



STAFF REPORT ACTION REQUIRED

1481, 1491, 1501 Yonge Street, 25, 27 & 29 Heath Street and 30 Alvin Avenue Official Plan and Zoning Amendment - Final Report

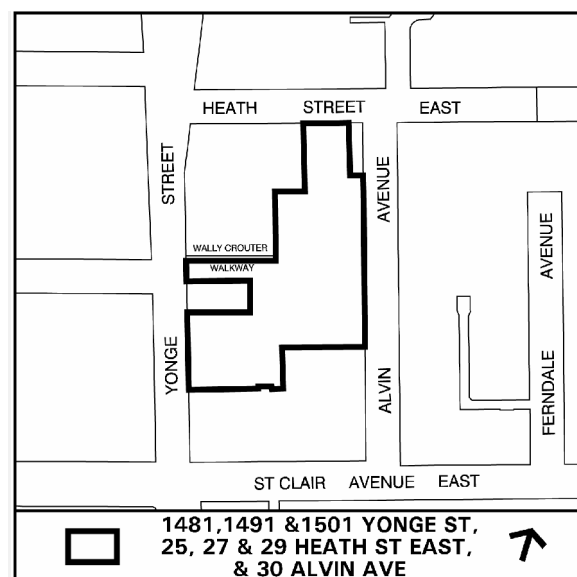
Date:	May 13, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22. – St Paul's
Reference Number:	File No. 06 199698 STE 22 OZ

SUMMARY

An application has been submitted to permit the construction of a 15-storey mixed commercial/residential building on Yonge Street, a 37-storey residential building which is to be central to the site's south end next to the existing 22-storey office building at 22 St Clair Avenue East and a 16-storey residential building located north of the mid-block connection which steps down to 3.5-storey townhouses on Heath Street and on Alvin Avenue at the above noted addresses.

The City Planning Division is recommending approval of this application given:

- (a) the large size of the development site which would allow construction of the proposed buildings without resulting in over-building on the subject lands;
- (b) the proposed redevelopment and residential intensification is of an underutilized surface parking lot and commercial property located at an important regional centre;
- (c) the compliance of this proposal with the development criteria for new development in



Mixed Use Areas and in *Apartment Neighbourhood* designations of the Official Plan;

(d)

the compliance of this proposal with the development criteria in the former City of Toronto Official Plan;

(e)

the proximity of the site to transit, retail, service and entertainment facilities and places of employment;

(f)

the attention that has been given in the design of this project to the reduction of shadow impact of the proposed new buildings on the surrounding *Neighbourhoods* designated area;

(g)

the attention that has been given by the applicant to the streetscape and building details. Façade treatment varies according to the use and design of the existing facing buildings; and

(h)

the community benefits that would be available as a result of approval and construction of this development including, a new park of exceptional quality and a public open space system linking Yonge Street and Alvin Avenue, intersection improvements at Yonge and Heath Streets and Alvin Avenue pavement widening at the south end of the street near St. Clair Avenue.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No.10;
2. City Council amend the Toronto Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 11;
3. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 12;
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and/or draft Zoning By-law Amendments as may be required;
5. City Council require the owner, before introducing the necessary Bills to City Council for enactment, to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, to secure:

- a. that the owner shall design and construct the park, including the public art component, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the General Manager of Parks Forestry and Recreation;
- b. that the owner shall agree to dedicate an area of 736 m² as shown on the approved site plan to the City as the owner's entire obligation for the land component for the parkland dedication requirements under Section 42 of the Planning Act and the City's Alternative Rate Parkland Dedication By-law.

The owner shall transfer ownership of the park lands to the City prior to the issuance of the first above grade building permit or the transfer may be timed according to other such arrangement that may be satisfactory to the Chief Planner and Executive Director of the City Planning Division and to the General Manager of Parks Forestry and Recreation.

The City shall grant the owner, park occupancy for construction staging purposes for a nominal fee.

The owner shall complete the base park and above base park construction to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the General Manager of Parks, Forestry and Recreation prior to the registration of the final condominium on the lot;

- c. that the above base park construction costs shall be borne by the owner but such costs will also cover the owner's cash-in-lieu portion of the Section 42 park dedication levy under the Alternative Rate Parkland Dedication By-law. The construction costs for above base park improvements which includes the public art component of the project and the cash-in-lieu of park land dedication shall be secured by a letter of credit in the amount of \$2,000,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

Such amount shall increase in accordance with the increase in the Non-Residential Construction Price Index from the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.

Park construction costs are estimated at \$2,000,000.00. The cash-in-lieu portion of the Section 42 park levy which in today's dollars is estimated at \$1,100,000.00 will be deducted from this amount leaving an estimated park construction cost of \$900,000.00 as the community benefit under Section 37.

No portion of the cash-in-lieu Section 42 park levy or of the Section 37 contribution shall be used for base park construction;

- d. a guarantee that the owner shall design and construct the westbound right turn lane within the Heath Street East right-of-way, to the satisfaction of the Director of Technical

Services, as shown on the plans and drawings submitted with this application. Design and construction costs, including all costs associated with the approved pavement marking and signage plans, will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$150,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

The construction of such Heath Street East improvements shall be completed within 6 months (allowing for delays resulting from poor winter weather conditions) of the construction start of the development (including demolition and excavation).

- e. a guarantee that the owner designs and constructs a street widening on the west side of Alvin Avenue, to the satisfaction of the Director of Technical Services, as shown on the plans and drawings submitted with this application. Design and construction costs of the Alvin Avenue widening, including all costs associated with the approved pavement marking and signage report will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$101,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

The construction of such Alvin Avenue improvements shall be completed within 6 months (allowing for delays resulting for poor winter weather conditions) of the construction start of the development (including demolition and excavation);

- f. a guarantee that the owner shall design and construct improvements to the sidewalks in the Yonge Street and Alvin Avenue rights-of-way, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Technical Services, as shown on the plans and drawings. Such work is to include, sidewalk upgrade treatments to mark the entrance to the public park from Yonge Street and to mark the public access to the privately owned landscaped open space from Alvin Avenue. Design and construction costs of sidewalk improvements in the Yonge Street and Alvin Avenue rights-of way will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$24,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit;
- g. the owner shall make a cash contribution of \$250,000.00, prior to the registration of the last condominium on the lot, which is to be held in a dedicated reserve fund administered at the discretion of the General Manager of Parks, Forestry and Recreation for mechanical maintenance of equipment installed in the park including water circulating equipment relating to the operation of the water wall or reflective pond, decorative lighting, and heating elements of pedestrian walkways and for the watering system equipment necessary for the establishment and maintenance of espalier plants in the proposed living wall;
- h. that the owner shall develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of the first building permit (including demolition and/or excavation permit);

- i. that the owner shall agree to grant an easement in favour of the City over the walkway that the owner will construct through the private landscaped open space that connects the proposed linear public park to Alvin Avenue as shown on the approved plans and drawings to the satisfaction of the Director of Community Planning, Toronto and East York District prior to the registration of the last condominium on the lot
 - j. that the owner shall agree to grant an easement in favour of the City over the condominium access driveway leading from Alvin Avenue and over the short term visitor parking to facilitate maintenance of the park;
 - k. that the owner shall incorporate, in the construction of the building, exterior materials to be shown on 1:50 scale drawings along Alvin Avenue, Yonge Street and Heath Street East with building materials labelled to the approval of the Chief Planner and Executive Director; and
 - l. that the owner shall agree to design and construct a new landscaping treatment for the north side of Heath Street East (on the lands owned by Yorkminster Park Baptist Church) following the construction of the proposed right turn lane as mentioned in 5(d) above.
6. Require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act prior to the issuance of the first above grade building permit;
 7. Require the owner to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with backflow preventer to the satisfaction of the General Manager of Parks, Forestry and Recreation;
 8. Require the owner to submit to the Executive Director of Technical Services for review and acceptance, prior to the City entering into a Site Plan Agreement with the owner, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
 9. Require the owner to provide for any improvements to the municipal infrastructure in connection with the Site Servicing Assessment and Traffic Impact Study, should it be determined that upgrades are required to the infrastructure to support this development according to the Site Servicing Assessment and Traffic Impact Study as accepted by the Executive Director, Technical Services;
 10. Require the owner to contact the Traffic Operations section a minimum of six months prior to construction of the project in order to allow for the necessary reports and by-laws to be enacted in conjunction with the proposed road improvements identified in recommendation 5 above; and
 11. Require the owner to submit a letter to the City, prior to the introduction of the necessary Bills to City Council for enactment, committing to withdrawing the owners appeals to the new Official Plan once the site and area specific Official Plan and Zoning By-law amendments are brought into force and effect.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposed development consists of two residential condominium buildings which are 37 and 16 storeys in height. The proposal also includes nine 3.5-storey townhouse units and a 15-storey mixed commercial-residential condominium. The development as proposed would have a maximum of 470 residential condominium units and 1,464 m² of retail space (refer to Attachment 1, Site Plan).

The proposed 37-storey condominium building is located at the south end of the site next to an existing 22-storey mixed retail/office commercial building. The 16-storey condominium is located at the north end of the site and terraces down to 3.5-storey townhouses and condominium units that front onto Heath Street East. Seven of the proposed townhouses front onto Alvin Ave., one fronts onto Heath Street and one is accessed from Heath Street but has frontages that are internal to the site.

The proposed 15-storey mixed commercial/residential building has retail on its lower mezzanine level and at grade on Yonge Street. The building has residential condominium units on floors 2 to 15.

The proposed development includes a total of 734 parking spaces on five levels of underground garage. Of those spaces, 210 will be commercial parking spaces which will be operated on the first two floors of the underground garage by the Toronto Parking Authority (TPA). The TPA currently manages 209 commercial parking spaces in a surface lot on a portion of the site. Five hundred and twenty four of the total parking spaces will be provided for the residents of the project. Visitor parking will be available in the TPA portion of the underground garage.

Vehicular access and egress to and from the resident portion of the underground garage will be from Heath Street East. TPA lot users will enter and exit from Alvin Avenue (as they currently do) and may enter only via the Heath Street East access.

Pick-up, deliveries and other loading activities generated by the proposed buildings and the existing office tower at 22 St. Clair East will take place internal to the site in a redesigned, expanded loading area. The loading area will be accessed generally from the same location on Alvin Avenue as it now is but using a widened and more functional driveway.

The development also includes a new public linear park which would extend east from Yonge Street to approximately the centre of the site. A privately owned walkway with public easement would extend eastwards from the end of the park through the site to provide a continuous landscaped pedestrian connection between Yonge Street and Alvin Avenue. The proposed park will be constructed by the developer and dedicated to the City for public use (refer to Attachment 5, Landscape Plan).

Site and Surrounding Area

The site is a compilation of lots including 1481, 1491 and 1501 Yonge Street, 25, 27 and 29 Heath Street and 30 Alvin Avenue. The site is an irregular-shaped property of approximately 0.92 hectares. It

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consists of most of the block bounded by Yonge Street on the west, St Clair Avenue on the south, Alvin Avenue on the east and Heath Street East on the north.

The majority of the site is currently occupied by a TPA commercial (surface) parking lot which is located at 30 Alvin Avenue. A second commercial parking lot is also located on the site and is also operated by the TPA. It occupies the vacant land (formerly the site of the Hyland Theatre) at 1501 Yonge Street and is accessed from Yonge Street.

1491 Yonge Street contains a 4-storey commercial building. 1481 Yonge Street is part of the larger Weston Complex.

The site is also occupied by 3 single-detached houses which are located at 25, 27 and 29 Heath Street East.

The area surrounding the site is a convergence of land uses. Mixed commercial/residential, apartment neighbourhoods and low density residential neighbourhoods consisting of primarily single and semi-detached houses all abut the site.

North: a low-rise apartment building and a single-detached house currently used for commercial/residential uses abut the site immediately to the north-west and to the north-east respectively.

South: two office commercial buildings with retail at grade and on lower mezzanine levels which link directly to the Yonge-St Clair transit station are located to the south. The Dundee Tower is a 14-storey building which is located at the corner of Yonge and St Clair and the Weston Centre is a 21-storey building that fronts onto St Clair Avenue. South of St Clair Avenue is an apartment neighbourhood with mixed commercial/residential uses along St Clair Avenue.

West: primarily office and retail commercial uses on both sides of Yonge Street. Beyond (west of) Yonge Street is a residential area consisting of primarily apartment type uses.

East: single and semi-detached houses line the east side of Alvin Avenue. Many have been converted entirely into commercial uses (ie., professional offices) while others have main floor offices with residential units above. East of Alvin Street, the neighbourhood primarily consists of single and semi-detached houses. Deer Park Public School and the Deer Park Public Library are located at Ferndale and Heath and at Alvin and St Clair Avenue East respectively.

