

Part of 50 St Joseph Street – Official Plan Amendment & Rezoning Application – Final Report

Date:	January 25, 2008
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	06 126355 STE 27 OZ

SUMMARY

This application proposes to develop part of 50 St. Joseph Street with two high-rise residential condominium buildings of 45 and 55 storeys and three 3-storey buildings all located to the north of St. Basil’s Church, and to expand the existing park at St. Joseph and Bay Streets and convey it to the City.

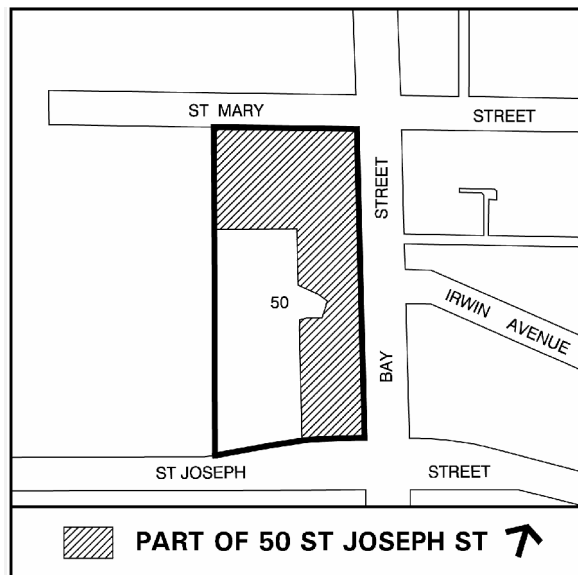
The proposal achieves a number of important city building objectives. It replaces a surface commercial parking lot with new housing and a well-located public park in the downtown. The use of tall and low built form elements allow the development to respond to the surrounding urban context, and the size of the site permits good separation distances between the proposed towers and from existing tall buildings.

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 substantially in accordance with the draft Official Plan



Amendment attached as Attachment 7;

2. 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 8;
3. City Council authorize the City Solicitor and Chief Planner and Executive Director, City Planning Division, to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required to implement the intent of this report;
4. City Council authorize a credit against the Parks and Recreation component of Development Charges payable for the development for above-base park improvements to be installed by the developer; the credit shall be in an amount that is the lesser of the cost to the developer of installing the above-base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development;
5. before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit an application under Toronto Municipal Code Chapter 813, Trees, Article III, 'Tree Protection' for the five private trees that qualify for protections and are proposed to be removed as part of the proposal, and complete the application review process;
6. before introducing the necessary Bills to City Council for enactment, City Council authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
 - (i) convey lands for a public park, all at no cost to the City other than such parkland acquisition payment as may be approved by the City;
 - (ii) public pedestrian easement over the green space between the development and the proposed public park;
 - (iii) pedestrian walkway from Bay Street to the courtyard;
 - (iv) building assessment of St. Basil's Church and Cloverhill Wing and construction monitoring program and insurance;
 - (v) improvements / upgrades to municipal infrastructure if required to service the development;
 - (vi) costs associated with the installation of a new traffic signal at St. Mary and Bay Street intersection;
 - (vii) design and materials for the exterior of the development;

- (viii) a wind assessment of specific mitigation measures identified through the Site Plan Approval process and incorporation of such measures into the development;
 - (ix) continuous tree pit / trench and an automatic irrigation system for proposed street trees;
 - (x) reasonable commercial efforts to obtain LEED certification for the development;
 - (xi) tree plantings on either side of the ceremonial driveway leading from St. Joseph Street to St. Basil's Church
 - (xii) an open space requirement / setback zone for a distance of 20 metres on the St. Michael's playing field west of the proposed western property line of the site; and
 - (xiii) provide the Parks and Recreation component of Development Charges payable for the development as Development Charge credits for above-base park improvements to be installed by the developer subject to Recommendation 4.
7. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

ISSUE BACKGROUND

Original Proposal (April 2006)

On April 19, 2006, the City received an application to permit a residential development consisting of three multi-storey towers (25, 37 and 45) and three six-storey buildings on lands with frontage on Bay Street, St. Joseph Street and St. Mary Street. The proposed overall residential gross floor area was 74,324 square metres resulting in a density of 7.9 times the area of the site. That proposal was not acceptable as discussed in the Community Engagement section of this report, and ultimately not supported.

Current Proposal (October 2007)

On October 3, 2007, the applicant filed a revised application to permit two high-rise residential condominium buildings of 45 and 55 storeys with three 3-storey buildings and to expand of the existing parkette at St. Joseph and Bay Streets.

The revised application effectively divides the site into a northern and southern portion with new buildings proposed on the former and an expanded park on the latter.

Northern portion: the proposed buildings are organized around a central courtyard. Three-storey townhouses are located along St. Mary Street and on the interior portion of the site

immediately north of St. Basil's Church / Cloverhill Wing. A three-storey building along the Bay Street frontage will have permission for both residential and non-residential uses (e.g. office). The 45 and 55-storey residential towers anchor the east and west edges of the courtyard, respectively. An outdoor amenity open space and site servicing are incorporated into the central courtyard, which links to Bay Street via a mid-block pedestrian connection. Additional green space is proposed to the south of the 55-storey tower connecting to the proposed public park. Vehicular access to the development is proposed from St. Mary Street.

Southern portion: a new public park incorporating the existing parkette and replacing the parking lot is proposed. The new park lands will run from St. Joseph Street to the north edge of St. Basil's Church / Cloverhill Wing, and represents approximately 30 percent of the overall site. These lands will be designated for park use and conveyed to the City.

Attachments 2 - 6 show the proposal's site plan and elevations.

The proposal's overall residential gross floor area is 74,000 square metres representing a density of 7.9 times the area of the site. Attachment 1 provides additional information on the proposal.

Site and Surrounding Area

The development site is located on the west side of Bay Street between St. Joseph Street and St. Mary Street. It consists of a parkette, a parking lot used by St. Basil's Church and others and a portion of an existing playing field at St. Mary Street.

St. Michael's College owns the development site, which forms part of a larger property known as 50 St. Joseph Street. Rattling Chain Investments Inc., the applicant, has entered into agreements with the College to purchase the development site.

Within the immediate context, the following uses surround the site:

North: across St. Mary Street, is an apartment complex of 32 and 21 storeys (55 and 57 Charles Street West) with frontage on Bay Street, and Loretto College, a six-storey private girls school, at 70 St. Mary Street;

South: across St. Joseph Street, is a surface commercial parking lot at the corner of St. Joseph and Bay Streets, and further west is the Cardinal Flahiff Basilian Centre, a four-storey building at 95 St. Joseph Street;

East: across Bay Street, are multi-storey buildings including an office building (13 storeys) at 1075 Bay Street, the Polo I condominium (23 storeys) at 1055 Bay Street, the Polo II condominium (28 storeys) at 44 St. Joseph Street / 1033 Bay Street and a mixed use building at 1001 Bay Street (36 storeys); and

West: abutting the site, is St. Basil's Church and Coverhill Wing, both designated heritage buildings, the Sorbara Hall Student Residence (a five-storey building),

playing fields and further west are other campus buildings forming part of The University of St. Michael's College.

Provincial Policy Statement

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.

Official Plan

The site is located within the Downtown and Central Waterfront area identified on Map 2 - Urban Structure of the Toronto Official Plan. The site is split between two land use designations on Maps 17 and 18 - Land Use Plan.

The existing parkette owned by St. Michael's College at the corner of St. Joseph Street and Bay Street is designated Park. The policies recognize that parks and open spaces are important components of the city to be preserved and enhanced. The parkette is also within the University of Toronto Secondary Plan, which encourages the protection of this green space. The parkette as well as the northeast portion of the development site falls within the institutional area of special identity on Map 20-5: Area of Special Identity and Location Site and Area Specific Policies.

The remainder of the site is designated Mixed Use Area, which permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation.

Other important policies include those in the Downtown, Public Realm, Heritage Resources, Parks and Open Space and Built Form sections of the Plan.

The Toronto Official Plan and the University of Toronto Secondary Plan are available on the City's website at: www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The site is split between two zoning districts in the former City of Toronto Zoning By-law 438-86, as amended.

The existing parkette is zoned UOS (University Open Space) which permits outdoor university uses, a park, a playing field and a below-grade parking garage. There is no density permission.

The remainder of the site is zoned CR T6.0 C1.0 R6.0, which permits a mix of residential and commercial uses to a maximum density of 6.0 times the area of the lot area, and a height limit of 46 metres.

Site Plan Control

The proposed development is subject to Site Plan Control. An application will be filed at a later date.

Reasons for Application

Proposal Development:

A Zoning By-law amendment is required because the proposed density and heights exceed current permissions. The proposal also requires relief from a number of other general zoning standards, as discussed in this report and set out in the draft Zoning By-law attached to this report. Also, an amendment to the University of Toronto Secondary Plan is required to align the campus boundary and area of special identity with the overall Secondary Plan boundary and zoning boundary at the northwest corner of the site. An Official Plan amendment is not required to the Toronto Official Plan as the new development is located on lands designated Mixed Use and it addresses other Official Plan policies.

Proposed Public Park:

Amendments to the Toronto Official Plan, the University of Toronto Secondary Plan and Zoning By-law 438-86, as amended, are recommended for the proposed public park lands. An Official Plan amendment to the Toronto Official Plan will change the land use designation for a portion of these lands from Mixed Use to Parks consistent with the designation for the existing parkette. An Official Plan amendment to the University of Toronto Secondary Plan will identify the existing parkette as Park and Open Space.

A Zoning By-law amendment will change the zoning from a CR (mixed use) district and a UOS (university open space) district to a G (park) district, which is the zoning district that generally applies to public parks. Both the proposed Official Plan and Zoning By-law amendments will assist with the long term protection of these lands for public park purposes.

Community Engagement

The Preliminary Report identified a potential community engagement process for this application consisting of a community meeting on the original proposal, a working group process and further community consultation, as required. City Planning staff and the Ward Councillor have carried out this community engagement process, as discussed below.

A community consultation meeting on the original proposal was held on February 26, 2007. Approximately 300 members of the public attended the meeting and expressed strong opposition to the potential loss of the parkette at the corner of St. Joseph and Bay Street. Other concerns raised included the number of towers, the 6-storey height of the buildings fronting St. Mary Street and along the entire Bay Street frontage, shadowing impacts, traffic, and generally reflected those identified in the Preliminary Report dated

December 20, 2006. At the conclusion of the meeting, the Ward Councillor recommended a working group process to explore changes to the application.

