

**192A, 194 and 200 Bloor St W
Rezoning and Site Plan – Final Report**

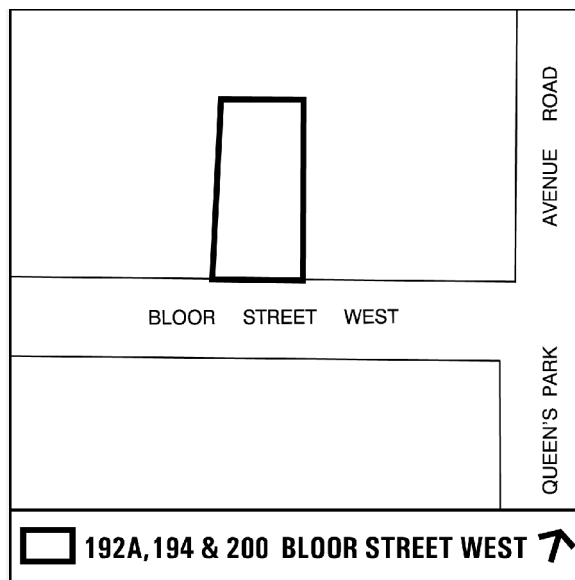
Date:	March 30, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 111145 STE 20 OZ and 09 111148 STE 20 SA

SUMMARY

This application was submitted on March 18, 2009, and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes the construction of a 32-storey condominium tower on an eight storey podium. It will replace three small commercial buildings at 192A, 194 and 200 Bloor St. W. The proposed building consists of 183 residential units and two floors of retail space. The rear portion of the podium contains eight levels of fully enclosed above-grade parking, containing 176 parking spaces. Parking access will be provided in the short term by way of a laneway from Bloor Street West.

The City Planning Division is recommending approval of the proposed development based on it being substantially in compliance with the development criteria for *Mixed Use Areas*, Public Realm, Built Form and all other Official Plan policies, the Bloor Corridor Visioning Study and urban design guidelines.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for 192A, 194 and 200 Bloor Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8 to the report dated March 30, 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 the satisfaction of the City Solicitor, to secure the following:
 - a. \$515,000 to be used for improvements of the Jean Sibelius Square Park for landscaping, restoration work and future upgrading of park facilities. Such payment would be due prior to the introduction of Bills in Council; and
 - b. \$185,000 to Jean Sibelius Square Park for additional park improvements, \$200,000 for the Annex Heritage Conservation District Study, \$100,000 for Ward 20 capital improvements to Toronto Community Housing Corporation (TCHC) affordable housing, and \$30,000 for the Heritage Plaque Programme in the Annex prior to the first above-grade permit. These latter payments shall be indexed from the date of execution of the agreement to the date of payment in accordance with the Non-Residential Construction Price Index for Toronto. Such funds are over and above any requirements for park levies under s.42 of the Planning Act.

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

- c. That the owner incorporate, in the construction of the building exterior material shown on the 1:50 scale drawings, recommended for approval by the Chief Planner and Executive Director, to be submitted for the development of the four elevations.
- d. That the owner submit a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director and provision of any required mitigation measures contained therein to the to the satisfaction of the Chief Planner and Executive Director prior to the issuance of site plan approval.

- e. That the owner agree that if vehicular access in the future is provided over or through such lands abutting to the north and otherwise in proximity to the site, which may include but not limited to properties at 9 Bedford Road, 5 Prince Arthur Avenue, 194R, and 208R Bloor Street West, the owner shall take all reasonable and appropriate action measures to the satisfaction of the Chief Planner and General Manager, Transportation Services, to redirect traffic over such access and to cease all vehicular use of the north-south private right-of-way immediately abutting the site.
- f. That the owner agree to have notice contained of the requirement of recommendation e. in any condominium documents to the satisfaction of the City Solicitor.
- g. That the owner agree to design, construct and convey to the City, to the satisfaction of the Chief Planner and the Executive Director of Technical Services, an at-grade pedestrian walkway over the existing north-south private laneway located along the westerly portion of the subject property, as more particularly detailed on the site plan drawings submitted with this application upon:
 - i. the access rights to the existing east-west laneway located to the rear of the property being secured by the City;
 - ii. the rear laneway being gated with card reader access at the rear of 220 Bloor St .at the expense of the future laneway users;
 - iii. the City owned laneway being upgraded at the City's expense;
 - iv. the release of the easement interests over the existing north-south private laneway located along the westerly portion of the subject property from all affected owners, at the expense of the owner of 192A,194 and 200 Bloor Street West.
- h. That the owner complete the construction and conveyance of the at-grade pedestrian walkway in g. above, within six (6) months (allowing for poor winter weather) after substantial completion of the building, and subject to i. to iv. above being completed within six (6) months.
- i. That the owner agrees that warning clauses shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, such warning clauses, respecting the possibility of future area developments, to be to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor.

