

2 Bloor St W – Rezoning Application – Final Report

Date:	January 25, 2010
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 176116 STE 27 OZ

SUMMARY

This application was made on June 27, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to redevelop the site of the existing 2-storey retail structure at 2 Bloor Street West with a mixed-use development comprising: a 7-storey podium building containing commercial, residential and parking uses, with rooftop villa units above the 7th floor at Bay Street; a 48-storey residential tower fronting onto Cumberland Street and a 36-storey residential tower at Yonge Street.

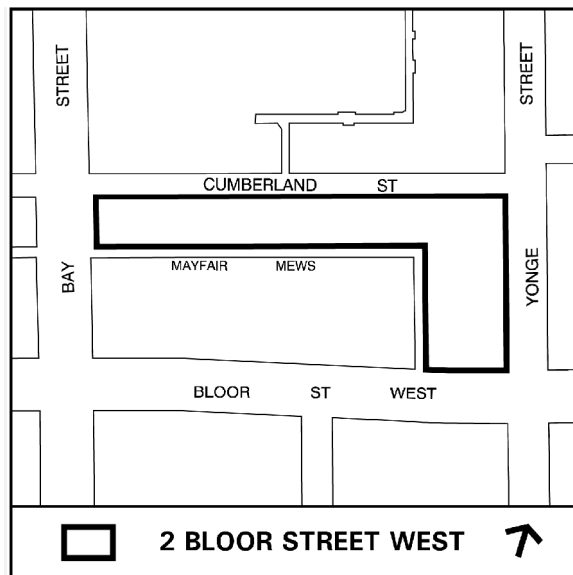
The proposal represents an opportunity to intensify and revitalize an underutilized site at an important intersection and improve the pedestrian realm along Bay, Cumberland and Yonge Streets.

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, as amended, for the



property known as 2 Bloor Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report dated January 25, 2010, from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an agreement under Section 37 of the Planning Act to secure the following:
 - (a) a payment of \$500,000.00, when the site-specific by-law allowing the development comes into full force and effect, and indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment;
 - (b) provision and maintenance of works of public art in publicly accessible portions of the site, or on lands owned by the City in the vicinity, of a value not less than one percent of the cost of construction of all buildings and structures erected on the site;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- (c) construction, provision and maintenance of a below grade publicly accessible pedestrian connection across Cumberland Street to the concourse level of the building permitted by this by-law, the location, details and configuration of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services; the Executive Director, Facilities and Real Estate; the General Manager of the Toronto Parking Authority, and the General Manager of the Toronto Transit Commission, for which approval shall be obtained in writing from the Chief Planner prior to the issuance of any site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, for the lands and with construction to be completed prior to the first occupancy of any building erected on the lands subsequent to the enactment of this by-law, to be additionally secured by the provision of a letter of credit to the City prior to the issuance of the final building permit in an amount to be determined by the Chief Planner in consultation with the Chief Building Official;
- (d) provision and maintenance of a continuous publicly accessible pedestrian connection from Bay Street, at grade, to the concourse level of the proposed building and connecting to the TTC subway station entrance access below Bay Street;

- (e) streetscape improvements adjacent to the site;
- (f) approval of architectural plans, elevations and landscape drawings to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and submission of 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (g) provision and maintenance of an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation;
- (h) submission of a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director, City Planning Division, prior to the issuance of site plan approval;
- (i) preparation of a Construction Management Plan and Neighbourhood Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Executive Director, Technical Services;
- (j) payment of costs associated with the proposed conversion of Cumberland Street to two-way operation, from Bay Street up to the site access driveway, including all costs associated with the functional pavement marking and signing plan as may be approved by the City through site plan approval; and
- (k) if prior to the issuance of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, for the *lot* or any portion of thereof, City Council does not authorize the conversion of the portion of Cumberland Street adjacent to the vehicular access driveway proposed on *Parcel A* from one-way to two-way operation, the *owner* shall, prior to the issuance of site plan approval and prior to any building permit issuing for any portion of the *lot*, seek approval for the reconfiguration of the ground floor plan and parking garage of the proposed development so as to relocate the vehicular ingress/egress, or for the implementation of another suitable alternative access scheme, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services; and

4. City Council 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.

DECISION HISTORY

This site has been reviewed in the context of prior planning applications. Most recently, it was the subject of a previous application to amend the Official Plan and Zoning By-law and is subject to By-law 85-2001. This site-specific by-law permits a mixed-use building including 305 dwelling units, retail uses and above-grade parking, to a maximum height of 82 metres and a maximum gross floor area of 48,815 square metres. This previous development proposal has not been pursued.

ISSUE BACKGROUND

Proposal

The applicant proposes to construct two new residential towers: a 36-storey apartment building at the corner of Yonge and Cumberland Streets, containing 196 units, with a proposed total height of 125.3 metres, including mechanical penthouse; and a 48-storey apartment building located mid-block on Cumberland Street, containing 340 units, with a proposed total height of 162.0 metres, including mechanical penthouse. The floorplate size of the Yonge tower ranges from 523 to 604 square metres, and the floorplate size of the mid-block Cumberland tower ranges from 671 to 978 square metres.

The two towers will rise from a seven-storey podium building which will include grade-related commercial space, four levels of above-grade parking and 20 “rooftop villas” at the corner of Bay and Cumberland Streets. The parking levels, containing a total of 273 parking spaces (not including 15 tandem spaces), are proposed to be screened by architectural and “green wall” elements at the Cumberland façade so that the parking use will be virtually unseen by pedestrians. The main vehicular access point to the parking levels is proposed to be located roughly midway along the south side of Cumberland Street. Loading and servicing areas are proposed to be located within the interior of the block, to be accessed by the existing Mayfair Mews lane. The podium will also contain rooftop gardens and shared outdoor amenity space for building residents. The proposed height of the podium is 24.4 metres with a typical floorplate size of approximately 4,745 square metres.

The total gross floor area of the entire project is 79,505 square metres, including 10,467 square metres of non-residential gross floor area and 69,038 square metres of residential gross floor area.

Further detailed and proposal statistics are included in Attachment 1 - Application Data Sheet.

Site and Surrounding Area

The site at 2 Bloor Street West is located at the northwest corner of Yonge and Bloor Streets. The subject property forms an L-shaped parcel extending from the corner of Yonge and Bloor and along the entire north side of the block facing Cumberland, between Bay and Yonge Streets. The site area is 5,292 square metres with 203.3 metres of frontage on Cumberland, 45.3 metres of frontage on Yonge, and 24.3 metres of frontage on Bay.

There is an existing office tower at the corner of Yonge and Bloor Streets which will remain largely unaltered, with the exception of interior alterations from the concourse level to the fourth level within the existing envelope. The remainder of the site currently has a low-rise concrete slab building spanning the south side of Cumberland between Bay and Yonge Streets, containing an internalized retail mall and some office/commercial uses. A below-grade retail concourse connects the site with the Toronto Parking Authority (TPA) Yorkville-Cumberland Garage to the north, the TTC Yonge-Bloor subway station to the east, various buildings fronting along Bloor Street West to the south, and the Bay subway station to the west.

The TTC Bloor-Danforth subway tunnel is located directly under the entire length of the site, and the TTC Yonge subway tunnel is located immediately east of the site.

The site is surrounded by the following uses:

North: TPA parking garage; several restaurants and retail uses; and the 36-storey building at 18 Yorkville Avenue one block north;

South: Holt Renfrew flagship store and other low-rise retail/commercial uses fronting onto Bloor; Manulife Centre to the southwest; recently-approved residential projects on Balmuto Street (48 storeys) to the south and the proposed One Bloor East project to the southeast;

East: main street retail uses; the Hudson's Bay Centre including a 34-storey office tower; the Toronto Reference Library; and a mix of residential and office buildings;

West: Village of Yorkville retail/commercial area; two commercial office towers (17 and 18 storeys) on the west side of Bay Street; the recently-approved Four Seasons project at Bay and Yorkville (55 and 31 storeys).

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. 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; 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.

Official Plan

The site is designated a Mixed Use Area within the Downtown and Central Waterfront policy area. Mixed Use Areas are one of four "growth" designations in the Official Plan. The Plan permits a broad mix of residential, office, retail, service and other uses in Mixed Use Areas.

As part of the Bloor-Yorkville/North Midtown Area, the site is also subject to Site-Specific Policies 211 and 225. Policy 211 outlines principles of development to respect and reinforce the intended character of each area within Bloor-Yorkville/North Midtown. This site falls within the 'Height Peak' area in the vicinity of the intersection of Bloor and Yonge Streets, where higher buildings are a "landmark and skyline" feature at the intersection of the City's two principal streets and two of its important rapid transit lines. Additional statements with respect to enhancing the public realm and addressing the Bloor-Yorkville/North Midtown Urban Design Guidelines are also key considerations for development in this area.

