

**40 Scott Street, 10 Wellington Street East – Zoning
Amendment - Final Report**

Date:	January 30, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	11 190645 STE 28 OZ

SUMMARY

This applicant proposes a 58-storey mixed use building comprised of a 5-storey podium and 53-storey tower. The proposed building is 204 metres tall including the mechanical penthouse. The proposal contains approximately 482 residential units, a minimum of 4,500 square metres of commercial office space and a minimum of 800 square metres of ground floor retail space. The proposal includes 331 car parking spaces in 5 levels of underground parking. The applicant is proposing to demolish the existing 7-storey structure and preserve and reuse its limestone cladding for the new podium. The applicant has advised it is their intent to develop this project as a residential condominium.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 438-86 for the lands at 40 Scott Street and 10 Wellington Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated January 26, 2012 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 40 Scott Street and 10 Wellington Street East to enter into a secured Agreement with the City to ensure the provision of all necessary improvements to the existing municipal infrastructure in connection with (a) the Functional Servicing Report, to the satisfaction of the Executive Director of Technical Services; and (b) the Transportation Study, to the satisfaction of the General Manager of Transportation Services, should it be determined that improvements to such infrastructure are required to support this development.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure community benefits as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the issuance of above grade permits provide a cash contribution of \$2,500,000 which is to be used for the following:
 - a) \$1,000,000 to be directed to public art to be located on publicly accessible portions of the site and/or within Berczy Park;
 - b) \$1,300,000 for streetscape improvements on Wellington Street East from Yonge Street to Church Street not abutting the site, streetscaping on Colborne Street from Yonge Street to Scott Street not abutting the site, and streetscaping on Scott Street from Colborne Street to Front Street East not abutting the site; and
 - c) \$200,000 for the North St. Lawrence Market redevelopment.
 - b. require that the cash amounts identified in b) and c) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
 - c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, Planning Division, to secure the existing cladding to be reused on the new building; and

- ii. provide knock-out panels for future PATH pedestrian connection to the north and south on the P1 Parking Level at the westerly edge of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Economic Development and the General Manager of Transportation Services; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*.
- iii. the Heritage Toronto marker at the entrance off Wellington Street East titled "Royal Insurance Company of Canada" is required to be removed, stored during construction and re-installed on site in a location to the satisfaction of Heritage Preservation Services.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

Original Proposal

The original proposal was submitted May 9, 2011 and has now been revised by the applicant in consultation with Planning staff and members of the public to address concerns related to appropriate built form, loading, access and egress, traffic, shadow and impacts on the adjacent properties.

The original proposal included a 58-storey building comprised of a 5-storey podium and 53-storey tower. The proposal involved demolishing the existing 7-storey building. The existing building is made up of the original 5-storey building constructed in 1951 and additions from the late 1970's/early 1980's. The facing materials from the original 5-storey building would be saved and used to reconstruct the façade as part of the new podium. The additions, which include the top two storeys and the portion of the building on the western part of the site along Wellington Street East would not be retained or reconstructed. The proposal included a private lane located approximately midblock that extended from Wellington Street East through to Colborne Street. The height of the building was 184.76 metres (194.36 metres including the mechanical penthouse).

Revised Proposal

The revised proposal is generally consistent with the original proposal in terms of height, density, number of units and general configuration. The main revision to the development shifts the tower six metres to the south and restructures the top of the tower. The shift of the tower also enables the access to the below grade parking to be reconfigured to provide a more pedestrian friendly environment along Colborne Street. The original proposal was revised generally as follows with the details of the new plans to be discussed further throughout this report. The revisions include:

- Revisions to the setbacks of the tower:
 - i. on the north side along Colborne Street from 4.5 metres to 10 metres
 - ii. on the south side along Wellington Street East reduce the building set back from 12 metres to 6.5 metres; and

- iii. the original set backs on the east and west side of 4.5 metres and 12 metres respectively will be retained.
- The original proposal included an expanded laneway on the west side of the building with one way access inbound from Wellington Street to a central loading area and outbound to Colborne Street. The plan has now been revised to retain the existing laneway on the west side of the building and have loading traffic enter and exit from Colborne Street to a centralized internal loading area.
- The below grade parking access has been revised and is now designed parallel to Colborne Street rather than perpendicular so users will now drive in from Colborne Street and turn left under the podium.
- The change in the location of the access to the below grade parking has provided the opportunity to narrow the access throat from Colborne Street from twelve metres to eight metres creating a more pedestrian friendly environment.
- The outdoor amenity space has been reduced from 620 square metres to 375 square metres and the indoor amenity space has been reduced from 1,071 square metres to 975 square metres.
- The atrium space on the south west corner of the building at grade has been reduced from approximately 350 square metres to 204 square metres and will provide an entrance to the office component of the development.
- The applicant has included a minimum of 4,500 square metres of office space in the westerly part of the podium whereas this area of the podium was originally proposed as residential.
- The applicant has added knock out panels on the P1 parking level for future connection to the PATH Pedestrian system from the King Street subway station to 15 Wellington Street East to the south.

Although the tower has shifted on the site and the top of the tower has been redesigned, the articulation of the tower remains consistent with the original proposal where small step-backs at a number of different locations and heights were used to define the tower. The top of the tower has been revised to gradually step up from 54 storeys on the north side of the tower facing Colborne Street to 58-storeys on the south side of the tower facing Wellington Street East.

The proposed building contains 482 residential dwelling units in total. This includes the following:

Type of Unit	Number of Units	Percentage of Total
Studio	36	7%
One Bedroom	73	15%
One Bedroom plus Den	205	43%
Two Bedroom	37	8%
Two Bedroom plus Den	83	17%

Three Bedroom	48	10%
Total	482	100%

The proposal also includes approximately 800 square metres of ground floor retail space along Wellington Street East and Scott Street.

The proposal has not changed significantly below grade. The proposed development includes 331 car parking spaces in five levels of underground parking accessed from Colborne Street. The applicant is also proposing 322 bicycle parking spaces with 62 of those being located at grade and 260 below grade in the underground parking garage on the first level mezzanine. The loading spaces to service the building are located internal to the site in a service court accessed from Colborne Street in the block's interior.

The applicant is proposing 975 square metres of indoor amenity space to be dispersed throughout the tower. The outdoor amenity space (375 square metres) is located on the roof of the five storey podium along Wellington Street East. It is connected directly to the indoor amenity area on the 6th floor. The amount of outdoor amenity space has been reduced to accommodate the shift of the tower.

The main pedestrian access to the residential units will be located on Scott Street midway between Colborne Street and Wellington Street East. The proposed sidewalk widths are:

- 3.2 metres at the east end of the site to 7 metres wide in front of the west portion of the site including the area within the subject site on Wellington Street East;
- 4 metres at the south end of the site to 8.4 metres wide in front of the proposed residential entrance including the area within the subject site on Scott Street; and
- 1.8 metres at the east end of the site to 2.0 metres wide adjacent to the proposed driveway on Colborne Street.

There will be access to the retail units from Scott Street at the south end of the block. The entire Wellington Street East frontage will contain retail uses and multiple access points with the proposed atrium at the corner of Wellington Street East and Scott Street to be the main entrance into the office space in the westerly part of the podium.

Attachments 1 and 2 show the proposed site plan and building elevations. For a summary of the application details please refer to the Application Data Sheet in Attachment 4.

Site and Surrounding Area

The site is located at the north west corner of Wellington Street East and Scott Street. The site is both within the Financial District and St. Lawrence Neighbourhood. It is flat and measures 66.8 metres along Wellington Street East, 43.8 metres along Scott Street and 37.6 metres along Colborne Street.

There is currently a 7-storey building on the site which would be demolished to accommodate the new building. The original building on the site was built in 1951 and was 5 storeys high. In the late 1970's / early 1980's, a 7-storey addition along the western portion of the site on Wellington Street East was

constructed. An additional 2 storeys were also added to the top of the original 5-storey building. The entire building is currently occupied by the Royal and Sun Alliance Insurance Company of Canada.

The site contains a private dead-end lane accessed from Wellington Street East at the westernmost portion of the site. Immediately adjacent to the east of the laneway is an access to a garage for 10 Wellington Street East. There is also an existing vehicular access on the north side of the site located mid-block from Colborne Street for both 40 Scott Street and 51 Yonge Street which leads to the entrance for each of their underground parking garages.