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 that area 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. The site is identified in the

Growth Plan as being located in an area that is classified as: a “Built Up Area, an “Intensification Corridor” and a “Major Transit Station Area”. All classifications apply to lands that are targeted for urban intensification. In addition the site is classified as a “greyfield site which is also a category of land to which the Plan directs intensification.

Official Plan

The site is currently under a site-specific appeal of certain policies of the new Official Plan which was adopted by City Council for the amalgamated City on November 26, 2002 and substantially approved and brought into force by the Ontario Municipal Board on July 6, 2006. As result, all policies of the new Official Plan apply to the site except for those policies which are under appeal by the applicant. The specific policies of the new Official Plan that are under appeal are:

- Section 4.5 (Mixed Use Areas) policies 1 – 4,
- Map 17 (Land Use Plan), and
- Section 8.1 of the Yonge-St. Clair Secondary Plan.

The applicant’s appeal stems from an inadvertent re-designation by the City (at the time of the approval of the current Official Plan and Secondary Plan documents) of a portion of the subject lands located along part of Alvin Avenue and Heath Street East. These lands were originally designated High Density Residence Areas in the former Yonge-St. Clair Part II Plan but are now shown as *Neighbourhoods* in the current Official Plan. *Apartment Neighbourhoods* would have been the more accurate current Plan designation.

Given the applicant’s appeal, the land use policies of the old Yonge-St. Clair Part II Plan remain as key in-force policies (refer to Attachment 7, Official Plan Map). The application was reviewed in terms of both the former Toronto Official Plan and the new Official Plan. The lands are split designated under the Yonge-St. Clair Part II Official Plan as follows:

Yonge-St. Clair Part II Plan (former City of Toronto Official Plan Mixed Use criteria, remain in force for this site)

i) High Density Mixed Commercial –Residential Area B

In the Part I Official Plan Regional Commerce Centre, the north-east corner of Yonge Street and St. Clair Avenue is designated for high density mixed commercial-residential use. That designation permits mixed commercial-residential buildings with gross floor areas of up to 7.8 times the lot area.

In the prevailing Part II Official Plan, the High Density Mixed Commercial-Residential designation permits a maximum density of up to 8.0 times the lot area

ii) Medium Density Mixed Commercial-Residential Area

The portions of the site with Yonge Street frontage are designated for medium density mixed commercial-residential use. That designation permits mixed commercial-residential buildings with

gross floor areas of up to 4.0 times the lot area with heights that are generally in the range of 6 to 10 storeys.

Council recognizes that there may be the potential to redevelop properties on the east side of Yonge Street north of Summerhill Avenue north to Heath Street East in excess of the existing permitted density and/or height which is allowed in the Zoning By-law subject to the passing of site-specific by-laws and to the new development generally conforming to the policies of the Part II Plan (Section 5.7(a)).

High and medium density mixed use districts in the Yonge-St. Clair Part II Plan include policies for new development (particularly development that requests increases in height and density) that:

- integrate development well, especially in its physical relationship and impact with adjacent residential neighbourhoods by ensuring appropriate transitions in building height and separation distances (Section 5.1(c));
- require a minimum of 3.0 hours of sunlight (around solar noon) on one sidewalk during the period of March 21 – September 21 within the High Density Mixed Commercial-Residential Areas and a minimum of 5.0 hours in Low and Medium Density Mixed Commercial-Residential Areas (Section 5.3(a)&(b));
- provide massing transition on buildings adjacent to house-form buildings stepping the mass from the height limit to the adjacent building (Section 5.7(iv)(c)); and
- require properties fronting onto Yonge Street to be set back approximately 3 metres from the Yonge Street property line.

iii) High Density Residence Area

The majority of the site (the TPA lot and the houses on Heath Street East) is designated High Density Residence Area under the Part II Plan. The Part II Plan defers to Section 12.6 of the former City of Toronto Part I Plan, for the maximum allowable density (2.0 times the lot area) and for a list of criteria for the regulation of new or re-development. Criteria include:

- achieving a balance between the relationship of a building to the street and other public spaces as well as the relationship between buildings with respect to light, view and privacy;
- providing grade-related private and public uses that animate the street edge;
- achieving desirable conditions of pedestrian comfort at the street level with respect to wind and sun penetration,
- achieving a desirable and safe pattern of pedestrian and vehicular circulation; and
- ensuring that the impact on the built form and residential amenity of adjacent Low Density Residence Areas has been considered.

Amendments to the (old) Yonge-St. Clair Part II Plan are required as some key provisions that apply to the site will remain in-force until the applicant withdraws their appeal of the new Plan when the site specific by-laws (should Council choose to approve the application) for this development come into force and effect.

This application has gone through an extensive staff and resident working group review. Staff reviewed and commented on the proposal primarily using the development criteria included in the new Official Plan as a guide (specifically Section 4.2, *Apartment Neighbourhoods* and Section 4.5 *Mixed Use Areas*). With the new Official Plan as a guide, this proposal has been shaped into a development that will fit within the context of existing development within proximity to the intersection of Yonge Street and St. Clair Avenue and that will be a positive impact on living in the local area.

New Official Plan Policies

This report recommends approval of the project. Approval will require an amendment to Map 17 – Land Use of the current Official Plan by re-designating the portion of the site shown as *Neighbourhoods* (formerly shown as High Density Residence Areas in the Yonge-St. Clair Part II Plan) to *Apartment Neighbourhoods*, which better reflects the former High Density Residence Area designation in the former Toronto Official Plan and is appropriate from built form and urban structure considerations.

Amendments to Section 8.1 of the Yonge-St. Clair Secondary Plan, as incorporated into Chapter 6 of the new Official Plan, are also necessary. Section 8.1(a) states:

“To protect adjacent *Neighbourhoods*, Area 1, shown on Map 6-2 of this Plan, will be regarded as areas of transition between *Neighbourhoods* and *Mixed Use Areas* in terms of land use, building scale and the movement of pedestrians and vehicles.”

To reflect the original intent of height and density transition down within the development site and to the low density neighbourhood to the north and east of the site and to coincide with the recommended designation change for a portion of the site, Section 8.1 of the Secondary Plan must be amended to indicate that the ‘transition’ is between *Neighbourhoods* off site (outside of Area 1) and the *Mixed Use Areas* and *Apartment Neighbourhoods* on site (within Area 1). This amendment will clarify and accurately reflect the original intent of Section 8.1.

Should Council approve this application including the draft Official Plan Amendment, the applicants will withdraw their appeal to the new Official Plan and the former Toronto Official Plan including the Yonge-St. Clair Part II Plan will cease to exist as it relates to these subject lands.

Given the recommended designation change (*Neighbourhoods* to *Apartment Neighbourhoods*) and that a portion of the site is designated *Mixed Use Areas*, this application has been considered in light of, and shaped to comply with the policies of Section 4.5 *Mixed Use Areas*, and Section 4.2 *Apartment Neighbourhoods* of the new Plan.

Specifically, Section 4.5.2 (Development Criteria for Mixed Use Areas) provides a list of development criteria that include:

- 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 for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians,
- 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, particularly towards lower scale *Neighbourhoods*,
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes,
- provide an attractive, comfortable and safe pedestrian environment,
- have access to schools, parks, community centres, libraries and childcare,
- take advantage of nearby transit services,
- provide good site access and circulation and an adequate supply of parking for residents and visitors,
- 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 in every significant multi-unit residential development.

The new Official Plan also cites many of the same development criteria in Section 4.2.2 to ensure that any new development in *Apartment Neighbourhoods* will contribute positively to the local quality of life.

The Yonge-St. Clair Secondary Plan provides area-specific policies in addition to the general development criteria which are set out above. Two such policies are Section 5.2 (a) and 5.3 (a) and (b). Section 5.2(a) requires a setback on the east side of Yonge Street of approximately 3.0 metres. Sections 5.3 (a) and (b) require a minimum of 3 and 5 hours of sunlight on one sidewalk of Yonge Street (in this area) per day around solar noon during the period of March 21 to September 21 in the *Mixed Use Areas* 'A' and 'B' respectively.

As is discussed in the Comments section of this report, the proposed development complies with these criteria. No amendments to the development criteria sections of Section 4.2 or 4.5 of the Official Plan are required.

Zoning

The site is split zoned under By-law 438-86 (refer to Attachment 6, Zoning). The area along St. Clair Avenue East, between Yonge Street and Alvin Avenue is zoned CR T7.0 C7.0 R3.0 which permits a

maximum mixed commercial-residential gross floor area of 7.0 times the area so zoned to a maximum height of 57 metres. A small portion of the site, 1481 Yonge Street (north-west of the Weston Tower at 22 St. Clair East), is within this zoning classification.

The site includes two other parcels that front onto the east side of Yonge Street, 1491 and 1501. These portions of the site are zoned CR T4.25 C2.0 R3.0 which permits a maximum mixed commercial/residential gross floor area of 4.25 times the area of the lot to a maximum height of 30.0 metres.

The remaining and largest portion of the site which includes, 25, 27, and 29 Heath Street East and 30 Alvin Avenue is zoned R2 Z0.6 which permits a maximum residential floor area of 0.6 times the area of the lot in that zoning classification to a height of 13.0 metres.

The blended 'as-of-right' density of all three applicable zoning classifications across the site is approximately 2.4 times the lot area.

Site-specific By-law 366-76 as amended by By-law 272-77 apply to the TPA portion of the site at 30 Alvin Avenue. By-laws 366-76 and 272-77 permit the construction of buildings containing non-profit dwelling units, a day nursery, professional offices and commercial uses. The buildings were never constructed. These site-specific by-laws are proposed to be rescinded by the attached draft zoning by-law (refer to Attachment 12).

Site-specific By-law No. 130-74 applies to the G.E. Capitol building located at 2 St. Clair Avenue East. Regulated matters include, parking, vehicular and pedestrian access above and below grade and access corridors to the Yonge-St. Clair subway station. While this building is not part of the site, its loading and access will be affected by the proposed development. This by-law is proposed to be amended by the attached draft zoning by-law (refer to Attachment 12).

Site Plan Control

The proposed development is subject to site plan control. An application has been submitted. This report recommends that the owner enter into a site plan agreement with the City prior to the issuance of the first above grade building permit.

Reasons for Application

Density

The proposed development would exceed the blended density of approximately 2.4x the lot area as permitted by the three different zoning classifications that apply to the site under By-law 438-86. The proposed density is 6.28x the lot area.

The site is also split designated under the Yonge-St. Clair Part II Plan as High Density Mixed Commercial-Residential Area, Medium Density Mixed Commercial/Residential Area and High Density Residential Area. The Part II Plan refers back to the former City of Toronto Official Plan which allows maximum densities of 8.0, 4.0 and 2.0 times the lot area respectively for those portions of the subject lands located in each designation. The blended density permission under the Part II Plan would be approximately 4.0 times the lot area. The proposed development would require an amendment to the former City of Toronto Official Plan and Zoning By-law 438-86 to exceed the permitted density.

Height

The proposed 15-storey (53 metre) mixed commercial/residential building located on Yonge Street and the two residential condominiums at 37 and 16-storeys (118 and 53 metres respectively) would not comply with the height limits within the various zoning classifications in which they are located. Zoning amendments are required to permit the proposed heights of these buildings.

The mixed use building is proposed to be constructed straddling a zoning line that permits a height of 57 metres on one side and 30 metres on the other. The 37-storey condominium would be constructed across a zoning line that permits heights of 30 metres and 13 metres. The proposed 16-storey condominium would be built entirely within a zoning classification that permits a maximum height of 13 metres.

Angular Plane

The proposed mixed use building on Yonge Street would not comply with the By-law requirement that it fit within a 60 degree angular plane which is projected over the lot from an elevation of 28 metres above the street line for the south 14.18 metres of the mixed use building (By-law 438-86, Section 12(2)260).

Other

Other areas of non-compliance requiring amendments to By-law 438-86 to permit the construction of the proposed development are identified in Section 1 of the Draft Zoning By-law Amendment and include the definitions of lot, grade, height and parking space, and the provision of visitor parking spaces (refer to Attachment 12, Draft Zoning By-law Amendment).

Community Consultation

An initial community consultation meeting was held in the neighbourhood at Christ Church Deer Park on February 27, 2007. Endeavouring to involve the local community in the planning process as early as possible, Community Planning held the meeting in advance of a preliminary planning report being written.

Residents in attendance at that meeting raised concerns related to the height of the north and south buildings (32 & 39-storeys respectively) and the overall site density (7.3x the lot area) of the initial proposal. Residents also expressed concern with the impact on traffic circulation in the neighbourhood that could result from the construction of the originally proposed 530 new residential units.

