

**454-464 Yonge Street
Zoning Amendment Application – Final Report**

Date:	August 22, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	11 296426 STE 27 OZ

SUMMARY

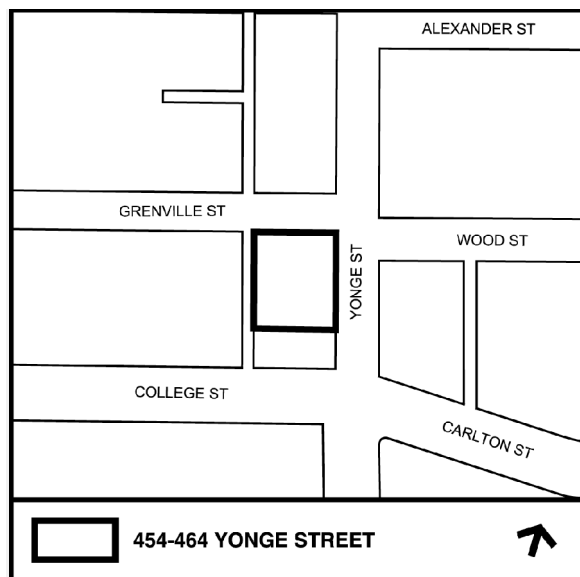
This application proposes to redevelop the site with a mixed-use development including retail uses on the first 2 floors and a residential condominium above at 454-464 Yonge Street. The proposed building will have one tower at a height of approximately 57 storeys (198 metres including mechanical penthouse) containing a total of 660 dwelling units. The proposal includes 217 car parking spaces in 7 levels of underground parking. The applicant is proposing to demolish the existing two storey building.

This report reviews and recommends approval in principle of the Zoning By-law Amendment subject to the provision of parking in accordance with the requirements as set out in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of Toronto Zoning By-law 438-86, as amended for the lands at 454-464 Yonge Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to report dated



August 22, 2013 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. City Council require that the applicant provide sufficient parking on site as outlined in the Engineering and Construction Services memo of June 27, 2013 and discussed in the report dated August 22, 2013 from the Director, Community Planning, Toronto and East York District.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 454-464 Yonge Street to address all such issues and if required by the Executive Director of Engineering and Construction Services that the owner has entered into a secured Agreement with the City to ensure the provision of (a) the Functional Servicing Report, to the satisfaction of the Executive Director of Engineering and Construction Services; and (b) the Transportation Study, to the satisfaction of the General Manager of Transportation Services, and any necessary improvements to the existing municipal infrastructure in connection should it be determined that improvements to such infrastructure are required to support this development.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense:
 - a. Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$5,500,000 which is to be used for the following:
 - i. streetscape improvements, transit upgrades, affordable housing within Ward 27, and/or local area park improvements;
 - ii. \$100,000 to be directed to the Church Wellesley Business Improvement Area in accordance with the North Downtown Yonge Street Urban Design Guidelines and/or the Church Wellesley Village Business Improvement Area public realm plan;
 - iii. \$500,000 for bicycle share stations in the area;
 - iv. \$500,000 public art contribution in accordance with the Percent for Public Art Program to be paid at time of first building permit;
 - v. require that the cash amounts identified 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;

- vi. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- a) the wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
 - b) at least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - d) require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development;
 - e) the owner shall make appropriate arrangements to secure an appropriate legal agreement with the owner immediately to the south at 450 Yonge Street (Oddfellows' Hall) to the satisfaction of the Chief Building Official, such agreement to be executed prior to the introduction of Bills for enactment of the Zoning By-law;
 - f) the owner be required to enter into as a condition of condominium registration a shared-use agreement with 450 Yonge Street (Oddfellows' Hall) to secure access to garbage facilities and parking for use of the Oddfellows' Hall and that the agreement be satisfactory to the Chief Planner and Executive Director City Planning;
 - g) as a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) over the setback area along the Yonge Street frontage, (the "City Easements"), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services; and

- h) as a condition of site plan approval the owner shall convey to the City maximum width of 0.26 metres from a point 1.2 metres below finished grade, to the sky along the westerly property boundary, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant December 9, 2010 and April 12, 2011. At the meeting in December 2010, the applicant described the proposal as a 45-storey residential tower with 512 residential units and vehicular access from St. Luke Lane. The residential lobby was proposed on the 3rd floor with elevator access from Yonge Street at the south east corner of the site. The remainder of the ground floor was to be retail space. Six levels of underground parking was proposed. Staff expressed concerns over the size of the tower floorplate, height, tower setbacks particularly from Yonge Street and Grenville Street, the heritage context given the adjacency of the historic 450 Yonge Street (Oddfellows' Hall) building to the south, the podium height and meeting the intent of the angular plane and the amount of parking provided.

At the meeting in April 2011, the proponent outlined a proposal including 55 storeys (192 metres including mechanical penthouse) with a total of 618 residential units and two floors of retail space. The proposal included six floors of underground vehicular parking, increased setbacks of the tower portion of the site to Yonge Street and St. Luke Lane of 10 metres and 7 metres respectively and a podium height of 16 metres along Yonge Street then stepped back 4 metres to the 5th floor then setback 6 metres for the tower step back of 10 metres. Vehicular loading was proposed at grade with a tandem loading bay along St. Luke Lane. The access to the residential lobby was moved to Grenville Street at the northwest corner of the site with the lobby at grade. Staff expressed concerns over the proximity to heritage sites along College Street, the height of the building, width of St. Luke Lane, amount of building face along the laneway that is utility space, the interface on the west side with the proposed building at 9-21 Grenville Street, the slab form of the tower, potential PATH connection to the subway, and the amount and type of parking provided.

ISSUE BACKGROUND

Proposal

The original proposal was submitted October 20, 2011 and has now been revised by the applicant in consultation with Planning staff and members of the public to address concerns related to built form, loading, access and egress, shadow and heritage

adjacency. At the time the application was submitted, the North Downtown Yonge Planning Framework was underway. The area for this study was generally bounded by the fronting properties on Bay Street, Church Street, Charles Street and College/Carlton Street. The property is located within this study area. The applicant participated in the process for the study and has revised the application in accordance with the emerging direction for the resultant Site and Area Specific Policy and urban design guidelines.

Original Proposal

The original proposal included redeveloping the subject site for a 60-storey (207 metres including mechanical penthouse) residential condominium building with a 4-7 storey podium containing retail and office, with 599 residential units, 196 parking spaces within six levels of underground levels and 608 bicycle parking spaces. Please refer to the Table 1 below.

The proposed tower separation distance between the subject site and the approved residential tower at 9-21 Grenville Street immediately to the west of this site on the west side of St. Luke Lane and south side of Grenville Street was 26.28 metres. The typical tower floorplate would be 734 square metres. The applicant was proposing to set back their building from the property line and widen the sidewalk by 1.0 metre on Yonge Street and Grenville Street.

Revised Proposal

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:

- reshaping the tower to a more rectangular form which slightly increases the tower floorplate as well as increases the setbacks from the east, north and west;
- reducing the height of the tower to address shadow impacts on Alexander Parkette;
- increasing the articulation of the tower primarily through balcony placement;
- redesigning the base of the building to respond to the heritage context;
- the applicant has also worked with the adjacent landowner to the south and has provided an opportunity for a future addition to the designated heritage property subject to heritage review and to combine and internalize garbage and provide some parking for the 450 Yonge Street;
- increasing the amount of indoor amenity space and distributing it in the tower;
- increasing the amount of bicycle parking;
- providing 10% of the units as 3-bedroom or convertible to 3-bedroom;
- increase in the amount of parking provided; and
- providing live-work units in the base of the building.

