

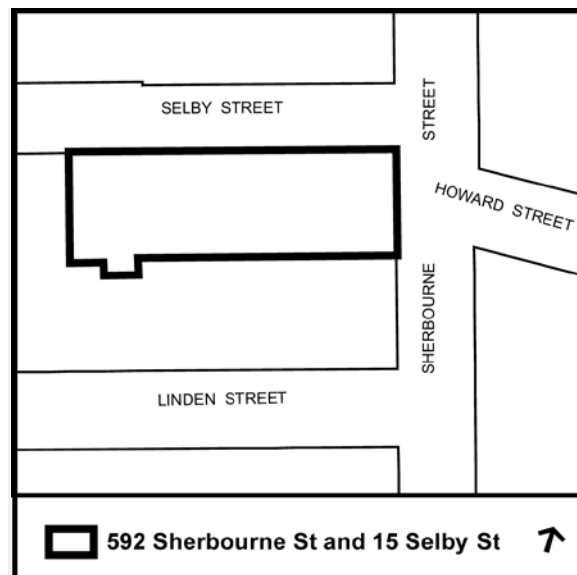
**592 Sherbourne Street and 15 Selby Street – Official Plan Amendment and Zoning Amendment Applications – Supplementary Report**

<b>Date:</b>	January 5, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	Zoning Amendment Application 12 193918 STE 27 OZ Official Plan Amendment Application 13 264878 STE 27 OZ

**SUMMARY**

City Council, at its meeting of July 8, 9, 10 and 11, 2014, approved with conditions an Official Plan Amendment and Zoning By-law Amendment application for lands comprising 592 Sherbourne Street (the Sherbourne Lands) and 15 Selby Street (the Selby Lands). The amendments were to permit a residential tower with retail at grade on the Sherbourne Street Lands, having a maximum height of not more than 49 storeys and 164.0 metres to the top of the residential floors, including a 3-storey base building with grade-related townhouse units.

Council also, among other matters: approved with conditions the alteration of the heritage designated C. H. Gooderham House (located on the Sherbourne Lands) under the Ontario Heritage Act; authorized the amendment of the existing Heritage Easement Agreement for such lands; and authorized the entering into of a Heritage Easement Agreement for the Selby Lands and stated its intention to designate such lands. As part of the proposal, the C. H. Gooderham House at 592 Sherbourne Street is to be relocated closer to Sherbourne Street and will connect with the proposed residential tower. The heritage listed AH Rundle House residential



building located at 15 Selby Street is to be conserved with offices and multiple residential dwelling units being permitted uses within the existing building which currently comprises 5 rental dwelling units. The community benefits pursuant to Section 37 of the Planning Act include among other matters, the conveyance of the Selby Lands to the City at nominal cost for the purpose of providing at least 5 affordable residential rental dwelling units on such lands, to be operated by the City or a non-profit housing provider to be selected by the City with provision for the City to elect a cash payment of \$1.6 Million dollars in place of the conveyance in the event the City is not satisfied with the condition of the property.

Since Council considered the application, City staff have been in discussions with the applicant regarding changes to the Section 37 provisions approved by Council, primarily as it relates to the timing of the conveyance of the property at 15 Selby Street to the City. There have also been discussions regarding some changes to the timing of certain heritage requirements to allow for the phased issuance of permits for the proposed development at 592 Sherbourne Street.

The applicant has also requested that the City consider two modifications to the previously approved official plan amendment and zoning by-law amendments to reduce the overall permitted maximum height in metres of the tower by 5.0 metres, from 164.0 metres to the top of the residential floors (170.6 metres to the top of the mechanical) to 159.0 metres to the top of the residential floors (165.6 metres to the top of the mechanical) and to permit the addition of one residential floor to the tower for a maximum of 50 storeys, together with the addition of the related residential gross floor area for such floor.

This report summarizes the changes and provides revised recommendations for City Council's consideration.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

- A. That City Council revise its decision of July 8, 9, 10 and 11, 2014, respecting TE33.10 by substituting the following in its place:
  1. City Council amend the Official Plan to establish a Site and Area Specific Policy for the lands at 592 Sherbourne Street (the "Sherbourne Lands") and 15 Selby Street (the "Selby Lands") substantially in accordance with the draft Official Plan Amendment to be provided at the January 13, 2015, Toronto and East York Community Council Meeting.
  2. City Council amend Zoning By-law 438-86, as amended of the former City of Toronto for the lands at 592 Sherbourne Street and 15 Selby Street substantially in accordance with the draft Zoning By-law Amendment to be provided at the January 13, 2015, Toronto and East York Community Council Meeting.

