

592 Sherbourne Street and 15 Selby Street – Official Plan Amendment and Zoning Amendment Applications – Supplementary Report

Date:	June 9, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	Zoning Amendment Application 12 193918 STE 27 OZ Official Plan Amendment Application 13 264878 STE 27 OZ

SUMMARY

This is a Supplementary Report to the Final Report that has been prepared by the Director, Community Planning, Toronto and East York District dated May 27, 2014 for Official Plan and Zoning By-law Amendment application for 592 Sherbourne Street and 15 Selby Street. This report includes the recommendations for the Official Plan Amendment and Zoning By-law Amendment applications for City's Council's consideration.

The applications are to permit a 49-storey (170 metre) residential tower including a 3-storey (11 metre) base building with grade-related townhouse units at 592 Sherbourne Street. The Gooderham Mansion heritage building at 592 Sherbourne Street would be relocated closer to Sherbourne Street and connect with the proposed residential tower. Retail space is proposed on the ground floor of the Gooderham Mansion. The RH Rundle House heritage residential building located at 15 Selby Street would be conserved, however it is requested that offices and multiple residential dwelling units be permitted uses within the existing building.



The Official Plan Amendment would establish a Site and Area Specific Policy for the subject lands that would require conservation of the heritage buildings on the lands and also include permission for the proposed residential tower development on the 592 Sherbourne Street lands and limited office uses and multiple residential dwelling units in the heritage residential building located on the 15 Selby Street lands.

The Zoning By-law Amendment would establish a Site Specific zoning by law for the 592 Sherbourne Street lands which includes provisions related to: heritage conservation; maximum building height; maximum floor area; minimum building setbacks; maximum number of dwelling units; minimum number of bicycle and vehicle parking spaces; minimum indoor and outdoor amenity space; and permitted uses. It would also establish site specific zoning for the 15 Selby Street lands, which includes heritage conservation and permission for limited office uses and multiple residential dwelling units within the existing building.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan to establish a Site and Area Specific Policy for the lands at 592 Sherbourne Street and 15 Selby Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 1 to report (June 9, 2014), from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86 for the lands at 592 Sherbourne Street and 15 Selby Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to report (June 9, 2014), from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment, the owner shall:
 - i. Amend the existing Heritage Easement Agreement for the property at 592 Sherbourne Street in accordance with the approved plans and drawings subject to and in accordance with the herein required Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services including registration of such amending agreement to the satisfaction of the City Solicitor.

- ii. Provide such Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 592 Sherbourne Street and 15 Selby Street, dated June 13, 2012 and revised March 21, 2014, and all to the satisfaction of the Manager, Heritage Preservation Services.
 - iii. Enter into a Heritage Easement Agreement with the City for the property at 15 Selby Street to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor including registration of such agreement to the satisfaction of the City Solicitor.
 - iv. Complete and register a Section 37 Agreement (pursuant to the Planning Act) to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Manager, Heritage Preservation Services.
 - v. Submit to the City a certified cheque in the amount of \$4,666.51 based on Functional Servicing Report, prepared by Odan/Detech Group dated May 21, 2014 as Cash-in-Lieu for sanitary sewer upgrades, to the satisfaction of the Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment, City Council require the Owner to enter into one or more Agreements with the City, satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning, pursuant to Section 37 of the *Planning Act*, as follows:

The community benefits recommended to be provided by and at the Owner's expense and secured through a Section 37 Agreement are as follows:

- i. Prior to the earlier of the issuance of the first *above-grade permit* for all or any of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall complete the conveyance of the property known municipally as 15 Selby Street and comprising the *Selby Lands*, to the City at nominal consideration and inclusive of all closing costs, including but not limited to, transfer tax, registration fees, and the costs of obtaining a building condition assessment and cost estimate, satisfactory to the *City's* Director of the Affordable Housing Office and the *City's* Chief Planner and Executive Director, City Planning, for any needed renovations or major repairs to bring the building and/or existing rental units up to industry standards for operation as non-profit affordable rental housing within 120 days of the amending by-laws being in full force and effect, but exclusive of the usual adjustments made on closing, for the purpose of providing at least 5 affordable residential rental *dwelling units* on such lands to be operated by a non-profit housing provider to be selected by the City and on the following terms:

- a) The residential rental units shall be maintained as rental housing in perpetuity;
 - b) The residential rental units shall provide and maintain affordable rents that are no more than the City's Official Plan definition for Affordable Rental Housing;
 - c) Rent provisions for maintaining tenancies of the current tenants for as long as they should remain in the existing rental units; and
 - d) Appropriate tenant relocation and assistance, if required for needed renovations or repairs to the building to bring it up to industry standard;
- ii. Prior to the earlier of the issuance of the first *above-grade permit* for all or any of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall pay to the City by certified cheque a sum satisfactory to the City, to the City's Capital Revolving Fund for Affordable Housing, to be used by the City for capital repairs identified in Recommendation 5.i, with any remaining funds not required to complete the identified work to remain in the Capital Revolving Fund for Affordable Housing;
- iii. Prior to the earlier of the issuance of the first *above-grade permit* for all or any of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall pay to the City a sum satisfactory to the City to be allocated to area park improvements and to local area streetscape improvements in Ward 27;
- iv. In the event that the City, in its sole discretion, determines not to accept the conveyance of the property at 15 Selby Street, as outlined above, the Owner shall pay to the City, prior to the earlier of the issuance of the first *above-grade permit* for all or any of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement, by certified cheque a sum satisfactory to the City to be used for the following purposes:
 - a) to be directed to the City's Capital Revolving Fund for Affordable Housing in Ward 27;
 - b) to be allocated to area park improvements and to local area streetscape improvements in Ward 27;
- v. The payment amounts in Recommendation 5 herein to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its

successor, calculated from the date of the Section 37 Agreement to the date of each such payment to the *City*;

- vi. In the event all or any of the above noted payments in this Appendix 1 have not been used for the intended purpose(s) set out herein within three (3) years of the date of this By-law coming into full force and effect, the cash contribution(s) may be redirected for other capital improvement purposes at the discretion of the Chief Planner and Executive Director of City Planning (the "Chief Planner"), in consultation with the local Councillor, provided such purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *Sherbourne Lands*.
- vii. A minimum 10% of the dwelling units in the new development at 592 Sherbourne Street shall be 3 bedroom units;
- viii. That prior to Final Site Plan approval for the property at 592 Sherbourne Street:
 - a. The owner shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services.
 - b. The owner shall provide Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - c. The related Zoning By-law and Official Plan amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
- ix. That prior to the issuance of any permit for the property at 592 Sherbourne Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building the owner shall:
 - a. Obtain final approval for the necessary by-law amendments required for the alterations to the property at 592 Sherbourne Street and to permit the limited office uses at 15 Selby Street, such amendments to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner,

and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.