There are six privately owned trees on the site where the building is indented and four publicly owned street trees on the boulevard along Scott Street. There are also six publicly owned street trees in the boulevard along Wellington Street East. All 16 trees would have to be removed to accommodate this development.

Surrounding Area

North: On the north side of the site along Colborne Street from west to east there is a 14-storey Traders Bank Building which is a designated heritage building, the 24-storey Cosmopolitan Hotel and the 24-storey Metropole Condominiums.

South: There is an office building with grade-related retail on the south side of Wellington Street East. The building is 14-storeys high and terraces down toward the adjacent streets.

East: There is an 11-storey office building on the east side of Scott Street with ground floor commercial uses and an attached 20-storey residential condominium building on the east side of the office building.

West: There are four buildings to the west of the site all facing Yonge Street. These buildings include, from south to north, a 4-storey designated heritage building known as The British Colonial Building, a 4-storey listed heritage building known as The Contour House, a 5-storey office building and a 12-storey office building. Further to the west is the heart of the Financial District.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within the “Downtown and Central Waterfront” area on Map 2 – Urban Structure in the Official Plan and is located in the Financial District. The subject property is also designated “Mixed Use Areas” on Map 18 – Land Use Plan. The Mixed Use Areas designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in Mixed Use Areas are evaluated to ensure they: create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community; provide new jobs and homes for Toronto's growing population on underutilized lands; provide a transition between areas of different development intensity and scale; locate and mass buildings so as to adequately limit shadow impacts on adjacent neighbourhoods, particularly during the spring and fall equinoxes; locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; provide an attractive and safe pedestrian environment; have access to schools, parks, community centres, libraries and childcare; take advantage of nearby transit services; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents.

Section 3.1 - The Built Environment - in the Official Plan states that new development should exhibit high quality architecture, landscape architecture and urban design. Development proposals are evaluated in accordance with the policies of this section to ensure that new development will fit with its existing and/or planned context, frame and support adjacent streets; locate and organize vehicle parking, access, service areas and utilities to minimize their impact of the surrounding property and improve the attractiveness of adjacent streets; provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing improvements to adjacent boulevards and sidewalks including street trees, lighting, and other street furniture and co-ordinated landscape improvements.

The application has been reviewed for compliance with other relevant policies in the Official Plan including Downtown: The Heart of Toronto (Section 2.2.1), Healthy Neighbourhoods (Section 2.3.1) and Height and/or Density Incentives (Section 5.1.1). The Official Plan can be found at: www.toronto.ca/planning/official_plan/introduction.htm.

Other Applicable Policies

The site is located within the boundaries of the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines and the St. Lawrence Neighbourhood Community Improvement Plan. Staff have reviewed the proposal to ensure it is consistent with both the urban design guidelines and the Community Improvement Plan as further outlined below.

Zoning

The site is zoned CR T12.0 C 8.0 R 11.7. This zoning designation permits a variety commercial and residential uses including retail uses and an apartment building. The maximum permitted total density

for the site is 12 times the lot area. The maximum height currently permitted under the by-law is 76 metres.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan control has been submitted (11-259298 STE 28 SA) and is currently under review.

Reasons for Application

A rezoning application is required to permit the proposed 58-storey, 482-unit mixed-use building and establish the appropriate development standards. An increase in permitted height from 76 metres to 200 metres (204 metres including mechanical penthouse) and an increase in permitted density from 12 times the lot area to 15.3 times the lot area are among the more significant changes to the Zoning By-law being requested by the applicant.

Additional areas of non-compliance are outlined in the draft zoning by-law and reviewed in this report.

Community Consultation

The development proposal was presented by the applicant to the St. Lawrence Neighbourhood Association (SLNA) at their meeting of June 10, 2011. The primary concern of the SLNA was the lack of public space or animation at street level. A community consultation meeting was held on September 14, 2011 to allow the public to review the applicant's submission, and ask questions of City staff and the applicant. The meeting was attended by approximately 67 people. Issues raised included the following:

- The views from 30 Wellington Street East would be impacted by the development
- Scott Street between 40 Scott Street and the King Edward hotel should be improved
- Berczy Park is rundown and needs work
- The proposal should address the loss of office space in the existing building
- Community uses should be included in the development
- Parking access at Colborne Street will create more traffic problems
- Views from the condominium at 7 King Street East will be impacted
- Sunlight on the condominium at 7 King Street East will be blocked by the proposed development
- The development should contain family sized units
- Proposal is too tall, consideration in design to minimize loss of light and sky view
- The rest of the block should not be developed piecemeal
- The development should contain office use since there is an existing office use in that location and the site is within the Financial District

- A PATH Pedestrian connection should be provided through the site.

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 Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). It contributes to the efficient use of land, infrastructure and public service facilities by intensifying an area that is designated and available for urban mixed use.

The PPS encourages additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Intensification shall meet appropriate development standards (Policy 1.1.3.4), which is discussed further in this report under the subheading Density and Site Massing.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within a short walking distance to the King Street subway stop which is less than 200 metres away.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan requires that a significant portion of new population and employment growth be directed to the built-up areas of the Greater Golden Horseshoe within intensification areas. Municipal official plans are viewed as the key vehicle through which the policy objectives of the Growth Plan are to be implemented and as such, Policy 6 of Section 2.2.3 requires that municipalities will identify intensification areas in their respective official plan. Policy 7 of Section 2.2.3 of the Growth Plan outlines the objectives in official plan for intensification areas, including ensuring appropriate transitions of built form to adjacent areas.

This site is located within the Toronto: Downtown Urban Growth Centre as illustrated in the Growth Plan. The City of Toronto's Official Plan conforms to the Growth Plan by identifying the *Downtown* and *Central Waterfront* areas as an intensification area on Map 2.

The Official Plan also sets out a policy framework that ensures the City will meet its population and employment targets by directing growth to the City's priority growth areas while still protecting the City's stable areas.

Land Use

The subject site is located within the *Financial District* on Map 6-Downtown and Central Waterfront Boundaries (June 2006) of the Toronto Official Plan. Section 2.2.1 of the Official Plan provides the direction for the *Downtown* area of the city which includes the *Financial District*. The policies describe the *Financial District* as the prime area of job growth within the *Downtown* area of the City. This is the Staff report for action – Final Report – 40 Scott Street and 10 Wellington Street East

location of Canada's premier business office's to foster the most intense commercial activity and the highest built form. The *Downtown* policies include the following:

- Direct that a full range of housing opportunities be provided to reduce the demand for in-bound commuting; and
- Be the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

The proposed use, location, and building design are in keeping with the *Financial District* policies for the Downtown Area.

The subject site is designated *Mixed Use* on Map 18- Land Use Plan (December 2010) of the Toronto Official Plan. It is anticipated that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. Development criteria in *Mixed Use Areas* are set out in Section 4.5 of the Official Plan and include the following:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- take advantage of nearby transit services;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

In addition to the *Mixed Use Areas* development criteria and the desire to promote good design on its own merits; the Official Plan also emphasizes the manner in which the building and site fit within the context of the neighbourhood and City (Section 3.1.2 of the Official Plan). This is to be achieved in a number of ways including locating buildings parallel to the street with a consistent front yard set-back, locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, and by providing ground floor uses that have view into and, where possible, access to adjacent streets, parks and open spaces.

The proposed intensification in residential use and the provision of office and retail is appropriate for this site particularly given its location within the *Financial District*.

Density, Height and Massing

Density

The proposed density, 15.3 times the area of the lot, exceeds the current permissions of the Zoning By-law of 12 times the lot area for a mixed use building.

The current direction of the Official Plan and provincial planning documents identify the Financial District and the *Mixed Use Areas* as locations for residential intensification. The Official Plan states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas of Downtown* (2.2.1 Policy 4). Growth will be directed to the *Downtown* in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2 Policy 2).

The density proposed for this site is comparable to recently constructed sites in the Financial District. The residential building at 1 King West has a density of 21.88 times the lot area. The Shangri-La (180 – 188 University Ave. – under construction) has a density of 18.37 times the area of the lot. The development at 40 The Esplanade has a density of 10 times the area of the lot.

