

TORONTO STAFF REPORT

August 24, 2006

To: Toronto and East York Community Council

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

Subject: Final Report
Rezoning Application 04 114756 STE 27 OZ
Applicant: Bazis International Inc.
Architect: Roy Varacalli, Burka Varacalli Architects Inc.
13 Balmuto Street
Ward 27, Toronto Centre-Rosedale

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law to permit a 34-storey residential building with grade related retail space at 13 Balmuto Street.

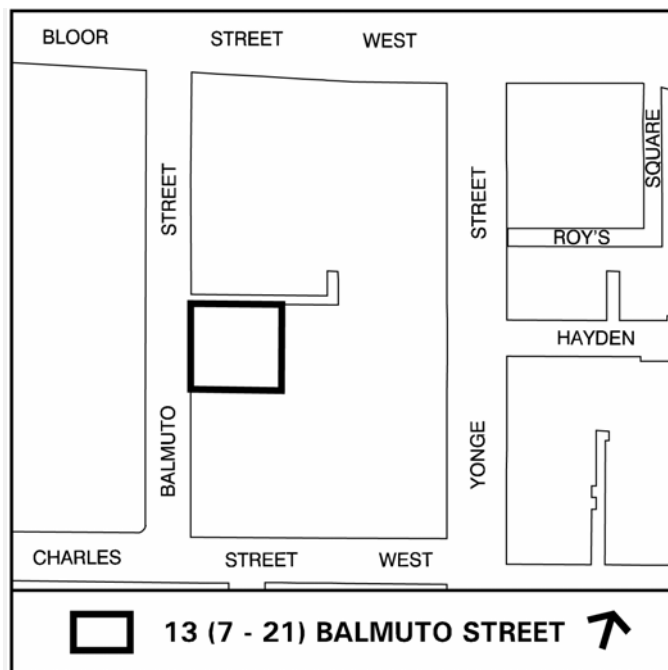
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) Zoning By-law 438-86 for the former City of Toronto be amended substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7;
- (2) the City Solicitor be authorized to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) the City Solicitor be authorized to take any necessary action to



fulfill the approval of this application should modifications be required to be made to the new Official Plan as a result of on going modifications;

- (4) before introducing the necessary Bills to Council for enactment, the conveyance of Parts 1 and 2, Plan 63R-1072 by the City to the owner shall have been completed satisfactory to the Executive Director, Facilities and Real Estate Division, the Chief Planner and Executive Director, City Planning Division, and the City Solicitor;
- (5) before introducing the necessary Bills to Council for enactment, the owner shall provide assurances satisfactory to the Executive Director of Technical Services and the City Solicitor that it is either the registered owner or has existing rights in perpetuity in the nature of an easement for access purposes over the lands having a width of not less than 3.08 metres immediately south of the lot, which lands are intended as part of the proposed access;
- (6) before introducing the necessary Bills to Council for enactment, require the owner to execute one or more agreements with the City pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement(s) to be registered on title to the lands to secure the following facilities, services and matters:
 - (a) a cash contribution in the amount of \$475,000 made prior to the issuance of any above grade building permit for the building to be erected on the lot, for the following local community improvement initiatives:
 - (i) \$175,000 toward the Toronto Transit Commission (TTC) Cumberland subway entrance renovations; and
 - (ii) \$300,000 toward design and implementation of streetscape improvements for Balmuto Street between Bloor Street East and Charles Street;
 - (b) provide public art contribution in accordance with the City of Toronto's Percent for Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands;
 - (c) submission of documentation respecting Leadership in Energy and Environmental Design ("LEED") certification of the development in accordance with the following:
 1. in conjunction with the construction and marketing of the development, the owner shall provide to the Chief Planner and Executive Director, City Planning Division, such documentation as is requested with respect to LEED Certification and the marketing materials that include information on LEED Certification;

2. the owner shall:
 - (a) use reasonable commercial efforts to obtain LEED Certification of the building on the lot;
 - (b) prior to receiving Site Plan Approval, register the development with the Canada Green Building Council “CaGBC” (the “LEED Registration”) and provide written confirmation of the LEED Registration to the Chief Planner;
 - (c) prior to submitting an application for condominium registration for the development, make the LEED Application and provide the Chief Planner with a copy together with written confirmation that it has been submitted and, if requested, include copies of all documentation submitted with the LEED Application;
 - (d) upon the receipt of a CaGBC Report provide the Chief Planner with a copy of such CaGBC Report, if requested;
 - (e) submit a response to the CaGBC regarding any CaGBC Report as required and provide the Chief Planner with a copy, if requested;
 - (f) upon receipt of the CaGBC’s decision as to whether LEED Certification has been granted, provide the Chief Planner with a copy, if requested; and
 - (g) provide the Chief Planner with a copy of the owner’s marketing materials for the development that contain information regarding LEED and all LEED Certification documents, if requested;
- (d) provision of quality building materials for the podium and tower facades of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division, as follows:
 - (i) the masonry components of the west façade of the entire podium will be of limestone and/or granite; and
 - (ii) the masonry components of a portion of the north and south facades of the podium will be of limestone and/or granite to the extent that those elevations are viewed or exposed to Balmuto Street;
- (e) prior to issuance of the first above grade building permit for the building, the provision of assurances satisfactory to the Executive Director of Technical Services and the City Solicitor that the owner of the lot has existing rights in perpetuity in the nature of an easement for access purposes over the lands having a width of not less than 3.08 metres immediately south of the lot;

- (f) improvements to the street right-of-way immediately abutting the lot on the east side of Balmuto Street, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division and in a manner that is consistent with the landscaping approved for the lot in the development site plan approval process pursuant to Section 41 of the Planning Act;
 - (g) provision and maintenance of an irrigation system for any proposed trees within the public right-of-way abutting the lot, which system includes an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer, all to the satisfaction of the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division;
 - (h) provision of space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes; and
 - (i) any other conditions to ensure the orderly development of the lands shown on Map 1; and
- (7) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

Proposal

The proposed development consists of a 34-storey residential building containing 136 one and two bedroom units. The building is 114 metres in height to the roof line, plus six metres for the mechanical penthouse. The building incorporates the equivalent of a six-storey podium with an architectural element that is built out at the fifth and sixth levels. The residential gross floor area totals 1202 square metres, plus 40.3 square metres of grade-related retail space fronting onto Balmuto Street. The resulting density is 14.9 times the area of the lot. The applicant has made an application to purchase City-owned land immediately abutting the site to the north, an area of 50.5 square metres. This land is necessary to accommodate the proposed underground garage. The application is currently being processed by the Facilities and Real Estate Division. Should the City-owned lands be acquired by the owner, the proposed density on the new lot area would be 14.1 times the area of the lot.

A total of 105 parking spaces are provided in six levels of underground parking.

Site History

Proposal (February 28, 2006)

The property was purchased by Bazis International Inc. in 2005. Burka Varacalli Architects Inc. was hired to design a new development proposal. Subsequently, on February 28, 2006, a proposal for a 34-storey residential building with 146 units and 62 square metres of grade related retail space fronting onto Balmuto Street with a total floor space index of 16.4 times the lot area was submitted. The building was 119.5 metres in height to the main roof line, plus six metres for the mechanical penthouse and another one and a half metres for the parapet. A total of 103 underground parking spaces were also proposed. A Revised Preliminary Report dated April 11, 2006 was prepared and adopted at the May 9, 2006 Toronto and East York Community Council meeting.

Concerns with the proposal were identified in the Revised Preliminary Report by City staff and at the June 12, 2006 community consultation meeting. Concerns included how the proposed building's massing, density, height and scale would fit on the relatively small site; the massing of the proposed development in relation to the street-edge, neighbouring developments and its ability to provide adequate building setbacks and/or separation distances between building walls to achieve light, view and privacy objectives; and compliance with the Bloor-Yorkville/North Midtown Urban Design Guidelines.