- b. Obtain Final Site Plan approval for such property, issued by the Chief Planner and Executive Director, City Planning.
 - c. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.
 - d. Provide a Lighting Plan that describes how the C. H. Gooderham House will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services.
 - e. Provide an Interpretation Plan for 592 Sherbourne Street, to the satisfaction of the Manager, Heritage Preservation Services.
 - f. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, and the approved Interpretation Plan.
- x. That prior to the release of the Letter of Credit the owner shall:
- a. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services.
 - b. Provide replacement Heritage Easement Agreement photographs for the property at 592 Sherbourne Street to the satisfaction of the Manager, Heritage Preservation Services.

6. City Council authorize the City to enter into an agreement of purchase and sale acceptable to the City Solicitor and Director of Real Estate for the property known as 15 Selby Street with the Owner for the purpose of acquiring the property at nominal cost at the Owner's expense, to either lease or transfer it to a not-for-profit housing provider selected by the City, to be used for the purpose of providing affordable rental housing.
7. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner of 15 Selby Street to enter into an agreement of purchase and sale with the City for the sale to it of 15 Selby Street, at nominal cost, with the agreement to include, but not be limited to the following provisions and conditions:
 - a. the agreement is assignable by the City;
 - b. the owner providing an up-to-date survey of the property;
 - c. the closing of the transaction is conditional upon the City obtaining a satisfactory building condition assessment, and to be paid for by the owner;
 - d. the property is legally zoned for multi-residential use at the time of closing;
 - e. receipt by the City of the rent roll for the building, satisfactory to it;
 - f. closing conditional upon the City receiving estoppels certificates from all current tenants of the property, satisfactory to the City;
 - g. the closing to be at the expense of the owner; and
 - h. the property is free and clear of encumbrances, to satisfaction of the City Solicitor.
8. The City Solicitor be authorized to complete the purchase transaction on behalf of the City, establishing and amending the closing date of the agreement of purchase and sale and any other dates to such dates and on such terms and conditions as she may from time to time consider reasonable.
9. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing, including specific actions set out in Council Authorities to Implement Matters Pursuant to the Section 37 Agreement as Appendix 1 to the report from the Director, Community Planning Toronto and East York District, entitled "592 Sherbourne Street and 15 Selby Street – Official Plan and Zoning Amendment Application – Final Report" dated May 27, 2014 and the associated "Supplementary Report dated June 9, 2014".

10. City Council authorize and direct the appropriate City Officials to undertake a competitive process for the selection of a non-profit rental housing operator for the provision of affordable rental housing within the existing building at 15 Selby Street.
11. City Council authorize the City to enter into a Agreement(s) with a non-profit rental housing operator to be selected by the City for the intended purpose as set out in the report from the Director, Community Planning Toronto and East York District, entitled "592 Sherbourne Street and 15 Selby Street – Official Plan and Zoning Amendment Application – Final Report" dated May 27, 2014 and the associated "Supplementary Report dated June 9, 2014".
12. City Council authorize and direct the City to enter into the necessary agreement(s) with the approved non-profit rental housing operator for the provision of affordable rental housing within the existing building at 15 Selby Street, as set out in the Section 37 Agreement.
13. The Chief Planner, Executive Director, Community Planning report directly to City Council, if necessary, on any further modifications to the Section 37 provisions including the payment amounts.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Further to the Final Report, the following comments are provided with respect to Trees and Servicing.

COMMENTS

Further to the comments in the Final Report from the Director of Community Planning, Toronto and East York District, the following comments are provided with respect to Trees and Servicing.

Trees

There is one privately owned tree that meets the criteria for protection under the City of Toronto's Private Tree By-law, and a total of 5 street trees which are protected under the provisions of the City's Street Tree By-law. The development proposes the removal of these trees, which will require approval from the City.

A comprehensive streetscape plan will form part of the site plan review of the proposed development on the Sherbourne Street lands, which will require the planting of new street trees.

Servicing

Staff has finalized their review of the servicing details for the proposal, and is requesting a cash-in-lieu payment of \$4,666.51 for sanitary sewer upgrades before the enactment of the Bills.

Section 37

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- The conveyance of the property known municipally as 15 Selby Street to the City at nil consideration and inclusive of all closing costs such as a land transfer tax, registration fees, etc., but exclusive of the usual adjustments made on closing for the provision of at least 5 affordable residential rental housing units;
- Payments to the satisfaction of the City, to be allocated to the City's Capital Revolving Fund for Affordable Housing to be used by the City for any needed capital repairs for 15 Selby Street, with any remaining funds not required to complete the identified work to remain in the Capital Revolving Fund for Affordable Housing; and
- Payments to be allocated to area park improvements and to local area streetscape improvements in Ward 27.

In the event that the property at 15 Selby Street is not conveyed to the City, as outlined above, the City at its sole discretion shall require the owner to make the following cash contributions to be directed to the City's Capital Revolving Fund for Affordable Housing in Ward 27, and additional payments for area park improvements and to local area streetscape improvements in Ward 27.

At the time of writing this report, the payment amounts are still under discussion.

