

TORONTO STAFF REPORT

April 24, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 438-86, as amended
Westbank Projects Corp. (James KM Cheng Architect Inc.)
180-188 University Avenue and 192-194 Adelaide Street West
05-152737 STE 20 OZ
Ward 20, Ward Trinity-Spadina

Purpose:

The purpose of this report is to review and recommend approval of an application to amend the former City of Toronto Official Plan and Zoning By-law 438-86, as amended, to permit the development of a 65-storey (214m to the top of the foil) hotel/condominium building at 180 to 188 University Avenue and 192-194 Adelaide Street West, located on the west side of University Avenue at Adelaide Street West.

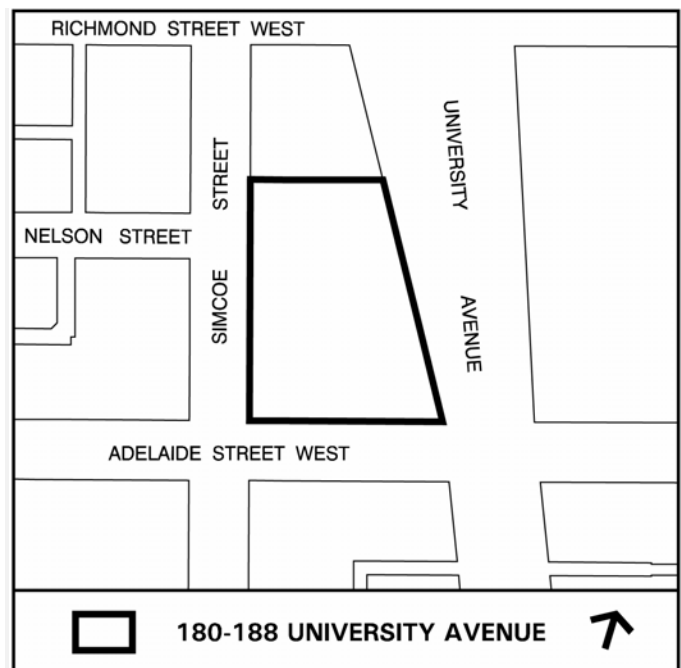
Financial Implications and Impact Statement:

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. 10.
- (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. 11.

- (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) prior to the introduction of Bills in Council require the owner to amend the Heritage Easement Agreement for the retained and reconstructed portion of the heritage building known as the 'Bishop's Block';
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following public benefits:
 - (i) Prior to the introduction of Bills in Council, the owner shall amend the Heritage Easement Agreement with the City for the retained and reconstructed portion of 180 University Avenue (Bishop's Block);
 - (ii) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 180 University Avenue (Bishop's Block), satisfactory to the Manager of Heritage Preservation Services or her designate;
 - (iii) in accordance with the Conservation Plan, the owner shall restore the heritage façades on Simcoe Street and Adelaide Street West, at a cost of \$1,500,000.00 and in the event of a lesser expenditure, the difference shall be re-directed to the provision of streetscape improvements as described below in Section 5 (iv);
 - (iv) the amount of \$400,000 to be used for streetscape improvements to University Avenue, Adelaide Street West, Simcoe Avenue beyond City standards as outlined in the City's Streetscape Manual and satisfactory to the Chief Planner. The streetscape improvements will be detailed through Site Plan Approval;
 - (v) a contribution of \$500,000.00 for improvements to Grange Park payable to the City of Toronto, \$50,000 of which is payable to the City of Toronto upon the Zoning By-law coming into full force and effect with the balance, as indexed from May 1, 2008, being payable prior to the issuance of an excavation permit for the development;
 - (vi) the securing of a contribution of \$50,000 payable to the City of Toronto upon the Zoning By-law coming into full force and effect, for the purposes of a heritage study for University Avenue;
 - (vii) the provision and maintenance of public art works pursuant to a public programme to be located on publicly accessible portions of the lot, to a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;

- (viii) the incorporation, in the construction of the building, of exterior materials to be shown for the podium on 1:50 scale drawings along University Avenue, Adelaide Street West and Simcoe Street to the approval of the Chief Planner;
 - (ix) revisions, if any, to the development to address the recommendations of a pedestrian level Wind Study;
 - (x) revisions to the development, or a Letter of Credit, if required, in accordance with the recommendations of a Street Lighting Assessment;
 - (xi) provision of knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner, and the General Manager of Economic Development; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*; and
 - (xii) the provision and maintenance of an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.
- (6) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.
- (7) require that prior to the issuance of any demolition or building permit, the applicant complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC;
- (8) require that the owner insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreement of purchase and sale or agreements to lease, and condominium declaration documents(s) for each affected residential unit, lot, and/or within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development and that the TTC accepts no responsibility for such effects;
- (9) prior to the issuance of any building permit, including a permit for the demolition, excavation, an/or shoring of any structure on the subject property, require the owner to:
- (i) document the as-found condition of the interior and exterior of the heritage building, (the Bishop's Block);

- (ii) submit a structural shoring plan that indicates the methods for ensuring that the facades are stable during demolition and construction of the interior of the building; and
 - (iii) submit a Letter of Credit, in an amount satisfactory to the Manager of Heritage Preservation Services, to secure all work contained in the Conservation Plan;
- (10) require the owner to fulfill the technical requirements set out in a memorandum dated April 5, 2006 from the General Manager, Technical Services.

Background:

Proposal

The proposal is for a 65-storey (214m to the top of the foil) mixed use building including a hotel, residential condominium, restaurant and retail uses, and amenity uses. Five levels of below grade parking containing 474 parking spaces will be provided. The podium height reflects the podium height of the new Opera House under construction on the east side of University Avenue.

Description	Hotel	Condominium
Approximate Number. of Rooms/Units	196 rooms	334 dwelling units

Floor	Use
Floor 1	Residential and hotel lobbies, restaurant, retail uses and atrium
Floor 2	Mezzanine
Floor 3	Common function rooms, a ballroom, theatre, business centre, meeting rooms
Floor 4	Fitness facility, indoor pool, spa
Floors 5-15	Hotel rooms
Floors 16-65	Residential Condominium Units

The heritage building (Bishop's Block) is intended to function as an integral part of the proposal. The west and south facades of the heritage building will be restored. The building will be separated from the main building at street level in order to present it in its full historic significance.

Site History

The site is the subject of an existing Site Specific By-law 287-90 that permits a 24-storey commercial office building with retail uses at grade, parking and retail at the concourse level and 3 levels of parking below the concourse. A density transfer with the Toronto District Steam Heating Plant at 120 Pearl Street formed a part of the application. The transfer was to allow all the commercial density of both sites to be consolidated on the University Avenue property and the residential density on the Pearl Street property. Consequently, the By-law does not permit the use of the subject lands for residential purposes. The approved density was 12 times the area of the lot.

The development included the preservation and incorporation of the historically designated Bishop's Block building into the proposed office building. The building is designated by By-law No. 163-80 as a building of historic and architectural value. Although boarded up for the last few decades, it is one of the oldest remaining heritage buildings in the City, built by John Bishop in 1829. A Heritage Easement Agreement for this building is registered on title.

Site and Surrounding Area

The site is located at the north-west intersection of University Avenue and Adelaide Street West in the heart of the former City of Toronto just south of Queen Street West. It has frontage on Adelaide Street West, University Avenue and Simcoe Street to the west. The majority of the site is currently occupied by a surface parking lot. The Bishop's Block occupies the southwest corner of the site.

The site is surrounded by the following uses:

North: an office building (65.2m);

South: an office building (60m);

West: a residential condominium (48m) and an office building (14.5m); and

East: an office building (101m) and a hotel (101m.)

Provincial Policy Statement, 2005

Issued under the authority of Section 3 of the *Planning Act*, the Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. On March 1, 2005, a new PPS came into effect and replaced the policies that had been issued on May 22, 1996 and amended in 1997.

The redevelopment of this parking lot for commercial and residential purposes is in keeping with the intent of the PPS. The residential use adjacent to public transit, cultural institutions, and amenities is consistent with the goals of the PPS.

Metropolitan Toronto Official Plan

The (former) Metropolitan Toronto Official Plan "Office Consolidation, dated December 30, 1994 as amended", remains as a relevant policy consideration.