Table 1 – Summary of Revisions to the Application

	First Submission October, 2011	Second Submission April, 2013	Final Revisions Negotiated August, 2013
Site Area	1,759 sq.m.	1,759 sq.m.	1,759 sq.m.
Tower Floorplate (approximate average)	739 sq.m.	769 sq.m.	769 sq.m.
Gross Floor Area (above grade)			
Total Residential	42,614 sq.m.	44,604 sq.m.	43,284 sq.m.
Retail	2,476 sq.m.	2,266 sq.m.	2,266 sq.m.
Office	<u>1,470 sq.m.</u>	<u>0</u>	<u>0</u>
Total	46,560 sq.m.	46,870 sq.m.	45,550 sq.m.*.
Floor Space Index	26.53 x lot area	26.6 x lot area	25.8 x lot area
Setbacks and Separation (from tower face):			
North side to Grenville Street	5 metres	3 metres	3 metres
South side to Oddfellows' Hall	6 metres	2 metres	2 metres
East side to Yonge Street	10 metres	10 metres	10 metres
West side to mid-line St. Luke Lane	10 metres	12.5 metres	12.5 metres
Tower separation to 9-21 Grenville Street	20 metres	25.5 metres	25.5 metres
Number of Units	599	660	636
Proposed Vehicular Parking	196	217	217
Proposed Bicycle Parking	608	670	670
Loading Spaces			
Type G	1 space	1 space	1 space
Type B	1 space	1 space	1 space
Interior Residential Amenity Space	1,010 sq.m. (1.68 sq.m. per unit)	1,320 sq.m. (2 sq.m. per unit)	1,320 sq.m. (2 sq.m. per unit)
Exterior Residential Amenity Space	440 sq.m. (0.73 sq.m. per unit)	321 sq.m. (0.48 sq.m. per unit)	321 sq.m. (0.48 sq.m. per unit)
Building Height (including mechanical penthouse and architectural elements)	60 storeys 207 metres	60 storeys 207 metres	57 storeys 198 metres

* Note: Final gross floor area, number of storeys and unit count are approximate

Site and Surrounding Area

The site is located on the southwest corner of Yonge Street and Grenville Street, occupying much of the block just north of College Street between Yonge Street and St. Luke Lane. The subject site is 0.18 ha in size with frontage of 46 metres along on Yonge Street and 38 metres on Grenville Street. The site is located in the Yonge Street Community Improvement Plan area, Downtown Yonge Business Improvement Area (BIA), and in the area under potential consideration for the Yonge Street Heritage Conservation District (College/Carlton Streets to Davenport Road or part thereof).

The site contains a two-storey building occupied by commercial uses at grade and office space above, all oriented to Yonge Street.

The surrounding uses are as follows:

South: 4-storey designated heritage building (Oddfellows' Hall);

East: south of Wood Street is an 18-storey commercial office building with retail at grade and north of Wood Street is the Marriott Hotel, ranging from 9 to 16 storeys;

North: 1-storey McDonalds Restaurant and further north several commercial/retail establishments with heights ranging from 1 storey to 3-storeys; and

West: St. Luke Lane and beyond is a three-storey designated heritage building. This site has been approved (file: 10 313898 STE 27 OZ and OMB file: PL111050) for a 50-storey residential condominium building.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

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

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

Official Plan

The site is within the Downtown and Central Waterfront urban structure area of the Official Plan. The site is designated "Mixed Use Areas" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts and provision of an attractive, safe and comfortable pedestrian environment.

This application has been reviewed against the policies in the Official Plan including those in the “Downtown”, “Public Realm”, and “Built Form” sections of the Plan. (www.toronto.ca/planning/official_plan/introduction.htm).

Compliance with other relevant policies of the new Official Plan including the environment and transportation has also been addressed.

Tall Building Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

The application for the subject site has been evaluated in accordance with the Tall Building Design Guidelines. Staff are of the opinion that the application meets the intent of the guidelines in terms of height, massing, setbacks and tower floorplate.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal. The Downtown Tall Building Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

North Downtown Yonge Planning Framework

The area of Yonge Street between College Street/Carlton Street to Bloor Street is changing. Contrary to several other areas within the Downtown and Central Waterfront Area, this part of Yonge Street is not subject to a Secondary Plan or Special Policy Area. A better understanding of the evolving neighbourhood and planned context of this area of Yonge Street is required prior to making any decisions on this and other recently received development applications. The North Downtown Yonge Planning Framework process involved community consultation and a charrette. The study process included a review of

the built form of the area, special places and streets, pedestrian improvements, open space, heritage, and view terminus among other considerations. The review also took into consideration other ongoing work that was underway within the City and particularly the downtown area including the Tall Buildings Downtown Study. Consultation included the Downtown Yonge Neighbourhood Business Improvement Area, and representatives from the Bloor East Neighbourhood Association, Greater Yorkville Residents Association, Bay Cloverhill Community Association, Church Wellesley Neighbourhood Association, area landowners and developers.

The study process has resulted in two documents: the draft North Downtown Yonge Urban Design Guidelines that were approved by Council July 2013 and the proposed North Downtown Yonge Site and Area Specific Policy which is scheduled for a statutory public meeting at the September 10, 2013 Toronto and East York Community Council. Both of these documents address the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. Both documents compliment and coordinate with other City and community heritage, economic and social development/revitalization initiatives. The proposed North Downtown Yonge Site and Area Specific Policy will be available on the Toronto and East York Community Council agenda when published. The draft North Downtown Yonge Urban Design Guidelines may be found on the City's website at:

<http://www.toronto.ca/planning/northyongeplanningframework.htm>

Zoning

The site is zoned CR T3.0 C2.0 R3.0 under By-law 438-86, with a height limit of 18 metres. There is an angular plane of 16 metres and then 44 degrees along Yonge Street. The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices and hotels. The zoning permits a maximum non-residential density of 2.0 times the area of the lot and a maximum residential density of 3.0 times the area of the lot. Attachment 3 shows the zoning for the site and surrounding area.

Site specific zoning by-law approval for the subject site from 1999 for a residential rental building with a 10-storey addition over the existing 2-storey building including one transfer floor containing amenity space, bike parking and storage space. There were a total of 93 rental dwelling units approved on 9 residential floors. The density of the site was 6.94 times the lot area and the height including mechanical penthouse was 44.9 metres.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law 569-2013. Lands that were subject to a rezoning application under the former general zoning by-law were not included in By-law 569-2013 in order to avoid interfering with the approval process as contemplated when the application was made.

Site Plan Control

The subject site and proposed development are subject to Site Plan Control. An application for Site Plan Control has been submitted and is being reviewed concurrently with the Zoning Bylaw Amendment application (file 11-213852 STE 27 SA).

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height, breaching the angular plane, a reduction to residential and other parking, reduced amenity space and other development standards that will be tailored on a site-specific basis.

Community Consultation

A community consultation meeting was held February 29, 2012 at the YMCA on Grosvenor Street for the public to review the applicant's submission and ask questions of City staff and the applicant. The meeting was attended by approximately 60 people. Issues raised included the following:

- height of tower;
- shadow on Alexander parkette and along Yonge Street;
- additional traffic in the area generated by both this development and the development immediately to the west at 9-21 Grenville Street;
- increased parking space demand in the area as the proposal is providing reduced parking;
- increased pedestrian traffic and narrow sidewalk widths;
- lack of community services in the area in response to increased development;
- concerned with how the site addresses the heritage context;
- inadequate green space in the community; and
- the status of the North Downtown Yonge Planning Framework and the ability of this development to be in line with the direction of the study.

Comments were also received from members of the public in writing and by e-mail after the public meeting expressing similar concerns to those noted above.

City of Toronto Design Review Panel

The application was before the City of Toronto Design Review Panel on July 17, 2012, and December 4, 2012. The Panel voted for redesign at the both meetings but at the second meeting noted that the design had much improved from the initial concept. The Panel provided direction to the applicant in terms of revisions to address the design of the tower in terms of making the tower shorter than the site immediately to the west, the dark balconies are too strong visually, and pattern too repetitive. In terms of the building base the applicant was asked to:

- use less glass and use more solid/textured human-scaled materials;
- for the site to abide by built form and urban design guidelines and requirements;
- and

- develop stronger, more explicit relationship with Oddfellows' Hall preferably by incorporating the Oddfellows' Hall site into the project to allow for a better site plan solution.