The density increase is supportable given the location of the property in the Financial District, and proximity to King Street subway stations, Union Station, Lake Shore Boulevard and the Gardiner Expressway. Staff are of the opinion that the density of the development is in keeping with the density of other sites within the Financial District and is an appropriate transition to the St. Lawrence Neighbourhood to the east.

Height

The proposed height of 200 metres (204 metres including mechanical penthouse) exceeds the current permission of the Zoning By-law of 76 metres. The location of the site at the edge of the Financial District is appropriate for a tall building. As discussed previously the Official Plan policies direct that the highest and most dense developments be located within the Financial District.

The major streets of the City's Financial District including Yonge, Bay, and York Streets have traditionally been and continue to be the City's primary locations for tall, landmark buildings. Many of these buildings also exceed the permitted height limit. The proposed height in the application is generally in keeping with the height of other office and residential condominium proposals in or near the Financial District that have been before City Council such as the Ritz-Carleton at 230 Front Street West (188 metres to the top of the residential floors), the Trump Tower at 333 Bay Street (269 metres), 1 King Street West (176 metres to the top of the residential floors), Shangri-la at 180-188 University Avenue (214 metres to the top of the residential floors), and Bay Adelaide Centre at 40 Adelaide Street West (218 metres).

Staff are of the opinion that the height of the tower is in keeping with the heights of the buildings within the Financial District and provides an appropriate transition to the St. Lawrence Neighbourhood to the east.

Massing

The tall building policies of the Official Plan identify three parts of a tower: the base, the middle and the top. The base building should provide definition and support at an appropriate scale and integrate with adjacent buildings.

There is a mix of development types in the area including canyon form along Colborne Street and Wellington Street East in this location and tower-podium form along Scott Street. The proposed built form and massing is an appropriate response to both forms of development.

The scale of the podium responds to the existing buildings adjacent to the site. The 5-storey podium on the subject site will step down to the existing 4-storey podium element on the northwest corner of Colborne Street and Scott Street and step up to the 8-storey King Edward hotel on the northeast corner of Scott Street and Colborne Street.

In accordance with the direction provided in the Official Plan the middle of the tower should be designed with a floor plate size and shape with appropriate dimensions for the site. The development proposal provides a sculptural response with larger floorplates at the bottom of the tower rising to narrower floorplates as the building height increases. The tower floor plate size ranges from 920 square metres on the lower floors to 787 square metres as the tower rises to floor 25 and reducing again to 764 square metres up to floor 45 with further reductions to address the terracing up to floor 58. The average floorplate meets the definition of point tower (smaller than 743 square metres – as per the Design Criteria for the Review of Tall Building Proposals).

The north & south elevations have slender proportions and are highly articulated in keeping with the direction for point towers. Given the shape of the site, the tower is longer on the west and east facades. The lower portion of the tower is clad in materials sympathetic to the original 1951 building. As the tower rises, the cladding changes to glass panels which relate to other surrounding buildings within the Financial District. The tower is topped by terraces which rise from north to south giving the southerly façade prominence.

The top of tall buildings shall contribute to the skyline character and integrate roof top mechanical systems into the design. This proposal masks the mechanical systems by integrating the architectural element at the top of the tower with the overall design of the building.

The location of the tower has shifted on the podium in response to comments from the residents and the shadow impact on St. James Cathedral. The tower has shifted 6 metres to the south and has been further refined which has changed the setbacks as follows:

- Increased setback on the north side along Colborne Street from 4.5 metres to 10.5 metres; and
- Decreased setback on the south side along Wellington Street East from 12 metres to 7.8 metres.

The original set backs on the east and west side of 4.5 metres and 12 metres respectively will be retained.

With respect to spatial separation between towers, The Design Criteria for the Review of Tall Building Proposals suggest that conditions beyond the requirements of the Zoning By-law are often necessary to achieve light, view and privacy. With the revisions to the design that have evolved through the review process the setbacks to adjacent development have been increased. The Design Criteria for the Review of Tall Building Proposals recommend a minimum of 25 metres between towers. The recommended separation is exceeded between the proposed site and two properties to the north namely 8 Colborne

Street and 7 King Street East. The tower separation distance was originally 24 metres and 23.5 metres respectively; this has now been increased to 30 metres and 29.5 metres. The separation distance between the subject site and the King Edward Hotel, which has residential condominium units has been increased from 20 metres to 26 metres. The tower separation distance to the east of the site has remained at 22 metres to the office portion of the site and approximately 58 metres to the residential condominium portion of the site. The shift of the tower further south has off-set the 40 Scott Street tower from the residential condominium tower. The southerly setback has been reduced from 12 metres to 6.5 metres. With the right-of-way width of Wellington Street East being 20 metres the tower setback to the property to the south would be a minimum of 26.5 metres. The site at 55 Yonge Street is a 12-storey office tower. It is not anticipated that this site redevelop in the near future, however the site may be redeveloped at some point in time. In order to provide an adequate separation distance the setback of the tower to the westerly property line adjacent to 55 Yonge Street is 12.5 metres. This is in keeping with the direction of the Design Criteria for the Review of Tall Building Proposals. Staff have found the tower setbacks on each side of the building to be satisfactory.

Heritage

The Official Plan through the policies in Section 3.1.5 directs that heritage be protected. The proposal for this site directs that the existing building on the site is to be demolished with the cladding removed and stored during construction. The materials would then be re-applied to the podium once construction is near completion so that the podium would look the same as the existing building. Although the existing building has not been listed or designated as a heritage building it is still considered a character building reminiscent of the Classic Style of architecture. There is an existing Heritage Toronto marker at the entrance off Wellington Street East titled "Royal Insurance Company of Canada" relating to the site as headquarters to some of the oldest insurance companies in Canada. As part of the Section 37 requirements the applicant will be required to remove the plaque, store it during construction and re-install it on site in a location to the satisfaction of Heritage Preservation Services. The site is also immediately adjacent to a designated property at 49 Yonge Street (Bank of British North America, Henry Langley 1872-1873) and a listed property at 51 Yonge Street (commercial warehouse, John Howard 1847) as well as being diagonally across from 37 King Street East (King Edward Hotel).

Staff are of the opinion that the proposed podium, siting and tower setbacks will not impact on any of the adjacent heritage properties and indeed will enhance the Wellington Street East streetscape context for 49 Yonge Street by reducing the height of the street frontage, setting back the adjacent façade in line with the building at 49 Yonge Street and detailing the new section between 49 Yonge Street and the 1950 portion of 10 Wellington Street East with materials, opening and floor levels in keeping with the 1951 building.

The St. Lawrence Neighbourhood Focused Area Urban Design Guidelines

The proposal was reviewed for conformity with the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines particularly with respect to the massing of this proposed building, height, heritage and public realm.

The site is located within the Berczy Park Precinct which provides direction on the built form envisioned for the area framing the park. This area is height sensitive to protect the park from shadow impacts. The proposed development respectfully responds to the guidelines by terracing the top of the tower to avoid shadow on Berczy Park. The terracing also ensures that there is no shadow on St. James Cathedral or St. James Park as well.

The Guidelines describe the streets surrounding the park as having a high level of animation and directs new development to maintain a high level of transparency and animation. The development proposes retail along Scott Street and Wellington Street East with an atrium space at the corner of Wellington Street East and Scott Street that is also the entrance into the office space. The residential lobby opens onto Scott Street as well with an amenity area beside the lobby along the southwest corner of Scott Street and Colborne Street. All of the uses proposed along the podium base will provide additional animation to the street.

The corner of Scott Street and Wellington Street East is identified as a gateway on Figure 9 of the guidelines. Gateways are to be implemented by a streetscape element or reinforced by an appropriate architectural expression. The siting of the atrium space at the corner of Scott Street and Wellington Street East opens the façade of the podium to enhance the expression of the 1951 building.

With the panels of the existing building façade and footprint being re-installed on the site the prominence of the corner will be retained. In providing an atrium space inside the building around the whole corner of the site would be opened up and a synergy is created between the park and the building.

Figure 20 of the guidelines depicts the area within which the subject site is located as a height transition area. This area directs that tall buildings generally demonstrate a stepping down in height from the Height Peak area of the *Financial District* to the west to provide a transition from the *Financial District* to the St. Lawrence Neighbourhood. The heights in the *Financial District* are generally over 200 metres with First Canadian Place at 287 metres, Commerce Court at 239 metres and Scotia Plaza at 274 metres. As new development has come along east of these buildings it has transitioned to heights of closer to or less than 200 metres including 1 King West at 176 metres and the L Tower at 200 metres. The maximum proposed height of the subject site is 200 metres (not including mechanical). The tower height is appropriate in the context of the surrounding neighbourhood.

