

Note: This is an excerpt from the April & May 2015 Full Report document. For a copy of the full report, please visit: <http://www.gyra.ca/reports/>

DEVELOPMENT

Hazelton Lanes Cooling Tower

From: GYRA
Sent: April 21-15 5:42 PM
To: Councillor Wong-Tam; Gowri Shanker Building Division

Dear Councillor:

As details trickle in this week from GYRA members and Hazelton Avenue residents, a disturbing situation emerges concerning the lack of community consultation and transparency regarding the issuance of several permits to First Capital. I understand queries from residents directly affected by the work currently being carried out on the Hazelton Lanes property, were either not satisfactorily dealt with or have yet to be addressed.

I understand the most troubling is the installation of a massive mechanical tower, rumoured to be the equivalent of four storeys, and the venting of Whole Foods cooking odours and the proposed food court food odours through this tower will pollute the air around GYRA buildings and the Yorkville-Hazelton HCD area. GYRA condominium residents will be forced to keep their windows closed at all times, and will lose the enjoyment of their patios to avoid exposure to these offensive odours. This is unacceptable.

In my seventeen years of community activism, I have not encountered a situation of this nature and am frankly dismayed First Capital was permitted to proceed without any prior notice or consultation with area residents who will forever be adversely affected. This is unacceptable, and raises the alarming question, is this City standard procedure in dealing with structures of this nature?

First Capital informed GYRA member, MTCC 985 77 Avenue Road, of their intention to seek a permit to swing a crane carrying commercial chillers from Avenue Road across 77 and 89 Avenue Road, on the Victoria Day weekend beginning May 15. MTCC 985 objects to the crane swing over their property, and I would urge you to exert pressure in denying the permit until we have had the opportunity to convene an emergency meeting with you and Gowri Shanker to discuss and redress this horrible situation. I would begin by inviting you and Mr. Shanker to attend the 77 Avenue second floor terrace, on Friday morning, April 24th, to see for yourself the visual, physical, mental, and olfactory stress that will result from this intrusive tower. Kindly advise time you are available, and we will meet you in the lobby.

Thank you for your immediate attention to this matter.

Sincerely,
Gee Chung
President
THE GREATER YORKVILLE RESIDENTS' ASSOCIATION
www.GYRA.ca info@gyra.ca

c.c. GYRA Executive Committee, 77 Avenue Road, 99 Avenue Road, John Caliendo ABC

GYRA's initial email and follow-up emails resulted in response from Building Division Manager of Inspections, Andrew Wild, consenting to meet with GYRA representatives to explain the tower's approval process.

2 St Thomas Changed Ownership and Conversion to Rental Units

GYRA member, One St Thomas, seeking GYRA support to their opposition of conversion from condominium to rental and to the variances approved by Committee of Adjustments. GYRA sought information as follows:-

From: GYRA

Sent: April 26, 2015

To: Ron McEachern One St Thomas

c.c Jeanne Diaz One St Thomas Property Manager; GYRA Executive Committee

Subject: 2 St Thomas Development

Regarding the change in ownership of the 2 St Thomas development that has resulted in changed use of the units from condominium to rental units. This is probably a complex legal matter and for GYRA board members to have a grasp of this matter, we ask the following questions:-

- a) Would the Minutes of Settlement agreed upon in January 2007 between Victoria University, Minto Inc. and One St. Thomas Dev. Inc. be grandfathered into the acquisition of this property by Bental Kennedy and Kingsett Capital (2-8 Thomas Street Holdings Inc)? In a meeting earlier this week with one of Toronto's top Municipal land use and planning solicitor, she informed us that Minutes of Settlement is a powerful weapon to keep developers at bay.
- b) Did the Committee of Adjustments approve all the variances requested?
- c) You are appealing the Committee of Adjustments approval at the OMB. Is the OMB bound by their 2008 decision, or can OMB set aside that decision and rule in favour of the variances?
- c) Our heritage architect thinks the revised scheme lacks the step-backs of the Minto approved form, and opines the new envelope and height of both buildings should be closely similar to that of the Minto project as approved by the OMB.
- d) We share your concern that the rental conversion with a high percentage of small units will probably appeal more to students than high-end renters. Student housing often equates with unwelcome noise that would interfere with the quiet nature of the existing neighbourhood of predominantly owner-occupied dwellings.