The Panel recommended going "back to basics", to follow required density/height/setbacks and design within those limitations, increasing separation distance of proposed tower from tower west of site to address tall building guidelines, and improving scale and pedestrian realm of residential entry area. In terms of the pedestrian realm, the applicant was asked to make the entire St. Luke Lane a high quality pedestrian-first, vehicle-second realm and to provide high-quality street trees to create a signature pedestrian realm.

The applicant has revised the plans in accordance with the direction from the panel. The applicant will be providing further refinements through the site plan approval process.

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. The recommendation for this development is to provide a sufficient number of parking spaces to support the development. The site is immediately adjacent to the College Street stop on the Yonge Street subway line with access from College Street as well as to the east/west College Street streetcar line, the north/south Yonge Street night bus and one block east from the north/south Bay Street bus.

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 describes the *Downtown* and *Central Waterfront* area as an area for intensification while recognizing that there may be some sites that are not appropriate for intensification.

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

Official Plan

The subject site is designated *Mixed Use Areas* 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 expected 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 live-work space and retail is appropriate for this site.

Proposed North Downtown Yonge Site and Area Specific Policy

To predicate the analysis in this report it should be noted that the proposed North Downtown Yonge Site and Area Specific Policy will also be before Toronto and East York Community Council at the September 10, 2013 meeting. The draft North Downtown Yonge Urban Design Guidelines were approved by City Council at their meeting of July 17, 18, 19, 2013.

The proposed North Downtown Yonge Site and Area Specific Policy is intended to guide development and private and public investment within the area and establish a planning context for new development. The site is located within the College/Carlton Character Area and within the height peak. Higher intensity development is anticipated for the height peak and for portions of the College/Carlton Street Character Area in keeping with the context of the area, the heritage properties and shadow impact on areas of sensitivity. The analysis of the site in the following sections of this report will provide reference to the direction provided in both the proposed North Downtown Yonge Site and Area Specific Policy and the draft North Downtown Urban Design Guidelines.

Density, Height, Massing

Density

The proposed density at 25.8 times the area of the lot, exceeds the current underlying zoning permissions of the Zoning By-law of 3 times the lot area for a mixed use and 2 times the lot area for a commercial building. There is a site specific approval from 1999 for this site to permit a 13-storey residential rental building (43.9 metres including mechanical penthouse) with a density of 6.94 times the area of the lot and no on-site parking.

The density of developments that have been recently approved and under construction in this area increases from Wellesley Street going south to College Street. The recently approved Sutton Place Hotel redevelopment at the north east corner of Wellesley Street and Bay Street (951-971 Bay Street, 36 Wellesley Street West) has a total site density of 12.7 times the lot area. The Burano development on the west side of Bay Street between Grenville Street and Grosvenor Street (832 and 860 Bay Street) situates the tower to the north end of the site and has a density of 15 times the area of the lot. The Murano (38

Grosvenor Street, 37 Grenville Street) has a total site density of 15.37 times the area of the lot with the height of the towers stepping up to the south. The density of the site immediately to the west at 9-21 Grenville Street as recommended by staff is 21 times the area of the lot. The Aura development at the northwest corner of Yonge Street and Gerrard Street is 15.4 times the area of the lot and 21 Carlton Street at the south east corner of Yonge Street and Carlton Street is 11.8 times the area of the lot.

The density proposed by the applicant is greater than other similar mixed use and residential developments in the area. This is attributable to the small site size. This application is addressing development potential for the whole of the block including the Oddfellows' Hall immediately to the south. If the Oddfellows' Hall is included in the density calculation, even if there is an assumption that additional floors could be added to the site, the density for the block is estimated to be approximately 20 times the lot area.

The proposed density of the site is found to be acceptable in this particular location due to this block being within the height peak of the proposed North Downtown Yonge Site and Area Specific Policy, and the site is immediately adjacent a variety of transit lines, and would have supportive retail and commercial uses. Staff are of the opinion that the density of the development is appropriate for this particular site but should not be a precedent for the area to the north along Yonge Street outside of the height peak, in an area of different policy objectives.

Height, Massing and Separation Distances

The original proposed height of residential tower is 207 metres including mechanical penthouse. The height has since been revised to 198 metres including mechanical penthouse. The height permission in the zoning by-law is 18 metres as well as an angular plane provision along Yonge Street that requires a 44 degree angular plane from the height of 16 metres as measured at the property line on Yonge Street. The site specific permission from 1999 permits a 13-storey (44.9 metres including mechanical penthouse) residential rental building that would intrude into the angular plane.

The revised height proposed on the subject site is in keeping with the heights that exist and are approved along Grenville and in the surrounding area. The proposed North Downtown Yonge Site and Area Specific Policy and the draft North Downtown Yonge Urban Design Guidelines recognize this site as being within a height peak. The Site and Area Specific Policy directs for heights generally in the range of 190 metres or 55 storeys with the maximum height only being considered if certain potential impacts of height have been addressed including: heritage properties located on or adjacent to the site, sunlight in parks and open space in the vicinity of the site and views of prominent and heritage properties, structure and landscapes on or adjacent to the development site. The design of the site has been revised since the original submission and is in keeping with the policies of the proposed North Downtown Yonge Site and Area Specific Policy.

The draft North Downtown Yonge Urban Design Guidelines provide a block-by-block analysis for Yonge Street from College/Carlton Streets to Charles Street. The subject site is within Block 1 which recognizes that the height peak area is considered suitable for tall

buildings and higher density due to the proximity to transit. The design of the subject site addressed in the urban design guidelines for this block is the following:

- the setbacks and stepbacks to the base and the tower are in keeping with the direction of the urban design guidelines;
- the base respects the material and characteristics of the adjacent heritage structure;
- the tower provides a minimum setback of 10 metres from Yonge Street;
- continuous weather protection is required along the street frontage – this shall be further addressed through the site specific by-law and site plan process;
- The base provides a streetwall height of an average of 18 metres (varies due to sloping site);
- retail on the ground level responds to the retail frontages in the immediate area; and
- an upgraded frontage on the laneway is provided.

The built form of the proposal meets the applicable policies of the Official Plan. The proposed height and tower base form of development is consistent with the scale and form of development anticipated by the "Downtown Tall Buildings: Vision and Supplementary Design Guidelines", the proposed North Downtown Yonge Site and Area Specific Policy and the draft North Downtown Yonge Urban Design Guidelines. The tower is set back 12.5 metres from the centre line of St. Luke Lane to the west and 10 metres from Yonge Street. There is 25 metres between the tower on the subject site and the approved tower to the west at 9-21 Grenville Street. The floorplate of the proposed tower at 769 sq.m. slightly exceeds the 750 square metres recommended by the Tall Building Guidelines. This is reasonable, as the applicant has reshaped the tower to provide additional articulation on each façade.

The tower-base form is consistent with Official Plan policies respecting tall buildings and the various Tall Buildings Guidelines. The height of the base represents an appropriate relationship between height and the width of the adjacent Yonge Street and Grenville Street right-of-way and is in keeping with the streetwall height requirement of the proposed North Downtown Yonge Site and Area Specific Policy and draft North Downtown Yonge Urban Design Guidelines. The base will have benefits including: strong definition of the adjacent streetscape and public realm and mitigation of wind impacts.

Staff are of the opinion that the height of the tower and massing for the site is in keeping with the heights of the area. The height and massing responds to the comments of the City of Toronto Design Review Panel and is also in keeping with the direction of the proposed North Downtown Yonge Site and Area Specific Policy and the draft North Downtown Yonge Urban Design Guidelines.