Working Group Process:

The purpose of a working group process is to assemble a group of representatives of area stakeholders to facilitate community input on the application. A Working Group consisting of 11 representatives of local community stakeholders, City Planning staff and the developer's team was established by the Ward Councillor. This group met on six occasions between May and September 2007. Working Group sessions were open to the public. City Planning set up a web site - www.toronto.ca/planning/stjoseph.htm - to post application information and working group material including agendas, presentations and meeting notes. The web site continues to be a valuable resource for providing information on the application to the public.

As a result of the discussions during the Working Group process, consensus was reached on a number of items including:

- creating a public park between St. Joseph and St. Basil's Church / Cloverhill Wing and providing a focal point within the park for residents coupled with pedestrian connections to the university campus;
- locating new buildings to the north of St. Basil's Church / Cloverhill Wing;
- the location of building footprints for the two towers and the three 3-storey buildings;
- the scale of the 3-storey buildings;
- the tower design;
- the use of high quality materials including stone on the 3-storey buildings;
- providing publicly accessible green space between the proposed park and the development;
- planting new tree plantings through the proposed park and on the development site;
- support for more bicycle spaces and less parking spaces; and
- the importance of addressing sustainability by implementing the Green Development Standard and seeking LEED certification.

There were a few items where consensus was not reached amongst the community representatives. The majority supported a single vehicular access point to the development from St. Mary Street coupled with the signalization of the St. Mary and Bay intersection. Consensus was not achieved, however, as a few members preferred access routes to both St. Joseph and St. Mary Streets. Likewise, while a consensus was reached on the suitability and location of two tall buildings on the site, a consensus on specific tower heights was not reached. These matters are discussed further under the comment section in this report.

On October 3, 2007, the applicant formally amended their application to reflect the proposal that evolved through the Working Group process. Supporting studies and reports were also submitted. Up-dated notice boards were erected on the property, as requested by the City.

On November 5, 2007, a second community consultation meeting in the form of an open house was held. Approximately 70 people attended to review display boards of the revised proposal, ask questions of City staff and the applicant's team, and to provide feedback. The majority of people who spoke to City Planning staff supported the revised proposal including the creation of a new public park and locating new buildings on the north end of the site. Some people expressed concerns with the tower heights and potential transportation impacts.

On December 3, 2007, City Planning staff attended a parish meeting at St. Basil's Church to discuss the proposal. The meeting was organized and chaired by the President of St. Michael's College. Comments ranged from support for the revised proposal and the proposed public park to questions about construction timelines and potential impacts on St. Basil's operations, the loss of church parking and disappointment that St. Basil's had not participated on the Working Group.

City Planning also received written comments from community stakeholders throughout the community engagement process.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement

The proposal is consistent with the Provincial Policy Statement, as demonstrated in this report.

Land Use

Official Plan policies encourage investment in the downtown, redevelopment of under-utilized sites and improvements to the public realm including new parkland, amongst other matters. The proposal provides a balanced approach to the site's redevelopment achieving new housing and parkland in the Downtown.

As discussed in the following sections of this report, the proposal is consistent with the overall policy objectives of the Official Plan, in part, because the site is large enough to accommodate a variety of land uses (e.g. residential, public park land and publicly accessible green space) and a built form responsive to its different frontages.

Built Form

The development site with its principal frontage along Bay Street is part of the upper Bay Street corridor. The proposal's built form uses both high-rise and low-rise elements organized around a central courtyard to provide a pedestrian scale along the street frontages; a low-rise element adjacent to St. Basil's Church and Cloverhill Wing; appropriate tower locations; and new pedestrian connections through the site.

High-rise:

The two towers anchoring the east and west edges of the courtyard are 45 storeys (145 metres) and 55 storeys (175 metres), respectively. The heights are in line with heights of new developments along the upper Bay Street corridor. The towers have a floor plate of 750 square metres with a separation distance of 30 metres, consistent with the City's Design Criteria for the Review of Tall Building Proposals. The floor plate size and separation distance coupled with the towers being off-set from each other provides an appropriate building relationship.

In response to the surrounding context, the 55-storey tower is located south of the corner of St. Mary Street and Bay Street while the 45-storey tower is located on the western portion of the site south of St. Mary Street. Between the towers and the street frontages are 3-storey buildings. These lower elements provide a pedestrian scale to the development's street edges. Also, the location of the two towers provides appropriate separation distances to existing towers across St. Mary Street and Bay Street.

The combination of site size, tower design and tower placement will enable the two towers to appropriately relate to one another and the taller buildings in the surrounding area.

Low-rise:

The proposal includes three 3-storey buildings.

The street-wall height along St. Mary and Bay Streets is purposely kept at three storeys to relate to the pedestrian scale and minimize shadow impacts on the immediate public realm. Front doors are provided along St. Mary Street and Bay Street, strengthening the interface between the development and the street.

Three-storey townhouses frame the south edge of the courtyard. These units face south towards St. Basil's Church and pedestrian access is from a new walkway from Bay Street to the St. Michael's College campus.

Interface with St. Michael's College:

The proposal's relationship to the University of St. Michael's College campus is expressed through three different elements: a proposed public park and publicly accessible green space; a 3-storey building and a 45-storey tower. These open spaces on the site will maintain sky views from Bay Street and the surrounding public realm. The positioning of the tower and the 3-storey building frames and creates new courtyards, which is in the character of the St. Michael's College campus.

Proposed Western Property Line:

The proposed 45-storey tower's placement approximately two metres back from the proposed western property line would, in most circumstances be problematic and affect the redevelopment potential of the adjacent site. In this case, the lands immediately to the west are used by St. Michael's College as a playing field and are zoned Q and subject to Section 12 (2) 309 of the general Zoning By-law. This zoning does not permit new buildings on these lands although it does permit a 5 percent increase in gross floor area to adjacent St. Michael's buildings. In order to ensure that the area adjacent to the 45-storey tower is not built on this report recommends securing a 20-metre open space zone from the proposed western property line by agreement. This setback zone will encourage the continued use of the playfield and provide an appropriate separation distance between the tower and St. Michael's buildings to the west.

Density

The development permission the applicant is seeking is 74,000 square metres, which represents a gross density of 7.9 times the area of the development site. The development's net density is 11.2 times the area of the site when the proposed park land dedication (30 percent of the site) is excluded.

The proposed density represents an increase from 6.0 times coverage permitted on the CR-zoned portion of the development site (approximately 47,500 square metres). As discussed above, the proposal's additional density above the underlying zoning permission is achieved in an acceptable built form that can be appropriately accommodated on the site. The proposed density is comparable to other developments along the upper Bay Street corridor.

Design and Material Quality

The proposal uses a combination of good urban design and quality materials to respond to its location on Bay Street and at the edge of the St. Michael's campus. For example, the proposed use of stone on the townhouse complements the limestone stone-clad buildings found on St. Michael's campus. As well, each tower has a ground floor lobby approximately 3-storeys in height. The design intent is to provide visual connections through the lobbies between the central courtyard and the proposed public park to the south and the playfield at St. Michael's College to the west.

City Planning staff and community stakeholders, through the Working Group process, have expressed a strong interest in ensuring that the development delivers the high-quality urban design, architecture, landscape architecture and materials that have been proposed by the applicant. Both the applicant and architect acknowledge their responsibility on this front.

This report recommends that the Section 37 Agreement include provisions securing the materials as well as the exterior design, including the base design of the 45 and 55 storey towers facing St. Michael's playing field and the proposed public park, respectively. This will include a provision requiring the submission of 1:50 scale drawings of building

components through the Site Plan Approval satisfactory to the Chief Planner and Executive Director, City Planning Division.

Park

The community along the upper Bay Street corridor continues to experience residential growth, with a number of new developments underway. This area is identified as a Parkland Acquisition Priority Area on Map 8B, Local Parkland Provision, in the Official Plan. These policies encourage new parkland in development, where appropriate.

The proposal includes the conveyance of lands for a new public park. The proposed park extends from St. Joseph Street north to Cloverhill Wing, as shown on the Site Plan in Attachment 1. The proposed park is approximately 2,800 square metres representing 30 percent of the development site.

Protection of the existing parkette at the corner of St. Joseph and Bay Streets was one of the main comments received during the community engagement process. Although the existing parkette is owned by St. Michael's College, it is enjoyed by local residents and contributes to the neighbourhood. Many residents also wanted the existing parkette expanded, reflecting the comments provided in City Planning's Preliminary Report.

The proposal delivers on several fronts by:

- protecting the existing parkette lands;
- converting lands currently used as surface parking lot into park land; and
- conveying all the proposed park lands to the City as public park land.

City Planning staff are recommending that the existing parkette be conveyed to the City once the final amendments come into full force and effect. This will secure these lands in public ownership and ensure their continued use. The other proposed park lands located to the north of the existing parkette and currently used as a surface parking lot will be used by the applicant for construction staging activities and subsequently conveyed in accordance with the City's requirements. The applicant will be responsible for providing base park improvements to these lands prior to the City taking ownership.

This report recommends that the Parks and Recreation component of Development Charges payable for the development be used to provide Development Charge credits for above-base park improvements to be installed by the developer. In keeping with the provisions of the City's Development Charges By-law, the amount of the credit shall be the lesser of the cost to the developer of installing the above-base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development. Parks staff and the Director of Special Projects in the Office of Deputy City Manager and Chief Financial Officer have been consulted and concur with the above. The Section 37 Agreement will secure the necessary provisions.

Park Concept:

A preliminary park concept evolved through the Working Group process. The concept includes a central focal point (e.g. splash pad / playground equipment / benches) attractive to a range of park users, walkways linking existing campus pathways and St. Basil's Church to Bay Street and the proposed development, and improving accessibility for people with disabilities. Sustainability of design (i.e. low maintenance) is also an important item. Park staff have been provided with the preliminary park concept plan and notes from the Working Group meetings for use in the development of the park design.

Community stakeholders, including St. Basil's Church, want to be consulted as the design of the park advances. The Ward Councillor has advised that Parks staff will be requested to consult with the community, as is their standard practice.

Interface with St. Basil's ceremonial driveway:

The ceremonial driveway leading from St. Joseph Street to St. Basil's Church abuts the proposed public park. An opportunity for new tree planting along either side of the ceremonial driveway was identified during the Working Group process. Community stakeholders suggested that these plantings could be done in the near future as opposed to waiting for completion of the new public park. The applicant acknowledged this and has agreed to provide the plantings in consultation with St. Michael's College and St. Basil's Church. The Section 37 Agreement will secure the owner's obligation regarding the tree plantings.

