

# TORONTO STAFF REPORT

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January 11, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application to amend the former City of Toronto Official Plan & Zoning By-law  
96 St. Patrick Street  
Abak Estates Limited  
Application No. 200007  
Trinity-Spadina, Ward 20

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 17-storey condominium building at 96 St. Patrick Street.

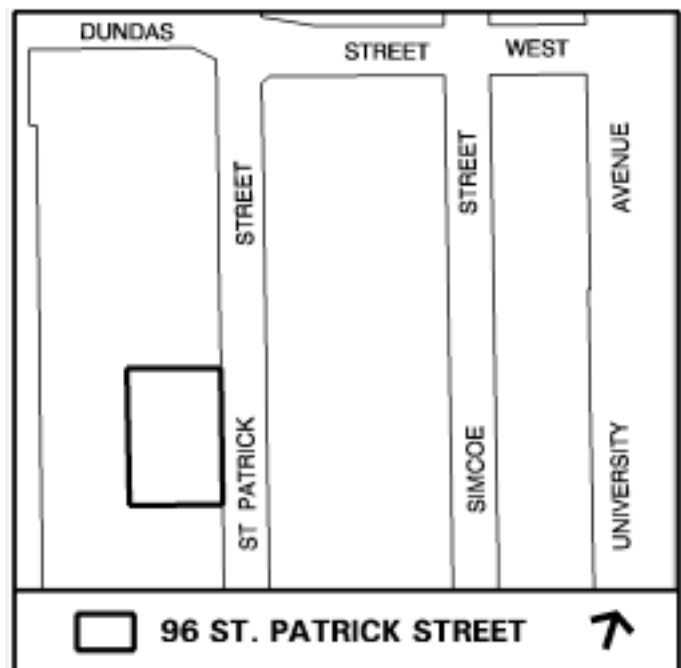
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
- (2) Amend Zoning By-law 438-86 as amended for the former City of Toronto, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.



- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
- (4) Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an agreement pursuant to Section 37 of the Planning Act to provide funds to the City in the amount of \$150,000 to be used in the provision of housing for artists.
- (5) Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act.
- (6) Advise the owner of the need to:
  - (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
  - (b) submit to, and have approved by the Commissioner of Works and Emergency Services, prior to Site Plan approval, a Noise Impact Statement in accordance with City Council's requirements;
  - (c) have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner; and
  - (d) provide and maintain the noise impact measures stipulated in the Noise Impact Statement approved by the Commissioner of Works and Emergency Services.

Background:

Proposal

The application is to permit the construction of a seventeen-storey condominium building containing 170 units including 20, two-storey penthouses, and 4 two-storey live/work units located at grade. Since the original application was made, the proposed density has been reduced from 10.2 times the area of the lot to 9.3 times the area of the lot.

The Preliminary Report indicated that the maximum height was 47.25m but that figure did not include the height of the parapets. Since then the upper floors have been redesigned to include two-storey units which screen the mechanical penthouse. As a result, the overall height including a small mechanical penthouse of .75m and the parapet is 49m.

The proposal includes 137 residential parking spaces and 10 visitor parking spaces for the condominium. The number of off-site parking spaces provided for 480 University Avenue, which is also owned by the applicant, has been reduced from 38 to 32. The total number of parking spaces proposed is 179.

### Site and Surrounding Area

The site is located on the west side of St. Patrick Street, south of Dundas Street, and is currently used as a commercial parking lot.

The site is surrounded on 3 sides by the Village By The Grange, a mixed-use project that ranges in height from 10 to 12 storeys.

East of the site are office and residential buildings ranging in height from 2 to 14.5 storeys.

### Official Plan

The former City of Toronto Official Plan designates the site as 'Medium Density Mixed Commercial Residential Area', which permits a mix of commercial and residential uses, to a maximum density of 4 times the area of the lot. Residential uses are permitted to a maximum of 3.5 times the area of the lot.

### Zoning By-law

Zoning By-law 438-86 zones the site CR T4.0 C2.0 R3.5 which permits a mix of residential and commercial uses to a total density of 4 times the area of the lot. Residential uses are permitted to a maximum of 3.5 times the area of the lot.

The height limit for the site is 37m.

### Site Plan Control

A concurrent application for Site Plan Approval has been circulated and reviewed. It is recommended that the applicant enter into a Site Plan Agreement prior to the introduction of Bills in Council.

