

**295 Adelaide Street West and 100-104 John Street –  
Zoning Bylaw Amendment – Supplementary Report**

<b>Date:</b>	February 4, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	File No. 08 164515 STE 20 OZ

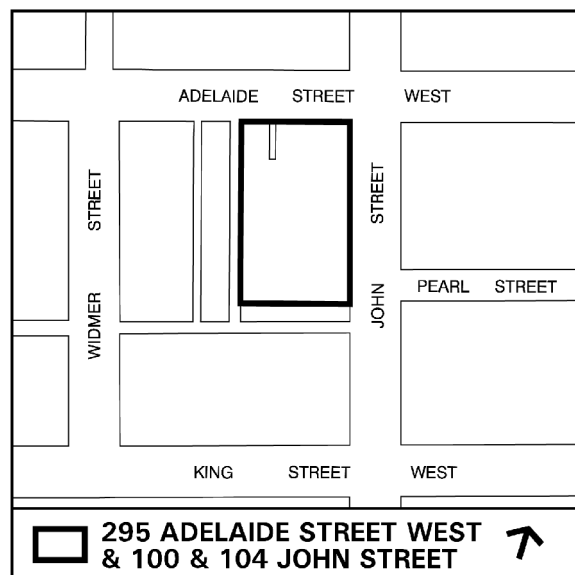
**SUMMARY**

The January 15, 2010 report, “295 Adelaide Street West and 100-104 John Street– Zoning Bylaw Amendment Application – Final Report”, recommends approval for a 43-storey mixed use building at 295 Adelaide Street West and 100-104 John Street. At the time of report preparation, the Section 37 contribution details were still under discussion between the applicant, staff and the Councillor. The details have now been resolved. This supplementary report provides revised recommendations as a result of concluding the negotiations with the applicant. It also includes the Draft Zoning By-law for the development, in Attachment 1.

**RECOMMENDATIONS**

**The City Planning Division recommends that the Recommendations in the January 15, 2010 Final Report be replaced with the following revised Recommendations:**

1. City Council amend the Zoning By-law for the lands at 295 Adelaide St. W / 100-104 John St. substantially in accordance with the draft Zoning By-law Amendment provided in Attachment 1 of the report dated February 4, 2010 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. Prior to the introduction of Bills, City Council require that the applicant's Functional Servicing Report and Transportation Impact Study shall be revised to the satisfaction of the Executive Director of Technical Services.
4. Prior to the introduction of Bills, City Council authorize the introduction of the necessary Bill authorizing the entering into a Heritage Easement Agreement for the relocation of 104 John Street.
5. Prior to the introduction of Bills, City Council require the applicant to submit a Conservation and Rehabilitation Plan for the relocation and restoration of the heritage building at 104 John Street, prepared by a qualified heritage consultant, to the satisfaction and acceptance of the Manager, Heritage Preservation Services. The Conservation and Rehabilitation Plan must include the following items: (1) "blow-up" elevations and sections of the heritage property; (2) existing conditions assessment; and (3) feasibility study to further explore the method in which relocation of the structure would occur so that the integrity of the heritage structure is not physically compromised.
6. Prior to the introduction of Bills, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
  - a. An indexed cash contribution of \$1,300,000.00, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:
    - streetscape improvements on John Street
    - design development supporting the John Street streetscape project
    - Heritage Conservation District Studies in the King Spadina East Precinct subject to the appropriate Official Plan Amendment coming into force and effect

\$100,000 of the above cash contribution is to be provided at the enactment of Bills, for the purpose of contributing to design development for the John Street streetscape or one or more Heritage Conservation District studies within the East Precinct of King-Spadina, subject to the appropriate Official Plan Amendment coming into force and effect; \$500,000 (indexed) to be provided prior to the issuance of an above-grade building permit; and the remaining \$700,000 (indexed) is to be provided prior to the release of the condominium for registration;
  - b. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost;