Revised Proposal (May 19, 2006)

On May 19, 2006, the applicant submitted a revised proposal for a 35-storey residential building with 141 units and 38 square metres of grade related retail space. The building was 123 metres in height to the roof line, plus six metres for the mechanical penthouse. The proposed floor space index was 15.5 times the area of the lot. The revised proposal incorporated a number of built form revisions, including a minimum separation distance of 15 metres from the residential tower at 35 Balmuto Street, which met the guidelines set out in the Bloor-Yorkville/North Midtown Urban Design Guidelines. Subsequent to this submission, City staff met with the applicant's team several times to provide feedback and future direction on changes to the proposal's built form.

Revised Proposal (July 13, 2006)

On July 13, 2006, the applicant filed a further revision for a 34-storey residential building with 136 units and 40.3 square metres of grade related retail space. The building is 114 metres in height to the roof line, plus six metres for the mechanical penthouse. The proposed floor space index is 14.9 times the area of the lot. The revised proposal incorporates reductions to the overall density and height. These built form revisions are discussed later in this report.

The Application Data Sheet (Attachment 1) provides additional information on the July 13, 2006 revised proposal and Attachments 2 to 5 show the Site Plan, Ground Floor Plan and Elevations.

Site and Surrounding Area

The 830 square metre site is located in the southwest block of the Yonge-Bloor intersection, within the immediate vicinity of the Yonge and Bloor subway lines. Balmuto Street is a short, north-south street immediately west of Yonge Street, located between Bloor and Charles Streets. The following uses surround the site:

North: immediately north of the site is 35 Balmuto Street and 764 Yonge Street, which has recently received City Council approval for a 48-storey mixed commercial residential building with 316 residential units. Further north of the site are Bloor Street West retail buildings;

South: south of the site is the Charles Promenade, a 19-storey mixed-use development which includes a student residence;

East: abutting the site are the Yonge Street retail buildings, which are typically two to three storey renovated Victorian structures; and

West: on the west side of Balmuto Street is the Manulife Centre, a 51-storey mixed use building containing residential, commercial and retail uses.

Consistency with the Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development.

On March 1, 2005, a new PPS came into effect and replaces the policies that had been issued on May 22, 1996 and amended in 1997. The proposal is consistent with the PPS sections including 1.4.1 to 1.4.3 Housing and 1.6.5 Transportation. PPS Housing policies include the provision of a full range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with the PPS policies.

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 was appealed in its entirety. On July 6th, 2006, most of the new Official Plan was brought into force, except for policies related to housing, Section 37 and floodplain special policy areas. The Section 37 provisions of the former City of Toronto Official Plan continue to apply to this application.

The new Plan designates the site as “Mixed Use Area” within the Downtown and Central Waterfront urban structure area. Mixed Use Areas permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. The new Plan contains development criteria that will direct the form and quality of development. The criteria state that new buildings provide transition to lower scale areas; minimize shadow impacts on adjacent areas; provide an attractive, safe and comfortable pedestrian environment; and be in proximity and accessible to transit services.

The Downtown and Central Waterfront policies, described in Section 2.2.1, promote residential intensification in Mixed Use Areas.

Zoning By-law 438-86, as amended

The current zoning on the property is CR T3.0 C2.0 R3.0. This zoning district permits a range of uses, including certain residential uses and allows for a density of 3.0 times the lot area and a maximum height of 18 metres.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The site is subject to the Urban Design Guidelines for Bloor-Yorkville/North Midtown. The goal of these guidelines is to improve the quality of the environment in Bloor-Yorkville/North Midtown area and ensure that those elements, which contribute to the special character of the diverse parts of the area, are retained and enhanced.

The guidelines are comprised of a number of precincts and corridors each defined by its attributes in terms of function and built form character. The proposed development is located within the Bloor Street Corridor. In addition, the Open Space Network Plan makes reference to Balmuto Street as having a green streetscape.

Under the section on parking and loading in the guidelines, the general requirement for loading and parking areas is that they should be hidden from view and located on the roads with the least amount of pedestrian traffic.

Existing or approved building heights in the Bloor-Yorkville area generally follow a pattern that has a ‘peak’ around the Yonge/Bloor intersection and descending ‘ridges’ along the main corridors of Yonge and Bloor Streets, and portions north of Bloor Street, Bay Street, Church Street and Avenue Road. This pattern parallels the existing and desired urban structure for the city in general where greater heights and intensities are directed to areas where they already exist or along major road and transit corridors. To maintain and reinforce this pattern, the heights of new buildings are subject to the following principles:

Height Peak: areas where buildings reach a pinnacle height providing a landmark at the intersection of the City’s two principal streets and contributes to its skyline. This is the appropriate location for the tallest buildings in Bloor-Yorkville/North Midtown;

Height Ridges: areas where buildings should step down in height from the Height Peak area; and

Low-Rise Area: significant, established, contiguous low-rise areas. High-rise towers are inappropriate in these locations as they may have significant adverse impacts and would pose a threat to the viability of the area remaining as low-rise.

In the section High-Rise Built Form Design Criteria, the guidelines state that point towers are generally the preferred form of development for high rise buildings in areas where they can be accommodated. The following design criteria have been established and should be applied to point towers: point towers should be placed on a podium which represents the scale of the street wall; the tower should maintain an average gross floor plate size that permits adequate sky view and minimizes shadow impacts; and on dense urban sites, such as can be found in the Yonge/Bloor height peak, a minimum separation distance of 15 metres must be achieved.

Site Plan Control

An application for Site Plan Approval has not yet been filed, but will be required.

Reasons for the Application

The proposed density of 14.9 times the area of the lot and height of 114 metres to the roof line, plus six metres for the mechanical penthouse, exceed the as-of-right permissions of 3.0 times the area of the lot and 18 metres, respectively. Therefore, an amendment to Zoning By-law 438-86, as amended, is required. An Official Plan Amendment is not required.

Community Consultation

A community consultation meeting on the 35-storey proposal was held on June 12, 2006. Approximately eight members of the public attended the meeting. In general, comments were similar to the feedback received at the October 13, 2004 meeting, but also included concerns related to the potential shadow impacts on the proposed building at 35 Balmuto Street and 764 Yonge Street, safety surrounding the proposed building, and garbage and loading activities/operations.

City Planning also received written comments from within the community.

Agency Circulation

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

Comments:

The proposal was reviewed in terms of fit and context within the existing neighbourhood. Comments are provided below:

Land Use and Density

The proposal to redevelop the site for residential uses is consistent with Official Plan policies that encourage new housing and residential intensification. The location is close to the Yonge-Bloor subway lines, retail uses and services. The redevelopment of the site for residential purposes is compatible with surrounding land uses.

An analysis has been undertaken to determine whether or not a building of approximately 14.9 times the area of the lot (or 14.1 times the area of the lot with acquired City-owned lands) is appropriate. The density is comparable to other developments in the area and is supportable given the proposal's proximity to the Yonge-Bloor subway lines.

Height and Massing

Height and massing have been important considerations in the review of this development proposal. In February 2006, the new owner and architect submitted a proposal for a 34-storey residential building that had a height of 119.5 metres to the roof line, with separation distances still less than required and without an appropriate transition between abutting buildings. Extensive consultation between the applicant and Planning staff has been undertaken, which has resulted in reductions in height and improvements to the massing.

The site is within the Bloor Street Corridor in the Bloor-Yorkville/North Midtown Urban Design Guidelines, which refers to the centre of this corridor as a height 'peak', where the tallest buildings in the area are concentrated. The proposed height of 114 metres to the roof line, plus six metres for the mechanical penthouse, for a total height of 120 metres, integrates satisfactorily into the surrounding tall building context.

Official Plan policies direct that the massing of new buildings should provide transition between areas of different development intensity. This objective is brought forward in the Bloor-Yorkville/North Midtown Urban Design Guidelines. The proposed development provides a tower height transition between the abutting buildings to the north and to the south. The building to the north at 35 Balmuto Street and 764 Yonge Street has been approved at 160 metres and the building to the south, the Charles Promenade, has a height of 59.2 metres. The 34-storey (113.55 metres) proposal fits within an emerging transition pattern of heights along Balmuto Street. Refer to Attachment 4.