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

1. Heritage Conservation requirements for the heritage buildings at 592 Sherbourne Street and 15 Selby Street.
2. a minimum of 10% of the dwelling units in the new development at 592 Sherbourne Street shall be 3 bedroom units

The conveyance of 15 Selby Street to the City for the purpose of providing affordable rental housing is supportable because of the following distinguishing traits of the property and site.

The building at 15 Selby Street currently provides for a total of 5 residential rental units with a mix of affordable and mid-range rents. The existing building contains 3 one-bedroom and 2 two-bedroom rental units with a mix of affordable and mid-range rents (1 affordable 1-bdrm, 4 mid-range). There are 4 parking spaces available to tenants and coin-operated laundry in the building.

As a building of only 5 dwelling units, this property is not currently protected from demolition or conversion to condominium or other non-residential uses under the City's rental housing protection policies. Conveyance of this property to the City as a Section 37 benefit for the provision of affordable rental housing by a non-profit housing provider will secure the rental tenure of the property into the future. The operation of the property by a non-profit housing provider will eventually result in lower rent levels for the existing rental units as current tenants leave the premises over time. It is anticipated that the acquisition of the existing building will result in the provision of additional affordable rental units in the downtown, provide protection of the building's heritage attributes, and ensure that the property will continue to function as an important transition point to the neighbourhood.

The City will undertake a competitive process for the selection of a non-profit rental housing operator who will enter into a long-term lease with the City for the provision of affordable rental housing at 15 Selby Street. The terms would include providing the building and the 5 existing rental housing units in a condition that is suitable for immediate occupancy and operation as non-profit affordable rental housing, however as existing tenants would be permitted to remain the affordable aspect would occur with tenant turnover over time.

The Section 37 terms will provide for an allowance for capital repairs if needed to bring the building up to industry standards for the immediate operation of the building by the successful non-profit provider upon transfer to the City. This is consistent with the City's approach to other Section 37 community benefits such as community centres, daycares or new affordable housing contributions and minimizes any additional capital expense that the City or non-profit operator may take on. The timing of the transfer will also be included in the Section 37 Agreement.

As of June 1st all existing rental units were rented. The terms will also include rent provisions to ensure that current tenants of the building can remain for as long as they wish to occupy the existing rental units and that an acceptable tenant relocation and assistance package is provided, if relocation is required.

The City's practice has been to ensure the ongoing provision of units are rental tenure and the maintenance of affordable rent status by registering these terms on the lands through a section 37 zoning by-law and agreement and with further details for the operation of the affordable rental housing provided for through a Contribution Agreement and/or lease agreements to the satisfaction of the Director of the Affordable Housing Office.

CONTACT

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SIGNATURE

Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. XXX-2014

To adopt Amendment No. XXX to the Official Plan of the City of Toronto with respect to lands municipally known as 592 Sherbourne Street and 15 Selby 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; and

WHEREAS the 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 enacts:

1. The text and maps attached are adopted as an amendment to the Official Plan for the City of Toronto
2. This is Official Plan Amendment No. XXX.

ENACTED AND PASSED this ___ day of _____, A.D. 2014.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

AMENDMENT NO. XXX
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO
LANDS MUNICIPALLY KNOWN IN THE YEAR 2013 AS
592 SHERBOURNE STREET AND 15 SELBY STREET

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for lands known municipally in 2013 as 592 Sherbourne Street and 15 Selby Street as follows:

XXX. 592 Sherbourne Street and 15 Selby Street

1. On the lands shown as XXX on Map 29 the following policies shall apply to any zoning by-law amendment for the redevelopment of all or any part of the lands identified on Map 29 as the Sherbourne Lands (the "*Sherbourne Lands*") in the event that any such redevelopment requires increases in height or density beyond that permitted on the *Sherbourne Lands* in the year 2013:

- (a) On the *Sherbourne Lands*, a residential and/or mixed-use building may be permitted subject to the following:
 - i. the existing heritage building located on the *Sherbourne Lands* on the date of enactment of this amendment (the "*Gooderham Mansion*"), including the exterior and the interior, shall be retained *in situ*, conserved, restored and re-used in any new development in accordance with a conservation plan prepared to the satisfaction of the City, and in accordance with an agreement or an amending agreement registered on the *Sherbourne Lands* and entered into by the *owner* of such lands with the City, to the satisfaction of the City, pursuant to Section 37 of the *Ontario Heritage Act* (the "*Gooderham heritage easement agreement*") to be entered into by the *owner* of the *Sherbourne Lands* prior to the enactment of any zoning by-law amendment referred to in clause (a) ii. D herein;
 - ii. despite clause (a) i. herein requiring the *Gooderham Mansion* to be retained *in situ*, this Site and Area Specific Policy No. XXX shall not be interpreted as prohibiting the relocation of the *Gooderham Mansion* within the *Sherbourne Lands* to a final location close to Sherbourne Street generally in alignment with the relocated existing heritage building known in the year

2013 as the James Cooper House immediately to the south, provided

- a. clauses (a) i. to xi. herein are otherwise complied with,
 - b. the City, pursuant to the *Gooderham heritage easement agreement* permits such relocation,
 - c. a permit pursuant to Section 33 of the *Ontario Heritage Act* is issued by the City and subject to compliance with any conditions imposed there under, and
 - d. any such relocation is substantially in accordance with a related and comprehensive site specific zoning by-law amendment for the *Sherbourne Lands* enacted by the City on the date of enactment of this official plan amendment by the City;
- iii. with respect to the relationship between the *Gooderham Mansion* and the proposed development, the siting of any new development and any proposed landscaping, should conserve the quality, character and integrity of the *Gooderham Mansion*;
- iv. with respect to the relationship between the proposed development and the existing heritage building (the "*A.H. Rundle House*") located on the lands identified on Map 29 as the *Selby Lands* (the "*Selby Lands*") on the date of enactment of this amendment, the siting of any new development and any proposed landscaping on the *Sherbourne Lands* should conserve the quality, character and integrity of the *A.H. Rundle House*;
- v. any new building is comprised of a base not exceeding 3 storeys in height, set back upper floors, and the maximum height of any new building shall not exceed 49 storeys, exclusive of a mechanical penthouse at the top of the building;
- vi. on the *Sherbourne Lands* any tower portion of the building shall have a minimum building setback of at least 20.0 metres from the west property line of the *Selby Lands*;