- c. The provision of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 335 sq. m;
- d. In substantial accordance with the Conservation Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated June 17, 2009, and on file with the Manager, Heritage Preservation Services, the owner shall relocate and restore the heritage building at 104 John Street, and in the event of a lesser expenditure than identified in the Conservation Plan, the difference shall be re-directed to Heritage Conservation District studies within the King-Spadina East Precinct;
- e. Prior to Site Plan Approval, the applicant shall provide additional information, based on the proposed Conservation Plan drawings to include documentation substantially in accordance with that outlined in Section 3.2.1 Option A (page 12) of the submitted Conservation Plan, specifically:
  - i) a detailed plan to outline mitigation measures that address construction impacts relative to the on-site heritage structures;
  - ii) plans for interpretive panels or other interpretive materials to communicate the development history of the property including the research content, design and location of the interpretive materials. The interpretation plan shall include panels or materials at both the existing location of the heritage building and the proposed location within the development site. All above components of the plan shall be to the satisfaction of the Manager of Heritage Preservation Services; and
  - iii) provide a landscape plan for the subject property to the satisfaction of the Manager of Heritage Preservation Services.
- f. Prior to the issuance of any building permit, including for demolition, excavation, shoring, foundation or above grade, the owner shall:
  - i) provide a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan;
  - ii) provide final plans satisfactory to the Manager of Heritage Preservation Services;
- g. Prior to the release of the Letter of Credit, the owner shall provide evidence and documentation that the project scheme has been implemented, per the approved Conservation Plan, satisfactory to the Manager, Heritage Preservation Services;
- h. Prior to Site Plan Approval, provide a program of commemoration/interpretation of archaeological findings within the context of the site's development, to the satisfaction of the Manager, Heritage Preservation Services;

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

- i. A minimum of ten percent (10%) of the residential units in the building will have at least three bedrooms, or be convertible to three or more bedrooms;
  - j. Architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and the owner will be required to submit 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - k. The owner shall incorporate in the construction of the building, and thereafter, maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
  - l. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, received May 4, 2009;
  - m. 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;
  - n. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
  - o. Provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation.
7. City Council authorize the appropriate City officials to complete the process to stop up and close the public laneway at the north end of the site.
  8. Prior to the issuance of any below grade permits, including excavation and shoring, the applicant confirm that all archaeological licensing and technical review requirements have been completed to the satisfaction of the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit).

## **COMMENTS**

### **Section 37 Cash Contribution**

Continued negotiations with the applicant have resulted in an agreement on the cash contribution forming a portion of the Section 37 benefits for the development. An indexed cash contribution of \$1,300,000.00 is to be provided in three installments:

- At passing of bills, the first installment of \$100,000 will be provided, to help fund Heritage Conservation District Studies for the King-Spadina East Precinct area, and design development for John Street streetscape improvements;
- At the issuance of the first above-grade building permit, the second indexed installment of \$500,000 will be provided; and
- Prior to the release of the condominium for registration, the final indexed installment of \$700,000 will be provided.

### **Archaeological Assessment**

The applicant has undertaken an archaeological assessment and the consultant has submitted a preliminary report on the Stage 4 archaeological salvage excavation documenting remains of the Toronto General Hospital Archaeological site to the satisfaction of Heritage Preservation Services. However, Ministry of Culture review and concurrence of recommendations pertaining to the archaeological site is outstanding.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law

## Attachment 1: Draft Zoning By-law

### CITY OF TORONTO

#### BY-LAW No. \_\_\_\_-2010

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 295 Adelaide Street West and 100 to 104 John Street**

WHEREAS the Council of the City of Toronto has been requested to amend its by-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, with respect to lands known municipally in the year 2010 as 295 Adelaide Street West and 100 to 104 John Street; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and conducted at least one public meeting in accordance with Section 34 of the *Planning Act*; and

WHEREAS the Council of the City of Toronto, at its meeting of \_\_\_\_ 2010, determined to amend Zoning By-law 438-86, as amended, of the former City of Toronto; and

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

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

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

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

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

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. 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.

