

524, 528, 530, 532, 534 St. Clair Avenue West – Rezoning and Demolition under Municipal Code Chapter 667 Applications – Final Report

Date:	June 4, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	08-186729 STE 21 OZ (Rezoning), 08-212771 STE 00 RH & 08-160693 STE 21 RH (Rental Demolition)

SUMMARY

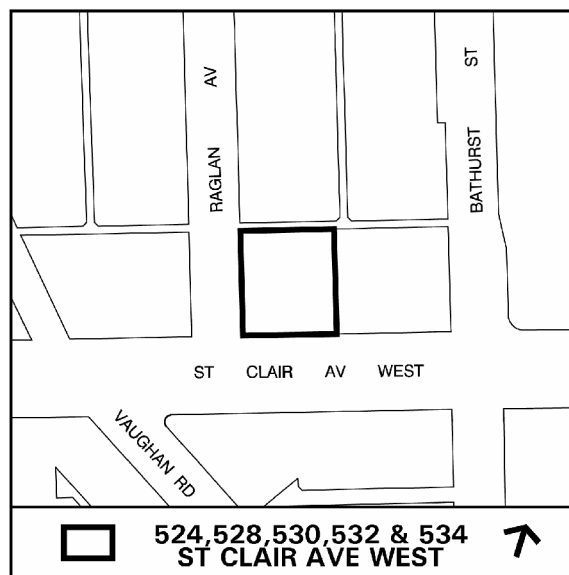
This application is subject to the new provisions of the *Planning Act* and the *City of Toronto Act*, 2006. This proposal is to demolish the existing mixed use buildings, containing 9 residential rental dwelling units and commercial uses and replace them with a 19-storey mixed use building at 524 – 534 St. Clair Avenue West with 155 residential units and commercial uses on the ground floor. The proposal includes replacement of the nine residential rental units to be demolished.

The proposed mixed-use development demonstrates quality design, which is consistent and compatible with the evolving character of the St. Clair Avenue West and Bathurst Street intersection.

This report reviews and recommends approval of the applications to amend the Zoning By-law and under Municipal Code 667 to demolish the residential rental units.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council authorize the appropriate City staff and require the owner to enter into an agreement or agreements pursuant to Section 37 of the *Planning Act*, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor to secure the following facilities, services and matters to be provided by the owner, at its expense, to the City:
 - a) the owner shall provide a payment of an indexed cash contribution of \$350,000, to be paid to the City at such time as the site specific Zoning By-law comes into force and effect, to be used for capital improvements and enhancements to the Artscape Wychwood Barns;
 - b) the owner shall provide, prior to condominium registration, a generally rectangular easement of indefinite term, in favour of the City of Toronto, at the southern limit of the lot, extending approximately 36.8 metres in length from the east property line to the west property line and approximately 1.6 metres deep from the south property line to the building wall on the ground floor, for the purposes of widening the publicly accessible sidewalk on St. Clair Avenue West;
 - c) the owner shall implement any wind mitigation measures required by the wind study, satisfactory to the Chief Planner, to be submitted with the Site Plan Approval re-submission;
 - d) the owner shall construct and maintain a roof of light coloured materials – installed for 75% of the roof having a reflectance of 0.3, as set out in the Green Development Checklist, satisfactory to the Chief Planner and Executive Director, City Planning Division;
 - e) the owner shall provide and maintain exterior materials generally as shown in the drawings of the St. Clair Avenue West and Raglan Avenue frontages received date June 15, 2009 with building materials labelled, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - f) the owner shall provide and maintain on the site or on the lands known as 743 St. Clair Avenue West not less than 9 new replacement rental dwelling units, comprising 8 affordable rental dwelling units and 1 rental dwelling unit with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the lot at the date of enactment of the by-law amendment, in accordance with more detailed terms as set forth in the draft by-law attached as Attachment 8; and

- g) the owner shall provide a satisfactory indexed letter of credit in the amount of \$1,215,000 prior to any demolition or building permit issuing for the lands, to secure the provision of the 9 replacement rental dwelling units.
4. City Council approve the application to demolish the 5 existing buildings, including 9 residential rental housing units located at 524, 528, 530, 532 and 534 St. Clair Avenue West pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for replacement of the rental housing units:
- a) the owner shall provide and maintain nine residential rental units, eight of which shall have affordable rents and one which shall have mid-range rents, either on the subject site or on the lands known as 743 St. Clair Avenue West;
 - b) the owner shall enter into and register one or more Section 111 Agreements to secure the conditions outlined in a) above and as described in Appendix 1 of the draft Zoning By-law Amendment (Attachment 8), and as further detailed in the Terms for Replacement Rental Housing (Attachment 9), to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
 - c) the owner shall provide the City with a Letter of Credit satisfactory to the City Treasurer and City Solicitor, in the amount of \$1,215,000, to be indexed; and
 - d) the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, including, if applicable, the off-site replacement lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrancers of the lands; and
 - e) the owner shall obtain the first building permit for the foundation of the development on the site.
5. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 after the latest of the following has occurred: the satisfaction of the conditions in Recommendation 4; the Zoning By-law Amendment in Recommendation 1 has come into full force and effect; and the issuance of the site plan approval for the development by the Chief Planner and Executive Director, City Planning or his designate, pursuant to Section 114 of the *City of Toronto Act*, 2006.
6. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5.
7. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than issuance of the first building permit for the foundation of

the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:

- a) the owner erect a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings;
 - b) should the owner fail to complete the new building within the time specified in condition 7(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
8. City Council authorize City officials to take all necessary steps to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on September 28, 29, 30 and October 1, 2004, City Council approved the Zoning By-law and Official Plan Amendment applications to permit the phase one development at the corner of Bathurst Street and St. Clair Avenue West. In April 2009, the Committee of Adjustment approved an application for an additional storey, raising the approved building to 23-storeys in height. The current proposed development would complete the redevelopment of the rest of the block between Bathurst Street to Raglan Avenue.

At its meeting on June 23 and 24, 2008, City Council approved, on condition, the demolition application under Municipal Code Chapter 667 for two of the properties on the subject site: 530-532 St. Clair Avenue West. The applicant proposed to use the property at 530-532 St. Clair Avenue West as construction access and staging for the approved phase one 22-storey development at 500 St. Clair West, to avert a lane closure on St. Clair Avenue West. Since Council's decision, the applicant and staff continued to negotiate rental dwelling unit replacement for the all the properties within the subject site, and the applicant did not pursue the demolition of 530 and 532 for the purposes of construction of the 500 St. Clair Avenue West building.

At its meeting, June 14, 15 and 16, 2005, City Council endorsed three Avenue studies, two of which were to be undertaken along the length of St. Clair Avenue West, between Keele Street and Bathurst Street in 2005. The dividing intersection between the two studies is Glenholme Avenue. The subject property falls within the area of study. The Final Report, complete with a Zoning By-law amendment and Official Plan amendment for the segment of St. Clair Avenue West between Bathurst Street and Keele Street was adopted by the Planning and Growth Management Committee on June 4, 2009. The Committee requested that Planning staff report on additional items for City Council's meeting on July 6, 7, 2009.

ISSUE BACKGROUND

Proposal

The applicant is proposing a 19-storey mixed-use building with approximately 560 square metres of ground floor commercial/retail space. The total height is 63.5 metres, excluding the mechanical penthouse. A 3-storey podium would connect to the previously approved podium and consists of commercial uses at-grade, indoor and outdoor amenity space and residential units. Rising above the podium is a residential tower, which has 148 one and two-bedroom units. The floor plate size of the tower varies from 692 square metres to 686 square metres.

The proposal consists of 129 underground parking spaces, 8 of which are proposed to be visitor/commercial parking and 2 parking spaces proposed on the ground floor, which are dedicated for car-sharing purposes.

Both indoor (322 square metres) and outdoor (220 square metres) amenity spaces are provided adjacent to one another on the third floor, while additional indoor amenity is proposed on the second floor. Additional project information is included in the Application Data Sheet as Attachment 7.

The proposal involves the demolition of all the existing buildings on the site, including the nine residential rental units, and their replacement. The rental housing may be replaced either on the subject lands or on another site further west on St. Clair Avenue West owned by the applicant.

Site and Surrounding Area

The site is located on the north side of St. Clair Avenue West, west of Bathurst Street. The existing buildings range from two to three storeys in height and once accommodated a mix of commercial, retail and residential uses. Currently, only the building at the corner of Raglan Avenue contains active uses. The site is approximately 1,514 square metres in size and has frontage on both St. Clair Avenue West and Raglan Avenue.