- vii. the combined *residential gross floor area* and *non-residential gross floor area* permitted on the *Sherbourne Lands* shall not exceed 37,750.0 square metres;

- viii. the *A.H. Rundle House* shall be retained *in situ* on the *Selby Lands* and shall be conserved in accordance with an agreement pursuant to Section 37 of the *Ontario Heritage Act* (the "*Selby heritage easement agreement*") to be entered into by the *owner* of the *Selby Lands* with the City prior to the enactment of any zoning by-law amendment referred to in clause (a) ii. D. herein and in accordance with one or more agreements pursuant to Section 37 of the *Planning Act* and/or other agreements pursuant to the *Planning Act* as may be applicable, to be entered into by both the *owner* of the *Sherbourne Lands* and the *owner* of the *Selby Lands* with the City, all to the satisfaction of the City;

- ix. on the *Selby Lands*, a zoning by-law amendment referred to in clause (a) ii. D herein may permit small scale office uses and multiple dwelling units in addition to the uses otherwise permitted on the *Selby Lands* provided redevelopment takes place on the *Sherbourne Lands* in accordance with this Site and Area Specific Policy;

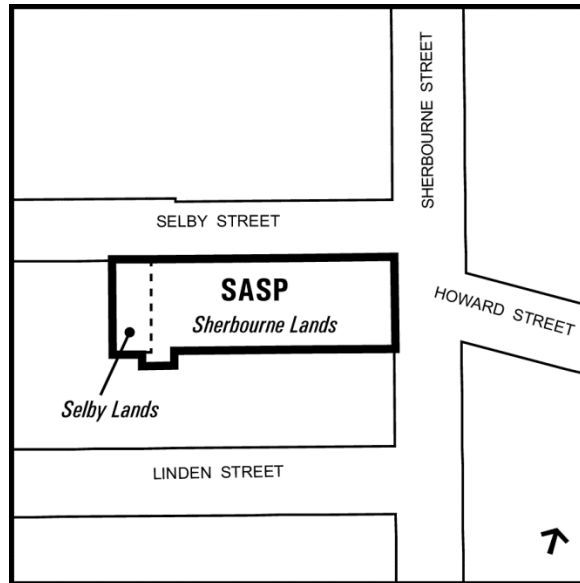
- x. prior to the issuance of any permit for the *Sherbourne Lands*, including pursuant to the *Ontario Heritage Act* or the *Building Code Act, 1992*, but excluding permits for repairs and maintenance of the *Gooderham House* and the *A.H. Rundle House* acceptable to the City's Manager, Heritage Preservation Services (the "*Manager*"),
 - a. a zoning by-law amendment referred to in clause (a) ii. D herein, and enacted by the City Council shall be in full force and effect in a form and with content acceptable to City Council,

 - b. site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006* shall have issued for the development on the *Sherbourne Lands*, by and to the satisfaction of the City, and

 - c. the *owner* of the *Sherbourne Lands* shall provide,

- i. a Conservation Plan for the *Sherbourne Lands*,
 - ii. full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in subclause x. C. I. herein, including a description of materials and finishes, prepared by the project architect and a qualified heritage consultant,
 - iii. a Lighting Plan that describes how the *Sherbourne Lands* will be sensitively illuminated to enhance the heritage character,
 - iv. an Interpretation Plan for the *Sherbourne Lands*, and
 - v. an upwardly indexed letter of credit to secure the satisfactory completion and implementation of the approved Conservation Plan and the approved Lighting Plan, all to the satisfaction of the *Manager*; and
- xi. one or more agreements pursuant to Section 37 of the *Planning Act*, shall be entered into with the City and registered on title to the *Sherbourne Lands* and the *Selby Lands* all to the satisfaction of the City, securing together with other appropriate facilities, services and matters set forth in a zoning by-law amendment referred to in clause (a) ii. D herein, the following:
- a. the entering into with the City and registration of a heritage easement agreement or an amending heritage easement agreement on the *Sherbourne Lands* as referred to in clause (a) i. herein and heritage easement agreement on the *Selby Lands*,
 - b. the preparation and implementation of the Conservation Plan, the Lighting Plan and the Interpretation Plan required in clause (a) x. C. herein, and

- c. the matters required in clause (a) x. C. II. and V. herein.



2. Chapter 7, Site and Area Specific Policies, is revised to add the lands known municipally in 2013 as 592 Sherbourne Street and 15 Selby Street shown on the map above as Site and Area Specific Policy No. XXX.

Attachment 2: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. XXX-2014

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands known municipally as 592 Sherbourne Street and 15 Selby Street

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2013 as 592 Sherbourne Street and 15 Selby Street; and

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

Whereas Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the lands by By-law 438-86, as amended, is 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 the lands and the City of Toronto (hereinafter referred to as the “City”) and

Whereas the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

Whereas the Council of the City has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

1. In accordance with the City of Toronto Transition Protocol, By-law No. 569-2013 is amended to remove the area of 592 Sherbourne Street and 15 Selby Street, as outlined by a thick black line on Map 1.

2. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands identified as the *Sherbourne Lands* on Map 1 (the "*Sherbourne Lands*") forming part of this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the *Sherbourne Lands* and the owner of the lands identified as the *Selby Lands* on Map 1 (the "*Selby Lands*"), of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by one or more agreements pursuant to Section 37(3) of the *Planning Act*.
3. Upon execution and registration of an agreement between the City and the owner of the *Sherbourne Lands* on title to the *Sherbourne Lands* and the *Selby Lands* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *Sherbourne Lands* and the *Selby Lands* are 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*, such building may not be erected or used until the *owner* of the *Sherbourne Lands* has satisfied the said requirement.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *Sherbourne Lands* and to the *Selby Lands*.
6. None of the provisions of Sections 2(1) with respect to the definitions of *lot*, *grade*, *height*, *bicycle parking space – occupant*, *bicycle parking space – visitor* and *parking space*, and Sections 4(2)(a), 4(5)(b), 4(12), 4(13), 4(17), 6(1)(a), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV, and 12(2) 260 of former City of Toronto Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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", as amended, ("By-law 438-86"), shall apply to prevent the erection and use of a *mixed-use building* containing residential and non-residential uses or an *apartment building*, on the lands identified as the *Sherbourne Lands* on Map 1 attached hereto including uses *accessory* thereto, and none of the provisions of Section 6(1) of By-law 438-86 shall apply to prevent the *AH Rundle House* containing multiple *dwelling units*, and/or office uses, on the lands identified as the *Selby Lands* including uses *accessory* thereto provided:

- (a) the *Sherbourne Lands* are comprised of at least the lands delineated by heavy lines and identified as such on Map 1 attached hereto;
- (b) the *Selby Lands* are comprised of at least the lands delineated by heavy lines and identified as such on Map 1 attached hereto;
- (c) in addition to the uses otherwise permitted in Section 6(1) of By-law 438-86, only the following non-residential uses are permitted on the *Sherbourne Lands*:
 - (i) *clinic*;
 - (ii) *community health centre*;
 - (iii) *day nursery*;
 - (iv) *restaurant*;
 - (v) *retail store*;
 - (vi) *take-out restaurant*;
 - (vii) *office*;
 - (viii) *private art gallery*;
 - (ix) *artist's or photographer's studio*;
- (d) despite any provision of this By-law or By-law 438-86, *medical offices* and *dental offices* are not permitted on the *Selby Lands* ;
- (e) in addition to the uses otherwise permitted in Section 6(1) of By-law 438-86, two or more *dwelling units* are permitted on the *Selby Lands*;
- (f) the total *residential gross floor area* erected and used on the *Sherbourne Lands* shall not exceed 37,750.0 square metres and the calculation of such total shall exclude any floor area contained within the *Gooderham Mansion*;
- (g) the total *non-residential gross floor area* erected and used on the *Sherbourne Lands* shall not exceed 225.0 square metres;
- (h) the total of the combined *non-residential gross floor area* and *residential gross floor area* erected and used on the *Selby Lands* shall not exceed the floor area within the *AH Rundle House*;
- (i) no portion of any building or structure erected or used above finished ground level on the *Sherbourne Lands* shall be located other than wholly within the

heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following:

- (i) bollards, eaves, architectural elements, cornices, balustrades, lighting fixtures, awnings, canopies, fences and safety railings, parapets, trellises, window sills, window washing equipment, privacy screens, dividers, privacy walls, guardrails, vents, stacks, terraces, patios, wheelchair ramps, retaining walls, landscape features, stairs, stair enclosures, doors, window washing equipment, underground garage ramps and associated structures, planters and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes; and
- (ii) balconies not exceeding a maximum horizontal projection of 0.5 metres beyond the heavy lines on Map 2;
- (j) No part of any building or structure erected or used on the *Sherbourne Lands* shall be located within the hatched area as shown on Map 2 above a *height* of 6.2 metres above *grade* or below a *height* of 113.0 metres above *grade* with the exception of balconies which may have a maximum horizontal projection of 0.5 metres within such hatched area;
- (k) no part of any building or structure erected or used on the *Sherbourne Lands* shall exceed the *height* in metres or storeys specified by the numbers following the symbol “H”, shown on Map 2 attached hereto and forming part of this By-law, with the exception of the structures and elements provided for in subsection (i) above, subject to the restrictions on such elements and structure as noted therein;
- (l) the height of the *A.H. Rundle House* shown on Map 2 shall not exceed its height as it existed on the date of the passing of this By-law;
- (m) *residential amenity space* shall be provided on the *Sherbourne Lands* for use by the residents of such lands in accordance with the following:
 - (i) a minimum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit* erected on the *Sherbourne Lands* shall be provided in a multi-purpose room or rooms, which rooms may or may not be contiguous, at least one of which shall contain both a kitchen and washroom; and
 - (ii) a minimum of 1.2 square metres of outdoor *residential amenity space* shall be provided for each *dwelling unit* erected on the *Sherbourne Lands*, of which at least 40 square metres shall be provided in a location adjoining or directly accessible to indoor residential amenity space;

- (n) *parking spaces* for *dwelling units* erected or used on the *Sherbourne Lands* shall be provided and maintained on the *Sherbourne Lands* in accordance with the following:

For use by residents of the *Shebourne Lands*;

- (i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
- (ii) 0.5 *parking spaces* for each one-bedroom *dwelling unit*;
- (iii) 0.75 *parking spaces* for each two-bedroom *dwelling unit*;
- (vi) 1.2 *parking spaces* for each *dwelling unit* containing three or more *bedrooms*;

Visitor Parking:

- (v) 0.06 *parking spaces* for each *dwelling unit* for the use of residential visitors to the *Sherbourne Lands*;
- (o) Parking Space Dimensions – Minimum
A *parking space* is subject to the following:
- (i) Subject to (ii) and (iii) herein, a *parking space* must have the following minimum dimensions:
 - A. length of 5.6 metres;
 - B. width of 2.6 metres;
 - C. vertical clearance of 2.0 metres; and
 - D. the minimum width in B. herein must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to (iv) below;
 - (ii) For a *parking space* accessed by a *drive aisle* with a width of less than 6.0 metres, whether it is a one-way or two-way *drive aisle*, the minimum dimensions of a *parking space* are:
 - A. length - 5.6 metres;
 - B. width - 2.9 metres;
 - C. vertical clearance - 2.0 metres; and
 - D. the minimum width in B. herein must be increased by 0.3 metres if one or both sides of the *parking space* is obstructed according to (iv) below;
 - (iii) The minimum dimensions of a *parking space* that is adjacent and parallel to a *drive aisle* from which vehicle access is provided are:
 - A. length - 6.7 metres;
 - B. width - 2.6 metres;
 - C. vertical clearance - 2.0 metres; and