At the community consultation meeting the Ward Councillor requested that Community Planning, in consultation with the Deer Park Residents Group (DPRG) set up a working group. The working group would allow direct dialogue between representatives of the local area, the developer, Community Planning and other City staff. The goal of the working group was to resolve the (planning) issues as raised at the community consultation meeting and other concerns that may surface at the working group sessions.

The working group met 7 times over a number of months and was directly responsible for a number of significant changes to the original plan.

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

This proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the Planning Act that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development is consistent with the PPS. The proposal provides for intensification on a site which is well served by municipal infrastructure, particularly various modes of public transit, with a variety of unit types in an area previously identified by Council for redevelopment.

Segment Review / Area Based Study

A portion of the site has frontage on Yonge Street north of St. Clair Avenue. This area of Yonge Street is identified as an 'Avenue' on Map 2 of the Official Plan. Avenues are corridors along major streets within which reurbanization is generally anticipated and encouraged. Avenue studies are intended to precede major development proposals for redevelopment on these streets.

An Avenue Study has not been completed for this section of Yonge Street but Section 2.2.3.3(a) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study subject to a review (segment review) of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater neighbourhood.

Section 2.2.3.3(b) of the Plan sets out the conditions of the segment review. It is to:

- include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;

- consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

The plan further stipulates that, developments such as this where the proposal exceeds the height and density limit as specified in the Zoning By-law and where the proposed building(s) have the potential to set a precedent for the form and scale of reurbanization along the Avenue, the proposal will not be allowed to proceed prior to the completion of an Avenue Study unless the applicant's review demonstrates that subsequent development of the entire Avenue segment will have no adverse impacts within the existing and planned context of the area.

In addition to a segment review, when significant intensification of land adjacent to a *Neighbourhood* or an *Apartment Neighbourhood* is proposed, Council may determine whether or not a Secondary Plan, an area-specific zoning by-law or an area-specific policy will be created in consultation with the local community following an Area-based Study in the absence of an Avenue Study having been done (Official Plan, Section 2.3.1.3).

The applicant has submitted a combination segment review and area based study for the section of Yonge Street between St. Clair Avenue and Heath Street. The study reviewed 38 individual properties in the area surrounding the site that could have some potential for redevelopment. The study chose sites that have characteristics that are similar to those of the subject lands (for example, similar size, accessibility and/or existing land uses on and around the sites). Of the 38 properties reviewed, the applicant found that 2 had potential for redevelopment in the short to medium time frame (up to 10 years) and both sites would require some assembly either for access or to increase the parcel size.

One of the two is a similar sized parcel (to the subject lands) but would require additional lands to improve the vehicular access and even with proper access to the site, its proximity to the intersection of Yonge Street and St. Clair Avenue may restrict the total number of units reasonably achievable in a redevelopment scheme of that site.

The other of the two sites is a block of Yonge Street frontage but requires considerable land assembly or agreement to redevelop amongst existing owners which may limit its short and long term redevelopment potential.

Based on the applicant's analysis and a review of the City's historical development files in the Yonge – St. Clair area, it would appear that there are few 'soft' sites (sites that are potentially redevelopable to a density similar to that proposed for the subject lands) in the area. Most have already been redeveloped in recent years. Consequently, the subject proposal will have limited impact on the local avenue segment or the surrounding area as a precedent for future redevelopment.

The proposed development adds new housing to a site that is predominantly occupied by a surface commercial parking lot, would replace the commercial parking underground and is connected to the

Yonge subway line with connections to public transit surface routes. Staff are in agreement with the applicant's study results that indicate that the proposal will not have an adverse impact on the adjacent area designated as *Neighbourhoods*.

Land Use

The major portion of the site is underutilized as a surface parking lot and has no development. The current use allows the houses on the east side of Alvin Avenue a view of the back loading areas of the commercial buildings on the east side of Yonge Street and, of course the parking lot itself. The site is near to:

- public transit, in particular the Yonge subway line and the recently completed St. Clair dedicated transit right-of-way line,
- places of employment,
- retail stores and services, and
- places of entertainment.

These attributes clearly establish this site as particularly well suited for redevelopment and for intensification consistent with the Provincial policies and the Official Plan.

This area of Yonge and St. Clair has generally lagged behind other major Yonge Street intersections in terms of redevelopment. However, the last decade has seen an increase in residential redevelopments in the area. The new populations from those buildings and this proposed development will support and encourage improved retail along this part of Yonge Street.

Density, Height, Massing

As indicated in the previous zoning discussion, the site is split-zoned with multiple densities that apply to various portions of the lot. The blended 'as-of-right' density under the provisions of By-law 438-86 is approximately 2.4 times the lot area.

The Yonge-St. Clair Part II Plan allows a blended density across the site of approximately 4.0 times the lot area and indicates that there may be a potential to develop or redevelop properties in excess of existing permitted height and/or density limits in the Zoning By-law for the area east of Yonge Street between Summerhill Avenue and Heath Street East.

While the subject lands are within the area indicated by the Part II Plan as having potential for development or redevelopment at densities that are higher than those permitted in the Zoning By-law, that Plan does not state a specific increased singular density level that is deemed appropriate. Rather, the appropriate increased density is to be established by designing a project that complies with the development criteria of the Official Plan for development sites within *Mixed Use* and *Apartment Neighbourhood* designations.

The *Mixed Use* and *Apartment Neighbourhood* provisions of the Official Plan provide a list of criteria that directs the design of proposed new developments within those designations. Densities that result for buildings that have been designed in reference to these Official Plan criteria will be specific to a

particular development site and will be an appropriate fit within the surrounding existing land uses. In this case the development has been designed to adhere to the following *Mixed Use* and *Apartment Neighbourhoods* criteria (that affect the density of the project):

- locate and mass new buildings to provide transition between areas of different development intensity and scale by stepping down in heights towards lower scale *Neighbourhoods*,
- locate and mass buildings so as to limit shadow impacts on adjacent *Neighbourhoods*, and
- locate and mass new buildings so as to frame edges of streets and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets and in parks and open spaces.

With respect to density, height and massing, the applicant has submitted a design that meets the criteria listed above. The resulting density of the project is 6.28 times the lot area. This is a total floor area that is within the 4.05 to 12.8 times the lot area range of densities of the buildings in the area immediately surrounding the corners of Yonge Street and St. Clair Avenue. The average density of the 8 significant non-*Neighbourhoods* and non-mainstreets types of buildings in that area is 8.15 times the lot area. The buildings used in this analysis are as follows:

10 De Lisle Avenue	-	5.0x
1 St. Clair Avenue W.	-	9.0x
2 St. Clair Avenue W.	-	9.3x
1 St. Clair Avenue E.	-	7.4x
2 St. Clair Avenue E.	-	6.5x
22 St. Clair Avenue E.	-	7.0x
21 St. Clair Avenue E.	-	12.8x
25 St. Clair Avenue E.	-	8.2x

Some of the resident working group members have expressed a concern with respect to the proposed density of 6.28 times the lot area. The subject lands abut office commercial uses to the south and west and low density residential to the north and east. The proposed development is designed so that its height, in the form of the proposed 37-storey residential condominium, is positioned to the south end of the site where it is next to the 21-storey Weston tower and the 14-storey tower at 2 St. Clair Avenue East. These buildings are 7.0 and 6.5 times their lot areas respectively. Both are office-commercial buildings and are not impacted by the proximity of the proposed 37-storey condominium.

The south building will have a thin silhouette on the skyline with an approximately 750 square metre floorplate above the second floor podium. The building uses a lighter more residential form of design (eg., predominance of split balconies) on its north and east facades which face low density neighbourhoods and uses a heavier more commercial building form design on the facades (south and west) that face office commercial uses.

The proposal shows a stepping down of height from the 37-storey condominium to the 16-storey residential condominium to the north which in turn steps down to 3-storey townhouse style units on the south side of Heath Street East and on the west side of Alvin Avenue. The Official Plan has no similar requirement for transitioning between residential condominiums and mixed use or commercial buildings.

The proposed 15-storey mixed commercial-residential building on Yonge Street is within the height and massing context that has been set by existing buildings close to the intersection of Yonge Street and St. Clair Avenue. Other than the mechanical penthouse, the building fits fully within the angular plane requirements of the By-law.

With respect to height, density and massing, the proposed development transitions down to the abutting *Neighbourhoods* and frames the edges of the local streets with townhouse-style buildings that provide comfortable conditions for pedestrians.

Sun and Shadow

The Official Plan acknowledges Avenues, *Mixed Use Areas* and *Apartment Neighbourhoods* (that are not yet developed) as areas for growth or intensification. Redevelopment to greater heights and higher densities in the area surrounding the subject lands is a desirable and reasonable expectation given that:

- Yonge Street in this area is designated as an Avenue and as a *Mixed Use Area*;
- Yonge Street and St. Clair Avenue is a major Midtown intersection of arterials that is linked to the City core and the rest of the City by rapid transit; and
- much of these lands are underutilized as a surface parking lot and are proposed to be redeveloped as a continuation of the *Apartment Neighbourhood* to the southeast of the intersection.

However, while encouraging intensification through directed redevelopment, the Official Plan repeats a common policy theme which is to protect low density residential neighbourhoods that are adjacent to areas of higher development forms from the development of larger buildings on the City's Avenues, or in areas designated *Mixed Use Areas* or *Apartment Neighbourhoods*. In particular the Official Plan requires that new developments in these areas be located and massed so as to adequately limit shadow impacts on adjacent *Neighbourhoods* during the spring and fall equinoxes. In this case, the adjacent *Neighbourhoods* consist of two churches, a public elementary school and playground and single detached and attached houses all within the potential shadow impact area of the site.

The applicant has provided shadow information for the equinoxes as is required by the Plan. The shadow information provided is at 15 minute increments and includes predictions of new shadows that would be cast by the proposed buildings and the plotting of shadows that are cast by the existing buildings in the area. Specifically, the shadow information shows the size of shadowed areas and tracks the time it takes for shadows to move across the affected area. In this manner a degree of impact may be established. It should be noted that new shadowing that is predicted to fall in areas that are already shadowed by existing buildings does not have an impact. The applicant also provided individual shadow studies on two residences in the area as case study examples of shadow impact.

The proposed development consists of four different building typologies all of which have varying degrees of potential to have a shadow impact on adjacent *Neighbourhoods* designated areas to the north and to the east. Building types consist of a 15-storey, mid-rise slab building on Yonge Street, a tall and slender 37-storey tower at the south end interior of the lot, a 16-storey building that terraces down to 3.5-storeys and nine 3.5-storey townhouse units that face the existing single and semi-detached

dwelling (some containing commercial uses) on the east side of Alvin Avenue and the north side of Heath Street East.

Lower, bulkier, slab-like buildings such as the proposed mid-rise building on Yonge Street and to a degree the proposed north condominium building have the potential for significant impact. However, the Yonge Street building would have the least shadow impact on adjacent *Neighbourhoods* designated areas of any of the proposed buildings due to its location on the site. The location of this building as proposed is far enough away from any *Neighbourhoods* designated area to cause little or no shadow impact on those areas. In some instances its shadow would be almost entirely blocked (eastwards) by the existing office tower at 22 St. Clair Avenue East and the proposed new south tower on the site.

The proposed 16-storey building at the north end of the site avoids what could be a significant shadow impact by terracing down in layers to the north and to the east.

Point tower designs, such as the proposed 37-storey south building, tend to cast long and thin shadows (depending on the size of their floorplate). Such shadows move relatively quickly across the landscape thereby minimizing the impact of their shadows on individual adjacent properties.

March and September shadows are closely reviewed by staff as they represent the average extent of shadows over the course of a year. The morning shadows in March and September, cast by the proposed development are oriented in a north westerly direction. At 9:18 a.m. the shadows from the proposed development extend across Yonge Street. By 10:18 a.m. the north tower shadow is off of Yonge Street leaving only the shadow from the south tower near the intersection Yonge and Heath Streets.

Some of the resident working group members expressed a concern that the proximity of the proposed buildings to each other may cause the shadows (particularly afternoon shadows) cast by each building to join into a single shadow and become slower moving similar to that which would be cast by a 'slab' type building.

The shadow studies submitted by the applicant (which were verified as correct by the City's Urban Design Division) include separate examinations of existing shadows and of existing plus proposed shadows for March, June and September. A comparison of the two studies shows that new shadows cast by the proposed 15, 16 and 37-storey buildings do not overlap to cause a 'slab'-like building shadow impact on Alvin or Fernadale Avenues. Shadows from the south tower will have some affect on the backyards of houses on the east side of Alvin and the west side of Fernadale beginning at 4:18 p.m. Shadows from the north tower will have an impact on some of these backyards starting at 6:18 p.m. By 7:18 p.m. the existing condition study show that most of these yards are already in shadow.