York Square 33-45 Avenue Road & 140-148 Yorkville Avenue

For details, see March 2015 Report. A working group will convene shortly.

The One (formerly Stollery)
Minutes of Mizrahi Presentation to GYRA Board on 30 March 2015

In attendance on behalf of Mizrahi Developments were Mahdi Tajbakhsh, Vice-President, and Joshua Lax, Project Coordinator.

The gentlemen began by introducing Mizrahi Developments. The firm has a history as custom single-family homebuilders in Forest Hill, Rosedale and the Bridle Path in the city. Currently under construction, 133 Hazelton and 181 Davenport mark the firm's foray into custom condominium development in the city.

They described the evolution of the prospective design for The One to be located at 1 Bloor West, the former Stollery store and six adjacent properties to the west and south. The architectural firm chosen for the project is Foster noted for several landmark buildings around the world and experienced with an exo-skeleton structure that allows maximum interior flexibility. There are no interior columns as the structural elements are "jewelry" on the exterior of the building.

The building is slated to have a 48 meter podium consisting of 8 floors of retail which has to be completed by January 2018 to meet the specifications of a prospective major international tenant. There is an exterior garden space every second floor as well as street level public space 10 metres X 12 metres, tucked between the west wall of the podium and the green east wall of the retail building next to H+M.

The remainder of the building reaching to 318 meters will be custom condominium units with an anticipated completion in 2020. The original plan was to involve the whole block and incorporate the Bank of Nova Scotia at Bloor and Balmuto, but the firm has yet been unable to complete a purchase of the midblock building currently rented by H+M. The building will be assembled in modules so that eventually when the H+M building is finally acquired, the whole block can be integrated into a unified design.

There will be 8 floors of parking below grade and connections to the Path from Park to Cumberland, though the exact route of the connections remains under negotiation. Parking and loading will be interior via a lane off Balmuto.

When asked what the community wants, the answer was resoundingly clear: a construction plan that does not spill out beyond the building footprint to block sidewalks and traffic. Lax indicted the city has requirements for closing traffic lanes during the pouring of concrete and delivery of certain materials. Michael Landry pointed out that the Mizrahi construction now underway is creating havoc on Davenport by blocking two lanes. There was no commitment for any construction plan that would abate the interference with pedestrian and vehicular traffic.

GYRA president requested a construction management plan for The One that would include information relating to disruptions impacting pedestrian and vehicular traffic, such as crane lifts and concrete pours, etc. and on-site dog facilities (toilet area). Mizrahi was amenable to these points.

GYRA board was informed there would be no shadowing of Jesse Ketchum School in June. What is unknown are shadow impacts in March and September. GYRA board was also informed the design of the tower would reduce wind on Bloor Street from present day levels.

Manulife Centre Expansion
Minutes of Manulife Presentation to GYRA Board 30 March 2015

In attendance on behalf of the project were Michael Bardin and Pamela Kalsner from Manulife Real Estate, Dan McAlister and Eddie Wu from B+H Architects and from the city, James Parakh, Toronto and East York Urban Design Manager.

Several changes have been made to the proposed design based on feedback from the city, resident and business associations. The design changes are reputedly based on the characteristics of successful urban streets: a coherent Bloor-Yorkville streetscape on all sides of the building; pedestrian friendly sidewalks and accessible entrances; animated street edge on a human scale; appropriate functions and amenities, and a memorable façade. The Bloor corners have been set back and wedged to echo the configuration of the tower and provide more sidewalk space. The sidewalks on three sides of the building - north, east and west - have been widened and will match the BIA granite and landscaping on Bloor. The envelope of the building has been retracted and the retail space reduced approximately 20 percent. There will be three marked street entrances, on the north, east and west streets, and the north west corner entrance to the concourse level will be removed. Indigo will have a distinctive entrance, a slight wedge jutting off the west face facing toward Bloor and creating space for public art and seating. All the current pedestrian impediments - stairs, ramps, vents - will be moved inside.

One Yorkville (838-848 Yonge Street) Bazis Inc.