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, City Council shall require:
  - i. the owner of the Sherbourne Lands shall 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 and the City Solicitor;
  - ii. the owner of the Sherbourne Lands shall 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 finally revised December 19, 2014, and all to the satisfaction of the Manager, Heritage Preservation Services;
  - iii. the owner of the Selby Lands shall 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;
  - iv. the owners of the Sherbourne Lands and the Selby Lands shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services to secure the matters set forth in Part 5 below and Appendix 1 of the draft Zoning By-law Amendment provided at the January 13, 2015, Toronto and East York Community Council Meeting; and
  - v. the owner of the Sherbourne Lands shall submit to the City a certified cheque in the amount of \$4,666.51 based on the 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. City Council require that the community benefits to be provided by and at the owners' expense and secured through the Zoning By-law Amendment and the required Section 37 Agreement are as follows:

- i. subject to the City having the right to elect to take the cash payment and receiving such payment as provided for in Part 5.ii. below in place of the conveyance as described,
  - a. prior to the issuance of any foundation permit for all or any part of the Sherbourne Lands, the owner of the Selby Lands, at their expense, shall enter into an agreement of purchase and sale with the City for the conveyance to the City of the Selby Lands as is, for use as 5 affordable rental housing dwelling units with provision for maintaining tenancies of the current tenants as at the date of this Council decision, such agreement to be in a form and with content satisfactory to the City Solicitor in consultation with the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning on the following terms and conditions:
    - I. nominal consideration;
    - II. all closing costs, including but not limited to land transfer tax and registration fees, payable by the owner exclusive of the usual adjustments made on closing;
    - III. assignable by the City;
    - IV. the City assuming all existing tenancies with provision for the City to maintain tenancies for as long as such tenants remain in the existing rental units and with provision for appropriate tenant relocation and assistance, if required by the City;
    - V. the owner providing an up-to-date survey of the property, satisfactory to the City;
    - VI. the City obtaining a building condition assessment and a Phase 1 environmental study, both satisfactory to the City, the cost of which to be paid for by the owner (to a maximum of \$10,000);
    - VII. the property being legally zoned for multi-residential use at the time of closing;
    - VIII. receipt by the City of the rent roll for the building, satisfactory to the City;
    - IX. receipt by the City of estoppel certificates from all current tenants (at the time of closing) of the property, satisfactory to the City;

X. the property being free and clear of encumbrances, to the satisfaction of the City Solicitor; and

XI. closing to be the later of 30 months from the date of the issuance of the first foundation permit for all or any part of the Sherbourne Lands and 6 months after the completion of the foundation, as determined to the satisfaction of the Chief Planner and Executive Director, and in any event, no later than prior to the date of registration of any plan of condominium for all or any part of the Sherbourne Lands (the "Closing Date"); and

b. the owner of the Selby Lands shall complete the conveyance to the City of the property known municipally in the year 2014 as 15 Selby Street in accordance with the requirements set forth above in Part 5. i. a. I. to XI. above;

ii. in the event that the City, in its sole discretion, determines not to accept the conveyance of the property at 15 Selby Street provided for in Part 5.i above, the owner of the Sherbourne Lands shall pay to the City, prior to the Closing Date the sum of \$1,600,000.00 to be directed to the City's Capital Revolving Fund for Affordable Housing, with the proviso that the funds be spent on affordable housing in Ward 27;

iii. prior to the issuance of any above-grade permit, for the Sherbourne Lands, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services:

a. the owner of the Sherbourne Lands shall make a cash contribution to the City in the total amount of \$300,000.00 to be allocated as follows:

I. \$100,000.00 is to be allocated at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Ward Councillor, for streetscape improvements in the vicinity of the Sherbourne Lands, and

II. \$200,000.00 is to be allocated to the Affordable Housing Revolving Fund, with the provision that such funds are to be used to improve the AH Rundle House located on the Selby Lands, if the Selby Lands are conveyed to the City as provided in Part 5. i. b.); and

b. the owner shall pay for the building condition assessment and the Phase 1 environmental study referred to in Part 5. i. a. VI. above;

- iv. the payment amounts in Part 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;
- v. in the event the above noted payment in Part 5. iii. a. I. has not been used for the intended purpose set out herein within three (3) years of the date of the Amending Zoning By-law coming into full force and effect, such cash contribution may be redirected for other capital improvement purposes at the discretion of the Chief Planner and Executive Director of City Planning, 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;
- vi. a minimum of 10% of the dwelling units in the new development at 592 Sherbourne Street shall be 2 or 3 bedroom dwelling units, with each such dwelling unit having a minimum unit size of 79 square metres;
- vii. prior to Final Site Plan approval for the property at 592 Sherbourne Street:
  - a. the owner shall provide Final Site Plan drawings, including drawings related to the approved Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services;
  - b. the related site specific Official Plan and Zoning By-law amendments giving rise to the proposed heritage 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; and
  - c. the owner shall have obtained City Council approval for the alterations pursuant to the Ontario Heritage Act;
- viii. prior to the issuance of any permit for all or any part of the property at 592 Sherbourne Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services:
  - a. the related Zoning By-law and Official Plan amendments giving rise to the proposed alterations (the Alterations) to the property at 592 Sherbourne Street 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 and

including permission for limited office uses at 15 Selby Street (in the event the City elects to take the payment provided for in Part 5.ii. above in place of the conveyance);