The subject lands are located within the "Central Area", identified on Map 2: Metropolitan Centers and Corridors, representing the pre-eminent economic and employment focus for the Greater Toronto Area.

This proposal is consistent with the Plan's emphasis on the need for redevelopment to maximize the existing infrastructure and in directing growth to areas of the City that include University Avenue. It is also consistent with the Plan's economic objective of promoting tourism, where appropriate, by encouraging development proposals and infrastructure that address the needs of tourists.

New and Former Toronto Official Plan

The former City of Toronto Official Plan designates the site as a *Mixed Use Commercial-Residential Area, Financial District* within the *Central Core* of the *Central Area*. This designation permits a total gross floor area of 12 times the area of the lot with a maximum *non-residential gross floor area* of 8 times the area of the lot. The proposed total gross floor area of the project is 18.3 times the area of the lot.

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. The hearing commenced on June 13, 2005 and will continue on June 5, 2006.

Once the Plan comes into full force and effect, it will designate the property as a '*Mixed Use Area*' within the *Financial District* that is in the *Downtown*. All the uses contemplated for this site are permitted in this designation. The Plan does not contain numerical density maximums.

This proposal is supportive of the Plan's objectives of promoting commercial and residential intensification in the *Downtown*.

Zoning

The former City of Toronto By-law 438-86 zones the site CR T12.0 C8.0 R11.7 with a maximum height of 76 m. While all the uses contemplated for this site are permitted, the proposed height (214m to the top of the foil) exceeds the permitted by 138m. Other variances to the Zoning By-law have also been identified.

Site Plan Control

A Site Plan Approval application has been submitted.

Other By-laws

By-law 13409, the University Avenue By-law, establishes a number of detailed development standards for projects fronting on University Avenue including building materials.

Site Specific By-law 287-90 permits a commercial building but specifically prohibits residential uses. It is intended that this By-law remain in place.

The existing Heritage Easement Agreement will remain on title and will be amended to reflect the details of this application should it be approved.

Reasons for the Application

An Official Plan Amendment related to the former City of Toronto Official Plan and a Zoning By-law Amendment are required to vary the density permission from a total permitted density of twelve (12) times the area of the lot to 18.3 times the area of the lot. In addition, the *residential gross floor area* permission of 11.7 times the area of the lot must be varied to permit a density of 13.7 times the area of the lot. The new Official Plan does not require a variance.

A Zoning By-law amendment is required to permit the height variance from 76m to 214m to the top of the foil as well as other variances that have been identified in the review process. Related variances include the following: gross floor area, common outdoor space, width of driveway, indoor and outdoor amenity space, loading spaces, parking spaces. A variance from the University Avenue By-law, By-law-13409, is required to permit the provision of glass cladding.

Community Consultation

A community consultation meeting was held on November 8, 2005 at Metro Hall. Approximately 30 people were in attendance at the meeting. There were a number of questions raised to clarify the details of the proposal.

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:

The applicant proposes a 65-storey building (214m to the top of the foil) with a total gross floor area of approximately 81 150 square metres. Fifteen floors are intended to be hotel and amenity uses with the remainder of the building being a residential condominium. The number of units may vary with the completion of the project but is in the neighbourhood of 334 units.

Height

The major streets of the City's *Financial District*, Yonge, Bay, York Streets and University Avenue have traditionally been and continue to be the City's primary locations for tall, landmark Buildings. It is the area of the City with the greatest building heights and the prime location for the development of landmark buildings such as this one that shape the skyline.

University Avenue, in particular, as the pre-eminent street in the City of Toronto is the location of many prominent buildings that include major hospitals, and commercial headquarters. Many of these buildings are tall and exceed the Zoning By-law height limit of 76m. This proposed height is in keeping with the height of other hotel/condominium proposals also in the *Financial District* that have been before City Council such as the Ritz-Carleton at 230 Front Street (188m.to the top of the residential floors) and the Trump Tower at 333 Bay Street (272m. to the

top of the residential floors). The proposed height of this building has limited impact on its surroundings.

The heritage building, the Bishop's Block, on the westerly boundary of the site at Simcoe Street, is approximately equivalent to a three-storey building which is in keeping with the context of lower buildings to the west of the site. The remainder of the westerly portion of the building at approximately 22m is also within the height regime of the area to the west.

Building Massing and Design

The massing of this proposal consists of a three-storey base, a tower element at the corner of Adelaide Street and University Avenue, and retention and restoration of a heritage building that is joined at the upper level to the hotel/condominium component. The tower element has been set back from the lower office buildings to the north and the west to minimize its impact and to ensure access to a sky view from the surrounding streets.

The entrance to the hotel is at the northern end of the site accessed from Simcoe Street while the residential condominium entrance is at the south end of the site accessed from Adelaide Street.

The three-storey base for much of the University Avenue frontage animates the street with glass frontages and hotel related activities visible to the street. It is set back on an angle at the Adelaide Street West corner at the first floor level to create a larger public open space and to allow for a café terrace. The height of this element relates to the podium of the Opera House which is located north east of this site.

Shadow Analysis

The applicant has submitted studies to illustrate the shadows created by the proposed building on the equinoxes of March 21st and September 21st between the hours of 10am and 4pm. One of the guiding principles for the design of this proposal was to minimize the creation of new shadows or the exacerbation of existing ones on the public spaces located at Campbell House, Osgoode Hall and City Hall. Throughout the review of this application shadow studies were submitted to illustrate how these areas would be affected. The latest study indicates that this proposal does not increase the shadows on Nathan Philips Square and Osgoode Hall. The shadow on Campbell House is greater than that already existing for a period of less than an hour.

The shadow impact on the areas to the east and west of the development is acceptable.

Wind Analysis

The applicant has commissioned a study of the wind conditions created by this proposal from their consultant. Should any detrimental conditions be identified, the applicant has agreed to resolve them and if necessary revise the drawings prior to site plan approval. This requirement will be contained in the Section 37 Agreement.

Traffic Impact, Access, Parking and Loading

The applicant proposes an inbound only access from Adelaide Street West in order to separate hotel and residential pick-up/drop-off activity. It also serves to create a physical and visual separation from the heritage building which will ensure its distinctive presence is maintained. The Executive Director, Technical Services has indicated that this location is acceptable provided that it is one-way only. Egress will be achieved off Simcoe Street.

At the community consultation meeting, the possibility was raised of installing traffic signals at Richmond Street West and Simcoe Street. Subsequently, the applicant was requested to complete a signal warrant analysis. The results of the additional study indicated that such an installation could increase delays to westbound traffic on Richmond Street West and unacceptable queues. As a result, the Executive Director, Technical Services does not recommend the installation of a new traffic signal at Richmond Street West and Simcoe Street.

The Executive Director, Technical Services has indicated that the proposed provision of below grade parking spaces is acceptable. At this time 474 spaces are proposed, however, given that there may be changes in the final number of units, a per unit parking requirement has been proposed in the Zoning By-law.

Further clarification as to the method of separating the residential and hotel parking will be provided prior to Site Plan Approval.

The Executive Director, Technical Services has indicated that the applicant must explicitly show the vertical clearances of the loading spaces on the site plan drawings. This will form a part of the revisions related to Site Plan Approval.

Heritage

The Bishop's Block consists of two of an original row of five townhouses built in 1830. It is one of the oldest surviving buildings in the downtown core of the City and reflects the early history and architectural appearance of the City.

The building was last used as the Pretzel Bell, a tavern and has been vacant for approximately 25 years during which time it has suffered significant damage. No additional floors are proposed. The Manager of Heritage Preservation has indicated support of the applicant's plan to incorporate the building into the new development.

Private Amenity Spaces

The applicant is proposing 111 square metres of indoor amenity space that is to be owned by the residential condominium and located on the fourth floor of the hotel portion of the building. While this is less than the Zoning By-law requirement of 2 square metres per dwelling unit, residents will also have access to the shared facilities of the hotel. This shared use of the facilities will be secured in the Zoning By-law.

The outdoor amenity space is provided through the provision of publicly accessible landscaped areas located on site at a rate of 1.5 square metres per unit. The majority of this space is located on roof top gardens.

