

# **TORONTO** STAFF REPORT

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May 22, 2003

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application No. 101026 to amend the former City of Toronto Official Plan and Zoning By-law  
Nastapoka Limited Partnership  
(Young and Wright Architects Inc.)  
717-731 Yonge Street, 1 Bloor Street East, 23 Bloor Street East and 14 Hayden Street  
File No. 101026, TE CMB 2001 0016  
Toronto Centre-Rosedale, Ward 27

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 60-storey mixed use building containing residential, retail and a multiplex cinema at 717-731 Yonge Street, 1 and 23 Bloor Street East and 14 Hayden Street.

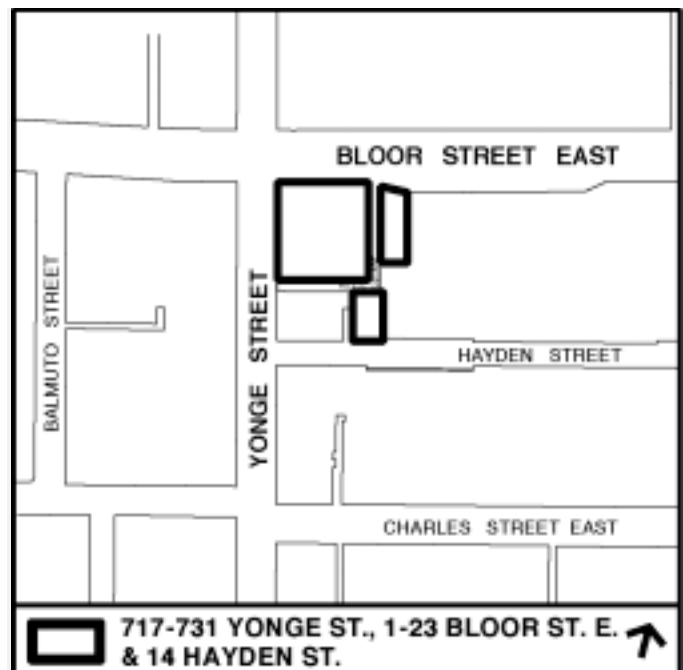
Financial Implications and Impact Statement:

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. 5;
- (2) amend the Zoning By-law 438-86 for the former City of Toronto



substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;

- (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 a Section 37 agreement substantially as set out in the body of this report;
- (5) require the owner to submit to the Commissioner of Works and Emergency Services a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application, Roy's Square to be closed, the lands to be conveyed to the City and any appurtenant rights-of-way and easements. Such plan should be submitted at least 3 weeks prior to the introduction of a bill in Council;
- (6) require the owner to submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building for the purposes of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council; and
- (7) should the development result in more than four trees being planted in the City boulevard, the owner shall provide an irrigation system, including automatic timer, and 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 Commissioner of Works and Emergency Services, including requirements to maintain good order and operation.

#### Background:

#### Proposal

The site is comprised of an L-shaped parcel with frontage on Bloor and Yonge Streets, and on Hayden Street where the The Naval Club is located. The site does not include the properties at 709 and 711 Yonge Street which are owned by the Bank of Nova Scotia, making the development site irregularly shaped. The proposal involves the closure and conveyance of Roy's Square public lane to the applicant.

The proposal is for a landmark mixed-use development containing retail, cinema, a small amount of office and residential condominium uses. The proposal includes three double-height levels of above grade retail space and one level below grade with 9,584 square metres of space. Famous Players, the tenant of the cinema space, is proposing to create a 2900 seat, 8,554 square metre multi-plex on the fourth and fifth stories of the podium. At the sixth storey, the building is set back in alignment with the adjacent 31 Bloor Street East and wraps around Yonge Street with the same setback. The 1,161 square metre Naval Club is being rebuilt as part of the development.

A sculpted, generally oval-shaped residential condominium rises on the southern portion of the site above the podium. The residential tower is intended to be clad in glass and metal, with an average floor plate of about 775 square metres. 525 dwelling units are proposed in the building with a total height of fifty-seven storeys (60 storeys if the double-height podium space is included as separate floors) and a height of 195.8 metres. Mechanical space and architectural treatment brings the total height of the building to 205 metres.

A seven level underground parking garage is proposed with 471 parking spaces and three loading spaces. Vehicular access to the building takes place from Bloor Street East and Hayden Street.

The development will be connected at the eastern edge of the site to the TTC Bloor Subway station through the below-grade concourse, where a knock-out panel is already in place.

Roy's Square, a one-way L-shaped public lane, owned by the City of Toronto, extends easterly from Yonge Street, and then northerly to Bloor Street East. All lands which form part of this lane are shown as part of the development proposal site. As a result, the approval of this development is contingent upon City Council's approval of the closure and sale, to the applicant, of Roy's Square, which is being addressed through a separate municipal lane closure and sale process.

The owner is interested in incorporating "green building" leading edge environmental technology in this development. More details regarding this matter will be forthcoming over the course of the review of the application.

### History of Proposal

An application on this site for amendments to the Official Plan and Zoning By-law of the former City of Toronto was originally made in 1988. The application was subsequently modified but has been dormant since 1994. The applicant filed a new application for an amendment to the Official Plan and Zoning By-law on October 25, 2001.

### Site and Surrounding Area

The site is located at the southeast corner of Yonge and Bloor Streets – the intersection of two of Toronto's most prominent shopping streets and the junction of the north-south and east-west TTC subway lines. The current buildings on the site are a mix of low-rise, 2-3 storey commercial buildings with retail uses at grade and office space above. The historic three-storey "Stollery's" building is located at the southwest corner. At the northeast corner is The Bay office tower at a height of 134 metres which is connected to The Bay department store and shopping concourse further to the east along Bloor Street. At the northwest corner is the CIBC office tower at a height of 146 metres with some retail at grade and shopping concourse below. Both of these commercial office towers have recently undergone renovations in an attempt to make their ground floor areas more open and inviting.

Bloor Street to the east of the site is a mix of commercial and residential buildings, which are generally mid to high-rise. The vitality of the Bloor Street retail area falls off to the east where

uses become more residential and institutional. Wide sidewalks characterize a generous and promenade-like street edge. The adjacent commercial office building at 31 Bloor Street East is 76 metres in height.