The following uses abut the site:

- Directly east of the site is the approved phase one development, which is currently under construction.
- To the west, on the other side of Raglan Avenue, are low-rise commercial and institutional buildings on St. Clair Avenue West.
- To the south, on St. Clair Avenue West, is a streetcar stop with direct access to the St. Clair West subway station. On the south side of St. Clair Avenue West are two to three-storey mixed commercial/residential buildings.
- To the north, on Raglan Avenue, north of the public lane, are two-storey semi-detached dwelling units and low scale apartment buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise

use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

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

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

Where demolition of rental housing is proposed, among other matters, Section 2(h) of the *Planning Act* addresses the orderly development of safe and healthy communities, and Section 2(j) focuses on the adequate provision of a full range of housing.

Section 1 of the PPS calls for the wise management of change and support for strong, liveable and healthy communities. Section 1.4.3 requires that planning authorities provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents, by establishing targets for the provision of housing affordable to low and moderate-income households and permitting and facilitating all forms of housing.

Section 3.1 of the Growth Plan states that "In the case of housing, there is an underlying societal need for affordable housing in many municipalities that is heightened by growth pressures."

Official Plan

The Official Plan designates the property as *Mixed Use Areas* and Map 2: Urban Structure of the Official Plan, identifies this portion of St. Clair Avenue West as an *Avenue*. *Mixed Use Areas* will absorb much of the anticipated increase in retail, office and service employment and new housing in Toronto in the coming decades.

The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each *Avenue* through a local Avenue Study conducted by the City.

The Avenue Study for St. Clair, between Bathurst Street and Glenholme Avenue was completed by a planning consultant and can be accessed at this link:

http://www.toronto.ca/planning/stclairwest_bathurst.htm. Since the completion of the study, staff analyzed the consultant's recommendations and drafted implementing policies that are intended to permit a proposed built form along St. Clair Avenue West that is in keeping with the Official Plan policies, including the *Neighbourhood* protection policies, while encouraging the reurbanization of the *Avenue*. Staff's final report, including the implementing by-law and Official Plan Amendment was heard by the Planning Growth Management Committee of Council on June 4, 2009. The Planning and Growth Management Committee adopted staff's recommendations in the final report and directed Planning staff to submit follow-up reports

directly to City Council at its meeting on July 6 and 7, 2009. The final report can be accessed at this link: <http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-21310.pdf>.

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices set out for the protection of rental housing in the case of redevelopment. Applicants proposing to demolish 6 or more residential rental units, except where all rents are above mid-range, are required to replace the rental units with the same number, size and type of rental housing units and maintain them with similar rents as are existing on the site. Specifically, Official Plan Policy 3.2.1.6 states:

New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

The factors to be considered for a healthy rental market include whether there have been significant net gains in the supply of rental housing, if the overall rental apartment vacancy rate for the City has been at or above 3 percent for the preceding four consecutive years, and if the proposal may negatively affect the supply or availability of rental units, affordable units or units suitable for families, either in the City, or in a neighbourhood of the City.

City of Toronto Act, Section 111

Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, approval of related planning applications, such as a rezoning, should be conditional upon the applicant receiving a Section 111 permit. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and section 33 of the *Planning Act* is also required.

Zoning

The property is currently zoned Mixed Commercial Residential – MCR T3.0 C2.0 R2.0 – which permits a mix of commercial and residential uses up to a total density of 3.0 times the area of the lot. The height limit is 18.0 metres.

The applicant's solicitor submitted a letter (dated June 3, 2009) to the Planning and Growth Management Committee at its meeting on June 4, 2009, indicating their objection to the proposed zoning permissions for the subject property along with two other properties owned by the Goldman Group. To respond to the issues in their June 3, 2009 letter, staff are proposing to remove the subject property from the comprehensive St. Clair Avenue West by-law, given that the development review process and the Avenue Study process have occurred concurrently and are scheduled for the same City Council meeting.

The 19-storey proposed building height slightly deviates from the prescribed height in the comprehensive St. Clair Avenue West by-law of 16 to 19-storey building heights. Given the deviation, it is staff's opinion that removing the subject property from the comprehensive by-law provisions is acceptable.

Site Plan Control

On August 15, 2008, the applicant submitted an application for site plan control, which staff are continuing to review.

Reasons for Application

The proposed development requires an application to amend the former City of Toronto's Zoning By-law to permit greater height and density. The proposed demolition of 9 rental

residential dwelling units in the existing buildings requires an application under Chapter 667 for rental demolition.

Community Consultation

On October 15, 2008, staff hosted a community consultation meeting at the Holy Rosary Parish gymnasium, where 15 area residents attended. Planning staff presented an overview of the planning process and the applicant presented their application. Area residents raised the building height, shadow impacts and traffic generation of the proposal as issues that staff should consider. As a result of the community comments, staff requested that the applicant prepare additional shadow analysis of the proposed development at varying heights. Staff forwarded this analysis to interested community members.

With respect to residential demolition, Chapter 667 of the Municipal Code requires City Planning staff to hold a community consultation meeting to consider the matters that may impact tenants in the existing rental units or the supply of rental housing, prior to the submission of a report to Community Council. At the time of the application under Chapter 667, there were no tenants residing on the property. City staff held a Community Consultation Meeting on June 4, 2008, at Wychwood Public Library, which was attended by representatives from the local Councillor's office, Community Planning, Community Policy, the applicant and one local resident. Staff gave a presentation on the proposal and discussed the City's rental housing protection policies and by-law. The local resident made no comments concerning the protection of the rental housing. Representatives from the Federation of Metro Tenants Association and York Community Legal Services were also invited to attend the meeting but were not in attendance.

Agency Circulation

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

COMMENTS

Provincial Planning Framework

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

The replacement of the 9 rental units proposed for demolition (most with affordable rents), helps the City to retain a full range of housing, in terms of tenure and affordability to meet the needs of current and future residents. The proposed replacement ensures that growth pressures do not result in development that is at the expense of affordable rental housing. It also ensures that the

safe and orderly development of communities proceeds without the displacement of much needed rental housing.

Land Use

The City's Official Plan designates the subject property as a *Mixed Use Area*. The former City of Toronto's Zoning By-law zones the property in a Mixed Commercial-Residential zone. The intersection at St. Clair Avenue West and Bathurst Street is rapidly becoming a desirable residential and commercial destination. The proposed mixed-use is consistent and compatible with the evolving and established character of this intersection.

Density and Height

The proposed density is 8.9 times the area of the site. The proposed building density is in keeping with staff's Avenue Study analysis for this site and is a density, which can be supported at this location which is within walking distance to a subway station and adjacent to a light rail transit line.

The proposed building height is 19-storeys (or 63.5 metres) that the applicant reduced from the original proposed 22-storeys. The comprehensive by-law for St. Clair Avenue West proposes a Height Transition Zone between Bathurst Street and just west of Vaughan Road, which considers a range of heights for the subject property between 16 and 19-storeys. Given the applicant's objection to the comprehensive by-law provision for this site, staff removed the amending by-law provisions to the subject site.

Staff's opinion is that the proposed height is in keeping with the intended height transition downward and westbound along St. Clair Avenue West. The approved mixed-use building, directly east of the subject property, is currently under construction and will reach a height of 23-storeys. Across Bathurst Street on the north side of St. Clair Avenue West, City Council approved two 25-storey towers. Given the contemplated lower building heights to the west of the subject property and higher building heights immediately east of the subject property, staff believe that a building height of 19-storeys is appropriate at this location.

Given that the subject property is within walking distance to the St. Clair West subway station, has access to high order transit, it is staff's opinion that the subject site can accommodate an intensified built form to promote the use of transit and decrease automobile dependency.

Urban Design Guidelines

As a companion document to the Official Plan, City Council adopted area-based and site-specific urban design guidelines for staff to use in the review of development applications in the areas where they apply. Bathurst-St. Clair urban design guidelines apply to new developments in the area bounded by Christie Street, the CPR tracks north of Dupont Street, and roughly Tichester Road to the north and Spadina Road to the east. It is staff's opinion that the proposed development complies with the Bathurst-St. Clair urban design guidelines and the Official Plan policies, for reasons described in sections below.

Massing

The proposal includes a 3-storey podium, which is consistent with the 3-storey podium in the phase one development under construction, immediately east. On the St. Clair frontage, the proposed podium is set back 1.7 metres, which provides an approximate sidewalk width of 6.3 metres. The applicant proposes a box-like architectural feature as part of the podium, which projects into the setback, up to their property line on the second and third levels that generates a 0.2 metre setback from their property line.

The proposed tower floor plate size varies between 692 square metres to 686 square metres, which are under the recommended maximum 750 square metre floor plate size, as prescribed by the City's Tall Buildings Design Guidelines.

St. Clair frontage

The proposed tower is stepped back from the St. Clair property line between 3.0 metres to 3.7 metres. A proposed vertical architectural feature projects into this tower stepback, which helps create a slender tower profile on the St. Clair frontage. This vertical feature is less than one-fifth of the width of the tower.