Heritage

The development site abuts St. Basil's Church and Coverhill Wing, both designated heritage buildings. By locating the proposed buildings to the north of these heritage resources, the direct view and the view northbound from Bay Street of St. Basil's Church and Cloverhill Wing are preserved. The importance of maintaining the view of St. Basil's Church from the area around the St. Joseph and Bay intersection was frequently expressed during the community engagement process. This has always been the front view of St. Basil's Church and can be considered the principal public view. The development protects this principal public view. The southbound view of St. Basil's Church and Cloverhill Wing from Bay Street will be concealed by the development. However, as this view has always been the rear view of these buildings, it can be considered a secondary view.

Heritage Preservation Services staff have reviewed the application and associated Heritage Impact Statement, and are satisfied that the development will not negatively impact St. Basil's Church and Cloverhill Wing.

While the development is not connected and does not require alterations to either St. Basil's Church or Cloverhill Wing, Heritage Preservation Services staff recommend that the applicant undertake the following: a building assessment of these heritage resources; prepare a construction monitoring program (to run the full period of construction); and

carry appropriate insurance to protect these buildings during construction activities associated with the development. This report recommends that the Section 37 Agreement include provisions requiring the above-noted documentation, which should be submitted to the City prior to the issuance of any permit in connection with the development and to the satisfaction of Heritage Preservation Services.

Shadow

The applicant has submitted a study comparing the shadows generated by this proposal and those generated by an as-of-right building mass (i.e. what could be built under the existing planning permissions). The resulting shadows can be examined at three levels: the site, immediate public realm and surrounding properties.

Placement of the building mass to the north of the St. Basil's Church and Cloverhill Wing results in no shadow impacts on these buildings, or the proposed public park, and reduces the amount of shadowing on Bay Street. This represents an improvement over the as-of-right scenario. Likewise, the use of three-storey buildings along St. Mary Street and Bay Street results in less shadows on the public sidewalks.

Unlike the shadows generated by the as-of-right scenario, shadows from the proposed towers extend further beyond the site. Review of the study for September 21 indicates that projected shadows have a greater impact on the institutional and high-rise properties to the north compared to the as-of-right scenario in the morning and mid-day periods. Whereas, shadows from an as-of-right scenario have a greater impact on the high-rise properties on the east side of Bay Street south of Irwin Avenue in the late afternoon period.

Generally the proposal's placement of building mass on the site and the use of low-rise and high-rise buildings results in no shadows on St. Basil's Church and Cloverhill Wing, less shadows on the immediate public realm, particularly along Bay Street. The shadows generated by the towers are comparable to other developments in the downtown.

Archaeology

The applicant has submitted a Stage 1 Archaeological Resource Assessment for the development site. Both Heritage Preservation Services and the Province's Ministry of Culture have reviewed the assessment and recommend that the property be considered free of archaeological concern. Standard conditions regarding the discovery of deeply buried archaeological remains during excavation activities will be secured through the Site Plan Approval process.

Wind

The applicant submitted a study of potential wind impacts resulting from the development. Forty-four probes were placed on an area model to examine wind conditions on surrounding public streets (Bay, St. Mary and St. Joseph Streets and Irwin Avenue), on-site areas (proposed courtyard, St. Michael's campus, St. Basil's Church and the parkette) and the outdoor amenity areas of Polo I and Polo II condominium buildings. The study found that the development will realize wind conditions acceptable to a typical

urban context while wind conditions will generally improve on Bay Street between Charles Street West and St. Joseph Street.

Mitigation measures were recommended to improve comfort conditions in the courtyard area and at the entrances to the towers and townhouses. The study suggested the use of design features such as canopies, screens and coniferous planting, to improve conditions. Through the Site Plan Approval process, the applicant will need to identify suitable mitigation measures in consultation with the wind consultant. It is recommended that the Section 37 Agreement require the applicant's wind consultant to submit a further report on the effectiveness of specific mitigation measures identified through the Site Plan Approval process, and secure an obligation by the owner to incorporate any mitigation measures into the building and landscape design to the satisfaction of the City.

Unit Mix

The proposal provides a mix of one bedroom, one bedroom plus den, two bedrooms and two bedrooms plus den units in the two towers. Three bedroom units are proposed in the 3-storey buildings along St. Mary Street and on the south edge of the courtyard. The 3-storey building along Bay Street will have permission for residential (proposed to be three bedroom units), non-residential or a combination thereof. During the Working Group process, community representatives supported a range of unit types in the proposal including three bedrooms units. The draft Zoning By-law amendment attached to this report includes provisions requiring a minimum of 10 percent of the units as two bedrooms plus den and a minimum of 13 three-bedroom units.

Bicycle Parking

The general Zoning By-law requires 200 bicycle parking spaces consisting of 160 resident spaces and 40 visitor spaces for the proposal. The provision of additional resident bicycle spaces is appropriate given the proposed number of residential dwelling units. This was also identified at the community meetings and in the Working Group process.

In response to the aforementioned, the applicant has agreed to provide a minimum of 400 bicycle parking spaces for residents of which at least 200 spaces will be provided on the upper two levels of the parking garage. As well, 40 visitor bicycle parking spaces will be provided at grade in convenient weather-protected locations. The draft Zoning By-law amendment attached to this report includes provisions securing the bicycle parking.

Residential Amenity Space

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit, which results in a requirement for 1,660 square metres for this development based on 830 units. The applicant has proposed 1,082 square metres of indoor residential amenity space. Each tower's fourth floor provides 541 square metres permitting residents to access common amenity space in their respective building.

With respect to outdoor amenity space, the development provides a 322 square metre amenity green in the central courtyard. In addition, the proposed townhouse units have dedicated roof top amenity areas and some of these units also have amenity space at-grade. The amount of proposed outdoor amenity space is acceptable given that the development includes approximately 1,100 square metres of green space to the south of the 55-storey tower connecting with the proposed public park. While this green space will provide passive recreational opportunities for both future residents and the larger community, it does not count towards the outdoor amenity requirements of the general Zoning By-law because it is not for the exclusive use of residents in the development.

Overall, the amount and location of amenity space are satisfactory and the draft Zoning By-law amendment attached to this report includes provisions securing the above-noted amenity space.

Traffic Impact and Vehicular Access

The Transportation Services Division and the Transportation Planning Section of the City Planning Division have reviewed the submitted Transportation Impact Assessment and additional material in response to the City's feedback, and are satisfied that the site-generated traffic can be accommodated by the area road network.

Access to the development is off St. Mary Street. Drop-off and pick-up functions and servicing occur from locations within the interior courtyard, while vehicles travel through the courtyard to gain access to the development's underground garage.

The original application proposed two access points: one from St. Mary Street and one from St. Joseph Street using the existing ceremonial driveway leading to St. Basil's Church. While two access points help to disperse site traffic in a more efficient manner, the St. Joseph Street access would have required an entrance into the development's underground garage abutting the proposed public park and St. Basil's Church / Cloverhill Wing. To protect the proposed park and the heritage buildings, a single access point from St. Mary Street was preferred by the majority of community representatives on the Working Group and the Ward Councillor.

The proposed access from St. Mary Street is coupled with a new traffic signal at the intersection of St. Mary Street and Bay Street. A signal installation will assist traffic movements from the development as well as from other buildings using St. Mary Street including 57 and 55 Charles Street West. Signals should also assist with pedestrian movements across Bay Street.

The Toronto Transit Commission has indicated that they do not support the proposed signal installation because of potential impacts on its Bay Street transit operations. Transportation Services staff have reviewed the submitted study and materials and found the impacts to be acceptable. The signal will be connected with the existing signal at the Charles and Bay Street intersection to ensure co-ordination. Costs associated with the new signal installation will be borne by the applicant since, according to the submitted

Traffic Impact Assessment, the technical warrants for a new signal will be triggered by site traffic generated by the development.

Parking

The applicant has proposed a total of 593 parking spaces, including 545 spaces for residents and 48 spaces for visitors. This meets the requirements of the general Zoning By-law, but is less than the estimated parking demand for this development which calls for the provision of 694 parking spaces, consisting of 649 resident spaces and 45 visitor spaces. This estimated demand is based in part on the surveyed demand of condominium buildings in the Central Area of the former City of Toronto. To date, the applicant has not provided satisfactory site specific information to Transportation Services staff that demonstrates that the proposed parking supply will satisfy the estimated demand for this development without creating off-site parking demand.

The draft Zoning By-law amendment attached to this report provides Transportation Services' recommended minimum parking ratios to provide flexibility with respect to the number and mix of residential units.

Dwelling unit type	Parking Ratio
Bachelor unit	0.3 space/unit
1 Bedroom unit	0.7 space/unit
2 Bedroom unit	1.0 space/unit
3 or more Bedroom unit	1.2 space/unit
Visitor Parking	0.06 space/unit

The applicant is also proposing a car-sharing space in the development. The draft Zoning By-law includes a provision that the total parking supply may be reduced by nine spaces by providing a car-sharing space.

Servicing

The applicant has satisfied Technical Services staff that the existing municipal infrastructure has adequate capacity to support the development proposal in terms of storm and sanitary drainage. Additional information is required to verify that the water pressure and flows in the area are adequate to service the development. Further hydrant testing will be done by the applicant when the weather permits and a report demonstrating whether the existing watermain infrastructure is adequate to support the development will be submitted for review and acceptance by Technical Services. The costs of any municipal services upgrades required to support the development will be borne by the applicant.

Tree Removal, Planting and Irrigation

Urban Forestry staff have reviewed the application and associated Arborist Report. There are 18 trees on the development site. The trees in the existing parkette are not affected by the development while five private trees to the north of St. Basil's Church are proposed for removal. These trees qualify for protection under the City of Toronto's

Private Tree By-law and require a separate approval process prior to City Council's adoption of the recommended amendments. An on-site tree planting replacement ratio of 3:1 is required under the provisions of the by-law. Replacement trees must be large growing shade trees satisfactory to Urban Forestry.

Through the Working Group process, the applicant identified the potential for the landscaping treatment to the south of the 55-storey tower connecting into the proposed public park. This location could accommodate replacement tree plantings.

The Section 37 Agreement will secure requirements to provide a landscape plan and planting details identifying the locations of the replacement trees and conditions suitable for the planting of large growing shade trees over any underground structures satisfactory to Urban Forestry. As well, continuous tree pit and irrigation requirements for new tree plantings in the public rights-of-way will also be secured in a Section 37 Agreement.

Through the Site Plan Approval process and the design of the public park, City staff will ensure the maximum number of large growing shade trees will be provided with this development.

Toronto Green Development Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 35 targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- 70% of 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
- handling and storage facilities provided for recyclable materials and organic waste.