### Reasons for Application

The applicant has filed applications for Official Plan and Zoning By-law Amendments for the following reasons:

- (1) the proposed density of 9.3 times the area of the lot exceeds that permitted in the Official Plan and Zoning By-law by 5.3 times the area of the lot.
- (2) The proposed height of 49m exceeds that permitted in the Zoning By-law by 12m.

### Community Consultation

A public meeting was held in the area on March 28, 2001. A second meeting was held July 3, 2001 at the request of the Ward Councillor to allow the applicant to present revised drawings. Approximately 30 residents attended each of the meetings.

The following concerns were raised at these meetings:

- (1) the impacts of the height and massing in general and particularly with respect to the units located above the first floor in the Village By The Grange;
- (2) the potential for unacceptable noise levels from vehicles gaining access to the below grade parking garage.

#### Agency Circulation

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

#### Comments:

##### Density/Height/Massing

The proposed height of this building is 12m higher than the Zoning By-law permission of 37m. The height of the northern portion of the Village By The Grange including the mechanical penthouse is 46.5m. To mitigate the impact of the additional height of the proposed building on the streetscape and the adjacent properties, the proposal incorporates extensive terracing at the upper levels. This is of particular importance for the Village By The Grange project which abuts the proposal on three sides. The result is a building where the central core rises to 49m terracing down to a point where the edges of the building correspond more closely to the northern and southern portions of the Village By The Grange. The effect of this is to blend the building into the scale of the existing street and in doing so minimize the impact of this building on the street and surrounding area.

The design of the Village By The Grange incorporates a podium level that covers a significant portion of the block. Individual apartment buildings and townhouse blocks rise from the podium. Outdoor landscaping and amenity areas are also provided on the podium. The current application responds to that context by providing a podium level that matches the Village By The Grange.

In order to minimize the impact from the eastern side of the Village By The Grange, the building has been set back approximately 12m from the west lot line.

St. Patrick Street is a mix of built forms, heights and densities. Heights between Dundas Street and Queen Street range from 2 storeys to 14.5 storeys. Similarly, the densities range from less than one times the area of the lot to over 11 times the area of the lot just north of this proposal at the corner of Dundas Street and St. Patrick Street. Within this context, the massing of this building is appropriate.

### Sun/Shade Impacts

The sun/shade impacts have been evaluated with respect to the effect on adjacent buildings. As a result of the terracing and the building's north/south orientation, incremental shadow impacts on adjacent buildings and the courtyard at the second level of the Village By The Grange are minimal.

### Traffic Impact, Access, Parking

Three levels of below grade parking are provided with 147 parking spaces for residents (137) and visitors (10). This satisfies the parking requirement for the proposal. The owner also is required to provide 32 parking spaces to fulfill the parking requirement for 480 University which he also owns. These parking spaces will be provided in the parking garage for 96 St. Patrick Street.

All vehicular access to the proposal is through a central driveway connecting to the below grade parking at the rear of the site adjacent to the east retaining wall of the Village By The Grange. Concern was raised by residents of that project that vehicular noise and fumes emanating from the access would interfere with enjoyment of their second level courtyard. In response to this concern, the applicant revised the proposal to enclose the entrance. The roof of the enclosed access courtyard will be landscaped and feature a waterfall that is visible from the street and from the adjacent building.

This proposal will not generate any negative traffic impacts.

### Streetscape

Given the limited opportunities for providing at grade landscaped open space, it is important that particular attention be given to those areas where enhanced treatment is possible. The at grade live/work units will increase activity on the street and allow for individual responses to landscaping opportunities. As well, during the completion of the Site Plan Approval process, particular attention will be given to the landscaping of areas such as the front entrance and the streetscape.

### Design Details

The building is set back at the north and south ends of the site where it is in proximity to the Village By The Grange elevator lobby windows. At the public meeting the residents requested that the walls of the proposed building not be left blank but given an interesting architectural treatment. In response to this concern the end wall of the stairwells will be glazed to permit the light from the stairwells to be seen from the adjacent buildings. An appropriate exterior light fixture is being considered to give additional lighting and provide an interesting architectural feature for this portion of the proposal.

## Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and density pursuant to Section 37 of the Planning Act. While the original intention was to apply the Section 37 contribution to streetscape improvements on St. Patrick Street, the applicant at the request of the Ward Councillor has agreed to make a contribution in the amount of \$150,000 to a housing fund for artists.