- D. the minimum width in B. must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to (iv) below; and
- (iv) The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
 - A. within 0.3 metres of the side of the *parking space*, measured at right angles, and
 - B. more than 1.0 metre from the front or rear of the *parking space*."
- (p) *parking spaces* for uses on the *Selby Lands* shall be provided in accordance with the following:
 - (i) a minimum of 0.35 *parking spaces* shall be provided for every 100 square metres of *non-residential gross floor area* devoted to office uses;
 - (ii) *parking spaces* are not required to be provided for *dwelling units* and uses *accessory* thereto erected and used on the *Selby Lands*;
 - (iii) for the purpose of this subsection (p), the five parking spaces existing on the *Selby Lands* as of the date of the passing of this By-law are deemed to be *parking spaces*;
- (q) *bicycle parking spaces* shall be provided and maintained on the *Sherbourne Lands* in accordance with the following:
 - (i) for residents of the *Sherbourne Lands*, not less than 0.8 *bicycle parking spaces - occupant* for each *dwelling unit* erected or used on the *Sherbourne Lands*;
 - (ii) for residential visitors to the *Sherbourne Lands*, not less than 0.2 *bicycle parking spaces - visitor* for each *dwelling unit* erected or used on the *Sherbourne Lands*;
 - (iii) no bicycle parking spaces are required for the non-residential uses on the *Sherbourne Lands*;
- (r) despite subsection (n) above, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, of a building erected on the *Sherbourne Lands* or used subsequent to the date of the passing of this By-law, may be reduced by 4 *parking spaces* for each *car-share parking space* provided and maintained on the *Sherbourne Lands*, up to a maximum of 7 *car-share parking spaces*;
- 7. None of the provisions of this By-law or the provisions of By-law No. 438-86 shall apply to prevent a temporary *sales office* on the *Sherbourne Lands*;

8. For the purpose of this By-law:
- (a) "*above-grade permit*" means the first *building permit* issued respecting all or any part of the *lot* that permits the erection of any *above grade* portion of a building and for clarity does not include a foundation permit;
 - (b) "*AH Rundle House*" means the existing heritage building located on the *Selby Lands* on the date of the passing of this By-law, as shown on Map 2;
 - (c) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows *bicycle parking spaces* to be positioned above or below one another with the aid of an elevating mechanism, the *bicycle parking space* within the stacker is not subject to the dimensions outlined in (i) and (ii) above;
 - (d) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows *bicycle parking spaces* to be positioned above or below one another with the aid of an elevating mechanism, the *bicycle parking space* within the stacker is not subject to the dimensions outlined in (i) and (ii) above;
 - (e) "*building permit*" means a permit issued under the *Building Code Act, 1992*, S.O. 1992, c.23 as amended or re-enacted from time to time, including a permit for excavation or shoring but it does not include any permit issued to construct a temporary *sales office* or a portion thereof or for repairs,

maintenance or renovation of any building existing on the *Sherbourne Lands* on the date of enactment of this By-law;

- (f) “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental, and where such organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (g) “*car-share parking space*” shall mean a *parking space* used exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of any building erected or used on the *Sherbourne Lands*;
- (h) “*drive aisle*” shall mean a *vehicle* passageway located within an area used for the parking or storage of 3 or more *vehicles*;
- (i) “*Gooderham Mansion*” means the portion of the existing heritage building built in 1882 and located on the *Sherbourne Lands* on the date of the passing of this By-law, as shown on Map 2, including as may be relocated to the area shown on Map 2 provided such relocation is in accordance with a heritage easement agreement or amending heritage easement agreement entered into pursuant to Section 37 of the *Ontario Heritage Act*;
- (j) “*grade*” means 116.25 metres Canadian Geodetic Datum;
- (k) “*height*” means the vertical distance between *grade* and the highest point of the building or structure;
- (l) “*parking space*” shall mean an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another vehicle;
- (m) “*sales office*” means a building, structure, facility or trailer on the *Sherbourne Lands* used exclusively for the initial sale and/or leasing of *dwelling units* to be erected on the *Sherbourne Lands*;
- (n) “*Selby Lands*” shall mean the lands identified as the *Selby Lands* on Map 1 attached hereto;
- (o) “*Sherbourne Lands*” shall mean the lands identified as the *Sherbourne Lands* on Map 1, attached hereto;

(p) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended unless otherwise defined herein.