The applicant also intends to pursue LEED (Leadership in Energy and Environmental Design) certification for the development and has agreed to provide documentation on key milestones (e.g. application and registration) to the City. Requirements will be secured in the Section 37 Agreement.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

As discussed earlier in this report, the proposal involves conveyance of lands representing approximately 30 percent of the site for a public park. This is a significant city building achievement as this new public parkland with secure public green amenity in the local neighbourhood, which continues to experience an increase in population. Current residents and future residents will directly benefit.

The value of the proposed parkland is significant given its location on Bay Street. To secure the land the City will use of three tools: the alternate parkland dedication requirement (10% of the site), acquisition and Section 37 of the Planning Act. The Ward Councillor agrees that the entire Section 37 community benefit from the proposal should be used to secure the proposed public park.

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

- public pedestrian easement over the green space between the development and the proposed public park;
- pedestrian walkway from Bay Street to the courtyard;
- an open space requirement / setback zone for a distance of 20 metres on the St. Michael's playing field west of the proposed western property line;
- building assessment of St. Basil's Church and Cloverhill Wing and construction monitoring program and insurance;
- improvements / upgrades to municipal infrastructure if required to service the development;
- costs associated with the installation of a new traffic signal at St. Mary and Bay Street intersection;
- design and materials for the exterior of the development;
- a wind assessment of specific mitigation measures identified through the Site Plan Approval process and incorporation of such measures into the development;
- continuous tree pit / trench and an automatic irrigation system for proposed street trees;
- reasonable commercial efforts to obtain LEED certification for the development;
- tree plantings on either side of the ceremonial driveway leading from St. Joseph Street to St. Basil's Church; and
- provide the Parks and Recreation component of Development Charges payable for the development as Development Charge credits for above-base park improvements installed by the developer.

Development Charges

It is estimated that the development charges for this development will be \$4,972,600. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Corwin Cambra, Senior Planner
Tel. No. (416) 392-0459
Fax No. (416) 392-1330
E-mail: ccambra@toronto.ca

SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

(p:\2008\Cluster B\pin\Teycc4015622024) - tm

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: South Elevation
Attachment 4: North Elevation
Attachment 5: East Elevation
Attachment 6: West Elevation
Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Official Plan Excerpt (current)
Attachment 10: Zoning Excerpt (current)

Attachment 1: Data Application Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	06 126355 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 18, 2006
		Revised Date:	October 3, 2007
Municipal Address:	Part of 50 St. Joseph Street		
Location Description:	Bay Street / St. Joseph Street / St. Mary Street		
Project Description:	Two multi-storey towers (45 and 55) and three three-storey buildings located to the north of St. Basil's Church, and protection and expansion of the existing park at St. Joseph and Bay Streets		

Applicant:	Agent:	Architect:	Owner:
Rattling Chain Investments 50 Conderation Parkway Concord, ON L4K 4T8	McCarthy Tetrault Suite 4700 TD Bank Tower, Box 48 Toronto, ON M5K 1E6	Architects Alliance 205 – 317 Adelaide St W Toronto ON, M5V 1P9	St. Michael's College 81 St. Mary Street Toronto ON, M5S 1Z4

PLANNING CONTROLS

Official Plan Designation:	Mized Use Area and Park	Site Specific Provision:	U of T Secondary Plan
Zoning:	CR T6.0 C1.0 R6.0, UOS	Historical Status:	Y
Height Limit (m):	46, 18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9381	Height:	Storeys:	55	45	3
Frontage (m):	181.185		Metres:	175	145	14.5 (excluding mechanical penthouse)
Depth (m):	0					
Total Ground Floor Area (sq. m):	2289					Total
Total Residential GFA (sq. m):	74000		Parking Spaces:	593		
Total Non-Residential GFA (sq. m):	1,500		Loading Docks	1		
Total GFA (sq. m):	74000					
Lot Coverage Ratio (%):	24.4					
Floor Space Index:	7.89					

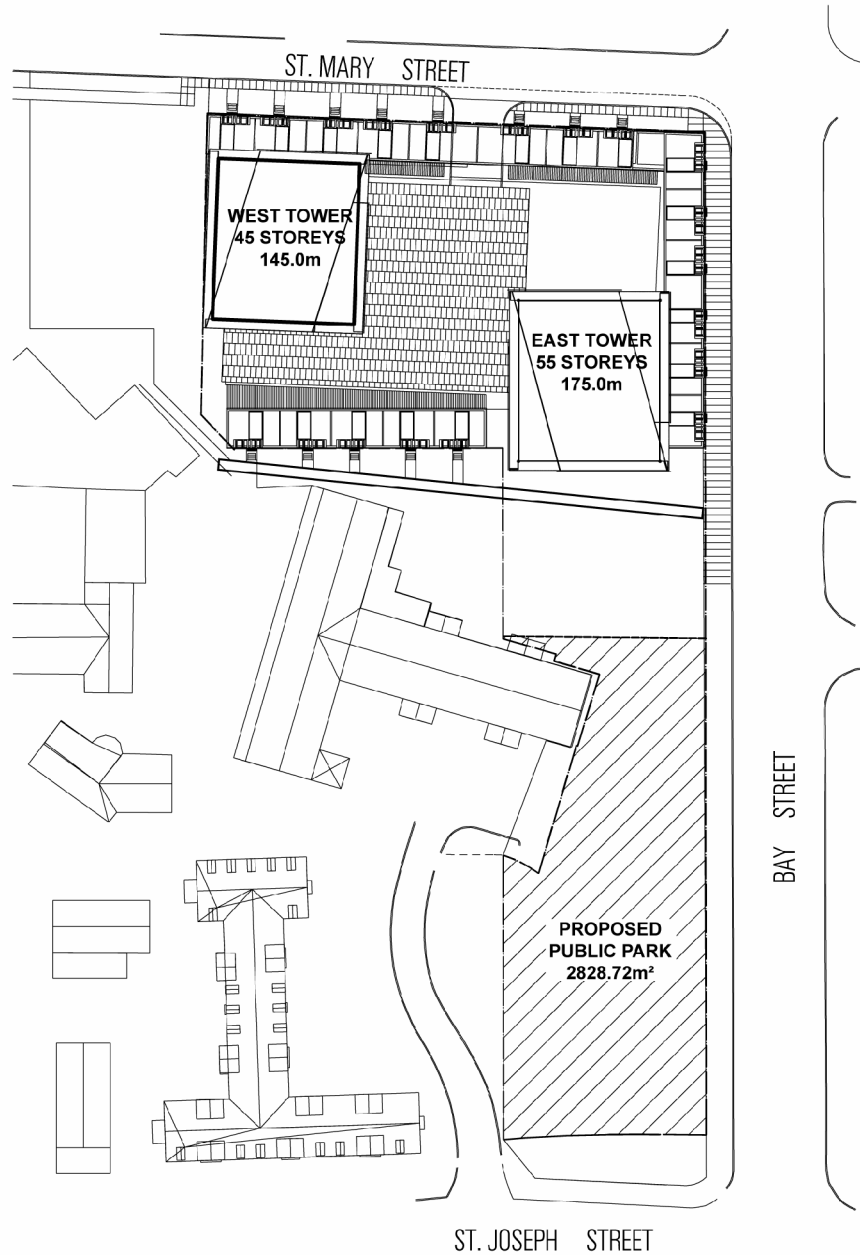
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	74000	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	368	Office GFA (sq. m):	0	0
2 Bedroom:	368	Industrial GFA (sq. m):	0	0
3 + Bedroom:	19 (townhouses)	Institutional/Other GFA (sq. m):	0	0
Total Units:	755* (applicant notes that total unit count may increase up to 830 units or more through unit layout finalization)			