3. None of the provisions of Sections 4(2)(a), 7(3) PART II 1(i) and 3, 12(2)246(a) and 12(2)246(c) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot* provided that:
- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the total of the *residential gross floor area* and *non-residential gross floor area* shall not exceed 43,400 square metres, subject to the following:
    - (i) the *residential gross floor area* shall not exceed 42,300 square metres;
    - (ii) the uses permitted in Section 7(2)(f)(b) (iv) and (vi) of By-law 438-86, as amended, shall not exceed a *non-residential gross floor area* of 1,100 square metres;
    - (iii) beyond a *non-residential gross floor area* of 1,100 square metres, only a *hotel* or suite hotel are permitted non-residential uses; and
    - (iv) the total aggregate *non-residential gross floor area* shall not exceed 6,700 square metres.
  - (c) for certainty, no person shall use the lot or erect or use a building or portion of a building within the lot for the purpose of an *entertainment facility – nightclub*.
  - (d) no portion of the building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - (i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
    - (ii) despite section 7(3) PART II 7 E of Zoning By-law 438-86, as amended, balconies may extend to a maximum of 2.0 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building;
    - (iii) despite 3(d)(i)-(ii) above, none of these projections shall project over the *lot* line into the City right-of-way.

- (e) the *height* of any building or structure, or portion thereof, does 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) the maximum *height* for parapets, terrace guards and dividers, planters, railings, decorative screens, chimney stack or other heating, cooling or ventilating equipment or window washing equipment shall be the sum of 1.8 metres and the applicable height limit shown on Map 2, and provided the projections do not exceed a *height* of 127 metres;
  - (ii) nothing shall prevent the erection or use of a structure on the roof of the building used for noise attenuation, outside or open air recreation, safety or wind protection purposes, provided:
    - A. the maximum *height* of the top of the structure is no higher than the sum of 3.0 metres and the applicable height limit shown on Map 2, and provided the structure does not exceed a *height* of 128 metres;
    - B. no part of the structure, with the exception of terrace guards and dividers, planters, railings and decorative screens, is less than 2.0 metres from an adjacent outside wall or a vertical projection of the wall; and
    - C. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
  - (iii) the sloping *roof-top architectural feature* shall have a downward south to north slope and shall not exceed a maximum *height* of 127.5 m at its northerly terminus and 135.3 m *height* at its southerly terminus as shown on Map 2
  - (iv) the mechanical penthouse shall be permitted only within the area outlined in the dashed line as shown on Map 2, and shall not exceed 5.5 metres above the permitted 125.0 m *height*, provided that in all locations the mechanical penthouse remains below the sloped *height* of the *roof-top architectural feature*
  - (v) a stairwell leading to an outdoor terrace on the roof of the podium shall be permitted only within the area having a height limit of 35.7 metres as shown on Map 2, and its maximum height shall be no more than the sum of 3.0 metres and the applicable height limit of 35.7 metres
- (f) *parking spaces* for residential visitors shall be reserved and marked for the exclusive use of visitors to the residential portion of the building;



- (g) despite section 4(8) and 12(2)246(e)-(i) of Zoning By-law 438-86, as amended, at least one combined *loading space – type “G”* and *loading space – type “B”* shall be provided and maintained on the lot if the non-residential gross floor area is less than or equal to 1,100 square metres, and at least one combined *loading space – type “G”* and *loading space – type “B”*, and one *loading space – type “B”* shall be provided and maintained on the lot if the non-residential gross floor area, including a *hotel*, or a suite hotel, is greater than 1,100 square metres;
  - (h) despite section 4(12) of Zoning By-law 438-86, as amended, a minimum of 800 square meters of *residential amenity space – outdoor* shall be provided on the *lot*, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
  - (i) despite section 4(12) of Zoning By-law 438-86, as amended, a minimum of 2 square metres of *residential amenity space – indoor* shall be provided for each *dwelling unit* in a multi-purpose room or rooms in the building, at least one of which contains a kitchen and a washroom and is not less than 200 square metres in area;
  - (j) indoor and outdoor *residential amenity space* may be shared between the hotel or suite hotel and the condominium, subject to the following:
    - (i) In the event that a *hotel* or suite hotel operates on the *lot*, a minimum of 200 square metres of indoor *residential amenity space*, in a room or contiguous rooms, at least one of which contains a kitchen and washroom, shall be reserved for the exclusive use of the condominium; and
    - (ii) In the event that the *hotel* or suite hotel use ceases or changes to residential, all of the indoor and outdoor *residential amenity space* provided shall continue to be accessible to the condominium residents and may continue to be shared with another use contained within the building.
  - (k) a taxi stand for *hotel* or suite hotel use located wholly on private property shall be provided on the *lot* if a *hotel* or suite hotel operates on the *lot*;
  - (l) *bicycle parking spaces – visitor* may be located at the exterior of the building in a bicycle rack or ring, and those exterior *bicycle parking spaces – visitor* will not be required to comply with the minimum dimensions as set out in section 2(1) Definitions and Interpretation of Zoning By-law 438-86, as amended, for a *bicycle parking space – visitor*;
4. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with

the conditions set out in this By-law and in return for the provisions by the *owner* of the *lot*, of the facilities, services and matters set out in Section 6 of this By-law, the provisions of which shall be secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*;

