

**155-163 Dundas Street East and 200 Jarvis Street
Zoning Amendment Application – Supplementary Report**

Date:	November 1, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	11 144529 STE 27 OZ

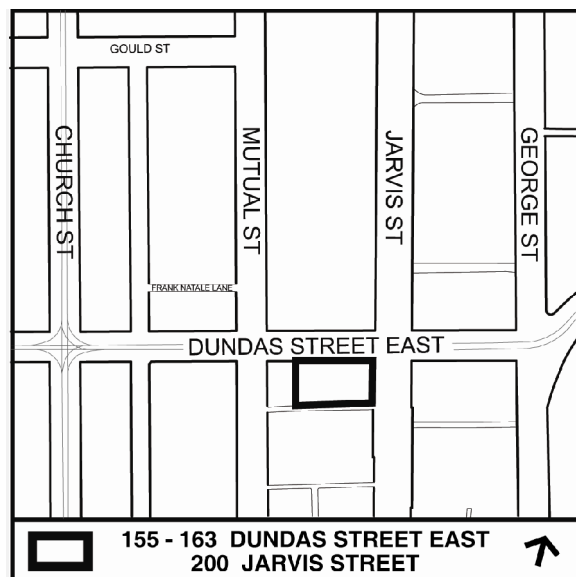
SUMMARY

The report from the Director, Community Planning dated October 17, 2011, titled "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report" contained comments that were included in error. In the section titled "Traffic Impact, Access, Parking" it is stated that the conclusions of the consultant's report are supported by Staff. Transportation Planning and Technical Services Staff do not support the consultant's conclusions.

The section should read as follows:

"Traffic Impact, Access, Parking

During the Community Consultation process concern was expressed over the impact the number of vehicles of the proposed development would have on the overall flow of traffic in the area. The community further expressed a concern that there was not enough parking being provided which could create a situation in which residents and visitors would be seek on street parking in the area, making a perceived shortage in supply worse. The applicant has submitted a traffic impact study in support of their application. A



total of 140 parking spaces is proposed for 384 units. The conclusions of the report were that the impact of traffic on the neighbourhood would be minimal. Staff do not support the reduced parking standard proposed by the applicant's consultant, nor does staff support the proposed encroachment into the City-owned laneway. Staff recommend, that parking for the proposed development be provided in accordance with the *Parking Standards Review-Phase Two Apartment Building/Multi-Unit Block Developments Component, New Zoning By-Law Project* report prepared by Cansult Limited, dated February 2007. On that basis, the requisite supply for the subject site will be a total of 267 spaces comprised of 229 resident spaces and 38 visitor spaces."

Consequently the zoning by-law should be amended to delete the provision for the encroachment into the City-owned laneway and to increase the minimum parking standard as shown on Attachment 1 of this supplementary report. A further recommendation requiring the security of infrastructure improvements and other conditions of the functional servicing report should also be added as a legal convenience to the Section 37 Agreement. All other findings and recommendations of the report are accurate as reported.

RECOMMENDATIONS

The City Planning Division recommends that:

Recommendations and Attachment 8 in the report dated October 17, 2011 and titled "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report", from the Director, Community Planning, Toronto and East York District be deleted and replaced with the following:

1. City Council amend Zoning By-law 438-86, for the lands at 155-163 Dundas Street East and 200 Jarvis Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report dated November 1, 2011 from the Director, Community Planning, Toronto and East York District
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 require the owner of the lands at 155-163 Dundas Street East and 200 Jarvis Street to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i. The conveyance of fourteen units to an arts based affordable housing provider ("the Provider") at \$250 per square foot, plus the School Board and City Development Charges associated with those units;

- ii. Agreements of Purchase and Sale with respect to the all fourteen units in Recommendations 3 i., shall be entered into with the Provider and/or the City prior to the issuance of the first above grade building permit for the development.
- iii. A provision allowing the Agreements of Purchase and Sale of all fourteen units in Recommendations 3.i to be assignable.
- iv. \$150,000 for a Heritage Conservation District Study for the area bounded by Carlton Street, Sherbourne Street, Queen Street East and Jarvis Street.
- v. \$300,000 for laneway improvements between Mutual and Jarvis south of the site or to other local right-of-way or parks improvements.
- vi. Require that the cash amounts identified in Recommendations 3.iv and 3.v. above shall be indexed annually 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 submission of the funds by the owner to the City.

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

- a. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as reviewed and accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support the development.
- b. A Revised Functional Servicing Report must be submitted to analyze the impact of the sanitary and storm flow from the proposed development on the municipal downstream system and determine mitigation measures to minimize any negative impact, if any;
- c. The public infrastructure should not be affected by the proposed development and therefore any reference to an eventually removal and reinstatement of the existing catch-basin located within the public laneway near the intersection with Jarvis Street needs to be eliminated from the revised Functional Servicing Report; and
- d. Submit revised plans, reports and/or documentation with respect to Conditions B(1) to B(12), for the review and acceptance of the General Manager of Transportation Services and Executive Director of Technical Services.

4. City Council authorize the City to be a party to the Agreements of Purchase and Sale contemplated to be entered into for the Provider's units as a contingent transferee, in order to ensure the benefit of the units to be conveyed is secured for the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report", in the event either of the organizations is not able to complete the transactions, by either assigning its interest in the Agreements of Purchase and Sale or by selling the units in the open market at fair market value with the proceeds to go towards affordable housing in Ward 27.
5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing, including the specific actions set out in "Council Authorities to Implement Matters Pursuant to the Section 37 Agreement" as Appendix 1 to the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report".