Section 37 Benefits

The Official Plan contains provisions pertaining to the exchange of public benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. The floor area of the proposal exceeds 20,000m² and is therefore subject to a public art contribution. Through discussions with staff and the ward councillor, the applicant has agreed to enter into a Section 37 agreement in order to provide the following public benefits:

- (i) prior to the introduction of Bills in Council, the owner shall amend the Heritage Easement Agreement with the City for the retained and reconstructed portion of 180 University Avenue (Bishop's Block);
- (ii) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 180 University Avenue (Bishop's Block), satisfactory to the Manager of Heritage Preservation Services or her designate;
- (iii) in accordance with the Conservation Plan, the owner shall restore the heritage façades on Simcoe Street and Adelaide Street West, at a cost of \$1,500,000.00 and in the event of a lesser expenditure, the difference shall be re-directed to the provision of streetscape improvements as described below in section (v);
- (iv) provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, to a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;
- (v) the amount of \$400,000 to be used for streetscape improvements to University Avenue, Adelaide Street West, Simcoe Avenue beyond City standards as outlined in the City's Streetscape Manual and satisfactory to the Chief Planner. The streetscape improvements will be detailed through Site Plan Approval;
- (vi) a contribution of \$500,000.00 for improvements to Grange Park, payable to the City of Toronto, \$50,000 of which is payable to the City of Toronto upon the Zoning By-law coming into full force and effect with the balance, as indexed from May 1, 2008, being payable prior to the issuance of an excavation permit;
- (vii) the securing of a contribution of \$50,000 payable to the City of Toronto upon the Zoning By-law coming into full force and effect, for the purposes of a heritage study for University Avenue;
- (viii) the incorporation, in the construction of the building, of exterior materials to be shown on 1:50 scale drawings for the podium along University Avenue, Adelaide Street West and

Simcoe Street with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian, for the approval of the Chief Planner;

- (ix) revisions to the development to address the recommendations of a pedestrian level Wind Study;
- (x) revisions to the development, or a Letter of Credit, in accordance with the recommendations of a street lighting assessment;
- (xi) provision of knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner, and the General Manager of Economic Development; and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*;
- (xii) provision and maintenance of an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.

Development Charges

It is estimated that the Development Charges for this project will be \$2,208,900. This is an estimate and the actual charge will be assessed and collected upon issuance of a building permit.

Conclusions:

The applicant proposes to amend the Official Plan and Zoning By-law for the former City of Toronto to permit the development of lands for a 65-storey (214m to the top of the foil) building comprised of 10 floors of hotel and amenity uses, and 55 floors of condominium units. The building has been designed to restore and re-use some of the existing heritage building called the Bishop's Block as well as to respond to the built form context. A Section 37 Agreement will secure public benefits including the restoration of the Bishop's Block, streetscape improvements, Grange Park improvements, public art, and building materials for the podium. It is recommended that this proposal be approved.

Contact:

Helen Coombs, Senior Planner, West Section
Telephone (416) 392-7613
Fax: (416) 392-1330
E-mail: hcoombs@toronto.ca

Gary Wright
Director, Community Planning
Toronto and East York District

(p:2006\upd\pln\063896.doc) – smc

List of Attachments:

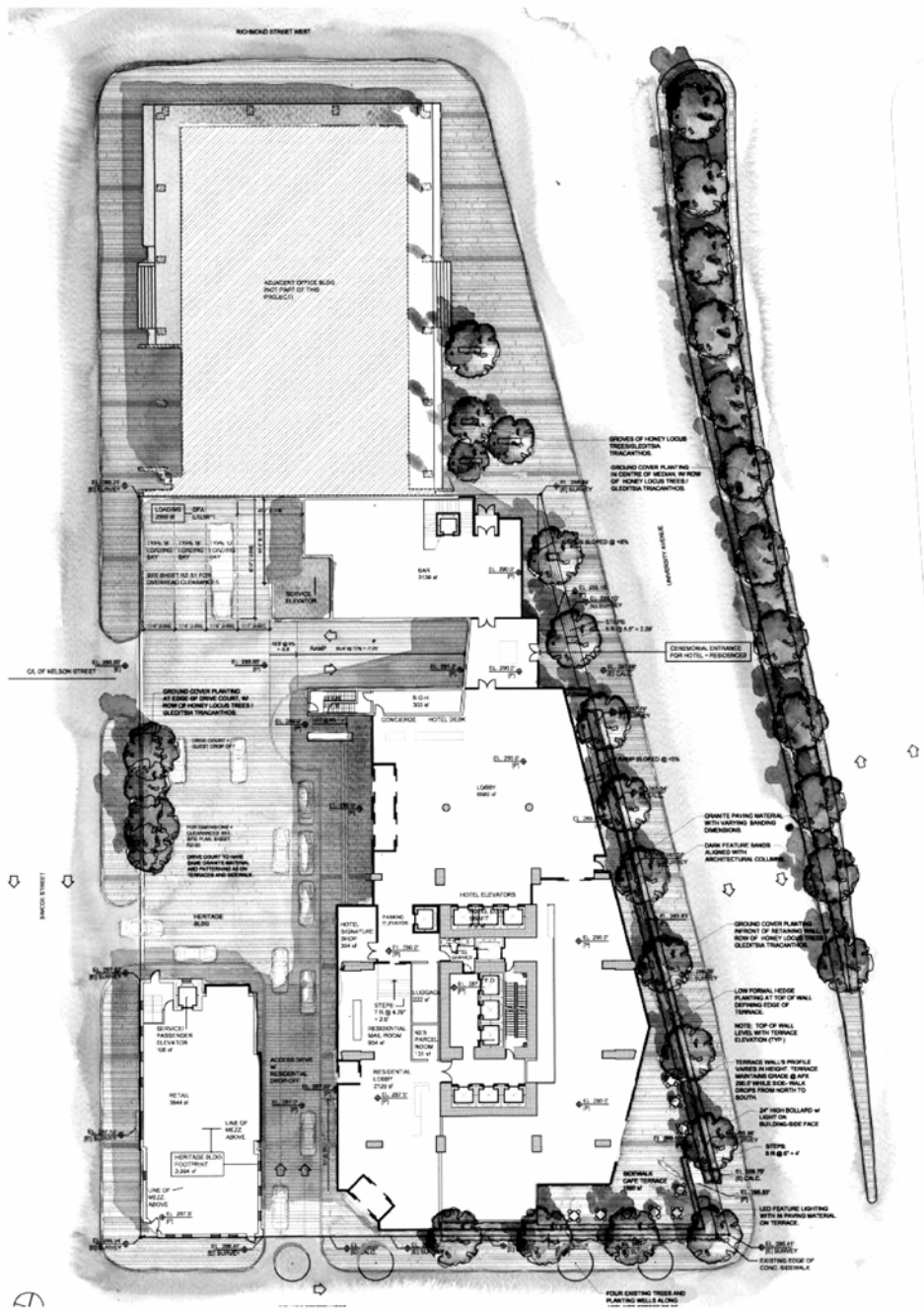
Appendix A: Advisory Comments
Attachment 1: Landscape Site Plan
Attachment 2: Elevation looking south on University Avenue
Attachment 3: East Elevation – University Avenue
Attachment 4: West Elevation – Simcoe Street
Attachment 5: South Elevation – Adelaide Street
Attachment 6: North Elevation – Richmond Street
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Official Plan
Attachment 10: Draft Official Plan Amendment
Attachment 11: Draft Zoning By-law Amendment

Appendix A: Advisory Comments

The owner is advised:

- (i) of the need to make separate applications to the General Manager of Transportation Services for:
 - (a) the encroachments associated with the existing building at the northeast corner of Adelaide Street West and Simcoe Street; and
 - (b) permits to carry out any works involving the construction in, or occupancy of the abutting public rights-of-way.