Shadow

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis and staff are satisfied with the level of shadowing in the area. The protection of Berczy Park and St. James Cathedral and St. James Park from shadow is a high priority for staff and the St. Lawrence community. The applicant has demonstrated through shadow plans that there will be no new shadow on either of these sites during the times required on March 21st and September 21st between 10:18 a.m. to 4:18 p.m.

Wind

The Official Plan policies require new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of winds on neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a Pedestrian Level Preliminary Wind Assessment. Their analysis concludes that the pedestrian level wind conditions on Wellington Street East, Scott Street and Colborne Street will remain comfortable and similar to those in the current setting. The report states the wind conditions will be suitable for the areas intended purpose, which is standing or walking and better than those required to suit the urban context. Staff are satisfied with these conclusions and find the resultant wind conditions satisfactory.

PATH

The applicant has made provision for a future PATH connection with including knock out panels on the P1 Parking level. Although there is not a direct connection at this time it is required that the panels be provided in anticipation of possible future development to connect through 51 Yonge Street to the King Street subway station and from the subject site further to the south. With the provision of office space in the building and the number of residential units proposed a PATH pedestrian connection will be a valuable addition to the site.

Traffic Impact, Access, Parking

The *Mixed Use Areas* policies of the Official Plan direct that new development is to have good site access and circulation and an adequate supply of parking for residents and visitors.

The applicant undertook a Transportation Impact and Parking study that has been reviewed by staff. The applicant is providing 331 total parking spaces in five levels of below grade parking. This satisfies the by-law requirement for parking for the project. The project also provides 507 bicycle parking spaces.

In response to concerns raised through the review process the applicant revised the access and configuration of the loading for the site. The original proposal included an expanded laneway on the west side of the building with one way access inbound from Wellington Street East to a central loading area and outbound to Colborne Street. The plan has now been revised to retain the original laneway on the west side of the building and have vehicles enter and exit from Colborne Street to a central internal loading area. Staff have undertaken a thorough review of the traffic volume and turning movements required for the site and Colborne Street and find the revisions to be acceptable.

The below grade parking access has been revised from the original configuration to come in parallel to Colborne Street rather than perpendicular so users will now drive in from Colborne Street and turn left to ramp down under the podium. The change in the location of the access to the below grade parking provides the opportunity to narrow the access throat from Colborne Street from 12 metres to 8 metres which provides for a more pedestrian friendly environment along Colborne Street.

The Official Plan policies have been addressed through the provision of parking and revision to the plan to ensure that loading is provided wholly on-site.

Transportation Services staff have reviewed the Transportation Impact and Parking study submitted in support of the application and the subsequent updates and information provided by the applicant. Although the study has been found to generally acceptable staff cannot sign off on the study in its current form. In order to ensure that all traffic issues resulting from the rezoning application for 40 Scott Street and 10 Wellington Street East are identified and resolved, staff have recommended that Council not enact the bills until all such issues are resolved and the owner has entered into a secured Agreement with the City to ensure the provision of all identified improvements to the infrastructure, all to the satisfaction of the General Manager of Transportation Services.

Servicing

Technical Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application for 40 Scott Street and 10 Wellington Street East, but

cannot sign off on the report in its current form. In order to ensure that all site servicing issues resulting from the rezoning application for the subject site are identified and resolved, staff have recommended that Council not enact the bills until all such issues are resolved and the owner has entered into a secured Agreement with the City to ensure the provision of all identified improvements to the infrastructure, all to the satisfaction of the Executive Director of Technical Services.

Economic Impact

The Official Plan policies for the *Downtown* and the *Mixed Use Areas* encourage high quality commercial development and the generation of economic opportunities in the City core. The subject site currently contains an existing office building that is 18,594 square metres. This development is proposing to provide between 4,500 to 6,500 square metres of commercial space with a minimum of 4,500 square metres of the space to be used for office. The commercial space is located in the westerly part of the podium and additional 800 square metres minimum of retail space on the main floor.

The addition of office into this area of the neighbourhood satisfies the intent and direction of the Official Plan policies for the *Downtown* and *Mixed Use Areas*.

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 1.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes a mix of residential and non-residential uses on a site with a net area of 3,284 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.684 hectares or 208% of the site area. However, for sites that are less than 1 hectare in size a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total the parkland dedication would be 324 square metres.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of a useable size and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

All detailed landscaping and streetscaping for this application will be dealt with through the Site Plan Approval process. As part of the Section 37 provisions the applicant has agreed to provide funds towards the future upgraded streetscape of Scott Street to continuing from the subject site south to The Esplanade.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard

will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g., local shortage of parkland, provision of new parks facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres and/or increases the height significantly or where the applicant agrees to provide such benefits.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

Prior to the issuance of above grade permits provide a cash contribution of \$2,500,000 which is to be used for the following:

- a. \$1,000,000 to be directed to public art to be located on publicly accessible portions of the site and/or within Berczy Park;
- b. \$1,300,000 for streetscape improvements on Wellington Street East from Yonge Street to Church Street not abutting the site, streetscaping on Colborne Street from Yonge Street to Scott Street not abutting the site, and streetscaping on Scott Street from Colborne Street to Front Street East not abutting the site;
- c. \$200,000 for the North St. Lawrence Market redevelopment;
- d. require that the cash amounts identified in "b" and "c" above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
- e. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- iv. provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, Planning Division, to secure the existing cladding to be reused on the new building;
- v. provide knock-out panels for future PATH pedestrian connection to the north and south on the P1 Parking Level at the westerly edge of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Economic Development and the General Manager of Transportation Services; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*; and
- vi. the Heritage Toronto marker at the entrance off Wellington Street East titled "Royal Insurance Company of Canada" is required to be removed, stored during construction and re-installed on site in a location to the satisfaction of Heritage Preservation Services.

Development Charges

It is estimated that the office portion of the development charges for this project will be \$115,553.50 and the residential portion of the development charges will be \$4,124,419.00 for a total of \$5,239,972.50. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Sarah Henstock, Senior Planner
Tel. No. 416-392-7196
Fax No. 416-392-1330
E-mail: shensto@toronto.ca