Sun, Shadow, Wind

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 to illustrate the shadows created by the proposed development during March 21st and June 21st between the hours of 9:18 a.m. and 6:18 p.m.

The proposed development casts an increased shadow to the northeast that includes shadow cast on Alexander Parkette between 12:18 pm and 2:18 pm September 21st. Since the original application, the proponent has modified the plans to reduce the height of the proposed development to eliminate the shadow impact on Alexander Parkette between the hours 12:00 pm to 2:00 pm as directed by the “Downtown Tall Buildings: Vision and Supplementary Design Guidelines” for parks other than Signature Parks. Alexander Parkette does not meet the criteria to be classified as a Signature Park. Under the original proposal, shadow impacts begin to creep into the north east corner of the parkette on March/September between 1:35 pm to 2:34 pm. Shadow impacts have left the park by 2:34 pm. There are no shadow impacts on the park on June 21st. By reducing the height of the proposed tower from 207 metres to 198 metres, staff are satisfied that the shadow impacts are acceptable.

Heritage

Official Plan policies in Section 3.1.5 direct that heritage be protected. The proposed North Downtown Yonge Site and Area Specific Policy and draft North Downtown Yonge Urban Design Guidelines also recognize and provide direction to conserve and maintain heritage properties. The proposal for this site is directly adjacent to Oddfellows' Hall at 450 Yonge Street which is a designated heritage property. Through the application process the owner of Oddfellows' Hall had expressed concern about future development potential for his site with the original application for the subject site. Staff apprised the owner of the process that is required to contemplate any development or addition to a designated property. The owner has confirmed that his intention for the Oddfellows' Hall is a minor addition and interior renovations to increase the long term viability for the site and respect the heritage designation of the property. The applicant has since worked with the owner of Oddfellows' Hall to accommodate a future addition to the Hall and has revised his design to provide a blank wall up to the sixth floor. The applicant is also securing an appropriate legal agreement with the owner of Oddfellows' Hall commencing 18.5 metres above the roof of the Hall and a shared use agreement between the property owners for parking and waste management.

Staff are of the opinion that the proposed base, tower location and tower setbacks will not impact on any of the adjacent heritage property. The revisions to the plans, the appropriate legal agreement and the shared use agreement provide an opportunity for the Oddfellows' Hall to expand at some point in the future if deemed appropriate by staff so that the Oddfellows' Hall will continue to be a viable commercial building and respect for the heritage designation will be achieved.

Residential Amenity Space

Zoning standards require 2.0 square metres of indoor and outdoor amenity space per unit, resulting in 1,320 square metres of indoor amenity space 1,320 square metres of outdoor space for the 660 proposed units.

The proposal meets the requirement of the Zoning By-law by providing 1,320 square metres of indoor amenity space. Indoor amenity space is being provided on the 5th floor adjacent to outdoor terraces and on the south side of the mechanical penthouse on the roof.

The proposal includes 321 square metres of outdoor amenity space or 0.48 square metres per unit. The 321 square metres of outdoor amenity space comprise two outdoor terraces on the east and west side of the building on the 5th floor and an outdoor deck, whirlpool and infinity pool on the roof of the tower above the indoor amenity area. The proposed outdoor amenity is appropriately located in the building and generally consolidated into usable spaces. The outdoor space incorporates those areas of the building that can provide good quality space. The amount of outdoor amenity space is acceptable given the site conditions.

The draft zoning by-law will secure the availability, type and use of the both the indoor and outdoor amenity space to residents of the building. Site Plan Approval will secure the design and location of the building's amenity space.

Streetscape

As part of the Section 37 provisions for the site to the west at 9-21 Grenville Street, streetscape improvements were secured to upgrade St. Luke Lane and widen the sidewalk along Grenville Street to St. Luke Lane. Staff require sidewalks with a minimum width of 6 metres. The proposed sidewalk widening along Grenville Street is from 3.5 metres to 6 metres. The widening of the sidewalk along Grenville Street will be continued across the frontage of the subject site as part of this development application. As well, the applicant will be providing streetscape along Yonge Street in accordance with the Downtown Yonge BIA standards. The proposed building will be setback to provide sidewalk widths ranging from 5.1 metres to 6.4 metres with a notch in the corner of the building at Yonge Street and Grenville Street to provide additional pedestrian space. Staff require continuous weather protection with a minimum width of 3 metres along Yonge Street and Grenville Street. The draft zoning by-law includes this requirement. Continuous weather protection will be reviewed through site plan review and approval.

Yonge Street is a priority retail street. The current Zoning By-law requires that a minimum of 60% of the Yonge Street frontage at grade should be retail in order to animate the street. The applicant is meeting that intent of this provision by providing two small scale retail spaces along the 46 metre frontage of Yonge Street, as well as a commercial entry for floors above grade. The proposed North Downtown Yonge Site and Area Specific Policy require store frontage widths at grade along Yonge Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street. The average width of retail in the area is 5 metres (16 feet). Staff are satisfied that the intent of the priority retail provision and the proposed North Downtown Yonge Site and Area Specific Policy is met.

Traffic Impact, Access, Parking

Parking and Access

The applicant is proposing a total of 217 parking spaces in 7 levels of underground garage with access off of St. Luke Lane. The applicant submitted a Traffic Impact Study completed by BA Group which indicated that the parking provided was adequate. However, City Staff have reviewed the study and require additional information to support the proposed parking. Staff have indicated that they do not support the proposed reduction in the parking supply summarized in the following:

Type of unit	Proposed by Applicant	Required by By-law 569-2013
Resident	176 spaces	359 spaces
Visitor	30 spaces (visitor/retail/office)	66 spaces
Retail	0	22 spaces
Car Share	10 spaces	11 spaces (option)
Total	217 spaces	458 spaces

In addition to the parking demand for the proposed development the applicant has agreed to provide 5 spaces for the Oddfellows' Hall to the south as part of their shared arrangement. It is not structurally possible for the Oddfellows' Hall to excavate to the extent that they could provide their own parking below grade.

According to the Engineering and Construction Services comments dated June 27, 2013 the following are required:

- that the applicant comply with the updated parking supply requirements as proposed through By-law 569-2013 as they are based on more recent data than the current Zoning By-law 438-86 standards;
- as an alternative to the above, the Owners transportation consultant can submit acceptable justification in respect of the residential parking reduction;
- the applicant comply with the parking space dimensional requirements and ramp slope requirements of the Zoning By-law; and
- satisfy all outstanding issues with respect to the Traffic Impact Study.

The draft zoning by-law reflects the recommended minimum parking standards.

Loading/Access

Access to the site is to/from St. Luke Lane at the south west corner of the site. There is one driveway with the loading area immediately adjacent the driveway on the north side. The access driveway and loading spaces are located wholly within the base of the building to be enclosed by overhead doors. There are two loading spaces, one Type G

space and one Type B space as required for the site. The applicant has provided the required number and type of loading spaces. As part of the site plan process a 0.26 metre widening along the frontage of the site on St. Luke Lane is required to achieve the standard 6 metre for the lane.

Bicycle Parking

The proposal includes 670 bicycle parking spaces, comprising 528 spaces for residents and 132 spaces for visitors. Resident bicycle parking is provided at grade and on the P1 level with access from a dedicated bicycle parking elevator. Additional spaces are located on the mezzanine level for resident, retail and visitor spaces also from the bicycle elevator. The applicant is providing a mix of bicycle lockers, spaces and stackers. The proposed bicycle parking exceeds zoning by-law and the Toronto Green Standard requirements. Staff are satisfied with the provision of bicycle parking on the site for the residents and visitors.

Servicing

Engineering and Construction Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application for 454-464 Yonge Street, 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 if required by the Executive Director of Engineering and Construction Services that the owner has entered into a secured Agreement with the City to ensure the issues have been addressed including the provision of all identified improvements to the infrastructure, all to the satisfaction of the Executive Director of Engineering and Construction Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of 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 660 residential units and 2,266 sq.m. non-residential uses on a site with a net area of 1,759 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.88 hectares or 525% 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 169 square metres.