With respect to the two neighbourhood churches, neither church (located on the north side of Heath Street) would ever have shadow originating from the south tower or any of the proposed buildings cast on the south-side stained glass windows in their respective chapels. Morning shadow approaches and climbs the wall of the rear portion of Christ Church Deer Park (containing meeting rooms) in both the spring and fall equinoxes but falls short of the chapel wall as it moves eastwards.

Similarly, morning shadow that would be cast by the south tower never climbs the wall of Yorkminster Park Baptist Church.

Shadow reaches a narrow section of the north end of Deer Park Public School at approximately 3:48 p.m. and 4:03 p.m. in the fall and spring equinoxes respectively. The playground/sports field is located at the rear of the school on its east side. A narrow band of shadow from the south tower reaches the playground by 4:18 in the fall and 4:33 in the spring equinox. The field is not in community use in March. In September the new shadow from the proposed south tower is mostly cast across existing shadow on the field originating from the school itself. Therefore, the proposed development and the south tower in particular will result in minimal shadow impact on the school.

Also at 4:18 p.m., the shadow cast by the north tower extend as far as the back yards of the houses on the east side of Alvin Avenue and the backyards of some of the houses on the south side of Heath Street East.

By 5:18 p.m., the south tower shadow extends to the playing field of the school while the separate north tower shadow extends to the east side of Fernadale Avenue. It is important to note that many of the Ferndale Avenue backyards already completely in shadow at this time resulting from shadows cast by the houses themselves and other existing buildings.

By 6:18 most of the neighbourhood and including the school yard are in existing shadow.

As indicated in the discussion of the new Official Plan policies on pages 10 and 11 of this report, the Yonge-St. Clair Secondary Plan has policies (5.3(a) and (b)) that require a minimum of 3 and 5 hours of sunlight per day on the Yonge Street sidewalks in this area. Sunlight hours are to be around solar noon during the period of March 21 to September 21 in *Mixed Use Areas* 'A' and 'B' respectively (shown on Map 6-3 of the Yonge-St. Clair Secondary Plan).

The applicant's shadow studies show that existing buildings at the intersection of Yonge and St. Clair currently cast shadows that exceed the minimum sunlight hours that are required by these policies. The shadows cast westwards across Yonge Street by the proposed buildings predictably fall in currently shadowed areas and cause no further impact.

Based on the review as described above, staff consider that the shadow impacts from the proposed development will be within acceptable expectations for an area which is in proximity to a major midtown intersection such as Yonge Street and St. Clair Avenue.

Wind

The applicant has submitted a pedestrian level wind study done by RWDI Consulting Engineers and Scientists dated February 14, 2008. The study tested the existing and proposed wind conditions at approximately 100 sensor locations on and around the site. The purpose of the study was to assess the impact on pedestrian comfort and safety of the predicted wind environment around the proposed development.

The consultant used wind tunnel testing of two 3-D models of the site. The first model excluded the proposed development to provide an 'existing conditions' comparison. The second model included the project. Comparison of the two models allowed a prediction of the new wind conditions that would be created by the project on a 3 – 4 block radius around the site.

All sensor locations passed the comfort and safety testing criteria used by the consultants. Projected wind conditions for the proposed development in the summer for both the existing and proposed models were found to be less than 19 km/hr which is comfortable for walking.

Winter wind conditions projected for both the existing and proposed models were found to be similar and generally suitable for walking. The consultants proposed certain landscape measures which could improve the on-site conditions.

While the proposed development is predicted to change the wind conditions (within reasonable rates of change) on the site and in the immediate area, the study also showed that there would be minimal change to the conditions north of Heath Street East and east of Alvin Avenue.

Alvin Avenue Front Yard Setbacks

Some of the resident working group members raised a concern about the ‘limited’ front yard setback that is proposed for the Alvin Avenue townhouses. The concern is that the applicant is providing the same setback to Alvin Avenue for the proposed townhouses as has been provided by the existing house to the north (36 Alvin Avenue) and that this would not be sufficient room for tree planting.

The applicant is proposing approximately 8.0 metres between the front wall of the townhouses and the curb (Alvin Avenue) and 6.0 metres to the edge of the sidewalk. By comparison, the house at 36 Alvin Avenue is 7.0 and 5.0 metres from the building wall to the street and to the edge of the sidewalk respectively.

The 6.0 metres proposed is sufficient lot area for tree planting and the applicant has proposed a row of Autumn Blaze Maples, one per townhouse frontage, each to be 60 mm in diameter and to be planted in the Alvin Avenue road allowance. The planting of these trees is guaranteed as is their healthy survival by letters of credit required by the Planning Department and by Forestry.

Parking, Access and Traffic Impact, Loading

Section 2.2 of the Official Plan (Structuring Growth in the City: Integrating Land Use and Transportation), states that future growth within Toronto will be directed to areas which are well served by transit, the existing road network and which have properties with redevelopment potential. The Plan continues by stating that, generally, future growth locations are sites that are along bus and streetcar routes and that are near subway and other rapid transit stations. The Plan also states that the areas most capable of accommodating growth are those that are designated as ‘Avenues’ (as is the Yonge Street frontage of this site) and ‘Centres’.

With proximity to transit, places of employment, retail stores and entertainment facilities, growth is expected and encouraged on appropriate sites along the Yonge and St. Clair corridors.

Parking

The applicant is proposing a total of 734 spaces in 5 levels of underground garage. Of those spaces 210 would be operated as commercial spaces on the first two levels of the garage by the TPA and 524 would be for the exclusive use of the residents of the proposed 470 condominium units.

The City's Development Engineering Department has applied the Condominium Parking Standards for the residential component of this application. Minimum parking ratios are as follows:

Bachelor	0.3 spaces per unit
1 Bedroom	0.7 spaces per unit
2 Bedroom	1.0 spaces per unit
3+ Bedrooms	1.2 spaces per unit
Visitor	0.12 spaces per unit

The minimum residential parking supply for this proposal under the Condominium Parking Standards would be 477 spaces (421 spaces for use of the residents plus 56 spaces for their visitors). The proposed 524 residential spaces exceed the total of 477 (421 for residents + 56 for visitors) that are required under the City's Condominium Parking Standards. However, all of the 524 spaces are proposed for exclusive use by the residents and none are to be dedicated visitor parking spaces.

The applicant is proposing to accommodate all visitor parking in the 24 hour publicly accessible TPA garage. The existing TPA surface parking lot operates at an average maximum occupancy rate of 86% at peak week-day noon hour times. If the proposed underground garage was to operate at the same occupancy rate (as is expected), visitor parking will be available at week-day peak use times (noon hours) or at week-day low use times of after 6 p.m. The proximity of the site to public transit and the proposed underground link to the St. Clair subway station will be incentive for visitors to the development to use public transit.

Development Engineering accepts the parking arrangement as proposed given the availability of parking for visitors in the TPA portion of the garage and the convenience offered to visitors and residents alike of the proximity of public transit to the site.

The combination of the TPA garages on Pleasant Blvd and at 10 De Lisle Avenue will be used for temporary alternatives to the lot at 30 Alvin Avenue during the construction period. Signage will be posted on the site, during construction, directing T.P.A. customers to those parking garage locations. Both are within 3 blocks of the site.

Access (refer to Attachment 1, Site Plan)

The primary access to the TPA garage will be off of Alvin Avenue and generally in the same location as it is now. An additional access (entrance only) to the TPA parking is proposed for Heath Street East just west of the south-west intersection of Alvin Avenue and Heath.

It is expected that since the new TPA facility will have approximately the same number of parking spaces as does the current surface lot, that it will generate few if any new peak hour vehicle trips. The two-access drives vs. the one that now exists are likely to have the effect of reducing some of the TPA-bound traffic that currently must use Alvin Avenue. Traffic congestion on Alvin Avenue will also be relieved by locating the TPA garage controls (ticket machine etc.) well inside the garage on the P1 level. This will allow vehicles waiting to purchase tickets to queue inside the building rather than on the street as they do now.

Resident access to the garage would use the same driveways as would the TPA garage levels (from Alvin Avenue and Heath Street East). However, they have been designed as full access/egress driveways for the residents. Cars would be separated (TPA or resident parking) within the building. Two resident access/egress points will ensure that no one neighbourhood street is overburdened with new site traffic.

Pick-up and drop-off activity for the residential buildings will be accommodated within the site via a turn-around court that would be accessed from Alvin Avenue.

The Transportation Impact Study provided by the applicant and accepted by the City's Department of Development Engineering provides information on the projected traffic generation that could be expected to occur at peak hours if this development were to proceed. With approximately the same number of spaces in the new proposed TPA facility as are in the existing surface lot, the current trip generation was considered a constant (no change) for future projections. The proposed residential buildings were thought to add 75 two-way trips in the morning peak and 70 two-way trips in the afternoon peak hour. The study concludes that these are minimal new volumes of traffic travelling to and from the site that will not significantly change the flow of traffic in the immediate area.

Proposed Roadway Improvements

While the Transportation Impact Study concludes that no improvements to local roads are necessary to support the project, two roadway improvements are being proposed by the applicant. The applicant's agreement to pay for the design and construction of such improvements would be secured in a Section 37 Agreement.

i) Proposed Heath Street East Widening, Westbound at Yonge Street

The current alignment of the two-lane, two-way Heath Street East through Yonge Street is such that a left turning vehicle can block all westbound traffic until it completes its turn.

The applicant has proposed to design and fund the construction of a widening of the Heath Street East approach to Yonge Street to include a dedicated left turn lane and a shared right turn and through lane. This improvement would allow northbound right turn and westbound through traffic to pass through the intersection without waiting for the left turning vehicles. The likelihood of queued westbound vehicles on Heath Street East at Yonge Street would be greatly reduced by this improvement.

The widening could be constructed within the existing right-of-way. It should be completed prior to the start of any construction (including demolition and excavation) on the site.

ii) Proposed Alvin Avenue Widening

The existing pavement width on Alvin Avenue East between Heath Street East and St. Clair Avenue is approximately 7.3 metres. Currently, short term illegal parking and loading activity related to the St. Clair Centre, the Deer Park Library and other local businesses plus vehicles queuing on Alvin Avenue as they wait on the street to access the TPA lot, tends to impede the flow of traffic on Alvin Avenue.

The relocation and redesign of the St. Clair Centre loading area (as discussed in the next section of this report) will offer reasonable alternatives for those currently parking illegally on the street to make pick-ups or deliveries to that complex. The proposed new location (within P1 level of the building) of the TPA ticket machines will reduce if not eliminate the queuing on Alvin Avenue of TPA customers.

The applicant has proposed to design and fund the construction of a minor widening of the west side of Alvin Avenue south of the proposed Alvin access to the development and southwards to St. Clair Avenue. The widening would be narrower than a full car width (increased pavement width from 7.3 to 8.5 metres) but wide enough to allow short-term parking with reduced impact on traffic flow on Alvin Avenue.

This widening could also be constructed within the existing right-of-way and should be completed prior to the start of any construction on the site (including demolition and excavation). The applicant's agreement to pay for the design and construction of the proposed Alvin Avenue widening would be secured through a Section 37 Agreement.

Loading (refer to Attachment 1, Site Plan)

The St. Clair Centre, while not part of the site, is located immediately to the south of the subject lands. Its loading area is accessed from a narrow, 4-metre wide, one way loading ramp that leads to the 2 loading bays located at the rear of the building. As a result of the narrow access drive and the inability of the loading dock area to handle more than 2 vehicles at once, delivery or pick-up vehicles must wait on Alvin Avenue until a loading bay is free or conduct their loading activity from the street. This existing situation, while not related to the proposed development, results in periodic, daily constraints to traffic flow on Alvin Avenue.

The applicant is proposing to expand and improve the loading area for the St. Clair Centre as a facility to be shared with the new development. The loading area will be improved by widening the ramp from 4-metres to 6-metres allowing two way operation and by providing the following facilities:

- two Type 'B' loading spaces,
- three Type 'C' loading spaces,
- one Type 'G' loading space (to accommodate residential garbage collection and moving)
- three or four short term courier delivery spaces

It is expected that this expanded, shared loading area will greatly reduce the loading related activity that currently impedes traffic flow on Alvin Avenue and will more than meet the demand of the proposed new residential buildings.

Servicing

The applicant is required to submit to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

Open Space/Parkland

The site is within an area that Council has identified as an area of the lowest ratio of local parkland to 1000 persons (0 – 0.42 hectares per 1000 persons). A major component of the landscaping and open space of the site is the proposed new linear park which is to be constructed and dedicated to the City by the owner (refer to Attachment 5, Landscape Plan). The proposed park is a land area of approximately 736 square meters (8% of the total lot area). It will extend eastwards from Yonge Street from roughly the same point as the existing Wally Crouter walkway access to the TPA lot.

