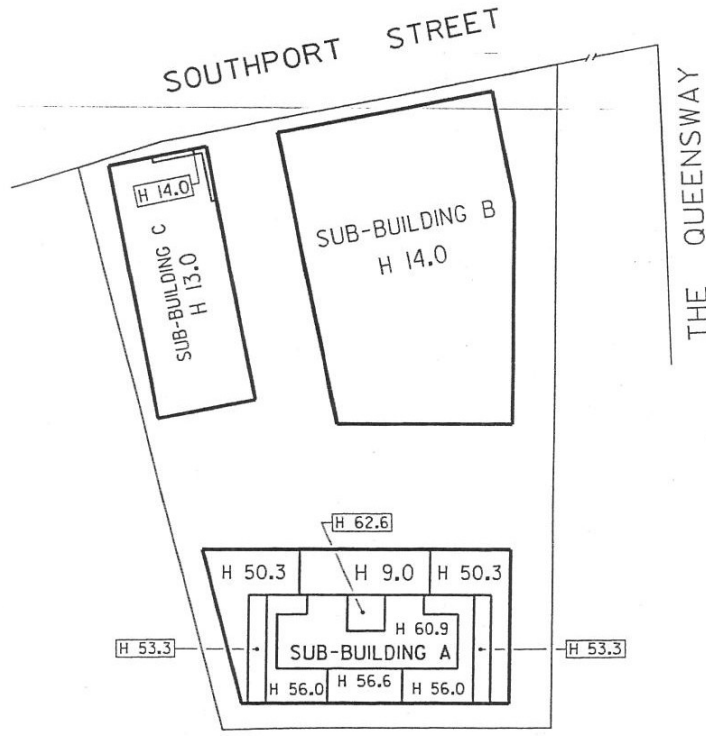
PLAN 2



10 0 10 20 METRES

WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER 10, 2004
 BLO4/ 345DPRT2.DGN
 FILE: 5140-21
 MAP NO. 47H-311 DRAWN: D.R.

PLAN 3



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER 21, 2004
BL04/3450PRT3.DGN
FILE: S140-21
MAP No. 47H-311 DRAWN: D.R.

Attachment 9: Community Comments

Comments and concerns raised by area residents during the application process, include the following.

1. The proposed development is too intense as the site is not located on an Avenue or a Centre

The site is designated *Mixed Use Areas* by the Official Plan. The Development Criteria in *Mixed Use Areas* for the development is discussed in the Official Plan section of this report. The proposed development conforms with the development criteria.

2. Traffic generated to and from the proposed development will have a negative impact on an already stressed network, including Windermere Place.

A Traffic Impact study was submitted in support of the proposed development. It has been reviewed and updated in accordance with staff comments. As a result of the review, there are required upgrades to the road network. A detailed commentary regarding the upgrades is discussed later in the Traffic Impact, Access and Parking section of this report.

3. The proposed Building Heights are too tall and out of character with the surrounding physical context

The historic physical character of the apartment neighbourhood consists of slab apartment houses at building heights ranging from 18 – 22 storeys. There have been recent developments in the Swansea area on the south side of The Queensway, which range in heights from 28-storeys to 35-storeys, as well as the building located at 1900 Lake Shore Boulevard West, which is south of the Swansea area. Densities in these recent developments range from over 5 times the area of the lot to 7.44 times the lot area.

4. Too many small units

The proposed development provides a range of unit sizes and bedroom counts. The proposed draft Zoning By-law provides flexibility should large units be required. The opportunity exists to provide larger units, subject to compliance with parking and amenity requirements, as well as being located within the proposed building mass.

Swansea is predominately comprised of single detached dwellings further north. Some of those dwellings have been converted to accommodate rental second suites, but the grade-related dwelling form dominates. In the southern portion of Swansea, the recent developments on The Queensway, together with this proposal, serve to provide a wider range of housing types.

5. Too much density

The proposed development is in line with recent approvals in the area in terms of heights and density, as noted above.

On December 2008, the Committee of Adjustment approved an increase in both height and density to 103 and 105 The Queensway (on the south side of The Queensway, directly across the street from Southport Street). The original approvals date back to the enactment of By-law 708-2001 and on the east side of Windermere Avenue by By-law 707-2001.

Currently, the heights of the three towers are from east to west, 28, 29 and 35 storeys. The tallest tower being 110.2 metres plus mechanical penthouse. The densities are over 5 times the area of the lot.

6. Construction Activity Impacts

Area residents have expressed concerns with noise, dust, gases and impacts to the ground water table that will result from the construction activity.

Noise and dust will be addressed by the requirement for a Construction Management Plan, which will indicate construction routes, dust control measures and hours of operation. The City also has property standards By-laws and a Noise By-law which help regulate construction activities.

In relation to impacts to ground water table and the need to de-water the site as part of the site excavation, the proponent has agreed to address potential construction damage to surrounding buildings by entering into agreements with individual building condominium corporations that will include audits, monitoring, and adequate insurance. This initiative will be the responsibility of the proponent and the surrounding buildings. The City will not be included as a third party.

7. Building Design and Inefficient Glass Cladding

There has been much discussion regarding the use of glass for cladding new buildings in the City of Toronto. Area residents raised concerns regarding the inefficiencies of glass, stated that it is not an aesthetically pleasing material, and that glass does not form part of the physical character of the area.

Staff note that all recently approved tall buildings in the surrounding area use glass as the predominant cladding material.

In order to address the design and building materials concerns, staff have recommended that pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the

satisfaction of the Chief Planner and Executive Director. This will provide staff an opportunity to secure appropriate materials and treatments form part of the approved development.

8. Commercial Uses

The community expressed a need for a food store (retail store) and retail serves that used to exist in the former Swansea Plaza.

Through the Working Group process, the applicant indicated that the retail floor area in the base of Building A would be marketed for food store, café and restaurant, which was encouraged by the area residents. The goal was to secure sufficient area to accommodate a food store. The balance of the retail uses could be used to animate the street and courtyard in a positive manner.

The retail floor area in Building C is considered too small for restaurants, food stores, or other larger format retail uses. This floor area is seen as an opportunity to provide service commercial uses such as personal grooming establishments, studio space or small scale office uses such as an accountant.