As part of the design review of the proposed tower, the applicant moved additional south facing balconies to the east façade, which has the effect of visually reducing the impact of the 2 metre tower stepback.

Raglan frontage

On the Raglan Avenue frontage, the proposed podium is set back approximately 1.7 metres, which generates a sidewalk width of approximately 7.0 metres.

Similar to the St. Clair frontage, the second and third levels along Raglan Avenue have a 0.2 metre setback, given the continued box-like architectural feature. The tower stepbacks vary between 4.0 metres and 1.7 metres. Although the tower stepback is less than the recommended 3 metres, there is sufficient facing distance to a future development directly west, across Raglan Avenue. The greatest tower stepback of 4.0 metres provides a transition to the existing setbacks of the nearby residential properties to the north.

Rear – lane frontage

To the rear of the building, the proposed podium on the ground floor is approximately 8.0 metres from the closest residential property on Raglan Avenue.

The proposed tower stepback from the podium is 1.8 metres. To minimize privacy and overlook issues to residents to the north, the applicant revised the podium layouts to have the amenity spaces located adjacent to the lane, instead of proposed dwelling units. Through the site plan process, staff will ensure that the detailed design of the podium does not create negative impacts of privacy and overlook to the nearby residents.

Tower facing distance

Directly east of the proposed tower is a 23-storey mixed use building, which is currently under construction. In order to achieve optimal facing distances between the two towers, staff worked very closely with the applicant and their architect to achieve facing distances that range between

21.5 metres and 26.1 metres. A 25 metre facing distance is recommended in the City's Tall Buildings Design Guidelines. While the two towers generate a facing distance of less than the required 25.0 metres, the tower under construction will have corner units with the corresponding living rooms at the corner, which will minimize the amount of privacy and overlook into units in the new development. Given the unit layouts and the constraints of the subject site, staff are of the opinion that the proposed facing distances are acceptable at this location.

Sun, Shadow, Wind

Following the community consultation meeting in October 2008 and at the request of City staff, the applicant submitted an additional Shadow Impact Study, which compared the sun/shade impact for properties on Raglan Avenue of a 16-storey and a 22-storey building at the subject property. Urban Design staff reviewed the Shadow Impact Study and are satisfied that the shadows cast by the proposed 19-storey tower are only marginally greater than the shadow impacts of a 16-storey tower. In addition, through the course of the St. Clair Avenue Study, Planning staff consulted with area residents and business and property owners along St. Clair Avenue West. An overwhelming majority of community members supported additional height and tolerance to shade, within close proximity to the St. Clair West subway station.

Staff will assess wind impacts and require the applicant to implement any mitigation interventions through the site plan approval process.

Traffic Impact, Access, Parking

The applicant retained a transportation consultant to conduct a Traffic Impact Study (TIS), which assessed the site's accessibility, projected future vehicle movements into and out of the site, as well as the proposed parking supply and loading facility. The TIS concluded that future traffic generated by the proposed development will have minimal impacts at the intersection of Bathurst Street and St. Clair Avenue West during the afternoon peak periods. The TIS indicated that the intersection where the public lane meets Raglan Avenue is projected to operate at very good levels, with no required physical improvements to this intersection. Transportation Services staff reviewed the TIS findings as it relates to traffic generation and are satisfied with the findings.

Vehicular access is proposed to occur off the widened lane to the rear of the proposed mixed-use building. The proposal features a loading dock accessed off the lane, which exceeds the Zoning By-law specifications and can sufficiently service the proposed development.

The applicant is proposing to supply 129 vehicular parking spaces, 8 of which are intended for visitors and commercial purposes, while 2 parking spaces are dedicated for car-sharing. The resident, visitor and commercial parking spaces are located underground in the 3-level parking garage, while the 2 car-sharing spaces are located off the public lane, adjacent to the proposed loading dock.

Servicing and Loading

The applicant submitted a Site Servicing Assessment, which concluded that the proposed development can be serviced utilizing the existing surrounding infrastructure, without any adverse impact to the municipal services of the surrounding areas. Development Engineering staff are satisfied with the report findings. Prior to site plan approval, the applicant will be

required to submit, to the satisfaction of Development Engineering staff, a detailed stormwater management report and site servicing and grading plan.

The applicant revised the proposed loading space, which is accessed off of the rear lane to accommodate bulk-lift City collection of solid waste and recyclable materials generated by the residential uses. Commercially generated waste will be privately collected.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of the current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication Bylaw 1420-2007.

The applicant proposes 155 units on a site of 0.1514 hectares (1,514 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.2066 hectares (2,066 square metres). However, a cap of 10% applies and hence the parkland dedication would be 0.0151 hectares (151 square metres).

The non-residential component of the development is less than 1,000 square metres and is therefore exempt from the parkland dedication requirements under section 165-7 of the Municipal Code.

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as on-site parkland dedication requirement of 0.151 hectares (151 square metres) would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

In consultation with the Ward Councillor and Parks, Forestry & Recreation staff, Planning staff understand that the required parkland dedication which is over and above the 5% be directed towards enhancements and improvements to Glen Cedar Park, Wychwood Barns Park, and Cedarvale Park.

Streetscape

At the request of Urban Forestry staff, the applicant is proposing to plant 3 trees along the Raglan Avenue frontage. Through the site plan approval process, staff will finalize the landscaping details with the applicant.

Toronto Green Standard

The applicant submitted the Toronto Green Standard Checklist and is proposing to meet 26 of the 33 minimum requirements under the checklist. The applicant is proposing a light coloured roof, installed for 75% of the roof. Staff will secure the proposed light coloured roof through the Section 37 Agreement.

Rental Housing Demolition and Replacement

In applying the City's Official Plan policy 3.2.1.6 and Municipal Code Chapter 667, approval of the applicant's proposal requires replacement of the nine residential rental units to be demolished. The proposal for full replacement at similar rents and sizes of the existing rental units meets Official Plan policy 3.2.1.6. Approval of the demolition and issuance of a Section 111 permit under Municipal Code 667 is recommended.

There were a few other residential units, but they were determined to be rooms rather than self-contained dwelling units. The City's rental housing policies and Municipal Code 667 are concerned with rental dwelling units which contain both kitchen and bathroom facilities that are intended for the use of the unit only. Since the date of application, the owner also acquired an adjacent property with commercial premises and a two-bedroom apartment above. After several site visits to the subject properties, City staff determined that the entire redevelopment site comprised five two-bedroom units and four one-bedroom units. Eight of the apartments had affordable rents while one had mid-range rents.

The applicant has acquired another site at 743 St. Clair Avenue West and is now proposing to replace all 9 rental dwelling units on that site. As all 9 units are presently vacant, a Tenant Relocation and Assistance Plan will not be necessary.

Staff recommends approval of the development proposal and the application for a permit to demolish the rental units on the condition of the replacement of the rental units. City staff are supportive of the applicant's alternative proposal to replace the nine rental units at another site in the area, at 743 St. Clair Avenue West. However, staff's recommendations in this report provide for the replacement of rental units either on the subject site or on the alternate site, subject to the conditions described below and as described in Appendix 1 of the draft Zoning By-law Amendment. These requirements are to be secured in Section 37 and Section 111 Agreements on the appropriate lands, prior to approval of the final bills for the zoning by-law amendment and prior to issuance of the Section 111 permit. The key provisions in these agreements are further detailed in Attachment 9 to this report – Terms for Replacement Rental Housing.

The owner shall provide and maintain nine rental units as rental housing with no registration as condominium or any other form of ownership housing. The owner shall also neither apply for demolition nor conversion of the rental for at least 20 years. Minimum floor areas shall be 750 square feet (70 square metres) and 450 square feet (42 square metres) for the two-bedroom and one-bedroom apartments respectively

Eight of the apartments shall have affordable rents and one of the two-bedroom units shall have a maximum rent that does not exceed mid-range rents, which are rents between average market rent and 1.5 times average market rent. These are the maximum rents for the apartments in the first 10 year period after initial occupancy, subject to the City's standard practices allowing annual increases based on the provincial rent guideline, and applicable above-guideline increases. Tenants who occupy these rental units at any time during the first 10 year period shall have maximum rent increases described above for as long as they remain in occupancy, or until the expiry of the 20 year period securing the rental tenure of the units, with provisions for the phasing increases after that period. Rents for new tenants moving in after the first 10 years shall not be subject to any restrictions as a result of the agreements with the City.

On-site replacement

If the replacement rental units are provided on the subject site, there will be five two-bedroom apartments and four one-bedroom apartments. The terms of the agreements will provide that these nine apartments will be ready and available for occupancy no later than the date that 60% of the condominium units are ready and available for occupancy. No letter of credit would be required to secure their replacement on-site.