Policy 225 identifies the block where the site is located as one where pedestrian walkways, at or below-grade, will be encouraged.

Zoning

Under the general By-law 438-86 for the City of Toronto, the site is zoned CR T7.8 C4.5 R7.8 with a height limit of 61 metres. This is a mixed use zoning designation which permits a gross floor area up to 7.8 times the lot area, of which a maximum of 4.5 times may be for commercial uses, and a maximum of 7.8 times may be for residential uses. There is also a site-specific zoning by-law, 85-2001, which permits the construction of an 82-metre mixed-use tower to a maximum of 48,415 square metres of gross floor area at 2 Bloor Street West. The draft by-law that would permit the current development proposes to repeal By-law 85-2001.

Urban Design Guidelines

The site falls within the area governed by the Bloor-Yorkville/North Midtown Urban Design Guidelines. In particular, the site is generally within the Bloor Street Corridor as defined by these guidelines, bordering the Yonge-Yorkville precinct to the north. The general principle for the Bloor Street Corridor is the stepping down of heights from its peak at the Yonge-Bloor intersection, along descending ridges lining Yonge and Bloor Streets.

Where the proposal is located, Cumberland Street is identified as a Primary Pedestrian Street with a green or enhanced streetscape and a highly animated street frontage. The Built Form Framework envisions a low rise character at the street edge, though not specifically governed by angular planes. The guidelines also contain considerations respecting gateway treatment, shadow and wind impacts, and the appropriate locations for access and service areas.

Site Plan Control

A Site Plan application with respect to this proposal has not been submitted to date.

Reasons for Application

Though the proposed use complies with the Official Plan, a rezoning application is required since the proposed height and density exceeds those permitted by the zoning by-law. The applicant proposes heights of 125.3 metres and 162.0 metres in a 61-metre height district, and where By-law 85-2001 permits a maximum height of 82 metres at this location. With a proposed new gross floor area of 79,505 square metres, the density of the entire property at 2 Bloor Street West, which includes the existing office tower, would be 17.25 times the lot area where 7.8 times is permitted. The density of only the area under construction, not including the office tower, would be 13.47 times the area of the lot. At 273 spaces, the vehicular parking provided does not meet the requirements of the Zoning By-law to provide 304 spaces.

Community Consultation

City Planning staff held a community consultation meeting on November 19, 2008 at Jesse Ketchum Junior Public School. Approximately 12 members of the public, as well as the Ward Councillor, were in attendance. Questions were raised with respect to: the shadow impact of the towers; the proposed parking supply; impacts on Cumberland Street in the short term with respect to construction activity and in the long term with respect to traffic; impact on the character of the neighbourhood; wind effects; and pedestrian connections. These comments have been taken into account in the review of the application.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement. It contributes to the efficient use of land, infrastructure and public service facilities by intensifying an area that is designated and available for urban residential use.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It contributes to the intensification of an existing built-up area and provides convenient access to transit facilities.

Density, Height, Massing

The proposed height and density of the various elements of the proposal appropriately address the site and its context with respect to the principle of creating a height peak in this vicinity. The highest component of the project is the mid-block Cumberland Tower, which at 48 storeys does not exceed, and appropriately steps down from, the taller building proposed at the southeast corner of the Yonge-Bloor intersection.

Through discussions with the applicant, certain overhanging building elements and encroachments into the public right-of-way have been eliminated to preserve public safety and limit the impact of the building massing. Certain remaining encroachments are proposed to allow for architectural detailing, green wall elements, weather protection and a retail display area over the Bay/Cumberland corner. The massing of the Yonge Tower has been scaled back to preserve a 25-metre separation distance from the existing CIBC office tower, in keeping with the City's current guidelines for the review of Tall Building proposals. The Cumberland Tower, similarly located greater than 25 metres from the Yonge Tower, has also been sited to maintain an appropriate distance from the commercial building at 60 Bloor Street West, create a view terminus along the Balmuto Street axis and define a landmark for the area.

The proposal addresses other key principles of the Tall Buildings Guidelines with respect to:

- orientation of the podium frontage to frame Cumberland Street;
- definition of the Bay Street corner through recessed entries and architectural features;
- multiple building entrances along Cumberland Street with recessed entryways;
- location of service access to the interior of the block; and
- architectural articulation of both towers to break up building mass and achieve a distinctive skyline profile.

The Cumberland Tower has an overall tower floorplate of 978 square metres on the first 20 storeys above the podium, 905 square metres for the next 10 storeys and 671 square metres for the remaining 10 uppermost storeys. The Tall Buildings Guidelines advises that residential floor plates larger than 743 square metres will be articulated architecturally to minimize shadows, loss of sky view and wind conditions in adjacent open space. Accordingly, the Cumberland Tower has been articulated with varying heights, setbacks and stepbacks along its shaft to create visual interest and reduce the building bulk. The reduced floorplate at the uppermost storeys will minimize the shadow impact as described in further detail below.

Sun, Shadow, Wind

The application has been reviewed with respect to shadow impacts in the immediate context. The area-specific Official Plan policies for the Bloor-Yorkville North Midtown Area state that any additional shadowing on public spaces will be minimized as necessary to preserve their utility. The Bloor-Yorkville/North Midtown Urban Design Guidelines identify certain Shadow Sensitive Areas within the district. For the most part the proposal does not affect these areas. During the March and September equinoxes the proposal does introduce an additional shadow on the south end of the Yorkville Town Hall Park. However as this impact appears to last for approximately one hour as the shadow passes over the space in the early afternoon, it is minimized to an acceptable degree in this context.

City staff have reviewed the applicant's submitted Pedestrian Wind Assessment. Generally the proposal will not significantly alter the wind comfort conditions over current levels, and the applicant has committed to implement any necessary wind mitigation measures that will be recommended through further testing at the site plan stage, to be secured in the Section 37 agreement.

Traffic Impact, Access, Parking

The applicant has submitted an updated Traffic Impact Analysis reflecting revisions to the proposal's unit count, traffic impact and parking and loading provision. The analysis estimates that the project will generate approximately 105 vehicular trips during the morning peak period and 100 trips during the afternoon peak period. Transportation Services staff have reviewed the applicant's documentation and concur that the site traffic can be accommodated on the adjacent road network with modest impacts. This conclusion is based on extending the two-way operation of Cumberland Street from its current position between Bay Street and the TPA garage entrance, up to the main driveway for the proposal. This extension is acceptable in principle but will require Council approval of a by-law to convert the one-way portion to two-way operation. In the event that City Council does not approve such a by-law, it is recommended that the Section 37 agreement for the proposal include a provision that requires the applicant to submit an alternative scheme for review and approval. The applicants will be responsible for submitting and paying for all costs associated with a functional pavement marking and signage plan, as may be approved through the review of a subsequent site plan application.

The main access for resident parking will be via a driveway off Cumberland Street. This driveway location is generally acceptable, provided that it is constructed to limit pedestrian conflicts on the sidewalk, and subject to the functional pavement marking and signage plan mentioned above. Loading access for the project will be located off Mayfair Mews, a public lane forming an L-shape through the interior of the block. Transportation Services staff also find the proposed loading space supply to be acceptable.

The proposal includes a total of 273 parking spaces for residents (not including 15 tandem parking spaces). This total includes six car-share spaces, each of which represents a reduction of four resident parking spaces. Given the unique site constraints

due to the TTC tunnel below the site, as well as due to the proximity and direct connection to two major TTC subway stations and the provision of car-share spaces on site, the proposed deficiency of 13 spaces is acceptable in this particular instance.

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 Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 556 residential units on a site of 0.5903 hectares (5,903 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.7413 hectares (7,413 m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.05903 hectares (590.3 m²).

The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P. 13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication and the site would be fully encumbered below grade. The actual amount of cash-in-lieu to be paid will be determined at the time of building permit.

Streetscape

The Official Plan's development criteria in *Mixed Use Areas* 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. The proposed development satisfies these policies, in part by locating garbage, loading and service areas to the interior of the block, accessed by Mayfair Mews.

The proposal would replace the existing internalized mall spanning the south side of Cumberland Street with an at-grade retail frontage as well as entrances to the residential lobbies. These uses would add pedestrian activity to the street as well as an enhanced streetscape, with allowances for "green wall" treatments along the podium face to screen the above-grade parking use. The applicant provided a streetscape detail and revised site plan showing the sidewalk along Cumberland Street extended across the parking garage access driveway as requested by staff, satisfactorily addressing the interface between the sidewalk and the single vehicular entrance/exit. Further streetscaping details will be submitted and reviewed as part of a site plan approval application and should be coordinated with the Bloor-Yorkville Business Improvement Area.