The park will extend to the centre of the site. From that point a walkway will continue eastwards through publicly accessible landscaped open space (to be secured by easement in favour of the City) to Alvin Avenue. The result is a continuous park and landscaped public walkway connection through the heart of the development between Yonge Street and Alvin Avenue. The park will also serve as a pedestrian link to the proposed TPA underground parking levels and the Yonge-St. Clair Subway station.

The park will be encumbered by the existing below grade subway tunnel and by the future hydro vault also to be located below grade at the south end of the park. The hydro vault will have equipment that will be owned, operated and maintained by Toronto Hydro and will provide service for the development, the Toronto Parking Authority garage levels in the proposed development and the TTC for their needs with respect to the Yonge – St. Clair Station.

The park has been designed as a showplace of street art including a water wall and reflective pond, street furniture and lighting effects. The park and public walkway will be tree-lined with extensive planting beds at the bases of the trees and throughout. ‘Living’ walls of espalier trees and ivies will line the park. A restaurant is proposed on the ground floor of the south condominium building. The restaurant would include a four-season patio fronting onto the park and would contribute to the activity and security of the park and public open space.

The parkland will be dedicated to the City under By-law 1420-2007, the Alternative Parkland By-law. That By-law would require 10% of the site to be dedicated in land or cash-in-lieu of land for parkland. Eight percent of this site is to be dedicated by the developer as parkland to the City. A cash-in-lieu of park land dedication, equivalent to the value of 2% of the site at the time of the issuance of a building permit, will be considered to have been paid to the City through the costs covered by the owner in the construction of the park (total above base park costs including public art component are estimated to be \$2,000,000.00).

Privately owned landscaped areas of green roofs on the 5 roof decks of the terraced levels of the north condominium building and the landscaped front yards including red oak plantings on the townhouse lots on Alvin Avenue and Heath Street East complete the landscape plan for the development.

Streetscape

Section 4.5.2(f) of the Official Plan requires that new development within *Mixed Use Areas* provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section requires new developments to locate and mass buildings in such a manner so as to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on those adjacent streets, parks and open spaces. Similar policy requirements are found in Section 4.2.2(c), *Apartment Neighbourhoods*.

The applicant has submitted designs for the commercial components of the project that provide attractive new retail space at grade on Yonge Street with a widened, landscaped sidewalk area to allow for casual pedestrian interaction in front of the shops. Both the Yonge-St. Clair Part II Plan (which is still in effect for this site) and the Yonge-St. Clair Secondary Plan include policies that require a 3 metre setback of new buildings from their Yonge Street property lines in this area. This requirement is to allow for the accommodation of wide sidewalks, landscaped and pedestrian space in front of buildings and to increase the spacious feeling of Yonge Street.

The applicant has angled the Yonge Street building frontage to the street (refer to Attachment 1, Site Plan). Setbacks along the diagonal front wall range from 6.74 metres at the south end of the building to positioning it on the lot line (at the sidewalk) at the north end. This allows for the creation of an interesting landscaped pedestrian gathering space that extends (at the south end of the building) over twice as deep into the commercial area without creating isolated retail spaces.

The proposed restaurant which is in the ground floor of the north side of the south building, faces the park and provides a four-season patio which increases the safety of the lit park space by being observable from the restaurant.

The street-related townhouses with their individual entrances at grade that are proposed for the residential-facing perimeters of Alvin Avenue and Heath Street East, will be well landscaped and provide a row of street trees. The townhouses on Alvin Avenue, being a similar housing form to the existing houses on the east side of the street will also reinforce the Plan's intent to protect the City's *Neighbourhoods* designated areas by halting the encroachment of higher density residential buildings eastwards into the neighbourhood.

The public open space walkway leading west to the new park and Yonge Street beyond is made more inviting by the low density townhouses at the eastern entry to the space.

Certain building materials on the development's Yonge, Heath and Alvin Street frontages will be secured through the Section 37 and Site Plan Agreements.

Toronto Green Development Standard

The City's Green Development Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development has been designed to achieve 33 minimum and 14 enhanced targets for a total of 47 of 63 targets. Some of the targets that are proposed to be met include:

- the primary entrance(s) of the proposed buildings are within 200 metres of transit stops and/or a subway station, and major transit facilities are integrated directly into the building(s);
- the parking supply does not exceed the minimum requirement in the Zoning By-law, and the project will have shared use of parking among land uses that have different peaking characteristics;
- 70% of all lighting fixtures and appliances are Energy Star Compliant (energy efficient);

- stormwater on-site retained to the same level of annual volume of overland runoff allowable under predevelopment conditions;
- all water fixtures meet efficiency standards; and
- user-friendly and accessible handling and storage facilities are to be provided for recyclable materials, and user-friendly and accessible handling and storage facilities will be provided for organic waste.

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, are specific capital facilities (or cash contributions toward specific capital facilities) and can include parkland and/or park improvements above and beyond the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, substantial contributions to the urban forest on public lands and land for other municipal purposes (Section 5.1.1.6 of the Official Plan).

The community benefits must bear a reasonable planning relationship to the proposed development, including at a minimum an appropriate geographic relationship and addressing planning issues associated with the development (e.g., local shortage of parkland, improvement of traffic circulation, etc.). Community benefits provided on-site (such as the proposed park in this application) or in the local area are a priority.

In this case planning staff are recommending, after consultation with the Ward Councillor's office and with the resident members of the working group, that the following community benefits be secured through a Section 37 Agreement:

1. Park Construction Costs

The owner will construct the linear park as shown in the landscape drawings, submitted for site plan approval (refer to Attachment 8, Landscape Plan), that extends from Yonge Street eastwards to the centre of the site. The estimated value of the above base park construction costs, including the public art component, is \$2,000,000.00. These construction costs will cover the 2% cash-in-lieu portion of the owner's Section 42 Alternate Rate Parkland Dedication By-law requirement, estimated at approximately \$1,100,000.00 with the balance of costs of approximately \$900,000.00 constituting a Section 37 community benefit at this time.

The value of the 2% cash-in-lieu of land will be established at the time of the issuance of the first building permit. The applicant's above base park construction costs shall not be expected to exceed \$2,000,000.00. Therefore, should the estimated value of the 2% cash-in-lieu of land contribution have increased (exceeding the current estimated value of \$1,100,000.00) by the time of the issuance of the first building permit, the Section 37 park construction cost benefit will be reduced by that amount (of increase). Conversely, if the estimated value of the 2% cash-in-lieu of land decreases, the Section 37 park construction cost benefit will be increased by that amount (of decrease).

For a site this size, the Alternate Rate Parkland Dedication By-law has a cap of 10% of the land. The actual proposed park land area constitutes 8% of the site and is to be dedicated to the City by the owner. The Section 37 agreement will establish that the owner's Section 42 obligation for residential uses under the alternative rate will be met through a combination of land dedication, and the above base park construction costs, to be secured by way of a \$2,000,000.00 letter of credit.

Section 42(6.1) of the Planning Act requires the payment of cash-in-lieu of land to be paid prior to the construction of any building on the land proposed for development unless other arrangements for payment have been made to the satisfaction of City Council. In this case no cash payment for the residential portion of the Section 42 parkland dedication is recommended to be required prior to the issuance of the first above grade building permit beyond the submission of the two million dollar letter of credit which will be returned to the owner when the project is complete and the park has been constructed to the City's satisfaction (less 20% of the \$2,000,000.00 letter of credit which is to be withheld for a period of two years as a performance guarantee). The non-residential Section 42 cash-in-lieu contribution will be made prior to issuance of the building permit.

The total amount of the developer's Section 37 contribution towards park construction costs, including public art component, shall not exceed \$2,000,000.00 (as may be increased through indexing) less the cash-in-lieu portion (approximately \$1,100,000.00 in today's dollars) of the residential parkland requirement or estimated at \$900,000.00 at this time.

2. Park Maintenance Fund

The owner will provide a park maintenance fund of \$250,000.00 which is to be kept in reserve for mechanical maintenance of equipment including, water circulating equipment relating to the operation of the water wall or reflective pond, decorative lighting, and heating elements of pedestrian walkways and for the watering system equipment necessary for the establishment and maintenance of espalier plants in the proposed 'living wall'.

This maintenance fund will be used generally as specified above and not for general park maintenance. However, maintenance of any kind is considered an operating and not a capital expenditure and therefore is not a permissible community benefit which may be secured under a Section 37 Agreement. An amendment to the Official Plan for an exception from Section 5.1.1 will be necessary to set up this specialized maintenance fund for capital park facilities as a community benefit.

3. Westbound Right Turn Lane

The owner will design and construct, to the satisfaction of the Director of Technical Services, a westbound right turn lane within the Heath Avenue East right-of-way. The estimated value of the lane widening (to be verified by Development Engineering) is \$150,000.00. A letter of credit will be required for that amount.

The Heath Street East widening is to be completed within 6 months (allowing for poor winter weather) of the start of construction on the site.

4. Alvin Avenue Widening

The owner will design and construct, to the satisfaction of the Director of Technical Services, a partial lay-by (widening) on the west side of Alvin Avenue (refer to Attachment 1, Site Plan) as detailed on the site plan drawings submitted with this application. The estimated value of the partial lay-by (to be verified by Development Engineering) is \$101,000.00. A letter of credit will be required for that amount.

The Alvin Avenue widening is also to be completed within 6 months (allowing for poor winter weather) of the start of construction on the site.

5. Sidewalk Improvements

The owner will design and construct to the satisfaction of the Chief Planner and Executive Director, any improvements to the sidewalks in the Yonge Street and Alvin Avenue rights-of-way shown on the site plan drawings submitted with this application. Improvements will include sidewalk upgrade treatments to mark the entrance to the public park on Yonge Street and to mark the public access to the privately owned landscaped open space from Alvin Avenue. The estimated cost of construction of these improvements is \$24,000.00. A letter of credit will be required for that amount.

The following collateral matters required to support the development are also recommended to be secured in the Section 37 agreement:

- the applicant will design and construct, to the satisfaction of the Chief Planner and Executive Director of the City of Toronto Planning Division, a new landscaping treatment for the north side of Heath Street East (on the lands owned by Yorkminster Park Baptist Church) following the construction of the proposed right turn lane;
- the owner will draft a Construction Mitigation Plan and Resident Communications Strategy to the satisfaction of the Chief Planner and Executive Director of the City of Toronto Planning Division;
- the owner will grant an easement over the walkway that they will construct through the private landscaped area that connects the linear park to Alvin Avenue (refer to Attachment 8, Landscape Plan).

Construction Mitigation Plan and Resident Communication Strategy

Some of the resident Working Group members have raised concerns with respect to the construction phase of the proposed development. In order to mitigate the construction impacts on the surrounding neighbourhood a Section 37 Agreement can include a requirement that the owner draft and implement a Construction Mitigation Plan and Resident Communication Strategy. The plan/strategy is best drafted prior to the issuance of the first permit (demolition and/or excavation) when the owner has finalized their construction phasing plan and is aware of the timing and duration of their various construction processes.

The owner of this site will be required (through condition of the Section 37 Agreement) to work with the City Planning Department, the Ward Councillor's office and the local residents in order to establish area-specific guidelines and restrictions for construction activity should the project be approved by City

Council. It should be noted that the plan/strategy will identify many construction related issues that are regulated by other City-wide enforcement measures (ie., Noise By-law, Dust Control By-law).

A resident liaison committee will be established consisting of representatives of, local residents, the two neighbourhood churches and local business people, the owner and their construction team, and the Ward Councillor's office.

The mitigation plan and communication strategy will address at least the following matters;

- the period of construction and construction phasing including the general construction processes involved in each and the duration of each;
- an approach to identifying and mitigating, if possible, potential negative impacts of construction activity such as construction noise (hours of permissible construction activity), dust control, construction vehicle access and material deliveries, parking for construction trades interruptions of services (hydro, water) for local residents;
- a strategy for the provision of temporary parking alternatives during the construction of the underground TPA garage levels;
- a tentative meeting schedule and strategy for disseminating information through the resident liaison committee to the neighbourhood on construction phases providing advance notice where possible and including contact names and phone numbers for residents to call regarding noise and other construction related questions or complaints (also, a number to call to report an 'emergency' or any urgent complaints or concerns during off-hours will be posted);
- the provision of notice that identifies the start date for the commencement of each phase of the construction and the anticipated completion date and information regarding applicable regulating provisions that would apply; and
- any other matters that may be appropriate, including but not limited to the provision of reasonable notice respecting the anticipated interruption to services and the provision of alternative services, where possible, and measures to prevent dust and construction debris from endangering existing residents.

Tenure

All units will be part of a condominium corporation. An application for draft plan of condominium approval will need to be submitted.