- This item was considered by Toronto and East York Community Council on April 14, 2015 and adopted without amendment. It will be considered by City Council on May 5, 2015..

Toronto and East York Community Council consideration on April 14, 2015

TE5.4	ACTION	10:00 AM		Ward:27
--------------	--------	----------	--	---------

Final Report - 836-850 Yonge Street and 1-9A Yorkville Avenue - Zoning Amendment and Rental Demolition Application Under Municipal Code 667

Statutory - Planning Act, RSO

1990 Community Council

Community Council Recommendations

The Toronto and East York Community Council recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 836-850 Yonge Street and 1-9A Yorkville Avenue substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment No. 13 to report (March 25, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 836-850 Yonge Street and I-9A Yorkville Avenue substantially in accordance with the draft Zoning Bylaw Amendment attached as Attachment No. 14 to report (March 25, 2015) from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed contribution of \$4,750,000 to be paid or secured as noted below in the Section 37 Agreement. The total amounts are indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and is detailed as follows:
 - a. Prior to the issuance of the first above-grade building permit the owner shall provide an indexed cash contribution to the City in the amount of \$4,750,000 to be allocated to capital improvements that will benefit the community in the vicinity of the project such as, but not limited to, non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, Yorkville BIA capital projects, capital improvements to Toronto Community Housing in

Ward 27, or public parks in the area, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

b. Prior to the issuance of the first above-grade building permit, the City at its sole discretion may opt to use any or all of the \$4,750,000 identified in Condition 4.a.i. in conjunction with any other funding sources at its discretion, for the purpose of parkland acquisition in the vicinity of the project, such parkland to be to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

ii. To provide and maintain an accessible public pedestrian walkway on the west portion of the subject property which shall have a minimum width of 3.6 metres and shall provide a direct at-grade connection between Yorkville Avenue and the south property line generally within the area identified as "Pedestrian Walkway" on Map 2 of the Zoning By-law amendment, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; such right of access to be secured by way of agreement(s) to the satisfaction of the City Solicitor.

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

i. The Owner shall enter into a Heritage Easement Agreement for the properties at 836-850 Yonge Street and 1-9A Yorkville Avenue to the satisfaction of the Manager, Heritage Preservation Services;

ii. The Owner shall provide and maintain seven (7) residential rental units on the subject site as rental housing for a period of at least 20 years, comprising three (3) bachelor units and four (4) 1-bedroom units, as shown on the plans submitted to the City Planning Division dated February 19, 2015 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, one (1) bachelor unit shall have an affordable rent; an additional five (5) units shall have rents no higher than mid-range; and one (1) unit will have no rent stipulation;

iii. The Owner shall provide tenant relocation assistance for tenants in the existing rental units including an extended notice period, financial assistance beyond the minimums of the Residential Tenancies Act, and the right to return to a replacement rental unit for the eligible tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

iv. The Owner shall enter into and register one or more Section 111 Agreement (s) to secure the rental replacement units and the tenant relocation provisions outlined above and as detailed in the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;

v. The Owner shall enter into and register a Section 118 Restriction under the Land

those parts of the lands comprising the 7 replacement residential rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement; and

vi. The Owner shall convey a portion of the land on the west side of the subject property to create a 6.0 metre wide public lane secured in a Site Plan Agreement with the City, to the satisfaction of the General Manager, Transportation Services and the City Solicitor.

5. City Council approve the Rental Housing Demolition application (13 246110 STE 27 RH) to demolish the seven (7) residential rental units at 836-850 Yonge Street and 1-9A Yorkville Avenue pursuant to Municipal Code Chapter 667 and three (3) residential units also pursuant to Municipal Code Chapter 363 subject to the following conditions:

a. the owner shall enter into, and register on title, one or more Section 111 Agreement (s) to secure the following conditions as further detailed in the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

- i. the owner shall provide and maintain seven (7) residential rental dwelling units in the development, for a period of at least 20 years, comprising three (3) bachelor units and four (4) 1-bedroom units, of which five (5) units shall have not higher than mid-range rents and additionally one (1) bachelor unit at an affordable rent;**
- ii. the owner shall provide tenant relocation assistance for tenants in the existing rental building including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and**

b. the owner shall enter into, and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning Division.