Pedestrian Connections

Due to the unique constraints of constructing over the Bloor subway tunnel, which runs beneath the majority of the site, certain structural elements are required to physically support the proposed building while allowing for appropriate clearances over the subway tunnel to meet updated TTC requirements. As a result, the existing below-grade retail concourse would be replaced with mechanical and storage facilities. City staff have been in discussions with the applicant, the Toronto Parking Authority and the TTC to investigate options for providing an appropriate pedestrian connection crossing Cumberland Street in this context. Certain configurations may require more detailed technical review through the site plan process. It is recommended that the Section 37 provisions of the site-specific by-law contain a requirement for the applicant to construct, provide and maintain such a connection to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with satisfactory plans to be provided at the time of site plan approval and, in any event, prior to the issuance of any building permit.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to the site and building design to promote better environmental sustainability of development in Toronto.

The applicant has submitted a Green Development Standard Checklist as it pertains to this development. The proposal would meet all of the 35 minimum standards on the checklist, as well as 9 additional standards, including the integration of public transit accessibility, the use of drought-resistant plant materials, and the provision of car-share spaces within the parking garage. The applicant also proposes to include “green wall” vertical planting elements along the Cumberland Street frontage of the podium.

A site plan application has not been filed at this time, When filed, the site plan application will be subject to the Green Roof By-law (583-2009) coming into effect January 31, 2010.

Section 37

The proposal represents a significant increase in height and density beyond what is permitted by the Zoning By-law. It is appropriate to secure a package of public benefits in exchange for the requested increase in height and density permission pursuant to Section 37 of the Planning Act.

The community benefits recommended to be secured in the Section 37 agreement are a contribution of \$500,000.00 to be dedicated to the Bloor Street Transformation Project, payable when the site-specific zoning by-law comes into full force, and in any event prior to the issuance of site plan approval and any building permit, including a demolition permit for the site, and indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the site-specific By-law to the date

of payment. It is also recommended that the applicant be required to develop and provide a public art program in the amount of 1% of the project's gross construction costs.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. construction, provision and maintenance of a below grade continuous publicly accessible pedestrian connection across Cumberland Street to the concourse level of the building permitted by this by-law, the location, details and configuration of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services; the Executive Director, Facilities and Real Estate; the General Manager of the Toronto Parking Authority, and the General Manager of the Toronto Transit Commission, for which approval shall be obtained in writing from the Chief Planner prior to the issuance of any site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, for the lands and with construction to be completed prior to the first occupancy of any building erected on the lands subsequent to the enactment of this by-law, to be additionally secured by the provision of a letter of credit to the City prior to the issuance of the final building permit in an amount to be determined by the Chief Planner in consultation with the Chief Building Official;
2. provision and maintenance of continuous publicly accessible pedestrian connections from Bay Street, at-grade, to the concourse level of the proposed building and connecting to the TTC subway station entrance access below Bay Street;
3. the securing of architectural plans, elevations and landscape drawings and the submission of 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
4. an automatic irrigation system for street trees;
5. preparation of a Construction Management Plan and Neighbourhood Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Executive Director, Technical Services;
6. submission of a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director, City Planning Division, prior to the issuance of site plan approval;
7. payment of costs associated with the proposed conversion of Cumberland Street to two-way operation, from Bay Street up to the site access driveway, including

- all costs associated with the functional pavement marking and signing plan as may be approved by the City through site plan approval; and
8. in the event that City Council does not authorize the conversion of the portion of Cumberland Street adjacent to the vehicular access driveway from one-way to two-way operation, as proposed for this development, the owner shall seek approval for the reconfiguration of the ground floor plan and parking garage of the proposed development so as to relocate the vehicular ingress/egress, or for the implementation of another suitable alternative access scheme, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services.

Construction Management Plan and Neighbourhood Communication Strategy

In order to mitigate the construction impacts on the surrounding neighbourhood the Section 37 Agreement should include a requirement that the owner draft and implement a Construction Management Plan and Neighbourhood Communication Strategy satisfactory to the Chief Planner, in consultation with others as discussed below. The plan/strategy is best drafted prior to the issuance of the first permit (demolition and/or excavation) when the owner has finalized their construction phasing plan and is aware of the timing and duration of their various construction processes.

The owner of this site will be required (through condition of the Section 37 Agreement) to work with the City Planning Department, the Ward Councillor's office, the Bloor-Yorkville Business Improvement Area and the local residents and business owners, in order to establish area-specific guidelines and restrictions for construction activity should the project be approved by City Council. It should be noted that the plan/strategy will identify many construction related issues that are regulated by other City-wide enforcement measures (ie. Noise By-law, Dust Control By-law).

The mitigation plan and communication strategy should address matters including but not limited to: the timing and phasing of construction; identification and mitigation of potential impacts of construction activity including street and lane closures; a strategy for disseminating information to the neighbourhood, including contact names and phone numbers for residents to call regarding noise and other construction related questions or complaints; and the provision of reasonable notice respecting the anticipated interruption to services and the provision of alternative services, where possible.

Development Charges

It is estimated that the development charges for this project will be \$4,008,902.75. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

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

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	08 176116 STE 27 OZ
Details	Rezoning, Standard	Application Date:	June 27, 2008
Municipal Address:	2 BLOOR ST W		
Location Description:	PL 69Y PT LT1 CON 2 FB PT LT21 PL 158 PT LT6 TO PT LT8 **GRID S2703		
Project Description:	Redevelopment of Cumberland Terrace for a mixed use building(s) containing an 36 storey and 48 storey mixed-use residential commercial tower, 20 rooftop "villas", commercial space, and accessory uses.		
Applicant:	Agent:	Architect:	Owner:
Urban Strategies Inc	Urban Strategies Inc	B+H Architects	OMERS Realty Management Corporation

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	85-01
Zoning:	CR T7.8 C4.5 R7.8	Historical Status:	N
Height Limit (m):	61	Site Plan Control Area:	Y

PROJECT INFORMATION (statistics include existing office tower)

Site Area (sq. m):	7404	Height: Storeys:	36, 48
Frontage (m):	203.3	Metres:	125.3, 162
Depth (m):	24.3		
Total Ground Floor Area (sq. m):	5208		Total
Total Residential GFA (sq. m):	70150	Parking Spaces:	286
Total Non-Residential GFA (sq. m):	58734	Loading Docks	8
Total GFA (sq. m):	128884		
Lot Coverage Ratio (%):	70.3		
Floor Space Index:	17.41		

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	40
1 Bedroom:	380
2 Bedroom:	136
3 + Bedroom:	0
Total Units:	556

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	70150	0	0
Retail GFA (sq. m):	10467	0	0
Office GFA (sq. m):	48267 (existing)	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Melanie Melnyk, Planner
TELEPHONE: (416) 392-7554