Attachment 1: Landscape Site Plan



Landscape Site Plan

Applicant's Submitted Drawing

Not to Scale 

04/13/06

180-188 University Avenue

File # 05_152737

Attachment 2: Elevation looking South on University Avenue



Elevation looking South on University Avenue

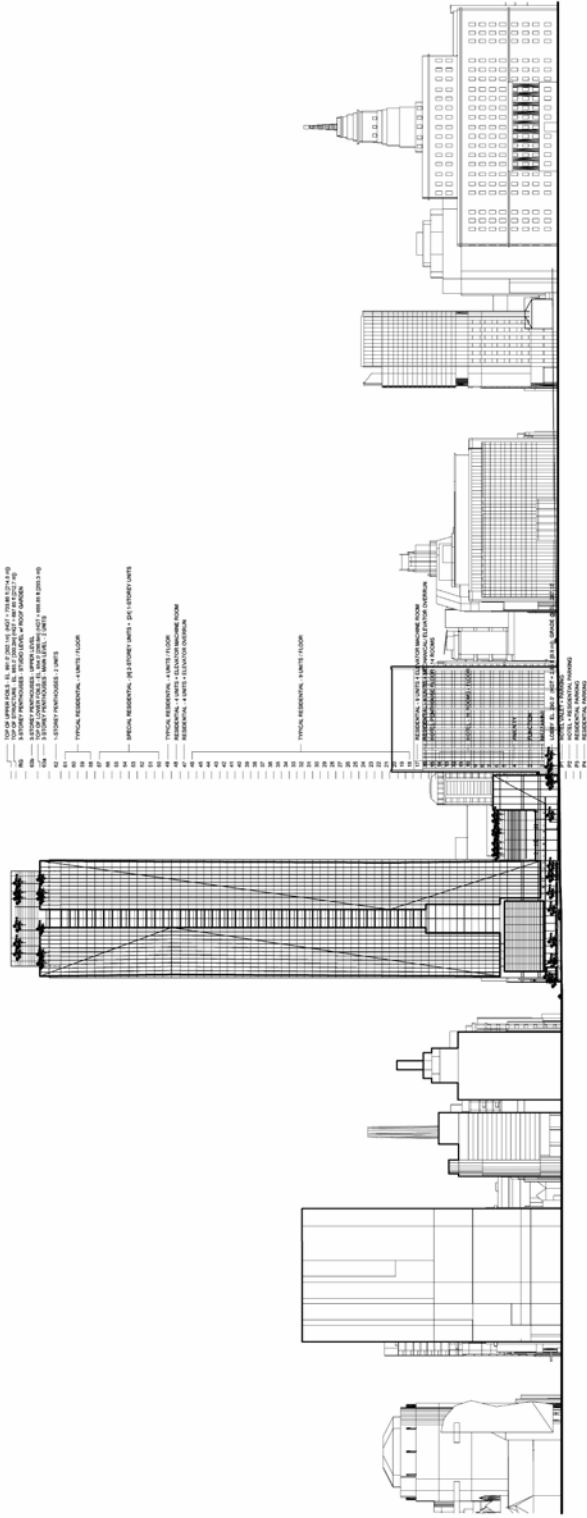
180-188 University Avenue

Applicant's Submitted Drawing

Not to Scale
04/13/06

File # 05_152737

Attachment 3: East Elevation – University Avenue



East Elevation - University Avenue

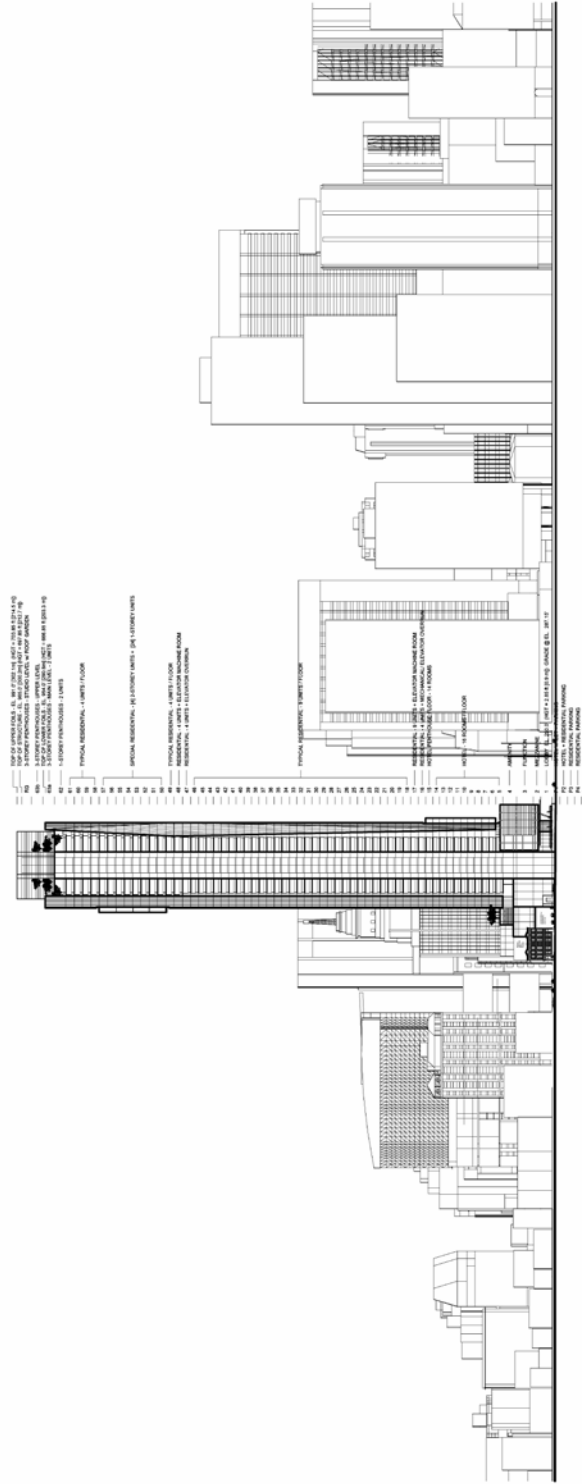
Applicant's Submitted Drawing

Not to Scale
04/13/06

180-188 University Avenue

File # 05_152737

Attachment 5: South Elevation – Adelaide Street



South Elevation - Adelaide Street

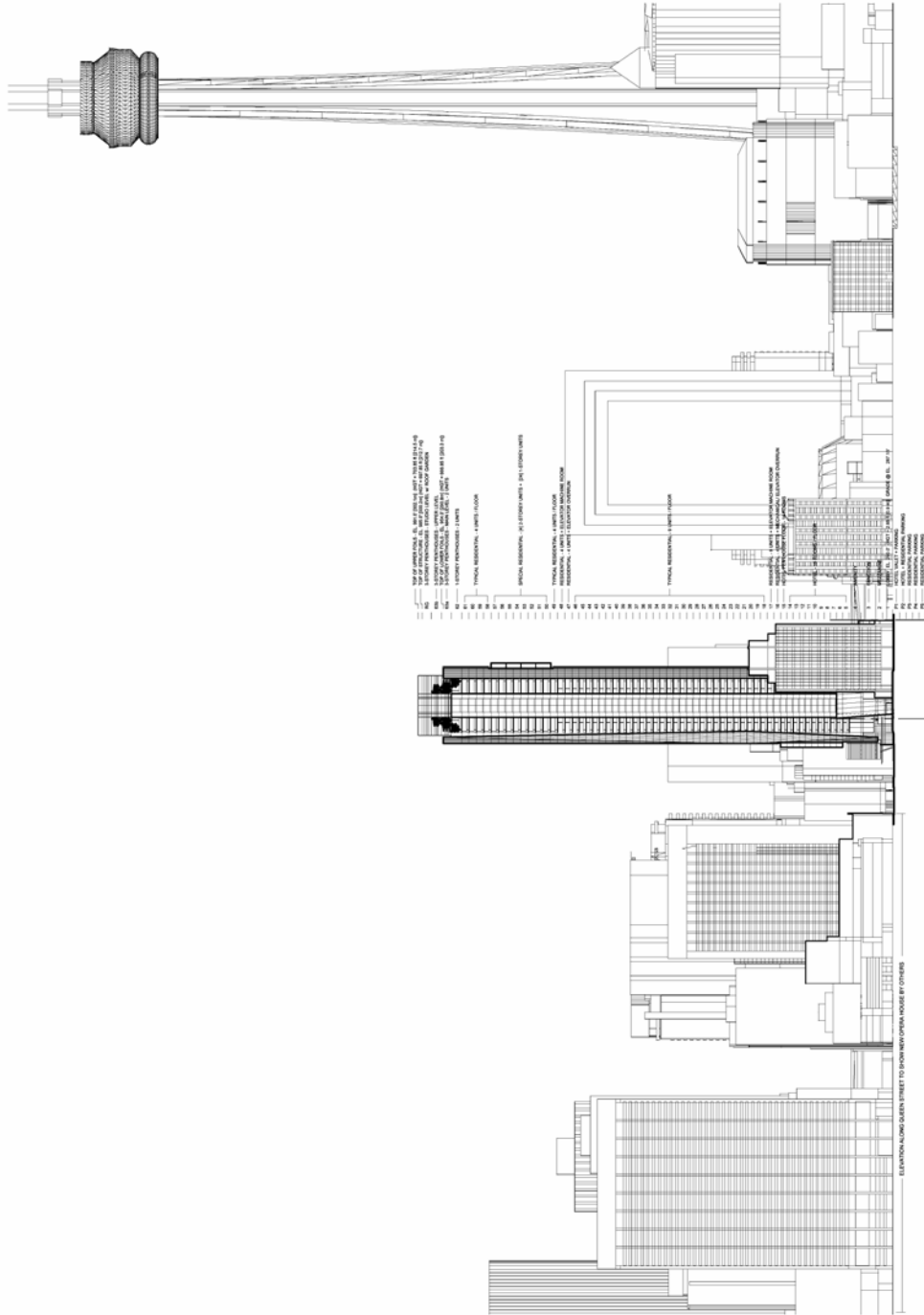
Applicant's Submitted Drawing

Not to Scale
04/13/06

180-188 University Avenue

File # 05_152737

Attachment 6: North Elevation – Richmond Street



North Elevation - Richmond Street

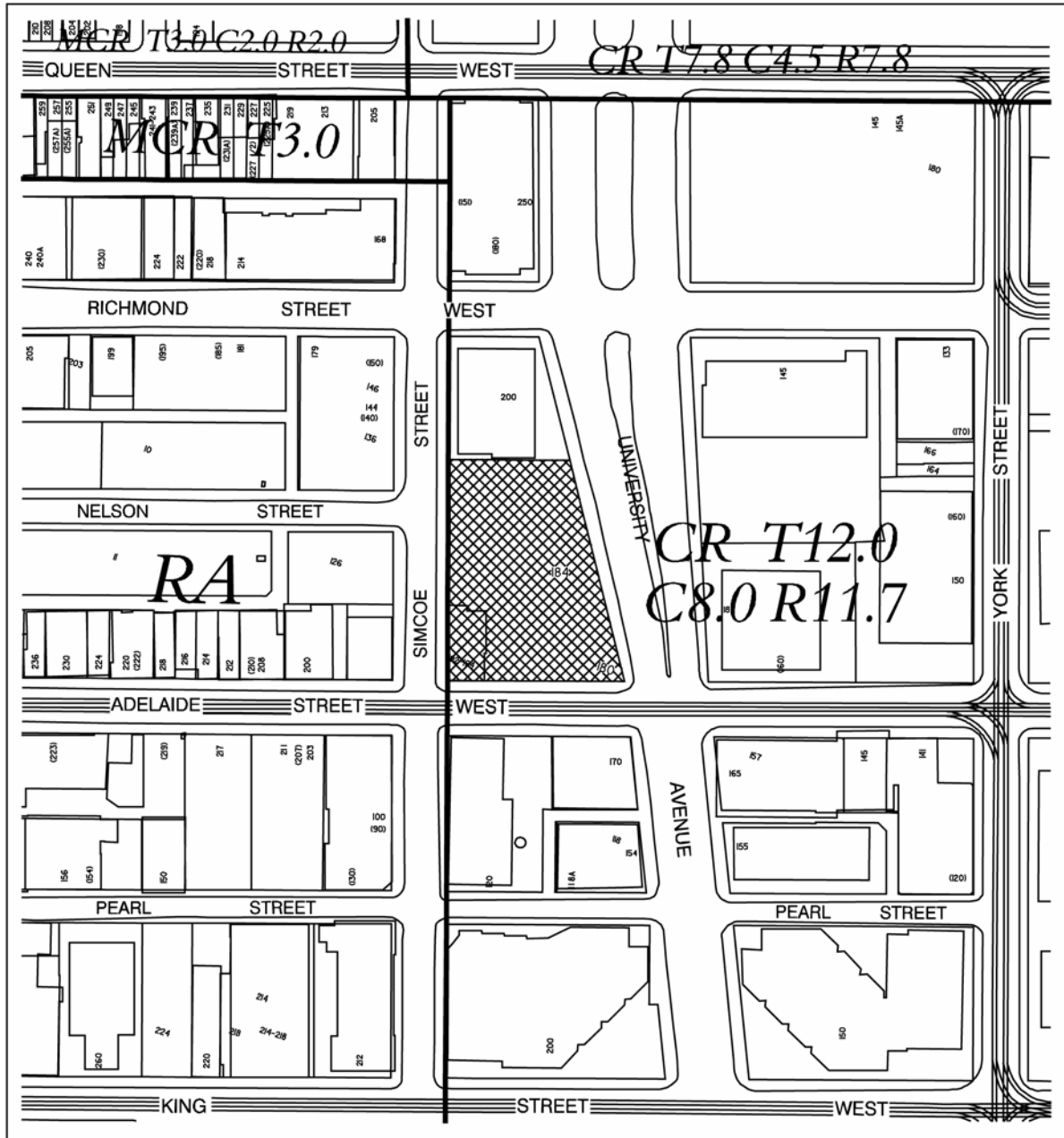
180-188 University Avenue

Applicant's Submitted Drawing

Not to Scale
04/13/06

File # 05_152737

Attachment 7: Zoning



180 - 188 University Avenue

File # 05_152737

- CR Mixed-Use District
- MCR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/16/05 - TA

Attachment 9: Official Plan



 **TORONTO** City Planning
Official Plan

180 - 188 University Avenue

File # 05_152737

-  Site
-  Low Density Mixed Commercial - Residential Areas
-  High Density Mixed Commercial - Residential Areas 'B'
-  Financial Districts

 Open Space


Not to Scale
08/16/05

Attachment 10: Draft Official Plan Amendment

Authority:
Enacted by Council:

CITY OF TORONTO
Bill No.
BY-LAW No. -2006

To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2006 as 180 - 188 University Avenue and 192 and 194 Adelaide Street West

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the Planning Act, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2006 as 180 - 188 University Avenue and 192 and 194 Adelaide Street West; and

WHEREAS the Toronto and East York Community Council conducted a public meeting on May 9, 2006 under Section 17 of the Planning Act, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held _____2006 determined to amend the Official Plan for the former City of Toronto;

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

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

ENACTED AND PASSED this day of , A.D. 2006.

DAVID R. MILLER ULLI S. WATKISS

Mayor City Clerk

(Corporate Seal)

SCHEDULE "A"