Off-site replacement

Staff are supportive of replacing the nine rental units at 743 St. Clair Avenue West for several reasons. The site is a comparable site, a little further west on the same street, with good access to shopping, places of worship and other neighbourhood amenities, as well as to the St. Clair streetcar. The original site at 530 St. Clair Avenue West is closer to the subway, but the extra distance is not too far. Nine is a small number of rental units, and if replaced on the original site, they would likely be on their own, separated from the remainder of the condominium units in the building. At 743 St. Clair Avenue West, they will form part of a larger purpose-built rental building. The applicant has recently purchased the alternate site for the purposes of building rental housing, and expects to be ready to apply for any needed planning approvals shortly.

There is also the possibility that the applicant will be able to develop a proposal with a non-profit housing provider to respond to a future City proposal call for affordable rental housing. If this occurs, the agreement with the City will ensure that none of any resulting funding or incentives will cover any part of the owner's obligations to provide these nine replacement units at the specified rents for the specified periods. The agreement with the City will also provide for a change to the unit mix, if necessary, to suit the target population of a non-profit provider. If more two-bedroom units are provided, the total unit count will be reduced, and if more one-bedroom units are built, the total number of units will increase. Staff are supportive of the opportunity for these nine rental units to become part of a stable, non-profit housing property with longer term affordability.

The applicant is prepared to also proceed to build a private rental property that contains these nine replacement units on the terms noted above, though the unit mix would not be able to be changed in that case.

Off-site replacement does require the provision of a letter of credit to secure the replacement of the rental housing, unless the replacement rental housing is constructed first before the applicant receives the first building permit for the proposed condominium site. Should off-site replacement be applicable for the 9 rental dwelling units, staff are recommending that a Section 118 Restriction under the *Land Titles Act* be applied to the potential off-site replacement site at 743 St. Clair Avenue West.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the *Planning Act*.

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

1. the owner shall provide a payment of an indexed cash contribution of \$350,000, to be paid to the City at such time as the site specific Zoning By-law comes into force and effect, to be used for capital improvements and enhancements to the Artscape Wychwood Barns.

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

1. the owner shall provide, prior to condominium registration, a generally rectangular easement of indefinite term, in favour of the City of Toronto, at the southern limit of the lot, extending approximately 36.8 metres in length from the east property line to the west property line and approximately 1.6 metres deep from the south property line to the building wall on the ground floor, for the purposes of widening the publicly accessible sidewalk on St. Clair Avenue West;
2. the owner shall implement any wind mitigation measures required by the wind study, satisfactory to the Chief Planner, to be submitted with the Site Plan Approval re-submission;
3. the owner shall construct and maintain a roof of light coloured materials – installed for 75% of the roof having a reflectance of 0.3, as set out in the Green Development Checklist, satisfactory to the Chief Planner and Executive Director, City Planning Division;
4. the owner shall provide and maintain exterior materials generally as shown in the drawings of the St. Clair Avenue West and Raglan Avenue frontages received date June 15, 2009 with building materials labelled, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
5. the owner shall provide and maintain on the site or on the lands known as 743 St. Clair Avenue West not less than 9 new replacement rental dwelling units, comprising 8 affordable rental dwelling units and 1 rental dwelling unit with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the lot at the date of enactment of the by-law amendment, in accordance with more detailed terms as set forth in the draft by-law attached as Attachment 8; and
6. the owner shall provide a satisfactory indexed letter of credit in the amount of \$1,215,000 prior to any demolition or building permit issuing for the lands, to secure the provision of the 9 replacement rental dwelling units.

Development Charges

It is estimated that the development charges for this project will be \$1,034,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Community Planning
Tel. No. 416-338-5740
Fax No. 416-392-1330
E-mail: jcantos@toronto.ca

Susan Kitchen, Planner,
Community Policy
Tel. No. 416-338-5740
Fax No. 416-392-1330
E-mail: skitche@toronto.ca

SIGNATURE

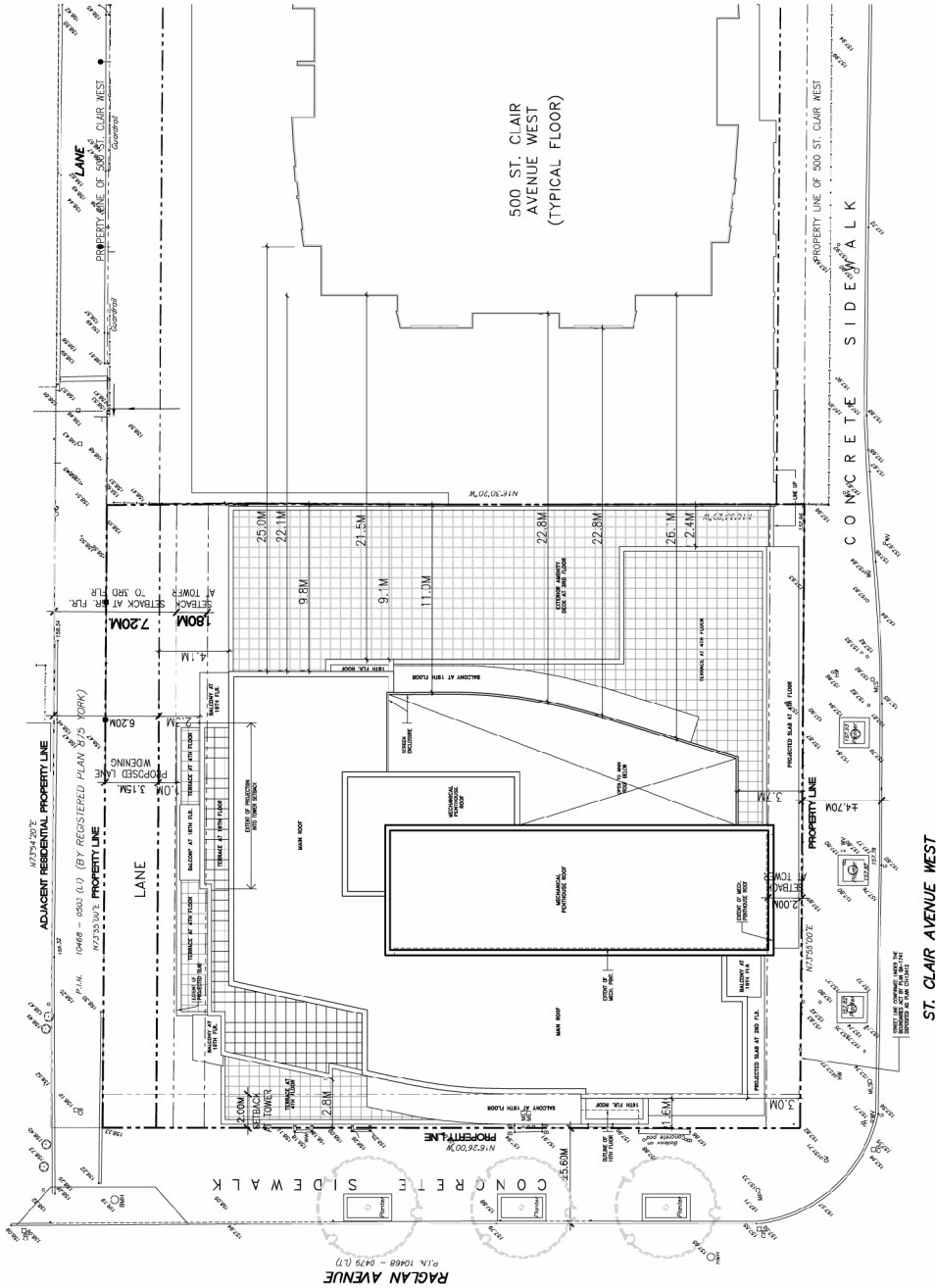
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: St. Clair Avenue West (South) Elevation
Attachment 3: Rear (North) Elevation
Attachment 4: Raglan Avenue (West) Elevation
Attachment 5: Side (East) Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Terms for Replacement Rental Housing