Development Charges

It is estimated that the development charges for this project will be \$2,961,436.72. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Tim Burkholder

Tel. No. 416-392-0412

Fax No. 416-392-1330

E-mail: tburk@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Alvin Avenue Elevation

Attachment 3: Yonge Street Elevation

Attachment 4: Heath Street Elevation

Attachment 5: Landscape Plan

Attachment 6: Zoning

Attachment 7: Official Plan

Attachment 8: Yonge St. Clair Part II Plan

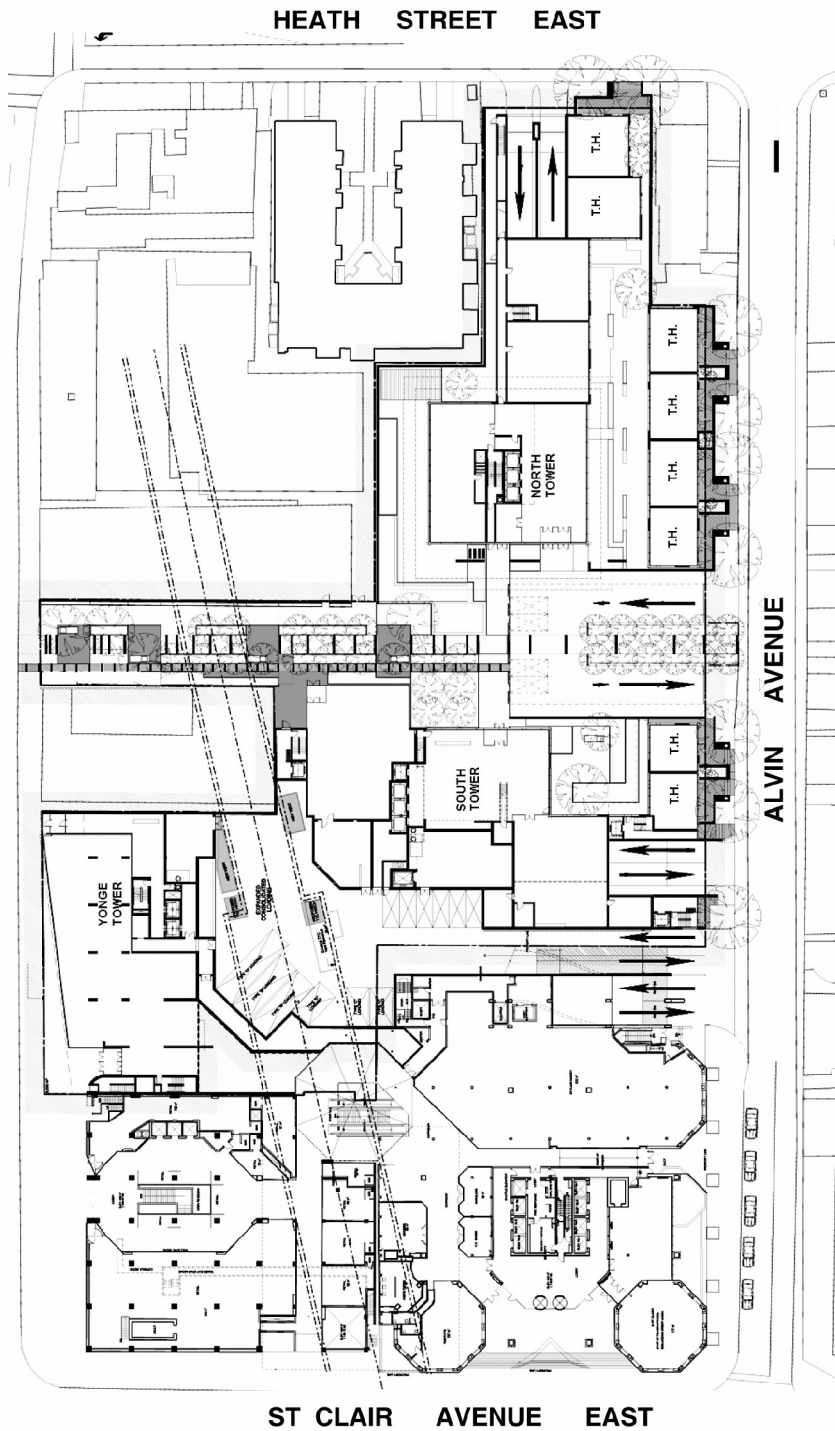
Attachment 9: Application Data Sheet

Attachment 10: Draft Yonge-St. Clair Part II Plan Amendment

Attachment 11: Draft Official Plan Amendment

Attachment 12: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan / Ground Floor plan

Applicant's Submitted Drawing

Not to Scale
03/26/08



1481, 1491 & 1501 Yonge St,
25, 27 & 29 Heath St East, & 30 Alvin Ave

File # 06_199698

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Not to Scale
03/26/08

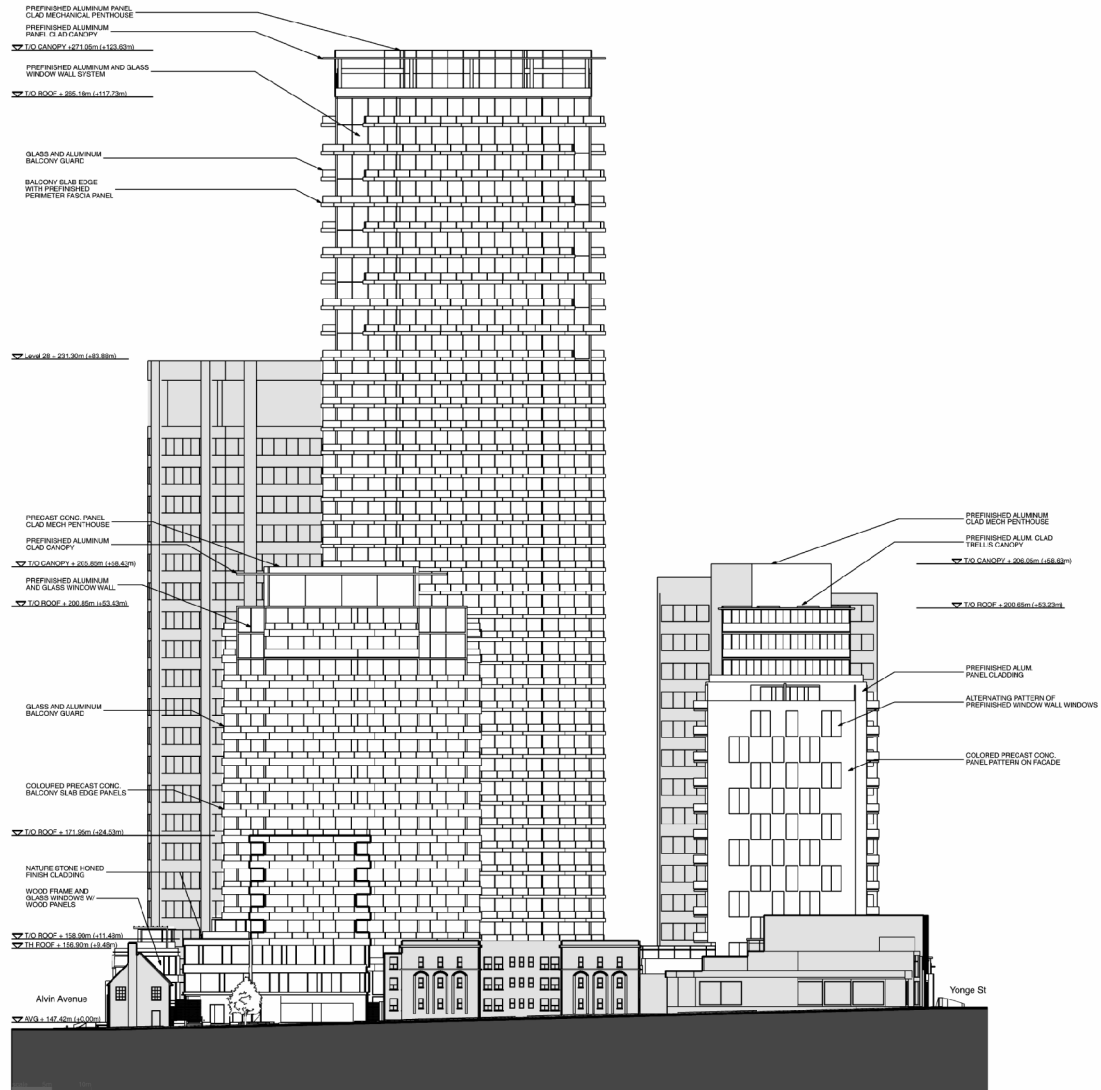
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03/26/08