CONTACT: PLANNER NAME: Corwin Cambray, Planner (416) 392-0459

Attachment 2: Site Plan



Site Plan

Part of 50 St. Joseph Street

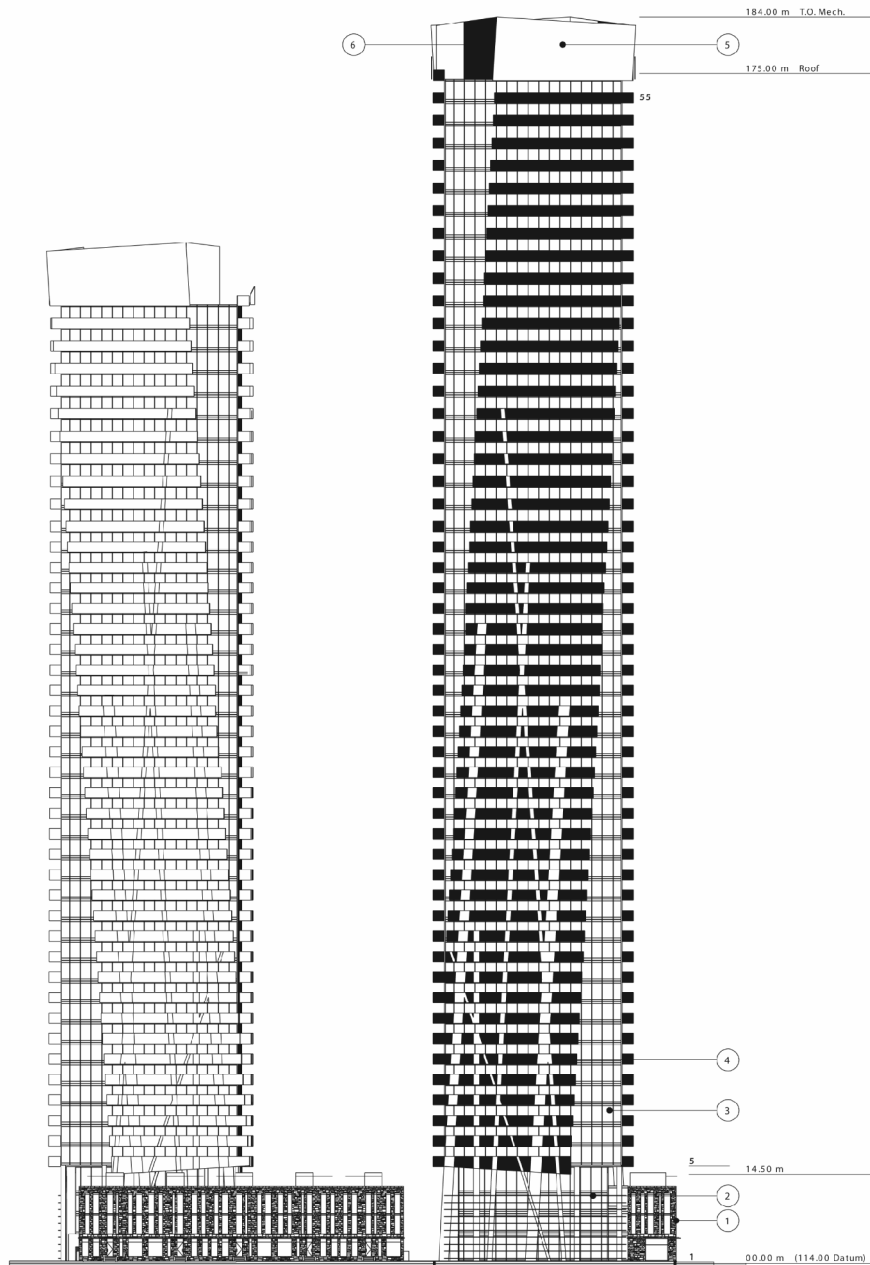
Applicant's Submitted Drawing

Not to Scale
11/30/07



File # 06_126355

Attachment 3: South Elevation



South Elevation

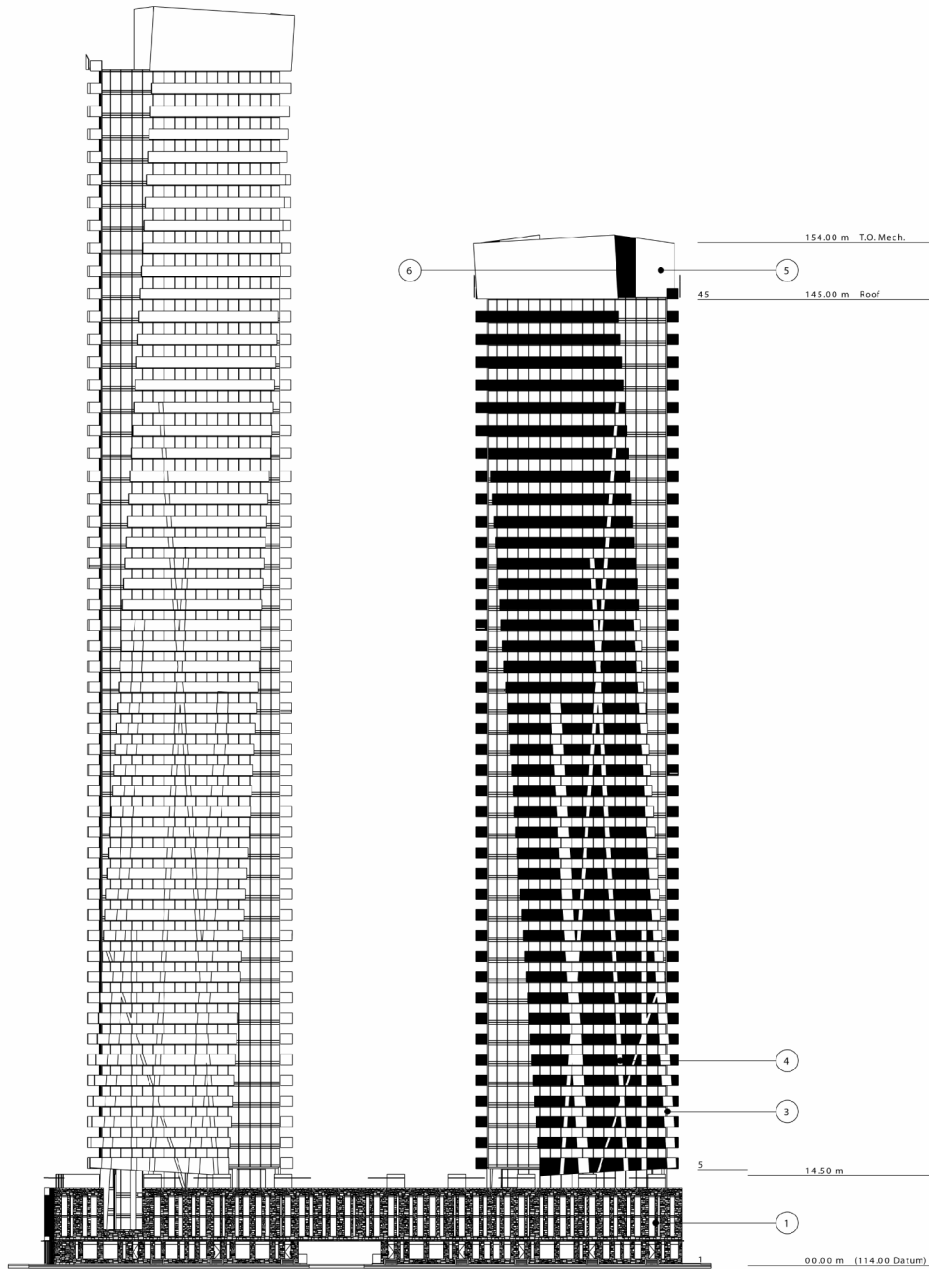
Applicant's Submitted Drawing

Not to Scale
11/30/07

Part of 50 St. Joseph Street

File # 06_126355

Attachment 4: North Elevation



North Elevation

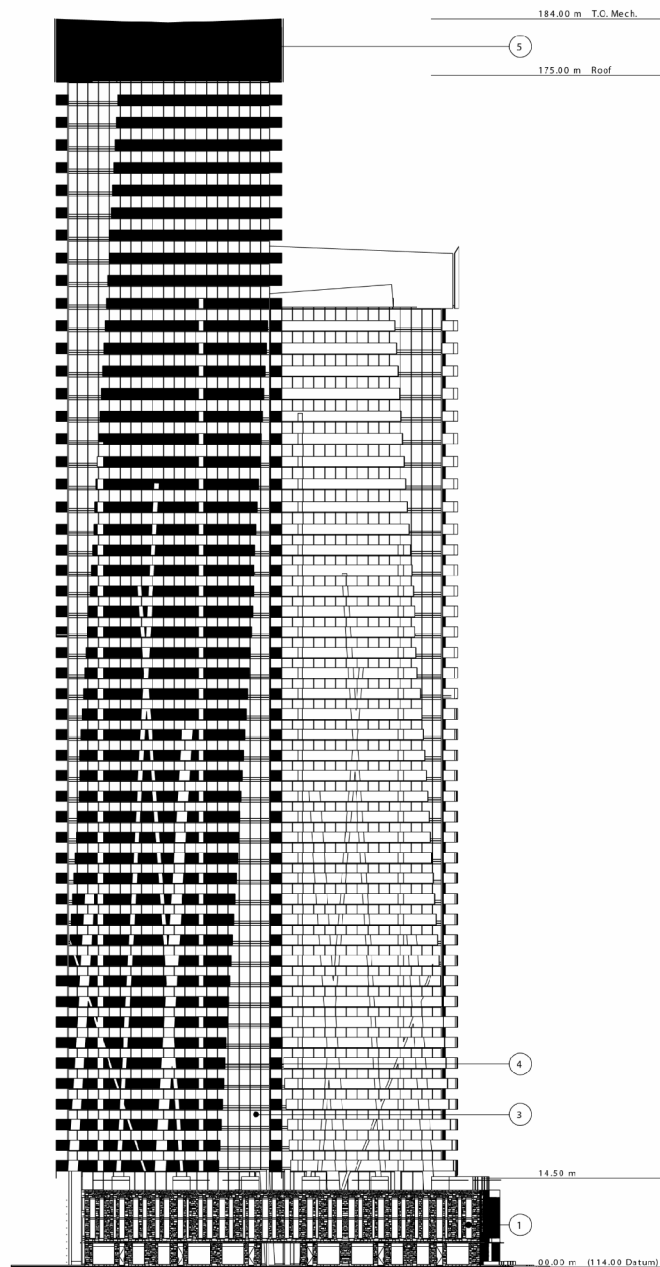
Applicant's Submitted Drawing

Not to Scale
11/30/07

Part of 50 St. Joseph Street

File # 06_126355

Attachment 5: East Elevation



East Elevation

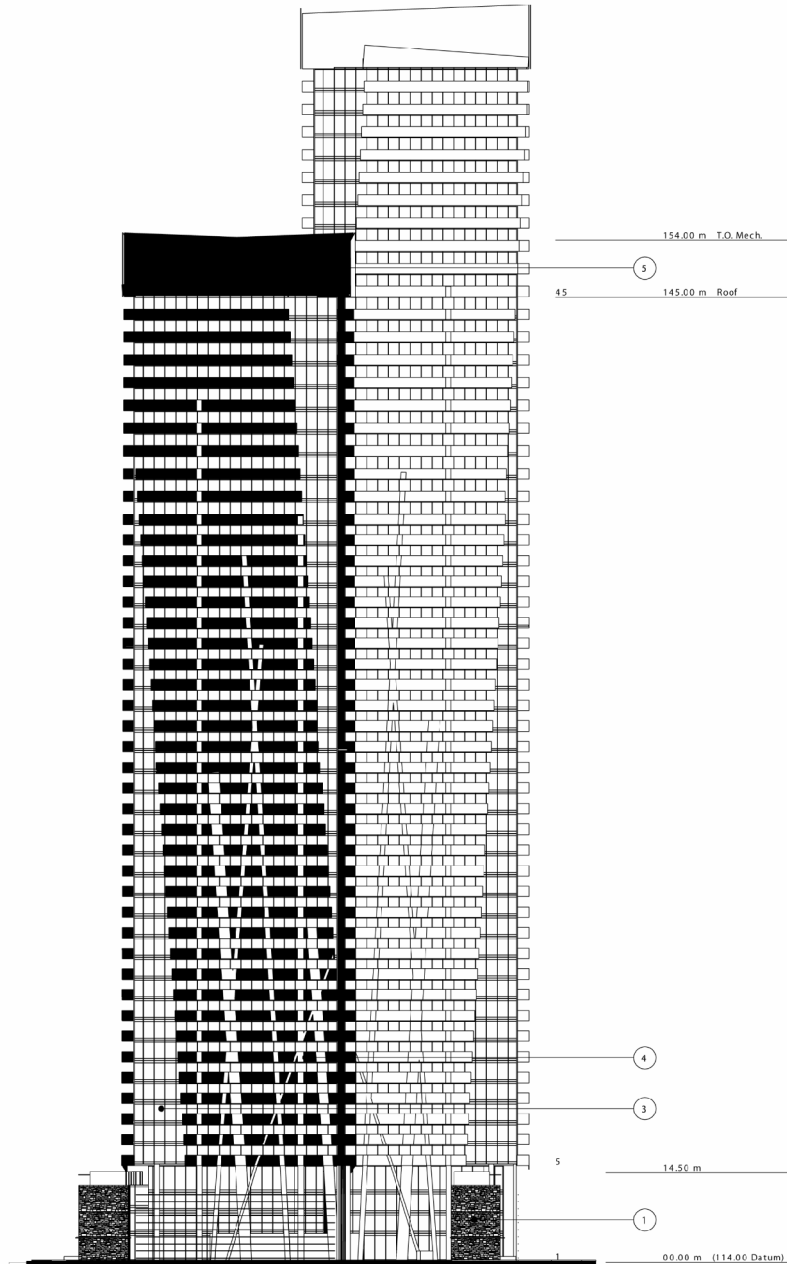
Applicant's Submitted Drawing

Not to Scale
11/30/07

Part of 50 St. Joseph Street

File # 06_126355

Attachment 6: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
11/30/07

Part of 50 St. Joseph Street

File # 06_126355

Attachment 7: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. xx-20008

To adopt an amendment to the Official Plan
respecting the lands municipally known as,
Part of 50 St Joseph 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;

WHEREAS the Council for the City of Toronto, at its meeting of xx, 2008, determined to amend the Official Plan for the City of Toronto adopted by By-law No. 1082-2002; 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*;

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

1. The text and maps attached hereto as Schedule 'A' are hereby adopted as Official Plan Amendment 45 to the Official Plan of the City of Toronto.