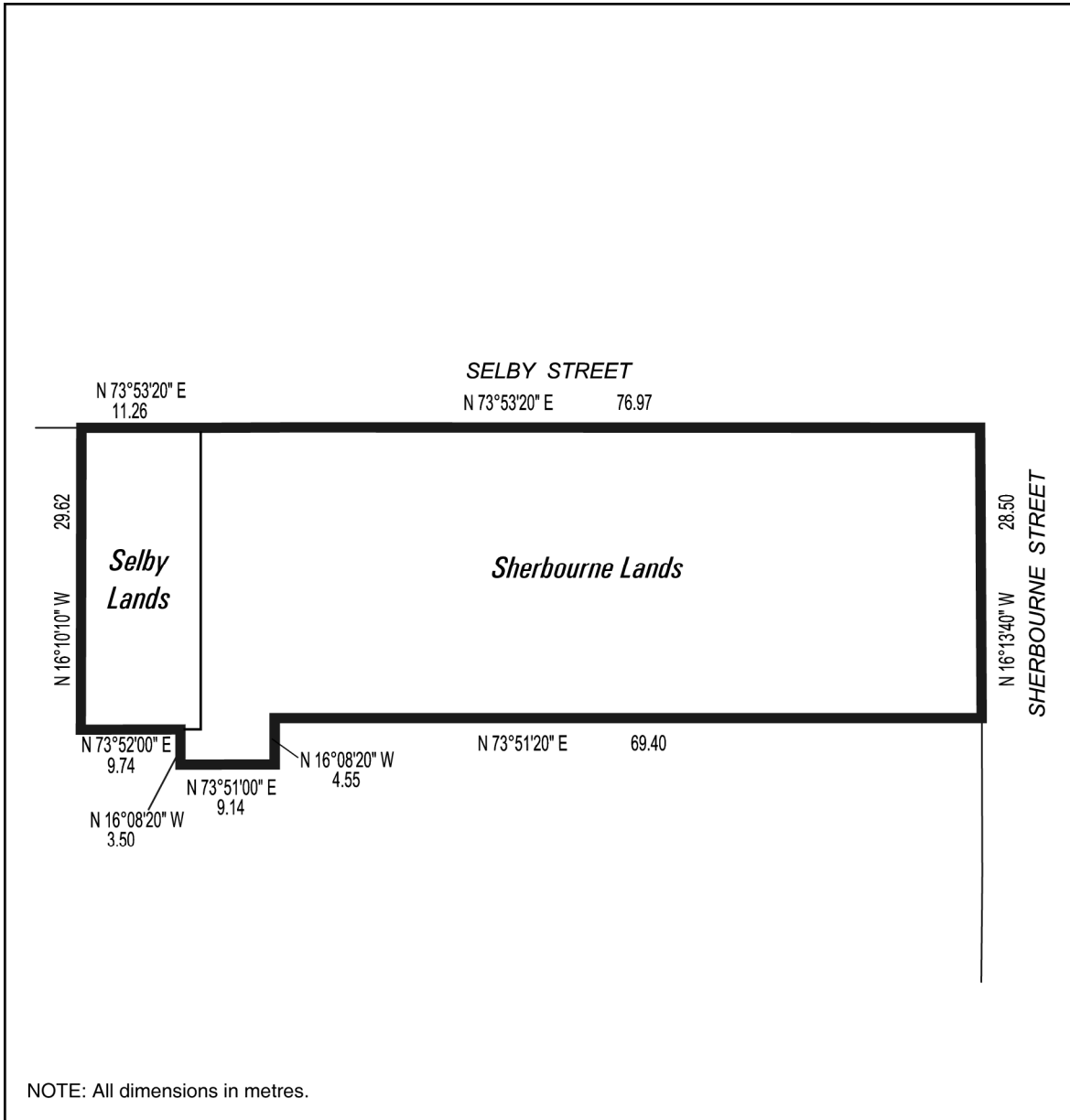
9. Notwithstanding any existing or future severance, partition, or division of the *Sherbourne Lands*, the provisions of this By-law shall apply to the whole of the *Sherbourne Lands* as if no severance, partition or division had occurred.
10. Within the *Sherbourne Lands*, no person shall use any land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this day of , A.D. 2014.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



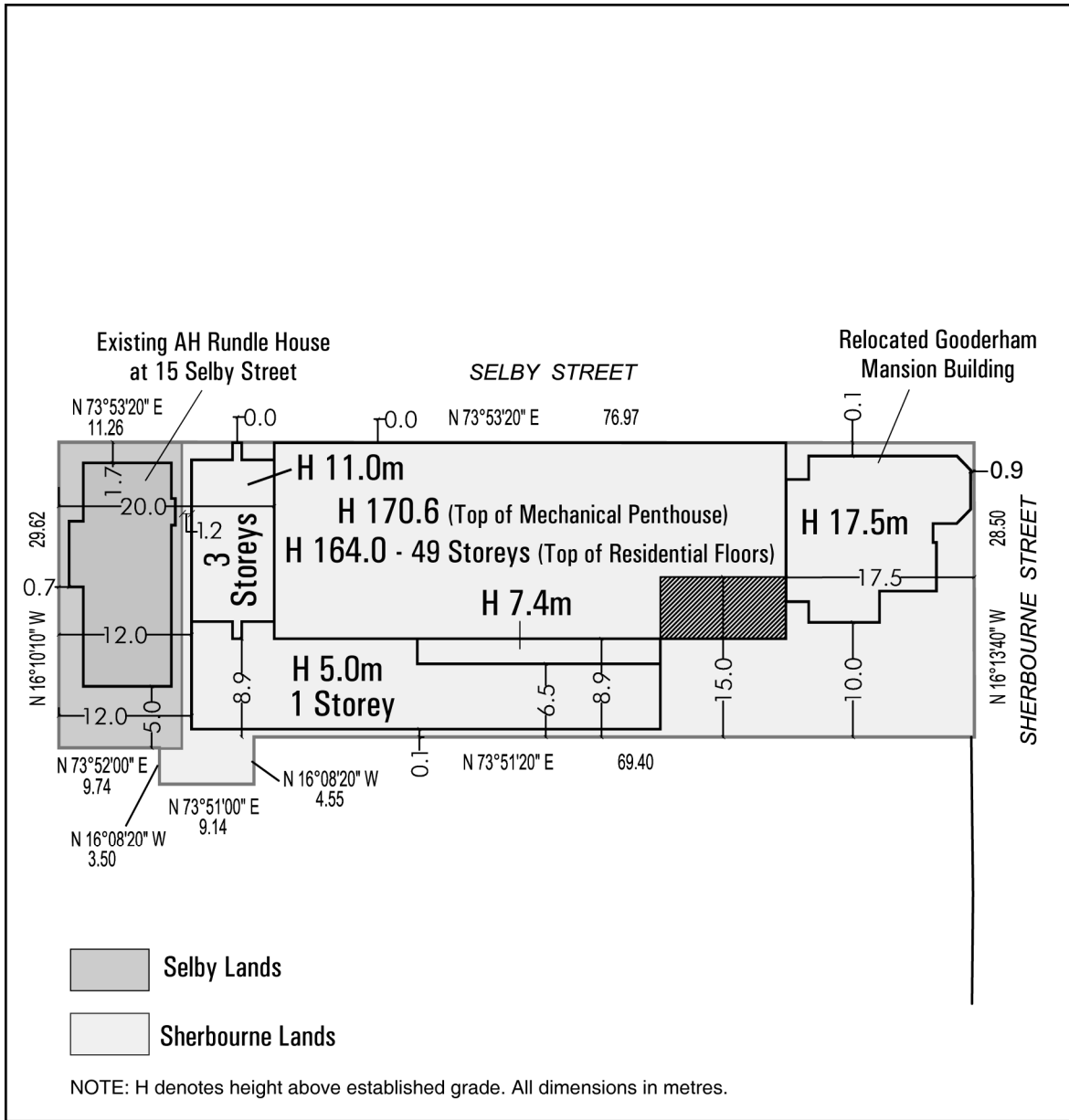
592 Sherbourne Street and 15 Selby Street