File # 06_199698

Attachment 4: Heath Street Elevation



Heath Street East Elevation

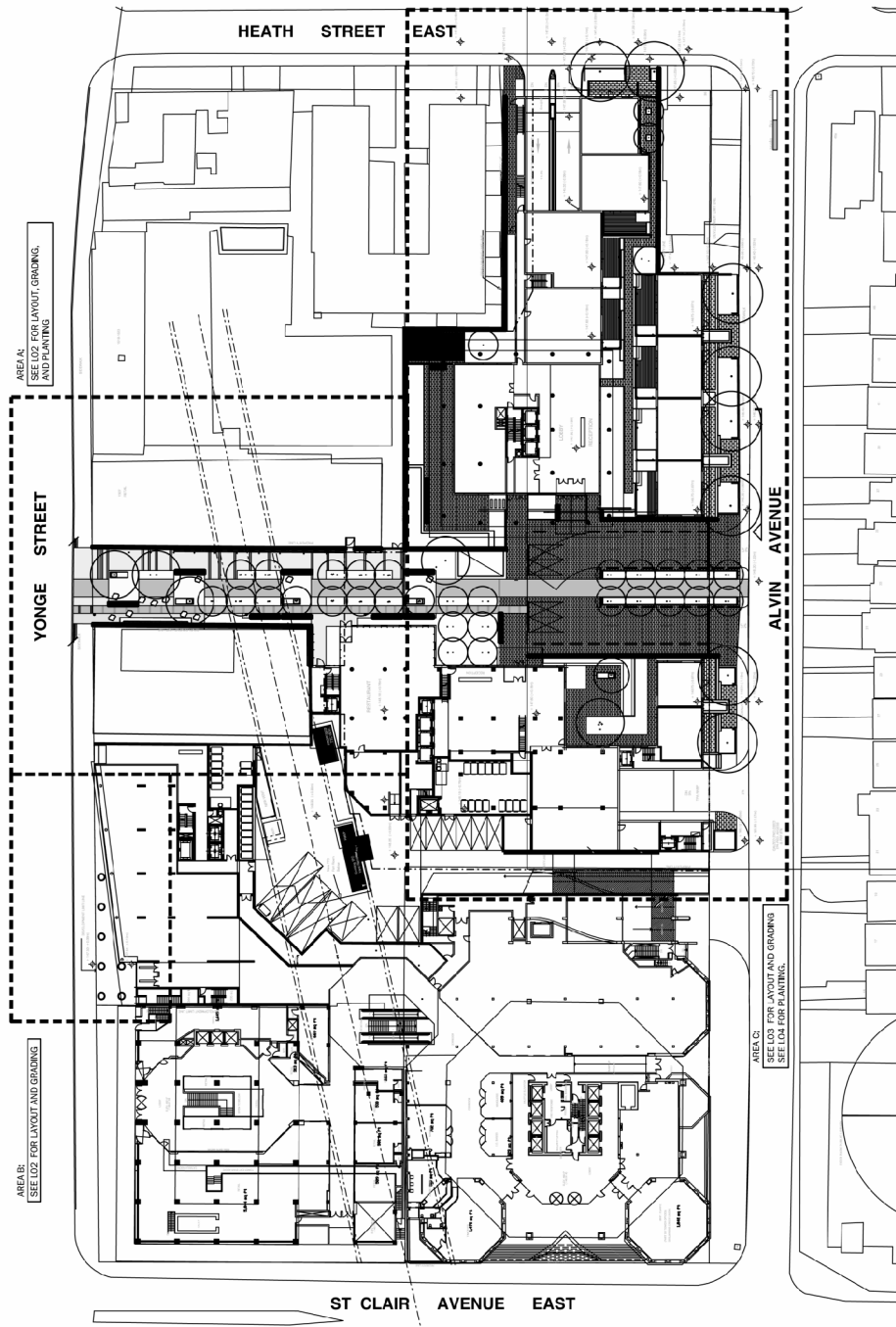
Applicant's Submitted Drawing

Not to Scale
03/26/03

1481, 1491 & 1501 Yonge St,
25, 27 & 29 Heath St east, & 30 Alvin Ave

File # 06_199698

Attachment 5: Landscape Plan



Landscape Plan

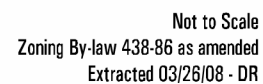
Applicant's Submitted Drawing

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03/26/08

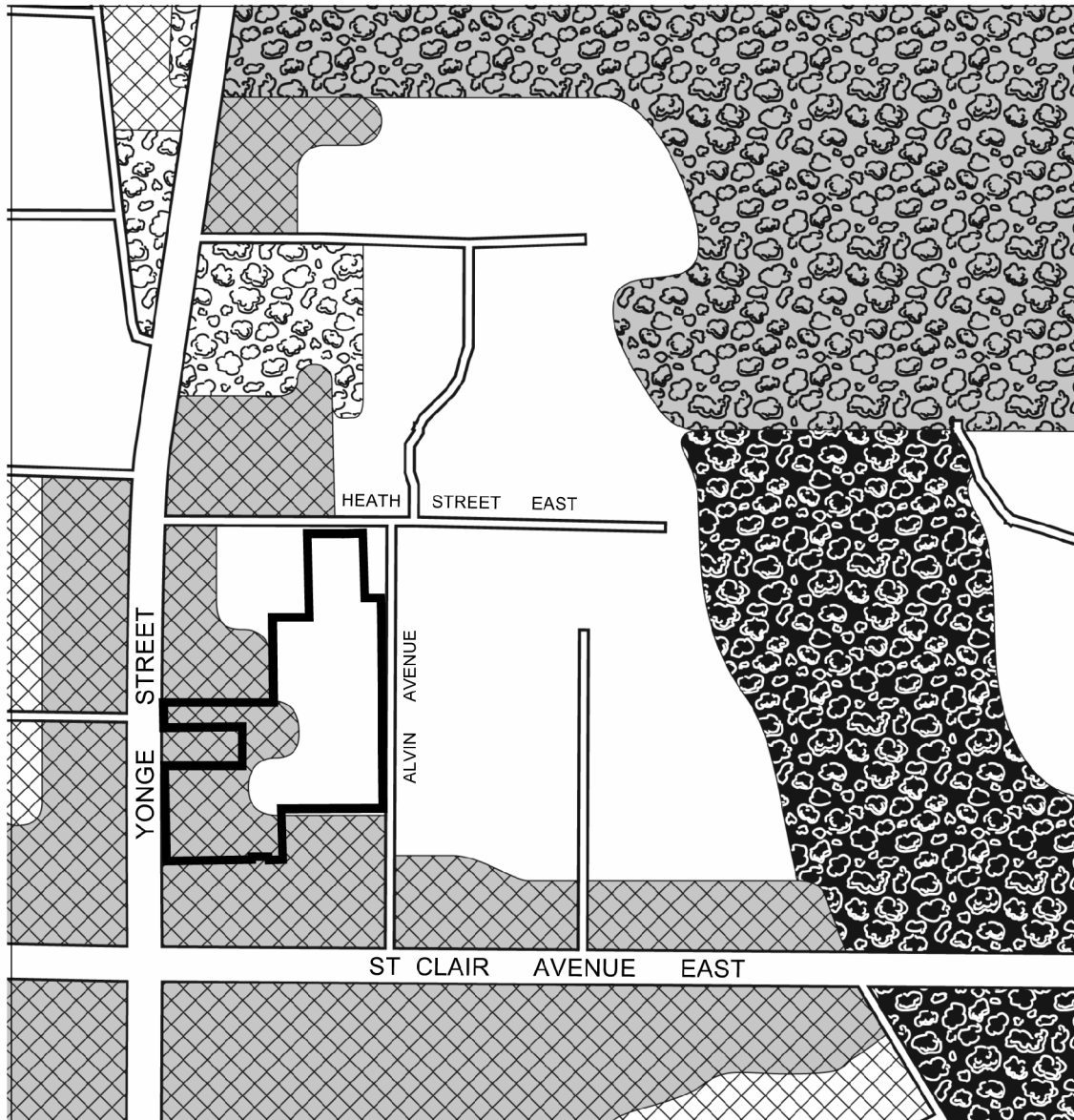


1481, 1491 & 1501 Yonge St,
25, 27 & 29 Heath St East, & 30 Alvin Ave

File # 06_199698



Attachment 7: Official Plan



TORONTO City Planning
Official Plan

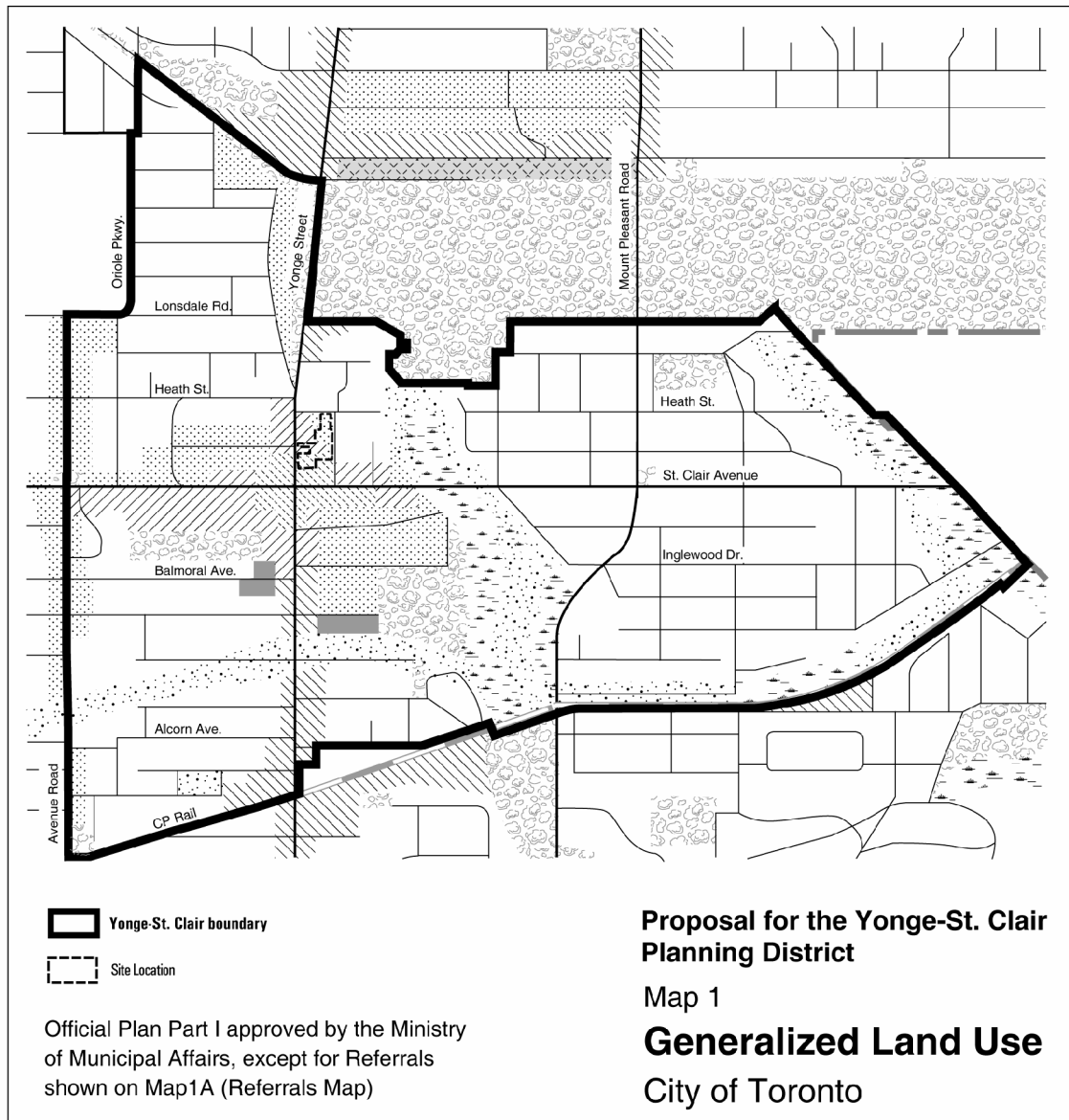
1481, 1491 & 1501 Yong St,
25, 27 & 29 Heath St East, & 30 Alvin Ave

File # 06_199698



Not to Scale
03/26/08

Attachment 8: Yonge St. Clair Part II Plan



TORONTO City Planning Division
Official Plan

1481, 1491 & 1501 Yonge St,
25, 27 & 29 Heath St East, & 30 Alvin Ave

File # 06_199698

Low Density Residence Areas	Low Density Mixed Commercial-Residential Areas	High Density Mixed Commercial-Residential Areas 'B'
Medium Density Residence Areas	Medium Density Mixed Commercial-Residential Areas	Open Space
High Density Residence Areas	High Density Mixed Commercial-Residential Areas 'A'	Natural Areas
		Environmentally Significant Areas

↑
Not to Scale
03/25/08

Attachment 9: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 199698 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 22, 2006

Municipal Address: 1501 YONGE ST
 Location Description: PL 277 PT LT26 **GRID S2208
 Project Description: Mixed use development including 16-storey and 37-storey residential towers, a fifteen-storey mixed use building and 3.5-storey townhouses on the north and east side, including 470 dwelling units and five levels of underground garage including public parking operated by the Toronto Parking Authority

Applicant:	Agent:	Architect:	Owner:
Wittington Properties Ltd.	McCarthy Tetrault	architectsAlliance	2019916 Ontario Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Neighbourhoods	Site Specific Provision:	130-74, 366-76, 272-77
Zoning:	CR T4.25 C2.0 R3.0, R2 Z0.6, CR T7.0 C7.0 R3.0	Historical Status:	
Height Limit (m):	57, 30, 13	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9,199.0	Height:	Storeys:	37
Frontage (m):	irregular		Metres:	118
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	3542			Total
Total Residential GFA (sq. m):	57285		Parking Spaces:	734
Total Non-Residential GFA (sq. m):	1464		Loading Docks	6
Total GFA (sq. m):	57809			
Lot Coverage Ratio (%):	39.5			
Floor Space Index:	6.28			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	57285	0
Bachelor:	0	Retail GFA (sq. m):	1464	0
1 Bedroom:	201	Office GFA (sq. m):	0	0
2 Bedroom:	212	Industrial GFA (sq. m):	0	0
3 + Bedroom:	57	Institutional/Other GFA (sq. m):	0	0
Total Units:	470			

CONTACT: PLANNER NAME: Tim Burkholder, Senior Planner
TELEPHONE: (416) 392-0412

Attachment 10: Draft Yonge St. Clair Part II Plan Amendment

Authority: Toronto East York Community Council. Item _____ as adopted by Council on _____, 2008.

Enacted by Council: _____, 2008

CITY OF TORONTO

BY-LAW NO. _____

To adopt Amendment No. ____ to the Official Plan for the former City of Toronto respecting the Lands at 1481, 1491, 1501 Yonge Street, 25,27 and 29 Heath Street and 30 Alvin Avenue

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

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

1. The attached Amendment No. _____ to the Official Plan for the former City of Toronto is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this _____ day of _____, A.D. 2008-04-08

SANDRA BUSSIN
Speaker

ULLI WATKISS
City Clerk

The following text and schedule constitute Amendment No. ____ to the Official Plan for the former City of Toronto.

OFFICIAL PLAN AMENDMENT

The Official Plan for the former City of Toronto is amended by adding the following exception to Section 18:

'18.____ **LANDS KNOWN AS 1481, 1491 AND 1501 YONGE STREET, 25, 27 AND 29 HEATH STREET AND 30 ALVIN AVENUE**

1481, 1491 and 1501 Yonge Street, 25, 27 and 29 Heath Street and 30 Alvin Avenue

See Map 18.____ at end of this Section

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18.____ to permit buildings containing a cumulative *gross floor area* up to 6.4 times the area of the lands. A portion of the main front wall of any building fronting on to Yonge Street will be set back at least 3 metres from the Yonge Street property line, but not the entire main front wall of such building.

A dedicated park maintenance fund may be established for maintenance of capital facilities in the park to be established on the lands.

Attachment 11: Draft Official Plan Amendment

Authority: Toronto East York Community Council. Item ____ (or Report No. ____, C; Clause No.____) as adopted by Council on ____, 2008-04-03

Enacted by Council: ____, 2008

CITY OF TORONTO

BY-LAW No. ____

To adopt Amendment No. 53 to the Official Plan for the City of Toronto respecting a portion of the lands in the block north of St. Clair Avenue and east of Yonge Street.

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

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

1. The attached Amendment No. 53 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

ENACTED AND PASSED this ____ day of ____, A.D. 2008-04-03

SANDRA BUSSIN
Speaker

ULI WATKISS
City Clerk

The following text and schedule constitute Amendment No. 53 to the Official Plan for the City of Toronto.