Built Form

The site's existing zoning would permit a mid-rise building (18 metres or approximately six storeys). The proposal's built form would introduce a building mass larger than envisioned by

the prescribed building envelope. The appropriateness of this additional building mass is discussed below:

(i) Lower Portion

The building incorporates the equivalent of a six-storey podium clad in granite with an architectural element that is built out at the fifth and sixth levels, which represents the scale of the street wall. The north side of the podium is setback 7.9 metres from the approved building to the north; 6.1 metres to the building to the south; 5.5 metres to the east (rear); and up to 1.0 metre to the west (Balmuto Street).

(ii) Upper Portion

Above the six-storey podium on the north side, the tower has a separation distance of 15 metres to 35 Balmuto Street, increasing to 15.6 metres at the 25th storey and 17.8 metres at the mechanical penthouse. On the south side above the podium, the proposed tower has a separation distance of 18.57 metres to the Charles Street Promenade. These built form articulations have translated into a reduced floor plate in the tower component of the proposal.

Overall, these revisions have the cumulative benefits of increasing the sky-view, reducing the length of the tower mass and resultant shadowing, and increasing the separation distance (which impact light, view and privacy) between the site and proposed development to the north and the existing building to the south.

Bloor-Yorkville/North Midtown Urban Design Guidelines

As discussed earlier, the site is subject to the Urban Design Guidelines for Bloor-Yorkville/North Midtown, which incorporates and supersedes older design guidelines for North Midtown and other nearby areas. Further, these guidelines reflect and are supported by the Bloor-Yorkville Business Improvement Area Urban Design Guidelines drafted by Brook McIlroy Incorporated and amended by the Office for Urbanism.

The proposed development satisfactorily responds to the goals set out in the Bloor Yorkville/North Midtown Urban Design Guidelines.

The proposed development has internalized all loading and parking ramps. Access to the loading will be from a single opening along the lane to the south. The loading functions themselves will also be internalized and not visible from Balmuto Street. Access to the parking will be from a single opening along the lane to the north.

The proposed development occupies an urban site within the height peak in Bloor Yorkville/North Midtown. The proposed height transitions by falling within an angular plane connecting the top of the buildings to the north and to the south.

The proposed development locates a very small floor plate point tower on the site above a podium. The point tower has a floor plate which has a gross floor area of approximately 385

square metres. The separation distance between the proposed point tower and the neighbouring point tower to the north is 15 metres in conformity with the guidelines.

The applicant is also proposing an enhanced streetscape and tree planting within the public right-of-way as part of this application.

Shadow Analysis

Section 3.1.3 (Built Form) of the new Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a shadow analysis and staff are satisfied that the revisions to the application result in an acceptable level of shadowing on other nearby properties, in light of the site being located within the height peak area.

Wind Analysis

The new Toronto Official Plan contains policies requiring new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of wind on parks, open spaces, neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a wind analysis of the conditions created by this proposal from F.H. Theakston Environmental Control Inc. Staff are satisfied with their analysis, which concludes that the pedestrian comfort conditions will be similar to existing conditions.

Amenity

The proposal includes 189 square metres of outdoor residential amenity space and 387 square metres of indoor amenity space on the second floor. The requirements of Zoning By-law 438-86, as amended, requires 272 square metres of each outdoor and indoor residential amenity space. While not providing the required amount of outdoor amenity space, the application exceeds the total residential amenity space requirement of 544 square metres. The amount and location of amenity space are satisfactory.

Trees/Landscaping

There are no privately owned trees protected under the City of Toronto's Private Tree By-law that will be impacted by the proposed development. The applicant is proposing a landscape design for the property, including the outdoor amenity space on the second level. The applicant is also required to undertake improvements to the street right-of-way immediately abutting the lot on the east side of Balmuto Street, including streetscaping and tree installation.

Furthermore, a portion of the Section 37 monies are proposed to be used toward the design and implementation of streetscape improvements along Balmuto Street between Bloor Street East and Charles Street. The improvements will be designed and implemented by the City and may include landscaping, special pavement details, lighting and street furniture.

Traffic Impact, Access, Parking and Loading

A Traffic Impact Assessment prepared by Entra Consultants and subsequent addenda have been submitted and reviewed by Transportation Services Division staff. The applicant proposes access from the proposed six metre wide east-west public lane abutting the property to the north with full movement access onto Balmuto Street. The existing public lane is proposed to be widened and reconstructed as part of the approved redevelopment of 35 Balmuto Street and 764 Yonge Street (the property immediately to the north). However, in the event construction of the project commences prior to the construction of the approved development to the north, access to and from the parking and loading facilities will have to be relocated and provided directly from the private lane abutting the south limit of the site, as widened, to a minimum width of 6.09 metres. The applicant has been advised of this requirement and has confirmed that the alternate access arrangements can be accommodated without impacting the building envelope proposed.

The applicant's Transportation Consultant concludes that the traffic generated by the proposal can be accommodated within the area road network without the need for roadway improvements or modifications. Transportation Services Division staff are in agreement with the conclusion reached by the consultant.

The plans submitted show 105 parking spaces. This satisfies the Zoning By-law requirement for 102 parking spaces (94 spaces for residents and eight spaces for visitors). No parking spaces are proposed or required to serve the proposed ground floor retail use. The proposed parking supply is acceptable to staff. Parking will be located underground and is proposed to be accessed through the public lane to the north of the site, with full movement access onto Balmuto Street.

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on the private automobile. The site is in proximity to public transit operations, particularly the Yonge/Bloor subway lines, and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

LEED – Leadership in Energy and Environmental Design

An issue discussed at the community meeting was LEED certification. The applicant has responded by making a commitment that this development will be LEED certified. This will require special design and construction techniques to be used in order to meet the LEED criteria.

Community Benefits

The applicant has agreed to a package of community benefits that contribute to the merits of the proposal. The applicant has agreed to provide the following benefits:

- (a) a cash contribution in the amount of \$475,000 made prior to the issuance of any above grade building permit for the first building to be erected on the lot, for the following local community improvement initiatives:

- (i) \$175,000 toward the Toronto Transit Commission (TTC) Cumberland subway entrance renovations; and
 - (ii) \$300,000 toward design and implementation of streetscape improvements for Balmuto Street between Bloor Street East and Charles Street;
- (b) provide public art contribution in accordance with the City of Toronto's Percent for Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands;
- (c) submission of documentation respecting Leadership in Energy and Environmental Design ("LEED") certification of the development in accordance with the following:
- 1. in conjunction with the construction and marketing of the proposed development, the owner shall provide to the Chief Planner such documentation as is requested with respect to LEED Certification and the marketing materials that include information on LEED Certification;
 - 2. the owner shall:
 - (a) use reasonable commercial efforts to obtain LEED Certification of the buildings;
 - (b) prior to receiving Site Plan Approval, register the development with the Canada Green Building Council ("CaGBC") (the "LEED Registration") and provide written confirmation of the LEED Registration to the Chief Planner;
 - (c) prior to submitting an application for condominium registration for the development, make the LEED Application and provide the Chief Planner with a copy together with written confirmation that it has been submitted and, if requested, include copies of all documentation submitted with the LEED Application;
 - (d) upon the receipt of a CaGBC Report provide the Chief Planner with a copy of such CaGBC Report;
 - (e) submit a response to the CaGBC regarding any CaGBC Report as required and provide the Chief Planner with a copy, if requested;
 - (f) upon receipt of the CaGBC's decision as to whether LEED Certification has been granted, provide the Chief Planner with a copy, if requested; and
 - (g) provide the Chief Planner with a copy of the owner's marketing materials for the development that contain information regarding LEED and all LEED Certification documents, if requested;

- (d) provision of quality building materials for the podium and tower facades of the building on the lot, satisfactory to the Chief Planner and Executive Director, City Planning Division, as follows:
 - (i) the masonry components of the west façade of the entire podium will be of limestone and/or granite; and
 - (ii) the masonry components of a portion of the north and south facades of the podium will be of limestone and/or granite to the extent that those elevations are viewed or exposed to Balmuto Street;
- (e) prior to first above grade building permit for the development, provide assurances satisfactory to the Executive Director of Technical Services Division and the City Solicitor that the owner of the lot has existing rights in perpetuity in the nature of an easement for access purposes over the lands having a width of not less than 3.08 meters immediately south of the lot;
- (f) improvement of the street right-of-way immediately abutting the lot on the east side of Balmuto Street, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division and in a manner that is consistent with the landscaping approved for the lot in the development site plan approval process pursuant to s.41 of the Planning Act;
- (g) provision and maintenance of an irrigation system for any proposed trees within the public right-of-way abutting the lot, which system includes an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer, all to the satisfaction of the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division;
- (h) provision of space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes; and
- (i) any other conditions to ensure the orderly development of the lands shown on Map 1.