Map 1

File # 12 193918 STE 27 OZ



Not to Scale
06/13/2014



APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of both the *Sherbourne Lands* and the *Selby Lands* at their expense to the *City* in accordance with one or more agreements pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the earlier of the issuance of the first *above-grade permit* for all or any of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement required by this By-law, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall complete the conveyance of the property known municipally as 15 Selby Street and comprising the *Selby Lands*, to the *City* at nominal consideration and inclusive of all closing costs, including but not limited to, land transfer tax, registration fees, and the costs of obtaining a building condition assessment and cost estimate, satisfactory to the *City's* Director of the Affordable Housing Office and the *City's* Chief Planner and Executive Director, City Planning, for any needed renovations or major repairs to bring the building and/or existing rental units up to industry standards for operation as non-profit affordable rental housing within 120 days of the amending by-laws being in full force and effect, but exclusive of the usual adjustments made on closing, for the purpose of providing at least 5 affordable residential rental *dwelling units* on such lands to be operated by a non-profit housing provider to be selected by the *City*.
2. Prior to the earlier of the issuance of the first *above-grade permit* for all or any part of the *Sherbourne Lands*, or within 2 years of the execution of the Section 37 agreement required by this By-law, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall pay to the *City* by certified cheque the sum of \$_____, to the *City's* Capital Revolving Fund for Affordable Housing, to be used by the *City* for capital repairs identified in the building assessment report required in Section 1 of this Appendix, with any remaining funds not required to complete the identified work to remain in the Capital Revolving Fund for Affordable Housing.
3. Prior to the earlier of the issuance of the first *above-grade permit* for all or any part of the *Sherbourne Lands*, or within 2 years of execution of the Section 37 agreement required by this By-law, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall pay to the *City* by certified cheque a sum of \$ _____ for use towards

area park improvements and to local area streetscape improvements in Ward 27.

4. In the event the *City* in its sole discretion determines not to accept the conveyance of the property at 15 Selby Street comprising, the *Selby Lands*, the owner of the *Sherbourne Lands* and the *Selby Lands*, at their expense, shall pay to the *City*, prior to the earlier of the issuance of the first *above-grade permit* for all or any part of the *Sherbourne Lands*, or within 2 years of execution of the Section 37 agreement required by this By-law, by certified cheque the sum of \$_____ for use towards the following purposes:
 - a) \$_____ to be directed to the City's Capital Revolving Fund for Affordable Housing in Ward 27; and
 - b) \$_____ to be allocated to area park improvements and to local area streetscape improvements in Ward 27.
5. The payment amounts in Section 2 to 4 herein to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date of each such payment to the *City*.
6. Despite the foregoing, in the event all or any of the above noted payments in this Appendix 1 have not been used for the intended purpose(s) set out herein within three (3) years of the date of this By-law coming into full force and effect, the cash contribution(s) may be redirected for other capital improvement purposes at the discretion of the Chief Planner and Executive Director of City Planning (the "*Chief Planner*"), in consultation with the local Councillor, provided such purpose(s) are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *Sherbourne Lands*.
7. A minimum of 10 percent of the *dwelling units* in any new development on the *Sherbourne Lands* shall be 3 bedroom units.
8. Prior to the earlier of the issuance of the first permit, including a heritage permit pursuant to the *Ontario Heritage Act* or a *building permit* for all or any part of the *Sherbourne Lands* or site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, for all or any part of the *Sherbourne Lands*:
 - a. The *owner* of the *Sherbourne Lands* shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the City's Manager, Heritage Preservation Services (the "*Manager*");

- b. The *owner* of the *Sherbourne Lands* shall provide final site plan drawings including drawings related to an approved conservation plan to the satisfaction of the *Manager*; and
 - c. This By-law and the related Official Plan amendment shall be in full force and effect in a form and with content acceptable to the City.

- 9. Prior to the issuance of any permit for the *Sherbourne Lands*, including a heritage permit pursuant to the *Ontario Heritage Act* or a *building permit*, but excluding permits for repairs and maintenance of the existing heritage building the *owner* of the *Sherbourne Lands* and the *Selby Lands* shall:
 - a. Obtain Final Site Plan approval for the *Sherbourne Lands*, issued by the *Chief Planner* and to the satisfaction of the *Manager*;
 - b. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to a Conservation Plan approved by the *Manager*, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the *Manager*;
 - c. Provide a Lighting Plan that describes how the Gooderham Mansion will be sensitively illuminated to enhance its heritage character, to the satisfaction of the *Manager*;
 - d. Provide an Interpretation Plan for the *Sherbourne Lands*, to the satisfaction of the *Manager*, and
 - e. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the *Manager* to secure all work included in the approved Conservation Plan, and the approved Interpretation Plan.

- 10. Prior to the release of the Letter of Credit the *owner* of the *Sherbourne Lands* shall:
 - a. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an

appropriate standard of conservation has been maintained, all to the satisfaction of the *Manager*; and

- b. Provide replacement Heritage Easement Agreement photographs for the *Sherbourne Lands* to the satisfaction of the *Manager*.

- 11. The *owners* of the *Sherbourne Lands* and the *Selby Lands* enter into and register on title to the *Sherbourne Lands* and the *Selby Lands* 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*, to secure the facilities, services and matters set forth in this Appendix 1.