5. 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 facilities, services and matters set out in Section 6 of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event 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 requirement.
6. The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* 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 of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of the agreement:

- a. An indexed cash contribution of \$1,300,000.00, of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:
  - streetscape improvements on John Street
  - design development supporting the John Street streetscape project
  - Heritage Conservation District Studies in the King Spadina East Precinct

\$100,000 of the above cash contribution is to be provided at the enactment of Bills, for the purpose of contributing to design development for the John Street streetscape or one or more Heritage Conservation District studies within the East Precinct of King-Spadina; \$500,000 (indexed) to be provided prior to the issuance of an above-grade building permit; and the remaining \$700,000 (indexed) is to be provided prior to the release of the condominium for registration;

- b. A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost;
- c. The provision of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 335 sq. m;
- d. In substantial accordance with the Conservation Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated June 17, 2009, and on file with the Manager, Heritage Preservation Services, the owner shall relocate and restore the heritage building at 104 John Street, and in the event of a lesser expenditure than identified in the Conservation Plan, the

difference shall be re-directed to Heritage Conservation District studies within the King-Spadina East Precinct;

- e. Prior to Site Plan Approval, the applicant shall provide additional information, based on the proposed Conservation Plan drawings to include documentation substantially in accordance with that outlined in Section 3.2.1 Option A (page 12) of the submitted Conservation Plan, specifically:
  - i) a detailed plan to outline mitigation measures that address construction impacts relative to the on-site heritage structures;
  - ii) plans for interpretive panels or other interpretive materials to communicate the development history of the property including the research content, design and location of the interpretive materials. The interpretation plan shall include panels or materials at both the existing location of the heritage building and the proposed location within the development site. All above components of the plan shall be to the satisfaction of the Manager of Heritage Preservation Services; and
  - iii) provide a landscape plan for the subject property to the satisfaction of the Manager of Heritage Preservation Services.
- f. Prior to the issuance of any building permit, including for demolition, excavation, shoring, foundation or above grade, the owner shall:
  - i) provide a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan;
  - ii) provide final plans satisfactory to the Manager of Heritage Preservation Services;
- g. Prior to the release of the Letter of Credit, the owner shall provide evidence and documentation that the project scheme has been implemented, per the approved Conservation Plan, satisfactory to the Manager, Heritage Preservation Services;
- h. Prior to Site Plan Approval, provide a program of commemoration/ interpretation of archaeological findings within the context of the site's development, to the satisfaction of the Manager, Heritage Preservation Services;

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

- i. A minimum of ten percent (10%) of the residential units in the building will have at least three bedrooms, or be convertible to three or more bedrooms;
  - j. Architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and the owner will be required to submit 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - k. The owner shall incorporate in the construction of the building, and thereafter, maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
  - l. The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, received May 4, 2009;
  - m. 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;
  - n. The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval;
  - o. Provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation.
7. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the *lot*.
  8. Notwithstanding any consent, severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, severance, partition or division had occurred.
  9. Prior to the issuance of any below grade permits, including excavation and shoring, the land shown on Maps 1 and 2 and labelled "Lane" shall be stopped up and closed as a public highway and a strata title up to a maximum height of 130 metres above *grade* shall be conveyed to the owner of the remainder of the *lot*.

10. Prior to the issuance of any below grade permits, including excavation and shoring, the applicant shall confirm that all archaeological licensing and technical review requirements have been completed to the satisfaction of the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit).

11. For the purposes of this By-law, all italicized words and expressions have the same meanings as described in By-law No. 438-86, as amended, with the exception that the following expressions shall have the following meanings:

*“grade”* means 87.28 metres Canadian Geodetic Datum;

*“height”* means the vertical distance between *grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in section 3(e) of this By-law;

*“roof-top architectural feature”* means a decorative, structural element located on the roof of the tower running parallel to John Street and sloping down from south to north;

*“temporary sales office”* means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of the *dwelling units* to be erected on the *lot*.