## Conclusions

This proposal completes the streetscape on St. Patrick Street. Revisions to the scheme have resulted in a building with minimal impacts on the street and neighbourhood.

## Contact:

Helen Coombs, West Section  
Telephone: 416-392-7613  
Fax: 416-392-1330  
Email: hcoombs@city.toronto.on.ca

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Beate Bowron  
Director, Community Planning, South District

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## List of Attachments:

Application Data Sheet  
Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: Zoning  
Attachment 5: Official Plan  
Attachment 6: Agency Comments  
Attachment 7: Draft Official Plan Amendment  
Attachment 8: Draft Zoning By-law Amendment

**APPLICATION DATA SHEET**

***Combination***

Site Plan Approval:	Yes	File Number:	<b>200007</b>
Rezoning:	Yes	Application Number:	<b>TE CMB 2000 0002</b>
O.P.A.:	Yes	Application Date:	12/06/2000
Municipal Address:	96 St. Patrick Street	Revised Date:	12/17/2001
Nearest Intersection:	St. Patrick Street and Dundas Street West		
Project Description:	17 Storey Condominium building		

**Applicant/Agent:**

Patrick Devine  
Goodmans  
200 King Street West, #2300  
Toronto M5H 2W5  
(416) 595-2404

**Architect:**

Allan Rae Architect Inc.  
(416) 369-0417

**Owner:**

Abak Estate Limited  
123 Front Street  
Toronto M5J 2N8  
(416) 865-3206

**PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation:	MDCRA	Site Specific Provision:	No
Zoning District:	CRT4.0C2.0R3.5	Historical Status:	No
Height Limit (m):	37	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area:	2075.42 m2	<b>Height:</b> Storeys:	17 + mechanical
Frontage:	55.13 m	Metres:	49
Depth:	37.67 m		
Ground Floor GFA:	1,124 m2	<b>Indoor</b>	<b>Type</b>
Residential GFA:	0	Parking Spaces:	179 (32 leased to 3 <sup>rd</sup> party)
Non-Residential GFA:	0	Loading Docks:	1
Total GFA:	19,302 m2		G

**DWELLING UNITS**

<b>Tenure Type:</b>	Condominium
Rooms:	0
Live/Work:	4
1 Bedroom:	110
2 Bedroom:	36
Penthouses:	20
Total Units:	170
Total Proposed Density:	9.3

**FLOOR AREA BREAKDOWN**

	<b>Above Grade</b>
Residential GFA:	19302 m2
Retail GFA:	0
Office GFA:	0
Industrial GFA:	0
Industrial/Other GFA:	0

**COMMENTS**

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Revision	12/17/2001
		Revision	09/28/2001
		Suppl. Submission	02/12/2001
		Received	12/06/2000

Data Valid: January 9, 2002      Planner: Coombs, Helen      Phone: (416) 392-7613  
Area: District - C      Planning Office: Toronto - South (TE)



**ATTACHMENT 6  
AGENCY COMMENTS**

**1. Economic Development, Culture & Tourism, dated October 18, 2001**

This will acknowledge the revised plans pertaining to the above noted development application which were circulated to Forestry Services on October 2, 2001. I have reviewed the circulated plans and advise that:

Trees indicated for planting on the City road allowance must be planted in accordance with the Tree Details Section of the City of Toronto Streetscape Manual as per the details noted below. Please note that the applicant must conduct an investigation of underground utilities prior to proposing tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company should be provided to the City.

Street Trees in Turf: In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated March, 1997.

Street Trees in Raised Planters: In accordance with Planting Detail No. 102 for Raised Tree Planter - Concept, dated March, 1997.

Street Trees in Tree Pits: In accordance with Planting Detail Nos. 103, 103-1, 103-2, & 103-3 for 1.2 m x 2.4 m Tree Pit, dated March, 1997. Tree pits must be constructed in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual as Drawing Nos. RE-1833M-1, -2, -3, -4, -5, and -6, 1 of 2 & 2 of 2.

For tree planting the standard clearance for underground utilities is 1.2 metres from the edge of the trees root ball to the edge of the utility. The minimum acceptable clearance between the edge of the utility and the edge of the trees root ball is 0.60 metres, and in such instances a root deflector must be installed in the tree planting hole in between the trees root ball and the utility.