- b. the owners shall register the agreements required in Part 4. i., iii., and iv. above being the Amending Heritage Easement Agreement on the Sherbourne Lands, the Heritage Easement agreement on the Selby Lands and the Section 37 Agreement on both the Sherbourne Lands and the Selby Lands, all to the satisfaction of the City Solicitor;
  - c. the owner of the Sherbourne Lands shall obtain Final Site Plan Approval for the Alterations permitted by the City Council for such property, issued by the Chief Planner and Executive Director, City Planning, and with content acceptable to the Manager, Heritage Preservation Services;
  - d. the owner of the Sherbourne Lands shall 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;
  - e. the owner of the Sherbourne Lands shall 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, and thereafter shall implement such Plan to the satisfaction of such Manager;
  - f. the owner of the Sherbourne Lands shall provide an Interpretation Plan for 592 Sherbourne Street, to the satisfaction of the Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of such Manager; and
  - g. the owner of the Sherbourne Lands shall 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, the approved Lighting Plan and the approved Interpretation Plan; and
- ix. that prior to the release of the Letter of Credit required in Part 5. viii. g. above 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, Heritage Preservation Services; and
  - b. provide replacement Heritage Easement Agreement photographs for the property at 592 Sherbourne Street to the satisfaction of the Manager, Heritage Preservation Services;
- x. notwithstanding the requirements of Part 5. viii. c. and d. above and in addition to the requirements of Part 5.viii. a., b., and e. to g. above, prior to the issuance of any permit for:
- a. the removal of the 3 and a half storey 1912 hotel addition and/or the alteration of the 3 storey rear wing, both being identified in a Heritage Impact Assessment and not identified as heritage attributes;
    - I. a Notice of Approval Conditions for site plan approval for the alterations permitted in TE33.11 as adopted by City Council at its meeting of July 8, 9, 10 and 11, 2014, as revised at its meeting of February 10 and 11, 2015, shall have been issued by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services;
    - II. the owner shall provide an acknowledgement in writing satisfactory to the Chief Planner and Executive Director, City Planning, acknowledging the owner's acceptance and agreement with the terms of such Notice of Approval Conditions, subject to such amendments as are satisfactory to the Chief Planner and Executive Director; and
    - III. the owner shall provide full building permit drawings for such 3 and a half storey removal, and 3 storey rear wing alteration, including notes and specifications for the protective measures keyed to the approved conservation plan, satisfactory to the Manager, Heritage Preservation Services; and
  - b. shoring, excavation and/or foundation for the property at 592 Sherbourne Street (together the "Foundation Works"), including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building at 592



Sherbourne Street and other usual and minor works acceptable to the Manager, Heritage Preservation Services, the owner shall,

- I. have entered into and registered the related site plan agreement for the Alterations to allow for the construction of a maximum 50-storey, and up to the specified height in metres, residential development with retail at grade within the heritage building on the lands known municipally in 2014 as 592 Sherbourne Street, including that the existing building on the 15 Selby Lands (A.H. Rundle House) be retained in situ and conserved, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services; and
  - II. have provided full building permit drawings for the Foundation Works, 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;
- xi. Prior to the issuance of any permit for all or any part of the Sherbourne Lands, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building at 592 Sherbourne Street and other usual and minor works acceptable to the Manager, Heritage Preservation Services, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter in support of the development shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary; and
- xii. In addition to any other timing provision in this Part 5. the owners shall have registered the agreements required in Part 4. i., iii. and iv. above, to the satisfaction of the City Solicitor prior to the coming into force of the Official Plan Amendment and Zoning By-law Amendment authorized by Parts 1. and 2. above.

6. City Council authorize the City to enter into an agreement of purchase and sale acceptable to the City Solicitor in consultation with the Director, Affordable Housing Office, the Director, Real Estate Services and the Chief Planner and Executive Director, City Planning for the property known in 2014 as 15 Selby Street with the owner in accordance with Part 5. i. a. above 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. City Council authorize the City Solicitor to complete the purchase transaction on behalf of the City, including establishing and amending the closing date, due diligence and any other dates and on such terms and conditions as she may from time to time consider reasonable, paying any necessary expenses, and amending and waiving terms and conditions on such terms as she considers reasonable.
8. City Council authorize the Chief Corporate Officer and the Director, Real Estate Services, severally, to accept the Offer to Sell on behalf of the City.
9. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to Council's decision.
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 for a minimum period of at least 25 years, in consultation with the local Ward Councillor. Affordable rental housing for these purposes shall have the same meaning as in the Toronto Official Plan.
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 (May 27, 2014) 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" and the associated supplementary report (June 9, 2014) and the associated supplementary report (January 5, 2015) from the Director, Community Planning, Toronto and East York District and Part 10. above.
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 and in Part 10. above and including amongst other matters, the following requirements:
  - i. at least 5 residential rental dwelling units to be provided and maintained for a minimum period of at least 25 years;