OFFICIAL PLAN AMENDMENT

The Official Plan of the City of Toronto is amended as follows:

1. Map 17, Land Use Plan, is amended by redesignating a portion of the lands on the block bounded by St. Clair Avenue East, Yonge Street, Heath Street East and Alvin Avenue from *Neighbourhoods* to *Apartment Neighbourhoods* and from *Mixed Use Areas* to *Parks and Open Space Areas – Parks* as shown on the attached Map.
2. Chapter 6, Section 6, Yonge-St. Clair Secondary Plan, is amended by deleting policy 1 of subsection 8, Site and Specific Policies , and inserting the following:

‘1. Area 1

- (a) Within Area 1 there will be a transition in both scale and use to lands designated as *Neighbourhoods* to the north and east of Area 1.
- (b) Area 1 is an area of potential redevelopment. Within Area 1:
 - (i) any development or redevelopment will complement the existing built form context of the area and new buildings will be physically compatible with surrounding areas;
 - (ii) municipally operated short term public parking and parking for on-site residents and businesses will be provided; and
- (c) A portion of the development at 1481, 1491, 1501 Yonge Street will be set back at least 3 metres from the Yonge Street property line, recognizing that the main front wall of the development is at an angle to the Yonge Street property line and not all of the development will be set back 3 metres from the Yonge Street property line.

- (d) A dedicated park maintenance fund may be established for maintenance of capital facilities in the park to be established in Area 1.

Attachment 12: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. xxx-2008

To amend by-law No. 438-86 of the former City of Toronto with respect with lands known as Nos. 1481, 1491, 1501 Yonge Street, 25, 27 & 29 Heath Street East and 30 Alvin Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

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

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

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

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 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 are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2 with respect to *lot, grade, height, parking space, bicycle parking space* and *public park* and Sections 4(2) a, 4(4) b, 4(6), 4 (11), 4(12),

4 (13)(a), 4(17), 6(1)(a), 6(3), 8(2) 7., 8(3), 12(2) 260, 12(2)267, 12(2)324, Section 11.(1)1. of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land 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 and use of buildings containing residential and non-residential uses, a *public park*, and uses *accessory* thereto on the *lot* provided:

- (a) the *lot* consists of the lands delineated by heavy lines on the attached Plan 1 attached to and forming part of this by-law;
- (b) the combined *residential gross floor area* and *non-residential gross floor area* of all the buildings erected on the *lot* shall not exceed 59,000 square metres, excluding the area occupied by a *commercial parking garage* and its *accessory* uses provided that:
 - (i) the *residential gross floor area* on the *lot* does not exceed 58,000 square metres,
 - (ii) *non-residential gross floor area* is only permitted in *Building C* and *Building D*;
 - (iii) the *non-residential gross floor area* in *Building C* is limited to a maximum of 420 square metres; and
 - (iv) the *non-residential gross floor area* in *Building D* is limited to a maximum of 3,100 square metres;
- (c) the main floor level of *Building D* shall contain *street related retail uses*, and occupy at least 60% of the length of the main wall of the building fronting onto Yonge Street;
- (d) the maximum number of *dwelling units* on the *lot* shall be 470;
- (e) *dwelling units* which are located adjacent to finished ground level and fronting on Alvin Avenue or Heath Street East shall be provided with an individual entrance for each dwelling unit from finished ground level;
- (f) no portion of any building above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2 except for the following:
 - a. cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, platforms, canopies, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, retaining walls, screens, water features, landscape and public art features;

- b. balconies located on *Building A* may extend to a maximum horizontal projection of 3.0 metres beyond the heavy lines shown on Plan 2, except that north facing balconies may extend 3.3 metres;
 - c. balconies located on *Building B* may extend beyond the heavy lines shown on Plan 2, to a maximum horizontal projection of 1.0 metre on the east side of the building and a maximum of 2.0 metres on the west side of the building;
 - d. balconies located on *Building C* and *Building D* may extend to a maximum horizontal projection of 2.0 metres beyond the heavy lines shown on Plan 2; and
 - e. rooftop architectural features located on *Building A* and *Building C* may extend beyond the heavy line shown on Plan 2;
- (g) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Plan 2 except for the following:
- a. a structure on the roof of a building used for outside or open air recreation, green roof, safety or wind protection may exceed the *height* limits shown on the attached Plan 2 by no more than 3.0 metres provided such structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
 - b. a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of *Building A, B, C or D* or a fence, wall, decorative feature or structure enclosing such elements may exceed the *height* limits shown on Plan 2 provided they are located within the area labelled Mechanical Penthouse on Plan 2; and
 - c. the structures and elements identified in Section 1.(f) above, subject to the limitations contained therein;
- (h) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- i. 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - ii. 0.7 *parking spaces* for each one *bedroom dwelling unit*;
 - iii. 1.0 *parking spaces* for each two *bedroom dwelling unit*;
 - iv. 1.2 *parking spaces* for each three or more *bedroom dwelling unit*;
- (i) *parking spaces* may be provided on the *lot* for the lands municipally known in the year 2007 as 22 St. Clair Avenue East;

- (j) a minimum of 205 *parking spaces* shall be provided on the *lot* in a *commercial parking garage*, owned and operated by the Toronto Parking Authority, for the purpose of providing temporary short-term parking for the public and the permitted uses on the *lot*;
 - (k) a minimum of 200 *bicycle parking spaces* without a *shower-change facility* shall be provided and maintained on the *lot* of which 160 *bicycle parking spaces-occupant* are provided and a minimum of 40 *bicycle parking spaces-visitor* are provided;
 - (l) a minimum of two *loading space-type "B"*, three *loading space-type "C"* and one *loading space-type "G"* shall be provided and maintained on the *lot* and may be shared with the lands municipally known in the year 2007 as 2 and 22 St. Clair Avenue East;
 - (m) *residential amenity space* shall be provided in accordance with the following minimum requirements:
 - a. the amount of *residential amenity space* for the *dwelling units* in *Building A* shall be provided in accordance with Section 4(12) of By-law 438-86 with the exception that the indoor amenity space may be provided in multipurpose rooms which are not contiguous, and such indoor and outdoor *residential amenity space* shall be provided within or adjacent to *Building A*;
 - b. the amount of *residential amenity space* shall be provided for the *dwelling units* in *Building C* and *Building D* shall be provided in accordance with Section 4(12) of By-law 438-86, except that the indoor amenity space may be provided in multipurpose rooms which are not contiguous; such indoor and outdoor *residential amenity space* shall be provided within or adjacent to *Building C* and or *Building D*.
2. the owners of the *lot* are required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the *lot* as outlined in heavy lines on Plan 1 to secure the following facilities, services or matters:
- (i) that the owner shall design and construct the park, including the public art component, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the General Manager of Parks Forestry and Recreation;
 - (ii) that the owner shall agree to dedicate an area of 736 m² as shown on the approved site plan to the City as the owner's entire obligation for the land

component for the parkland dedication requirements under Section 42 of the Planning Act and the City's Alternative Rate Parkland Dedication By-law.

The owner shall transfer ownership of the park lands to the City prior to the issuance of the first above grade building permit or the transfer may be timed according to other such arrangement that may be satisfactory to the Chief Planner and Executive Director of the City Planning Division and to the General Manager of Parks Forestry and Recreation.

The City shall grant the owner, park occupancy for construction staging purposes for a nominal fee.

The owner shall complete the base park and above base park construction to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the General Manager of Parks, Forestry and Recreation prior to the registration of the final condominium on the lot;

- (iii) that the park construction costs shall be borne by the owner but such costs will also cover the owner's cash-in-lieu portion of the Section 42 park dedication levy under the Alternative Rate Parkland Dedication By-law. The construction costs for above base park improvements which includes the public art component of the project and the cash-in-lieu of park land dedication shall be secured by a letter of credit in the amount of \$2,000,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

Such amount shall increase in accordance with the increase in the Non-Residential Construction Price Index from the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.

Park construction costs are estimated at \$2,000,000.00. The cash-in-lieu portion of the Section 42 park levy which in today's dollars is estimated at \$1,100,000.00 will be deducted from this amount leaving an estimated park construction cost of \$900,000.00 as the community benefit under Section 37.

No portion of the cash-in-lieu Section 42 park levy or of the Section 37 contribution shall be used for base park construction;

- (iv) a guarantee that the owner shall design and construct the westbound right turn lane within the Heath Street East right-of-way, to the satisfaction of the Director of Technical Services, as shown on the plans and drawings submitted with this application. Design and construction costs, including all costs associated with the approved pavement marking and signage plans, will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$150,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

The construction of such Heath Street East improvements shall be completed within 6 months (allowing for delays resulting from poor winter weather conditions) of the construction start of the development.

- (v) a guarantee that the owner designs and constructs a lane widening on the west side of Alvin Avenue, to the satisfaction of the Director of Technical Services, as shown on the plans and drawings submitted with this application. Design and construction costs of the Alvin Avenue widening, including all costs associated with the approved pavement marking and signage report will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$101,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit.

The construction of such Alvin Avenue improvements shall be completed within 6 months (allowing for delays resulting for poor winter weather conditions) of the construction start of the development;

- (vi) a guarantee that the owner shall design and construct improvements to the sidewalks in the Yonge Street and Alvin Avenue rights-of-way, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the Director of Technical Services, as shown on the plans and drawings. Such work is to include, sidewalk upgrade treatments to mark the entrance to the public park from Yonge Street and to mark the public access to the privately owned landscaped open space from Alvin Avenue. Design and construction costs of sidewalk improvements in the Yonge Street and Alvin Avenue rights-of way will be entirely borne by the owner. Such guarantee will be secured by a letter of credit in the amount of \$24,000.00 to be submitted by the owner prior to the issuance of the first above grade building permit;

- (vii) the owner shall make a cash contribution of \$250,000.00, prior to the registration of the last condominium on the lot, which is to be held in a dedicated reserve fund for mechanical maintenance of equipment installed in the park including water circulating equipment relating to the operation of the water wall or reflective pond, decorative lighting, and heating elements of pedestrian walkways and for the watering system equipment

necessary for the establishment and maintenance of espalier plants in the proposed living wall;

- (viii) that the owner shall develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of the first building permit (including excavation permit);
- (ix) that the owner shall agree to grant an easement in favour of the City over the walkway that the owner will construct through the private landscaped open space that connects the proposed linear public park to Alvin Avenue as shown on the approved plans and drawings to the satisfaction of the Director of Community Planning Toronto and East York District prior to the registration of the last condominium on the lot;
- (x) that the owner shall agree to grant an easement in favour of the City over the condominium access driveway leading from Alvin Avenue and over the short term visitor parking to facilitate maintenance of the park;
- (xi) that the owner shall incorporate, in the construction of the building exterior materials to be shown on 1:50 scale drawings along Alvin Avenue, Yonge Street and Heath Street East with building materials labelled to the approval of the Chief Planner and Executive Director; and
- (xii) that the owner shall agree to design and construct a new landscaping treatment for the north side of Heath Street East (on the lands owned by Yorkminster Park Baptist Church) following the construction of the proposed right turn lane as mentioned in 5(iv) above.

3. Definitions:

- (i) For the purpose of this By-law, the terms set forth in italics, subject to Section 3 (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
- (ii) the following definitions shall apply:
 - A. “*grade*” means the Canadian Geodetic elevation of 147.2 metres;
 - B. “*height*” means the highest point of the roof above *grade* except for those elements prescribed in this By-law;
 - C. “*lot*” means those lands outlined in heavy lines on Plan 1 attached hereto;
 - D. “*Building A, Building B, Building C and Building D*” means the areas identified as A, B, C and D on Plan 2;

- E. “*parking space*” means an unobstructed area, at least 5.2 metres in length and at least 2.6 metres in width and a vertical height of at least 2.0 metres, together with a drive aisle width of 7.0 metres that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;
- F. “*public park*” means land that is used for passive public recreation and that is owned by the government or a government authority or agency, and shall only include therein, benches, landscape features, fences, botanical gardens, water features, public art features, *ornamental structures*, vents and uses *accessory* to the permitted uses located below finished ground level; and
- G. “*bicycle parking space-visitor*” means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and shall be located in a below grade secured room.
4. By-law No. 131-74, being “A By-law to amend By-law No. 20623 respecting certain lands on the north side of St. Clair Avenue East, between Yonge Street and Alvin Avenue”, as amended, is amended by deleting Plan 1, 2 and 3 and replacing them with the Plans 1, 2 and 3 in Appendix A attached hereto.
5. (i) By-law No. 366-76 is repealed upon the date this by-law comes into force and effect; and
- (ii) By-law No. 272-77 is repealed upon the date this by-law comes into force and effect.
6. None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales showroom.
7. Notwithstanding anything contained in this by-law, nothing shall prevent the development of the *lot* to occur in phases, which may occur in any order.
8. Notwithstanding any existing or future severances, 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.

ENACTED AND PASSED this ____ day of _____, A.D. 2008.

DAVID R. MILLER
Mayor
City of Toronto
Corporate Seal

ULLIS S. WATKISS
City Clerk