The applicant will be responsible for providing a two-year renewable guarantee for new tree plantings. Urban Forestry Planning and Protection Section must be notified in writing of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee. Planning and Protection can be reached at fax 416-392-1915. The applicant must maintain the subject trees in good condition; these trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees. If during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement, the applicant will be responsible for rectifying the problem as determined by and to the satisfaction of the designate of the

Commissioner of Economic Development Culture and Tourism. The owner will be required to provide an additional two-year renewable guarantee period for any trees requiring replacement.

A tree planting security deposit is required for tree planting in the road allowance. This deposit may be in the form of a letter of credit or certified cheque. The tree planting security deposit must be paid and sent to the attention of the Supervisor of Urban Forestry Planning and Protection, prior to the issuance of a landscaping permit by Works and Emergency Services, Transportation Services, District 1, Right of Way Management (416-393-7787). The tree planting security deposit is held for the duration of the renewable guarantee period(s). The funds from the tree planting security deposit will be drawn upon to cover any costs Forestry incurs as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. These costs are subject to change and the current cost per tree is \$578.00.

I advise that the plans prepared by Allan Rae Architect Inc. and the plans prepared by Kent Ford Design Group, all plans date stamped as received by Urban Development Services on September 28, 2001, and on file with the Commissioner of Urban Development Services are acceptable provided that the above noted conditions are fulfilled.

## 2. Urban Development Services - Building, dated December 21, 2001

Our comments concerning this proposal are as follows:

Description:	Build 16 storey apartment building (170 units) with 3 levels of basement parking		
Zoning Designation:	CR T4.0 C2.0 R3.5	Map:	50H-312
Applicable By-law(s):	438-86, as amended		
Plans prepared by:	Allan Rae Architect Inc.	Plans dated:	December 17, 2001
Residential GFA:	17716.65 m <sup>2</sup>		

### Zoning Review

The list below indicates where the proposal **does not comply** with the City's Zoning By-law 438-86, as amended, unless otherwise referenced.

1. The maximum permitted height of the building is 37.0 metres. The proposed height of the building is 47.25 metres and 1.75 metres of mechanical penthouse. Total = 49.0 metres. (Section 4(2))
2. The by-law requires all multi-purpose rooms to be contiguous. The proposed multi-purpose rooms are not contiguous. (Section 4(12))

3. The by-law requires that the residential gross floor area be not more than 3.5 times the area of the lot: 7248.9 square metres. The proposed residential gross floor area of the building is 17716.65 square metres. (Section 8(3) PART I 3(a))
4. The by-law requires the window of a dwelling unit to be set back at least 5.5 metres from a lot line that is not a street line or from a wall of a building. The windows of the proposed 12<sup>th</sup> floor on west side of the building are set back 4.4 metres. (Section 8(3) PART II 1(a)(ii))

#### 480 UNIVERSITY AVENUE

1. During the construction of 96 St. Patrick Street. The 480 University Avenue will create a deficiency of 32 required parking spaces. (Section 4(5)(b))

#### Other Applicable Legislation and Required Approvals

1. The proposal requires Site Plan approval under Section 41 of the Planning Act.
2. The proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
3. The proposal DOES NOT require the approval of Heritage Preservation Services under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.
5. The proposal requires the approval of Works and Emergency Services regarding ramp approval and curb cuts.
6. All work within the City's road allowance will require a separate approval by Works and Emergency Services.
7. The proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law.
8. The proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148. For additional information please refer to the said by-law.

#### **3. Works and Emergency Services - Technical Services, dated January 3, 2002**

This is in reference to the application by Goodman and Carr on behalf of Abak Estates Limited for the above-noted site located on the west side of St. Patrick Street, south of Dundas Street

West. The proposal is to construct a residential condominium building comprising 170 dwelling units.

This project was previously dealt with in a Departmental memorandum dated July 17, 2001. This memorandum supersedes the comments and recommendations contained in the previous memorandum.

## Comments

### Parking and Access

A total of 179 parking spaces is proposed to serve this project, of which 137 parking spaces are for the exclusive use of residents, 10 spaces are for the use of residential visitors, and 32 spaces are for the off-site use of staff employed at Premises No. 480 University Avenue. The proposed parking supply satisfies the estimated parking demand generated by this project, based on the surveyed parking demand for condominium developments, for 147 parking spaces, including 137 spaces for the exclusive use of residents and 10 spaces for residential visitors.