4. City Council require the owner to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and construct with backflow preventer to the satisfaction of the General Manager of Parks, Forestry and Recreation.
5. City Council require that the owner provide any necessary improvements to the municipal infrastructure in connection with the site servicing review, if it is determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.
6. City Council require that, prior to the enactment of Bills, Planning is to receive written confirmation from the Executive Director of Technical Services that the drive aisle widths on levels P2 to P8 have been revised to a minimum of 6 metres as required by the Zoning By-law to the satisfaction of the Executive Director of Technical Services.
7. City Council require the owner to agree to any other Section 37 conditions appended to the Draft By-law.

Financial Impact

They will be no financial impact as the result of this report.

DECISION HISTORY

City Council at its meeting of March 3, 4, and 5, 2008 approved the sale of the City owned property at 192A Bloor Street W. to McDonalds Restaurants of Canada Limited to allow the property to be resold to Bazis International. The provisions of this sale controlled the maximum height of any new building through the use of a strata title sale in which only the first 100 metres of space above-grade were sold by the City to the new owner. Prior to this Council action, discussions between the local Councillor, City Planning and other City staff and the applicant were held, and studies were undertaken to determine the maximum height to possibly be considered based on shadow impacts on the East Annex low-rise "Neighbourhood".

ISSUE BACKGROUND

Proposal

On March 18, 2009, Exhibit Residence Inc. (a subsidiary of Bazis International Inc.) applied for Zoning By-law Amendment and Site Plan Approval for 192, 192A, 194 and 200 Bloor Street West to replace the four existing commercial buildings with a residential 28-storey condominium tower positioned on a 2 storey retail podium. The proposal included a six level below-grade parking garage. The proposed density of the original Application was 13.16 times the area of the site. The proposal provided for 196 residential units.

The application was revised twice with the final set of revised plans being submitted on January 26, 2010, for a 32-storey condominium tower with an 8-storey podium, which is the subject of this report.

There were a number of revisions that resulted from community consultation, comments from City Divisions, discussions with City Planning staff and servicing problems with the earlier proposed six storey underground car stacking parking garage.

In summary, these revisions included: elimination of the property at 192 Bloor Street from the proposed site plan; a more detailed layout of the parking access and loading spaces; eight levels of parking located in the rear podium; maintaining the mechanical penthouse within the 100 metre building height; redesigning the building into a series of five blocks that are staggered but maintain acceptable setbacks from the abutting property lines; a three meter step-back above the podium; and proposed landscaping along the existing laneway.

The revised proposal has a density of 13.82 times the area of the lot, including the above grade garage.

The building has been redesigned to be a series of blocks stacked on top of each other. The building podium is designed to appear as two blocks, while the tower consists of three blocks. The blocks are slightly offset from each block element above and below it.

The first block height reflects the 1:1 ratio between the building height and the width of the street. The ground floor of the podium is set back three metres from the property line and the seven floors of the podium above projects over that setback and provides weather protection for pedestrians. The second block element is stepped back 3 metres and proposed to be rotated to address the need for a setback to the Museum House building located to the west.

The third block element approximately aligns with the 19th floor of the Park Hyatt, to the east and the main roof level of the Museum House condominium to the west. This block element establishes a datum line of development along this portion of Bloor Street.

The top block element is tilted towards the west and it is an architectural response to the Royal Ontario Museum.

The applicant describes each block element as “veiled,” (the veil is a railing). The railing is constructed of a frit material, that is a ceramic composition that has been fused to glass, that is granulated on its exterior and with a frosted glass backing, creating an ethereal quality to the building. The railing veil is offset 1.5 m to 0.600 m from the window wall of the building. This veil also extends on the underside of the balcony and at the roof lines encompassing each block element.

The fifth block element is located at the rear of the building, behind the front base block element and it encloses the above-grade parking garage. It has the same exterior treatment as the other block elements.

See Attachment No. 7 for project data.

Site and Surrounding Area

The site is located on the north side of Bloor Street West, three properties west of Avenue Road. The site is generally rectangular in shape with an area of 1,999 square metres and frontages of 35 metres along Bloor Street (not including the 5.5 metre wide laneway.)

The properties are currently occupied by three buildings including:

- a 2 storey and basement building at 192A Bloor St. (MacDonald's restaurant on all three levels);
- a 3 storey building at 194 Bloor St., (Gabby's Bar / Grill), with Stretch Fitness on the second floor and Gabby's offices on the third floor; and
- a 2 storey building at 200 Bloor St. (China Gardens/Booster Juice), with a lower level containing Specs on Bloor (Opticians shop), and a Subway sandwich shop.

Uses and structures near the site include:

North: Toronto Parking Authority Surface Parking lot and City owned rear laneway

South: the Royal Ontario Museum on the south side of Bloor Street

East: 2 storey building (Lobby Bar) at 192 Bloor St. and 15 storey office building at 180 Bloor Street

West: the "Museum House", at 204/206 Bloor St. an approved 19 storey residential condominium, currently under construction

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.