The Parks, Forestry & Recreation Division would consider an off-site parkland dedication subject to conformity with Policy 7 of Section 3.2.3 of the Official Plan. If an off-site dedication is not possible, then the application is required to satisfy the parkland dedication requirement through cash-in lieu. This is appropriate as there is no location

for an on-site parkland dedication and the site would be fully encumbered below grade. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of a building permit.

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 a 2-storey office building. This development is proposing to provide two storeys of commercial space.

This proposal satisfies the intent and direction of the Official Plan policies for the *Downtown* and *Mixed Use Areas*.

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).

The community benefits recommended to be secured in the Section 37 agreement for a 57 storey (198 metre) building are as follows:

- a. Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$5,500,000 which is to be used for the following:

- i. streetscape improvements, transit upgrades, affordable housing within Ward 27, and/or local area park improvements;
- ii. \$100,000 to be directed to the Church Wellesley Business Improvement Area in accordance with the North Downtown Yonge Street Urban Design Guidelines and/or the Church Wellesley Village Business Improvement Area public realm plan;
- iii. \$500,000 for bicycle share stations in the area;
- iv. \$500,000 public art contribution in accordance with the Percent for Public Art Program to be paid at time of first building permit;
- v. require that the cash amounts identified 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;
- vi. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) the wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
 - b) at least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - d) require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development;
 - e) the owner shall make appropriate arrangements to secure an appropriate legal agreement with the owner immediately to the south at 450 Yonge Street (Oddfellows' Hall) to the satisfaction of the Chief Building Official, such agreement to be executed prior to the introduction of Bills for enactment of the Zoning By-law;
 - f) the owner be required to enter into as a condition of condominium registration a shared-use agreement with 450 Yonge Street (Oddfellows' Hall) to secure access to garbage

facilities and parking for use of the Oddfellows' Hall and that the agreement be satisfactory to the Chief Planner and Executive Director City Planning;

- g) as a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) over the setback area along the Yonge Street frontage, (the “City Easements”), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services; and
- h) as a condition of site plan approval the owner shall convey to the City maximum width of 0.26 metres from a point 1.2 metres below finished grade, to the sky along the westerly property boundary, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes.

The attached draft zoning by-law will be changed to reflect the negotiated 57 storey (198 metre) high mixed use building.

CONTACT

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

SIGNATURE

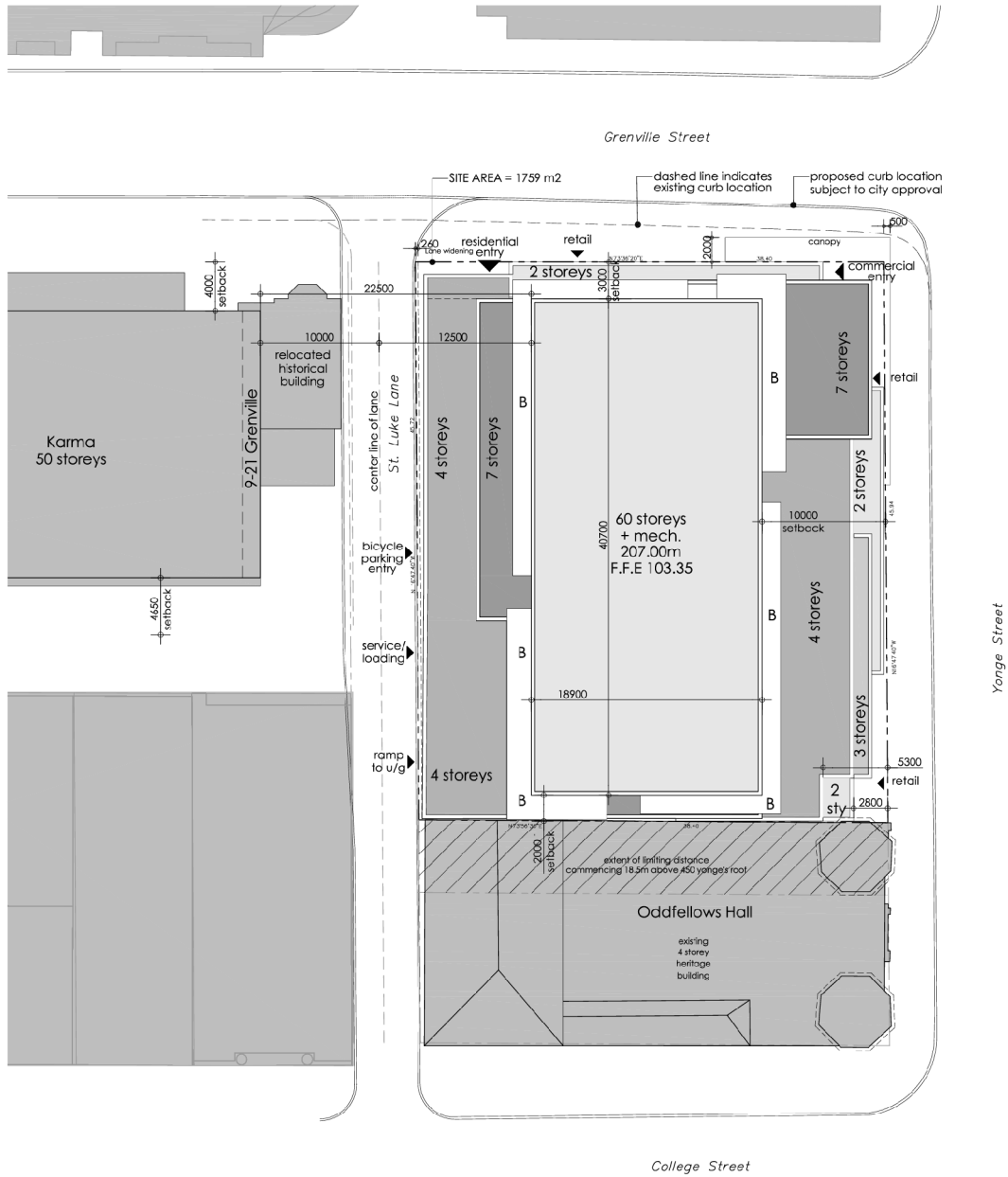
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: East and North Elevations
- Attachment 3: West and South Elevations
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