Attachment 1: Site Plan

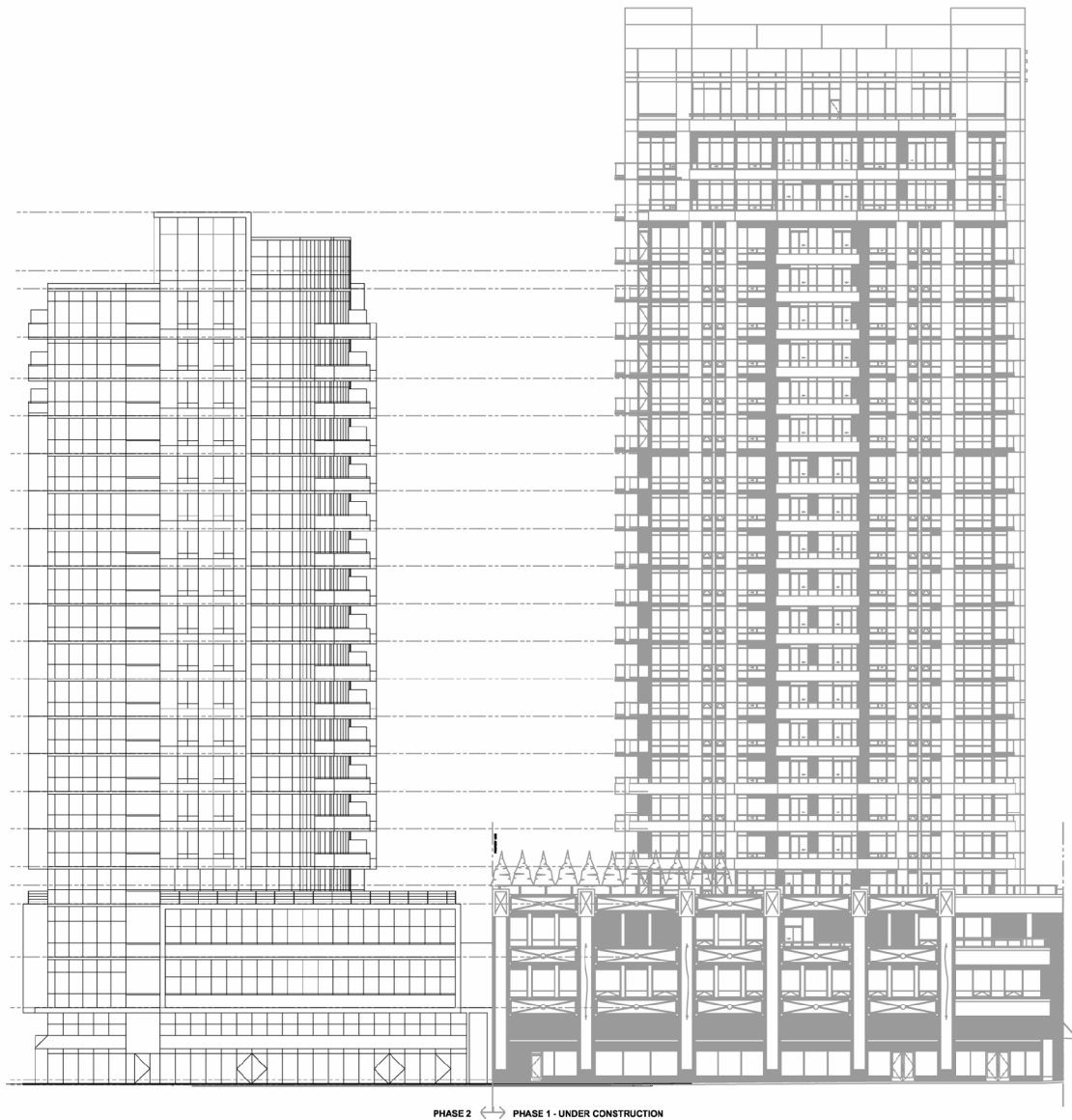


**524,528,530,532 and 534
St. Clair Avenue West**

File # 08_186729

Site Plan
Applicant's Submitted Drawing
Not to Scale
05/05/09

Attachment 2: St. Clair Avenue West (South) Elevation



South Elevation

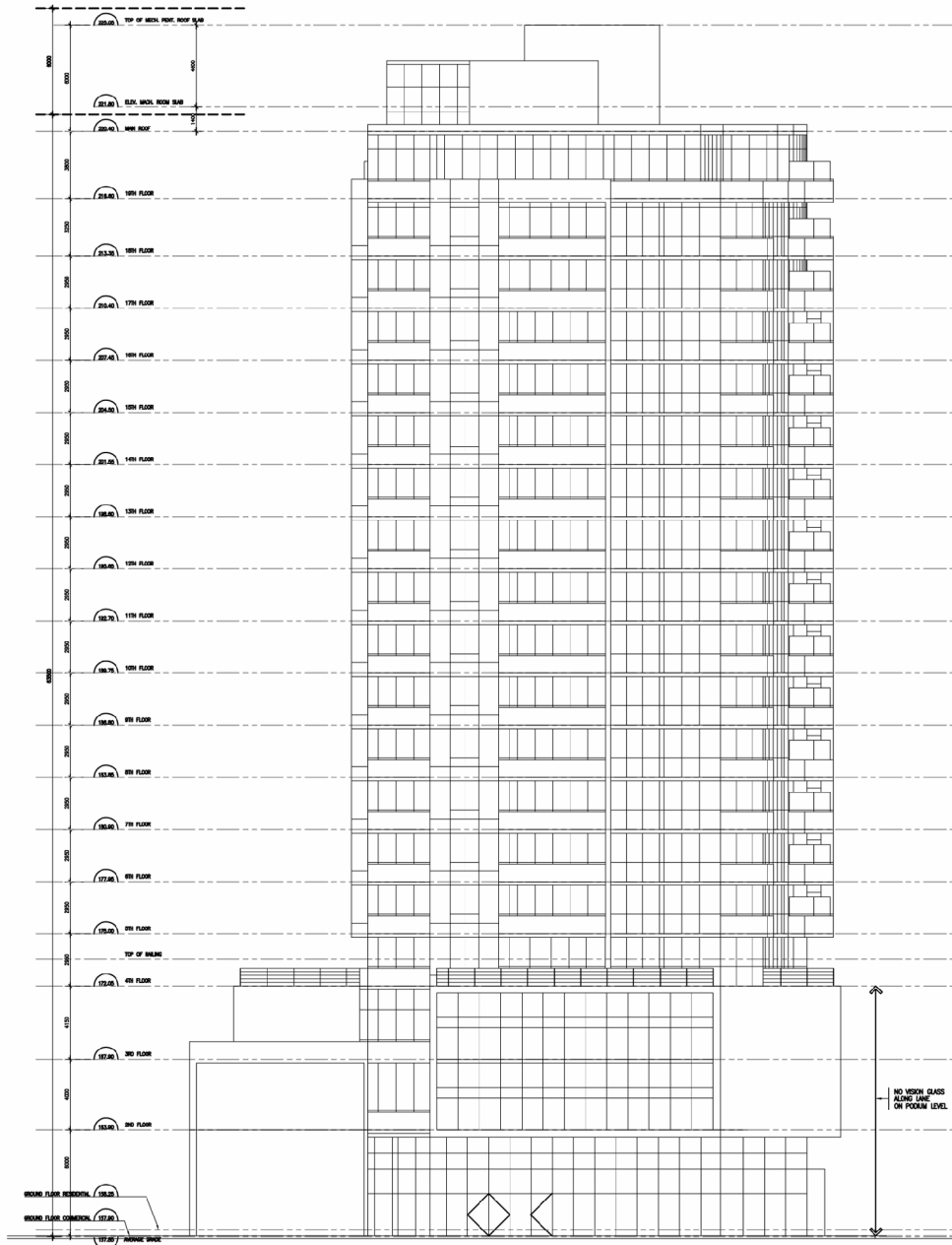
Applicant's Submitted Drawing

Not to Scale
05/05/09

524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 3: Rear (North) Elevation