SIGNATURE

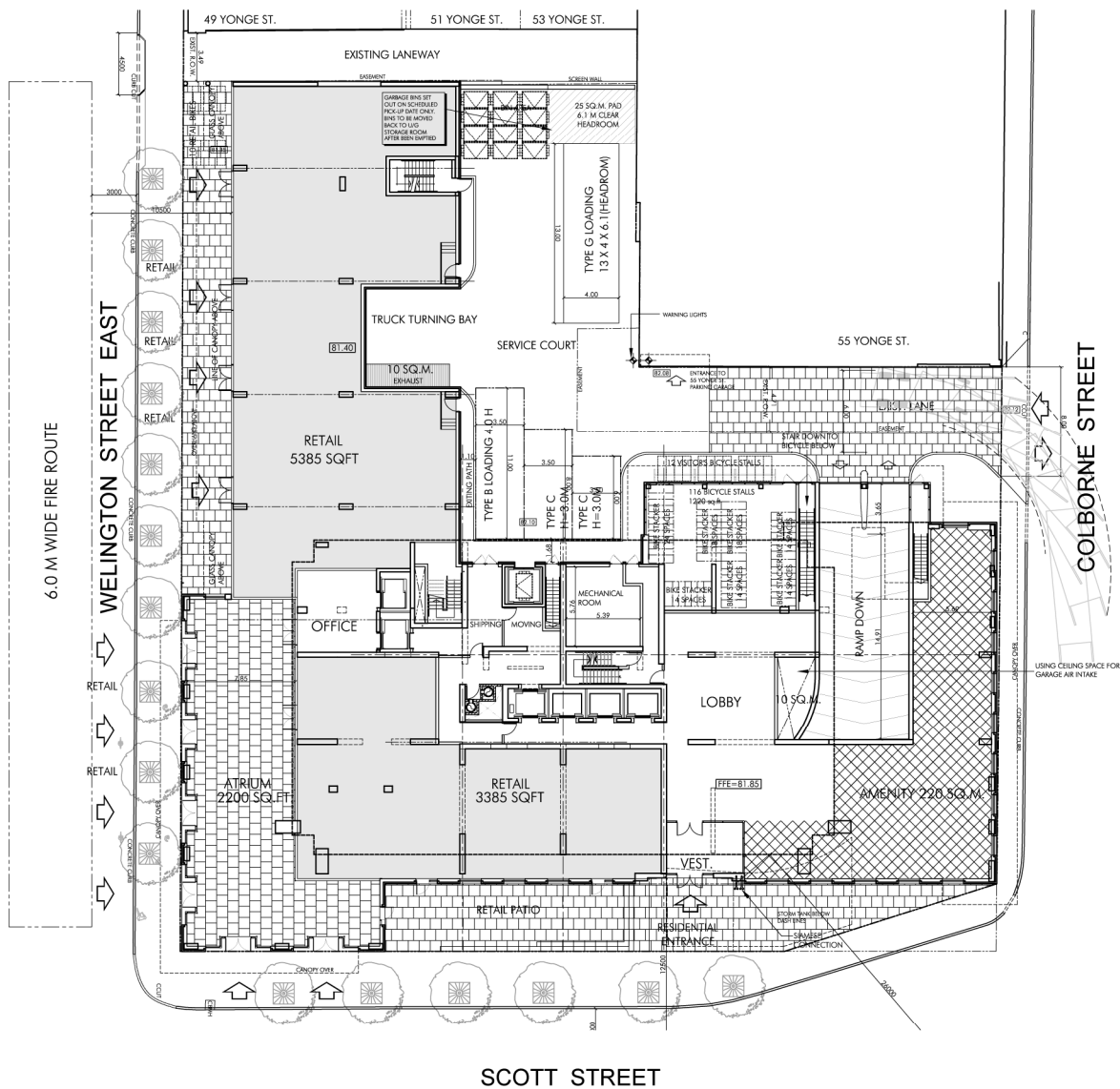
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2a: South and East Elevations
- Attachment 2b: North and West Elevations
- Attachment 3: Zoning
- Attachment 4: Application Data Sheet
- Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Ground Floor Plan

40 Scott Street and 10 Wellington Street East

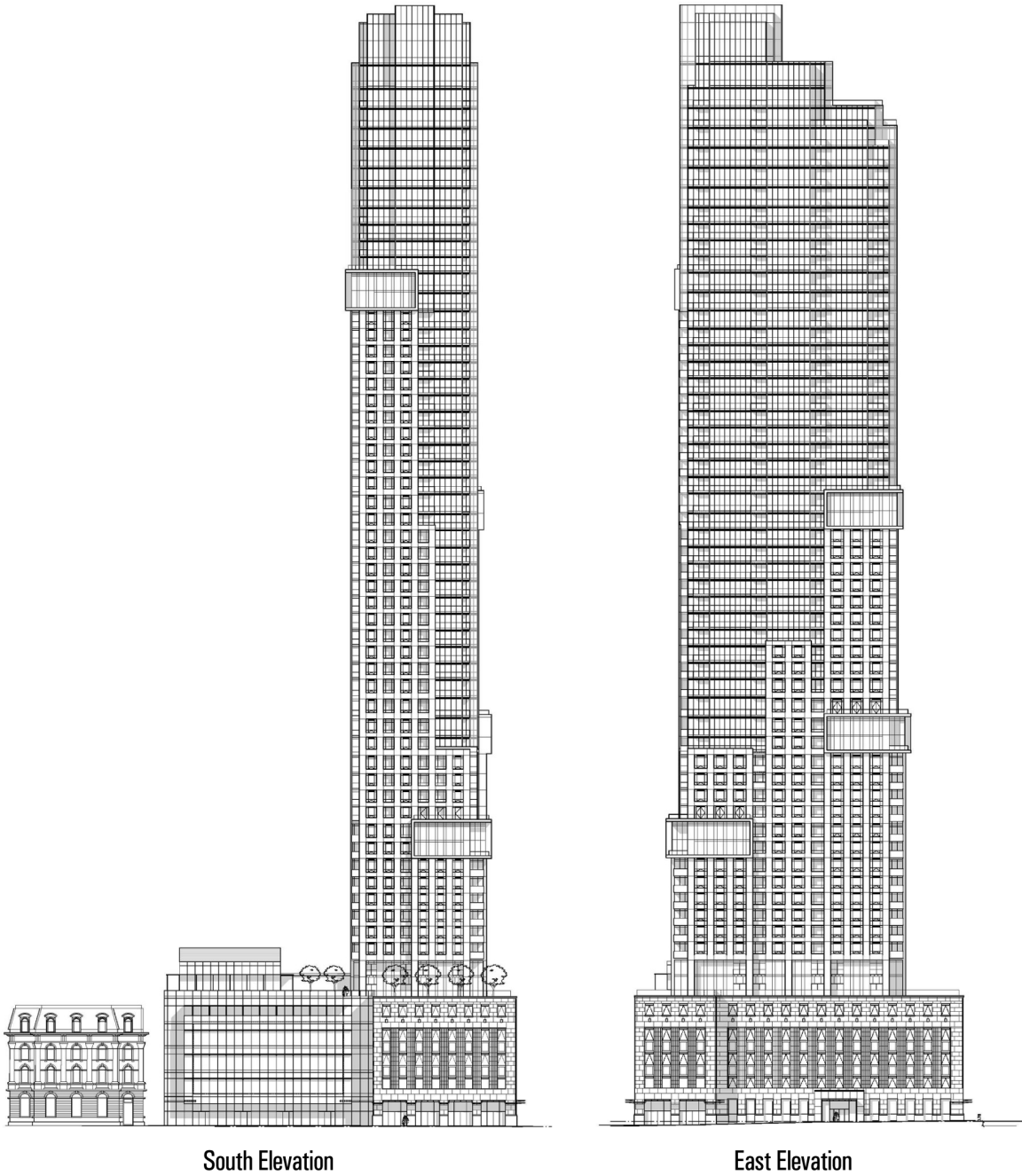
Applicant's Submitted Drawing

Not to Scale
01/23/2012



File # 11 190645 0Z

Attachment 2a: South and East Elevations



South and East Elevation

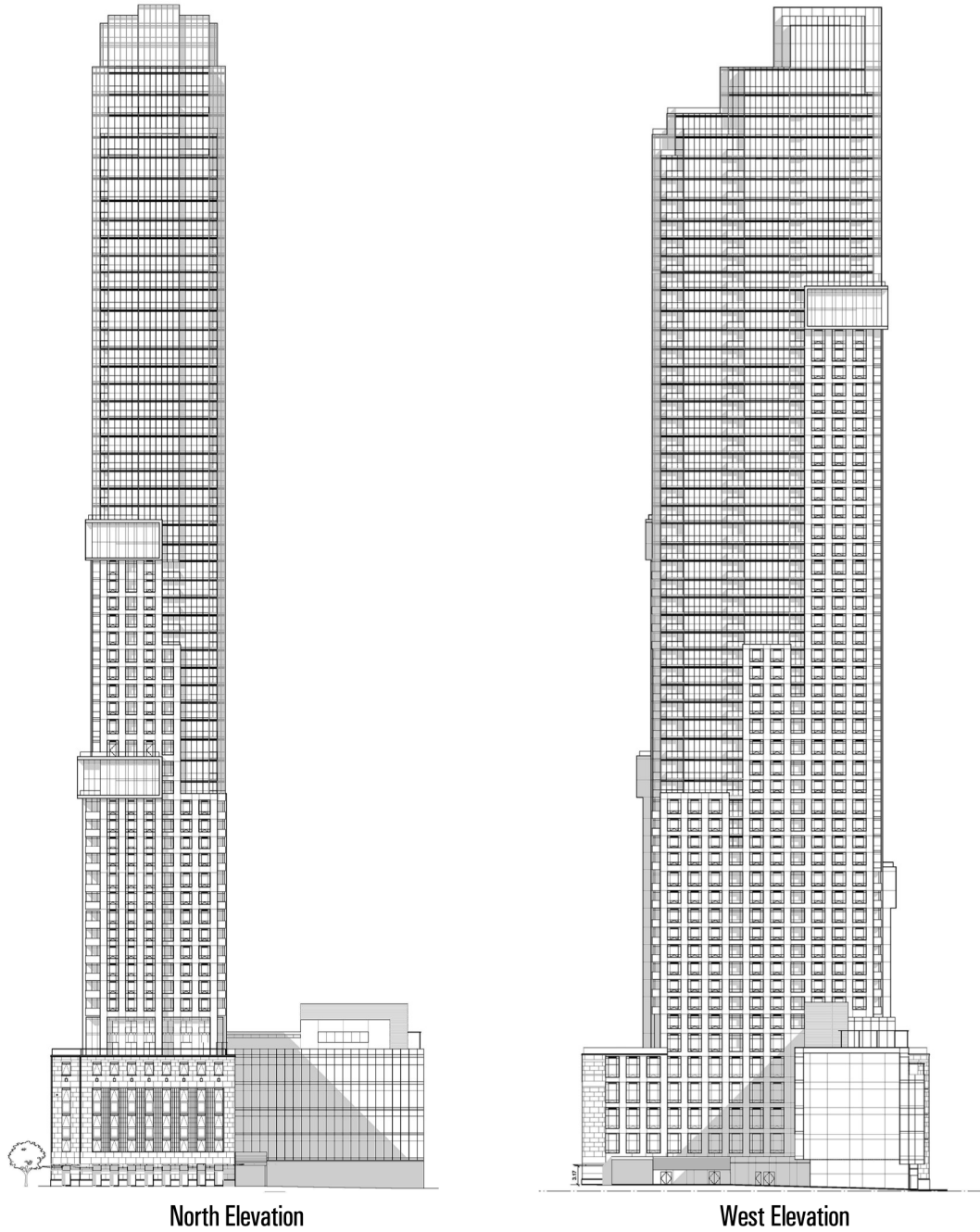
40 Scott Street and 10 Wellington Street East