454 - 464 Yonge Street

Applicant's Submitted Drawing

Not to Scale
08/16/2013

File # 11 296426 0Z

Attachment 2: East and North Elevations



East Elevation

North Elevation

Elevations

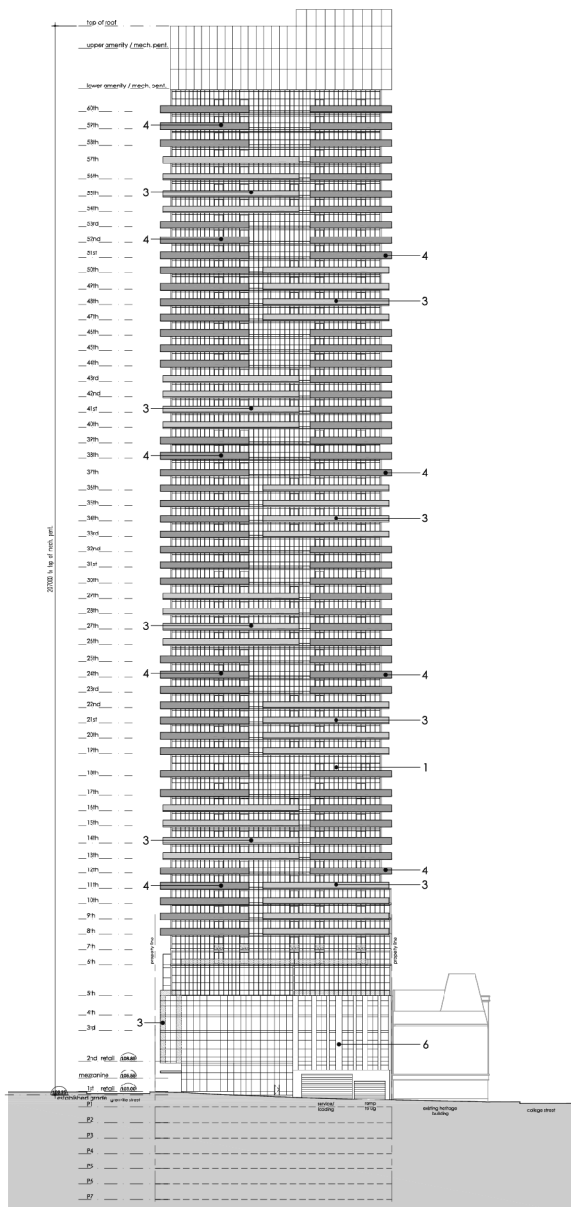
Applicant's Submitted Drawing

Not to Scale
08/16/2013

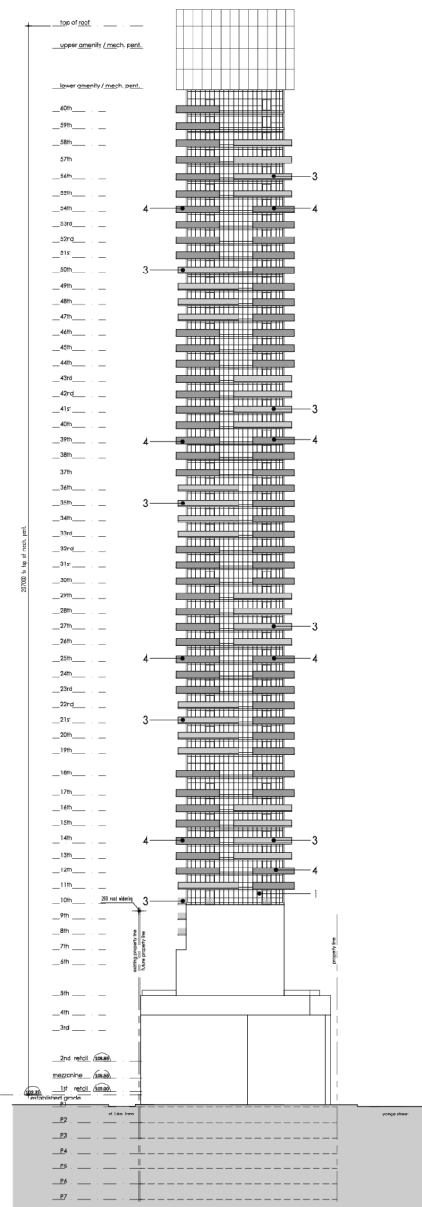
454-464 Yonge Street

File # 11 296426 0Z

Attachment 3: West and South Elevations



West Elevation



South Elevation

Elevations

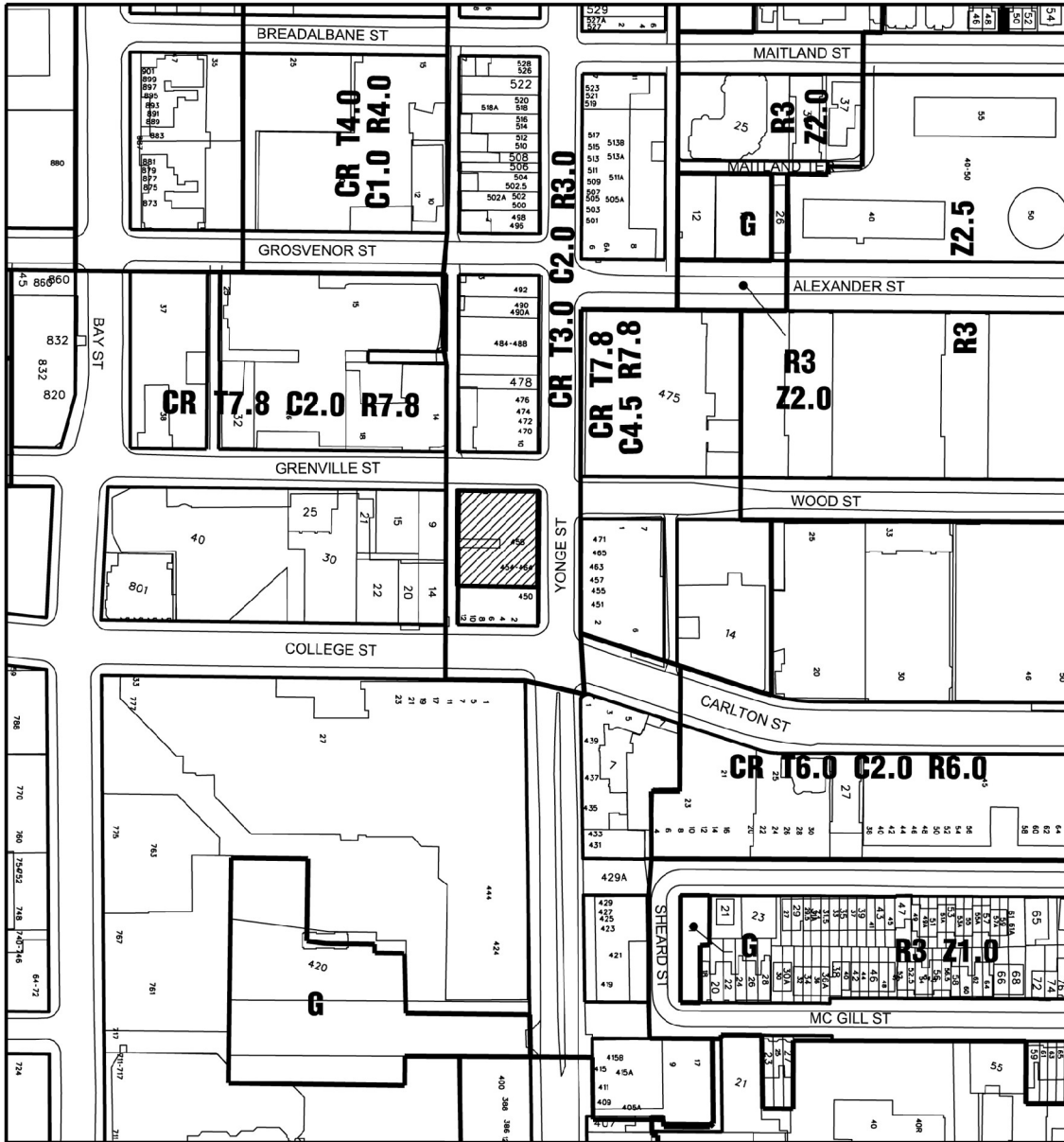
Applicant's Submitted Drawing

Not to Scale
08/16/2013

454 - 464 Yonge Street

File # 11 296426 0Z

Attachment 4: Zoning



454-464 Yonge Street

File # 11 296426 0Z

- G Parks District
- R3 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 11/14/2011

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	11 296426 STE 27 OZ
Details	Rezoning, Standard	Application Date:	October 20, 2011
		Resubmission Date:	April 2, 2013

Municipal Address: 454 - 464 YONGE STREET

Location Description: PLAN 159 LOTS 1 TO 5 << STRUCTURE ADDRESS FOR 454-464 YONGE ST **GRID S2709

Project Description: Rezoning application to permit the redevelopment of the lands for a new mixed use building, with a tower of 57 storeys (198 metres including mechanical penthouse) in height with commercial/office space, 636 residential units, 670 bike parking spaces and 217 vehicular parking spaces. The floorplate is 769 sq.m.