Development Charges

It is estimated that the Development Charges for this project will be \$734,365. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

Planning staff are satisfied that the revisions that have been achieved with this development have resulted in a project that fits into its surroundings. The height, adjustments to stepbacks and setbacks, LEED certification and community benefits will all contribute to a high quality

development. Planning staff recommend approval of this application and that a Section 37 Agreement as described in this report be executed and registered prior to the introduction of the Bills to Council.

Contact:

Kelly Dynes, Senior Planner (Acting)

Ph: 416-392-7363

Fax: 416-392-1330

Email: kdynes@toronto.ca

Gary Wright

Director, Community Planning, Toronto and East York District

File:p:\2006\uds\pln\19647888050 (fm)

List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: Ground Floor Plan
- Attachment 4: West Elevation
- Attachment 5: North, South and East Elevations
- Attachment 6: Zoning (Map)
- Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	04 114756 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 9, 2004

Municipal Address: 13 BALMUTO ST, TORONTO ON
 Location Description: PL RP63R1074 PTS 1 2 & 3 WITH ROW OVER 4 CON 1 FB PARK PT LT9
 **GRID S2707
 Project Description: Proposed 34 storey, 136 unit residential building with grade-related retail space

Applicant:	Agent:	Architect:	Owner:
Burka Varacalli Architects Inc. (Roy Varacalli)			Bazis International Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	880.8, including City-owned lands	Height:	Storeys:	34
Frontage (m):	27.194		Metres:	119.55, including mechanical penthouse
Depth (m):	30.48			
Total Ground Floor Area (sq. m):	628			Total
Total Residential GFA (sq. m):	12402.2		Parking Spaces:	105
Total Non-Residential GFA (sq. m):	40.3		Loading Docks	1
Total GFA (sq. m):	12442.5			
Lot Coverage Ratio (%):	71.3			
Floor Space Index:	14.13, including City-owned lands			

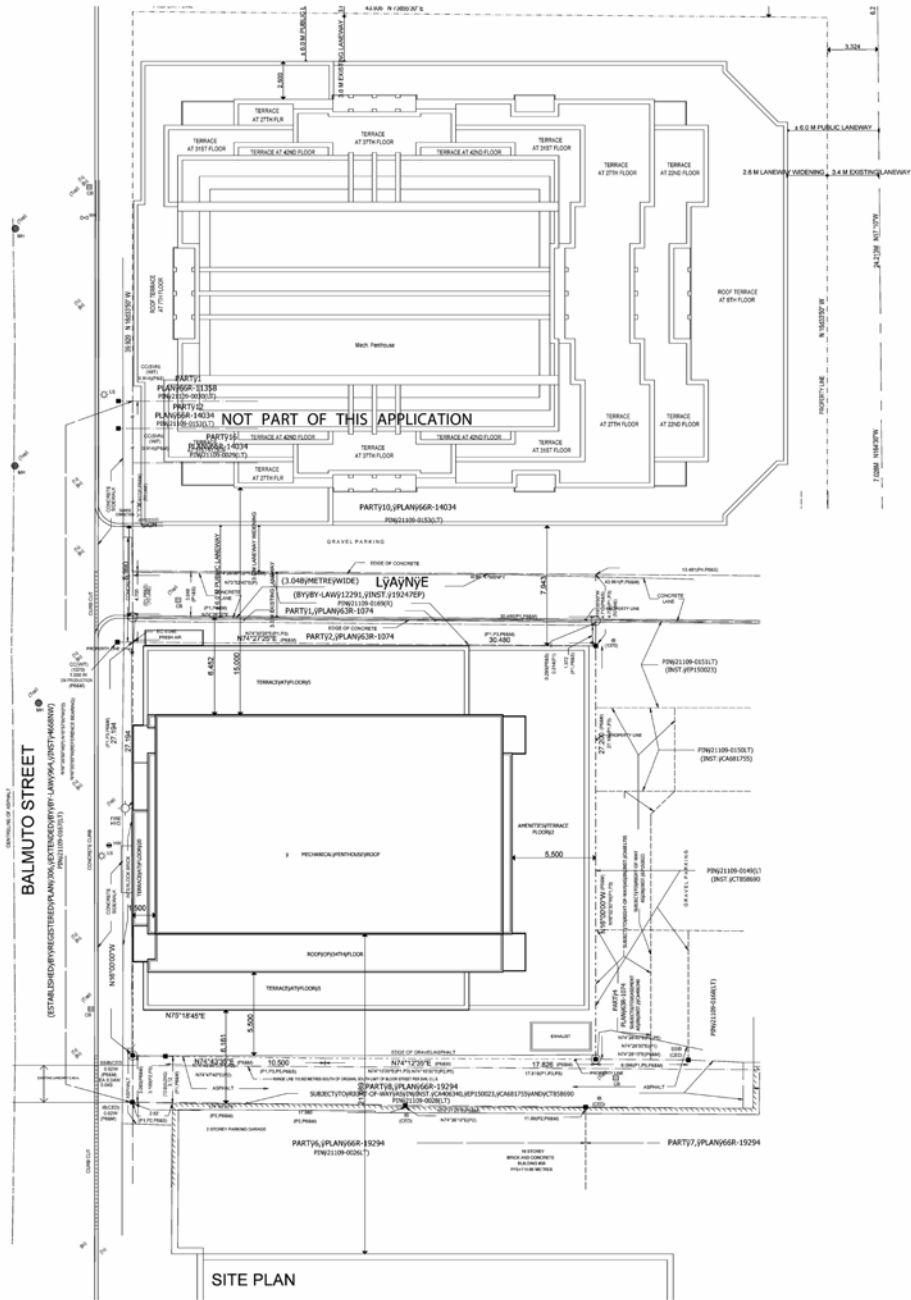
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	12402.2	0
Bachelor:	0	Retail GFA (sq. m):	40.3	0
1 Bedroom:	31	Office GFA (sq. m):	0	0
2 Bedroom:	105	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	136			

CONTACT: **PLANNER NAME:** Kelly Dynes, Senior Planner (Acting)
TELEPHONE: (416) 392-7363