- ii. the residential rental dwelling units shall provide and maintain affordable rents that are no more than the City's Official Plan definition for affordable rental housing ;
  - iii. provision for maintaining tenancies of the existing tenants for as long as such tenants remain in the existing rental units; and
  - iv. provision for appropriate tenant relocation and assistance, if required by the City in accordance with the City's policies and/or practice.
13. City Council direct the Director, Community Planning, Toronto and East York District to provide for appropriate site plan consultation with the Ward Councillor and interested stake holders.
14. City Council authorize the City Solicitor to make any related revisions to the draft by-laws as the City Solicitor determines are appropriate to give effect to Council's decision.
15. City Council determine pursuant to subsection 34(17) of the Planning Act, that no further public notice is required in respect of such revisions.
- B. That City Council revise its decision of July 8, 9, 10 and 11, 2014, respecting TE33.11, by deleting Part 1. of such decision and substituting the following in its place:
- 1. City Council approve the alterations to the heritage property at 592 Sherbourne Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a maximum 50-storey, and up to the specified heights in metres shown on Map 2 to the proposed Zoning By-law Amendment to be provided at the January 13, 2015 Toronto and East York Community Council Meeting, residential development with retail at grade within the heritage building on the lands known municipally in 2014 as 592 Sherbourne Street, provided the existing building on the 15 Selby Lands (A.H. Rundle House) is retained in situ, conserved, such property is designated, and is subject to a Heritage Easement Agreement with the City, with such alterations to the property at 592 Sherbourne Street to be substantially in accordance with plans and drawings dated June 1, 2012, revised March 20, 2014, and finally revised December 19, 2014, prepared by BKL Architecture LLC, date-stamped received by City Planning on December 19, 2014, and on file with the Manager, Heritage Preservation Services, the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated June 13, 2012, revised March 21, 2014 and finally revised December 19, 2014, date-stamped received by City Planning on December 19, 2014, and on file with the Manager, Heritage Preservation Services, all subject to minor amendments satisfactory to the Manager of Heritage Preservation Services and all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage

Preservation Services (the "Alterations") and subject to the following additional conditions:

- a. that the related site specific Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed Alterations have been enacted by the City Council and have come into full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
- b. that prior to the introduction of the bills for such Official Plan Amendment and Zoning By-law Amendment to City Council, the respective owners shall have:
  - i. amended the existing Heritage Easement Agreement for the property at 592 Sherbourne Street in accordance with the above referenced plans and drawings and subject to and in accordance with the herein required Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor;
  - ii. provided such Conservation Plan, prepared by a qualified heritage consultant, is consistent with the conservation strategy set out in the Heritage Impact Assessment for the properties located at 592 Sherbourne Street and 15 Selby Street, dated June 13, 2012, revised March 21, 2014 and finally revised December 19, 2014, is provided all to the satisfaction of the Manager, Heritage Preservation Services, it being acknowledged that the requirement to provide an acceptable Conservation Plan has been satisfied with the submission of the Conservation Plan prepared by ERA Architects Inc., dated August 6, 2014 and revised August 18, 2014), which may be subject to such minor amendments as are satisfactory to the Manager of Heritage Preservation Services;
  - iii. entered 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; and
  - iv. entered into a Section 37 Agreement (pursuant to the Planning Act) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services;

- c. that prior to Final Site Plan approval for the Alterations for the property at 592 Sherbourne Street:
  - i. the owner shall provide Final Site Plan drawings including drawings related to the approved Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services;
  - ii. the related site specific Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed Alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services;
  
- d. prior to the issuance of any permit for all or any part of the property at 592 Sherbourne Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services:
  - i. the related Zoning By-law and Official Plan amendments giving rise to the proposed alterations (the Alterations) to the property at 592 Sherbourne Street 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);
  - ii. the owners shall register the agreements required in b. i., iii., and iv. above being the Amending Heritage Easement Agreement on the Sherbourne Lands, the Heritage Easement agreement on the Selby Lands and the Section 37 Agreement on both the Sherbourne Lands and the Selby Lands, all to the satisfaction of the City Solicitor;
  - iii. the owner of the Sherbourne Lands shall obtain Final Site Plan Approval for the Alterations permitted by the City Council for such property, issued by the Chief Planner and Executive Director, City Planning, and with content acceptable to the Manager, Heritage Preservation Services;
  - iv. the owner of the Sherbourne Lands shall 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;