SCHEDULE 'A'

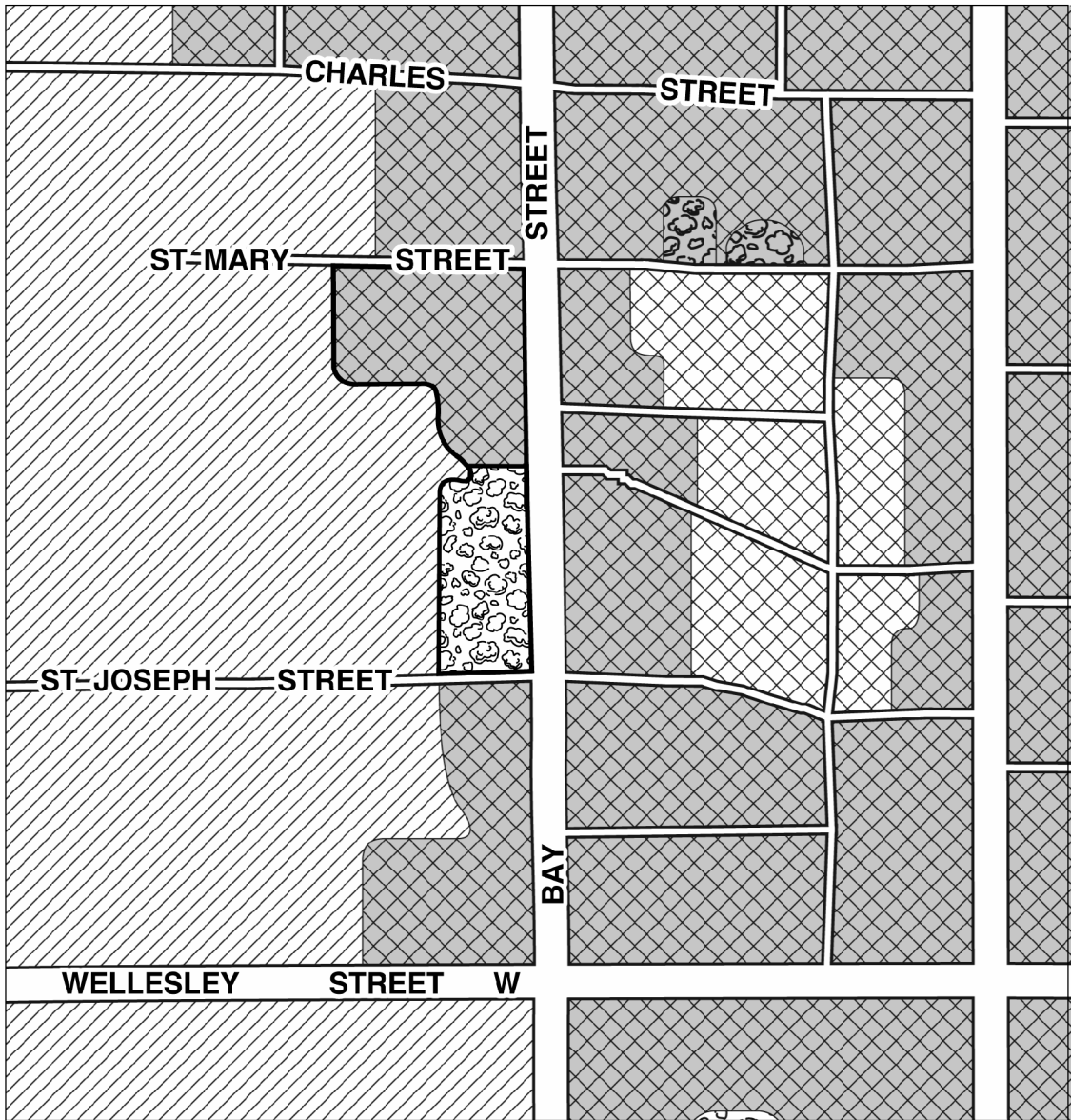
AMENDMENT NO. 45 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

PART OF 50 ST. JOSEPH STREET BEING PARTS 1, 2, 3, 4, 12, 13, 15, 21 & 22 ON PLAN 66R-16274

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

1. Maps 17 and 18 of Chapter 4, Land Use Designations are amended by redesignating part of the lands located at 50 St Joseph Street from *Mixed Use Areas* to *Parks and Open Space Areas, Parks* as shown on the attached Map 1.
2. Map 20-1, Area Institutions and Subareas, of Chapter 6, Section 20, University of Toronto Area Secondary Plan is amended to add the Parks and Open Areas to part of the lands located at 50 St Joseph Street as shown on the attached Map 2.
3. Map 20-1, Area Institutions and Subareas, of Chapter 6, Section 20, University of Toronto Area Secondary Plan is amended to remove the Subareas boundary from part of the lands located at 50 St Joseph Street as shown on the attached Map 2.
4. Map 20-5, Areas of Special Identity and Location Site and Area Specific Policies, of Chapter 6, Section 20, University of Toronto Area Secondary Plan is amended to remove the Areas of Special Identify from part of the lands located at 50 St Joseph Street as shown on the attached Map 3.

Map 1



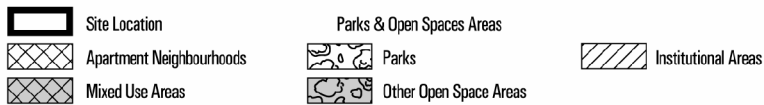
TORONTO City Planning

Part of 50 St. Joseph Street

Official Plan Amendment # 45

Revisions to Land Use Map 17 and 18 to Redesignate lands from Mixed Use Areas to Parks & Open Spaces Areas, Parks

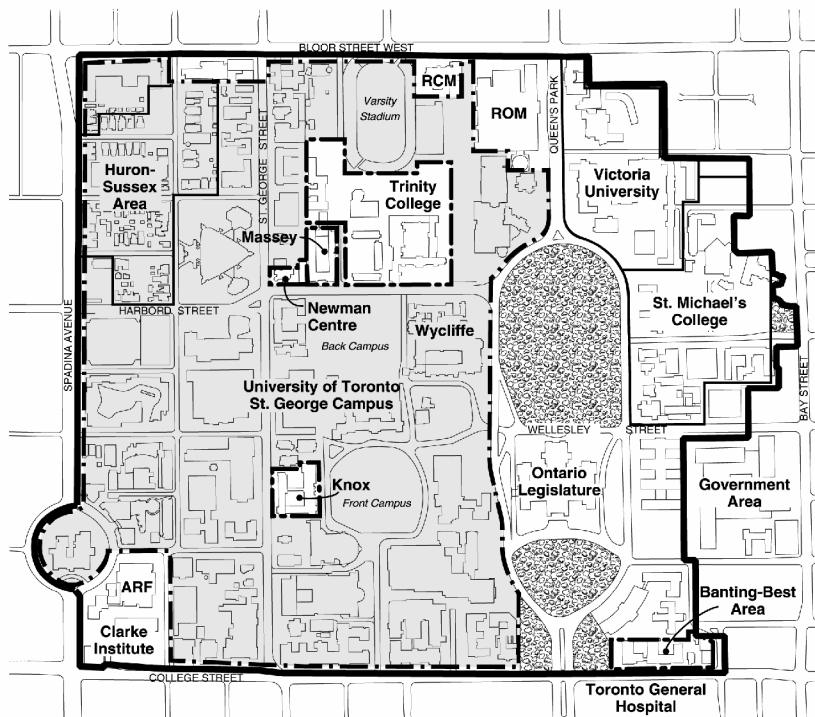
File # 06_126355



↑
Not to Scale
01/17/08

M

Map 2



Not to Scale 

 **TORONTO** City Planning
Official Plan Amendment # 45

University of Toronto Secondary Plan

MAP 20-1 Area Institutions and Subareas

Revisions to University of Toronto Secondary Plan Map 20-1 to add the Parks and Open Areas and to remove the Subareas boundary from part of the lands located at 50 St Joseph Street

 Secondary Plan Boundary

 U of T Master Plan Area (St. George Campus)