Access to the site is proposed via one main two-way driveway, with a width of 5.8 m, extending west off of St. Patrick Street through a proposed coachway. The access configuration is generally acceptable, however, the sidewalk must be continuous across the driveway. Also, the plans show an existing concrete hydro pole/light standard situated within the proposed driveway, which must be relocated. Relocation of the hydro pole/light standard will be entirely at the cost of the owner.

The underground parking plans show that a remote controlled overhead door will separate the resident parking from residential visitor and off-site parking. Vehicular egress is controlled by a wire loop. This is acceptable.

### Loading

One Type G loading space is proposed to serve this project. This is consistent with both the estimated loading demand and Zoning By-law requirement.

Access to the loading space is proposed via the main driveway. Refuse collection vehicles must navigate around the interior turning circle in order to access the loading space, located at the north west corner of the site. It appears that several manoeuvres may be required for City garbage trucks to navigate around the interior turning circle when accessing and egressing the loading space, however, trucks will be able to enter and exit the site in a forward motion. As a result, the loading arrangement is satisfactory.

### Refuse Collection

The City will provide this project with the bulk lift method of refuse and recyclable materials collection in accordance with the Municipal Code, Chapter 309 (Solid Waste). This will require the provision of one Type G loading space and the storage and handling facilities identified in

Recommendation Nos. 1(h) to 1(l) inclusive, below. The area adjacent to the front of the Type G loading space must be reconfigured to provide a staging pad where at least 4 container bins can be stored and manoeuvred to/from the truck on collection day. This issue can be dealt with as part of the site plan and need not delay processing of the rezoning application.

It is the policy of City Council to levy a service charge on all new developments, payment of which is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month, including taxes, multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building owner. Further information regarding the above can be obtained by contacting the Solid Waste Management Services Division at 338-0957.

#### Municipal Services and Grading

The capacities of the existing water distribution system and the sanitary sewers are adequate to accommodate this project.

The applicant should submit a grading and drainage plan. The plans should show the proposed grades along the property line, and in particular, the relationship between the grades on the site and the grades within the street allowance.

#### Work Within the Public Right-of-Way

The proposal includes the installation of decorative paving and the installation of new sidewalks and tree pits within the St. Patrick Street road allowance. Approval for any work to be carried out within the St. Patrick Street public right-of-way must be received from this Department. For further information, the applicant should contact the Right-of-Way Management Division, District 1, Construction Activities at 392-7877, prior to construction.

Although the proposed access is acceptable in principle, changes may be required as a result of the detailed review of the application for work within the public right-of-way. As well, any existing curb cuts, which are not to be further utilized, should be restored to City of Toronto standards, at no cost to the City.

#### Recommendations

1. The owner be required to:
  - (a) Provide and maintain a minimum of 147 parking spaces on site to serve the project, including a minimum of 137 spaces for the exclusive use of residents, and a minimum of 10 spaces for residential visitors;

- (b) Provide and maintain a physical separation between the residents' and the residential visitors portions of the underground parking garage to secure the availability of the residents' parking;
- (c) Pay all costs associated with the relocation of the existing concrete hydro pole/light standard which obstructs the driveway entrance;
- (d) Provide and maintain a continuous sidewalk across the access driveway, with 2.0 metre flares on either side;
- (e) Eliminate all existing curb cuts along St. Patrick Street that do not form part of the new driveway to City of Toronto standards, at no cost to the City;
- (f) Comply with the requirements of the Zoning By-law respecting the slope of the access ramp;
- (g) Provide and maintain a minimum of 1 Type G loading space on the site, with a generally level surface and access designed so that trucks can enter and exit the site in a forward motion;
- (h) Construct all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 m (4 m where enclosed), a minimum vertical clearance of 4.3 m and minimum inside and outside turning radii of 9 m and 16 m, respectively;
- (i) Construct the decorative unit paver surface, to be used within any portion of the Type G loading space or area used to access the loading space, to applicable City standards to withstand truck traffic and indemnify the City against any damage that may be caused to the decorative unit pavers through the regular use of the area by City garbage trucks;
- (j) Provide and maintain a garbage room and a recycling room with minimum sizes of 30 square metres and 20 square metres, respectively, or alternatively, a combined garbage/recycling room with a minimum size of 50 square metres, which is designed to be used without direct access by residents (eg. equipped with a chute and recycling material sorter), and install and maintain a stationary compactor unit in the garbage room;
- (k) Provide and maintain access to the garbage and recycling rooms with double or overhead doors having a minimum width of 2.2 m to accommodate the transport of container bins;
- (l) Provide and maintain a concrete base pad, adjacent to the front of the Type G loading space, with a slope not exceeding 2% and of sufficient size to store and manoeuvre 4 compactor containers on collection day;