Attachment 2: Site Plan



Site Plan

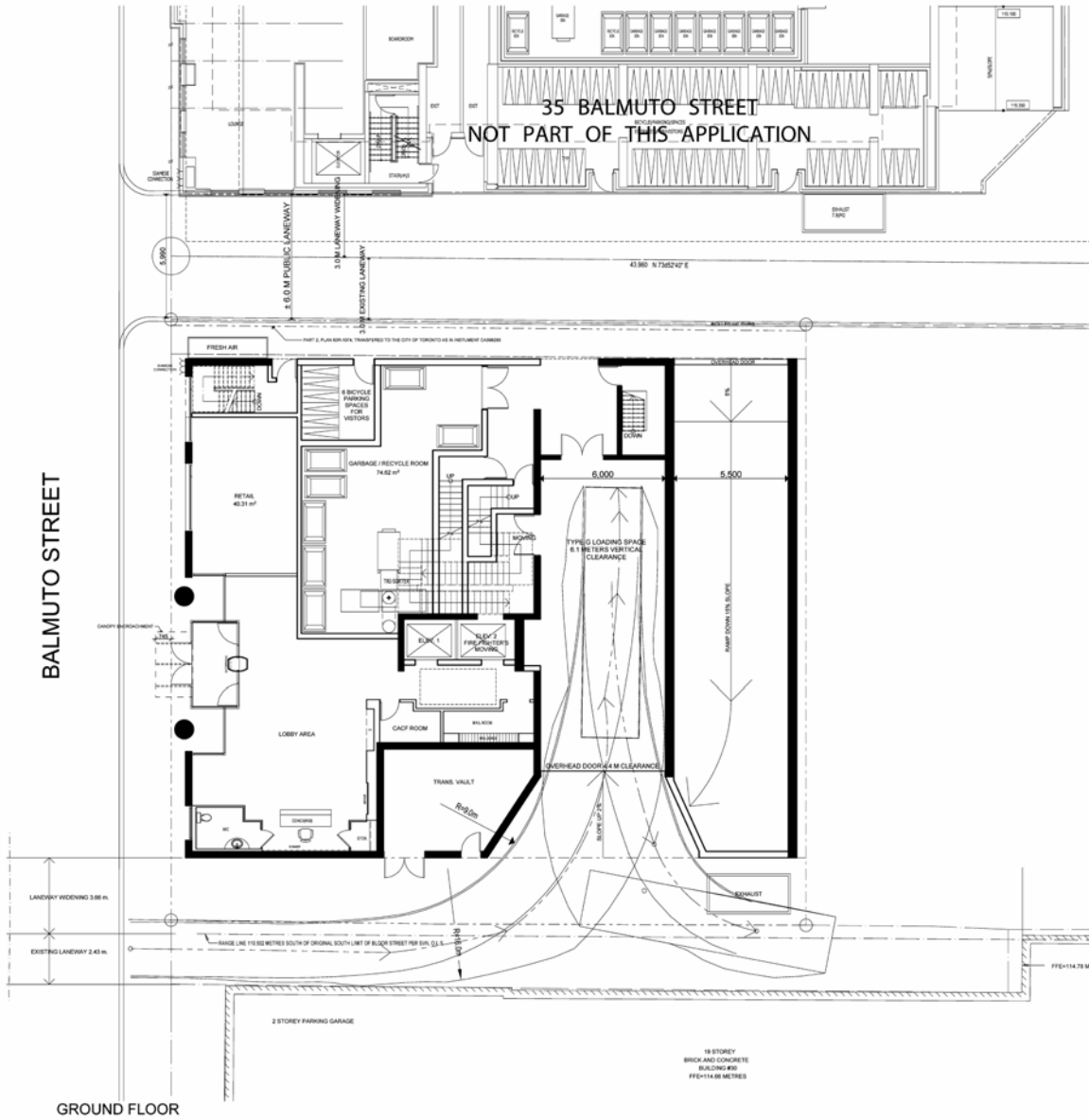
13(7 - 21) Balmuto Street

Applicant's Submitted Drawing

Not to Scale 

File # 04_114756

Attachment 3: Ground Floor Plan



Ground Floor Plan

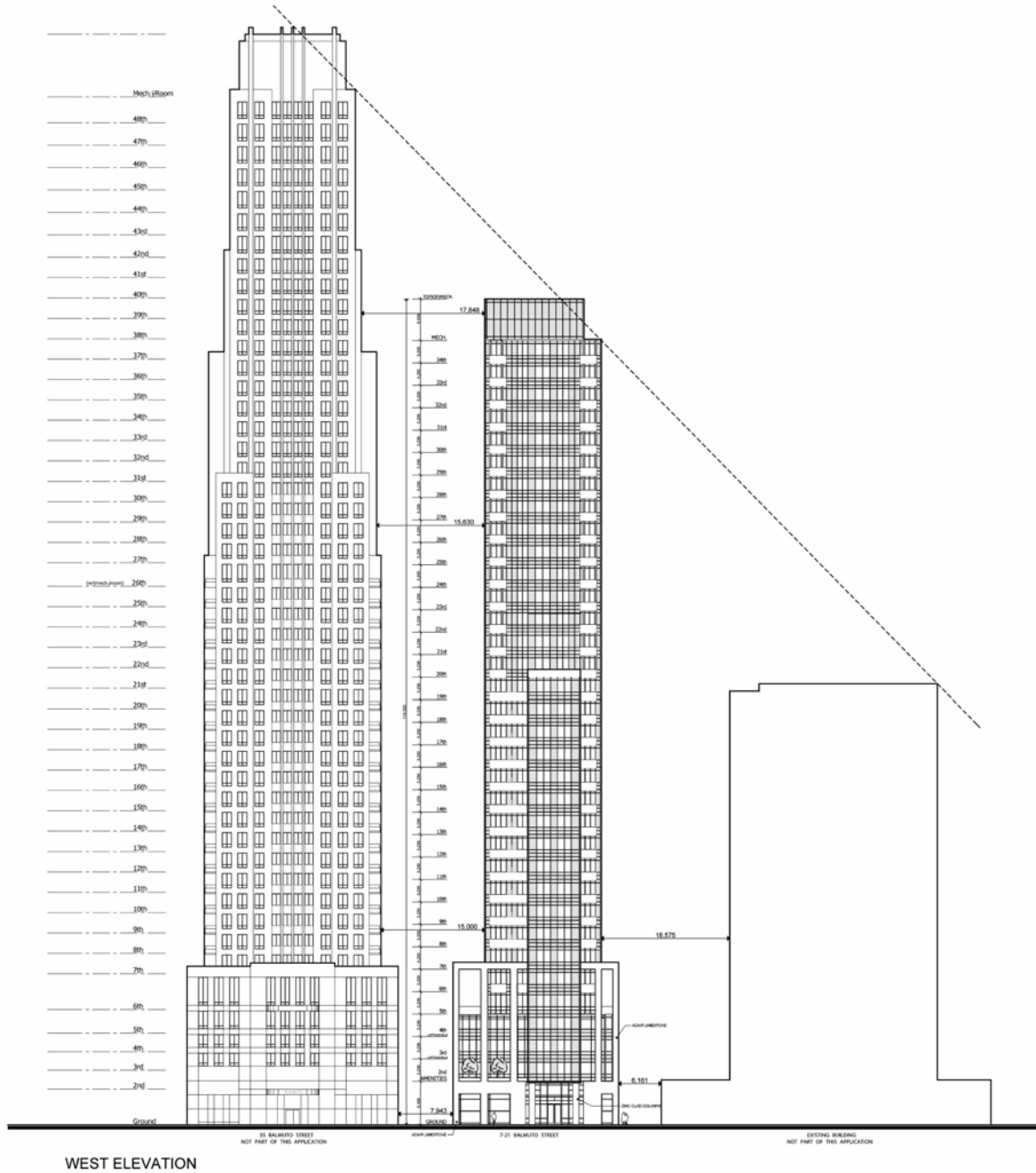
13 (7 - 21) Balmuto Street

Applicant's Submitted Drawing

Not to Scale
07/18/06

File # 04_114756

Attachment 4: West Elevation



West Elevation

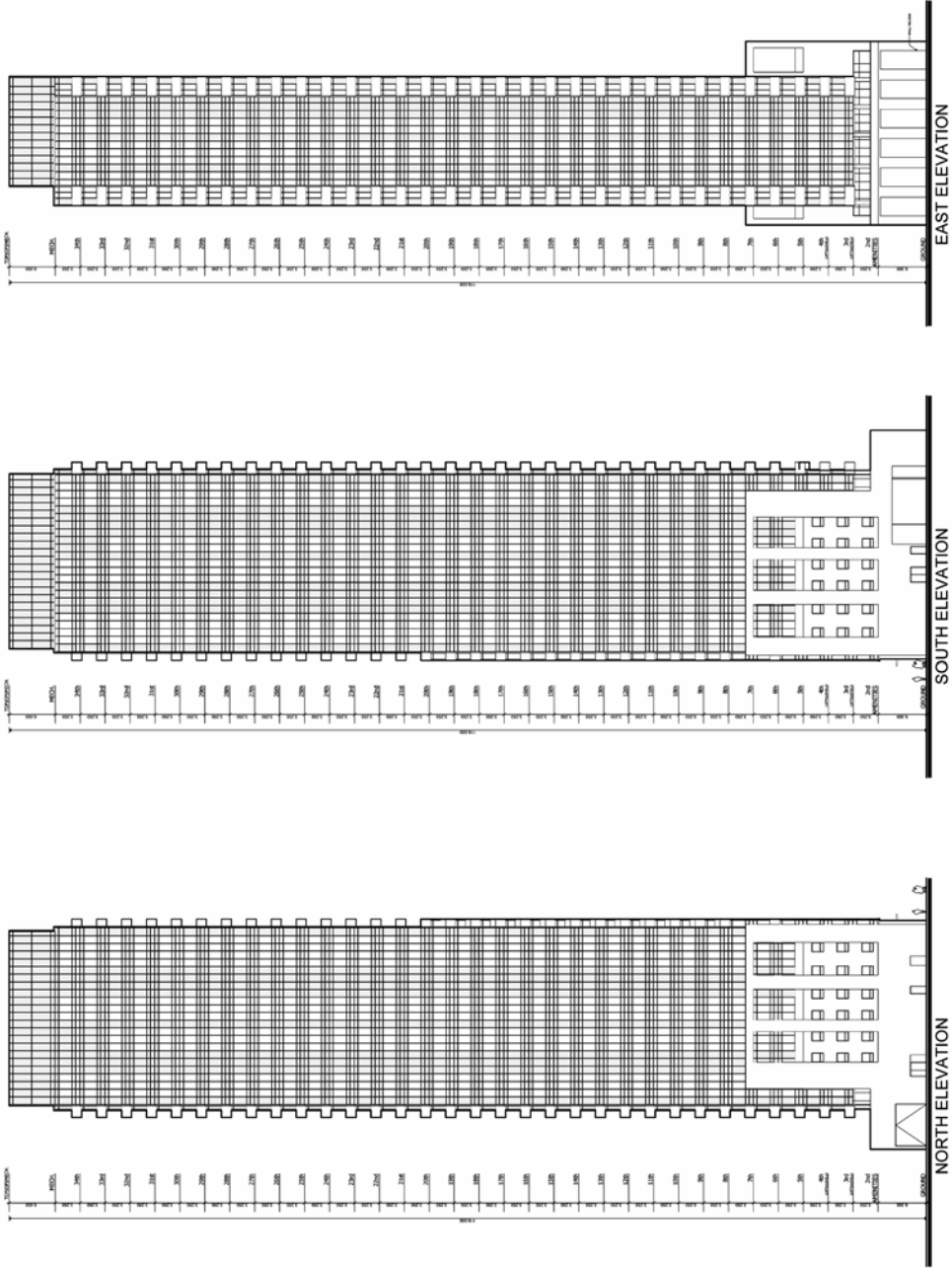
Applicant's Submitted Drawing

Not to Scale
07/18/06

13 (7 - 21) Balmuto Street

File # 04_114756

Attachment 5: North, South and East Elevations



Elevations

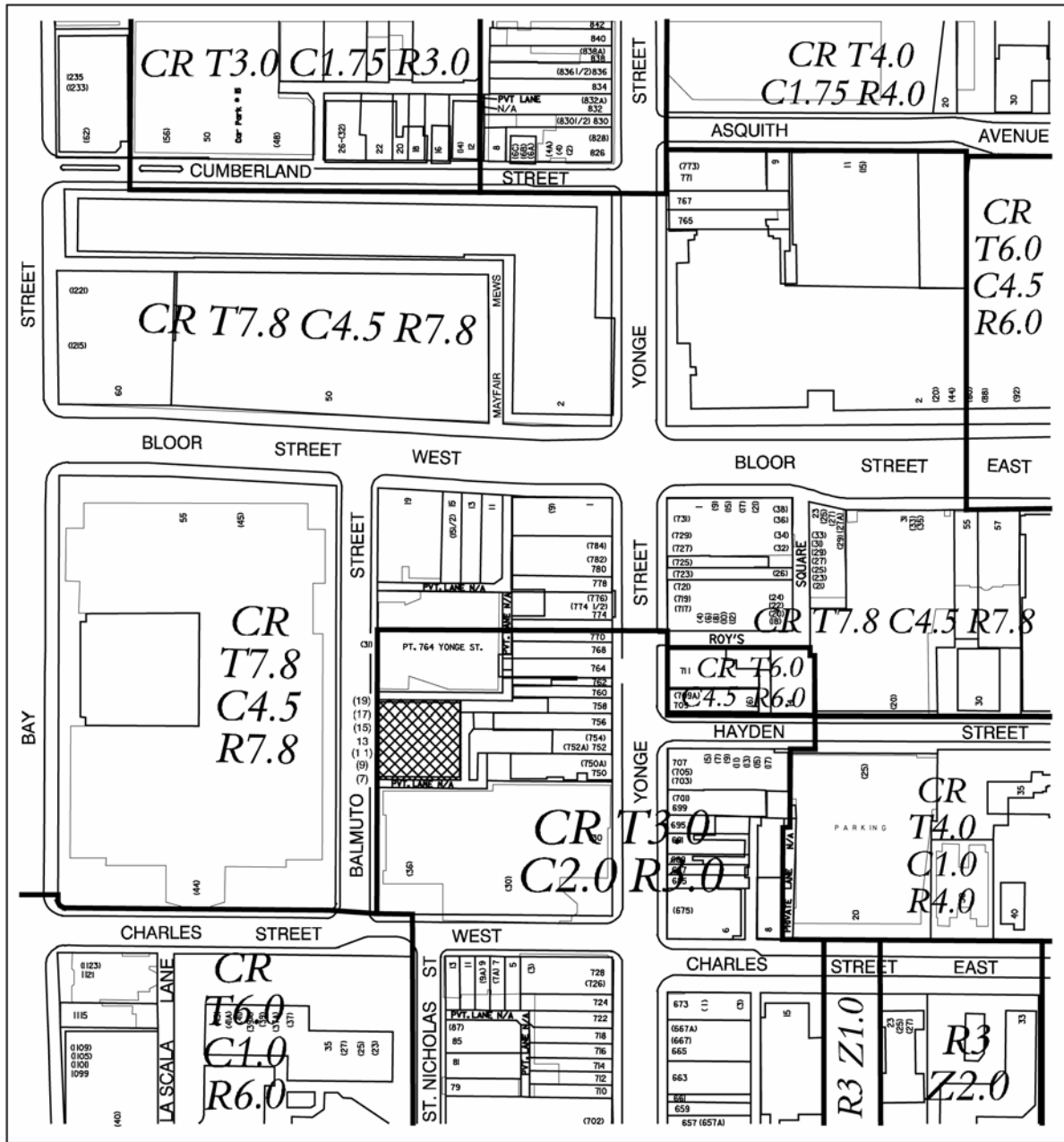
Applicant's Submitted Drawing

Not to Scale
07/18/06

13 (7 - 21) Balmuto Street

File # 04_114756

Attachment 6: Zoning (Map)



13 (7 - 21) Balmuto Street

File # 04_114756

R3 Residential District
 CR Mixed-Use District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 12/10/02 - DR

Attachment 7: Draft Zoning By-law Amendment

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

CITY OF TORONTO

BY-LAW No. ____ -2006

**To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto,
respecting lands municipally known as 13 Balmuto Street**

WHEREAS authority is given to the Council of the City of Toronto by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to enact this By-law; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting in accordance with the *Planning Act* regarding the proposed Zoning By-law amendments; and

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

WHEREAS Section 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, 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 hereinafter referred to has elected to provide the facilities, services and matters set out in this By-law in return for the increase in height and density beyond that otherwise permitted on the subject lands by By-law No. 438-86, as amended; and