North Elevation

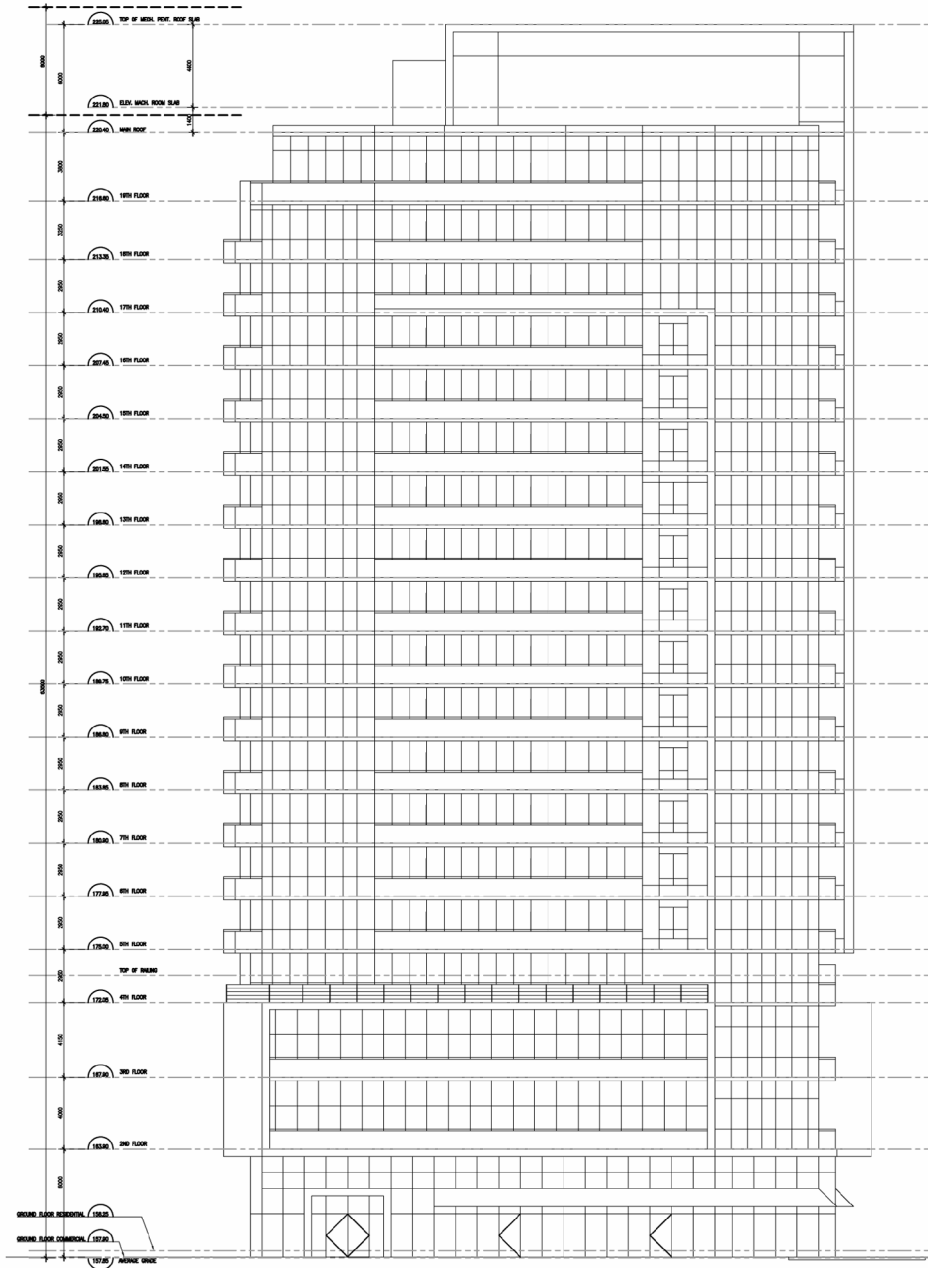
Applicant's Submitted Drawing

Not to Scale
05/05/09

524,528,530,532 and 534
St Clair Avenue West

File # 08_186729

Attachment 4: Raglan Avenue (West) Elevation



West Elevation

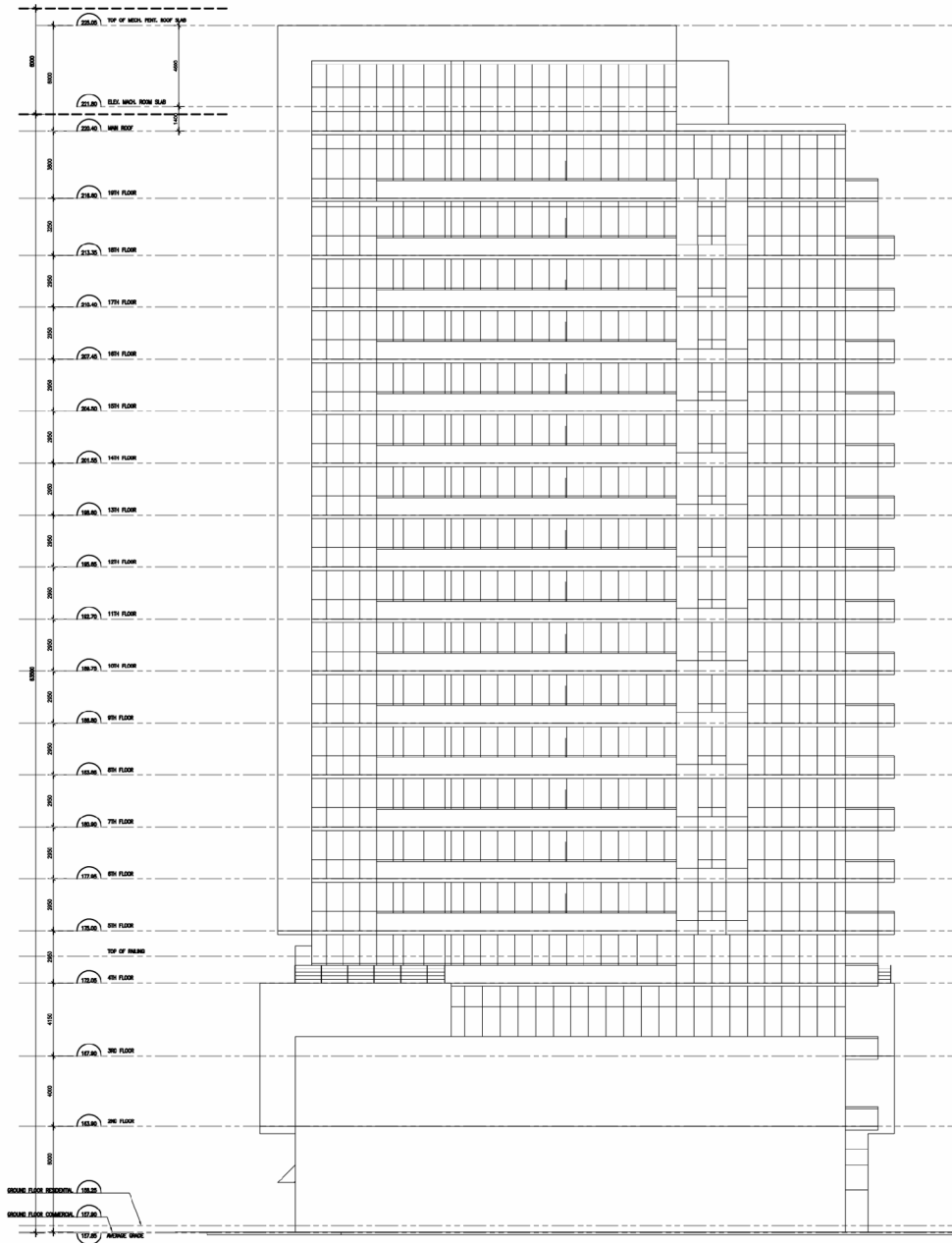
Applicant's Submitted Drawing

Not to Scale
05/05/09

**524,528,530,532 and 534
St Clair Avenue West**

File # 08_186729

Attachment 5: Side (East) Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
05/05/09

**524,528,530,532 and 534
St Clair Avenue West**

File # 08_186729

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	08 186729 STE 21 OZ
Details	Rezoning, Standard	Application Date:	July 25, 2008

Municipal Address: 530 ST CLAIR AVE W
 Location Description: PL 875 BLK B PT LTS 5 & 6 **GRID S2108
 Project Description: Proposal to permit the development of the site for mixed use commercial and residential condominium purposes, 19-storeys, 155 units, 3 levels of below grade parking, & 560 sqm of retail.

Applicant:	Agent:	Architect:	Owner:
530 ST CLAIR WEST INC			530 ST CLAIR WEST INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T3.0 C2.0 R2.0	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1514.3	Height:	Storeys:	19	
Frontage (m):	36.8		Metres:	63.5	
Depth (m):	41				
Total Ground Floor Area (sq. m):	943.2				Total
Total Residential GFA (sq. m):	12970.4		Parking Spaces:	129	
Total Non-Residential GFA (sq. m):	556.5		Loading Docks	1	
Total GFA (sq. m):	13526.9				
Lot Coverage Ratio (%):	62.3				
Floor Space Index:	8.93				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	12970.4	0
Bachelor:	0	Retail GFA (sq. m):	556.5	0
1 Bedroom:	87	Office GFA (sq. m):	0	0
2 Bedroom:	67	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	155			

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

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2009
Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
524, 528, 530, 532 and 534 St. Clair Avenue West**

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

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

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 any increase in the height of 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;

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

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

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

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

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Section 4(2), 4(4)(b), 4(12) with respect to outdoor amenity space, 4(16), 8(3) PART I (1), (2), (3), 8(3) PART II 4(c)(ii), (iii) and 12(2)(222) of By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided:
 - (1) not more than 155 residential dwelling units are erected and used on the;
 - (2) the *lot* is used for any of the uses permitted in an MCR district as set forth in the chart at Section 8(1)(f) of By-law No. 438-86, as amended and subject to any qualifications in Section 8(2) of the By-law;
 - (3) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (4) the combined *non-residential gross floor area* and *residential gross floor area* erected on the *lot* shall not exceed 13,550 square metres of which not more than 12, 985 square metres shall comprise *residential gross floor area*;
 - (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2, except for the following:

- (a) any stair tower, elevator shaft, dynamic damper, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of a building or any fence wall or structure enclosing such elements provided that the maximum *height* of the top of such
- (b) elements or enclosure is no higher than the sum of 6.0 metres plus the *height* limit otherwise applicable;
- (c) any structure, located on the roof of such building, used for outside or open air recreation, safety or wind protection purposes, provided that:
 - A. the maximum *height* of the top of such structure is no higher than the sum of 5 metres plus the *height* limit otherwise applicable;
 - B. such structure may be located adjacent to an outside wall or any vertical projection of such wall; and
 - C. such structure does not enclose space so as to constitute any form of penthouse or other rooms or rooms;
- (6) the height in *storeys* of the *mixed-use building* shall not exceed 19 *storeys*;
- (7) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (a) a minimum of 119 *parking spaces* for the use of residents;
 - (b) a minimum of 8 *parking spaces* for commercial and visitors; and
 - (c) two *car sharing parking spaces* dedicated to *car-sharing*;
- (8) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
 - (a) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* located in a multi-purpose room or rooms, which need not be contiguous, at least one of which contains a kitchen and a washroom;
 - (b) a minimum of 1.4 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;

5. Definitions:

- (1) For the purposes of this By-law, the terms set forth in italics, subject to Section 5(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;

- (2) The following definitions shall apply:
- (a) *Car-sharing* shall mean the practice of multiple people sharing the use of a one or more vehicles owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of membership fees that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven.
 - (b) *Car-sharing parking space* shall mean a *parking space* exclusively for a car used only for a *car-sharing* purposes and such vehicle is accessible to non-resident *car-sharing* members at all times.
 - (c) “grade” means 157.85 metres Canadian Geodetic Datum; and
 - (d) “*height*” means the height above *grade* as shown on Map 2.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall continue to apply to the whole of the *lot* as if no severance, partition, or division occurred.
7. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Appendix “1”
Section 37 Provisions

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

- (1) the *owner* shall pay to the *City* the sum of \$350,000 immediately upon this by-law coming into force and effect and in any event prior to any building permit or any demolition permit issuing for any portion of the *lot* other than for the repair of any existing building on the *lot*, such funds to be used toward community benefits used for capital improvements and enhancements to the Artscape Wychwood Barns.

Such cash amount to be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the sum by the *owner* to the *City*;

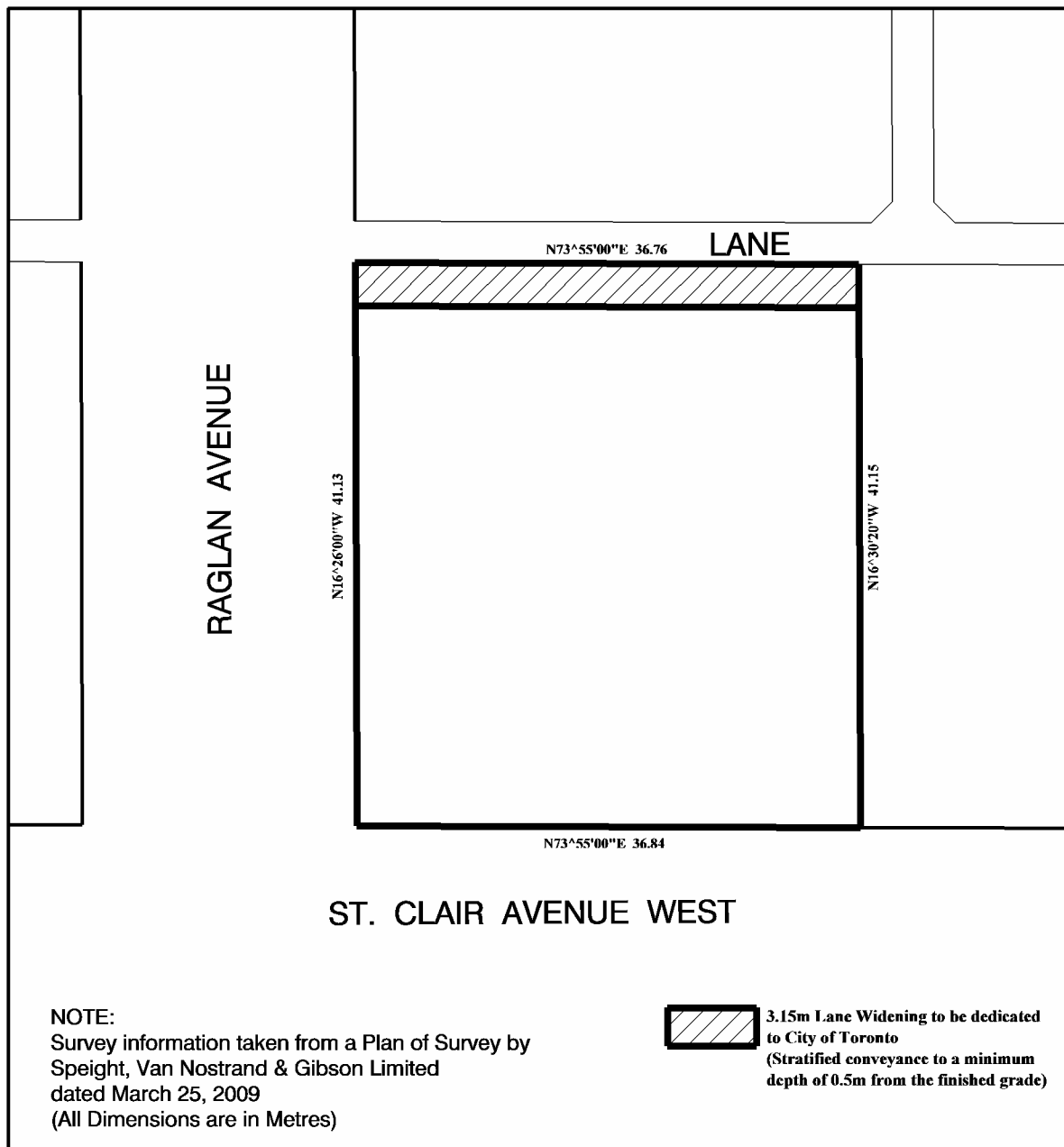
- (2) prior to site plan approval, the *owner* of the *lot* shall provide a generally rectangular easement of indefinite term, in favour of the City of Toronto, at the southern limit of the *lot*, extending approximately 36.8 metres in length from the east property line to the west property line and approximately 1.8 metres deep from the south property line to the building wall on the ground floor, for the purposes of widening the publicly accessible sidewalk on St. Clair Avenue West to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
- (3) the *owner* shall implement any wind mitigation measures required by the wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted with the Site Plan Approval re-submission;
- (4) the *owner* shall construct and maintain a roof of light coloured materials – installed for 75% of the roof having a reflectance of 0.3, as set out in the Green Development Checklist, satisfactory to the Chief Planner;
- (5) the *owner* shall provide and maintain exterior materials generally as shown in the drawings of the St. Clair Avenue West and Raglan Avenue frontages received date June 15, 2009 with building materials labelled, to