 Subareas

 Parks and Open Areas

ARF Addiction Research Foundation

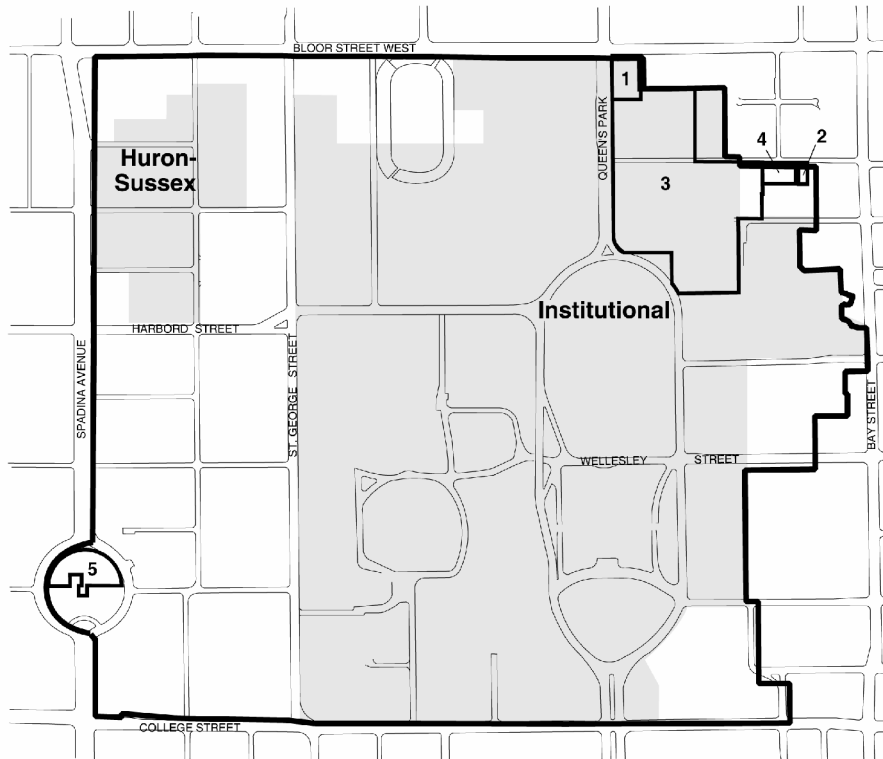
RCM Royal Conservatory of Music

ROM Royal Ontario Museum

Notes:
 Properties of Knox College, Massey College, Trinity College and the Newman Centre are not included in the University of Toronto Master Plan

January 2008

Map 3






Not to Scale 

 **Toronto** City Planning
Official Plan Amendment # 45

University of Toronto Secondary Plan
MAP 20-5 Areas of Special Identity and Location Site and Area Specific Policies

Revisions to University of Toronto Secondary Plan Map 20-5 to remove the Areas of Special Identity from part of the lands located at 50 St Joseph Street

-  Secondary Plan Boundary
-  Areas of Special Identity
-  Site and Area Specific Policies

January 2008

Attachment 8: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW No. xxx-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands forming part of lands municipally known in the year 2008 as 50 St. Joseph Street.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands forming part of lands known municipally in the year 2008 as 50 St. Joseph Street;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment,

AND WHEREAS the Council of the City of Toronto, at its meeting on xxx, 2008, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto,

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *Site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *Site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *Site*.
4. District Map 50H-323 contained in Appendix A of Zoning By-law No. 438-86 is further amended by re-designating the lands shown in hatching on Map 1, attached to and forming part of this By-law, from UOS to G and from CR to G and Height Map 50H-323 contained in Appendix B of Zoning By-law No. 438-86 is further amended by re-designating the maximum height designation applicable

to lands shown in hatching on Map 2, attached to and forming part of this By-law, from H 46.0 to H 18.0.

5. Notwithstanding Section 8(1)(f) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *site* for any purpose except one or more of the following uses,
- (a) within each of *Parcel A* and *Parcel B*,
 - (i) an *apartment building*, and
 - (iii) uses *accessory* thereto, including a *parking garage* and *car sharing parking spaces* located below finished ground level,
 - (b) within *Parcel C*,
 - (i) a *row house*,
 - (ii) any of the non-residential uses permitted within a CR district by Subsections 8(1)(b)(iv) and (vi) of By-law No. 438-86, and
 - (iii) uses *accessory* thereto, including a *parking garage* and *car sharing parking spaces* located below finished ground level,
 - (c) within each of *Parcel D* and *Parcel E*,
 - (i) a *row house*, and
 - (ii) uses *accessory* thereto, including a *parking garage* and *car sharing parking spaces* located below finished ground level,
 - (d) within *Parcel F*,
 - (i) a *public park*, and
 - (ii) uses *accessory* thereto,

all of which buildings or structure may be connected and may share the use of the *parking garage* located below finished ground level.

6. Notwithstanding Section 8(3) Part I of By-law No. 438-86, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 74,000 square metres, of which,
 - (a) the maximum *residential gross floor area* shall not exceed 74,000 square metres; and
 - (b) the maximum *non-residential gross floor area* shall not exceed 1,500 square metres and shall be located only within *Parcel C*.
7. Notwithstanding any provision of By-law 438-86 or any other provision of this By-law, no person shall erect or use any building within *Parcel A* or *Parcel B* unless the first storey of the building, being the finished ground level storey, has a floor to ceiling height of X metres.
8. No part of any building or structure erected within the *site* shall be located above finished ground level other than within a *Building Envelope*, except for the following:
 - a. cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, and landscape features
 - b. balconies, which may extend to a maximum horizontal projection from an exterior building wall of 1.5 metre beyond the heavy lines shown on Map 4,
9. Notwithstanding Section 4(2)(a) of By-law No. 438-86:
 - (a) a building or structure erected within the *site* shall, in respect of each *Building Envelope*, have a maximum *height* in metres above *grade* as shown following the symbol “H” on Map 4, and
 - (b) no building or structure shall be erected above finished ground level within the *site* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Subsections 8(a) and 8(b) hereof.
10. The preceding Section hereof:
 - (a) does not apply to prevent the erection or use above the said *height* limits of,

- (i) parapets on the roof of a building within *Parcel C*, *Parcel D* and *Parcel E*, provided the maximum vertical dimension of any such parapet does not exceed 1.5 metres above the applicable *height* limit,
 - (ii) privacy screens on the roof of a building within *Parcel C*, *Parcel D* and *Parcel E*, provided the maximum vertical dimension of any such screen does not exceed 2.2 metres above the applicable *height* limit, or
 - (iii) window washing equipment on the roof of any building within the *site*, provided the maximum vertical dimension of any such equipment does not extend 1.6 metres above the applicable *height* limit, and
- (b) for clarity, does not permit the erection or use above the said *height* limits of the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86.

11. Notwithstanding Section 4(5)(b) of By-law No. 438-86, the number of *parking spaces* provided and maintained on the *site* shall not be less than the number calculated in accordance with the following minimum ratios, (fractions to be rounded down to the closest whole number), and shall be located in the below grade *parking garage*:

<i>bachelor dwelling unit</i>	-	0.30 spaces per <i>dwelling unit</i>
<i>one bedroom dwelling unit</i>	-	0.70 spaces per <i>dwelling unit</i>
<i>two bedroom dwelling unit</i>	-	1.0 spaces per <i>dwelling unit</i>
<i>three bedroom dwelling unit</i>	-	1.2 spaces per <i>dwelling unit</i>
<i>visitor parking</i>	-	0.06 spaces per <i>dwelling unit</i>

and, for clarity, *parking spaces* for non-residential uses within *Parcel C* shall be provided and maintained in accordance with Section 4(5)(b) of By-law No. 438-86.

12. Notwithstanding the preceding Section, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, of the building, may be reduced by 10 *parking spaces* per *car-sharing parking space* provided and maintained on the *site* in the below-grade *parking garage*, up to a maximum of one *car-sharing parking space*;

13. Notwithstanding Section 4(12) of By-law No. 438-86, no person shall erect or use a building, containing 20 or more *dwelling units*, within the *site* unless *residential amenity space* is provided and maintained as follows:

- (a) a minimum of 320 square metres of outdoor *residential amenity space* shall be provided and maintained on the *site*; and
 - (b) a minimum of 540 square metres of indoor *residential amenity space* shall be provided and maintain on each of *Parcel A* and *Parcel B* in multi-purpose room(s) with at least one room containing a kitchen and a washroom on each such *Parcel*.
- 14.** Notwithstanding Section 4(13) of By-law No. 438-86, no person shall erect or use a building within the *site* unless:
- (a) a minimum of 400 *bicycle parking space – occupant* are provided and maintained on the *site*, of which a minimum of 200 such spaces shall be provided and maintained only on the first and second levels immediately below *grade* in the *parking garage*; and
 - (b) a minimum of 40 *bicycle parking space – visitor* are provided and maintained only at *grade* or on the ground floor of the *site*.
- 15.** Notwithstanding any provision of this By-law or of By-law No. 438-86,
- (a) no person shall erect or use of any building or structure within *Parcel D* or *Parcel E*, unless at least 13 three *bedroom dwelling units* are provided within these *Parcels*, and
 - (b) no person shall erect or use of any building or structure within either *Parcel A* or within *Parcel B*, unless at least 10 percent of the *dwelling units* provided within each of such buildings are two *bedroom plus den dwelling units*.
- 16.** Neither the definition of *lot* nor Sections 4(11), 4(16) and 8(3) Part II 1(a)(ii) of By-law No. 438-86, shall apply to prevent the erection and use of any building or structure within the *site* that is otherwise permitted by this By-law.
- 17.** For the purpose of the By-law, the following expressions shall have the following meaning:
- a. “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of the a building erected within the *site*,
 - b. “*car-sharing parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*,
 - c. “*Building Envelope*” means a Building Envelope as delineated on Map 4 attached hereto,

- d. “By-law No. 438-86” means By-law No. 438-86, as amended, of the former City of Toronto being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”,
- e. “*City*” means the City of Toronto,
- f. “*grade*” shall mean an elevation of 113.00 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment),
- g. “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure,
- h. “*owner*” means the owner of the fee simple of the *site* or any part thereof,
- i. “*Parcel A*”, “*Parcel B*”, “*Parcel C*”, “*Parcel D*”, “*Parcel E*” and “*Parcel F*” each means those lands respectively identified as Parcel A, Parcel B, Parcel C, Parcel D, Parcel E and Parcel F as shown on Map ? attached hereto,
- j. “*site*” means those lands outlined by heavy lines on Map 3 attached hereto,
- k. “sales office” means an office located on the *site* in a temporary building, structure, facility or trailer satisfactory to the City’s Chief Planner used exclusively for the sale of *dwelling units* to be erected on the *site*, and
- l. each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, of the former City of Toronto.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