- (m) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
  - (n) Submit to the Commissioner of Works and Emergency Services dimensioned plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building, for the purpose of preparing site specific exemption by-laws and such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;
  - (o) Submit to, and have approved by, the Commissioner of Works and Emergency Services, prior to site plan approval, a Noise Impact Statement in accordance with City Council's requirements;
  - (p) Have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner;
  - (q) Provide and maintain the noise impact measures stipulated in the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
  - (r) Submit, prior to site plan approval, revised drawings with respect to Recommendation No. 1(l) above, for the review and approval of the Commissioner of works and Emergency Services;
  - (s) Submit, prior to the issuance of a building permit, a grading and drainage plan to the satisfaction of the Commissioner of Works and Emergency Services;
2. That the owner be advised:
- (a) Of the need to submit a separate application to and receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the St. Patrick Street right-of-way; and
  - (b) Of the need to obtain building location, access, and streetscape permits, as well as, potentially other permits such as hoarding, piling/shoring etc. from this Department prior to construction.

**ATTACHMENT 7**  
**Draft Official Plan Amendment**

CITY OF TORONTO

BY-LAW No. \_\_\_\_2002

To adopt an amendment to the Official Plan for the former City of Toronto  
respecting lands known as 96 St. Patrick Street

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

1. The text and map annexed hereto as Schedule "A" is hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. \_\_\_\_\_.

ENACTED AND PASSED this \_\_\_\_ day of February, A.D. 2002



SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.\_\_\_\_ and the attached Map 18.\_\_\_\_;

"18.\_\_\_\_ Lands known as 96 St. Patrick Street

Despite any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.\_\_\_\_ (the "Lands"), to permit the erection and use on the Lands of a residential building, provided that:

- (1) the maximum *gross floor area* does not exceed 17800 square metres;
- (2) the Owner of the Lands is required by By-law to:
  - A. provide a financial contribution totalling \$150,000 to be used for the provision of artists housing;
  - B. enter into one or more agreements, pursuant to Section 37 of the Planning Act, to secure all the facilities, services and matters referred to in Section A. above and such agreement or agreements are appropriately registered against the title of the lands prior to the issuance of a building permit.

**ATTACHMENT 8**  
**Draft Zoning By-law Amendment**

BY-LAW No. 2002 - \_\_\_\_.

To amend By-law No. 438-86 of the former City of Toronto as amended,  
Respecting lands known as No. 96 St. Patrick Street.

(Passed February \_\_, 2002)

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

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of 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 density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law 438-86, are to be permitted in return for the provision of 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 (the "City"); and

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

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Subject to Section 2, none of the provisions of Section 4(2); 4(12); Section (3) PART I 3(a); Section 8(3) PART II 1 (a) (ii); Section 4(5)(6) of the aforesaid By-law 438-86, shall prevent the erection or use of a residential building provided:
  1. the building is delineated by a heavy line all as shown on Map 1 attached hereto;
  2. the height of the building does not exceed that shown on Map 2;
  3. the gross floor area of the building does not exceed 17800 square metres;

4. not less than 147 parking spaces are provided on site including 137 spaces for the exclusive use of residents, and a minimum of 10 spaces for residential visitors;
  5. a minimum of 1 Type G loading space is provided and maintained on the site.
2. The density and height of development permitted by Section 1 are permitted subject to compliance with the conditions set out in Section 1 and in return for the provision by the *Owner* of the following services, facilities and matters to the City of Toronto, namely:
- (1) funds in the amount of \$150,000 to be delivered to the City upon or before the earliest to occur of:
    - (a) the date that is eighteen months after the date of passing of this By-law and the By-law to adopt the authorizing Official Plan Amendment if there is no appeal of either amendment;
    - (b) the date is eighteen months from the date of an Ontario Municipal Board decision upholding this By-law and the By-law adopting the authorizing Official Plan Amendment, if there is an appeal of either By-law; or
    - (c) the date upon which a building permit is issued for any above *grade* structure on the lot,such funds to be used to implement housing for artists.
3. All italicized words and expressions in this By-law have the same meanings as defined in By-law 438-86.