Applicant's Submitted Drawing

Not to Scale
01/25/2012

File # 11 190645 0Z

Attachment 2b: North and West Elevations



North and West Elevation

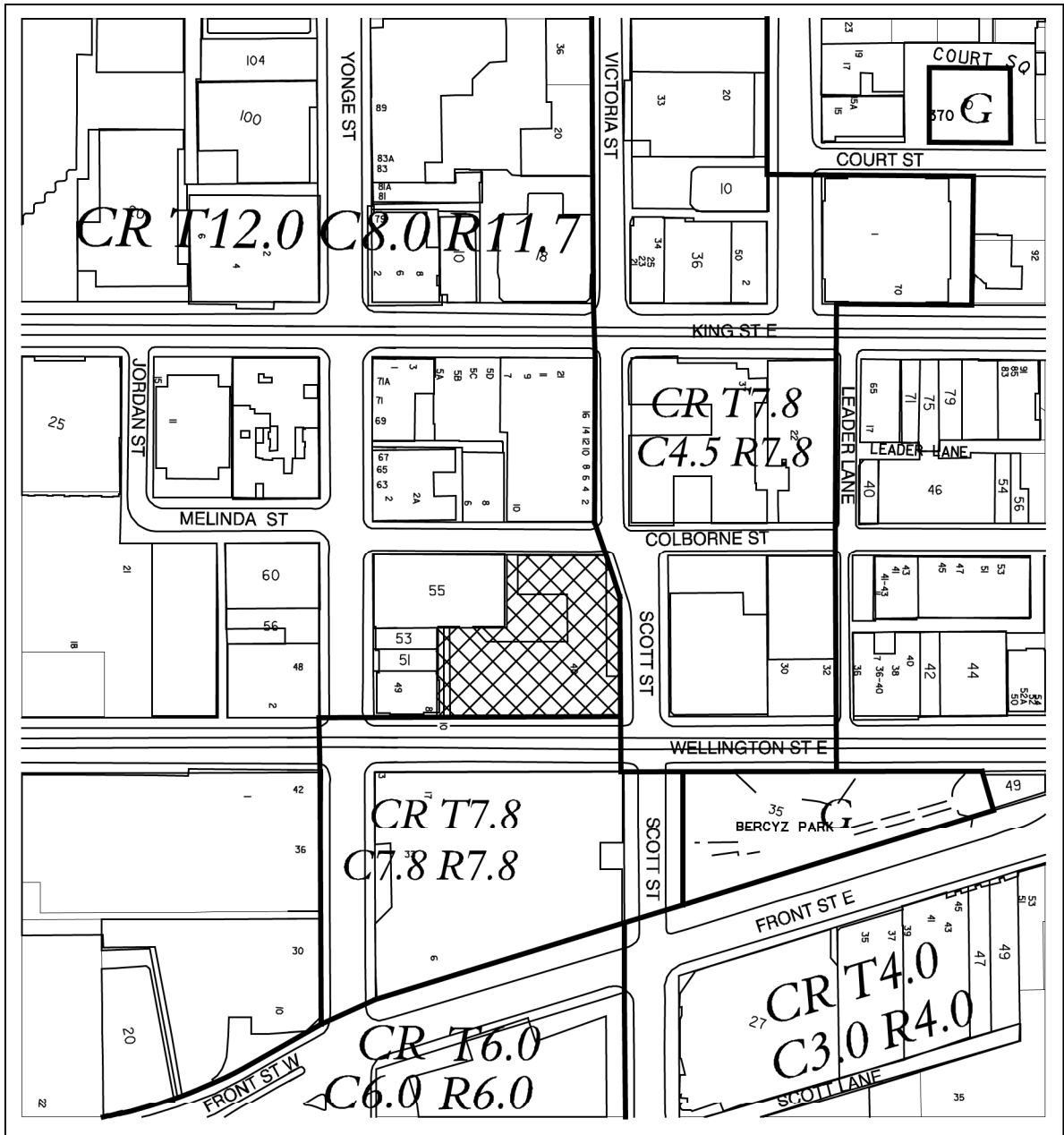
40 Scott Street and 10 Wellington Street East

Applicant's Submitted Drawing

Not to Scale
01/25/2012

File # 11 190645 0Z

Attachment 3: Zoning



40 Scott Street and 10 Wellington Street East

File # 11_190645_02

G Parks District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/25/11

Attachment 4: Application Data Sheet
APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	11 190645 STE 28 OZ
Details	Rezoning, Standard	Application Date:	May 9, 2011

Municipal Address: 40 Scott Street and 10 Wellington Street East

Location Description: PLAN TOWN OF YORK PT LOT 1 **GRID S2810

Project Description: The purpose of the rezoning application is to permit a 58-storey residential building comprised of a 5-storey podium and 53-storey tower. Revision has been submitted including the following: proposed height was 195 metres now 204 metres tall including the mechanical penthouse; proposed units was 513 now 482 units; proposed gross floor area of the building was 48,605 square metres which includes 734 square metres of ground floor retail uses now the gross floor area is proposed at 44,895 square metres including 815 square metres of retail space at grade and a minimum of 4,500 square metres of office in the Wellington Street East part of the podium. The proposal previously included 365 car parking spaces and now includes 331 spaces in 5 levels of underground parking. Other revisions include: changes to the main floor design, changes to the access at Colborne Street to the internal loading area, vehicular access at Wellington Street East has been deleted, atrium space on the main floor has been revised. The applicant is proposing to demolish the existing 7-storey structure and preserve and reuse its stone cladding for the new podium. The applicant has advised it is their intent to develop this project as a condominium.