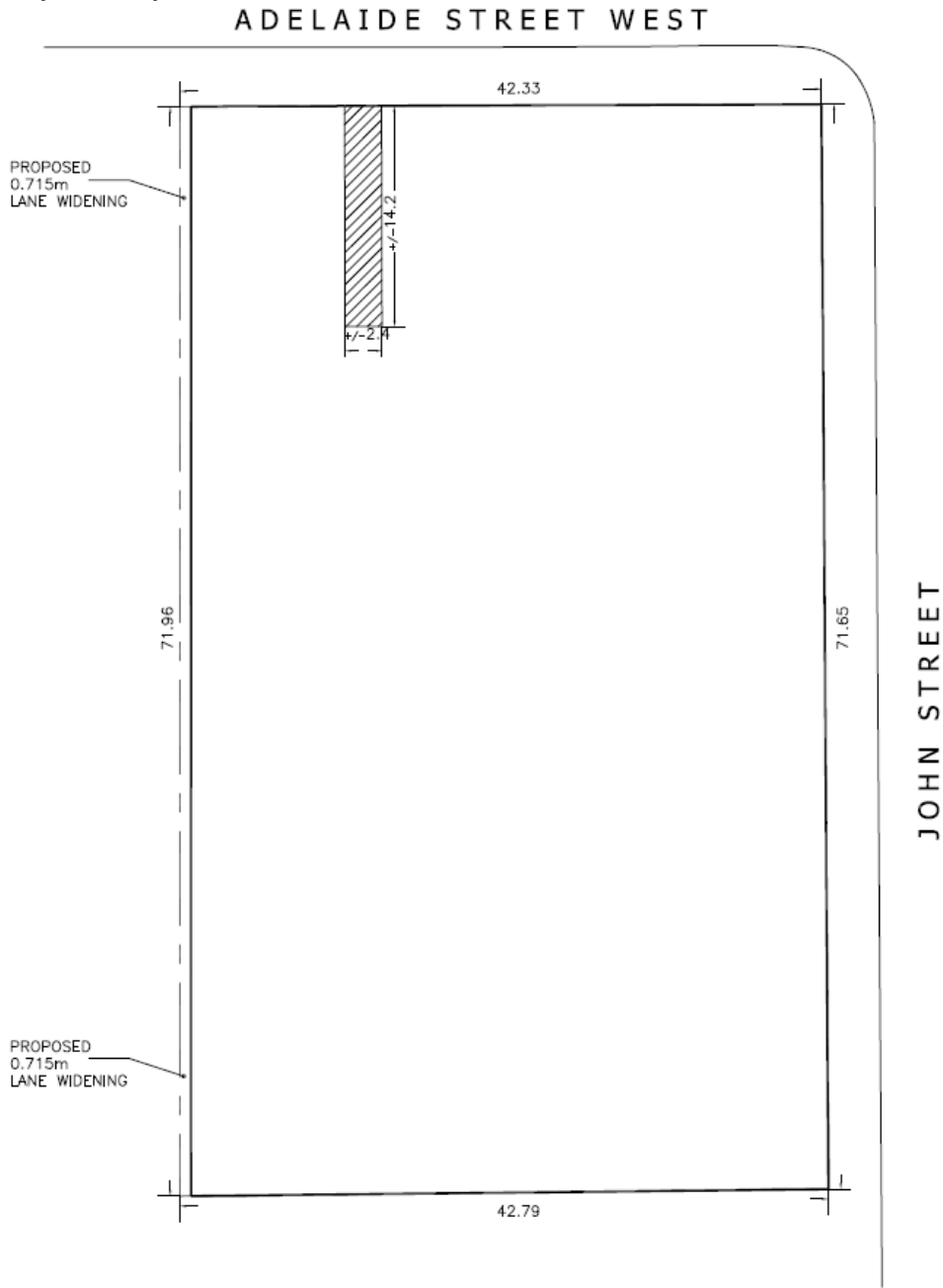
ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2010


Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Map 1 (DRAFT)



 LANDS REFERRED TO AS "LANE"  
(PROPOSED TO BE CLOSED)

ALL DIMENSIONS ARE IN METRES