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

18. Lands known in the year 2006 as No. 180 – 188 University Avenue and 192 and 194 Adelaide Street West

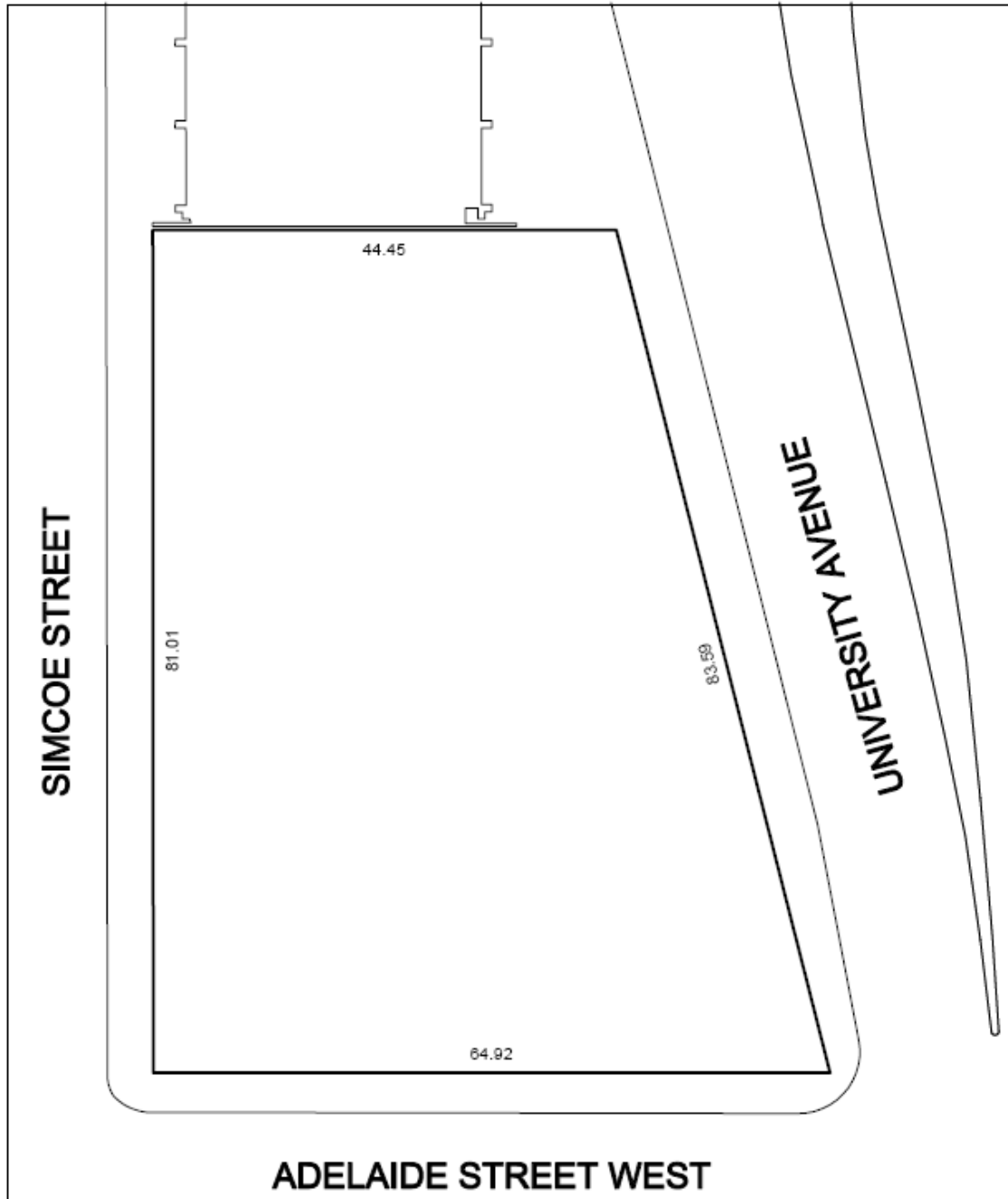
Notwithstanding any provisions of the Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18. to permit the erection, use and maintenance of a *hotel*, residential and/or non-residential uses and *accessory* uses thereto, including a *parking garage* provided that:

- (1) the maximum combined residential gross floor area and non-residential gross floor area shall not exceed 81,150 square metres, of which the maximum residential gross floor area shall not exceed 60,400 square metres and the maximum non-residential gross floor area shall not exceed 23,500 square metres; and
- (2) pursuant to Section 37 of the Planning Act, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, service and matters:
 - (i) prior to the introduction of Bills in Council, the owner shall amend the Heritage Easement Agreement with the City for the retained and reconstructed portion of 180 University Avenue (Bishop's Block);
 - (ii) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 180 University Avenue (Bishop's Block), satisfactory to the Manager of Heritage Preservation Services or her designate;
 - (iii) in accordance with the Conservation Plan, the owner shall restore the heritage façades on Simcoe Street and Adelaide Street West, at a cost of \$1,500,000.00 and in the event of a lesser expenditure, the difference shall be re-directed to the provision of streetscape improvements as described below in Section 2(iv);
 - (iv) the amount of \$400,000 to be used for streetscape improvements to University Avenue, Adelaide Street West, Simcoe Avenue beyond City standards for streetscape improvements as outlined in the City's Streetscape Manual satisfactory to the Chief Planner, to be detailed through Site Plan Approval;
 - (v) a contribution of \$500,000.00, for improvements to Grange Park payable to the City of Toronto, \$50,000 of which is payable to the City of Toronto upon the Zoning By-law coming into full force and effect with the balance, as indexed

from May 1, 2008, being payable prior to the issuance of an excavation permit for the development;

- (vi) the securing of a contribution of \$50,000 payable to the City of Toronto upon the Zoning By-law coming into full force and effect, for the purposes of a heritage study for University Avenue;
- (vii) provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, to a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;
- (viii) the incorporation, in the construction of the building, of exterior materials to be shown on 1:50 scale drawings for the podium along University Avenue, Adelaide Street West and Simcoe Street with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian, for the approval of the Chief Planner;
- (ix) the owner agrees to make revisions to the development to address the recommendations of a pedestrian level Wind Study;
- (x) the owner agrees to make revisions to the development, or submit a Letter of Credit, if required, in accordance with the recommendations of a street lighting assessment;
- (xii) the owner agrees to provide knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner, and the General Manager of Economic Development; and to be detailed in an agreement pursuant to Section 41 of the Planning Act;
- (xiii) the owner, agrees at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.

Map 18.



Attachment 11: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. ●, Clause No. ●,
as adopted by City of Toronto Council on ●, 2006
Enacted by Council: ~, 2006

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
No. 180 – 188 University Avenue
And 192 and 194 Adelaide Street West**

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;

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

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

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*;

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

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended are to be permitted in return for the provision of facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

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

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

None of the provisions of By-law 13409, By-law 287-90 and of Section 2 with respect to the definitions of the terms *lot*, *grade*, *height*, *hotel*, *residential gross floor area* and *non-residential gross floor area*, Sections 4(2)(a), 4(5), 4(8)(b), 4(12), 8(3)PART I 1, 8(3)PART I 3(a), 8(3)PART III 1(a), 8(3)PART XI 2; 12(2)234 and 12(2)276 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 a building containing a *hotel*, residential and/or non-residential uses and *accessory* uses thereto, including a *parking garage* on the lands municipally known as 180, 184 and 188 University Avenue, and 192 and 194 Adelaide Street West:

1. (hereafter referred to as the “*lot*”) provided:
 - (a) the *lot* consists of the lands delineated by heavy lines on the attached Map 1;
 - (b) the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *lot* shall not exceed 81,150 square metres, of which the maximum *residential gross floor area* shall not exceed 60,400 square metres and the maximum *non-residential gross floor area* shall not exceed 23,500 square metres provided:
 - (i) the *non-residential gross floor area* shall, in addition to the uses permitted in a CR zone, comprise a *hotel* of at least 15,300 square metres;
 - (c) no portion of any building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (d) section 1(c) hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.0 metre above the height limits established in Section 1(e) of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached

STRUCTURE	MAXIMUM PERMITTED PROJECTION
fences, safety railings and guardrails	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
canopies	maximum 3.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level
balconies	maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features, light standards and landscape features	no restriction in intent of projection or height of “STRUCTURE”

- (e) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) the structural projections identified in Section 1(d), including structural projections permitted outside of the heavy lines on the attached Map 2, subject to the limitations contained therein;
 - (ii) a canopy within *Area A* provided that no part of such canopy shall exceed a *height* of 12.0 metres and a vertical clearance of 6.0 metres is provided between the canopy and the finished ground level; and
 - (iii) a structure, on the roof of the building, used for outside or open air recreation, architectural, safety or wind protection purposes, provided the maximum height of the structure is no higher than the sum of 5.7 metres and the applicable height limit, provided that no such structure shall exceed a *height* of 214.5 metres;
- (f) notwithstanding Section 1(e) hereof, no person shall erect or use a building or structure within *Area B* and *Area C* unless:

- (i) a vertical clearance of 6.0 metres is provided between such structure or building and the finished ground level within *Area B*; and,
 - (ii) a vertical clearance of 4.2 metres is provided between such structure or building and the finished ground level within *Area C*;
- (g) *parking spaces* for the *dwelling units*, and visitors to the buildings are provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 0.3 *parking spaces* per bachelor *dwelling unit*;
 - (ii) a minimum of 0.7 *parking spaces* per one *bedroom dwelling unit*;
 - (iii) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
 - (iv) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit*; and,
 - (v) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors;
- (h) *parking spaces* for non-residential uses within the building are provided in accordance with the provisions of Section 4(5)(b) of Zoning By-law 438-86, provided that none of the provisions of Zoning By-law 438-86, as amended require the minimum number of motor vehicle parking facilities in respect of any use set out in the column of Schedule 1 of section 4(5) of Zoning By-law No. 438-86, as amended, entitled “Type of Use” commencing with a *retail store* to and including an *undertaker’s establishment* if the use is in a building having a *non-residential gross floor area*, exclusive of *hotel* uses, not exceeding 1.0 times the area of the *lot*;
- (i) at least one *loading space* – type “G” and two *loading spaces* – type “B” are provided and maintained on the *lot*;
 - (j) no less than 208 square metres of *common outdoor space* is provided and maintained on the *lot*;
 - (k) *indoor amenity space* shall be provided and maintained within the building at a rate of 3 square metres per *dwelling unit*;
 - (l) *outdoor amenity space* shall be provided and maintained on the *lot* at a rate of 1.5 square metres per *dwelling unit*;
 - (m) the owner of the *lot*, at its expense, provides and maintains the following facilities, services and matters, subject to and in accordance with the agreement pursuant to Section 37 of the *Planning Act* required in paragraph (n) herein,