Applicant:
CONCERT PROPERTIES
LTD. 55 UNIVERSITY
AVE, SUITE 1601, PO BOX
66, Toronto, ON M5J 2H7

Agent:
PAGE + STEEL IBI
GROUP ARCHITECTS, 95
ST CLAIR WEST, SUITE
200, Toronto, ON M4V 1N6

Owner:
THE ROYAL AND SUN
ALLIANCE INSURANCE
COMPANY OF CANADA
55 University Avenue, Suite
002, Toronto ON M5J 2H7

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T12.0 C8.0 R11.7	Historical Status:	N
Height Limit (m):	76	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,284	Height:	Storeys:	58
Frontage (m):	58.8		Metres:	204
Depth (m):	64.3			
Total Ground Floor Area (sq. m):	2,053			Total
Total Residential GFA (sq. m):	44,895	Parking Spaces:		331
Total Non-Residential GFA (sq. m):	5,666	Loading Docks		2
Total GFA (sq. m):	50,561			
Lot Coverage Ratio (%):	62.5			
Floor Space Index:	15.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	36 (7%)
1 Bedroom:	278 (58%)
2 Bedroom:	120 (25%)
3 + Bedroom:	48 (10%)
Total Units:	482

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	44,895	0
Retail GFA (sq. m):	815	0
Office GFA (sq. m):	4,851	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Sarah Henstock, Senior Planner
TELEPHONE: 416-392-7196, Email: shensto@toronto.ca

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~ Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

To amend the General Zoning By-law No.438-86 of the former City of Toronto, as amended, with respect to the lands known municipally in the year 2011 as, 40 Scott Street and 10 Wellington Street East

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, with respect to the lands known municipally in the year 2011 as 40 Scott Street and 10 Wellington Street East,

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* regarding the proposed Zoning By-law Amendment; and

WHEREAS Subsection 37(3) of the *Planning Act*, the Council of the Municipality may, in a bylaw passed under Section 34 of the *Planning Act*, authorize increase in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density or height permitted hereunder, beyond that otherwise permitted on the land 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 to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); 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 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 land 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 the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
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 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. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (1) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. None of the provision of Sections 2(1) with respect to the definition of *grade*, *height*, and *lot*, 4(2)(a), 4(5)(a)-(f) and (h), 4(8), 4(12), 4(13), 4(16), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part XI 2, and 12(2) 276 of Zoning By-law No. 438-86, being "A by-law to regulate the use of land and erection, use, bulk, height, spacing of land 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 lands municipally known as 40 Scott Street and 10 Wellington Street East in the year 2011 (hereinafter referred to as the *lot*) provided that:
 - (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (2) the amount of *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed the following:
 - (a) the *residential gross floor area* shall not exceed 46,000 square metres.
 - (b) the *non-residential gross floor area* shall not exceed 6,500 square metres of which a minimum of 4,500 square metres shall be used for office uses;

- (3) a minimum of 47 *dwelling units* or 10% of the total number of *dwelling units* on the lot, whichever is the lesser, shall be three or more bedroom *dwelling units* or shall be convertible to three or more bedroom *dwelling units*;
- (4) no portion of the *mixed-use building* erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law;
- (5) Section 5(4) of this By-law shall not apply to the type of structures listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, sills, eaves	1.0 metres	none
B. balconies	not more than 3.0 metres from the wall where it is attached	none
C. canopies, other than canopies set out in D. below	not more than 3.5 metres from the wall where it is attached	none
D. entrance canopy	not more than 4.5 metres from the wall where it is attached	located along the Scott Street frontage of the <i>lot</i>
E. ornamental and architectural features, landscape features, art installations, bollards, stairs, stair enclosures, wheel chair ramps, underground garage ramps and their associated structures, garbage and servicing areas and their associated structures, retaining walls, air shafts, transformer vaults and elements required for the functional operation of the building	no restriction	none
F. the structures listed in Section 5(6) of this By-law	no restriction	subject to the requirements of Section 5(6) of this By-law

- (6) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2 except that:

- (a) a mechanical penthouse having a maximum vertical dimension of 4.0 metres shall be permitted within the area on Map 2 outlined by dashed lines and labeled “MECH B”, provided the overall *height* of the building including such mechanical penthouse in such location does not exceed 35.0 metres;
 - (b) the maximum height for parapets, fences, railings, balcony and terrace guards and dividers, decorative screens, privacy screens, wind screens, planters, balustrades, and window washing equipment shall be the sum of 2.0 metres and the applicable *height* limit shown on Map 2; and
 - (c) the maximum height for unenclosed heating, ventilation, or cooling equipment such as chimneys, stacks, and flues shall be the sum of 2.0 metres and the applicable *height* limit shown on Map 2 or permitted by subsections (a) and (b) above.
- (7) The minimum number of *parking spaces* to be provided in a building on the *lot* shall be as follows:
- (a) 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (b) 0.5 *parking spaces* per one-bedroom *dwelling unit*;
 - (c) 0.75 *parking spaces* per two-bedroom *dwelling unit*;
 - (d) 1.2 *parking spaces* per three- or more bedroom *dwelling unit*;
 - (e) residential visitor *parking spaces* shall be calculated at 0.06 spaces per residential unit;
 - (f) non-residential *parking spaces* shall be calculated at 1 space per 300 square metres of net floor area;
 - (g) residential visitors *parking spaces* and non-residential *parking spaces* may be provided in combination provided that a minimum of 10 residential visitor *parking spaces* are provided on the *lot*.
- (8) Notwithstanding Section 1(7) above, where a PATH connection is provided within the underground parking garage on the *lot*, the minimum number of *parking spaces* required for non-residential uses on the *lot* may be reduced by 5 *parking spaces*.
- (9) despite the minimum dimensions of a *parking space* in Section 4(17) of By-law No. 438-86, a maximum of 25 *parking spaces* provided on the *lot* may have minimum dimensions as follows:
- (a) length: 5.0 metres;
 - (b) width: 2.6 metres; and
 - (c) height: 2.0 metres.

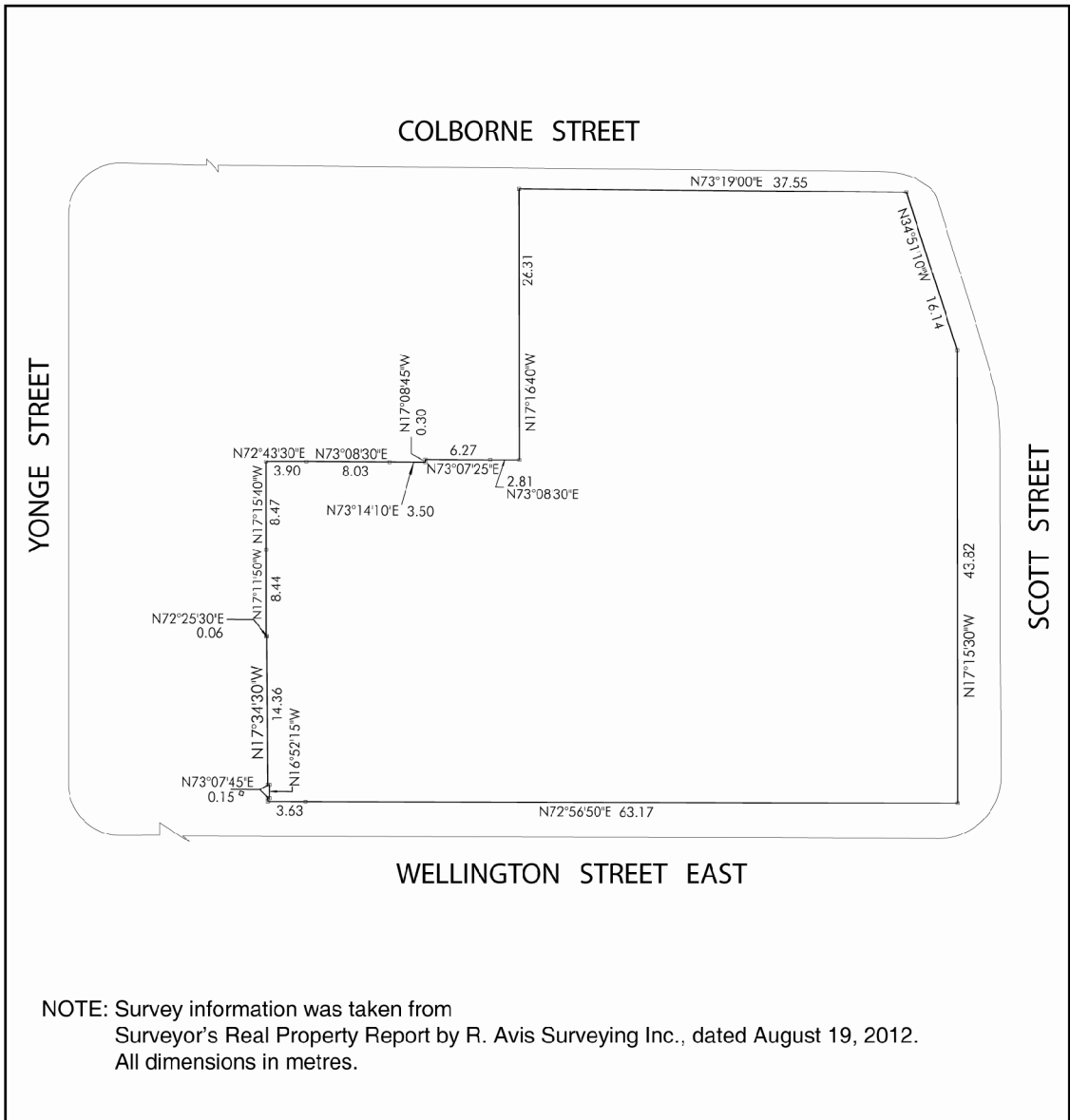
- (10) the minimum number of loading spaces to be provided and maintained on the *lot* shall be:
- (a) one (1) loading space – type B;
 - (b) two (2) *loading space – type C*; and
 - (c) one (1) *loading space – type G*.
- (11) a minimum of 1,350 square metres of *residential amenity space* shall be provided on the *lot* as follows:
- (a) a minimum of 975 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms (whether or not such rooms are contiguous), at least one of which contains a kitchen and a washroom; and
 - (b) a minimum of 375 square metres of outdoor *residential amenity space* shall be provided of which at least 40 square metres shall be provided in a location adjoining or directly accessible to indoor *residential amenity space* .
- (12) the minimum number of *bicycle parking spaces* to be provided on the *lot* shall be as follows:
- (a) for residential uses, a minimum of 1.0 *bicycle parking spaces* per *dwelling unit*, of which 0.8 *bicycle parking spaces – occupant* per *dwelling unit* and 0.2 *bicycle parking spaces – visitor* per *dwelling unit*; and,
 - (b) for uses listed in Section 8(1)(f)(b)(iv), (v), and (vi) of By-law No. 438-86, *bicycle parking spaces* shall be provided in accordance with Section 4(13) of By-law No. 438-86;
- (13) the *bicycle parking spaces* required in Section 5(12) of this By-law may be provided in a *stacked bicycle parking space*;
- (14) despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law 438-86, as amended, if *bicycle parking spaces* are provided in a *stacked bicycle parking space* then the minimum vertical dimensions of a *stacked bicycle parking space* shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.45 metres in width and 1.8 metres in length;
6. Despite the definitions of “*grade*”, “*height*”, and “*lot*” in Section 2(1) of By-law 438-86, as amended, they shall not apply to the lands and instead the following definitions shall apply:
- (1) “*grade*” means 82.2 metres Canadian Geodetic Datum;