- v. the owner of the Sherbourne Lands shall 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, and thereafter shall implement such Plan to the satisfaction of such Manager;
  - vi. the owner of the Sherbourne Lands shall provide an Interpretation Plan for 592 Sherbourne Street, to the satisfaction of the Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of such Manager; and
  - vii. the owner of the Sherbourne Lands shall 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, the approved Lighting Plan and the approved Interpretation Plan;
- e. notwithstanding the requirements of Part d. iii. and iv. above and in addition to the requirements of Part d. i., ii., and v. to vii. above, prior to the issuance of any permit for:
- i. the removal of the 3 and a half storey 1912 hotel addition and the alteration of the 3 storey rear wing, both identified in the HIA and not identified as heritage attributes , including a heritage permit or a building permit:
    - A. a Notice of Approval Conditions for site plan approval for the Alterations shall have been issued by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services;
    - B. the owner shall have provided an acknowledgement in writing satisfactory to the Chief Planner and Executive Director, City Planning, acknowledging the owner's acceptance and agreement with the terms of such Notice of Approval Conditions, subject to such amendments as are satisfactory to the Chief Planner and Executive Director; and
    - C. the owner shall have provided full building permit drawings for such 3 and a half storey removal and 3 storey rear wing alteration, including notes and specifications for the

protective measures keyed to the approved conservation plan, satisfactory to the Manager, Heritage Preservation Services; and

ii. shoring, excavation and/or foundation work for the property at 592 Sherbourne Street, (together the “Foundation Works”), including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building at 592 Sherbourne Street and other usual and minor works acceptable to the Manager, Heritage Preservation Services, the owner shall:

- A. have entered into and registered the related site plan agreement for the Alterations to allow for the construction of a maximum 50 storey, and up to the specified heights in metres shown on Map 2 to the draft Zoning By-law Amendment provided at the January 13, 2015 Toronto and East York Community Council Meeting, residential development with retail at grade, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services; and
- B. have provided full building permit drawings for the Foundation Works, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.

f. that prior to the release of the Letter of Credit required in Part d.vii. above, the owner shall:

- i. 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; and
- ii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

City Council at its meeting of July 8, 9, 10 and 11, 2014, approved with conditions an Official Plan Amendment and Zoning By-law Amendment application for a 49-storey residential tower including a 3-storey base building with grade-related townhouse units at 592 Sherbourne Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.10>

City Council at its meeting of July 8, 9, 10 and 11, 2014, also approved with conditions, the alteration of 592 Sherbourne Street, the C.H. Gooderham House, under the Ontario Heritage Act and the amendment of the existing Heritage Easement Agreement to allow for the related development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.11>

## **COMMENTS**

### **Summary of the changes to the proposed building**

The applicant has requested that the City consider changes to the previously approved development proposal. The overall height of the building would be reduced by 5 metres by reducing the floor to ceiling heights on the typical floors. An additional residential floor would be permitted that would increase the height of the proposed building in storeys from 49 to 50-storeys. A summary of the changes are provided below.

#### Proposed Changes

- Top of Mechanical Penthouse reduced from 170.6 metres to 165.6 metres (5 metre reduction)
- Top of Residential Floors reduced from 164.0 metres to 159.0 metres (5 metre reduction)
- Notch height has been lowered from 113.0 metres to 110.70 metre (2.3 metre reduction)
- Floor to ceiling heights of typical floors reduced from 3.2 metres to 3.0 metres
- Number of storeys increased from 49 to 50-storeys



- Maximum gross floor area has increased from 37,750 square metres to 38,125 square metres (an increase of 375 square metres)
- Number of maximum residential units increased from 545 to 557 units

Recognizing that the overall height of the building will be reduced and the applicant will meet the automobile and bike parking standards and indoor and outdoor residential amenity space requirements previously approved by City Council, staff has no objections to the proposed modifications.

## **Heritage**

Heritage Preservation Services has reviewed a revised Heritage Impact Assessment (HIA) prepared by ERA Architects that assess the heritage impact of the proposed modifications to the proposed development. The HIA finds that the proposed modifications to the design of the building will not result in any additional heritage impacts. Heritage staff agree with this assessment and have no objections to the proposed modifications. They are recommending revisions to the previously approved conditions of approval to allow for these revisions.

The applicant has also requested changes to the original heritage approval conditions to allow for an earlier construction start. In response to this request, heritage staff are also recommending revised conditions concerning construction timing. These recommendations should allow for the applicant to accelerate their construction timeline, but should not put the heritage resource at any additional risk. They include provisions that would allow for the removal of the 1912 hotel wing and a portion of the three storey rear wing (these features are not heritage attributes of the designated property), once a Notice of Approval Conditions has been issued and the other applicable have been satisfied. Foundation work and the movement of the C. H Gooderham House would only be permitted once the applicant has executed and registered the related site plan agreement and satisfied the other conditions as recommended. Above grade construction of the new development would be permitted when the applicant has obtained final site plan approval and met the applicable conditions.

## **Section 37**

The required community benefits approved by City Council included, among other matters, the payment of cash contributions to the City of \$100,000 to be allocated to local streetscape improvements and \$200,000 for the Affordable Housing Revolving Fund together with the conveyance to the City of the adjacent heritage property located at 15 Selby Street for affordable rental housing purposes. The payments and conveyance were required prior to the issuance of the first above-grade building permit for the proposed tower development on the Sherbourne lands. The conveyance of the Selby property was made conditional on, among other matters: a satisfactory building assessment; and the City was to provide notice to the owner of its election to accept the conveyance within 30 days of a Foundation Permit issuing for the Sherbourne Lands.