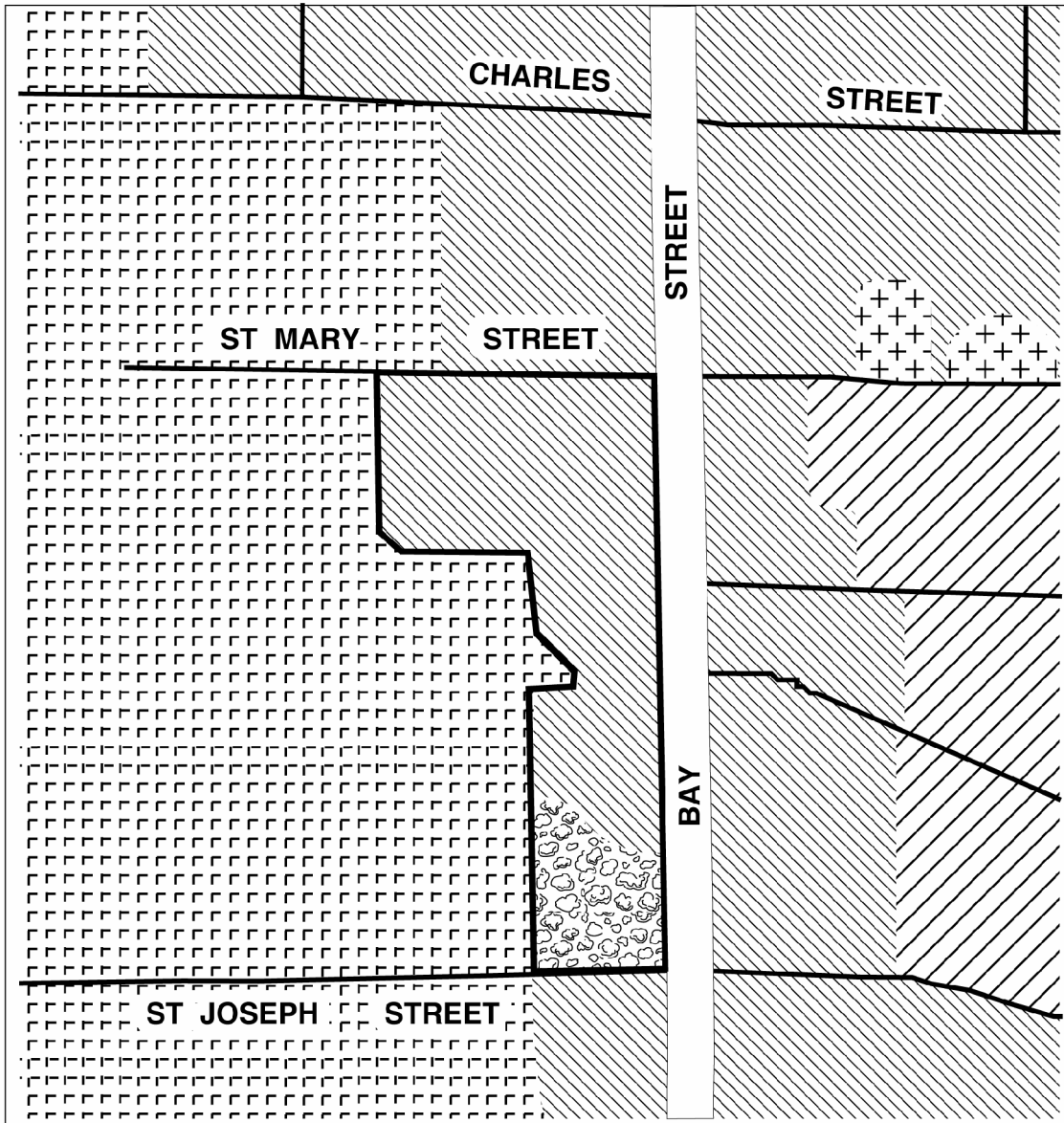
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner of the *site* to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

1. the *owner* shall remediate and convey to the *City* the lands on *Parcel F* for a *public park*, all at no cost to the *City* other than such parkland acquisition payment as may be approved by the *City*,
2. the *owner* shall construct a park on the Parcel F lands to be conveyed to the *City*,
 - (i) at no cost to the *City* to base park standards, and
 - (ii) to such finished standards as are required by the *City*, subject to a credit against the Parks and Recreation component of development charges in the amount that is the lesser of the cost to the *owner* of installing the above base park improvements and the P&Rec component of the DC's otherwise payable,
3. the *owner* shall provide a public pedestrian easement in favour of the *City* on the hatched area shown on Map 4;
4. the *owner* shall provide and maintain a walkway leading from Bay Street through *Parcel A* and *Parcel C* in the location shown by the diagonal hatch on Map 4;
5. the *owner* shall undertake a building assessment of St. Basil's Church and Cloverhill Wing and prepare a construction monitoring program (to run the full period of construction), and carry appropriate insurance to protect these buildings during construction activities associated with the development, all which shall be submitted for review and acceptance by the *City's* Manager of Heritage Preservations Services, prior to the issuance of any permit in connection with the development.
6. the *owner* shall pay for any improvements / upgrades to the municipal infrastructure should it be determined that improvements / upgrades are required to support the development, according to the submitted site servicing assessment as reviewed and accepted by the *City's* Executive Director of Technical Services, prior to the issuance of any permit in connection with the development;
7. the *owner* shall pay for the costs associated with the installation of a new traffic signal at St. Mary and Bay Street intersection to the satisfaction of the *City's* General Manager of Transportation Services;

8. the *owner* shall provide and maintain design and materials for the exterior of the development including the base design of the 45 and 55 storey towers facing St. Michael's playing field and the proposed public park, respectively, and stone-cladding on the three-storey buildings, and submit 1:50 scale drawings of the building design components and materials for review and acceptance by the City's Chief Planner and Executive Director of City Planning;
9. the *owner* shall provide a wind assessment from a qualified wind consultant on the specific wind mitigation measures identified through the Site Plan Approval process, and agree to incorporate any measures into the building and landscape design to the satisfaction of the City's Chief Planner and Executive Director of City Planning;
10. the *owner* shall provide a continuous tree trench and an irrigation system for all street trees in the public rights-of-way adjacent to the development, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the City's General Manager of Parks, Forestry and Recreation and the Executive Director, Technical Services;
11. the *owner* shall use reasonable commercial efforts to obtain LEED certification of the development and provide to the city documentation respecting certification for the development; and
12. the *owner* shall provide tree plantings on either side of the ceremonial driveway leading from St. Joseph Street to St. Basil's Church in consultation with St. Michael's College and St. Basil's Church and to the satisfaction of the City's Chief Planner and Executive Director of City Planning,
13. the *owner* shall secure in a manner satisfactory to the City Solicitor an open space requirement for a distance of 20 metres to the west of the western property line of the *site* adjacent to *Parcel B*, and
14. the *owner* shall be required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City with conditions providing for indexed escalation of financial contributions, no credit for development charges unless otherwise specified, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

Attachment 9: Official Plan Excerpt (current)



TORONTO City Planning Division
Official Plan

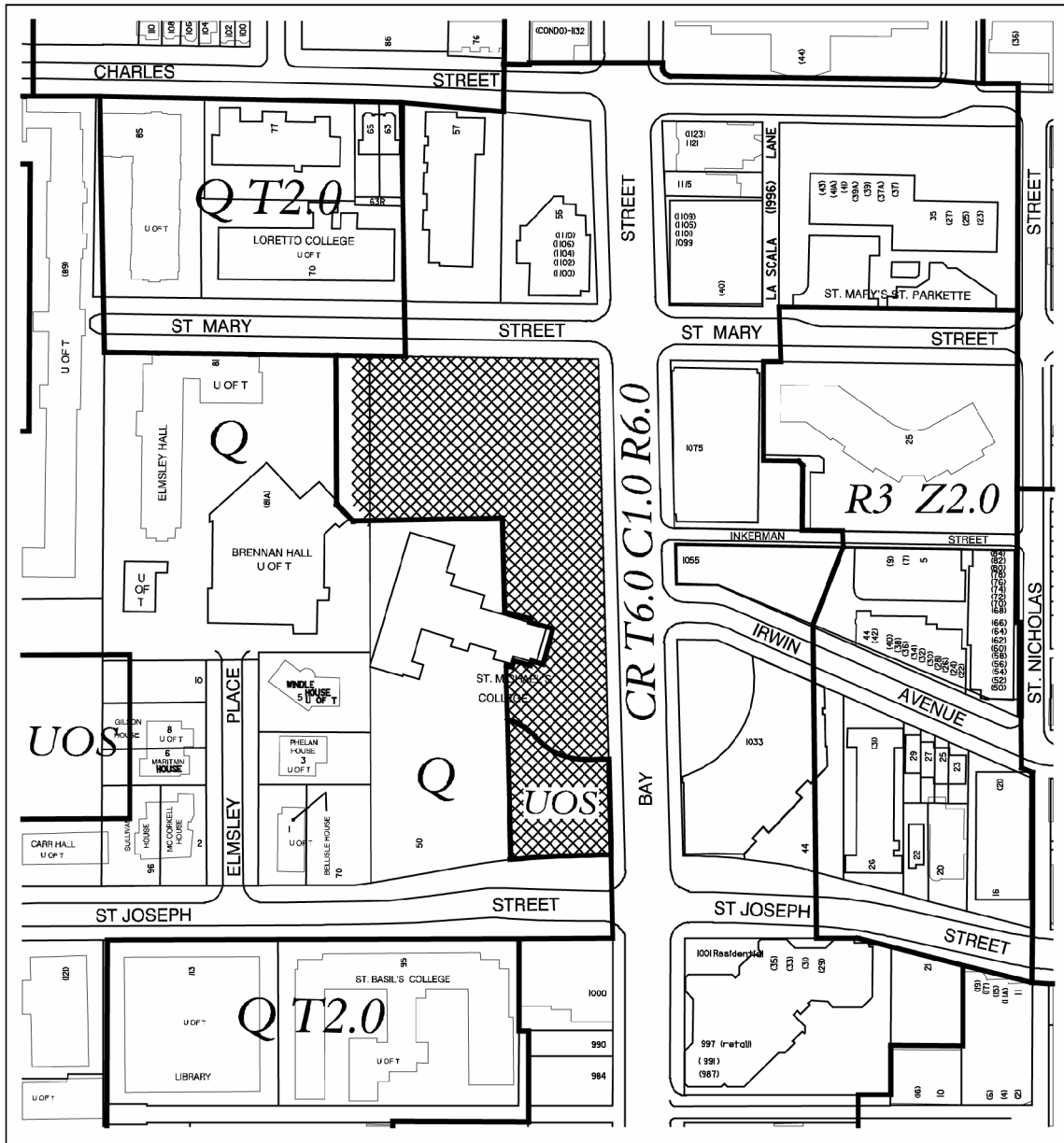
Part of 50 St Joseph Street

File # 06_126355

- | | | |
|--------------------------|--------------------------------------|---------------------|
| Site Location | Parks & Open Spaces Areas | Institutional Areas |
| Apartment Neighbourhoods | Parks | |
| Mixed Use Areas | Other Open Space Areas | |

↑
 Not to Scale
 12/19/06

Attachment 10: Zoning Excerpt (current)



TORONTO City Planning Division
Zoning

Part of 50 St Joseph Street

File # 06_126355

- UOS Parks District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 12/19/06 - DR