- (i) prior to the introduction of Bills in Council, the owner shall amend the Heritage Easement Agreement with the City for the retained and reconstructed portion of 180 University Avenue (Bishop's Block);
- (ii) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 180 University Avenue (Bishop's Block), satisfactory to the Manager of Heritage Preservation Services or her designate;
- (iii) in accordance with the Conservation Plan, the owner shall restore the heritage façades on Simcoe Street and Adelaide Street West, at a cost of \$1,500,000.00 and in the event of a lesser expenditure, the difference shall be re-directed to the provision of streetscape improvements as described below in Section 1(m) (iv);
- (iv) the amount of \$400,000 to be used for streetscape improvements to University Avenue, Adelaide Street West, Simcoe Avenue beyond City standards for streetscape improvements as outlined in the City's Streetscape Manual and satisfactory to the Chief Planner, to be detailed through Site Plan Approval;
- (v) a contribution of \$500,000.00 for improvements to Grange Park payable to the City of Toronto, \$50,000 of which is payable to the City of Toronto upon the Zoning By-law coming into full force and effect with the balance, as indexed from May 1, 2008, being payable prior to the issuance of an excavation permit for the development;
- (vi) the securing of a contribution of \$50,000 payable to the City of Toronto upon the Zoning By-law coming into full force and effect, for the purposes of a heritage study for University Avenue;
- (vii) the provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, to a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot ;
- (viii) the incorporation, in the construction of the building, of exterior materials to be shown for the podium on 1:50 scale drawings along University Avenue, Adelaide Street West and Simcoe Street with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian, for the approval of the Chief Planner;
- (ix) the owner agrees to make revisions, if any, to the development to address the recommendations of a pedestrian level Wind Study;

- (x) the owner agrees to make revisions to the development, or submit a Letter of Credit, if required, in accordance with the recommendations of a street lighting assessment;
 - (xi) the owner agrees to provide knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner, and the General Manager of Economic Development; and to be detailed in an agreement pursuant to Section 41 of the Planning Act;
 - (xii) the owner, agrees at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.
- (n) the owner of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the Planning Act, as a first charge to secure the facilities, services and matters set forth in paragraph (m) of this By-law.
2. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
3. For the purposes of this By-law:
- (a) “*Area A*”, “*Area B*” and “*Area C*” means Area A, Area B and Area C as shown on Map 3 attached hereto;
 - (b) “*grade*” means 87.52 metres Canadian Geodetic Datum;
 - (c) “*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in this By-law;
 - (d) “*hotel*” means a building or part thereof comprising *non-residential gross floor area* used within the meaning of the *Hotel Registration of Guests Act*, R.S.O. 1990, Chapter H17, but does not include a *hostel*, a *rooming house*, or a *tourist or guest home*, or a mechanical or electronic game machine for gambling purposes, and shall include a lobby and guest registration area, hotel administration offices, guest service facilities, recreational facilities, at least one meeting, conference or ballroom, at least one *restaurant*, valet parking facilities, and other *accessory* uses;
 - (e) “*indoor amenity space*” means a common area or areas on the *lot*, a portion of which shall include a facility consisting of no less than 111 square metres that is owned by the residential component of the development, and the balance of which may include, but is not limited to, recreational and/or spa facilities, meeting rooms, ballrooms, group dining facilities and kitchen facilities related thereto to

be used by the *hotel* and residents of the *dwelling units* for recreational or social purposes;

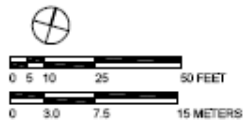
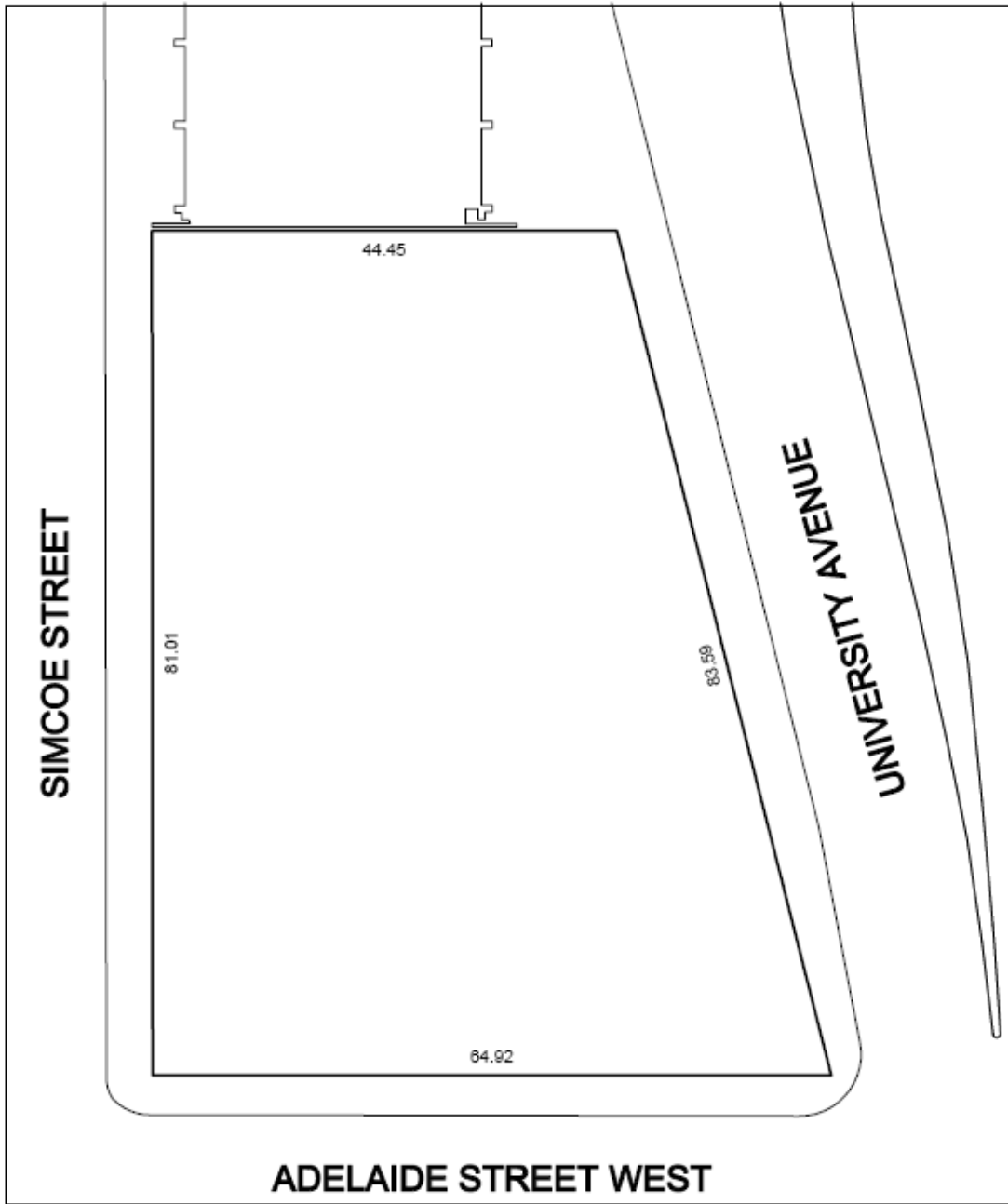
- (f) “*lot*” means the lands shown on Map 1 attached hereto;
- (g) “*outdoor amenity space*” means an outdoor common area or areas on the *lot* which are provided for recreational or social purposes;
- (h) “*residential gross floor area*” and “*non-residential gross floor area*” shall have the same meaning as they have for the purpose of By-law No. 438-86 except that *indoor amenity space* required by Section 1(k) of this by-law shall also be excluded;
- (i) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, except as herein provided.