City staff are now recommending that the prior to the issuance of any foundation permit for the Sherbourne Lands (592 Sherbourne Street), that the owner enter into an agreement of purchase and sale with the City for the conveyance to the City of the property at 15 Selby Street, with certain conditions attached to the sale, as outlined in the Recommendations section of this report. Of particular note is the requirement of a building condition assessment with costs covered by the applicant, and the closing date of the conveyance being the later of 30 months from the date of the issuance of the first foundation permit for all or any part of the Sherbourne Lands and 6 months after the completion of the foundation, as determined to the satisfaction of the Chief Planner and Executive Director, and in any event, no later than prior to the date of registration of any plan of condominium for all or any part of the Sherbourne Lands. This arrangement will allow the City to conduct a building condition assessment of the building at 15 Selby Street well in to the construction of the adjacent foundation for the tower on the Sherbourne Lands, to better ensure that the Selby building is in good condition prior to it being conveyed to the City.

The restructuring of the timing also allows for an agreement of purchase and sale (to be entered into prior to any foundation permit issuing) and conveyancing law to govern much of the transaction rather than relying on the numerous notices that the current Council decision had established.

In addition, the applicant has requested some changes to timing to allow for the phased issuance of permits and for relief from the requirement to register the amending heritage easement agreement (for the Sherbourne Lands), the heritage easement agreement (for the Selby Lands) and the Section 37 Agreement prior to the enactment of the bills.

Under the particular circumstances and in light of the existing Heritage Easement Agreement respecting the Sherbourne Lands and other protections afforded by the proposed heritage alter permission and the proposed zoning by-law amendment, staff are satisfied to recommend the revised timing requirements set forth in the recommendations section of this report.

The proposed increase in gross floor area of 375 square metres and additional floor warrants an increase in Section 37 contributions. Staff recommend that any additional contributions be added to the \$200,000.00 previously secured for the Affordable Housing Revolving Fund, with the provision that such funds are to be used to improve the AH Rundle House located on the Selby Lands (15 Selby Street), if the Selby Lands are conveyed to the City.

It should be noted that given the minor changes and net reduction in measured height, no further notice of any changes to the proposed by-law was deemed necessary.

## **CONTACT**

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E-mail: mchlon@toronto.ca

## **SIGNATURE**

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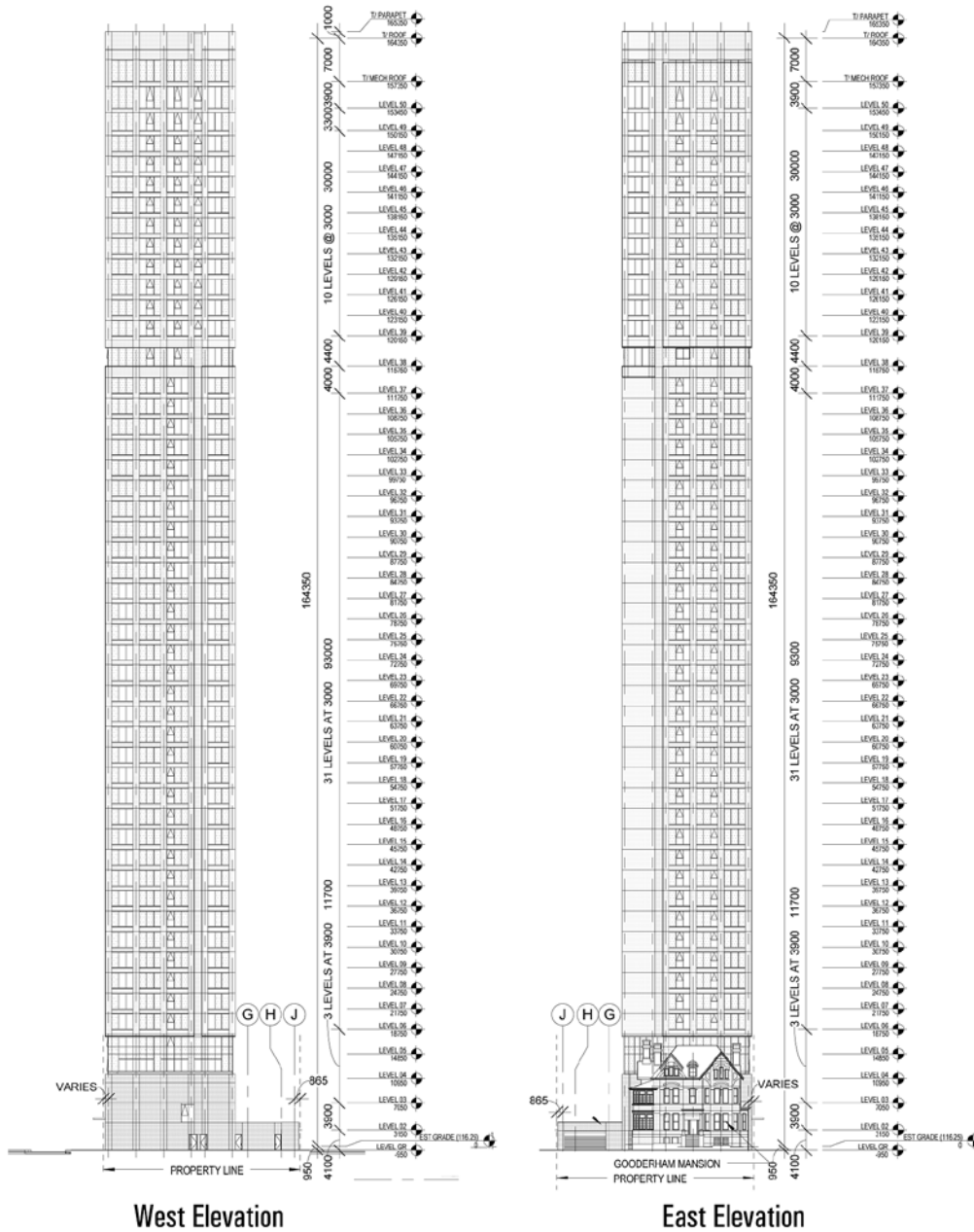
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: East and West Elevations  
Attachment 2: North Elevation (Selby Street frontage)  
Attachment 3: South Elevation  
Attachment 4: Draft Official Plan Amendment  
Attachment 5: Draft Zoning By-law Amendment