Applicant:	Agent:	Architect:	Owner:
Craig Hunter Hunter & Associates Ltd. 555 Richmond Street West Suite 405, P.O Box 702 Toronto ON M5V 3B1		Graziani + Corazza Architects Inc. 1320 Shawson Dr. Suite 100 Mississauga ON L4W 1C3	454 Yonge GP Inc. 1075 Bay Street Suite 400 Toronto ON M5S 2B1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,759	Height:	Storeys:	57
Frontage (m):	45.94		Metres:	198
Depth (m):	38.4			
Total Ground Floor Area (sq. m):	1,218			Total
Total Residential GFA (sq. m):	43,284		Parking Spaces:	217
Total Non-Residential GFA (sq. m):	2,266		Loading Docks	2
Total GFA (sq. m):	45,550			
Lot Coverage Ratio (%):	69.2			
Floor Space Index:	25.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	43,284	0
Bachelor:	0	Retail GFA (sq. m):	2,266	0
1 Bedroom:	TBD	Office GFA (sq. m):	0	0
2 Bedroom:	TBD	Industrial GFA (sq. m):	0	0
3 + Bedroom:	TBD	Institutional/Other GFA (sq. m):	0	0
Total Units:	636 (100%)			

CONTACT: **PLANNER NAME:** **Sarah Henstock, Senior Planner**
TELEPHONE/E-MAIL: **416-392-7196 / shensto@toronto.ca**

Attachment 6: Draft Zoning By-law Amendment

Note: to be amended to reflect a 57 storey (198 metre tall tower)

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. ~-20~

To amend the General Zoning By-law No. ~, of the former City of Toronto with respect to the lands municipally known as 454 - 464 Yonge Street.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law 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 2013 as 454-464 Yonge Street; and

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the 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 By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for 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 or matters; and

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

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands 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 to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the 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 the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's 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. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86*, as amended shall continue to apply to the *lot*.
5. None of the provisions of Section 4(2)(a), 4(5)(b), 4(8)(b), 4(12), 4(17), 8(2)14, 8(3) Part I (1-3), 8(3) Part III 1(a), 12(2) 260(i) & (ii), of *By-law No. 438-86* of the former City of Toronto, shall apply to prevent the erection or use of a *mixed-use building* within the site which may contain *dwelling units* and non-residential uses and *accessory* uses thereto including a *parking garage* provided that all of the provisions of this By-law are complied with.
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 45,550 square metres;
 - (c) the *residential gross floor area* shall not exceed 43,284 square metres;

- (d) the *non-residential gross floor area* shall not exceed 2,266 square metres, excluding the gross floor area that may include in whole or in part *live/work units*;
- (e) the number of residential dwelling units shall not exceed 636, of which *live/work units* may be provided on the 3rd and 4th storeys;
- (f) at least ten per cent (10%) of all total *dwelling units* erected or used on the *site* shall have three or more bedrooms;
- (g) a minimum amount of outdoor *residential amenity space* shall be provided and maintained on the lot equal to the greater of 321 square metres or 0.48 square metres per dwelling unit;
- (h) a minimum amount of indoor *residential amenity space* shall be provided and maintained on the lot equal to the greater of 1,320 square metres or 2 square metres per dwelling unit;
- (i) no portion of the *mixed-use building* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law and no portion of the *mixed-use building* including the mechanical and roof top elements shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2;
- (j) notwithstanding Section 5(i) above the height of each portion of a building or structure erected above-grade on the *lot*, in respect of each *building envelope* area, has a maximum height in metres as shown following the symbol “H” on Map 2, including mechanical and roof top elements, except for:
 - (i) canopies, awnings and building cornices;
 - (ii) balconies projecting no more than 2 metres from the building envelope;
 - (iii) window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, partitions dividing outdoor recreation areas, trellises, wind mitigation and public art elements;
- (k) No part of any building or structure erected on the *lot* shall be located above grade other than within a *building envelope*, except for:
 - (i) canopies, awnings and building cornices;

- (ii) balconies projecting no more than 2 metres from the building envelope;
 - (iii) window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, partitions dividing outdoor recreation area, trellises, wind mitigation and public art elements;
- (l) *Parking spaces* shall be provided and maintained on the *site* in a *parking garage* accordance with the following minimum and maximum requirements:
- (i) *bachelor dwelling units* – a minimum of 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) *one-bedroom dwelling units* – a minimum of 0.5 *parking spaces* for each *one-bedroom dwelling unit*;
 - (iii) *two-bedroom dwelling units* – a minimum of 0.8 *parking spaces* for each *two-bedroom dwelling unit*;
 - (iv) *three and more bedroom dwelling units* – a minimum of 1.0 *parking spaces* for each *dwelling unit* containing three or more bedrooms;
 - (v) a minimum of 0.6 *parking spaces* for visitors for each *dwelling unit*, with *visitor parking* permitted to be provided by parking spaces for the *non-residential* uses with the *site*,
 - (vi) the minimum *non-residential parking spaces* shall be calculated at 1 space per 300 square metres of net floor area;
 - (vii) for each *car-share parking space* provided on the *site*, the minimum resident parking required may be reduced by four *parking spaces*;
- (m) at least one *Loading space-Type G* and one *Loading space-Type B* is provided and maintained on the *lot*;
- (n) 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;
 - (o) the *bicycle parking spaces* required in Section 6(12) of this By-law may be provided in a *stacked bicycle parking space*;
 - (p) 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;
 - (q) continuous weather protection with a minimum depth of 3 metres shall be provided along Yonge Street and Grenville Street;
 - (r) the minimum ground floor height shall be 5 metres; and
 - (s) the maximum at-grade frontage for a retail unit along Yonge Street shall be 25 metres.
5. A *temporary sales office* shall be permitted on the *lot*.
6. 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 financially secured acceptable to the Director of Engineering and Construction Services Division prior to the issuance of a below-grade building permit, excluding any permit for demolition, shoring and excavation.
7. For clarity, all Appendices and Maps attached to this By-law are incorporated into this By-law and are deemed to be part of this By-law.
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
9. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- (a) "*building envelope*" means a building envelope for each height area within the *lot* as shown by an "H" and as delineated by the lines on Map 2;

