

**606-618 Yonge Street, 5-9 St. Joseph Street, 11-19 and
25 St. Nicholas Street – Rezoning
Final Report**

Date:	October 19, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	08-213136 STE 27 OZ

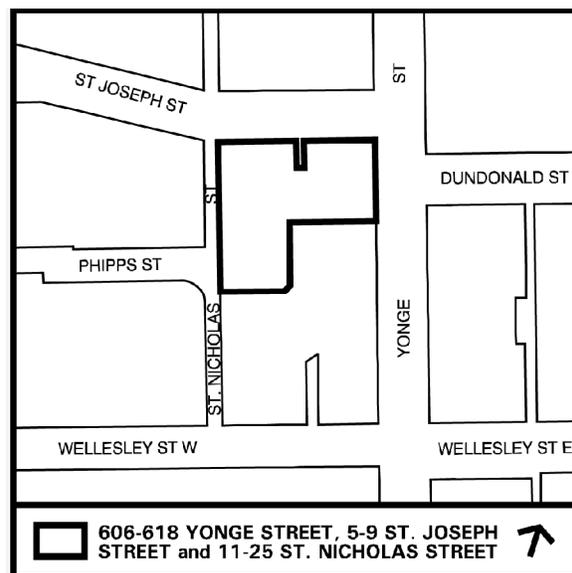
SUMMARY

This application was made on October 15, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This report reviews and recommends approval of an application to amend the Zoning By-law to permit the construction of a 45-storey mixed use building with 412 residential units including 5 live-work units and approximately 2,800 square metres of non-residential space on a 0.267 hectare (0.660 acre) site.

The proposal meets the intent of the City’s Official Plan for intensification in *Mixed Use Areas* and reflects the principles expressed in the City’s Design Criteria for the Review of Tall Building Proposals.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit an application under Toronto Municipal Code Chapter 813, Trees, Article III, “Tree Protection” for the four private trees that qualify for protection and are proposed to be removed as part of the proposal, and complete the application review process.
4. A demolition permit not be issued until a first below-grade building permit has been issued and a revised Heritage Easement Agreement has been signed and registered.
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:
 - a) Prior to the issuance of the first building permit, pay to the City the sum of \$1,500,000 consisting of \$1,165,000 for the heritage upgrade to the subject property (except 5-9 St. Joseph Street), \$135,000 for public art determined through the public art commission process, and \$200,000 for local streetscape improvements and for improvements to Queen’s Park;
 - b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- c) Undertake a Street Lighting Study and pay for replacement lighting around the street frontage of the subject property to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- d) Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
- e) Provide and pay for any municipal service upgrades required to support the development as determined by the Executive Director of Technical Services as part of the required Site Servicing Review;
- f) Provide continuous weather protection with a minimum clear depth of three metres on St. Joseph Street in accordance with the Conservation Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 13, 2009; and
- h) Prior to final site plan approval, the owner will:
 - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and guidelines for Consulting Archaeologists, September 2006, Ministry of Culture;
 - 2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - 3. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Heritage Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;

4. Enter into a Heritage Easement Agreement for the properties at 606-618 Yonge Street;
 5. Submit a Conservation Plan to include drawings, to the satisfaction of the Manager of Heritage Preservation Services, that provide elevations and sections of all heritage building facades at 1:50 scale including, but not limited, to the following: (1) storefront design; (2) window specifications for all heritage façade elevations; (3) reconstruction plan for roof dormer/parapet/cornice details and (4) return side wall details;
 6. Additional information shall be submitted, based on the proposed Conservation Strategy, to include documentation substantially in accordance with that outlined within Section 8.0 of the submitted Heritage Impact Statement. Specifically, a detailed plan shall also be submitted to outline mitigations measures that address construction impacts relative to the on-site heritage structures;
 7. Amend the existing Heritage Easement Agreement registered on the site, Instrument No. E171218 dated June 1, 1998, at 5 St. Joseph Street and 9-15 St. Nicholas Streets, to address the proposed construction and permitted alterations;
 8. As an existing north /south public lane is required to form part of the lot, pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall obtain City Council's approval of the closure and sale of the public lane and shall complete such sale of such lane;
 9. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate;
 10. Submit an Engineering Report to the satisfaction of the Manager of Heritage Services that advises on the project's constructability without displacing identified heritage resources; and
 11. Submit a stormwater management report, a site servicing plan and site grading, drainage and landscape plans.
6. Authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Decision History

In 1997, as part of the development approvals for Dovestar Developments at 11 St. Joseph Street (the residential building on the west side of St. Nicholas Street) and 5 St. Joseph Street (the warehouse property on the east side of St. Nicholas), the existing residential building at 11-25 St. Nicholas Street was designated under PART IV of the *Ontario Heritage Act* (By-law 1997-0177).

The Rawlinson Cartage Buildings at 5 St. Joseph Street is regarded as having architectural and historical significance, and the City entered into a Heritage Easement Agreement on February 4, 1998 to protect the building.

In 1997, the site was split into two parcels known as Parcel A and B. Parcel A is situated on the west side of St. Nicholas Street between St. Joseph Street and Phipps Street and Parcel B is situated on the east side of St. Nicholas Street, south of St. Joseph Street. The Official Plan and zoning parameters provide for a 17-storey residential building on Parcel A.

Proposal

On October 15, 2008, a rezoning application was submitted for a 49 storey (152 metre high) mixed-use building with 5 metre high mechanical penthouse and including a seven storey podium. A total of 420 units were proposed, the applicant proposed a tower with dimensions of 22.5 meters wide by 37 metres long. The typical tower floorplate is proposed to be 790 square metres.

The owner, Joyonge Developments Corporation now proposes to construct a 45-storey (140 metre) building with 7 metre high mechanical penthouse and including a six storey podium. A total of 412 residential units are proposed.

The pedestrian front entrance is proposed to be located on St. Joseph Street. The parking garage access is proposed to be located on the north side of the building in the location of an existing public lane which is intended to be closed and incorporated into the development site.

The proposal provides a total of 270 parking spaces and 239 bicycle parking spaces in a 5.5 level underground garage.

Loading to service the building will be located on the south end of St. Nicholas Street off the existing north/south private lane. Two loading spaces are proposed on the ground floor.

Overall, the proposal has a non-residential gross floor area of 2,800 square metres and 37,100 square metres of residential gross floor area with a density of 14.4 times the area of the lot.

The applicant proposes a tower with a width of 22.5 metres and a length of 37 metres. The tower would have a floorplate of 790 square metres.

The applicant proposes that the tower have a 34 metre setback from the buildings on Yonge Street, an 8 metre stepback from the podium along St. Joseph Street and a 4.8 metre stepback for the podium along St. Nicholas Street.

The 2,800 square metres of non-residential gross floor area (retail and office use) will be located along Yonge Street and within the first three floors of the podium. The applicant is proposing 5 live work units, 317 one-bedroom units and 90 two-bedroom units. The applicant is proposing 824 square metres of indoor and approximately 536 square meters of outdoor amenity space.

The proposal also incorporates a public north-south lane located at St. Joseph Street. An application to Transportation Services to close the lane has been submitted. Closure and transfer of the lane requires a decision by City Council.

Site and Surrounding Area

The site is located on the southwest corner of Yonge Street and St. Joseph Street. The west limit of the subject site extends to St. Nicholas Street. A row of three and four storey buildings currently occupies the Yonge Street frontage.

The subject site currently contains a mix of commercial uses, including the following:

1. 11-19 St. Nicholas Street: 3-storey former warehouse building currently occupied by commercial uses.
2. 25 St. Nicholas Street: 6-storey former warehouse building currently occupied by commercial uses.
3. 5-9 St. Joseph Street: 4-storey former warehouse building currently occupied by a health club (L3 Fitness) on the ground floor with office uses above.
4. 606-618 Yonge Street: row of connected 2 and 3-storey buildings comprised of three small restaurants, an internet lounge, an army surplus store, a leather store and a retail store at grade, with office above. The St. Joseph Street flankage of the 618 Yonge Street building includes, a small sandwich shop, a patio and vacant space formerly occupied by a sport bar, which takes up the second floor of the building.

The existing building at 5 St. Joseph Street and 9-25 St. Nicholas Street are designated under Part IV of the *Ontario Heritage Act*, with the buildings located at 610 and 612 Yonge Street being listed in the City's Inventory of Heritage properties.

Within the immediate context, the following uses surround the site:

North: St. Joseph Street and beyond are a series of low-rise townhouses, with a mix of office and personal service uses at-grade and residential above. These townhouses are designated under the *Ontario Heritage Act* (6-14 St. Joseph Street). At the northwest corner of Yonge Street and St. Joseph Street is a retail store which faces Yonge Street (620 Yonge Street).

South: Along the east side of St. Nicholas Street, there is a 6-storey building currently occupied by a health club on the ground floor and a mix of office and live-work studios above (9 St. Nicholas Street) and to the south a 3-storey building (Northbound Leather, 7 St. Nicholas Street) and a 2-storey building (Segovia Restaurant, 5 St. Nicholas Street). The 29-storey Century Place condominium is located at the southwest corner of Phipps Street and St. Nicholas Street, extending southerly along the west side of St. Nicholas Street to Wellesley Street West.

West: An 18-storey mixed-use building including rental apartment units (10 Phipps Street and 11 St. Joseph Street). The building includes the retention of the 4-storey heritage building at 11 St. Joseph Street, as well as the retention of heritage buildings on the properties at 9-25 St. Nicholas Street. Further west is a 35-storey residential building at the northeast corner of Phipps Street and Bay Street (1001 Bay Street) and the 32-storey Sutton Place Hotel at the southeast corner of Phipps Street and Bay Street (955 Bay Street). There are two residential towers at 23 and 28-storeys in height located north of St. Joseph Street on the east side of Bay Street (1055 Bay Street and 44 St. Joseph Street/ 1033 Bay Street respectively).

East: Along the west side of Yonge Street is a private lane and a series of low rise commercial buildings, with mixed retail and service commercial uses at-grade and residential above.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan generally contains policies to accommodate population and employment growth by directing a significant portion to built-up areas through intensification; reducing auto dependence through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments and achieving higher

densities and appropriate transition of built form to adjacent area. The site is located within Toronto's Downtown Urban Growth Center, one of a number of centres identified as a focus for intensification.

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan.

Mixed Use Areas permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. The Plan contains development criteria that will direct the form and quality of development in this area. The criteria direct that the massing of new buildings provide a transition between areas of different development intensity and scale; minimize shadow impacts onto adjacent areas; provide an attractive, safe and comfortable pedestrian environment; that parking, loading, amenities and other good site planning principles are complied with; and that transit services are in proximity and accessible to the site.

The Plan also states that the *Downtown and Central Waterfront* area, with its dramatic skyline, is Toronto's image to the world and to itself: comfortable, cosmopolitan, civil, urbane and diverse. Parts of the downtown will see development to house new residents and new jobs. Every home built within the downtown area offsets the need for in-bound commuting each day. Mixed use is a key ingredient to the successful functioning of downtown and by creating accessibility through proximity.

The Plan states that the highest buildings and greatest intensity occur in the downtown. As such, the proposal was reviewed for conformity with the Built Form – Tall Building policies of the Plan, which outline built form principles that are applied to the location and design of such buildings.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at:
www.toronto.ca/planning/pdf/tallbuildings_udg_aug17_final.pdf

Zoning

The site is split zoned. The zoning on the west portion of the site adjacent to St. Nicholas Street is CR T4.0 C1.0 R4.0 which allows for density of 4.0 times the lot area and a maximum height of 12 metres. The zoning on the east portion of the site adjacent to Yonge Street is CR T3.0 C2.0 R3.0, which allows for a density 3.0 times the lot area and a maximum height of 18 metres. Attachment No. 3 provides an excerpt of the zoning map for the site and immediate area.

There is also a requirement in the Zoning By-law for a 44-degree angular plane on Yonge Street measured 16 metres above the property line.

Site Plan Control

An application for site plan control approval has not been filed at this time but is required. City Divisions and other commenting agencies have provided preliminary comments for consideration and will further review the proposal at the time of site plan application. Attachment 1 shows a site plan for the proposed development.

Reasons for Application

The proposed height and density do not comply with the Zoning By-law. The proposed height of 147 metres including the rooftop mechanical will exceed the permitted height of 12 metres on the west side of the property and 18 metres on the east side of the property. The proposed density of 14.4 times the lot area exceeds the permitted density of 4.0 times the lot area on the west side of the property and 3.0 times the lot area on the east side of the property. The proposed outdoor amenity space of 1.3 square metres/unit does not comply with the Zoning By-law requirement of 2.0 square metres/unit.

The site is also subject to an exception in 12(2)260 of the Zoning By-law, which applies to the Yonge Street frontage and limits the height of buildings at the lot line to 16 metres, above which an angular plane of 44 degrees is to be maintained. The tower portion of the proposed development does not comply with this requirement.

Community Consultation

A community consultation meeting was held on March 2, 2009 and was attended by 92 residents. Issues raised at the meeting and submitted on comment sheets distributed at the meeting include:

1. concern about additional traffic and the impact on St. Joseph and St. Nicholas Streets;
2. concern about density, height and the shadow this proposed building may have on the adjacent properties;
3. concern about the demolition of the heritage building;
4. concern about tower precedent;
5. retention of the existing artist live/work housing;
6. request for a secondary plan/visioning study;
7. request a wind study to determine the impact at ground level this proposed development may have on pedestrians;
8. request for a green development standard compliant building.

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

Consistency with Provincial Policy Statement and Provincial Plans

The proposal is consistent with Section 2 of the Planning Act and the Provincial Policy Statement (PPS). Section 1.4.3 of the Housing Section of the PPS requires that an appropriate range of housing types and densities be provide to “meet the social, health and well-being requirements of current and future residents”. The built form in this case will provide a range of unit sizes.

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

Similarly, Council’s planning decisions are required to be consistent with the Growth Plan for the Greater Golden Horseshoe. In this case, the proposal conforms and does not conflict with the Growth Plan. Section 2.2.2 of the Plan states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

As this site is located in a built up area, and the proposal is intensifying the use of land for housing, the proposal is not in conflict with the Growth Plan.

With respect to the heritage status of the existing buildings, Section 2.6.1 provides that “significant built heritage resources..... shall be conserved”. The applicant will conserve and maintain the heritage attributes of the existing buildings.

Land Use

The proposed mix of uses is permitted by the Zoning By-law.

The subject property is located in an area in the Downtown where there is a potential to increase the intensity of uses and scale. The site is near:

- public transit, in particular the Yonge/University and Bloor/Danforth subway lines;
- community facilities;
- places of employment;
- retail stores and services; and
- places of entertainment.

The site’s proximity to these attributes make this site well suited for redevelopment, intensification and the introduction of a variety of uses, including residential uses, all of which are consistent with the Provincial policies and the Official Plan.

Unit Size and Types

The proposal provides for a mix of 5 live-work units, 317 one-bedroom (some including den) and 90 two-bedroom (some including den) units. The average unit size is 65.8 square metres. This exceeds the 50.0 square metres minimum requirement in the Zoning By-law. The applicant has agreed to provide knock out panels such that 10% of the units could be convertible to three bedroom or larger units.

Density, Height and Massing

The *Mixed Use Areas* provisions of the Official Plan provide a list of criteria that directs the design of proposed new developments within this designation. The development has been designed to adhere to the following *Mixed Use Areas* criteria :

- locate and mass buildings so as to limit shadow impacts on adjacent *Neighbourhoods*; and
- locate and mass new buildings so as to frame edges of streets and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets and in parks and open spaces.

The proposed tower is setback 34 metres from Yonge Street and the tower is proposed to be located at the westerly end of the site (along St. Nicholas Street) to protect and retain the existing heritage buildings. The setback also maintains or ensures:

- the view corridor on Yonge Street;
- the existing Yonge Street building streetscape; and
- the fit of the new development in its built context.

The original application was for 49 storeys. After further discussions with the applicant, the height was reduced to 45 storeys in order to reduce and eliminate the shadow impact on James Canning Gardens and Norman Jewison Parkette and adjacent Apartment Neighbourhood on the east side of Yonge Street just north and east of Wellesley subway station.

The overall gross floor area of the development is 38,775 square metres or 14.4 times the area of the lot. This is comparable density to recent developments in the area including 770 Bay Street at 12.0 times density and 832 Bay Street at 15.0 times density.

A 12 metre setback (above the existing buildings) of the rooflines on Yonge Street is being retained for the buildings south of St. Joseph Street (614, 616 and 618 Yonge Street). A six metre setback is being retained from Yonge Street for the rooflines of buildings at 606, 608 and 610-612 Yonge Street.

The building at 11 St. Joseph Street, located on the west side of St. Nicholas Street, has no balconies. It has an existing facing wall that parallels St. Nicholas Street having window openings that face north and south. A majority of the proposed balconies on the

lower levels within this development will face this wall. The distance separation of 10.8 metres between buildings is therefore acceptable.

The Tall Buildings Urban Design Guidelines recommend a maximum tower floorplate of 743 square metres. Tower dimensions of no more than 27.4 by 27.4 metres are recommended. Building articulation is recommended for floor plates above this amount. The proposed tower floorplate is approximately 790 square metres. The additional massing is appropriate as the building is articulated with acceptable impacts by shadows, as is discussed later in this report.

The Tall Buildings Urban Design Guidelines also recommend a three-metre to five-metre stepback for a tower from a podium. The applicant proposes an 8 metre stepback from the podium along St. Joseph Street and a 4.8 metre stepback along St. Nicholas Street.

An animated street frontage of storefronts in a six level podium building along Yonge Street and St. Joseph Street is proposed. The taller elements of the building have been setback appropriately to reduce their presence onto the street and the existing heritage buildings are being protected.

Given these considerations, the massing, density and height of this proposal are acceptable.

Sun and Shadow

Section 3.1.3 (Built Form) and Sections 4.5.2(d) and (e) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent *Neighbourhoods*, public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis prepared by architect Hariri Pontarini dated August, 2009.

The proposed 45-storey building will introduce additional shadow impact on the neighbouring properties designated *Mixed Use Areas*, *Open Space*, *Apartment Neighbourhoods* and *Neighbourhoods* beyond that which would be anticipated under as-of-right zoning conditions (See Attachment 9).

During the March 21/September 21 condition, the proposed building casts a shadow of approximately 45 minutes starting at 11:18 a.m. over the *Apartment Neighbourhoods* and *Mixed Use Areas* west and north of the subject property. Starting at 3:18 p.m. shadow is cast on the *Neighbourhoods* and *Open Space* designation on the east side of Yonge Street.

The proposed shadow will cast over Canning Gardens on the north side of Dundonald Street just east of Yonge Street. The additional 45 minute shadow on a portion of the park will have limited impact. By reducing the tower height from 49 to 45 storeys the play equipment at Norman Jewison Park will not be shadowed during the March 21/September 21 equinox.

The proposed tower will add additional shadow to the *Neighbourhoods* designation on properties located east of Canning Gardens. Specifically, an additional two hours of shadow will sweep the *Neighbourhoods* designation. This includes an additional 45 minutes of shadow sweep over the rear yards of those properties on Gloucester Street and Dundonald Street and an additional 10-15 minutes of shade over the front yards of the properties on Dundonald Street. No individual residential property will experience more than approximately 20 minutes of additional shadow.

Wind Analysis

The Official Plan policies require new development to be massed to fit harmoniously into its existing and/or planned context. This includes minimizing adverse effects of winds on neighbouring streets, properties and all exterior pedestrian areas. The applicant has submitted a Wind Analysis of the conditions created by the proposed building from RWDI dated September 22, 2009. Their analysis concludes that the pedestrian wind conditions around the base of the proposed development are generally acceptable for most pedestrian activities much of the time on an annual and seasonal basis. As a result, no mitigation is required or recommended at grade level around the development. Wind conditions for the proposed fifth and six level outdoor amenity areas are generally acceptable throughout the year for standing and strolling with minor mitigation matters for the spring and fall seasons, depending on the intended use of the patios. Staff is satisfied with these conclusions and find the resultant wind conditions satisfactory.

Heritage

The following is a list of the heritage properties located on the subject city block.

- a) The buildings at 610-612 Yonge Street were added to the City of Toronto Inventory of Heritage properties in March 1974.
- b) Along the St. Joseph Street and St. Nicholas Street frontages at the north and east side of the site
- c) The Rawlinson Cartage Buildings at 5 St. Joseph Street and 9-15 St. Nicholas Streets were designated under Part IV of the Ontario Heritage Act in February 1997. The properties are significant for the architectural and historical values that they convey.

There is also an existing Heritage Easement Agreement (HEA) Instrument No. E171218, date June 1, 1998, that includes 5 St. Joseph Street and 9-15 St. Nicholas Streets.

The proposal would provide for the tower on a six-storey mixed-use podium. The upper podium floors would be setback from existing building faces and would be fully integrated with the existing heritage buildings.

The conservation strategy proposes:

- the rehabilitation and restoration of elements of the Yonge Street buildings;

- the rehabilitation and restoration of elements of the Rawlinson Cartage warehouse facade at 5 St. Joseph; and
- the rehabilitation of the warehouse at 15 St. Nicholas Street.

The Conservation Strategy as submitted and in conjunction with the Heritage Impact Statement is supportable as the proposal meets the objectives that would preserve and reinforce the property's cultural, historic and contextual significance. Specifically, the Conservation Strategy proposes the following:

- revitalize the commercial and historic character of Yonge Street by rehabilitation of buildings in accordance with Parks Canada Standards and guidelines;
- conserve and enhance the existing contextual relationships of the site upon the Yonge Street, St. Joseph and St. Nicholas Street frontages;
- conserve the heritage attributes of the buildings while adapting them for future occupancies which will further activate the surrounding streets and provide for an improved pedestrian environment;
- commemorate the historic occupancy of the site by Rawlinson Cartage; and
- activate an historic downtown brick pavement street (St. Nicholas Street) with substantive streetscape improvements to create an enriched pedestrian experience in this historic downtown core enclave.

Heritage Preservation staff (HPS) support the current proposal as the project's mitigation strategy would retain and reinforce the heritage values that currently exist at the site and in the district. HPS request that the applicant supply an engineering report that advises on the project's constructability without displacing identified heritage resources. This report will be required during the Site Plan approval stage.

Streetscape and Pedestrian Amenity

Section 4.5.2(f) of the Official Plan's development criteria in *Mixed Use Area* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. The proposed development satisfies these policies, in part by locating garbage, loading and service areas to the interior of the east-west private lane just south of the subject lands.

The streetscape adjacent to the development site, as shown in submitted landscape plans, will be reinforced and improved through consistent street tree planting on Yonge Street and St. Joseph Street. Further details with respect to landscaping, street tree planting and weather protection in the form of entrance awnings or canopies will be assessed at the time of Site Plan review.

The applicant has submitted designs for the commercial components of the project that provide attractive new retail and live/work spaces at-grade on Yonge Street, St. Joseph Street and St. Nicholas Street to allow for casual pedestrian interaction in front of the shops. Weather protected sidewalks may be required along sections of St. Nicholas Street and St. Joseph Street. The applicant is proposing to significantly landscape and improve the sidewalk on St. Joseph Street and Yonge Street and improve the streetscape and pavement on St. Nicholas Street and establish a minimum sidewalk width of 1.8 metres on Yonge Street and St. Joseph Street.

Street Lighting

There are City of Toronto wall mounted street lights on the buildings fronting onto Yonge Street and St. Nicholas Street. These street lights do not provide sufficient illumination of the sidewalks and roadway. They are also marring historical buildings. Staff recommend that the streetlights be removed and replaced with ground mounted street light poles. The applicant will be required to provide a street lighting monitoring report for the frontages of the site and pay for street light replacement to the satisfaction of Toronto Hydro staff and the Chief Planner and Executive Director, City Planning Division.

Weather Protection

The applicant proposes a continuous weather protected canopy with a minimum clear depth of 3 metres along the new portion of the building on St. Joseph Street above the ground floor. The design location of the canopies will be reviewed in detail at the Site Plan approval application stage.

Traffic Impact, Access, Parking

Section 2.2 of the Official Plan (Structuring Growth in the City: Integrating Land Use and Transportation), states that future growth within Toronto will be directed to areas which are well served by transit, the existing road network and which have properties with redevelopment potential. The Plan continues by stating that, generally, future growth locations are sites that are along bus and streetcar routes and that are near subway and other rapid transit stations. The Plan also states that the areas most capable of accommodating growth are those that are designated on Map 2 of the Plan including *Downtown*.

With proximity to transit, places of employment, retail stores and entertainment facilities, growth is expected and encouraged on appropriate sites along the major transit corridors such as Yonge Street.

Traffic Impact Study

A Traffic Impact Study prepared by B.A. Group dated October 2008 has been submitted and reviewed by Technical Services Division staff. Staff are satisfied with the results of the Study. Any additional trip generation can be accommodated by the area road network.

Parking (Vehicle and Bicycle)

The applicant is proposing a total of 270 parking spaces in 5.5 levels of underground garage which meets the minimum Zoning By-law requirements. Of those spaces 24 will be visitor parking spaces.

The applicant is proposing a total of 239 resident and visitor bicycle parking spaces, which meets the requirements of Zoning By-law 438-86. Bicycle parking will be provided in convenient locations at-grade. Bicycle parking within the underground parking garage will be common element and not combined with storage lockers.

Loading/Access

The applicant is proposing a total of two loading spaces (1 shared Type G/B and 1 Type B) where the shared Type G/B must be designed so that trucks can enter and exit the site in a forward motion. The loading spaces are to be located off St. Nicholas Street.

Technical Services Division staff accepts the loading arrangement as proposed because the applicant has provided a loading area that can accommodate a number of truck sizes.

As noted earlier, the access to the site and underground parking garage will be from St. Joseph Street. Staff supports the location of the access driveway for this development. A public lane closure is required for the access to be provided. Staff recommend that the lane closure be a condition of site plan approval.

Servicing

Staff are generally satisfied that the existing City infrastructure has adequate capacity to support the development proposal. Additional requirements will be secured in the Site Plan Agreement, including a site servicing plan, grading plan, and stormwater management report for review and acceptance by the Executive Director of Technical Services Division.

The applicant is also requested to provide a revised water demand analysis and hydrant testing to determine whether the existing municipal infrastructure is adequate to service the development.

The costs of any municipal services upgrades required to support the development will be borne by the applicant and will be required prior to site plan approval.

Residential Amenity Space

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit which results in a requirement for 824 square metres of indoor and 824 square metres of outdoor amenity space based on 412 units. The proposal meets the indoor residential amenity space requirement, but will only provide 536 square metres of outdoor amenity space or 1.3 square metres/unit. This is acceptable as the

applicant has used all of the available outdoor space and 80% of the proposed units have private balconies.

Encroachments

The plan of survey indicates numerous encroachments by the existing buildings on Yonge Street, St. Joseph Street and St. Nicholas Street. If these encroachments are to remain, the owner is required to submit a separate application to Right-of-way Management for approval to maintain these encroachments.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are subject to this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Parks staff advise that the parkland dedication for the residential component would be 0.02705 hectares, would not be of a useable size and would be encumbered with below-grade parking. The non-residential component of the development would be subject to a 2% parkland dedication fee. The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu which will be determined at the time of issuance of the building permit.

Toronto Green Standard

The Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based in the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve 21 targets. Some of the targets proposed to be met include:

Air

- Bicycle parking that meets or exceeds 0.75 spaces per dwelling unit (residential) or 1 space per 1.25 square metres of non residential floor space;
- Major entrance located within 200 metres of a transit stop;
- Public Buildings: Green roof installed with 50% minimum coverage. The rest of available roof space must be covered with light coloured roofing materials;

Energy

- Developer is supplying appliances where 70% are Energy Star compliant;
-

Water

- On an annual loading basis, 80% of total suspended solids removed from all runoff leaving the site; and
- Stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- a) Prior to the issuance of the first building permit, pay to the City the sum of \$1,500,000 consisting of \$1,165,000 for the heritage upgrade to the subject property (except 5-9 St. Joseph Street), \$135,000 for public art determined through the public art commission process, and \$200,000 for local streetscape improvements and for improvements to Queen's Park;
- b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- c) Undertake a Street Lighting Study and pay for replacement lighting around the street frontage of the subject property to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d) Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
- e) Provide and pay for any municipal service upgrades required to support the development as determined by the Executive Director of Technical Services as part of the required Site Servicing Review;
- f) Provide continuous weather protection with a minimum clear depth of three metres on St. Joseph Street in accordance with the Conservation Plan

to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- g) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 13, 2009; and
- h) Prior to final site plan approval, the owner will:
 - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and guidelines for Consulting Archaeologists, September 2006, Ministry of Culture;
 - 2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - 3. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Heritage Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
 - 4. Enter into a Heritage Easement Agreement for the properties at 606-618 Yonge Street;
 - 5. Submit a Conservation Plan to include drawings, to the satisfaction of the Manager of Heritage Preservation Services, that provide elevations and sections of all heritage building facades at 1:50 scale including, but not limited, to the following: (1) storefront design; (2) window specifications for all heritage façade elevations; (3) reconstruction plan for roof dormer/parapet/cornice details and (4) return side wall details;
 - 6. Additional information shall be submitted, based on the proposed Conservation Strategy, to include documentation substantially in accordance with that outlined within Section 8.0 of the submitted

Heritage Impact Statement. Specifically, a detailed plan shall also be submitted to outline mitigations measures that address construction impacts relative to the on-site heritage structures;

7. Amend the existing Heritage Easement Agreement registered on the site, Instrument No. E171218 dated June 1, 1998, at 5 St. Joseph Street and 9-15 St. Nicholas Streets, to address the proposed construction and permitted alterations;
8. As an existing north /south public lane is required to form part of the lot, pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall obtain City Council's approval of the closure and sale of the public lane and shall complete such sale of such lane;
9. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate;
10. Submit an Engineering Report to the satisfaction of the Manager of Heritage Services that advises on the project's constructability without displacing identified heritage resources; and
11. Submit a stormwater management report, a site servicing plan and site grading, drainage and landscape plans.

Tenure

All residential units will be part of a condominium corporation. An application for draft plan of condominium approval is required.

Development Charges

It is estimated that the development charges for this project will be \$2,580.175. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Michael Hynes, Senior Planner
Tel. No. 416-397-1761
Fax No. 416-392-1330
E-mail: mhynes@toronto.ca

SIGNATURE

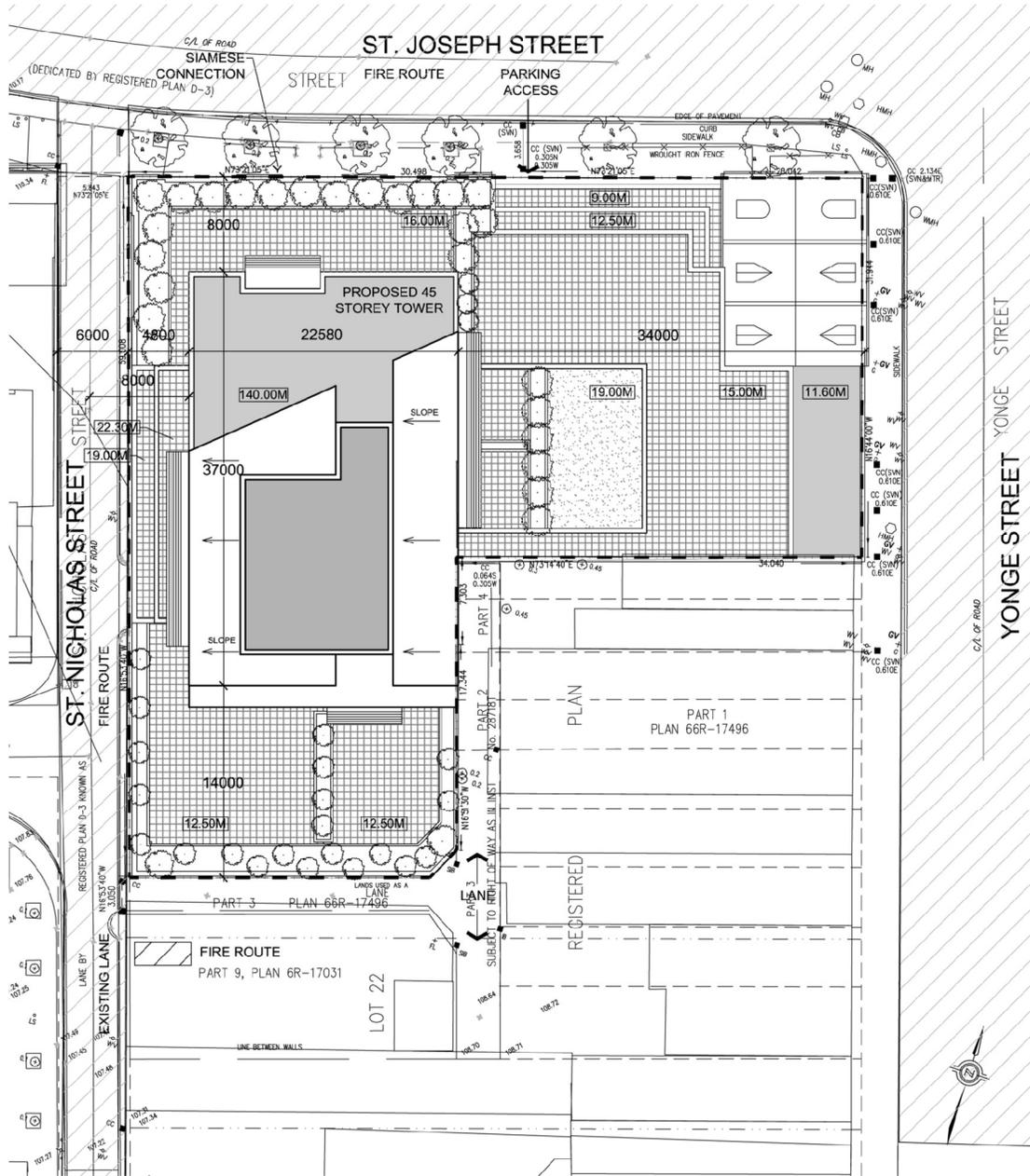
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: West Elevation
Attachment 4: North Elevation
Attachment 5: South Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Map 18 – Official Plan

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

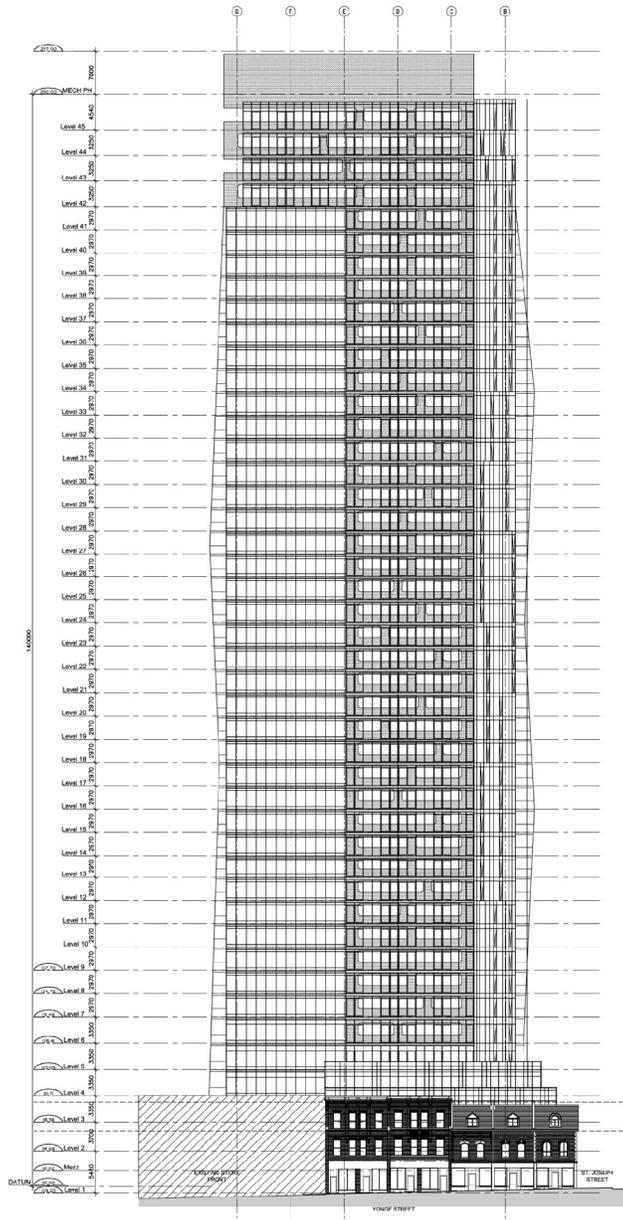
Not to Scale 

10/02/2009

606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St

File # 08_213136

Attachment 2: East Elevation



East Elevation

Elevations

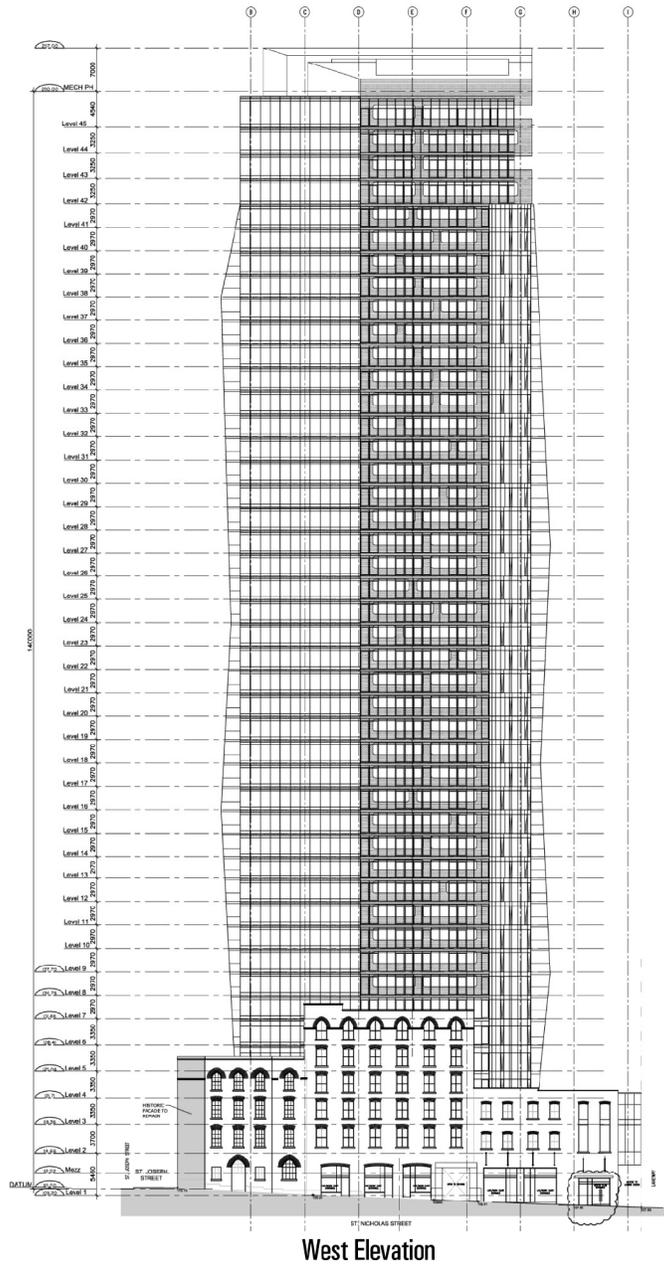
Applicant's Submitted Drawing

Not to Scale
10/02/2009

606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St

File # 08_213136

Attachment 3: West Elevation



Elevations

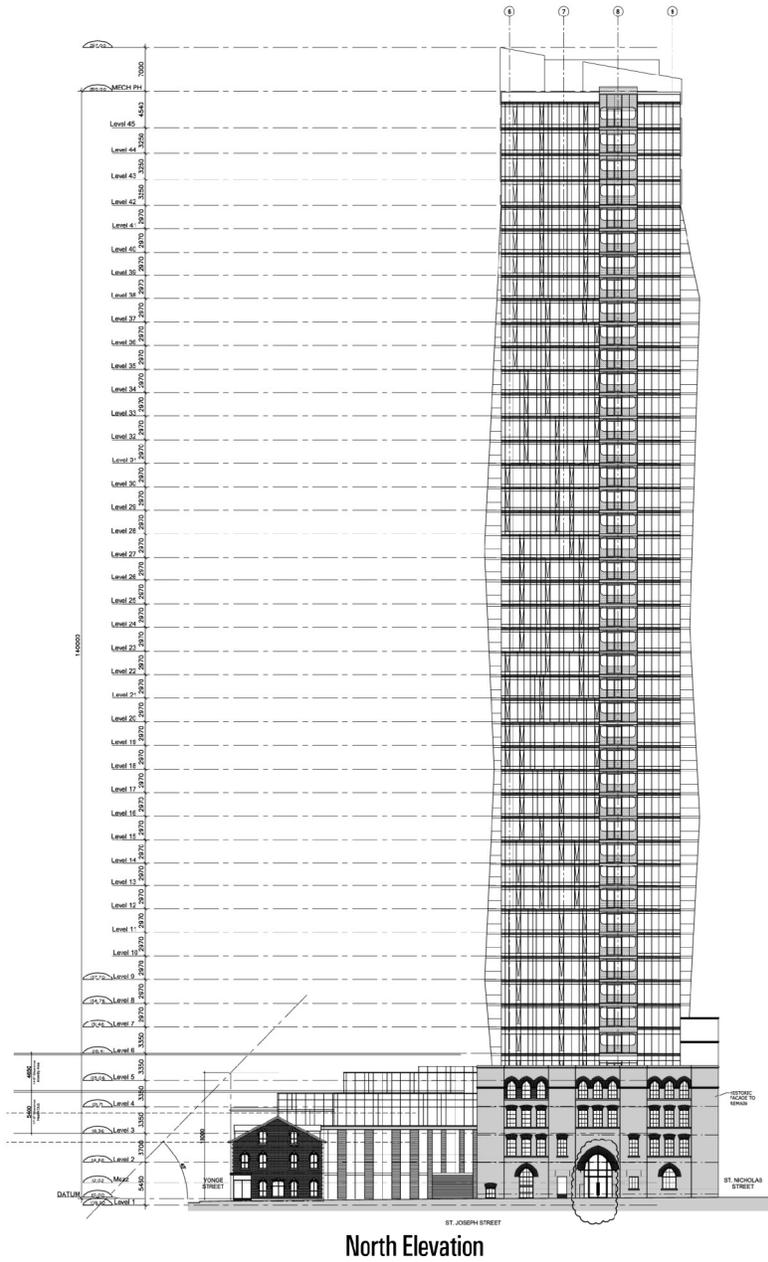
Applicant's Submitted Drawing

Not to Scale
10/02/2009

606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St

File # 08_213136

Attachment 4: North Elevation



Elevations

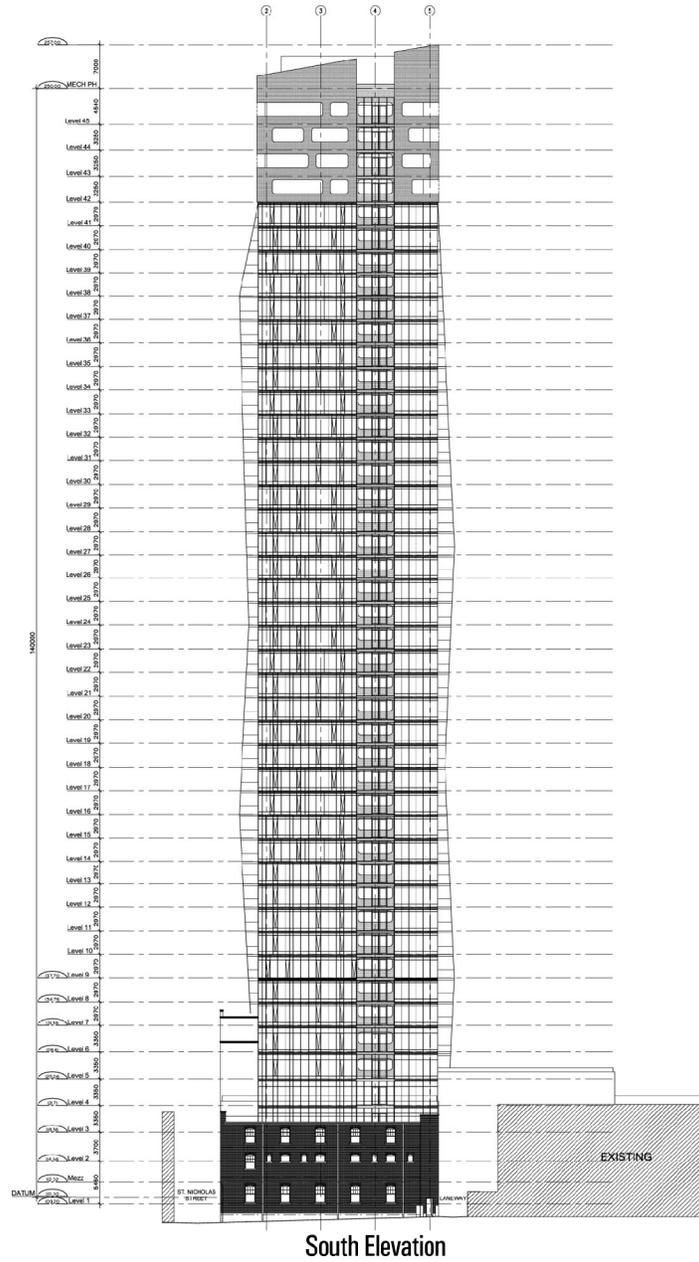
Applicant's Submitted Drawing

Not to Scale
10/02/2009

606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St

File # 08_213136

Attachment 5: South Elevation



Elevations

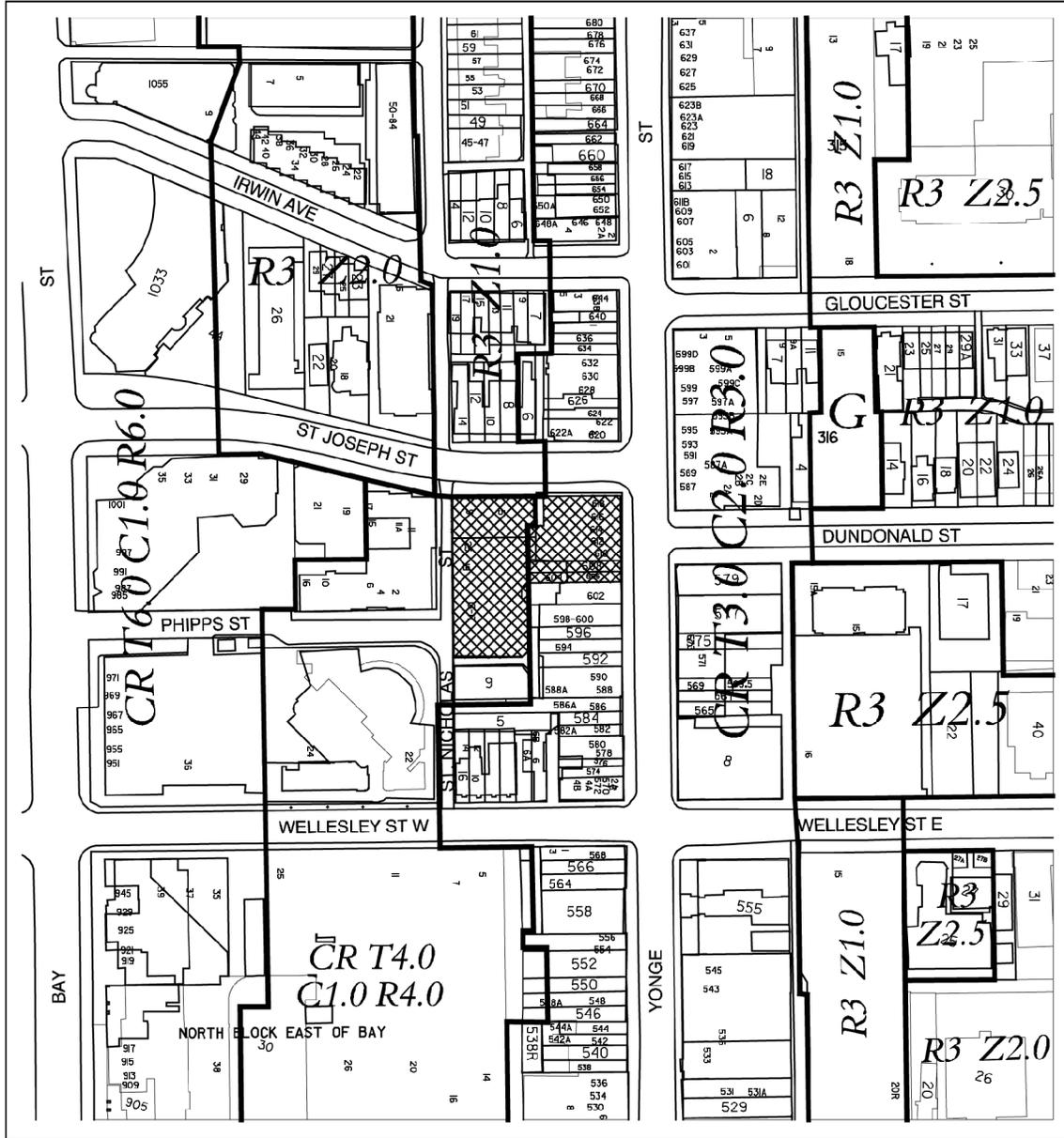
Applicant's Submitted Drawing

Not to Scale
10/02/2009

606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St

File # 08_213136

Attachment 6: Zoning



606-618 Yonge St, 5-9 St Joseph St,
and 11-25 St Nicholas St
File # 08_213136

- G Parks District
- R3 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/27/08 - DR

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	08 213136 STE 27 OZ
Details	Rezoning, Complex	Application Date:	October 15, 2008
Municipal Address:	606-618 Yonge St., 5-9 St. Joseph St. and 11-19, 25 St. Nicholas St.		
Location Description:	South side of St. Joseph Street between Yonge Street and St. Nicholas Street		
Project Description:	Rezoning application to permit a 45-storey mixed use residential & commercial development with 401 residential units & retail units on the ground floor.		

Applicant:	Agent:	Architect:	Owner:
Diamond Corp. 22 St. Clair Avenue East, Suite 1010 Toronto, ON M4T 2S3	Diamond Corp. 22 St. Clair Avenue East, Suite 1010 Toronto, ON M4T 2S3	Hariri Pontarini Architects 602 King Street West Toronto, ON M5V 1M6	Joyonge Developments Corporation 22 St. Clair Avenue East, Suite 1010 Toronto, ON M4T 2S3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	CR T3.0 C2.0 R3.0 and CR T4.0 C1.0 R4.0	Historical Status:	Yes
Height Limit (m):	12 (west part), 18 (east part)	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2705	Height:	Storeys: 45
Frontage (m):	31.94		Metres: 140 (plus 7.00 mechanical)
Depth (m):	61.4		
Total Ground Floor Area (sq. m):	2,384		Total
Total Residential GFA (sq. m):	35,977	Parking Spaces:	276
Total Non-Residential GFA (sq. m):	2,798	Loading Docks	2
Total GFA (sq. m):	38,775		
Lot Coverage Ratio (%):	93		
Floor Space Index:	14.4		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Live/Work Units:	5	Residential GFA (sq. m):	35,977	0
Bachelor:	0	Retail GFA (sq. m):	1,718	0
1 Bedroom:	317	Office GFA (sq. m):	0	0
2 Bedroom:	90	Industrial GFA (sq. m):	0	0
Total Units	412	Institutional/Other GFA (sq. m):	1,080	0

CONTACT: PLANNER NAME: Michael Hynes, Senior Planner – mhynes@toronto.ca
TELEPHONE: (416) 397-1761

Attachment 8: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ● as adopted by City of
Toronto Council on ●
Enacted by Council: _____, 2009

CITY OF TORONTO BY-LAW No. xxx-2009

To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known municipally in the year 2009 as 5 and 9 St. Joseph Street, 606-618 Yonge Street and 11, 19 and 25 St. Nicholas Street

WHEREAS the Council of the City of Toronto has been requested to amend its By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2009 as 606-618 Yonge Street, 5 and 9 St. Joseph Street and 11, 19 and 25 St. Nicholas Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS Subsection 37(3) of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increase in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density or height permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

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

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in 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 set out in Appendix 1 hereof, to the City as the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 4(1) of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *lot*.
4. None of the provisions of By-law 469-98 and Sections 4(2)(a), 4(5)(i)(iii), 4(12), 4(17), 8(3) Part I 1, 8(3) Part I 3(a), 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 8(3) Part XI 2(i), 8(3) Part XI 2(iii), 12(2) 260(ii), 12(2)260(iii) of By-law 438-86 of the former City of Toronto, being “A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land 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 or use of a mixed use building on the lands municipally known as 606-618 Yonge Street, 5 and 9 St. Joseph Street and 11, 19 and 25 St. Nicholas Street (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the *residential gross floor area* shall not exceed 37,100 square metres;
 - (c) the *residential gross floor area* and *non-residential gross floor area* shall not exceed 39,000 square metres;
 - (d) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, eaves, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
 - (ii) balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs,

stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;

- (e) the *height* of any building or structure, or portion thereof except for those projections permitted in 4(d)(i) and (ii) of this bylaw, does not exceed those *heights* as indicated on the attached Map 2;
- (f) a minimum of 1.3 square metres per unit of outdoor *amenity space* is provided;
- (g) notwithstanding Section 6(1)(f) and Section 8(1)(f) of By-law 438-86, the *mixed use building* may be used for uses permitted in Section 8(1)(f) in the chart for CR uses;
- (h) maximum *non-residential gross floor area* permitted is 2800 square metres;
- (i) a minimum of 239 *bicycle parking spaces* only shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - (i) for residents, not less than 191 *bicycle parking spaces – occupant*, to be provided on the first floor and on P1 to P4 (on P2, P3 and P4 a maximum of 20 *bicycle parking spaces* per floor are to be provided);
 - (ii) for visitors, not less than 48 *bicycle parking spaces – visitor* are provided and maintained only at *grade* and on the ground floor of a building containing *residential gross floor area*; and
 - (iii) *bicycle parking spaces* shall be common element and not combined with storage lockers for *dwelling units*.
- (j) at least one *loading space – type G* shall be provided and maintained on the *lot*;
- (k) at least one *loading space-type B* shall be provided and maintained on the *lot*;
- (l) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.
- (m) the owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three more bedrooms;

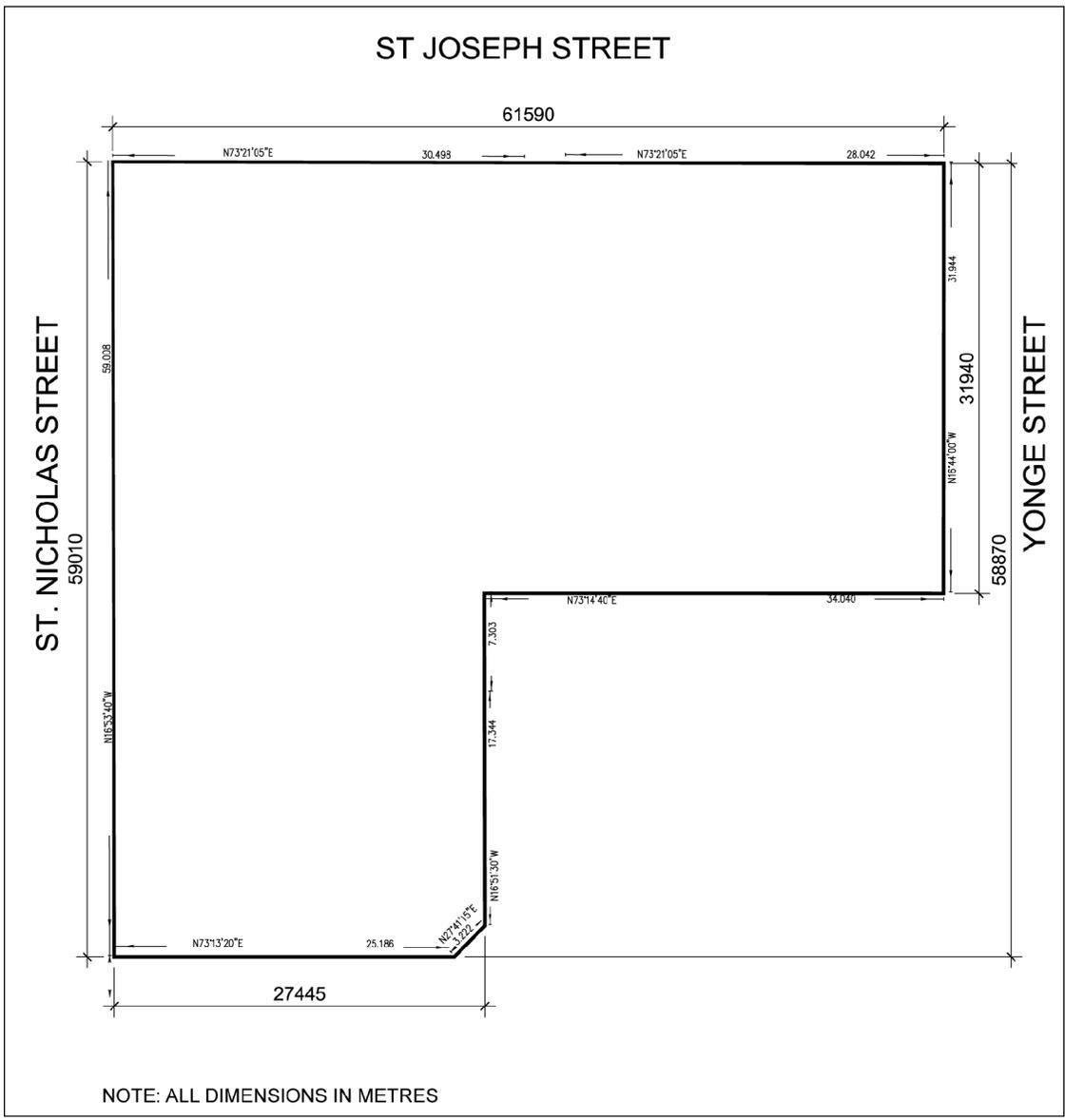
5. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the lot.
6. For the purposes of this By-law,
 - (a) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (b) *grade* means 110.0 metres above Canadian Geodetic Datum; and
 - (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
7. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

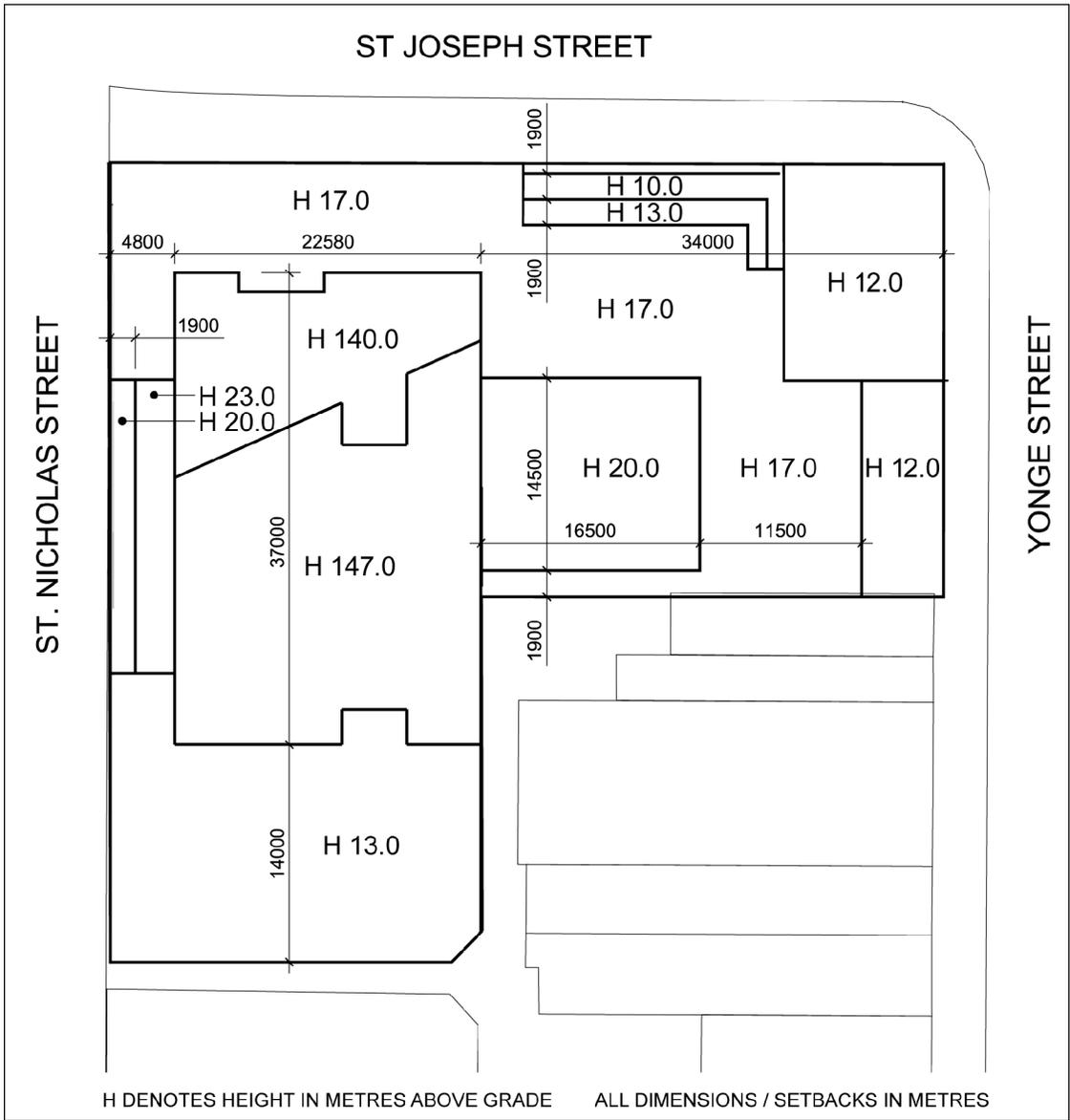
ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- a) Prior to the issuance of the first building permit, pay to the City the sum of \$1,500,000 consisting of \$1,165,000 for the heritage upgrade to the subject property (except 5-9 St. Joseph Street), \$135,000 for public art determined through the public art commission process, and \$200,000 for local streetscape improvements and for improvements to Queen's Park;
- b) Require that the cash amounts identified in a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- c) Undertake a Street Lighting Study and pay for replacement lighting around the street frontage of the subject property to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d) Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
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- f) Provide continuous weather protection with a minimum clear depth of three metres on St. Joseph Street in accordance with the Conservation Plan

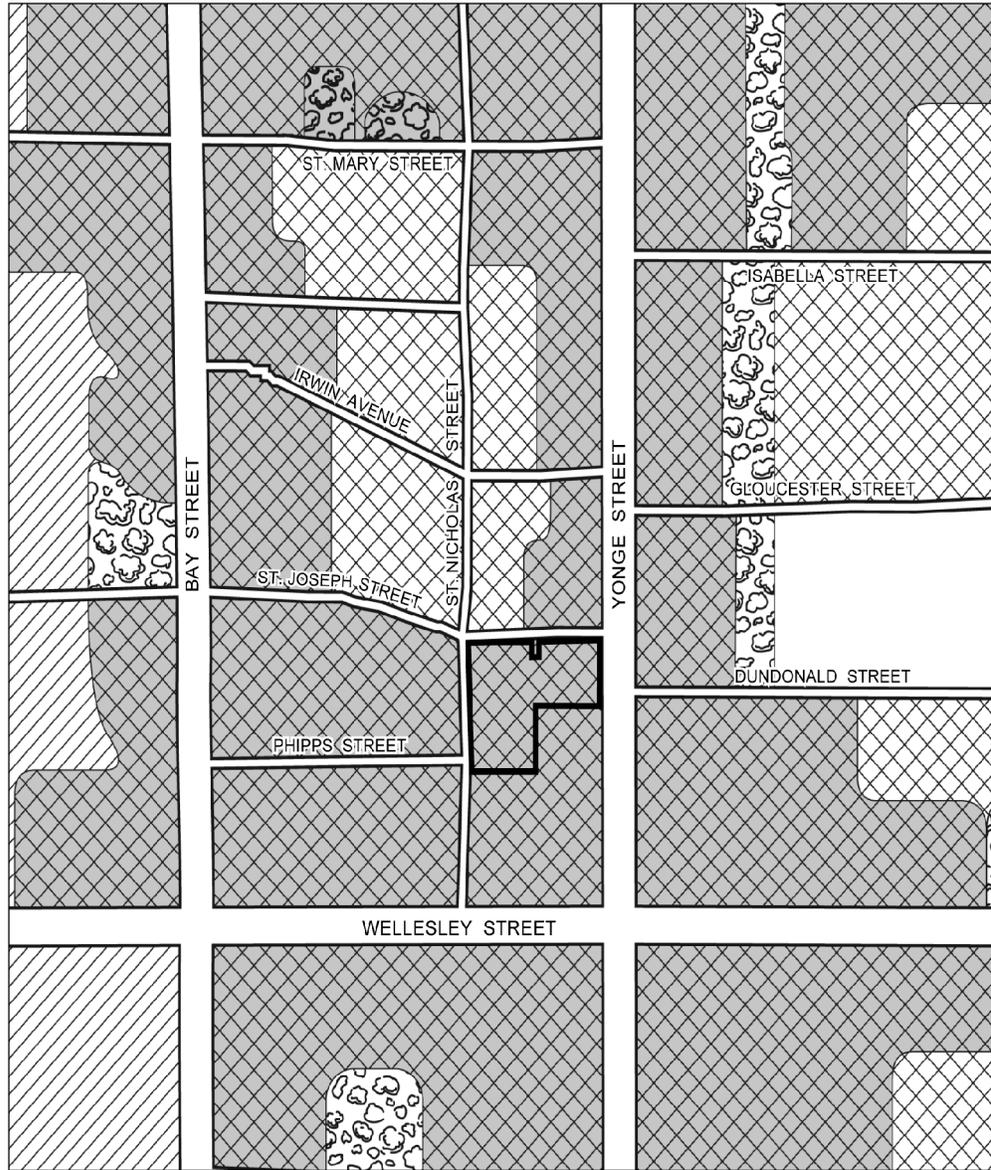
to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- g) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 13, 2009; and
- h) Prior to final site plan approval, the owner will:
 - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and guidelines for Consulting Archaeologists, September 2006, Ministry of Culture;
 - 2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - 3. No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Heritage Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
 - 4. Enter into a Heritage Easement Agreement for the properties at 606-618 Yonge Street;
 - 5. Submit a Conservation Plan to include drawings, to the satisfaction of the Manager of Heritage Preservation Services, that provide elevations and sections of all heritage building facades at 1:50 scale including, but not limited, to the following: (1) storefront design; (2) window specifications for all heritage façade elevations; (3) reconstruction plan for roof dormer/parapet/cornice details and (4) return side wall details;
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7. Amend the existing Heritage Easement Agreement registered on the site, Instrument No. E171218 dated June 1, 1998, at 5 St. Joseph Street and 9-15 St. Nicholas Streets, to address the proposed construction and permitted alterations;
8. As an existing north /south public lane is required to form part of the lot, pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall obtain City Council's approval of the closure and sale of the public lane and shall complete such sale of such lane;
9. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate;
10. Submit an Engineering Report to the satisfaction of the Manager of Heritage Services that advises on the project's constructability without displacing identified heritage resources; and
11. Submit a stormwater management report, a site servicing plan and site grading, drainage and landscape plans.

Attachment 9 – Map 18 – Official Plan



Toronto City Planning
Official Plan

606-618 Yonge St, 5-9 St Joseph St,
 and 11-25 St Nicholas St

File # 08_213136



↑
 Not to Scale
 10/26/2009