AND WHEREAS the Council for the City of Toronto has required the owner of the subject lands to enter into one or more agreements with respect to the facilities, services and matters set out in this By-law in return for the increase in height and density proposed;

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

1. None of the provisions of Section 2 with respect to the definitions of the words “lot”, “grade”, “height”, “bicycle parking space – occupant”, and “bicycle parking space – visitor”, and none of the provisions of Sections 4(2)(a) (i) and (ii), 4(12), 8(3) Part I (1), 8(3) Part 1 3(a), 8(3) Part II (1)(a)(ii), and 8(3) Part XI 2(ii) of Zoning 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 residential and non-residential uses, a below-grade parking garage and uses accessory thereto on the lot, provided that the following provisions are complied with:

- (a) the lot comprises at least the lands delineated by heavy lines on Map 1 attached hereto and forming part of this By-law;
- (b) the total combined non-residential gross floor area and residential gross floor area on the lot shall not exceed 12,445 square metres;
- (c) the residential gross floor area on the lot shall not exceed 12,405 square metres;
- (d) a minimum of 40 square metres to a maximum of 100 square metres of non-residential gross floor area shall be provided on the lot and at grade fronting onto Balmuto Street;
- (e) Section 8 (3) Part II (1) (a) (ii) shall apply with the exception that any window of a dwelling unit on the third and fourth storey on the south side of a building or structure shall be set back a minimum of 3.1 metres;
- (f) no portion of a building or structure erected above grade is located otherwise than wholly within the area delineated by heavy lines as shown on Map 2 attached hereto and forming part of this By-law;
- (g) the height of any building or structure shall not exceed those heights, in metres above grade, following the symbol “H” shown on Map 2 attached hereto, but this paragraph does not prevent the erection or use of:
 - (i) a structure used for outside or open air recreation, safety or wind protection in the area identified as the “Amenity Terrace” on Map 2 attached hereto provided that:
 - A. the maximum height of the top of the structure is no higher than the sum of 3.0 metres and the applicable height limit for the “Amenity Terraces” shown on Map 2 attached hereto; and
 - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
- (h) only the following building elements and structures shall be permitted beyond the heavy lines and above the height limits shown on Map 2 attached hereto:
 - (i) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;

- (ii) balconies may extend to a maximum horizontal projection from an east or west exterior building wall of approximately 1.5 metres beyond the heavy lines shown on Map 2 attached hereto;
 - (i) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* shall be provided on the *lot* in a multi-purpose room or a number of rooms located on the same *storey* which *storey* contains a kitchen and a washroom for use in association with such *residential amenity space*; and
 - (j) a minimum of 189 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which 40 square metres shall be provided in a location directly adjoining or directly accessible from a portion of the indoor *residential amenity space*.
- 2. Pursuant to Section 37 of the *Planning Act*, the heights and density of development on the *lot* as contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot* of the following facilities, services and matters to the City at the *owner's* sole expense and in accordance with and subject to the provisions of the agreement to be executed and registered on title to the land as referred to in Section 2(a) hereof:
 - (a) the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by this Section 2 and consents to the registration of such agreement against title to the *lot*, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement and the indexing of financial contributions;
 - (b) payment of a cash contribution in the amount of \$475,000, prior to issuance of any above grade *building permit* for the building to be erected on the *lot*, for the following local community improvement initiatives:
 - (i) \$175,000 toward the Toronto Transit Commission (TTC) Cumberland subway entrance renovations; and
 - (ii) \$300,000 toward design and implementation of streetscape improvements for Balmuto Street between Bloor Street East and Charles Street;
 - (c) provide public art contribution in accordance with the City of Toronto's Percent for Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands;
 - (d) submission of documentation respecting Leadership in Energy and Environmental Design ("LEED") certification of the development in accordance with the following:
 - 1. in conjunction with the construction and marketing of the development, the owner shall provide to the Chief Planner and Executive Director, City

Planning Division, such documentation as is requested with respect to LEED Certification and the marketing materials that include information on LEED Certification;

2. the owner shall:

- (i) use reasonable commercial efforts to obtain LEED Certification of the building on the *lot*;
 - (ii) prior to receiving Site Plan Approval, register the development with the Canada Green Building Council “CaGBC” (the “LEED Registration”) and provide written confirmation of the LEED Registration to the Chief Planner;
 - (iii) prior to submitting an application for condominium registration for the development, make the LEED Application and provide the Chief Planner with a copy together with written confirmation that it has been submitted and, if requested, copies of all documentation submitted with the LEED Application;
 - (iv) upon the receipt of a CaGBC Report provide the Chief Planner with a copy of such CaGBC Report, if requested;
 - (v) submit a response to the CaGBC regarding any CaGBC Report as required and provide the Chief Planner with a copy, if requested;
 - (vi) upon receipt of the CaGBC’s decision as to whether LEED Certification has been granted provide the Chief Planner with a copy, if requested; and
 - (vii) provide the Chief Planner with a copy of the owner’s marketing materials for the development that contain information regarding LEED and all LEED Certification documentation, if requested;
- (e) provision of quality building materials for the podium and tower facades of the building on the *lot*, satisfactory to the Chief Planner and Executive Director, City Planning Division, as follows:
- (i) the masonry components of the west façade of the entire podium will be of limestone and/or granite; and
 - (ii) the masonry components of a portion of the north and south facades of the podium will be of limestone and/or granite to the extent that those elevations are viewed or exposed to Balmuto Street;
- (f) prior to issuance of the first above grade *building permit* for the building on the *lot*, the provision of assurances satisfactory to the Executive Director of Technical Services and the City Solicitor that the owner of the *lot* has existing rights in

perpetuity in the nature of an easement for access purposes over the lands shown in hatching and identified as “Private Lane” on Map 1, which lands are intended as part of the proposed access for the *lot*;

- (g) improvements to the street right-of-way immediately abutting the *lot* on the east side of Balmuto Street, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division and in a manner that is consistent with the landscaping approved for the *lot* in the development site plan approval process pursuant to s.41 of the *Planning Act*;
 - (h) provision and maintenance of an irrigation system for any proposed trees within the public right-of-way abutting the *lot*, which system includes an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer, all to the satisfaction of the General Manager, Parks, Forestry and Recreation Division and the Executive Director, Technical Services Division;
 - (i) provision of space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes; and
 - (j) any other conditions to ensure the orderly development of the lands shown on Map 1.
3. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or the Section 37 Agreement require provision of facilities, services and matters prior to issuance of a building permit for the proposed development of the *lot*, including provision of financial securities and payment of contributions, no building or structure may be erected or used on the *lot* until the owner has satisfied the said requirements and building permit issuance shall be dependent on the same.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act in accordance with the provisions of Section 2 herein, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of the agreement.
5. For the purposes of this By-law:
- (a) “*building permit*” means a permit issued for the construction of a building, or any part thereof, pursuant to section 8 of the Building Code Act;
 - (b) “*grade*” means 115.0 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) “lot” means those lands outlined in heavy lines on Map 1 attached hereto;
- (e) “*parking space*” means an unobstructed area, at least 5.9 metres in length and at least 2.6 metres in width, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;
- (f) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) in the case of a bicycle rack, is located in a secured room or area;
 - (iv) shall not be combined with storage lockers for residential units; and
 - (v) shall be provided and maintained only on the ground floor, third *storey*, fourth *storey*, and first and second levels immediately below *grade* of the *parking garage*;
- (g) “*bicycle parking space – visitor*” means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) shall be provided and maintained only on the ground floor and first level immediately below *grade* of the *parking garage*;
- (h) with the exception of the words or expressions referred to in paragraphs (a) to (g) above, each word or expression that is italicized in the By-law herein shall have the same meaning as the said word or expression as defined in By-law No. 438-86, as amended.

6. None of the provisions of By-law 438-86, as amended, or this By-law shall apply to prevent the erection or use of a temporary sales showroom on the *lot* for the purpose of selling the residential dwellings set out in this By-law.
7. 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.