CONTACT

Giulio Cescato, Planner
Tel. No. 416-392-0459
Fax No. 416-392-1330
E-mail: gcescat@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 201~
Enacted by Council: ~, 201~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-201~

To amend the General Zoning By-law No. 438-86, as amended of the former City of Toronto with respect to the lands municipally known as 155-163 Dundas Street East

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; and

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

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 in the by-law; and

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

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

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 438-86 of the City of Toronto, 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 (the "City"); 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 and in return for the provision by the *owner* of the *lot* of the facilities, services and matters, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 5(l) 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 and matters set out in Section 5(l) 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. The *owner* of the *lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *lot* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2 with respect to the definition of *grade*, *height* and *bicycle parking space* and Sections 4(2)(a), 4(5)(b), 4(5)(f)(i), 4(8), 4(10), 4(12), 4(13), 4(14), 4(16), and 8(3) Part I 1. and 3. 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 or use of a *mixed-use building*, including *accessory* uses thereto on the *lot* provided that:
 - a. the *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
 - b. the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 27,100 square metres;
 - c. the *residential gross floor area* shall not exceed 26,200 square metres;
 - d. the *non-residential gross floor area* shall not exceed 900 square metres;
 - e. the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as

indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:

- i. parapets, terrace or balcony guards and dividers, planters and railings extending to a maximum vertical projection of 2.0 metres above the *height* limits shown on Map 2;
 - ii. window washing equipment, landscape elements, lighting fixtures, vents, flues, pipes, access roof hatch, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may project above the *height* limits shown on Map 2;
- f. no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:
 - i. cornices, eaves, guardrails, and vents may extend beyond the heavy lines shown on Map 2;
 - ii. awnings, and canopies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres beyond the wall to which they are attached;
 - iii. balconies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres; and,
 - iv. retaining walls and landscape elements of maximum height of 3.0 metres may extend beyond the heavy lines shown on Map 2 but may not extend beyond the south lot line.
- g. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;
 - ii. a minimum of 0.5 *parking spaces* per one *bedroom* dwelling unit;
 - iii. a minimum of 0.80 *parking spaces* per two *bedroom* dwelling unit;
 - iv. a minimum of 1.0 *parking spaces* per three or more *bedroom dwelling unit*;

Visitor Parking:

- i. a minimum of 0.10 *parking spaces* per *dwelling unit* for visitors;

the visitors *parking spaces* required to be provided and maintained on the *lot* pursuant to this By-law shall be reserved at all times for visitors to the residential portion of the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the building;

Retail Parking:

- i. a minimum of 1 *parking space* for each 100 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, contained therein, except where such uses are located in a building having a *non-residential gross floor area* not exceeding 1.0 times the area of the lot; and
- ii. a maximum of 1 *parking space* for each 25 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, contained therein.

- h. a minimum of 384 *bicycle parking spaces* shall be provided on the *lot*, subject to the following:

- i. a minimum of 307 *bicycle parking spaces* shall be provided for residents of which at least 150 shall be in a secure room or area and not to be combined with a storage locker facility;
- ii. a minimum of 77 *bicycle parking spaces* shall be provided for visitors of which at least 50 shall be provided at *grade*.

- i. *residential amenity space* shall be provided on the *lot* as follows:

- i. a minimum of 437 square metres of indoor *residential amenity space*; and
- ii. a minimum of 605 square metres of outdoor *residential amenity space*.

- j. a minimum of one *loading space* – type “G” shall be provided on the *lot*;

- k. the *owner* of the lot enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.

- 6. For the purpose of this By-law:

- a. “*car-share parking space*” means an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle that is owned by a profit or non-profit car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car;
 - b. “*grade*” shall mean 88.88 metres Canadian Geodetic Datum;
 - c. “*height*” shall mean the vertical distance between *grade* and the highest point of the roof, excluding permitted projections identified in section 5(e) of this By-law; and,
 - d. each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
- vii. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
- viii. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this ~ day of ~, A.D. 201~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

By-Law Schedules to be provided as a Technical Amendment

Appendix 1: Council Authorities to Implement Matters Pursuant to the Section 37 Agreement

1. City Council authorize and direct the City Solicitor to enter into a Section 37 agreement to implement the matters discussed in Recommendation 3 of the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report";
2. In order to ensure that construction, condominium registration and finalization of the transfer of units in the development may proceed in a timely manner, in the event either of the Agreements of Purchase and Sale with respect to the arts based affordable housing provider ("the Provider") cannot be completed by the intended organizations, City Council authorize the City to assign its interests in the Provider's Units to another similar organization that would give effect to the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report", chosen by the Director, Affordable Housing Office, on terms and conditions determined by him and in a form satisfactory to the City Solicitor, prior to the closing date with the Owner, with the intention that there are no financial consequences of the City having been a party to the Agreements of Purchase and Sale;
3. City Council authorize and direct the City Solicitor to execute the Agreements of Purchase and Sale with respect to the Provider's Units and to complete any assignment or any document relating to the re-sale transactions that may occur as a result of entering into that agreement, on behalf of the City, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable;
4. City Council authorize and direct the Director, Affordable Housing Office, to enter into an agreement with the purchaser of the Provider's Units to secure the terms of the sale of the Provider's Units, at cost, to ensure the ongoing affordability, to ensure the intended arts affiliated use of the units, to require reporting of the activity involving the sale of the units and to secure such other terms and conditions as he deems advisable, such agreement to be in a form satisfactory to the City Solicitor and to be entered into prior to the completion of the Agreements of Purchase and Sale referred to in Recommendation 4 to the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report"; and

5. City Council authorize the Chief Planner and Executive Director of City Planning Division to execute, in his sole discretion, consents pursuant to the restriction to be registered on title to the Provider's units under Section 118 of the *Land Title Act*.