6. City Council authorize the issuance of a Preliminary Approval by the Chief Planner and Executive Director, City Planning Division to the Rental Housing Demolition application (13 246110 STE 27 RH) after:

a. the draft Zoning By-law Amendments which are Attachment Nos. 13 and 14 to the report (March 25, 2015) from the Director, Community Planning, Toronto and East York District, have come into full force and effect; and

b. the Notice of Approval Conditions for site plan approval has been issued for the development by the Chief Planner and Executive Director, City Planning Division, pursuant to Section 114 of the City of Toronto Act, 2006.

7. City Council authorize the issuance of a Section 111 Permit by the Chief Building Official for the Rental Housing Demolition application (13 246110 STE 27 RH) after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval

8. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the Planning Act for the residential uses on the lot no earlier than the issuance of a building permit for the shoring and excavation for the subject lands; and of the issuance of Preliminary Approval by the Chief Planner and Executive Director, City Planning Division, on condition that:

- a. the owner erect a residential building on site no later than five (5) years from the date the Section 33 demolition permit is issued; and**
- b. should the owner fail to complete the new building within five (5) years, 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.**

9. City Council request the General Manager, Parks, Forestry and Recreation, in consultation with the Director, Real Estate Services to report to Toronto and East York Community Council by the Fourth Quarter, 2015 on the parkland acquisition option, including the following:

a. The financial implications to the City in the event City Council were to elect to require the parkland acquisition rather than the cash contribution of \$4,750,000 (Recommendation 4.a.i.);

b. Detailed terms and conditions for the acquisition and capital improvements of the proposed parkland, including any other funding sources such as the cash-in-lieu received from this project under Section 42 of the Planning Act;

c. c. Any additional terms and conditions that should be considered by City Council in determining whether or not to require the parkland acquisition instead of the cash contribution.

Summary

This application proposes a new 58-storey mixed-use building with retail uses on the ground and second floors and residential uses above at 836-850 Yonge Street and 1-9A Yorkville Avenue. The tower height is 180.6 metres plus a 2.6 metre elevator overrun. A total of 577 residential units, 162 resident parking spaces and 329 bicycle parking spaces are proposed.

The application proposes to demolish and replace seven residential rental units on site. The rental housing demolition application (13 246110 STE 27 RH) under Section 111 of the City of Toronto Act is addressed in this report.

A separate report from Heritage Preservation Services, dated March 9, 2015, addresses the proposed alteration of the heritage buildings on the site.

The proposal is consistent with relevant policies of the Official Plan, the Bloor-Yorkville/North Midtown Urban Design Guidelines and the Yorkville - East of Bay Planning Framework. The proposal also includes the first phase of a mid-block pedestrian connection from Yorkville Avenue to Cumberland Street.

This report reviews and recommends approval of the application to amend the Zoning By-law. This report reviews and recommends approval of the rental housing demolition application for a Section 111 Permit, with conditions.

Financial Impact

The recommendations in this report have no financial impact.

Background Information

(March 25, 2015) Report from the Director, Community Planning, Toronto and East York District - 836850 Yonge Street and 1-9A Yorkville Avenue - Zoning Amendment and Rental Demolition Application Under Municipal Code 667 - Final Report

[Ottp://www.toronto.ca/leqdocsimmis/2015/teibqrd/backgroundfire-78384.pdf](http://www.toronto.ca/leqdocsimmis/2015/teibqrd/backgroundfire-78384.pdf)

Source: Toronto City Clerk at www.toronto.ca/council

826-834 Yonge Street & 2-8 Cumberland Street

A community consultation meeting took place on April 30, 2015 to review an application for a 64-storey (184.5 metres plus 9.0 metre mechanical penthouse) mixed-use building with retail uses on the ground, second and third floors, and residential uses above. A total of 531 residential units (413 one-bedroom / 118 2-bedroom), 95 vehicle parking spaces (including 4 car share spaces) and 532 bicycle parking spaces are proposed. Retention of the Yonge Street heritage facades is proposed. The application also proposes to widen and extend the public lane and private lane that runs west of the site to connect Yorkville Avenue with Cumberland Street. For details, view Preliminary Report on City of Toronto Yorkville planning portal.