The buildings to the south along Yonge Street are small, often individually owned and tenanted three-storey buildings with retail at grade. Many of the owners along this and other parts of Yonge Street have taken advantage of the City's Façade Improvement Program over the past few years. A certain amount of redevelopment has taken place at Charles and Yonge Streets and at Wellesley and Yonge Streets. The closest and most physically prominent is the Manulife Centre with a height of 157 metres which is bordered by Bay and Bloor, Charles and Balmuto Streets.

The neighbourhoods to the immediate south are a mix of Victorian, house-form buildings, both residential and commercial, small and mid-rise apartment buildings and offices, interspersed with a few high-rise residential buildings in the order of 60 to 70 metres. Hayden Street which borders the site on the south, contains a mix of building types and uses.

To the north and west is the Bloor-Yorkville neighbourhood, one of the City's oldest originally residential neighbourhoods, now known also for its high-profile retail stores, hotels and restaurants and other cultural attractions. Bloor Street sites are at the centre of luxury retail in the city and have, along with sites on Bay Street, experienced an intensive amount of high-rise redevelopment. There are a number of new developments approved for this area, with retail at grade and residential condominiums above.

The location of the proposed development site places it within the heart of the Bloor-Yorkville Business Improvement Area (B.I.A.).

#### Official Plan (former City of Toronto)

The properties are designated High Density Mixed Commercial-Residential Area "B" which permits buildings having a maximum total gross floor area of 7.8 times coverage. These areas are largely built up with tall, high density commercial and residential buildings, and are intended to help realize the housing intensification objectives of the Plan and to contain retail uses at grade. Commercial uses are to be restricted in accordance with the other policies of the Plan and maximum heights established in order to achieve the physical form objectives of the Plan and to ensure compatibility with local conditions and objectives.

There are a number of relevant sections of the Official Plan which have provided a policy context for the consideration of the development, including but not limited to Section 3.5, the Enhancement of Prominent Areas and Sites and Section 8.2, the Encouragement of Development at Transit-Served Locations and Discouragement of Automobile Commuting to the Central Core.

#### Metroplan

Lands in the vicinity of the Yonge/Bloor intersection are located within the "Central Area" designation of Metroplan which is considered the "pre-eminent Centre within the GTA, contributing to the identity of Metropolitan Toronto, and functioning as a primary location for

government, corporate head offices, financial and other institutions, retail activities and tourism attractions, and that it acts as a focus for communication, cultural, industrial and entertainment activities”.

Metroplan directed area municipal plans to require that major developments should accommodate where feasible a mix of compatible uses in a development pattern that supports the use of transit and fosters pedestrian activity and which contributes to a balance of employment and residential uses within the Central Area as a whole.

#### New Official Plan

At its meeting of November 26-28, 2002, City Council adopted the New Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the Plan comes into full force and effect, it will designate the subject property within a Mixed Use Area. The Plan contains development criteria for Mixed Use Areas. The proposal has been reviewed for compliance with these criteria and conforms to their intent. An Amendment to the new Plan will not be required. Particularly relevant to this application are the Plan's Built Form policies, including those related to tall buildings. The new Plan also identifies a dynamic downtown as an important goal for the success of the city, and it is included as one of the five strategic campaigns of actions implementing the Official Plan.

#### Zoning By-law

The site contains two underlying zoning designations. The bulk of the property fronting onto the corner of Yonge and Bloor is designated CR T7.8 C4.5 R7.8 with a height limit of 61 metres. The Naval Club fronting onto Hayden Street is designated CR T6.0 C4.5 R6.0, with a height limit of 46 metres.

Yonge Street is subject to a three hour sunlight standard in both the Official Plan and Zoning By-law requiring that from a height of 28 metres, a built form angular plane of 60 degrees over the site is achieved. Both Yonge and Bloor Streets at this location are identified as priority retail streets.

#### Other Applicable Council Policies

- (a) Recommended Development Concept and Design Guidelines for Southeast Corner of Yonge and Bloor Streets.

These development and design guidelines (March 10, 1993) adopted by the former City of Toronto on March 25, 1993, were prepared in response to the previous development proposal on this site. Among other issues, these guidelines acknowledged that while a three hour sunlight standard would be desirable on Bloor Street, they would be unreasonably restrictive at such a prominent location.

(b) Bloor-Yorkville B.I.A. Plans and Standards

Site Plan approval will include the requirement that the three frontages of the site be designed and reconstructed to the sidewalk, lighting, street furniture and landscaping standards of the Bloor-Yorkville B.I.A. The sidewalk widths are discussed below.

(c) Bloor-Yorkville Urban Design Guidelines

In September 2002 the Bloor Yorkville B.I.A. published urban design guidelines for the area. These guidelines, the result of extensive local consultation, were issued as a way to assist the B.I.A. to, among other things, review and respond to new development in the area. The key principles of the guidelines that are relevant to this development include:

- encourage new and preserve existing high quality architecture appropriate to the area;
- support pedestrian amenities by maintaining a human scale to development;
- maintain the identity of Bloor-Yorkville as a high end and pre-eminent shopping and living area for downtown Toronto;
- expand and improve a high quality public realm including open space, streetscape treatment and green corridors;
- encourage the redevelopment or revitalization of underutilized sites to enhance the public realm; and
- ensure that existing established residential neighbourhoods are enhanced and adjacent development is compatible.

The B.I.A.'s document has been taken into consideration in the review of this proposal.

(d) Bloor Street Transformation Project

The Bloor Street Transformation Project was initiated by the Bloor-Yorkville B.I.A. in 1998, in an attempt to increase the greenery and general shopping ambience of Bloor Street in order to improve the image of the area as a major shopping destination and to attract both more visitors and new retailers. After an initial feasibility study was prepared, a Steering Committee was formed, composed of representatives of City Departments, the Ward Councillor and the B.I.A. to refine a plan that meets the City's functional and technical design requirements. The Project is intended to provide for the widening of sidewalks and the narrowing of pavement, provide widened granite paving treatment, trees, special street lighting, street furniture, raised planting beds, pedestrian walkways, parking lay-bys and public art on Bloor Street between Avenue Road and Church Street.

The estimated cost of this project is \$30,000,000. Section 37 of the Planning Act which permits the City to secure community benefits from development projects in exchange for granting increases in height or density has been anticipated as providing a source of financing for this project through the consideration of development applications in the area.

(e) Hayden Street Guidelines

The Hayden Street Guidelines, prepared by the Hayden Street Ratepayers and approved by City Council in October 1991, set out various objectives for new development on Hayden Street. These include the need for a 1.5 metre conveyance from the southerly boundary of the site for the purpose of widening Hayden Street, and consideration of a further 1.5 m setback for the purposes of sidewalk widening. The intent of these guidelines has been to ensure that Hayden Street is not treated as a back door to the developments on Bloor Street, but is maintained with its own building and pedestrian integrity.

Site Plan Control

A site plan application has not yet been filed for this site.

Reasons for Application

The former City of Toronto Official Plan designation of High Density Mixed Commercial Residential Area "B" and the zoning designations CR T7.8 C4.5 R7.8 and CR T6.0 C4.5 R6.0 permit a total of 26,244 square metres of development. The proposal, at a total of 60,813 square metres is about 16.5 times coverage, and exceeds the density permitted on the site by about 34,500 square metres.

The height limit of 61 and 30 metres is exceeded substantially by the proposal which is 205 metres in height, including mechanical and architectural treatment.

The zoning review also identifies variances with respect to parking spaces, indoor and outdoor residential amenity space, common outdoor space, and angular plane requirements.

Community Consultation

A meeting was held in the community on June 26, 2002. Overall the community expressed a great deal of support for a very tall, modern, landmark, high quality building of the type being proposed. There was some concern expressed about site servicing and increased traffic in this area for people who currently live and work here, as well as the desire that pavement widths be adequate to accommodate the pedestrian traffic volumes.

There has been concern expressed about the closing of Roy's Square and the loss of the small ad hoc businesses and atmosphere that currently line this public laneway. While good planning practice would support this kind of urban experience where possible, it must be acknowledged that these types of uses are temporal and in this particular case, have grown out of the neglected condition of this intersection. There have consistently been these types of low key commercial uses in this area over at least the past 25 years - on St. Nicholas Street and Charles Streets for example, and the new development at this location would not preclude their regeneration in other locations close by.

The owners of the building at 31 Bloor Street East have been meeting with representatives of the owner to determine the details of how the two buildings will functionally relate to each other. This matter can be dealt with through detailed design at the time of site plan approval.

Representatives of the Bloor-Yorkville B.I.A. were extremely supportive of the proposal and have continued to work with the owner to refine the scheme.

#### 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. Copies of the review from the Building Division and the comments of the Commissioner of Works and Emergency Services are attached for information. The Toronto Transit Commission have also reviewed this proposal and will be providing detailed comments at the site plan phase. It should be noted that many of the site specific conditions for development will be dealt with through the Site Plan Approval process.

#### Comments:

The underlying challenge of this site is its location at the intersection of Yonge and Bloor Streets, the nexus of the north-south and east-west subway system, one of the most prominent intersections in the Downtown and, at the same time, one of the most poorly developed and designed. The opportunity presented by this application is to heal this important place and set a new tone for further renewal.

#### Land Use

The proposal for high-end retail, and a residential tower is an approach increasingly popular in the Bloor-Yorkville area. The addition of a 2900 seat Famous Players multi-plex further capitalizes on the prominent location above the subway.

The new Official Plan states that the downtown plays a vital role in achieving the City's growth management strategy and its economic development objectives. The concentration, intensity and interaction among all the downtown activities, the access to markets, connections to decision makers in business and government, the ability to easily walk around interesting and safe streets, give rise to a synergy that fosters innovation, creativity, economic spin-offs and an atmosphere of success for the City as a whole.

The Official Plan states that every home built within the downtown area offsets the need for in-bound commuting each day. Mixed use is a key ingredient to the successful functioning of Downtown and by creating "accessibility through proximity", shows that moving less is achievable.

The retail occupant(s) has not been secured at this time. Once tenants are secured, a finer grain of design will start to transform the podium of the development. The final design will be secured at the time of site plan approval.



## Density, Height, Massing

The proposal is for a very dense and tall building. At 205 metres it will be one of the tallest buildings in the City and its density at 16.4 times coverage is over double what is currently permitted. However, this is an appropriate site for a tall and high density building. It will signal a landmark for this intersection and for Bloor-Yorkville, in a location in which there will be minimal, if any impact on neighbouring developments. The sculpted oval tower, setback from the podium diminishes the impact of the height for the pedestrian at grade.

In evaluating a tall building, it is appropriate to consider its three main parts - the base or podium, the shaft and the top. In this proposal, the street-edge base provides the continuation of the shopper-friendly rhythm of buildings converging at Bloor and Yonge Streets. The distinctive oval-shaped shaft provides for a large number of people to be elegantly housed in a prime location in the City. As the tower rises, it tapers and the visual and physical proportions of the building are balanced. The top of the building, which will be lit at night, will act as a beacon for the area and along with the shaft, will mark this location. The form of the tower, off-set from the building to the east will also contribute to an appropriate facing distance in this location.

The form of this proposal has responded to a variety of the Bloor-Yorkville Urban Design Guidelines for the site. A landmark installation is created and a highly animated street frontage of double-height retail, a gateway is created at this intersection, and the height occurs in an area identified as one that is not shadow sensitive and where tall buildings are to be encouraged.

Unfortunately, the massing of the site is compromised by the inability of the owner to acquire the Bank of Nova Scotia site at Yonge and Hayden Street. The addition of this site would create a more logical development block, and provide more opportunities for pedestrian and retail enhancement of the corner than can be achieved through separate developments.

## Pedestrian Comfort and Amenity

The applicant- prepared sun-shadow studies both show the impact of the proposed tower and also compare the impact of the as-of-right zoning envelope of 61 metres with the proposal. It should be noted that there are already considerable shadows cast by the CIBC and the Hudson's Bay Towers.

The shadow studies show a marginal increase in the extent of the shadow that will be cast by this tower. It is clear that the tower width and specially shaped floor plate assist in the quick sweep of shadow across area sidewalks.

Although there are requirements to protect the amount of sunlight on the Bloor Street sidewalk, as outlined in the previously issued "Recommended Development Concept and Design Guidelines for Southeast Corner of Yonge and Bloor Streets", it is supportable and appropriate to see these standards varied at some prominent locations where other urban design objectives are being met and the overall standard of the pedestrian experience is being improved.

Wind impacts will be assessed at the site plan stage beyond the consideration given to date in the design of the tower and podium.

With respect to on-site amenity, at least 2,000 square metres of indoor and outdoor space is provided in addition to private balconies.

#### Traffic Impact, Access, Parking

Since the original proposal, the applicant has improved the design of the north-south access through Hayden Street through to Bloor Street East. The driveway provides access to the proposed underground parking ramp, the loading spaces for the site, and a pick-up and drop off area.

The applicant is intending to provide a total of 471 parking spaces on-site, which will be distributed over seven underground levels. Plans will be required for all parking levels in conjunction with the application for Site Plan Approval. It is noted on the submitted plans that 32 spaces will be designated for residential visitor use, and 300 spaces will be designated for residential tenant use. This satisfies the minimum Zoning By-law parking requirements for the residential component of the site and is acceptable.

According to the Traffic Impact Study submitted by the applicant, and prepared by B.A. Group, the remaining 139 parking spaces will be used as paid public spaces which will be available to users of the proposed retail, office and cinema uses on-site, along with users of other sites nearby. This satisfies the Zoning By-law requirement for the retail and office uses. However, it is less than the estimated parking demand generated by the cinema component for 241 spaces, based on a parking demand of 1 space/12 seats, exhibited by similar uses. Given that the subject property is located on two major subway lines, and the fact that there are off-site parking opportunities nearby to accommodate patrons who choose to drive to this area, the proposed public parking supply is acceptable for the commercial component.

With the addition of the site traffic to the road network, the capacity analysis summaries indicate that the eastbound movements at the Hayden Street/Church Street intersection (during the a.m. and p.m. peak hours), and the southbound left movement at the Yonge Street/Hayden Street intersection (during the p.m. peak hour), will experience additional delays. Since the addition of traffic to an already "over-capacity" situation is unacceptable, the consultant included a sensitivity analysis in the report in which all outbound site traffic was redirected to the Bloor Street East access driveway. The results under this scenario suggest that the levels-of-service for all movements at this access driveway will operate at acceptable levels of service.

To address the concern that their proposal would add traffic to these constrained movements, it is recommended that the outbound left-turn to Hayden Street be prohibited during the a.m. and p.m. peak hours.

Although there is also a concern with the southbound left-turn from Yonge Street to Hayden Street during the p.m. peak hour, staff of Works and Emergency Services is not recommending the prohibition of this movement because it would affect all motorists, not just site-generated

traffic. Furthermore, the prohibition of left-turns into the site from Hayden Street would preclude access to this site from northbound Yonge Street, which is not constrained.

In accordance with the consultant's recommendations, the operations of the driveway on Bloor Street East will be restricted to right-turns in and right-turns out only during the p.m. peak period.

#### Servicing

The applicant is intending to provide four loading spaces on-site (one Type "G", two Type "B" and one Type "C"). As this satisfies the supply requirements of the Zoning By-law, the loading space provision for the development is acceptable. The City will provide the residential component of this project with the bulk lift method of refuse and recyclable materials collection in accordance with the Municipal Code, Chapter 309 (Solid Waste). The non-residential component is not eligible for City collection and will require the services of a private collection firm.

#### Closing of Roy's Square

City Council adopted a report entitled "Surplus Land Declaration and Proposed Closing of the Public Land Known as Roy's Square, Extending Easterly from Yonge Street then Northerly to Bloor Street East" at its meeting held on April 14, 15 and 16, 2003. The report recommended that Roy's Square was not required for municipal purposes and that it could be declared surplus. The report recommended that authority be granted to negotiate an offer to purchase with the developer of the lands at 1 and 23 Bloor Street East. A further report will be submitted by Corporate Services to the Administration Committee outlining the results of the negotiations between the two parties.

#### Streetscape

There has been extensive discussion with the applicant regarding the extent and quality of the streetscape experience in this location. The applicant has been concerned about diminishing the amount of retail space for the sake of creating sidewalks that may be too wide and not sufficiently animated like those across the street at the Hudson's Bay Centre. The current proposal shows a one metre setback from the property line on both Yonge and Bloor Streets. In the case of Bloor Street, this will result in a sidewalk of 8 metres. In the case of Bloor Street, this will result in a sidewalk of 4.85 metres. However, in conjunction with the narrowing of the pavement in this location through the Bloor Street Transformation Project, the sidewalk created should provide a commodious area along Bloor Street, consistent with the vision of the street, but without a surplus of space. In order to avoid a crush of people at the corner, the owner has agreed to set back the building for one level for a total of 20.5 square metres. The precise location of the setback, along with the landscaping approach to Bloor Street, will be determined at the time of site plan approval.

On Hayden Street, the existing 12.19 m wide Hayden Street road allowance is substandard. In order to be consistent with previous development applications, a 1.5 m wide strip of land to the

full extent of the site abutting the north limit of Hayden Street is to be conveyed to the City, at nominal cost, for the purpose of providing additional boulevard space.

### Community Benefits

The development proposal should advance the local planning objectives for this area, which include in this case, the previously described Bloor Street Transformation Project. Community benefits contribute to the planning merits of this application and address the quality of life and larger scale objectives of the Official Plan through the provision of facilities or services servicing residents, workers and visitors.

An agreement has been reached with the applicant on a comprehensive benefits package. The key element is the provision of \$2,000,000 to be either constructed or paid toward improvements characterized as part of the Bloor Street Transformation Project, in the vicinity of the site. These improvements are intended to be beyond what the owner would normally provide for the standard Bloor-Yorkville B.I.A. streetscaping requirements. The exact nature of the improvements, their location, both abutting the site and further along Bloor Street East, should be set out in the Section 37 agreement, in consultation with the Commissioners of Works and Emergency Services and Economic Development, Culture and Tourism.

Should the implementation of the Bloor Street Transformation Project not be authorized by Council at a later date, then the agreement should stipulate that the funds be redirected to another local community benefit. The provision of public art, now considered a part of the total contribution, would be reevaluated if the Transformation Project does not proceed, or cannot be coordinated with the site's redevelopment. A Section 37 Agreement securing the benefits will be prepared, executed and registered prior to the introduction of Bills in Council for this development.

### Conclusions:

Approval of this project is recommended. The site specific application represents a high quality building located in a prime area in the city. The site is underutilized by the ad hoc retail uses located here. While the proposal exceeds the height limit, and is in fact higher than other buildings in the area, the narrow point tower form will provide an important feature in the skyline, and represent a new generation of tall buildings in an appropriate context. This development will help to reestablish this prime intersection, as well as helping to encourage the continued revitalization of the intersection and other sites in the area.

This proposal in its present form represents good planning and should be approved.

Contact:

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Ted Tyndorf  
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet  
Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Agency Comments  
Attachment 5: Draft Official Plan Amendment  
Attachment 6: Draft Zoning By-law Amendment

**APPLICATION DATA SHEET**

Site Plan Approval: No File Number: **101026**  
Rezoning: Yes Application Number: **TE CMB 2001 0016**  
O.P.A.: Yes Application Date: 10/25/2001  
Revised Date: 03/12/2003

Municipal Address: 0 Part Of Roy's Square  
23 Bloor St E, 1 Bloor St E, 14 Hayden St

Nearest Intersection: Yonge and Bloor Streets

Project Description: Construct Mixed use development with retail, office, theatre, club and 525 residential, condominium units

**Architect:**

YOUNG + WRIGHT ARCHITECTS  
INC.  
172 St George Street  
Toronto M5R2M7

**Owner:**

NASTAPOKA HOLDINGS INC.  
67 Yonge Street  
Toronto, Ontario M5E1J8  
(416) 860-0006

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

Official Plan Designation: Site Specific Provision: No  
Zoning District: CR T7.8 C4.5 R7.8; CR T6.0 Historical Status: No  
C4.5 R6.0  
Height Limit (m): 61, 46 Site Plan Control Area: Yes

**PROJECT INFORMATION**

Site Area: 3752.6 **Height:** Storeys: 55  
Frontage: 48.793 Meters: 204.7  
Depth: 45

	<b>Indoor Type</b>	<b>OutdoorType</b>
Ground Floor GFA:2570	Parking Spaces: 471	0
Residential GFA: 42619	Loading Docks: 2 B	0
Non-Residential GFA:19299.3	1 C	0
Total GFA: 61918.3	1 G	0

**DWELLING**

**Tenure Type:** Condominium  
Rooms: 0  
Bachelor: 70  
1 Bedroom: 250  
2 Bedroom: 205  
3+ Bedroom: 0  
Total Units: 525  
Total Proposed Density: 16.5

**FLOOR AREA BREAKDOWN**

**Above Grade**  
Residential GFA: 42619  
Retail GFA: 9584  
Office GFA: 0  
Industrial GFA: 0  
Industrial/Other GFA:9715.3

**COMMENTS** This application site has two zoning height limits, 30m and 61m.

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Suppl. Submission	04/17/2003
		Revision	03/12/2003
		Suppl. Submission	01/21/2003
		Suppl. Submission	03/25/2002
		Revision	02/19/2002
		Suppl. Submission	11/08/2001
		Suppl. Submission	10/25/2001
		Received	10/25/2001

Data Valid: Apr 23, 2003 Planner: Parker, Elyse Phone: (416) 392-7363

Area: District - C Planning Office: Toronto - South (TE)

**Attachment 4  
Agency Comments**

**1. Urban Development Services, Building Division (May 26, 2003)**

Our comments concerning this proposal are as follows:

Description: Build 56 storey of Retail, Club, Place of Assembly(Theatre) and Dwelling Building (525 dwelling units) with 7 levels of basement parking

Zoning Designation: CR T7.8 C4.5 R7.8 & CR T6.0 C4.5 R6.0      Map: 51H-321

Applicable By-law(s): 438-86, as amended

Plans prepared by: Young & Wright Architects Inc.      Plans dated: Feb. 25, 2002

Gross Floor Area (GFA): 64,689.0 m<sup>2</sup>

Residential GFA: 41,514.0 m<sup>2</sup>

Non-Residential GFA: 19299.3 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 61.0 metres and 30.0 metres. The proposed height of the building is 195.8 metres, mechanical penthouse is 8.9 metres and the flag pole is 14.0 metres. The total height is 218.7 metres. (Section 4(2))
2. The by-law requires a minimum of 1001 parking spaces to be provided. The number of proposed parking spaces is 471. (Section 4(5)(b) )
3. The by-law requires 1050.0 square metres of indoor residential amenity space and 1050.0 of outdoor residential amenity space. No indoor or outdoor residential amenity space indicated on the drawings. (Section 4(12)) Please provide drawing to indicate the proposed amenity spaces.
4. The by-law requires 160-bicycle parking spaces for Tenant, 40-spaces for the visitors and 6-spaces for the retail use. No bicycle parking spaces are showing on the drawings. (Section 4(14)(a))
5. The by-law requires that the combined non-residential gross floor area and residential gross floor area be not more than 7.8 times (Part A) the area of the lots: 26,244.3 square metres. The proposed building has 60,543.0 square metres of combined non-residential gross floor area and residential gross floor area. (Section 8(3))  
PART I 1)



6. The by-law requires that the non-residential gross floor area be not more than 4.5 times (Part A) the area of the lot: 15,140.9 square metres. The proposed non-residential gross floor area of the building is 19,029.0 square metres. (Section 8(3) PART I 2)
7. The by-law requires that the residential gross floor area be not more than 7.8 times (Part A) the area of the lot: 26,244.3 square metres. The proposed residential gross floor area of the building is 41,514.0 square metres. (Section 8(3) PART I 3(a))
8. The by-law requires the provision of at least 337.70 square metres of common outdoor space. The proposed common outdoor space is none. (Section 8(3) PART III 1(a))
9. The by-law limits the building height at the street line to 28.0 metres. The proposed building has a height at the street line of 42.0 metres. (Section 12(2) 260(i))
10. The by-law requires the building to be within the 60 degree angular plane projected over the lot from an elevation of 28.0 metres over the street line. The proposed building penetrates the angular plane. (Section 12(2) 260(ii))
11. The by-law limits a building height to 61.0 metres. The proposed building has a height of 218.7 metres. (Section 12(2) 260(iii))

#### 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.

## **2. Works and Emergency Services (May 7, 2003)**

This is in reference to the application by Fraser Milner Casgrain, on behalf of Nastapoka Limited Partnership, for the project on the above-noted site located on the east side of Yonge Street, between Bloor Street East and Hayden Street. The proposal is to amend the Zoning By-law to permit the construction of a mixed-use project comprising 525 residential condominium units and 19,299 square metres of non-residential space.

The following recommendations and comments are based on plans and drawings date stamped by Urban Development Services on March 12, 2003. The conditions below have, for the most part, been restricted to rezoning issues only. However, some site plan issues, which will impact on the design of the project, have been included and the applicant should be advised accordingly.

### Conditions

#### 1. The owner be required to:

- (a) Relocate the column immediately south of the Type "C" loading space to allow for access and egress to/from the adjacent Type "B" loading space;
- (b) Modify the proposed pick-up/drop-off area of the site (including taper) so that it is located a minimum of 6.0m from the property line;
- (c) Comply with the requirements of the general Zoning By-law respecting the parking supply to be provided for residents and residential visitors and provide and maintain a minimum of 139 spaces for the non-residential component of this project;
- (d) Provide and maintain a physical separation between the residential and non-residential portions of the underground parking garage to secure the availability of the resident's parking;
- (e) Remove or relocate the parking stall immediately next to the bottom of the underground parking ramp and the southernmost parking stall marked as space number 72, on all levels of the parking garage;
- (f) Pay for all costs associated with the installation of signs related to the left-turn prohibitions at the Bloor Street East and Hayden Street driveways;
- (g) Apply for revised municipal numbering prior to filing an application for a building permit;
- (h) Convey to the City, at nominal cost, prior to the issuance of a building permit, a 1.5 m wide strip of land to the full extent of the site abutting the north limit of Hayden Street to a minimum depth of 0.5 m from the finished grade, such lands to

be free and clear of all encumbrances, save and except for utility poles, on such terms and conditions as to support and otherwise as are satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor, and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated for public highway purposes;

- (e) Prior to the issuance of a building permit, execute an agreement, binding on successors on title, to:
  - (i) Indemnify the City from and against all actions, suits, claims, or demands and from all loss, costs, damages, charges, and expenses that may result from the construction and maintenance of the garage beneath the public highway;
  - (ii) Maintain the structure in good and proper repair and a condition satisfactory to the Commissioner of Works and Emergency Services;
  - (iii) Indemnify the City from and against any loss or damage to the waterproofing and structure resulting from the maintenance and reconstruction of the street pavement, unless such loss or damage is caused by negligence of the City;
  - (iv) Include additional conditions as the City Solicitor and the Commissioner of Works and Emergency Services may deem necessary in the interests of the Corporation;
- (i) Submit to the Commissioner of Works and Emergency Services a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application, Roy's Square to be closed, the lands to be conveyed to the City and any appurtenant rights-of-way and easements. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;
- (j) Submit to the Commissioner of Works and Emergency Services approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;
- (k) 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;
- (l) Submit to, and have approved by, the Commissioner of Works and Emergency

Services, prior to the introduction of a bill in Council, a noise impact statement in accordance with City Council's requirements;

- (m) 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 of Works and Emergency Services;
- (n) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
- (o) Submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of bills in Council for the rezoning application, a site servicing review to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
- (p) Pay for any improvements to the municipal infrastructure in connection with Recommendation No. 1(o) above, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Commissioner of Works and Emergency Services;
- (q) Submit, prior to the issuance of a building permit, site servicing plans that include the fire access route, siamese connections within 45 metres of a hydrant and locations of existing/proposed hydrants, a grading and drainage plan, and a stormwater management plan to the satisfaction of the Commissioner of Works and Emergency Services;
- (r) Submit revised drawings with respect to Recommendation Nos. 1(a) and 1(b) above, for the review and approval of the Commissioner of Works and Emergency Services.

## ROADWAYS

Given that the 12.19 m wide Hayden Street road allowance in this area is substandard and in order to be consistent with previous development applications, a 1.5 m wide strip of land to the full extent of the site abutting the north limit of Hayden Street is to be conveyed to the City, at nominal cost, for the purpose of providing additional boulevard space.

## SIDEWALKS/PUBLIC BOULEVARDS/STREETSCAPING

In a joint venture by the City of Toronto and the local Business Improvement Area organization, Bloor Street East at this location is intended to be modified in the future to allow for

improvements in the streetscape and treatment of the public boulevard (the “Bloor Street Transformation Project”). As part of this initiative, the Bloor Street East pavement area along the frontage of this site may be narrowed by approximately 0.5m on each side. Additionally, the existing lay-by area on the south side of Bloor Street to the east of this site, will be relocated and narrowed. The works associated with these improvements are subject to funding and approvals and will be dealt with separately. This will not significantly impact this development project and therefore, this project could proceed independent of the Bloor Transformation Project.

## PUBLIC WALKWAYS, LANEWAYS

Roy’s Square is a one-way L-shaped public lane, under the jurisdiction of the City of Toronto, which extends easterly from Yonge Street, thence northerly to Bloor Street East. It is proposed to incorporate all lands which form part of this lane into the development proposal. As a result, the approval of this development is contingent upon City Council’s approval of the closure and sale, to the applicant, of Roy’s Square, which will be dealt with under a separate process.

## ENCROACHMENTS

Any encroachments within Municipal Road Allowances will not be permitted unless they are approved by the Right-of-Way Management Section of Transportation Services. The applicant is required to contact the said section through the permit approval process to obtain the exact particulars of these requirements.

## DRIVEWAY ACCESS AND SITE CIRCULATION

Access to the site will be provided by a north-south driveway extending between Bloor Street East and Hayden Street. The driveway is proposed to be 7.5m wide and will connect with Bloor Street East and Hayden Street approximately 48m and 43m east of the Yonge Street curb line, respectively. The driveway will provide access to the proposed underground parking ramp, the loading spaces for the site and a pick-up drop-off area which is located approximately 3.0m south of the Bloor Street property line.

The proposed layout of the access and circulation arrangement for the site is generally acceptable. However, the column located immediately south of the Type “C” loading space prevents access and egress to/from the adjacent Type “B” loading space during times when the southernmost Type “B” loading space is occupied. This could result in trucks parking in the north-south circulation driveway during loading and unloading activity, which could negatively impact site circulation. This is unacceptable and the column must either be removed or modified accordingly to allow for unobstructed and unencumbered access to the northernmost Type “B” loading space.

In addition to the above, there is a concern that the close proximity of the proposed pick-up/drop-off area to the Bloor Street East property line could cause vehicular queues to back-up and spill over onto the subject road allowance. As a result, the pick-up/drop off area (including taper) must be modified so that it is located a minimum 6.0m from the property line in order to provide sufficient clear throat distance.

## PARKING

The applicant is intending to provide a total of 471 parking spaces on-site, which will be distributed over seven underground levels. In this regard, the applicant is required to submit plans of all parking levels in conjunction with the application for Site Plan Approval. It is noted on the submitted site plans that 32 spaces will be designated for residential visitor use, and 300 spaces will be designated for residential tenant use. This satisfies the minimum Zoning By-law parking requirements for the residential component of the site and is acceptable.

According to the Traffic Impact Study discussed below, the remaining 139 parking spaces will be used as paid public spaces which will be available to users of the proposed retail, office and theatre uses on-site, along with users of other sites nearby. This satisfies the Zoning By-law requirement for the retail and office uses. However, it is less than the estimated parking demand generated by the theatre component for 241 spaces, based on a parking demand of 1 space/12 seats, exhibited by similar uses. Given that the subject property is located on two major subway lines, and the fact that there is off-site parking opportunities nearby to accommodate theatre patrons who choose to drive to this area, the proposed public parking supply is acceptable for the commercial component. However, a physical separation must be provided between the residential and non-residential portions of the underground parking garage to secure the availability of the residents' parking.

Notwithstanding the above, insufficient sightlines are provided for vehicles exiting the parking stall immediately next to the bottom of the underground parking ramp. Additionally, insufficient turn around area is provided for the southernmost parking stall marked as space number 72. These conditions are unacceptable as they create safety hazards. As a result, parking stalls must either be removed and/or relocated on each of the parking levels, accordingly. The applicant is advised that the minimum residential and commercial parking rates noted above must still be satisfied.

## LOADING

The applicant is intending to provide four loading spaces on-site (one Type "G", two Type "B" and one Type "C"). As this satisfies the supply requirements of the Zoning By-law, the loading space provision for the development is acceptable. However, this is subject to the requirement noted in the Driveway Access And Site Circulation section being addressed accordingly, and given that the loading spaces will be covered, the provision of a continuous minimum vertical clearance of 4.3m for all loading spaces.

## TRAFFIC ASSESSMENT

A Traffic Impact Study, prepared by B.A. Group dated December 24, 2002 (revised April 4, 2003) in support of the subject proposal, was received by Transportation Services of this Department on April 24, 2003.

The study assessed only the trips which will be generated by the residential component of the site, and the proposed 139 public parking stalls. A summary of this assessment is provided in the following table.

Proposed Use	Trips Generated By Proposed Development					
	A.M. Peak Hour			P.M. Peak Hour		
	In	Out	Total	In	Out	Total
525 Residential Units	30	100	130	80	55	135
139 Public Parking Stalls	50	5	55	40	55	95
Total	80	105	185	120	110	230

The data in the above table is based on the consultant's experience with residential condominium projects and public parking facilities in the vicinity of the site, and takes into consideration the accessibility of nearby public transit facilities. Appropriate supporting data is provided in the appendix of the report to justify the use of the trip generation estimates for the development. Therefore, the trip generation statistics noted in the above table are acceptable.

With the addition of the site traffic to the road network, the capacity analysis summaries in the appendix of the report indicate that the eastbound movements at the Hayden Street/Church Street intersection (during the a.m. and p.m. peak hours), and the southbound left movement at the Yonge Street/Hayden Street intersection (during the p.m. peak hour) which are currently operating at Level of Service F, will experience even greater delays. The addition of traffic to an already "over-capacity" situation is unacceptable. Therefore, the consultant included a sensitivity analysis in the report in which all outbound site traffic was redirected to the Bloor Street East access driveway. The results under this scenario suggest that the levels-of-service for all movements at this access driveway will operate at acceptable levels of service.

The consultant has outlined the advantages of providing "various alternative routing options to avoid capacity constrained movements". However, there is a concern with their proposal to permit turning movements that would add traffic to these constrained movements. Therefore it is recommended that the outbound left-turn to Hayden Street be prohibited during the a.m. and p.m. peak hours.

Although there is also a concern with the southbound left-turn from Yonge Street to Hayden Street during the p.m. peak hour, this Department is not recommending the prohibition of this movement because it would affect all motorists, not just site-generated traffic. Furthermore, the prohibition of left-turns into the site from Hayden Street would preclude access to this site from northbound Yonge Street, which is not constrained.

Finally, in accordance with the consultant's recommendations, the operations of the driveway on Bloor Street East will be restricted to right-turns in and right-turns out only during the p.m. peak period.

## Solid Waste and Recycling

The City will provide the residential component of 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 a Type G loading space and adequate storage and collection facilities.

The non-residential component is not eligible for City collection and will require the services of a private collection firm. The non-residential component must have separate storage facilities for the refuse and recycling material generated by it.

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.

## STORM DRAINAGE

It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. Further information regarding storm drainage can be obtained by contacting Brian Lee at 416-397-0253.

## SANITARY DRAINAGE

The applicant is required to submit a site servicing review, which will estimate the proposed drainage from this development and determine, with any available City information, the adequacy of the existing infrastructure to serve the proposed development. The site servicing review will identify upgrades and infrastructure improvements where necessary.

## WATER SUPPLY

Similar to the sanitary drainage system, the site servicing review will determine if the existing municipal water supply system is adequate to serve this development, and will identify improvements where necessary.

## FIRE SERVICES

The site plan should be revised to address the following with respect to Fire Access Route requirements of the Ontario Building Code.



- (i) Fire access routes located within 3 to 15 metres of every building face having access openings (unsprinklered buildings);
- (ii) Hydrant located no more than 45 metres from a fire department siamese connection; and
- (iii) Central alarm control facility room near entrance.

For further information in this regard, please contact the Fire Prevention Division (telephone 392-0160).

#### CONSTRUCTION PERMITS

The proposal includes the installation of decorative paving and the planting of trees within the abutting public rights-of-way. The owner should be advised that approval for any work to be carried out within the public right-of-way must be received from this Department. If clarification is required on how these standards will apply to this site, the applicant can contact the Right-of-Way Management Section, District 1, Construction Activities, at 392-7877.

**Attachment 5  
Draft Official Plan Amendment**

**CITY OF TORONTO**

**BY-LAW NO. \_\_\_\_2003-05-09**

**To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden St., and Roy's Square**

**The text and map annexed hereto as Schedule “A” are hereby adopted as an amendment to the Official Plan for the former City of Toronto.**

**This is Official Plan Amendment No. .**

**SCHEDULE “A”**

Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding a new Section 18.\_\_\_\_ and Map 18.\_\_\_\_ as follows:

"18.\_\_\_\_ Lands known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden St., and Roy's Square.

See Map 18\_\_\_\_ at the end of this Section.

Despite any of the provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18\_\_\_\_ to permit the erection and use of a building containing non-residential and *residential* uses provided:

- (a) the *lot* on which such building is erected and used comprises at least the lands shown outlined in heavy lines on Map 18\_\_\_\_;
- (b) the aggregate of the *non-residential gross floor area* and the *residential gross floor area* erected and used on the *lot* does not exceed 62,000 square metres;
- (c) the non-residential and the *residential* uses erected on the *lot* are otherwise permitted on the *lot*;
- (d) the *owner* of the lands, at its expense,
  - (i) and in accordance with and subject to the agreement referred to in paragraph (iii),
    - (a) constructs improvements to Bloor Street in the vicinity of the *lot* to a value of not less than \$2,000,000.00, or

- (b) pays to the City the sum of \$2,000,000.00 for the purpose of improvements to Bloor Street in the vicinity of the *lot* or for such other local improvements as the City may agree to and are beyond the streetscape requirements of the *lot*; and
- (ii) enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in paragraph (i) and (ii) above and such agreement shall be registered against the lands as a first charge.

For the purpose of this section all italicized words or expressions have the same meaning as the definitions contained in By-law No. 438-86, as amended, of the former City of Toronto

**Attachment 6**  
**Draft Zoning By-law Amendment**

Authority: Toronto East York Community Council Report No. \*, Clause No. \*, as adopted by City of Toronto Council on \*.

Enacted by Council:

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_\_-2003**

**To amend General Zoning By-law No. 438-86 of the former City of Toronto, as amended with respect to lands known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street, and Roy's Square.**

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted 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 the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

AND WHEREAS the owner of the lands known at the date of enactment of this By-law as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street and Roy's Square ( the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law;

AND WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

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

1. None of the provisions of Sections 4(2), 4(5), 4(8), 4(12), 4(13), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2) 259, 12(2) 260 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of an other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* on the lands municipally known in the year 2002 as 1

Bloor Street East, 23 Bloor Street East, 14 Hayden Street and Roy's Square, delineated by heavy lines on the attached Map 1 (the "*lot*"), provided:

- (a) the lot consists of at least the lands delineated by heavy lines on the attached Map 1;
- (b) the total combined residential gross floor area and non-residential gross floor area erected or used on the lot does not exceed 62,000 square metres, of which
  - (i) *the residential gross floor area does not exceed 45,000 square metres; and*
  - (ii) *the non-residential gross floor area does not exceed 22,000 square metres;*
- (c) not less than 2,000 square metres of *residential amenity* space shall be provided on the *lot*;
- (d) the *heights* of any building or structures erected on the lot shall not exceed the *heights* in metres shown on the attached Map 2, including mechanical and roof top elements permitted in subsection 4(2) of By-law 438-86, as amended except for,
  - (i) parapets extending to a maximum vertical projection of 0.5 metres above the *height* limits shown on Map 2; and
  - (ii) decorative elements extending to a maximum vertical projection of 18.0 metres above the height limits shown on Map 2;
- (e) No portion of any building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, subject to the following,
  - (i) balconies are permitted to project a maximum of 2.5 metres beyond the heavy lines shown on Map 2;
  - (ii) canopies and awnings are permitted outside the heavy lines shown on Map 2; and
  - (iii) lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (f) at least 60% of the aggregate length of the portion of the combined *frontage* of the *lot* abutting Yonge Street and Bloor Street provide *street-related retail and service uses*;
- (g) not less than 471 below *grade parking spaces* are provided on the *lot* of which 300 shall be exclusively for use by residents of the building erected on the *lot*;
- (h) the following shall be provided and maintained on the *lot*:

- (i) one loading space-type C;
  - (ii) one loading space-type G; and
  - (iii) two *loading spaces-type B*;
- (i) the *owner* of the *lot* at its own expense and in accordance with and subject to the agreement referred to in paragraph 1(i) herein, provides to the satisfaction of the City,
- (i) constructs improvements to Bloor Street in the vicinity of the *lot* to a value of not less than \$2,000,000.00, or pays to the City the sum of \$2,000,000.00 for the purpose of improvements to Bloor Street in the vicinity of the *lot* or for such other local improvements as the City may agree to and are beyond the streetscape requirements of the *lot*; and
  - (ii) provides not less than 20.5 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the intersection of Yonge Street and Bloor Street, the location and design to be to the City's satisfaction; and
- (j) the *owner* of the lot enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services or matters required in the above paragraph 1(h) and agrees to the registration of such agreement against the *lot* as a first charge prior to this Zoning By-law Amendment coming into full force and effect.
2. For the purposes of this By-law:
- (a) "grade" means Canadian Geodetic Datum; and
  - (b) "height" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2.
3. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.

ENACTED AND PASSED this \* day of \* , A.D. 2003

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)