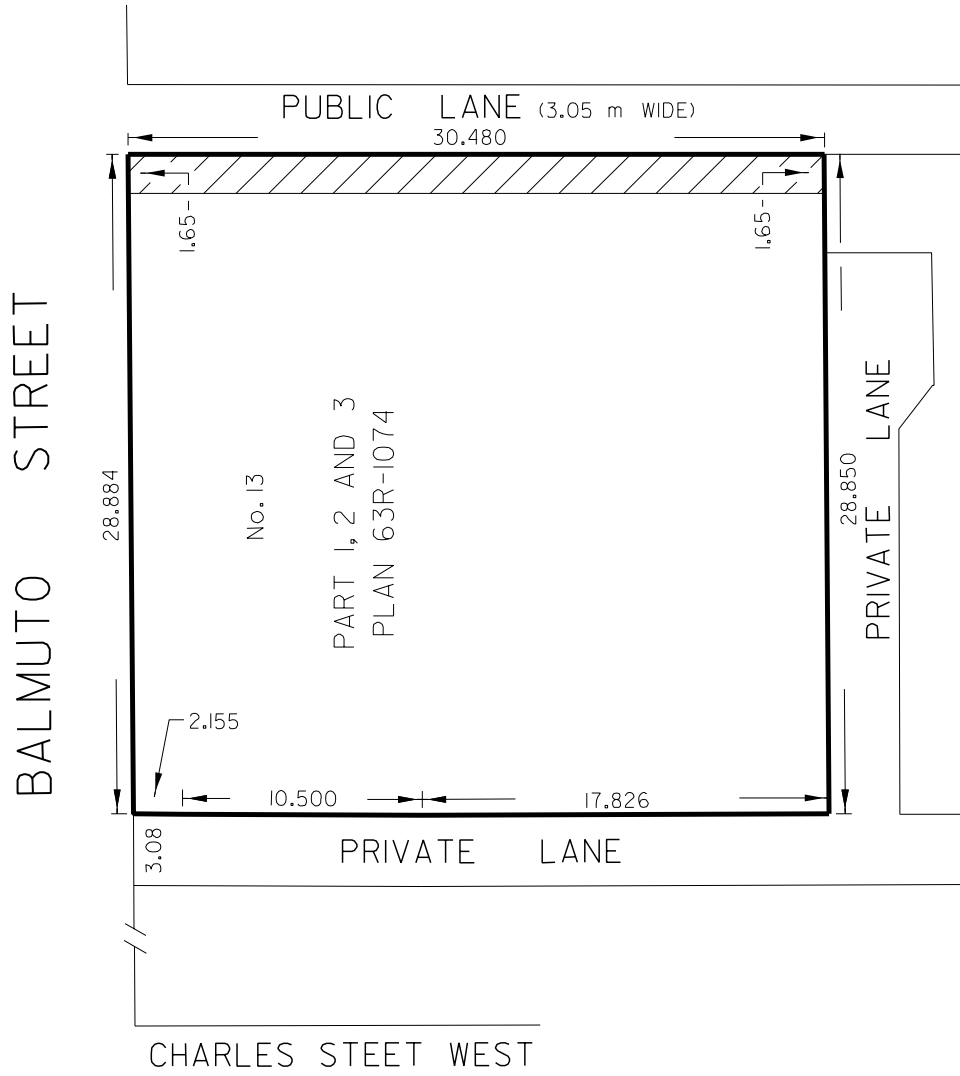
ENACTED AND PASSED this xx day of xx, A.D. 2006.

DAVID MILLER,
Mayor

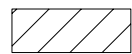
(Corporate Seal)

ULLI S. WATKISS
City Clerk

MAP 1



LANDS SUBJECT TO AMENDMENT

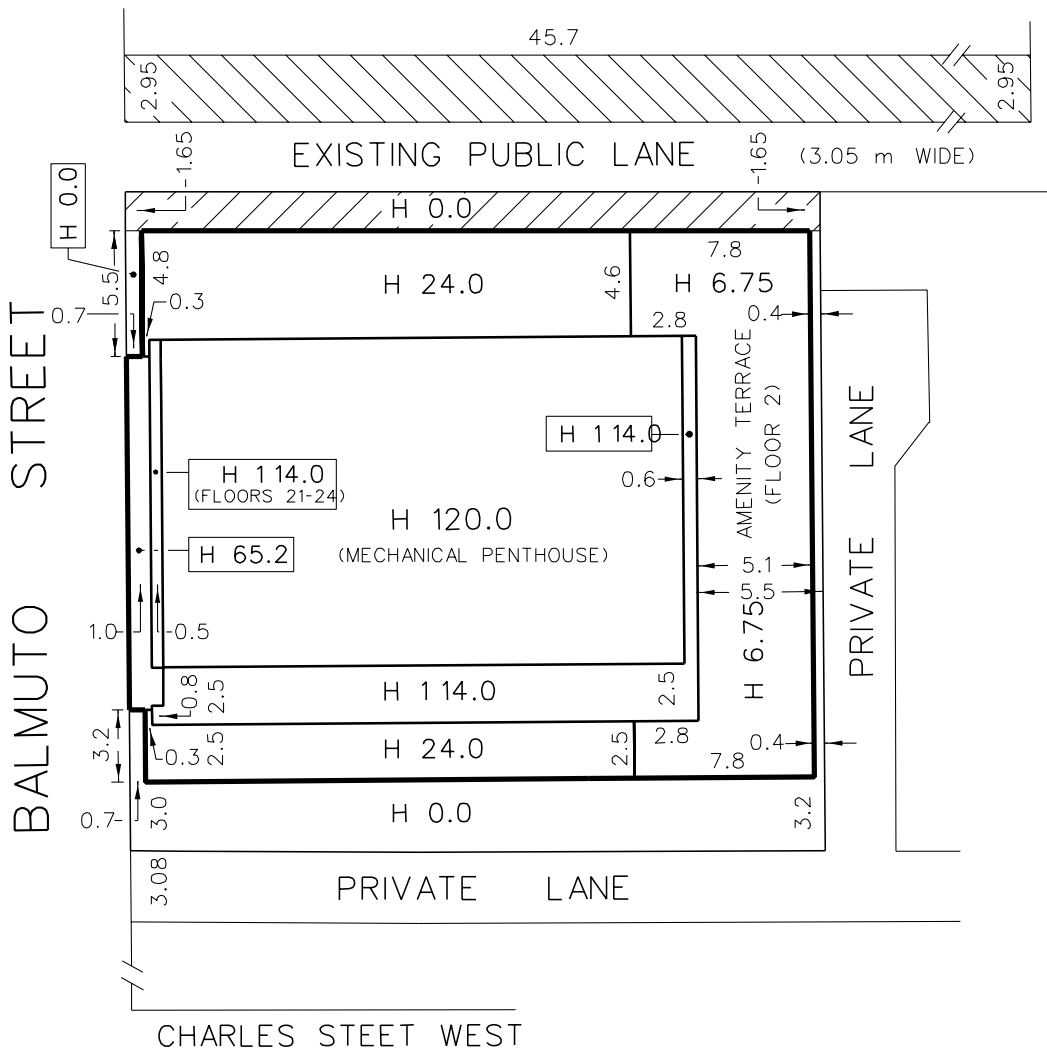


LANDS TO BE ACQUIRED
(PARTS 1 and 2, PLAN 63R-1074)

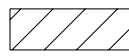


SURVEY AND MAPPING SERVICES
AUGUST 2006 DRAWN: VG
BL06/13BALMUT1.DGN
FILE: B118-Z1
MAP No. 50H-323

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 LANDS TO BE ACQUIRED
(PARTS 1 and 2, PLAN 63R-1074)

 PROPOSED WIDENING OF PUBLIC LANE



SURVEY AND MAPPING SERVICES
AUGUST 2006
BL06/13BALMUT2.DGN
FILE: B118-Z1
MAP No. 50H-323

DRAWN: WS