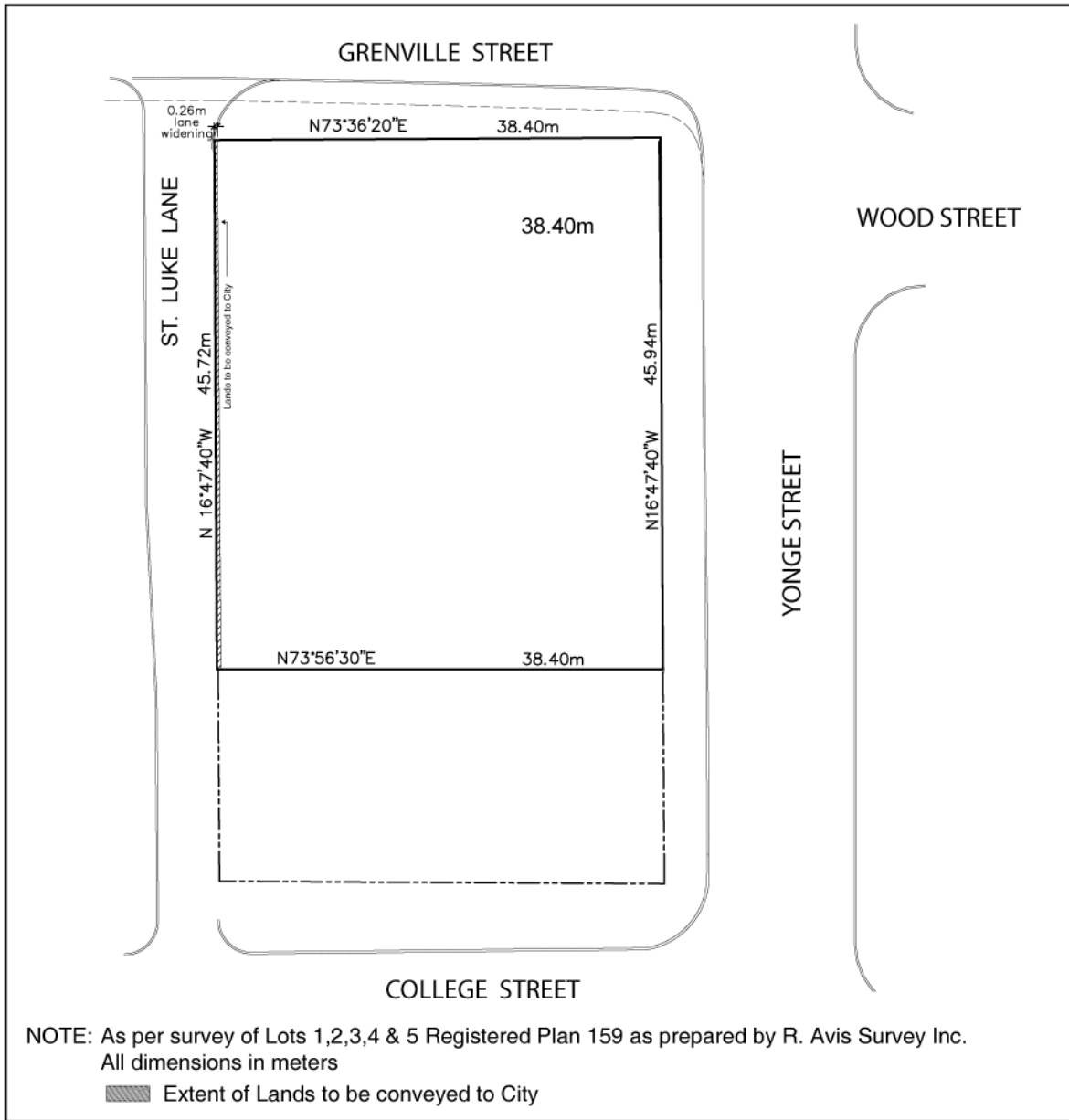
- (b) “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
 - (c) “*car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (d) “*grade*” means the established grade of 102.35 metres Canadian Geodetic Datum shown on Map 2;
 - (e) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (f) “*live-work unit*” means a *dwelling unit* that may also be used for work purposes for the resident of such *dwelling unit*, or for work purposes for any number of persons not residing at such *dwelling unit*.
 - (g) “*temporary sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
10. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *lot*.
11. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) 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
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

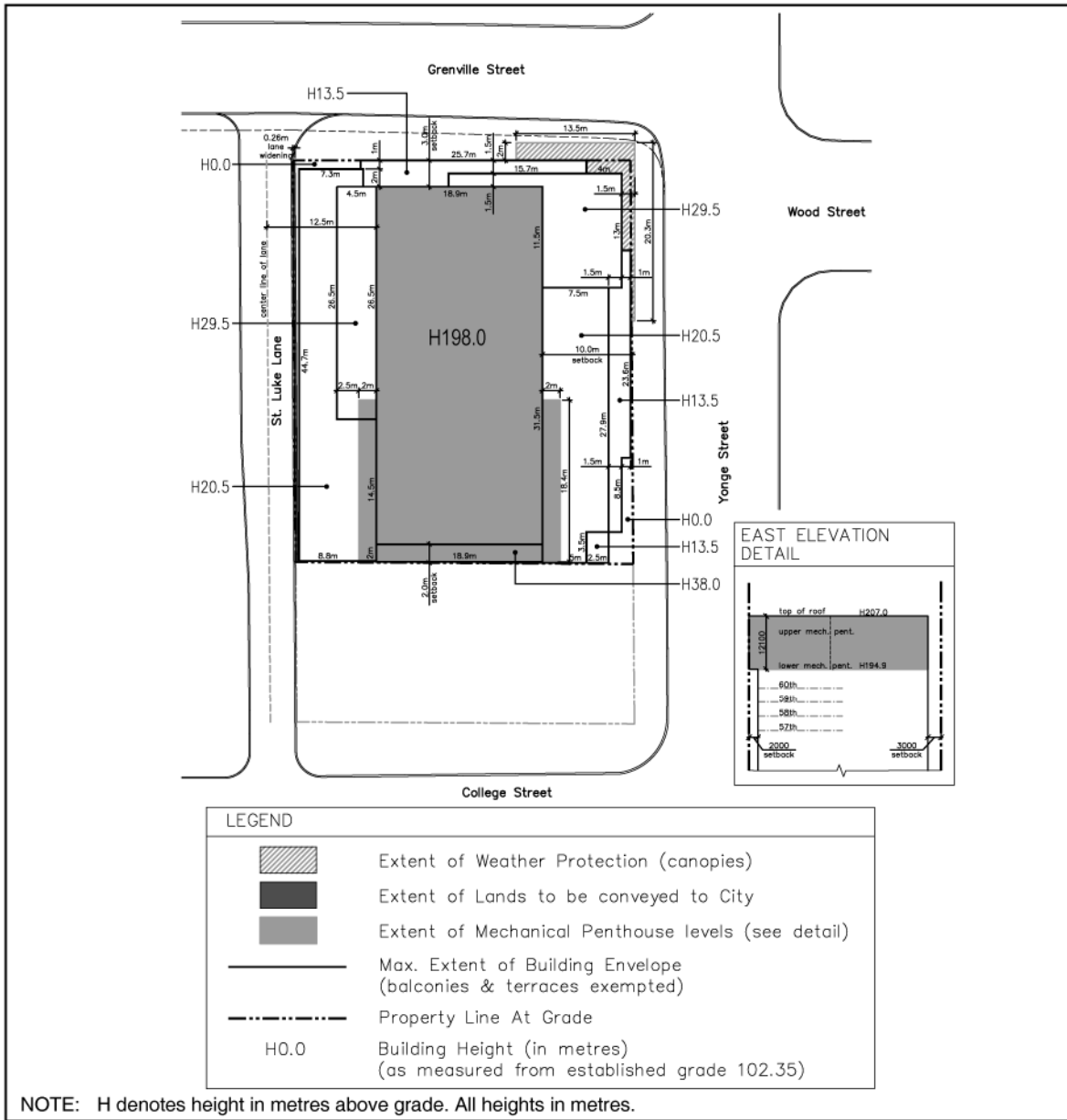
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner 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:

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

- a. Prior to the issuance of above grade permits unless indicated otherwise provide a cash contribution of \$5,500,000 which is to be used for the following:
 - i. streetscape improvements, transit upgrades, affordable housing within Ward 27, and/or local area park improvements;
 - ii. \$100,000 to be directed to the Church Wellesley Business Improvement Area in accordance with the North Downtown Yonge Street Urban Design Guidelines and/or the Church Wellesley Village Business Improvement Area public realm plan;
 - iii. \$500,000 for bicycle share stations in the area;
 - iv. \$500,000 public art contribution in accordance with the Percent for Public Art Program to be paid at time of first building permit;
 - v. require that the cash amounts identified 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;
 - vi. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) the wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
 - b) at least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;

- d) require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to infrastructure are required to support the development;
- e) the owner shall make appropriate arrangements to secure an appropriate legal agreement with the owner immediately to the south at 450 Yonge Street (Oddfellows' Hall) to the satisfaction of the Chief Building Official, such agreement to be executed prior to the introduction of Bills for enactment of the Zoning By-law;
- f) the owner be required to enter into as a condition of condominium registration a shared-use agreement with 450 Yonge Street (Oddfellows' Hall) to secure access to garbage facilities and parking for use of the Oddfellows' Hall and that the agreement be satisfactory to the Chief Planner and Executive Director City Planning;
- g) as a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) over the setback area along the Yonge Street frontage, (the “City Easements”), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services; and
- h) as a condition of site plan approval the owner shall convey to the City maximum width of 0.26 metres from a point 1.2 metres below finished grade, to the sky along the westerly property boundary, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes.