

TORONTO STAFF REPORT

February 3, 2004

To: Toronto South Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to the Amend the Official Plan and Zoning By-law
825, 855 and 863 Bay Street
Lanterra Bay Street Limited (Architects Alliance)
Application No. 03 035170 STE 27 OZ
Toronto Centre – Rosedale, Ward 27

Purpose:

To review and recommend approval of Official Plan and Zoning By-law Amendments to permit development of a mixed-use building consisting of a 41-storey residential tower and a 34-storey residential tower containing a total of 633 residential units and street-related retail uses.

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 the Zoning By-law 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 execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Commissioner of Urban Development Services and the City Solicitor, such agreement(s) to be registered against the title to the lands prior to the issuance of any building permit for the development to secure the following facilities, services, and matters:

- (a) contributions in the amount of \$780,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 519 Church Street and for capital costs at Dundas Square;
- (b) a contribution in the amount of \$20,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 32 Grenville Street;
- (c) a public art contribution in accordance with the City of Toronto's public art programme for a value of not less than one percent of the cost of construction of all buildings and structures on the lands;
- (d) architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and
- (e) the phasing the development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services;

(5) before introducing the necessary Bills to City Council, require the applicant to enter into an agreement to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor securing the conveyance to the City, at nominal cost, a 0.26 m wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, 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, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes, with such conveyance to occur prior to the earlier of the registration of a condominium plan or first occupancy of any building on the site;

(6) before introducing the necessary Bills to City Council, require the applicant to enter into an agreement to the satisfaction of the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the City Solicitor securing by appropriate legal mechanism public access to the widened sidewalk extending the full extent of the site abutting the east limit of Bay Street;

(7) before introducing the necessary bills in Council, require the owner to submit to the City Solicitor a letter undertaking to withdraw its appeal of the new Official Plan for the City of Toronto, dated April 10, 2003, once the site specific Official Plan amendment and zoning by-law come into force; and

(8) require that the owners provide an irrigation system at the applicant's expense for all street trees in the public right-of-way with automatic timer at the applicant's expense and that the irrigation system 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 the entire system in continuing good order and operation.

Background:

Proposal

The proposal is for a mixed use development consisting of two residential point towers located at the north and south ends of the site, constructed on top of a two-storey podium. The north tower would be 34 storeys and the south tower 41 storeys – 113 and 140 metres, respectively, including mechanical penthouses. The total proposed density is 15.37 times the area of the lot. 633 residential units are proposed. The two storey podium will occupy the entire Bay Street frontage and will contain approximately 850 square metres of retail floor area on the ground floor, and residential amenity space on the second floor.

Vehicular access to the proposed building would be from the laneway at the rear of the property, which would provide access to the loading space and to the underground garage.

Site and Surrounding Area

The site is located on the east side of Bay Street and occupies the entire frontage of the block between Grosvenor Street and Grenville Street. The western boundary of the site abuts a public lane that runs between Grosvenor and Grenville Streets. The site is approximately 3100 square metres in size.

The property is currently occupied by a used car dealership, consisting of a surface parking lot surrounding a small one-storey office building. The area is generally developed with mid- and high-rise structures accommodating both residential and commercial uses. To the south is the Toronto Police Service Headquarters. To the north is a recently completed 16-storey residential condominium building. A two-storey automobile dealership and showroom occupying a heritage building is located on the opposite side of Bay Street west of the site. To the east is an 11-storey residential building converted from office, and buildings ranging in height up to 20 storeys housing the provincial Centre for Forensic Sciences. A complex of provincial office buildings is located to the northwest of the site.

Former City of Toronto Official Plan

The former City of Toronto Official Plan designates the property High Density Mixed Commercial Residential Area "B", which permits residential, commercial, and mixed-use development at densities up to 7.8 times the area of the site. This proposal exceeds the maximum density provided by the existing Plan.

New Toronto Official Plan

At its meeting of November 26, 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 new plan comes into force and effect, it will designate the site "Mixed Use Area," made up of a broad range of residential, commercial, and institutional uses in single use or mixed use buildings.

An amendment to the new Official Plan is not required. In the opinion of Planning staff, the proposal meets the Development Criteria for Mixed Use Areas contained in Section 4.5.1 of the plan. As discussed below, the proposal is appropriately massed within the context of various tall buildings in the area, creates minimal shadow impact on public spaces, and contributes positively to the pedestrian environment.

The applicant has appealed the new Official Plan to the Ontario Municipal Board in its entirety and as it applies to their lands due to concerns regarding the lack of clarity of certain policies and their potential impact on the redevelopment potential of their lands. Staff recommend securing the withdrawal of the appeal in conjunction with the coming into force of the proposed Official Plan and Zoning By-law amendments.

Zoning

The site is zoned CR T7.8 C2.0 R7.8, which permits a mix of commercial and residential development at a density of 7.8 times the area of the lot, provided the commercial gross floor area does not exceed 2.0 times the area of the lot.

The height limit for the area is 61.0 metres. In addition to the height limit, the by-law requires a building in this area to fit within a 60 degree angular plane projected over the lot starting at an elevation of 34 metres.

Site Plan Control

The proposed development requires Site Plan Approval. The applicant has not submitted an application approval, although a number of issues related to site plan have been discussed in the review of the proposal.

Other By-law

In 1990, Council adopted By-law 420-90, which included the site in an area defining the University of Toronto campus as an area to be examined for future designation as a heritage conservation district. The heritage conservation district has never been implemented and the subject property is neither listed nor designated as a heritage building. Therefore, staff do not consider the study area established through By-law 420-90 as pertinent to the application.

Reasons for the Application

The proposed density of 15.37 exceeds that permitted by both the Official Plan and the Zoning By-law (7.8 times coverage). As a result, amendments to both the Official Plan and Zoning By-law are required.

In addition to density, there are a number of areas where the proposal does not comply with the Zoning By-law:

- (a) The proposed height exceeds the Zoning By-law's 61.0 metre height limit for the area.
- (b) The building penetrates the required angular plane.
- (c) The proposal provides 538 square metres of outdoor amenity space, whereas 1,284 square metres are required.

Community Consultation

A community consultation meeting was held in the neighbourhood on December 10, 2003. Approximately 20 persons attended the meeting. Concerns were expressed regarding: the use and improvement of the public lane adjacent to the site; the amount of parking proposed; impact of the new development on the income generated by a sign on a nearby building; shadow impacts; height; the impact of construction on adjacent buildings; and capacity of local infrastructure to accommodate the development.

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:

Height and Massing

Section 13.12 of the former City of Toronto Official Plan states that High Density Mixed Commercial Residential Areas are built up with tall, high density commercial and residential buildings. The intent of the plan is to ensure compatibility with local conditions and objectives.

The proposed heights of 113 metres and 140.5 (including mechanical penthouses) are significantly higher than the zoned height limit of 61 metres for this area. Several buildings in the Bay Street corridor north of College Street have been built under site-specific permissions for increased height. Several sites have been developed to heights in the range of 80 to 100 metres. The tallest buildings in the immediate vicinity are the residential apartment building at 25 Grenville Street (77 metres), the Provincial Centre for Forensic Science at 15 Grosvenor Street (85 metres), the residential tower under construction at the southeast corner of Bay Street and Wellesley Street West (91 metres), and the Provincial

government office building at 900 Bay Street (97 metres). South of College Street heights range up to 95 metres on the west side of the street and the heights of the residential towers under construction at College Park are approximately 135 metres and 150 metres.

The residential towers proposed for 825 Bay Street are “point towers.” Point towers are buildings with small floorplates that result in thin buildings which may reduce impact on light and views. In this case, the proposed floor plates are 645 square metres, smaller than towers that have typically been built and approved in Toronto in recent years. The small floor plates are secured through building envelopes attached to the draft zoning by-law.

The proposed 11-metre podium reinforces the defined edge of the street on this block of Bay Street and is compatible with the height of the heritage building across the street at 832 Bay Street. The height differs from the height of the building step-backs on the East of Bay lands north of the site. The draft zoning by-law accommodates a cornice on the proposed development to acknowledge the setbacks on the buildings to the north.

An important benefit of the proposal is the opportunity to enhance the sidewalk on this block of Bay Street. The width of the sidewalk will be widened to roughly 7.5 metres along the front of the development. The pedestrian realm will be complemented by a requirement to provide at grade retail space fronting onto Bay Street. Landscape and design of the pedestrian realm will be negotiated and secured through site plan approval.

The East of Bay Lands comprise the two blocks north of the subject site, located on the east side of Bay Street between Wellesley Street West and Grosvenor Street. Their ongoing redevelopment provides additional context for the 825 Bay Street proposal. Planning approval of the East of Bay lands relied on comprehensive planning guidelines to achieve alignment of buildings along Bay Street, lane extensions, a new public park, compatible massing, and consistent, high-quality pedestrian improvements. The proposal for 825 Bay Street reflects planning achieved on the East of Bay lands through the widened sidewalk and opportunity for streetscape improvements, the proposed building setback, and the improvements to the public lane.

The proposed development departs from the East of Bay developments with respect to how density and built-form are arranged on the site. Rather than a slab building, the proposal is for two point towers which are taller and more slender than the developments on the East of Bay lands. The massing maintains a strongly expressed podium, although it is lower than the podium heights to the north. These differences are compatible and, as discussed above, bring certain advantages with respect to reducing the impact of shadows cast by the building and allowing views between the two towers while reducing the sense of building mass on Bay Street.

The proposed development will most impact the 16 storey residential condominium at 887 Bay Street on the block north of the subject site, and the adjacent apartment building at 32 Grenville. These buildings will experience a substantial building mass developed in close proximity. In the opinion of planning staff, the impact of the proposal on these properties is not greater than what could be developed as-of-right. The proposal meets by-law standards

for setbacks, and the existing 61 metre height limit would permit a building taller than either of the two affected buildings.

Planning staff are satisfied that the proposed built form is appropriate for the area. While the buildings are taller than other buildings in the area, the proposed heights are not incompatible with the character of the area. Generally, the small floor plates of the proposed towers will reduce shadow impacts and maintain views in the area and reduce the sense of building mass. The street level pedestrian realm is appropriately addressed. Shadow and wind impacts are discussed below.

Shadow

The applicant has submitted shadow studies of the proposal, to illustrate the shadows that would be created by the proposed building at different times of the year and different times of the day. The proposed height of the north tower has been reduced from the original proposal in order to eliminate any additional shadow cast on the park which is planned in conjunction with the development of the East of Bay lands on the block north of the subject site.

With the revisions submitted since the original application, the shadows generated by the proposal do not impact adjacent residential properties and public spaces more severely than shadows that could result from as-of-right development on the site.

As noted above, in order to ensure acceptable shadow impact on the public sidewalk across the street from the development, the zoning for site requires a building to fit within a 60 degree angular plan projected from the property line at a height of 34 metres. The podium of the building fits within the plane. The two towers have not been set back to fit within the angular plane and they will penetrate the plane above a height of between 38 and 40 metres. Although the proposed height results in longer shadows, the slenderness of the towers mean that there is a wide gap between the two shadows and the shadows move quickly across the sidewalks as the sun crosses the sky.

Wind

The applicant submitted a wind study prepared by F.H. Theakston Environmental Control Inc. It finds that the comfort level of pedestrians adjacent to the site will not be seriously impacted and that the development will realize wind conditions acceptable to a typical urban context.

Minor mitigation of wind impacts is recommended, such as incorporation of parapet walls, canopies along the Bay Street Frontage of the podium, balconies, and landscaping. The draft Official Plan Amendment and Zoning By-law Amendment accommodate these elements, which will be secured in final form through the Site Plan Approval.

Traffic Impacts and Parking

Works and Emergency Services staff have reviewed the Traffic Impact Study prepared by iTRANS Consulting Inc. and have advised that the area road system can accommodate the anticipated impact of traffic generated by the development.

The original proposal included 397 parking spaces on-site in an underground garage. In response to concerns expressed by Works and Emergency Services and by local residents that the parking supply would be inadequate, the applicant has agreed to provide parking consistent with the City's condominium parking standard. The parking ratio is prescribed in the draft zoning by-law attached to this report. The revised proposal shows 531 parking spaces (492 for residents and 39 for visitors) which exceeds the 525 spaces that would be required under the condominium parking standard.

The applicant has agreed to provide 276 bicycle parking spaces, exceeding the requirements of the Zoning By-law by 76 spaces. The bicycle parking will be provided in convenient locations on the ground floor and first parking level.

Amenity Space

The proposal includes 1,936 square metres of indoor amenity space for the residents of the building. This amount exceeds the requirements of the Zoning By-law.

Outdoor amenity space comprising 538 square metres is proposed for the roof of the podium, less than the zoning by-law requirement of 1,284 square metres. The proposed outdoor amenity area utilizes all practical space on the podium of the roof. Additional space would require either a substantially reduced building footprint, or utilization of space on top of the proposed towers, which may not be of a high quality. Given the constraints of the site, the excess indoor amenity space proposed, and the difficulty of providing high-quality space on the roofs of the towers, staff are satisfied that the amount of proposed outdoor amenity space is sufficient.

Laneway

A number of residents at the community consultation meeting expressed concern about the condition of the public lane adjacent to the site, which is frequently used as a pedestrian connection by neighbourhood residents and which is often misused by drivers at excessive speeds.

A widening of the adjacent public laneway is recommended to be secured through the approval of the Official Plan and Zoning By-law amendments. The site plan approval process will offer the City the opportunity to gain additional improvements to the lane, including a sidewalk on the west side of the lane, improved lighting, and speed bumps or speed humps.

Servicing

In response to the original proposal, the applicant was requested to provide to the Commissioner of Works and Emergency Services a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from the development. The applicant submitted the requested study in December. Works and Emergency Services staff have reviewed the study and agree with its conclusion that there is adequate capacity in the adjacent municipal services to accommodate the development.

Density

The density proposed for the site is 15.37 times the area of the lot, which represents an increase to nearly twice what is currently permitted under the Official Plan and the Zoning By-law.

The Bay Street corridor is developed with large buildings at high densities. However, the proposed density is above what is typical of development on Bay Street.

As discussed above, the proposed height and massing of the development are acceptable and in some ways advantageous. Two measurable impacts of the proposed height and density – shadow and wind – have been found to be reasonable. The site is able to physically accommodate the proposed development and the local servicing and transportation infrastructure can support the proposal.

Community Benefits

A package of community benefits contributes to the planning merits of the proposal and implements Official Plan objectives related to well-managed and balanced growth. The applicant has agreed to provide the following benefits in exchange for increases in height and density:

- (a) \$780,000 for capital improvement to the 519 Church Street Community Centre and to capital costs of Dundas Square;
- (b) \$20,000 to capital improvements of the non-profit housing building located at 32 Grenville Street;
- (c) review and approval of architectural design and exterior material of the proposed building; and
- (d) a Public Art program at a minimum value of one percent of the gross construction costs of the project.

These and other matters such as streetscape improvements and land conveyance will be secured in a Section 37 Agreement executed prior to the introduction of the bills in Council.

Conclusions :

Staff recommend approval of Official Plan and Zoning By-law amendments to permit development of a mixed-use building with two residential point towers 41 storeys and 34 storeys in height. Although the proposal represents a substantial greater height and density than other developments in the area, the proposal is consistent with planning objectives in the area and will not have undue impacts on adjacent properties and public spaces. The applicant has agreed to provide a package of community benefits in exchange for increases to height and density under Section 37 of the Planning Act.

Contact:

Kyle Knoeck, Planner - East Section
Telephone: (416) 392-7215
Fax: (416) 392-1330
Email:kknoeck@toronto.ca

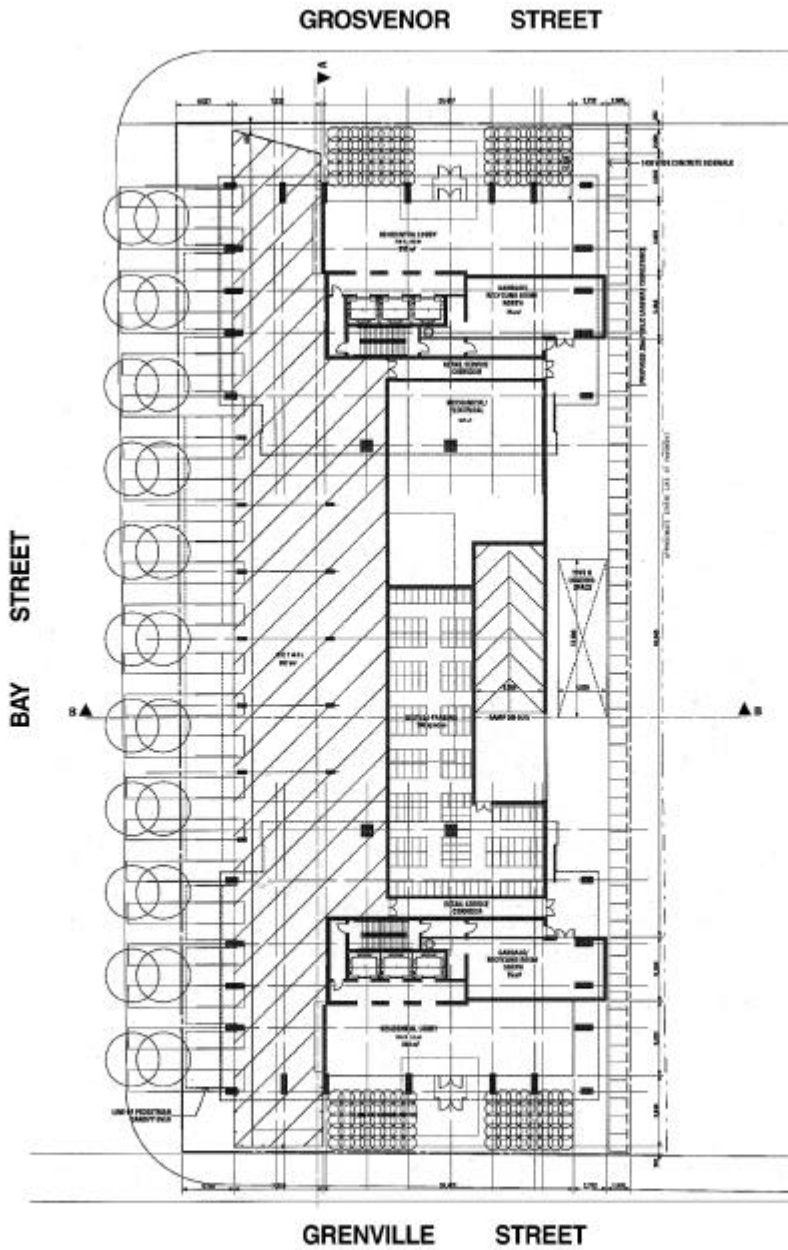
Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



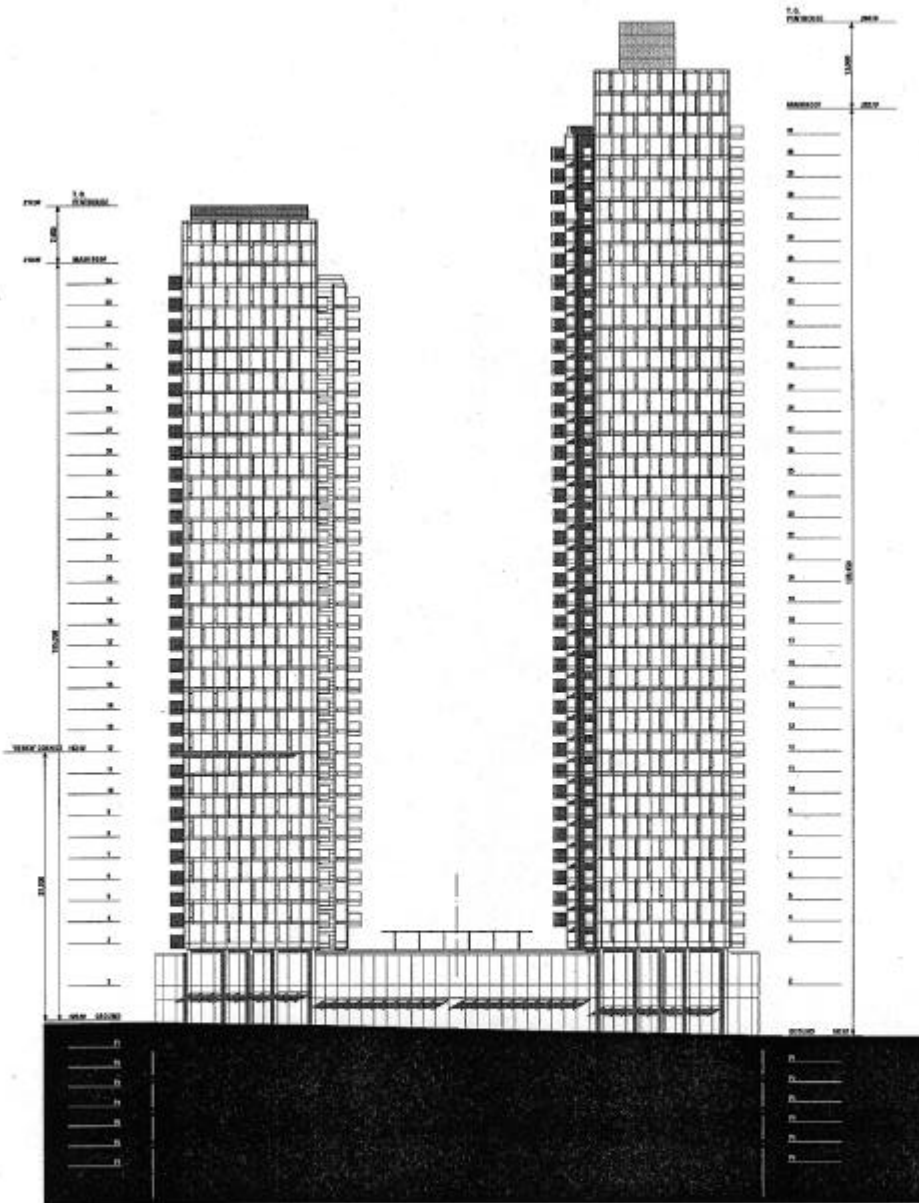
Site Plan
Applicant's Submitted Drawing

825,855 & 863 Bay Street

Not to Scale
01/30/04 

File # 03_035170

Attachment 2: Elevation 1



West Elevation

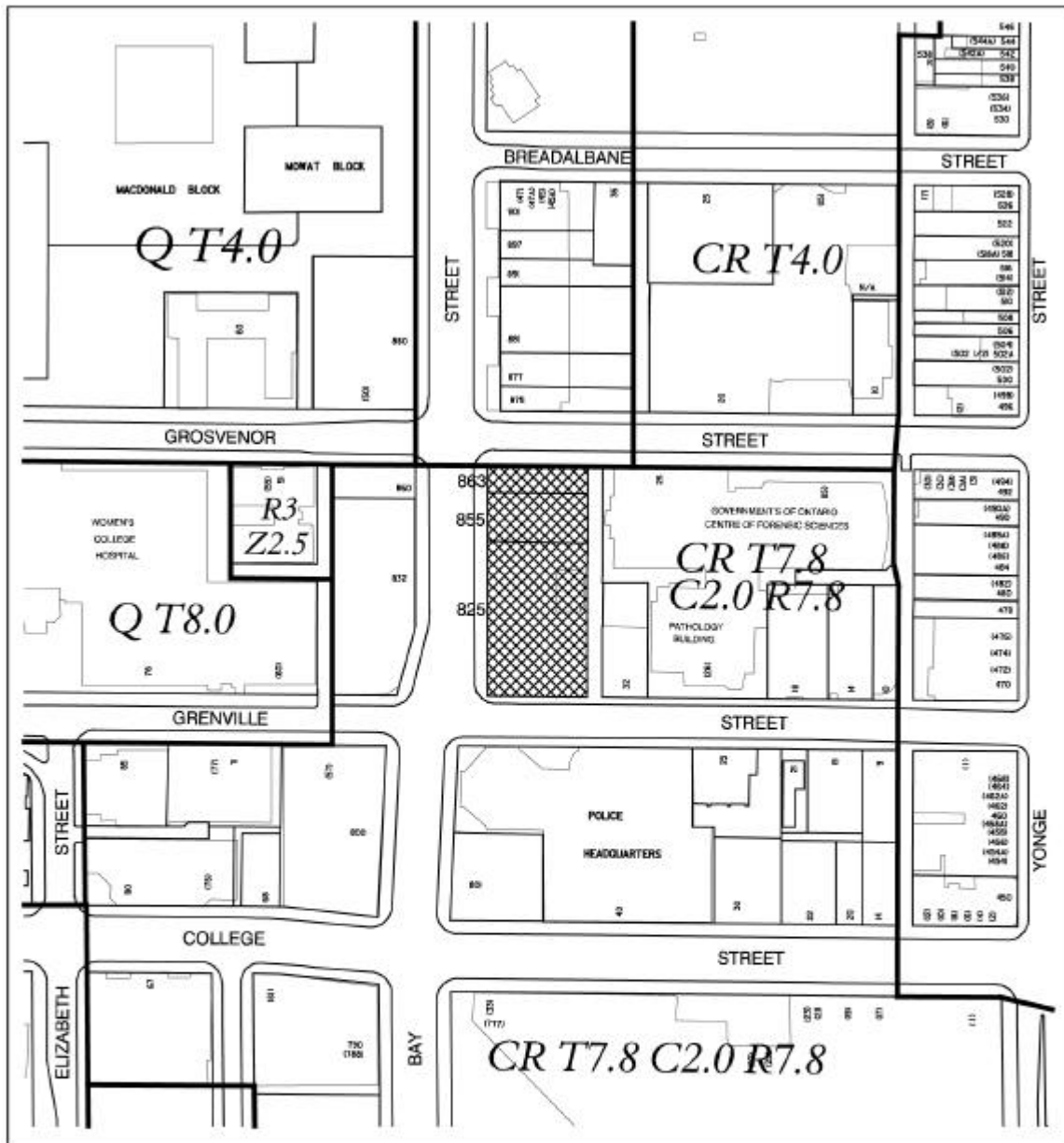
Applicant's Submitted Drawing

Not to Scale
01/30/04

825,855 & 863 Bay Street

File # 03_035170

Attachment 3: Zoning (Map)



Toronto Urban Development Services
Zoning

825,855 & 863 Bay Street

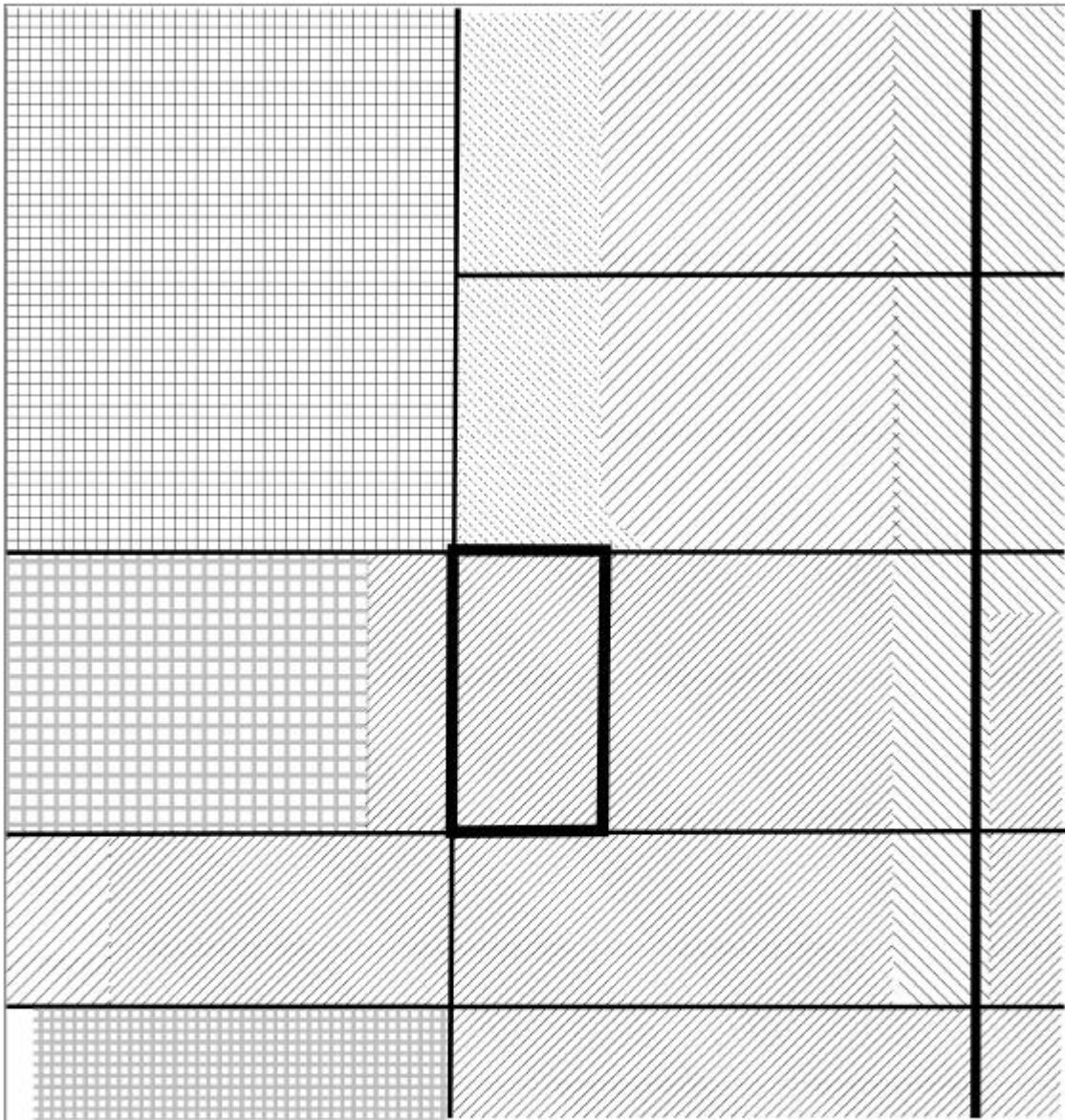
File # 03_035170

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



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 08/08/03 - DR

Attachment 4: Official Plan (Map)



 **TORONTO** Urban
Development Services
Official Plan

825,855 & 863 Bay Street

File # 03_035170

- | | | |
|--|--|--|
|  Site |  High Density mixed
Commercial - Residential Areas 'A' |  Hospital Areas |
|  Low Density Mixed
Commercial - Residential Areas |  High Density mixed
Commercial - Residential Areas 'B' |  Institutions |
|  Medium Density Mixed
Commercial - Residential Areas |  Queen's Park Government Area | |


Not to Scale
08/06/03

Attachment 5

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	03 035170 STE 27 OZ
Details	Rezoning, Standard	Application Date:	April 10, 2003

Municipal Address: 825 BAY ST, Toronto ON
 Location Description: 825 BAY ST
 Project Description: Mixed use building, with 633 residential condominium unit, retail, service and restaurant uses

Applicant:	Agent:	Architect:	Owner:
MC CARTHY TETRAULT, LLP STEPHEN DIAMOND		Architects Alliance	Lanterra Bay Developments Ltd.

PLANNING CONTROLS

Official Plan Designation:	HDMCR "B"	Site Specific Provision:	none
Zoning:	CR T7.8 C2.0 R7.8	Historical Status:	no
Height Limit (m):	61	Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area:	3100	Height:	Storeys:	41
Frontage:	36.58		Metres:	134 + mech penthouse
Depth:	84.31			
Ground Floor GFA:	1,984		Total	
Residential GFA:	46,780	Parking Spaces:	531	
Non-Residential GFA:	856	Loading Docks	1 Type G	
Total GFA:	47,636			
Lot Coverage Ratio:	0.64			
Floor Space Index:	15.37			

DWELLING UNITS

Tenure Type:	Condominium
Rooms:	0
Bachelor:	0
1 Bedroom:	487
2 Bedroom:	146
3 + Bedroom:	0
Total Units:	633

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA:	46780	0
Retail GFA:	856	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

CONTACT:	PLANNER NAME:	Kyle Knoeck, Planner - East Section
	TELEPHONE:	(416) 392-7215

**Attachment 6
Draft Official Plan Amendment**

Authority: Toronto South Community Council Report No. _____, Clause No. _____,
adopted by City of Toronto Council on _____, 2004
Enacted by Council: _____, 2004

**CITY OF TORONTO
BY-LAW No. _____-2004**

**To adopt an amendment to the Official Plan for the former City of Toronto respecting
lands known as 825, 855 and 863 Bay Street**

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

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; and

This is Official Plan Amendment No. _____.

ENACTED AND PASSED this _____ day of _____, A.D. 2004.

DAVID MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

City of Toronto By-law No. _____-2004
Schedule "A"

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 825, 855 and 863 Bay Street

Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18. _____ to permit a building containing *residential* uses and *commercial* uses provided:

the combined *residential gross floor area* and *non-residential gross floor area* permitted on the lands does not exceed **47,650** square metres, provided

the *residential gross floor area* does not exceed **46,780** square metres;

the *non-residential gross floor area* does not exceed **950** square metres;

the owner of the lands is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Commissioner of Urban Development Services and the City Solicitor and that such agreement(s) be registered against the title to the lands to secure the following facilities, services and matters:

contributions in the amount of \$780,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 519 Church Street and for capital costs at Dundas Square;

a contribution in the amount of \$20,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 32 Grenville Street;

a public art contribution in accordance with the City of Toronto's public art programme for a value of not less than one percent of the cost of construction of all buildings and structures on the lands;

architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and

the phasing the development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services.

**Attachment 7
Draft Zoning By-law Amendment**

CITY OF TORONTO

BY-LAW No. ____ -2004

To amend General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known as 825, 855 and 863 Bay Street.

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

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

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

None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *street-related retail and service uses*, and Sections 4(2)(a)(i) and (ii), 4(5)(b), (c), (d), 4(12), 4(13), 4(14), 8(3) PART I, 8(3) PART II, 8(3) PART XI 2(ii), 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 and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of one or more *mixed-use buildings*, including *accessory* uses and a *parking garage*, on the lands municipally known in the year 2004 as 825, 855 and 863 Bay Street (hereafter referred to as the “*lot*”) provided:

the *lot* on which the proposed buildings are to be located comprises the lands outlined by heavy lines as shown on Plan 1, attached hereto and forming part of this By-law;

the combined *residential gross floor area* and *non-residential gross floor area* on **Parcel A** shall not exceed **22,580** square metres, of which not more than **22,150** square metres shall be *residential gross floor area* and not more than **500** square metres shall be *non-residential gross floor area*;

the combined *residential gross floor area* and *non-residential gross floor area* on **Parcel B** shall not exceed **27,500** square metres, of which not more than **27,000** square metres shall be *residential gross floor area* and not more than **500** square metres shall be *non-residential gross floor area*;

the total *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed **46,780** square metres and **950** square metres respectively, provided the combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed **47,650** square metres;

no portion of the buildings above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2 with the exception of the following:

cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, public art features, wheel chair ramps, underground garage ramps and associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Plan 2; and,

balconies which may extend up to 1.85 metres beyond the heavy lines on the attached Plan 2, provided no balconies are located on the easterly and westerly elevations of the buildings;

any building or structure on the *lot* shall not have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Plan 2, except for the following:

a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes, chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of the building, ornamental elements, parapets and safety railings may exceed the *height* limit on the attached Plan 2 by no more than 3 metres;

street-related retail and service uses shall be provided on the ground floor level and the area occupied by *street-related retail and service uses* shall have a depth of not less than **6.5** metres measured from the main front wall of the building that is parallel with the Bay Street *frontage* and the *street related retail and service uses* shall have an aggregate width of at least 75 percent of the Bay Street *frontage* of **Parcel A**;

street-related retail and service uses shall be provided on the ground floor level and the area occupied by *street-related retail and service uses* shall have a depth of not less than **6.5** metres measured from the main

front wall of the building that is parallel with the Bay Street *frontage* and the *street related retail and service uses* shall have an aggregate width of at least 75 percent of the Bay Street *frontage* of *Parcel B*; a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

0.3 *parking spaces* for each *bachelor dwelling unit*;

0.7 *parking spaces* for each one –*bedroom dwelling unit*;

1.0 *parking spaces* for each two –*bedroom dwelling unit*;

1.2 *parking spaces* for each three –*bedroom dwelling unit*;

0.06 *parking spaces* for every *dwelling unit* contained therein for visitors;

Parcel C shall only be used for the purposes of a public lane at and above finished ground level subject to the following provision:

Parcel C may be used below the finished ground level for an underground *parking garage* and *accessory* uses in connection with the development of either *Parcel A* or *Parcel B* or both;

at least one *loading space-type G* shall be provided and maintained on the *lot*;

a minimum number of *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* shall be provided and maintained on the *lot* in accordance with the following:

90 *bicycle parking spaces – occupant* and **20** *bicycle parking spaces – visitor* for the residential development on *Parcel A*; and

146 *bicycle parking spaces – occupant* and **20** *bicycle parking spaces – visitor* for the residential development on *Parcel B*;

residential amenity space shall be provided and maintained as follows:

for the residential development on *Parcel A*, at least **775** square metres of indoor *residential amenity space* and, for *Parcel B*, at least **1161** square metres of indoor *residential amenity space*, provided that such indoor *residential amenity space* for *Parcel A* and *Parcel B* is provided and maintained in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and

for the residential development on *Parcel A*, at least **200** square metres of outdoor *residential amenity space* and, for *Parcel B*, at least **338** square metres of outdoor *residential amenity space*, provided at least 40 square metres of the total outdoor *residential amenity space* for *Parcel A* and *Parcel B* is provided in a location adjoining or accessible by stairs from a portion of the indoor *residential amenity space*;

the owner of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.

Pursuant to Section 37 of the *Planning Act*, the increased heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the owner of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection **1(14)** of this By-law, agreeing to:

contributions in the amount of \$780,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 519 Church Street and for capital costs at Dundas Square;

a contribution in the amount of \$20,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 32 Grenville Street;

a public art contribution in accordance with the City of Toronto's public art programme for a value of not less than one percent of the cost of construction of all buildings and structures on the lands;

architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and

the phasing the development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services.

Definitions:

For the purposes of this By-law, the terms set forth in italics, subject to Section 3.(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;

the following definitions shall apply:

“*grade*” shall mean 104.8 metres Canadian Geodetic Datum;

“*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure;

“*Parcel A*”, “*Parcel B*” and “*Parcel C*” all mean the areas identified as *Parcel A*, *Parcel B* and *Parcel C* on Plan 1 respectively;

“*street-related retail and service uses*” shall have the same meaning as provided in Section 2 of By-law 438-86, as amended, and shall include office uses.

Despite any existing or future severance, partition, or division of any *lot*, the provisions of this By-law shall apply to the whole of a *lot* as if no severance, partition or division occurred.

None of the provisions of this By-law or any restrictive By-law, including Section 12(2)259 of By-law No. 438-86, as amended, shall apply to prevent the erection and use on the *lot* of a temporary sales office for the purpose of selling residential dwelling units permitted by this By-law.

The following sections of this By-law shall not come into force until the registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in accordance with the provisions of section 2 herein: Sections 1, 2, 3, 4 and 5.

ENACTED AND PASSED this • day of •, A.D. 2004.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)