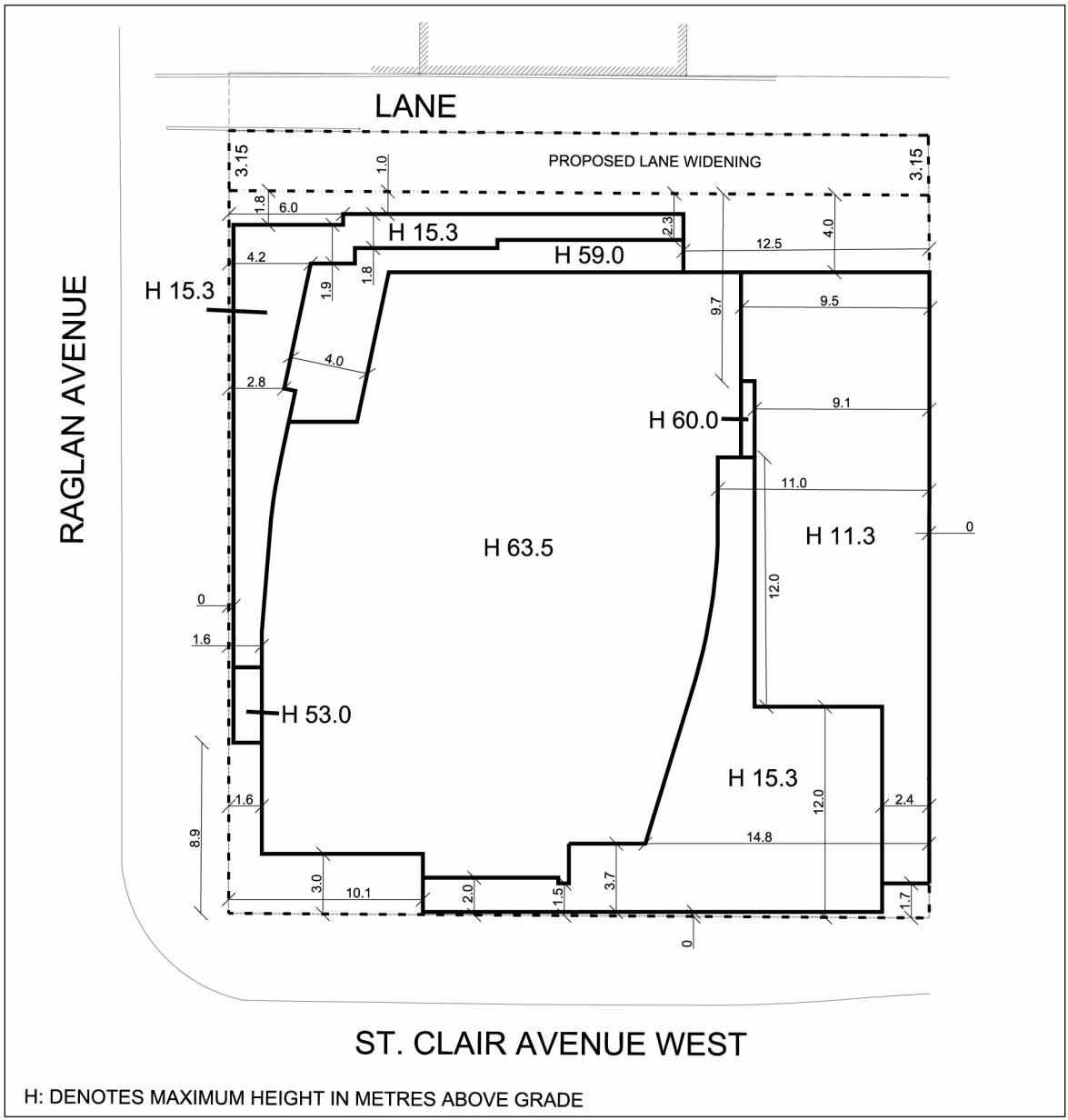
the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- (6) the *owner* shall provide and maintain not less than 9 new replacement rental *dwelling units*, comprising 8 affordable rental *dwelling units* and 1 rental *dwelling unit* with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the *lot* at the date of enactment of this by-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - (a) the 9 replacement rental *dwelling units* shall be provided entirely on the *lot* or entirely on the lands municipally known in 2008 as 743 St. Clair Avenue West;
 - (b) the replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units. If the tax rate were to increase such that the *owner* is paying more tax than they would if the rental replacement units were registered as a condominium, the *owner* will have the right to apply for a zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 9 designated replacement rental *dwelling units* remain as rental *dwelling units* until the *owner* obtains approval for a zoning by-law amendment removing the requirement that the *owner* provide and maintain the designated *dwelling units* as rental *dwelling units*;
 - (c) the 9 replacement rental *dwelling units* shall be ready and available for occupancy no later than,
 - (i) if provided on the *lot*, the date by which not more than 60% of the other *dwelling units* erected on the *lot* are available and ready for occupancy or
 - (ii) if provided at the lands municipally known in 2008 as 743 St. Clair Avenue West, the date the first new *dwelling unit* erected on the *lot* is available for occupancy;
 - (d) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 8 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the

City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

- (e) the *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 1 designated replacement rental *dwelling unit* with mid-range rents on the same basis as in (d) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
 - (f) rents charged to tenants occupying an affordable replacement rental *dwelling unit* or a mid-range replacement rental dwelling unit at the end of the 10 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (b) with a phase-in period of at least three years for rent increases;
 - (g) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10 year period set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in (7);
 - (h) the *owner* of the *lot* provides the City with a letter of credit in the amount of \$1,215,000 to the satisfaction of the City Solicitor, prior to the issuance of any demolition permit or building permit for the *lot*, to be indexed as set out in (1), to secure the provision of the 9 replacement rental *dwelling units* at the lands known municipally in 2008 as 743 St. Clair Avenue West provided such units have not yet been provided such that they are ready and available for occupancy; and
- (7) the *owner* of the *lot* enters into and registers on title to the *lot* and on title to the lands known municipally in 2008 as 743 St. Clair Avenue West one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.





Attachment 9: Terms for Replacement Rental Housing

The following key provisions shall be secured in the appropriate Section 37 and Section 111 Agreements in addition to those requirements described in Appendix 1 of the draft zoning by-law.

Tenure

All 9 replacement rental units must be rental housing units with no registration as condominium, co-ownership or any other form of ownership housing.

The units must remain as rental housing, and no application for conversion for non-rental housing purposes (or application to demolish without replacement) can be made for at least 20 years from the date the units are first occupied, or for 25 years if any public funding for affordable rental housing is provided to other units in the building.

Replacement Units

There shall be 9 replacement units provided and maintained:

- one - bedroom apartments, with a minimum floor area of 450 sq. ft.
- two - bedroom apartments with a minimum floor area of 750 sq. ft.

If the replacement units are provided as part of a non-profit housing development at 743 St. Clair Avenue West, the unit mix may be varied as set out below if required to suit the target population. Best efforts will be used to provide the two - bedroom apartments.

- A two-bedroom unit can be replaced with 1.5 one-bedroom units, rounding up to the nearest unit - if none of the 5 two-bedroom units are replaced, then the total # of replacement one-bedroom units would be 12.

The owner or a non-profit housing provider can have more than 5 two-bedroom units on the basis that for every 2 extra two-bedroom units, 3 one-bedroom units would be deducted from the replacement requirements, rounding up to the nearest unit as needed.

Rents

Of the nine required replacement units, the one unit whose rent may not exceed mid-range rents is for one of the two-bedroom replacement units.

Funding for Non-Profit Housing

If the replacement units become part of a non-profit rental housing development at 743 St. Clair Avenue West, public funding or incentives for affordable rental housing may be provided for the replacement units subject to:

1. The terms for provision of the funding or incentives that may benefit any of the 9 replacement units shall be separately identified in such agreements and shall be to the satisfaction of the Chief Planner;
2. The non-profit housing provider shall be the beneficial recipient of such funding or incentives;
3. These provisions shall result in lower rents and/or a longer period of affordability for the replacement units than if the funding or incentives were not available; and
4. The Section 37 and Section 111 Agreements shall secure a formula to be used to determine the amount of the owner's contribution for the 9 replacement units to fulfill the owner's obligations under the agreements, to the satisfaction of the Chief Planner.

Timing of Replacement Units

If provided at 743 St. Clair Avenue West, the objective is that the 9 replacement units are ready and available for occupancy prior to or at the same time as the condominium units at 530 St. Clair Avenue West are ready and available for occupancy.

Letter of Credit (LOC)

1. If any of the replacement units are not available for occupancy by the time that the first of the condominium units at 524, 528, 530, 532 and 534 St. Clair Avenue West are available for occupancy:
 - (a) the LOC will remain outstanding until the replacement units are available for occupancy (subject to 2 below), or
 - (b) the Chief Planner may elect to cash the LOC pursuant to 3 below.
2. The amount of the LOC will be reduced by 50% at the time the above-grade building permit for the development at 743 St. Clair Avenue West has been issued.
3. The LOC can be cashed at the discretion of the Chief Planner on the earlier of the date that the first unit in the development at 530 St. Clair Avenue West is available for occupancy or the date that is 3 years from the date of issuance of the first demolition permit for any of the properties at 524-534 St. Clair West, for any of the 9 units not yet completed and ready for occupancy;

4. The amount of the LOC shall be adjusted annually on the 12 month anniversary of the date the LOC was first provided by an amount that is based on the increase in an appropriate index for residential construction prices.

Agreements

The Agreements will provide that if the replacement units are provided at 743 St. Clair Avenue West, then in respect to 530 St. Clair Avenue West, the Section 111 Agreement and Section 118 restrictions may be released and the rental housing provisions in the Section 37 Agreement may be released when all the replacement units are provided ready and available for occupancy.

The Agreements shall allow either for replacement on-site, or for replacement off-site either by owner as private rental or constructed on a turnkey basis for a non-profit group.

The Agreements shall include appropriate conditions in agreement for the alternative options (e.g. 2-bed units must be replaced if private rental, option for substituting more 1-bed units if non-profit) as it may not be known at construction start which option will be the final outcome.

The Agreements shall include the Letter of Credit requirements included as described above.

Agreements on the proposed development site are to provide that the owner agrees that agreements and restrictions noted above are to be satisfactorily registered on the Rental Site prior to issuance of the first building permit for the Rental Site (including demolitions and excavation permits) with detailed replacement and affordability terms, to remain registered on title for length of term of the agreement.