# Attachment 1: East and West Elevation



## Elevations

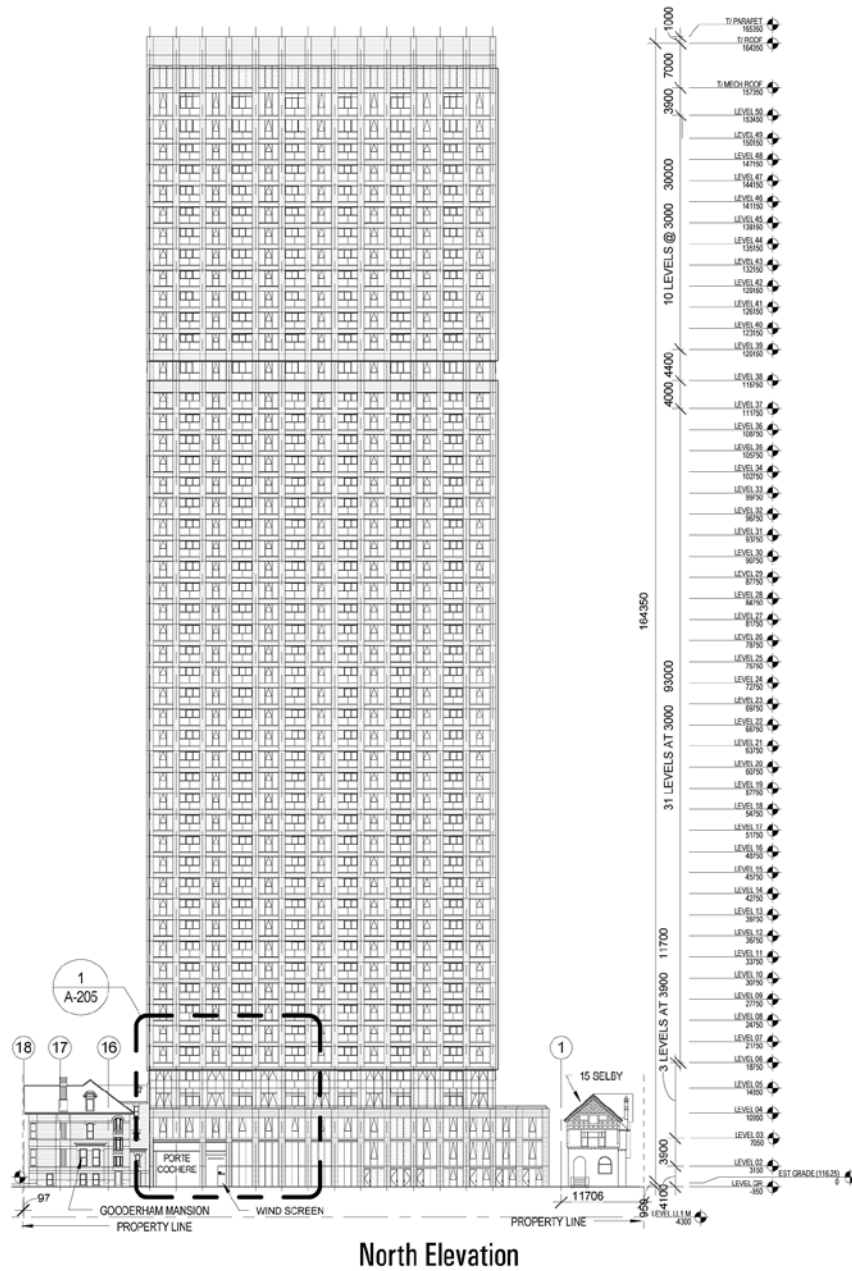
## 592 Sherbourne Street and 15 Selby Street