Attachment 2: Site Plan



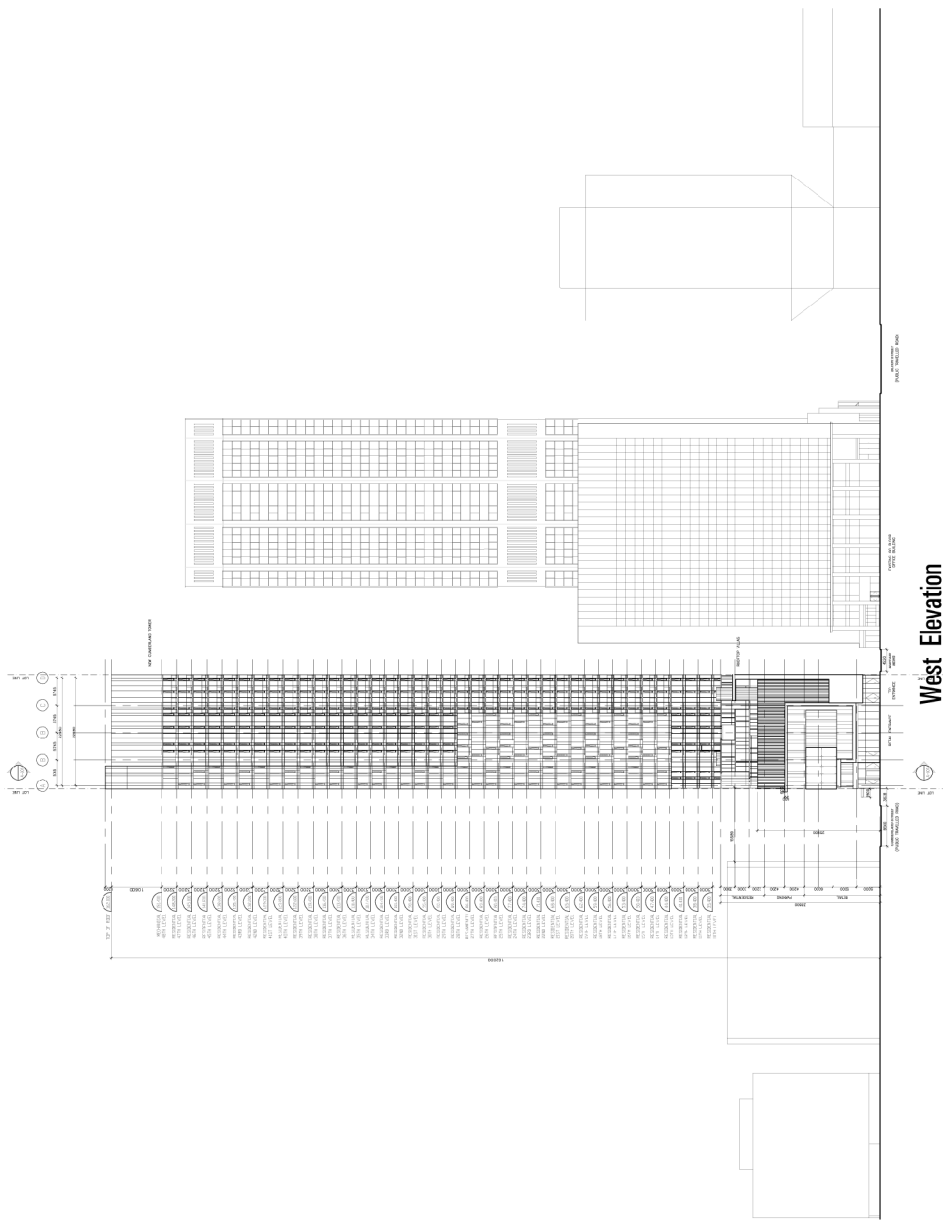
2 Bloor Street West

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 12/03/2009

File# 08_176116



**Attachment 3:
Elevations**

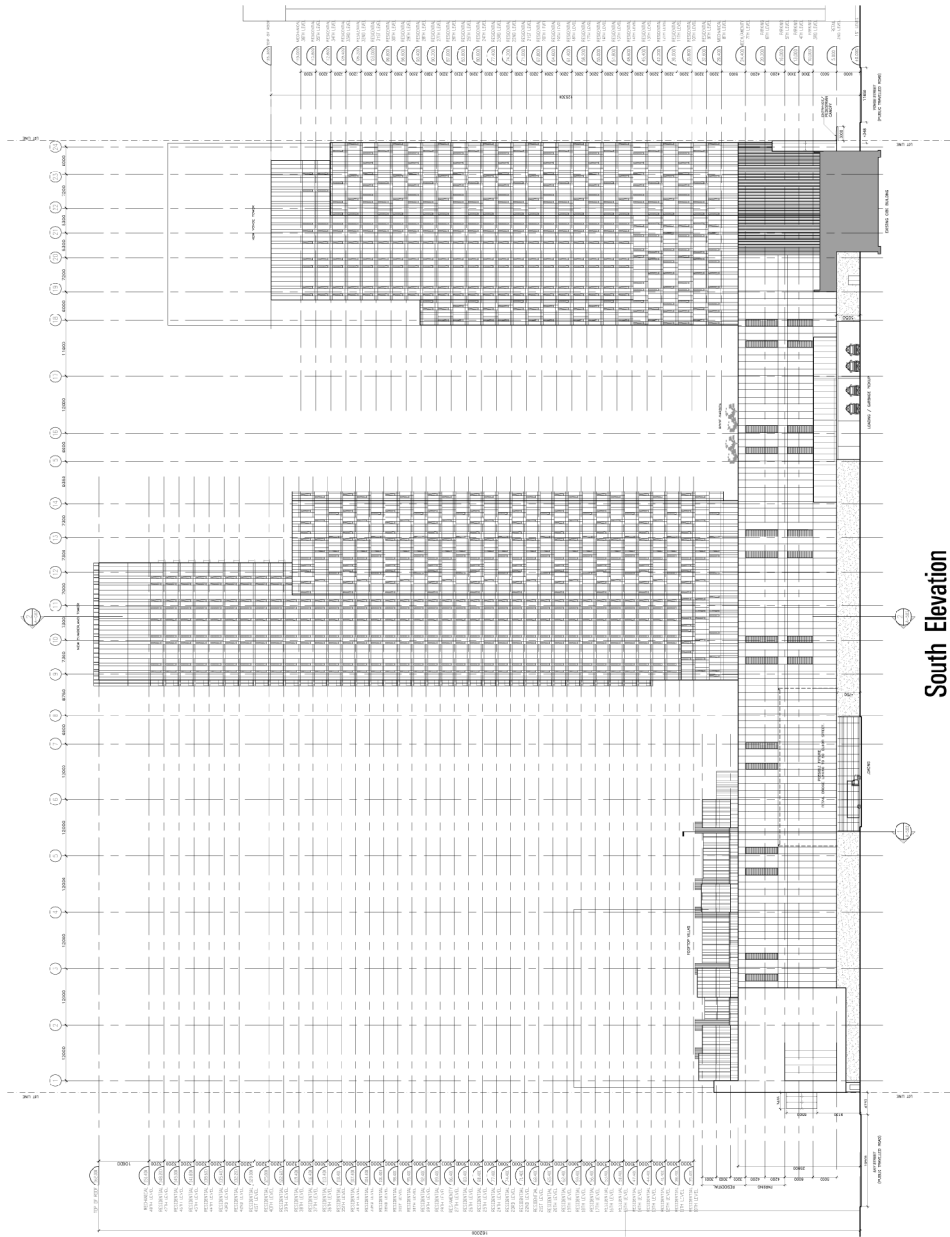


2 Bloor Street West

File # 08_176116

Elevations
Applicant's Submitted Drawing

Not to Scale
12/03/2009



South Elevation

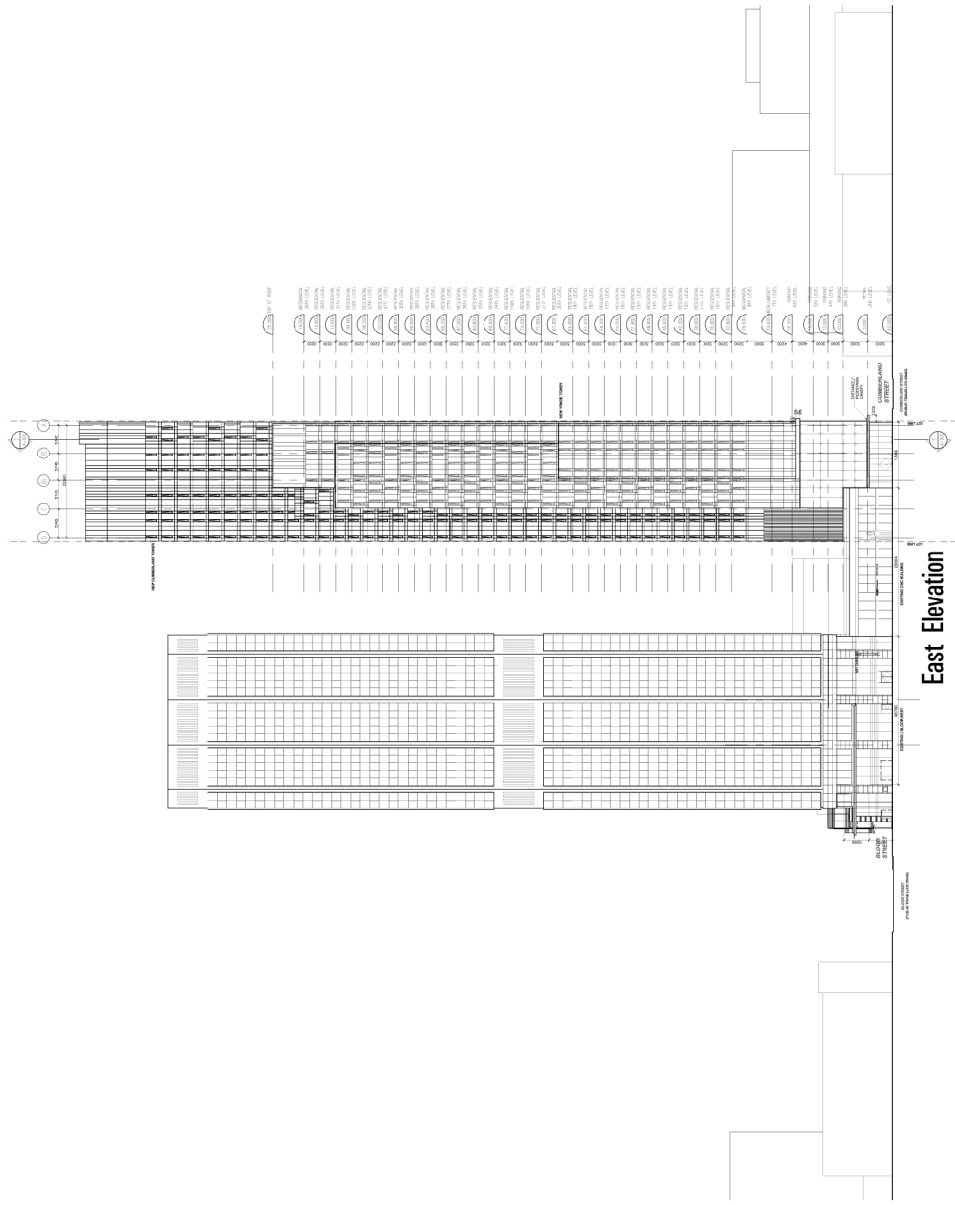
Elevations

2 Bloor Street West

Applicant's Submitted Drawing

Not to Scale
12/03/2009

File # 08_176116



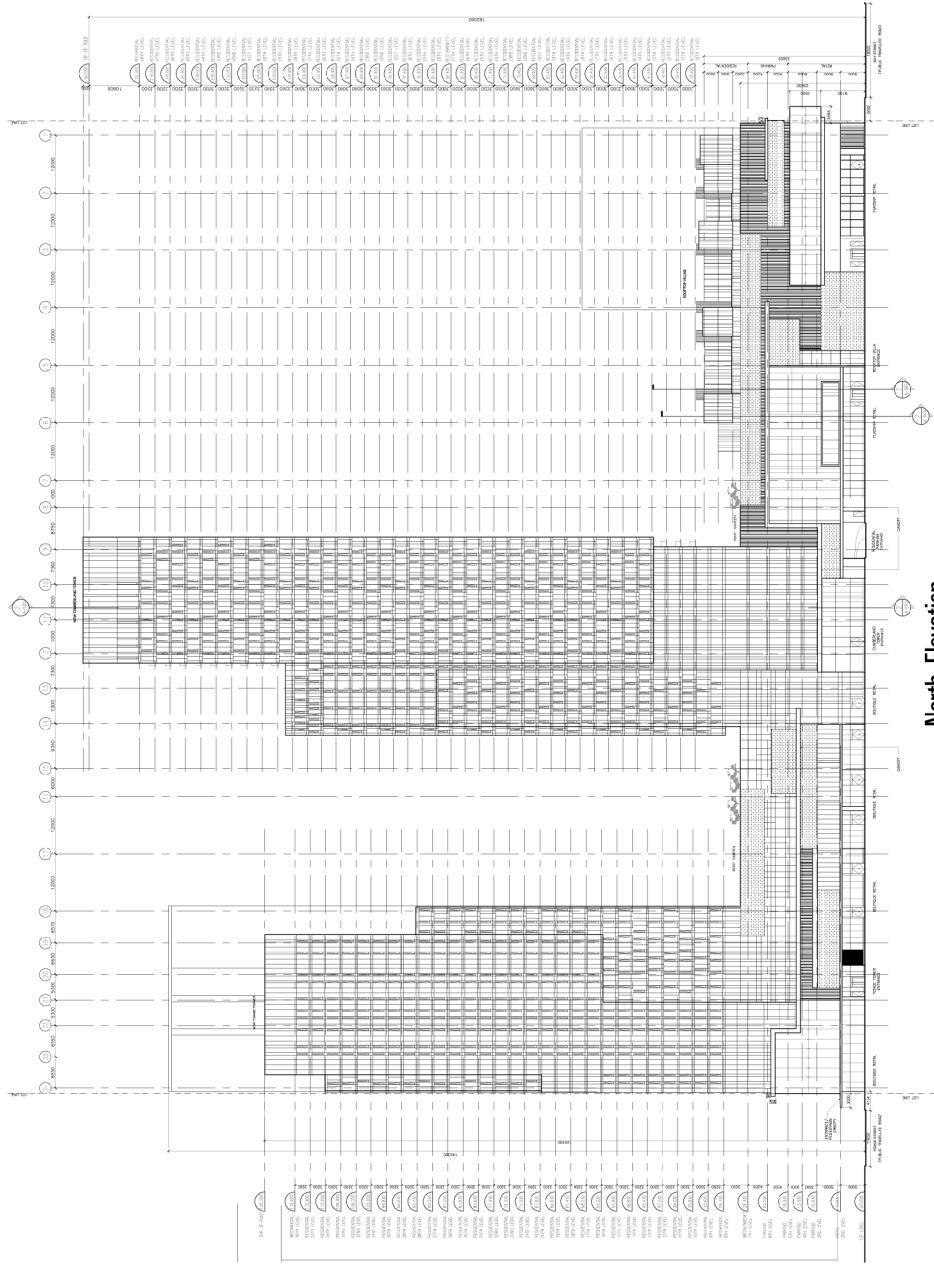
Elevations

Applicant's Submitted Drawing

Not to Scale
12/03/2009

2 Bloor Street West

File # 08_176116



Elevations

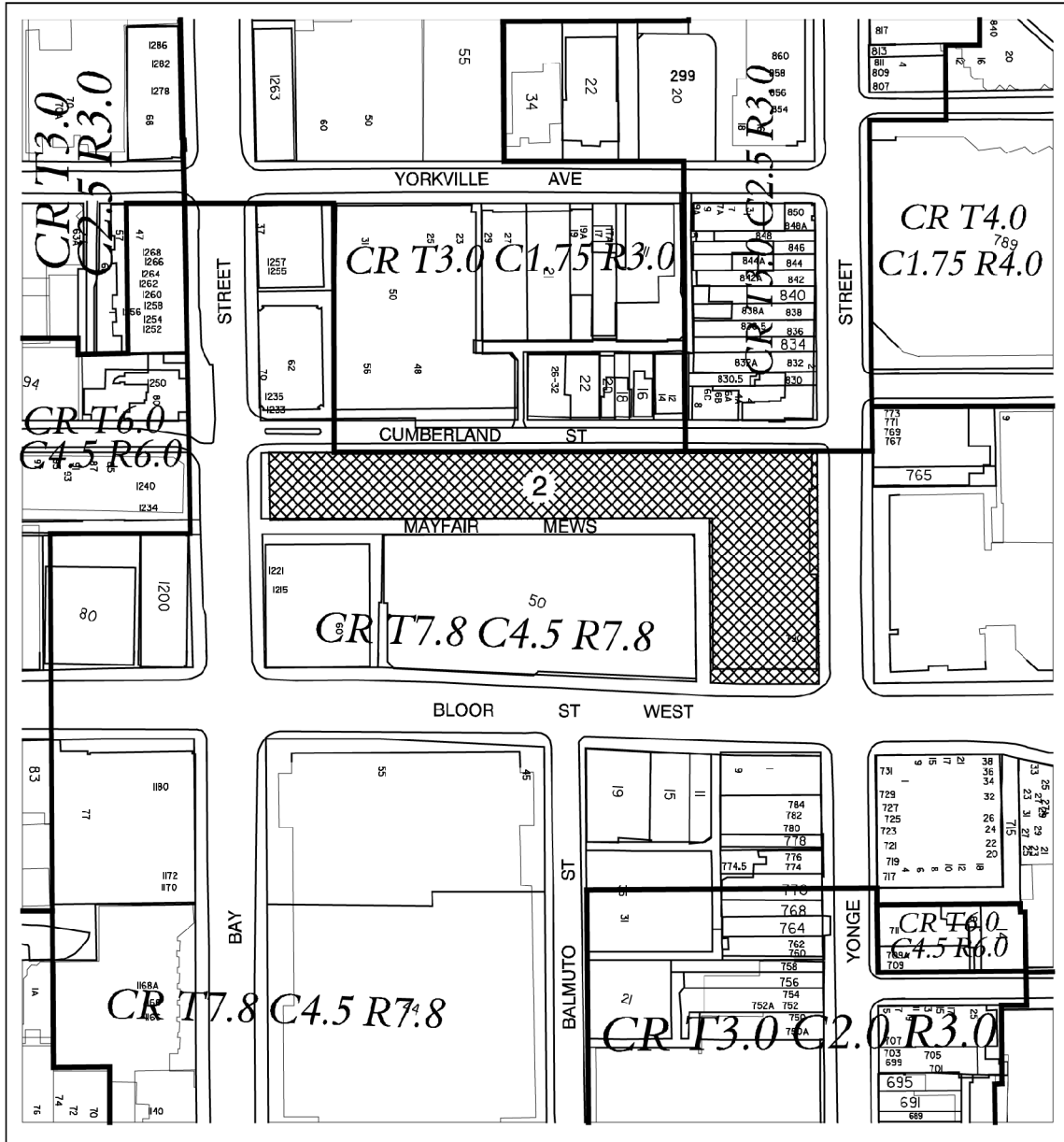
Applicant's Submitted Drawing

Not to Scale
12/03/2009

2 Bloor Street West

File # 08_176116

Attachment 4: Zoning



TORONTO City Planning
Zoning

2 Bloor Street West
 File # 08_176116

CR Mixed-Use District

Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 07/28/08 - DR

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto Community Council Report No. ~, as adopted by City of Toronto Council on ~ 2010;

Enacted by Council: ~~, 2010

CITY OF TORONTO

BY-LAW No. ~~~

To amend By-law No. 438-86, the Zoning By-law, and to repeal By-laws No. 85-2001, all of the former City of Toronto, respecting the property known in the year 2000 as 2 Bloor Street West.

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

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

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

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for any increase in the height or density of development, the 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 as are hereinafter set forth; and

WHEREAS the increase in the height and density permitted hereunder, beyond those otherwise permitted on the lands by the Zoning By-law, as amended, are to be permitted subject to the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the City 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 to secure certain facilities, services and matters in connection with the

aforesaid lands set forth in this By-law in return for the increases in height and density set forth in this By-law;

WHEREAS the development scheme contemplated and permitted by By-law 85-2001 has been abandoned; and

WHEREAS By-law 85-2001 shall become redundant upon the coming into force of this By-law;

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

1. This By-law applies to the lot comprising *Parcel A* and *Parcel B* shown outlined by heavy dashed lines on Map 1, attached to and forming part of this By-law.
2. 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 including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referenced in Section 3 of this By-law.
3. 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 or 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.
4. Except as otherwise provided herein, the provisions of the Zoning By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2 with respect to the definitions of *grade*, *lot* and *owner*, and Sections 4(2)(a), 4(5)(b) and (h), 4(8), 4(12), 4(13), 4(14)(a), 8(3) PART I 1, 2 and 3(a), 8(3) Part III 1(a), 12 (2) 259 and 12 (2) 260, of By-law No. 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 and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* containing *dwelling units*, uses permitted in Section 8(b)(iv) and (vi) and above-grade parking facilities for such dwelling units, on the lands comprising *Parcel A* on Map 1, together with the use of the building in existence on January 1, 2010 the lands comprising *Parcel B* on Map 1 on January 1, 2010 for uses permitted in Section 8(b)(iv) and (vi) of the Zoning By-law, are permitted, provided:

- a. the *lot* consists of at least the lands identified as *Parcel A* and *Parcel B* on the attached Map 1;
- b. the aggregate amount of the *residential gross floor area* and the *non-residential gross floor area* erected and used on *Parcel A* does not exceed 79,650 square metres, of which:
 - (i) not more than an aggregate of 17,900 square metres of *residential gross floor area*, excluding parking, is erected or used on that portion of *Parcel A* identified on the attached Map 3 as the *Yonge Residential Tower* (the “Yonge Residential Tower”);
 - (ii) not more than an aggregate of 34,750 square metres of *residential gross floor area*, excluding parking, is erected or used on that portion of *Parcel A* identified on Map 3 as the *Cumberland Residential Tower* (the “Cumberland Residential Tower”);
 - (iii) not more than an aggregate of 3,400 square metres of *residential gross floor area* , excluding parking, is erected or used on that portion of *Parcel A* identified on the attached Map 3 the *Elevated Villas*(“the Elevated Villas”);
 - (iv) not more than an aggregate of 13,100 square metres of *residential gross floor area* is erected or used for above-*grade* parking purposes; and
 - (v) the *non-residential gross floor area* erected is used only for *street-related retail and service uses* and/or publicly accessible pedestrian connections and does not exceed an aggregate of 10,500 square metres.
- c. no above *grade* portion of any building or structure is located otherwise than wholly within the areas delineated by heavy dashed lines as shown on the attached Map 2 attached with the exception of the following:
 - (i) canopies and awnings projecting not more than 5 metres;
 - (ii) foliage and any devices used to attach such foliage to any living green wall, parapets, trellises, window sills, bay windows and window projections, signage, railings, eaves, building cornices, ornamental or architectural elements, balustrades, mullions and window sills projecting not more than 1 metre and which are no higher than that portion of the building to which they are attached; and

- (iii) guardrails no higher than 3 metres above finished ground level and lighting fixtures projecting not more than 2 metres;
 - (iv) stairs, stair enclosures, uncovered platforms and wheelchair ramps provided the height of such structures does not exceed 2 metres above finished ground level;
 - (v) *public art* features provided they are approved by the City; and
 - (vi) a display space measuring a maximum of 8.3 metres in width and 6.8 metres in height, which does not contain occupiable *residential gross floor area* or *non-residential gross floor area* and projecting not more than 3.4 metres from the main wall of the building at the second and third storeys, provided it is constructed a minimum of 9.5 metres above grade on the west face of any building constructed on the *Parcel A* pursuant to this By-law, as identified on Map 2;
- d. no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 exclusive of the rooftop structures and equipment permitted by Sections 5.c, 5.e and 5.gf of this By-law;
- e. stair towers, elevator shafts, chimney stacks, communication equipment, generators or other power, heating, cooling, or ventilating equipment or window washing equipment on the roof of any building or fences, walls or structures enclosing such elements, are permitted on *Parcel A*, except on the Elevated Villas, provided the maximum *height* of the top of such elements or enclosures is no higher than:
- (i) the sum of 10.6 metres and the *height* limit specified on Map 2 for the *Cumberland Residential Tower*; and
 - (ii) the sum of 6.3 metres and the height limit specified on Map 2 for the *Yonge Residential Tower*.
- f. structures on the roof of any portion of a building used which are used for outside or open air recreation, safety, or wind protection purposes, including landscape garden amenities and green roofs are permitted, provided:
- (i) the maximum *height* of the top of such structures is no higher than the sum of 3.0 metres and the *height* limit specified on Map 2;
 - (ii) no part of the structure is less than two metres from an adjacent outside wall or a vertical projection of the wall; and

- (iii) the structures do not enclose space so as to constitute a form of penthouse or other room or rooms;
- g. at least 50% of the Cumberland Street frontage of any portion of the building located on the Elevated Villas portion of Parcel A above the podium is set back a minimum of 2.5 metres from the north lot line;
- h. subject to subsection i. below, the minimum number of *parking spaces* provided and maintained on *Parcel A* for the exclusive use of the residents of such parcel shall be in accordance with the following:
 - (i) 0.285 spaces for each bachelor *dwelling unit*;
 - (ii) 0.475 spaces for each one-bedroom *dwelling unit*;
 - (iii) 0.725 spaces for each two-bedroom *dwelling unit*; and
 - (iv) 1.2 spaces for each three or more bedroom *dwelling unit*;
- i. for each car-share parking space provided on the *Parcel A*, the minimum required resident parking required shall be reduced by 4 *parking spaces*, such reduction not to exceed 24 resident parking spaces irrespective of the number of car-share parking spaces provided;
- j. a minimum of 376 *bicycle parking spaces* shall be provided and maintained on the *Parcel A*, to serve *dwelling units* on such lands, in accordance with the following:
 - (i) a minimum of 301 *bicycle parking space - occupant*;
 - (ii) a minimum of 75 *bicycle parking space - visitor*; and
 - (iii) a maximum of 188 *bicycle parking spaces* shall require bicycles to be parked in a vertical position;
- k. a minimum of 8 *bicycle parking spaces* shall be provided and maintained on *Parcel A*, to serve non-residential uses on such lands, in accordance with the following:
 - (i) a minimum of 6 *bicycle parking space - occupant*;
 - (ii) a minimum of 2 *bicycle parking space - visitor*; and
 - (iii) a maximum of 3 *bicycle parking spaces* shall require bicycles to be parked in a vertical position;
- l. no *change rooms* for bicycle parking shall be required in any building or structure erected on *Parcel A*;

- m. *parking spaces* provided pursuant to this By-law shall comply with the parking space dimensional requirements noted in Section 4(17) of By-law 438-86, as amended, with the exception that parking spaces provided in excess of the quantity required in subsection h. above, which may include tandem or small car spaces, will not be subject to Section 4(17) ;
 - n. a minimum of 8 *handicap parking spaces* shall be provided and maintained on *Parcel A* in an *above-grade parking garage*, with all such spaces for the exclusive use of residents;
 - o. *handicap parking spaces* provided pursuant to this By-law shall not be less than 3.66 metres in width and 5.6 metres in length;
 - p. no *parking spaces* shall be required to be provided on the *lot* or off-site for any *existing buildings* or any portion thereof remaining on the *lot* after the date of enactment of this by-law or to service any of the non-residential uses occurring on the *lot*;
 - q. no person shall erect or use a building or structure on the *Parcel A lot* unless *street related retail and service uses* are provided on the *lot* with at least 65 percent of the aggregate length of the portion of the *frontage* adjacent to Cumberland Street used for that purpose;
 - r. loading spaces shall be provided and maintained on *Parcel A* in accordance with the following:
 - (i) 3 *loading space – type B*;
 - (ii) 3 *loading space – type C*; and
 - (iii) 1 *loading space – type G*; and
 - s. the *owner* of the *lot* enters into and registers on title to the *lot* one or more agreements with the City pursuant to Section 37(3) of the *Planning Act*, to the City Solicitor’s satisfaction, to secure the facilities, services and matters in Appendix 1.
6. None of the provisions of By-law 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.

7. Definitions:

- a. For the purposes of this By-law, the terms set forth in italics, subject to Section 7.b of this By-law, have the same meaning as such terms have for the purposes of Zoning By-law 438-86, as amended;
- b. The following definitions shall apply:

- (i) “*car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (ii) “*car-share parking space*” means a parking space that is reserved and actively used for car-sharing;
- (iii) “*Cumberland Tower*” means the residential tower to be constructed in the location more particularly identified on Map 3 to this By-law;
- (iv) “*elevated villas*” means the residential dwellings to be constructed on the roof of a *mixed-use building* as more particularly identified on Map 3 to this By-law;
- (v) “*existing buildings*” means buildings or structures existing on the *lot* in the year 2009, as shown on Parcel B on Map 2;
- (vi) “*grade*” means 116.00 metres Canadian Geodetic Datum;
- (vii) “*lot*” means the lands outlined by heavy dashed lines comprising Parcel A and Parcel B on Map 1 attached to this By-law;
- (viii) “*owner*” has the same meaning as in Zoning By-law 438-86, as amended, except it shall include a tenant of any part of the *lot* who leases any part of the *lot* directly from the City but shall not include the City;
- (ix) “*Parcel A*” means the lands more particularly identified as such on Map 1 to this By-law;
- (x) “*Parcel B*” means the lands more particularly identified as such on Map 1 to this By-law;
- (xi) “*public art*” means works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in collaboration with

artists and selected by a process and are in accordance with a program recommended by the Toronto Public Art Commission through the Chief Planner and approved by City Council;

(xii) “*temporary sales office*” means a building, structure, facility or trailer on the *lot* used for the purpose of sale of dwelling units to be erected on *Parcel A*;

(xiii) “*Yonge Tower*” means the residential tower to be constructed in the location more particularly identified on Map 3 to this By-law;

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

d. 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.

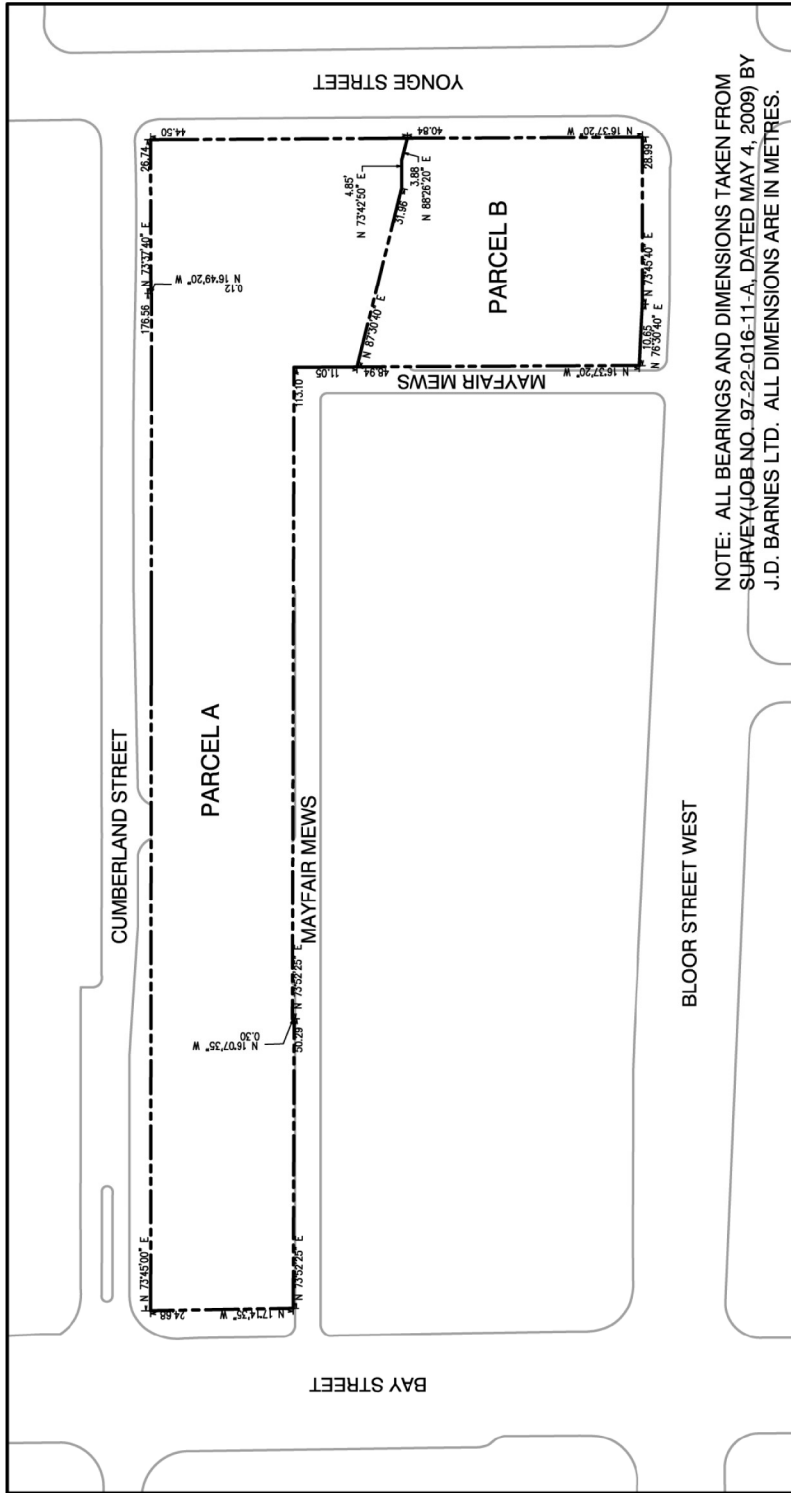
8. By-law 85-2001 is hereby repealed on the coming into force of this By-law.

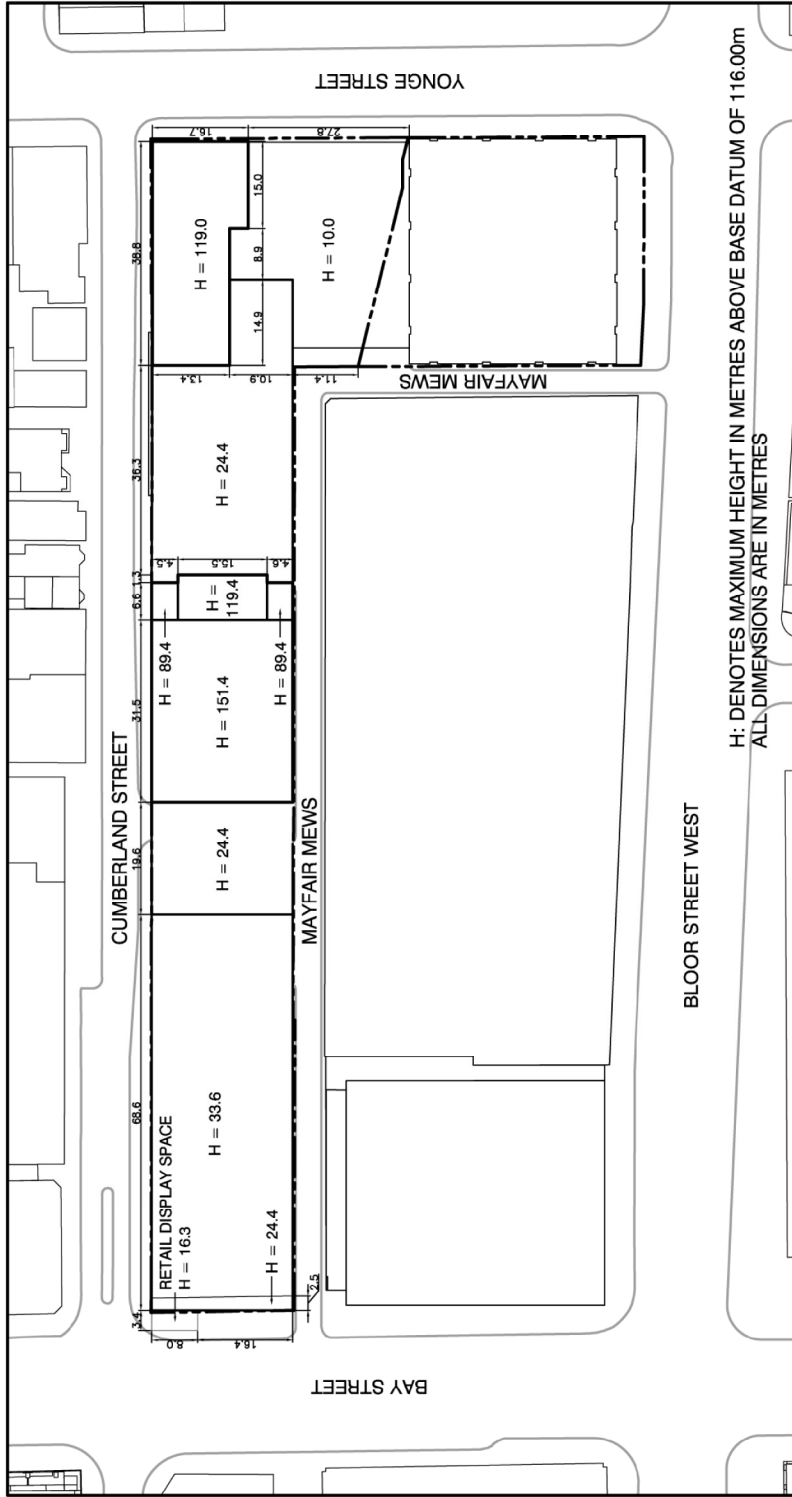
ENACTED AND PASSED this ~ day of ~~~~~, A.D. 2010.