- (2) “*height*” means the vertical distance between *grade* and the highest point of the mechanical penthouse on the roof except for those elements prescribed in Section 1(5) of this By-law;
 - (3) “*lot*” means the lands delineated by heavy lines on Map 1 attached to this By-law;
7. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a temporary sales office, including an office in a sales trailer, on the *lot* for the purpose of selling or leasing the residential *dwelling units* or the *non-residential gross floor area* provided for in this By-law;
 8. This By-law shall apply to all of the lands shown on Map 1 attached to this By-law, regardless of future severance, partition, or division.

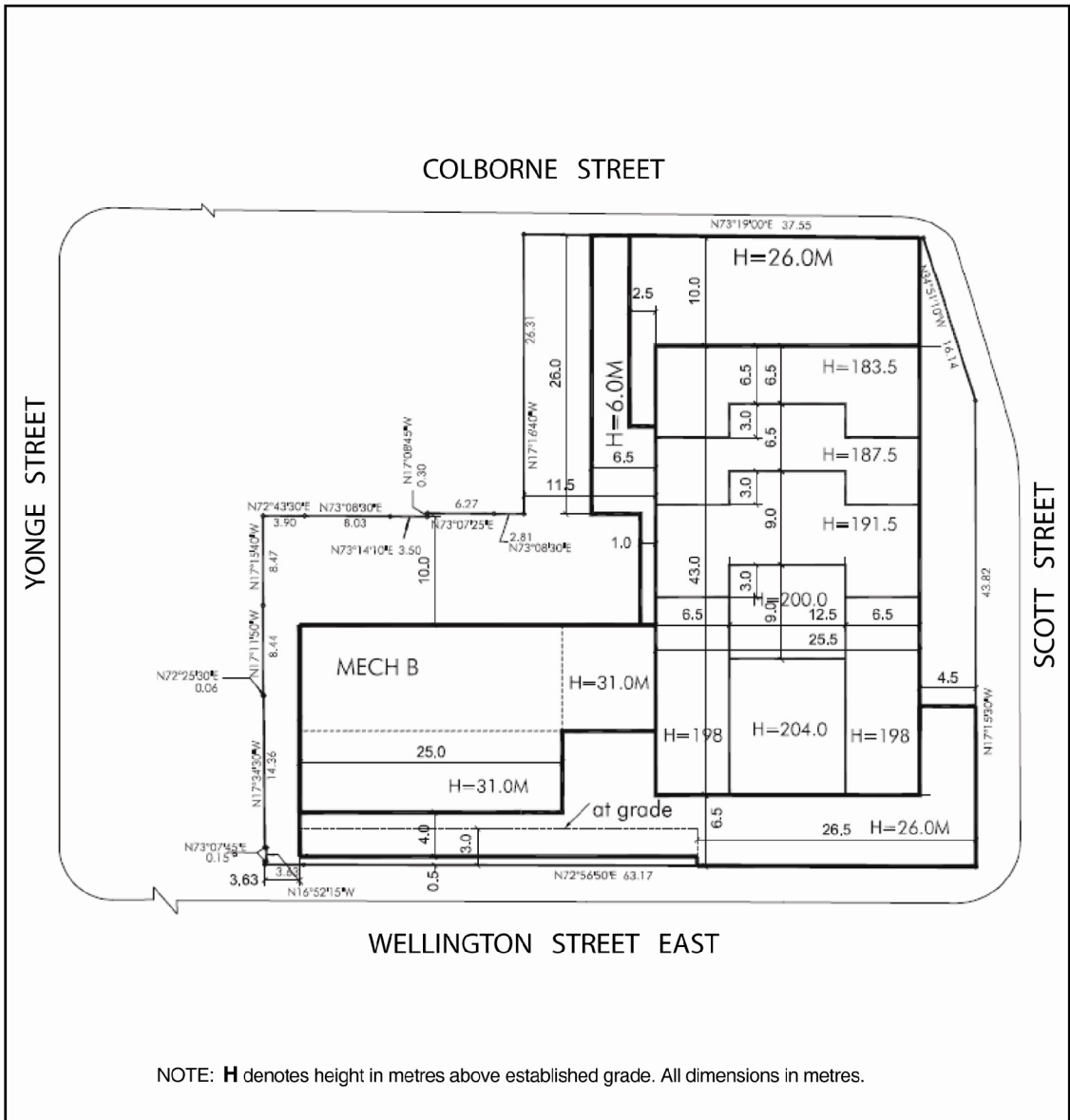
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



NOTE: Survey information was taken from
 Surveyor's Real Property Report by R. Avis Surveying Inc., dated August 19, 2012.
 All dimensions in metres.



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*, or portion thereof 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:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the issuance of above grade permits provide a cash contribution of \$2,500,000 which is to be used for the following:
 - a) \$1,000,000 to be directed to public art to be located on publicly accessible portions of the site and/or within Berczy Park;
 - b) \$1,300,000 for streetscape improvements on Wellington Street East from Yonge Street to Church Street not abutting the site, streetscaping on Colborne Street from Yonge Street to Scott Street not abutting the site, and streetscaping on Scott Street from Colborne Street to Front Street East not abutting the site; and
 - c) \$200,000 for the North St. Lawrence Market redevelopment.
 - b. require that the cash amounts identified in b) and c) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
 - c. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, Planning

Division, to secure the existing cladding to be reused on the new building;

- ii. provide knock-out panels for future PATH pedestrian connection to the north and south on the P1 Parking Level at the westerly edge of the site to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Economic Development and the General Manager of Transportation Services; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*; and
- iii. the Heritage Toronto marker at the entrance off Wellington Street East titled "Royal Insurance Company of Canada" is required to be removed, stored during construction and re-installed on site in a location to the satisfaction of Heritage Preservation Services.