Applicant's Submitted Drawing

Not to Scale  
12/29/2014

File # 12 193918 STE 27 OZ

## Attachment 2: North Elevation (Selby Street frontage)



### Elevations

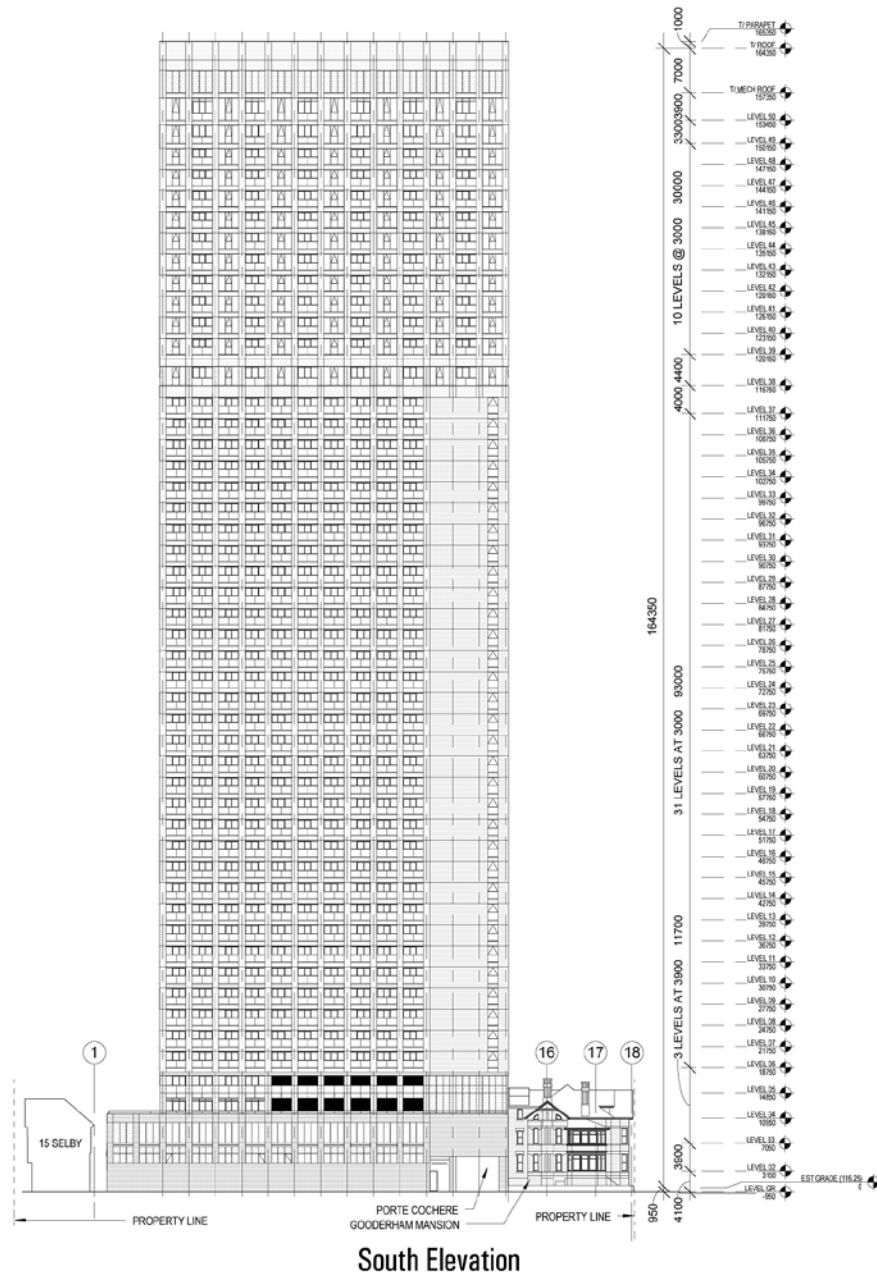
### 592 Sherbourne Street and 15 Selby Street

Applicant's Submitted Drawing

Not to Scale  
12/29/2014

File # 12 193918 STE 27 OZ

### Attachment 3: South Elevation



## Elevations

## 592 Sherbourne Street and 15 Selby Street

Applicant's Submitted Drawing

Not to Scale  
12/29/2014

File # 12 193918 STE 27 OZ

**Attachment 4:Draft Official Plan Amendment**

TO BE SUBMITTED DIRECTLY TO  
TORONTO AND EAST YORK COMMUNITY COUNCIL

**Attachment 5: Draft Zoning By-law Amendment**

TO BE SUBMITTED DIRECTLY TO  
TORONTO AND EAST YORK COMMUNITY COUNCIL