ENACTED AND PASSED this • day of •, A.D. 2006.

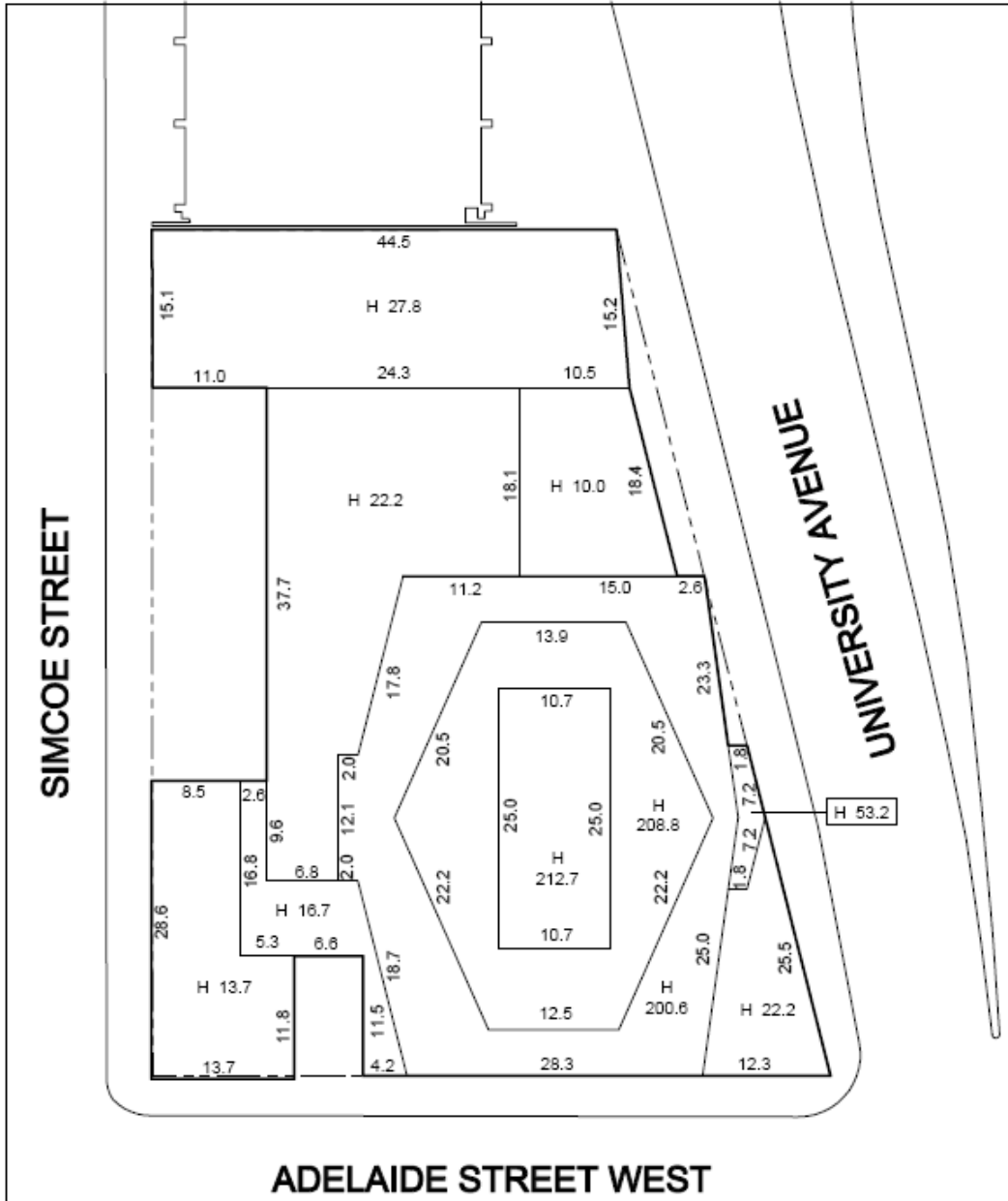
DAVID MILLER,
Mayor

ULLI S. WATKISS
City Clerk

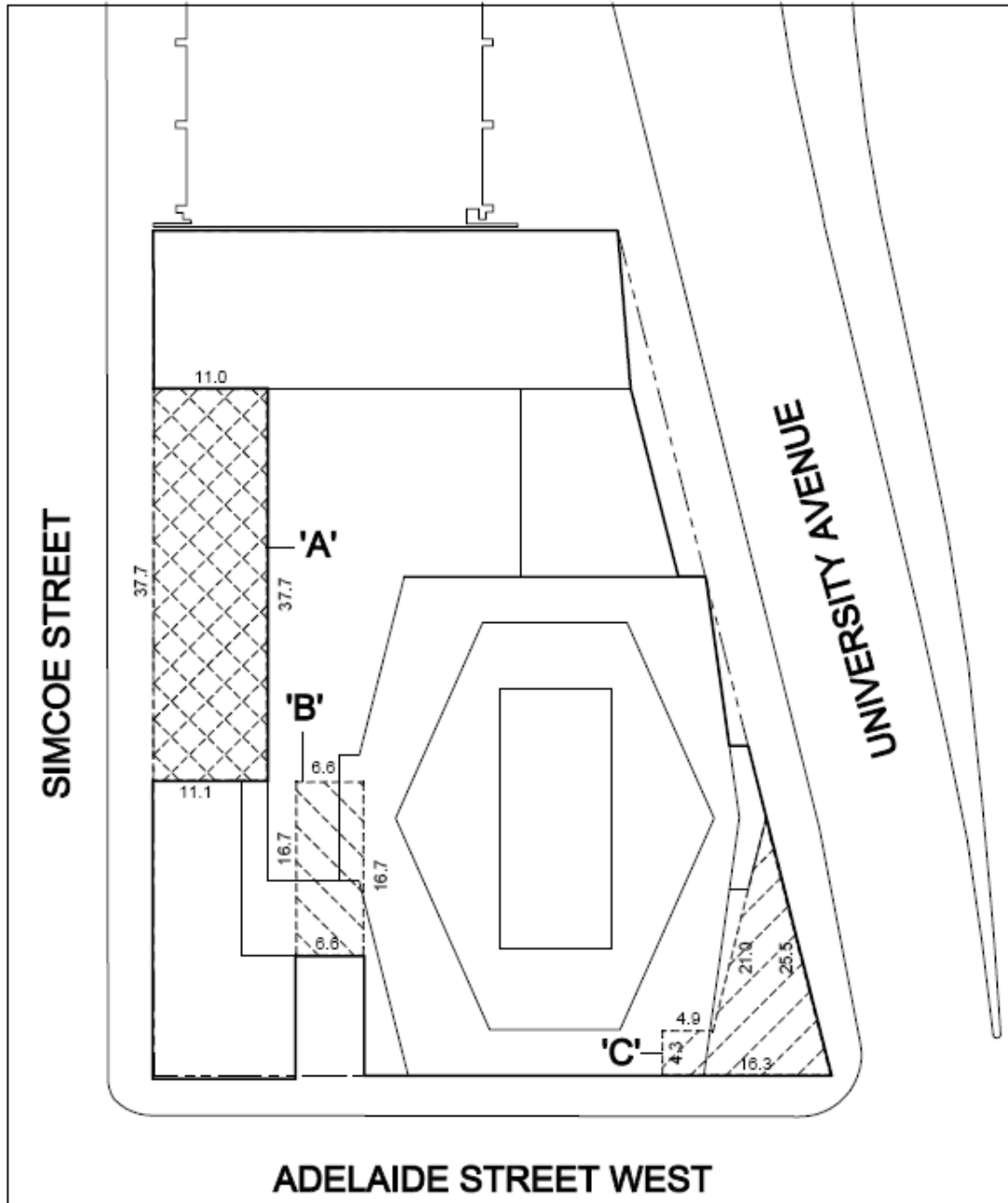
(Corporate Seal)



MAP 1



MAP 2



- AREA 'A'
- AREA 'B'
- AREA 'C'

Clear Heights 'below' areas:
'A' = 6 metres
'B' = 6 metres
'C' = 4.2 metres

MAP 3