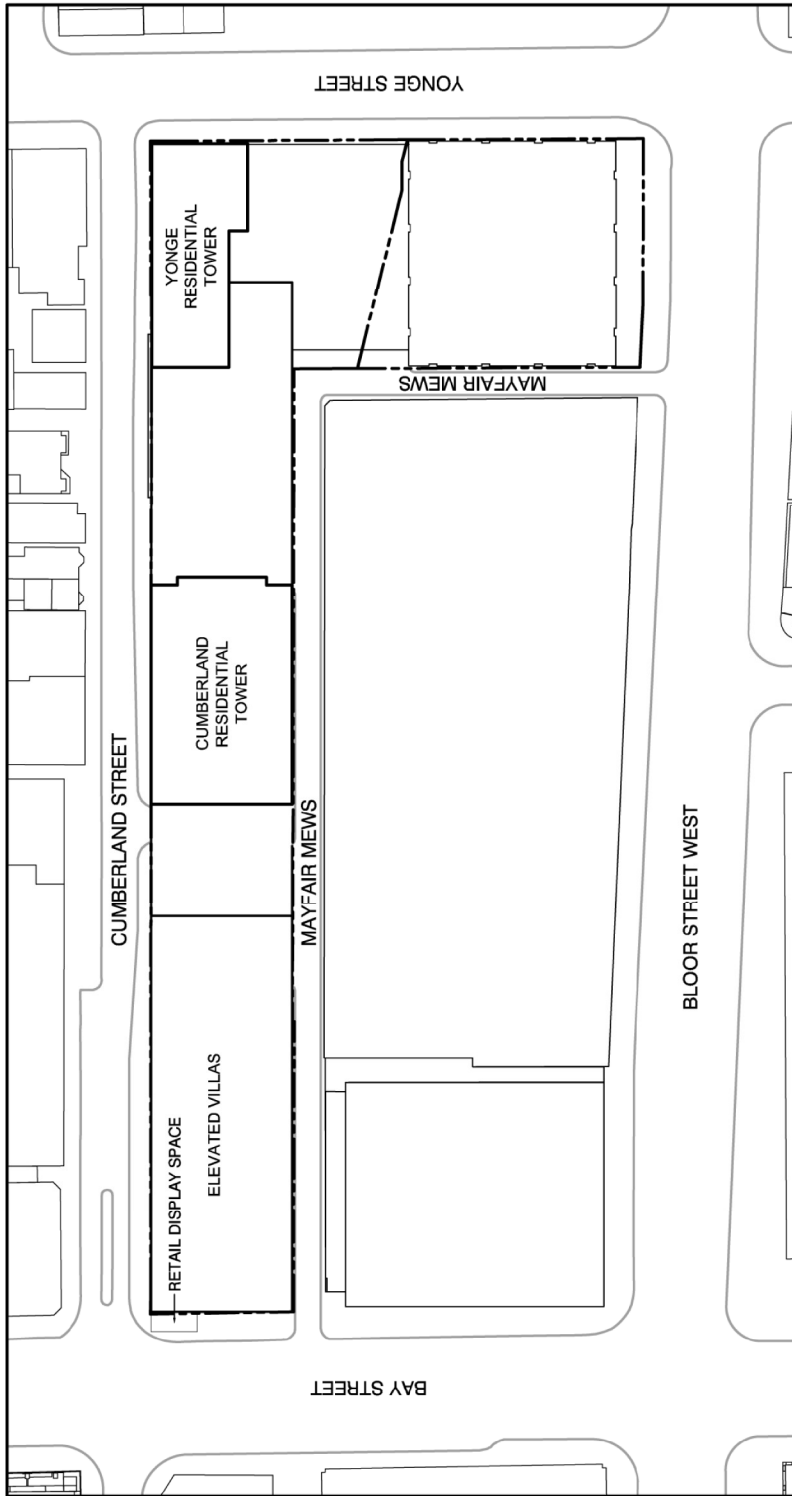
HIS WORSHIP, DAVID R. MILLER,
MAYOR

ULLI S. WATKISS,
City Clerk

(Corporate Seal)







Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the 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, *inter alia*, indexing escalating of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) a payment of \$500,000.00, to be used for the provision of streetscape and landscaping improvements to Bloor Street West and Bloor Street East in the vicinity of the *lot* described in this By-law, to be paid to the City within ten days of this by-law coming into full force and effect, with no site plan approval pursuant to s. 114 of the City of Toronto Act, 2006 and no building permit for any portion of Parcel A to issue, including any demolition permit, until such payment is made. The payment shall be increased to reflect any increases in the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment.

For the sake of clarity nothing herein shall be interpreted as preventing the issuance of building permits required to repair or maintain the buildings existing on the *lot* in 2009;

- (b) provision and maintenance of works of public art in publicly accessible portions of the *lot*, or on lands owned by the City in the vicinity, of a value not less than one percent of the gross construction costs of the development, in accordance with the City’s Percent for Public Art Program;
- (c) construction, provision and maintenance of a continuous below grade publicly accessible pedestrian connection across Cumberland Street to the concourse level of the building permitted by this by-law, the location, details and configuration of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services; the Executive Director, Facilities and Real Estate; the General Manager of the Toronto Parking Authority, and the General Manager of the Toronto Transit Commission, for which approval shall be obtained in writing from the Chief Planner prior to the issuance of any site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, for the *lot* or any portion thereof and with construction to be completed prior to the first occupancy of any building erected on the *lot* subsequent to the enactment of this by-law, to be additionally secured by the provision of a satisfactory letter of credit to the City prior to the issuance of the final building permit for any portion of the

lot in an amount to be determined by the Chief Planner in consultation with the Chief Building Official;

- (d) provision and maintenance of a continuous publicly accessible pedestrian connection from Bay Street, at grade, to the concourse level of the proposed building and connecting to the TTC subway station entrance access below Bay Street;
- (e) provision and maintenance of streetscape improvements adjacent to the *lot*;
- (f) provision and maintenance of an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation;
- (g) submission of a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director, City Planning Division, prior to the issuance of site plan approval;
- (h) preparation of a Construction Management Plan and Neighbourhood Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Executive Director, Technical Services prior to the issuance of site plan approval;
- (i) payment of costs associated with the proposed conversion of Cumberland Street to two-way operation, from Bay Street up to the site access driveway, including all costs associated with the functional pavement marking and signing plan as may be approved by the City through site plan approval; and
- (j) if prior to the issuance of site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, for the *lot* or any portion of thereof, City Council does not authorize the conversion of the portion of Cumberland Street adjacent to the vehicular access driveway proposed on *Parcel A* from one-way to two-way operation, the *owner* shall, prior to the issuance of site plan approval and prior to any building permit issuing for any portion of the *lot*, seek approval for the reconfiguration of the ground floor plan and parking garage of the proposed development so as to relocate the vehicular ingress/egress, or for the implementation of another suitable alternative access scheme, all to the satisfaction of the Chief

Planner and Executive Director, City Planning Division, in consultation with the Executive Director, Technical Services.