Official Plan

The site is designated as a *Mixed Use Areas* in the Official Plan's Land Use Plan (Map 18). Within the City's Urban Structure (Map 2), the site is located within the Downtown and Central Waterfront Area.

The policies in Chapter 3 of the Official Plan complement and support the City's growth strategy by integrating social, economic and environmental perspectives in decision-making to create an attractive City, with a strong economy and liveable communities.

The application has been considered with a particular view to the built form policies of Section 3.1 of the Official Plan which address how the development: improves the public realm; is organized to provide underground parking; and is massed to fit harmoniously into the planned context. The development was also considered in light of the "Tall Buildings" Policies in Section 3.1.3 of the Plan and the Council adopted Tall Building guidelines.

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Policy 211 applies to the entire Bloor – Yorkville /North Midtown Area, bounded by Avenue Road, Bloor, Sherbourne Street, Rosedale Valley Road, Yonge Street and CPR rail line to the north and sets out area specific policies that vary from the general provisions of the OP. The policies speak to the overall built form, context, the character of specific areas, the public realm and urban design.

Policy 211 requires that the tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the "Height Peak" area in the vicinity of the intersection of Bloor/Yonge Streets. Building heights will step down from the Bloor/Yonge intersection within the Mixed Use Areas in descending "ridges" of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets.

Although the subject site is located outside of the Bloor/Yorkville/North Midtown area, it is still within the height ridge in the Map 2 of Area –Specific Policy 211. There is a ridge line of building heights that has been established over the years and identified as a "Height Ridge".

The height of the development of the subject site should transition to a lower height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas of the height peak.

Bloor Corridor Vision Study (Avenue Road to Bathurst Street)

In the spring of 2007, the City initiated Phase I of Bloor Corridor Visioning Study (Avenue Road to Bathurst Street). The goal of the Bloor Corridor Visioning Study was to develop a shared vision for Bloor Street West, and to create a development strategy

that would protect the existing stable residential neighbourhoods adjacent to the corridor while accommodating planned intensification.

City Council at its meeting of November 30, December 1, 2, 4 and 7, 2009, adopted the Bloor Corridor Vision Study recommendations as Official Plan Amendment No. 98 and the Bloor Corridor Visioning Study: Urban Design Guidelines, Avenue Road to Bathurst Street.

The Bloor Corridor Visioning Study: Urban Design Guidelines propose that new buildings on the north side of Bloor Street in this Precinct should build parallel to the setbacks of the existing streetwall with active at-grade uses. New buildings should provide visual cohesion through the use of massing and architectural elements including high ground floor heights, consistent podium heights and quality materials.

The Urban Design Guidelines encourage new development to support the possibility of converting the existing laneway running north from Bloor Street into a landscaped pedestrian connection from the rear Toronto Parking Authority parking lot and City owned laneway located on this block bounded by Bloor St., Bedford Road, Prince Arthur Avenue and Avenue Road.

The Urban Design Guidelines state that building heights should take into consideration the preservation and enhancement of the views up University Avenue of the Ontario Provincial Legislature. This is dealt with in a separate section of this report.

Zoning

The site is zoned under By-law 438-86, (refer to Attachment No.5) as CR T3.0 C2.0 R2.5. This zoning permits a mix of commercial and residential uses to a total of 3.0 times the area of the lot. The density limits are 2.0 times the lot area for commercial uses and 2.5 times the lot area for the residential uses. The maximum permitted height is 24.0 metres. The redevelopment of this site would also be subject to various development standards established by the Zoning By-law respecting setbacks, parking, loading and amenity space.

Site Plan Control

The proposal is subject to site plan control. A site plan application was submitted and has been processed concurrently with the applicants' Zoning By-law Amendment application.

Reasons for Application

An amendment to the Zoning By-law is necessary because the proposed development exceeds the permitted maximum density and height limits. The proposed density of 13.82 times the area of the lot significantly exceeds the permitted density of 3.0 times the area of the lot.

The proposal, as revised, is for a one tower development on an eight storey podium having a maximum height of 100 m (including the mechanical penthouse), whereas the

Zoning By-law limits building height to a maximum height of 24 metres. Additional areas of non-compliance with the Zoning By-law have been identified through a review of the application.

Community Consultation

A community consultation meeting was held at the Walmer Road Baptist Church on September 22, 2009. Approximately twenty members of the public attended the meeting. In this meeting, the applicant presented the further proposed changes to the building, including moving the underground parking into the above-grade garage located at the rear of the eight storey podium. Residence and business owners had questions regarding: the relocation of parking; rear lane access; inclusion of the Lobby Bar site; maintaining an overlook of the laneway; dividing up the retail space on the ground floor; maintenance of access from the rear laneway; and the need for more detailed building design. A number of the attendees spoke in support of the development and the provision of access from the rear laneway.

The applicant fully enclosed the parking garage in the rear of the podium with amenity space on its roof to deal with the site constraints of providing underground parking because of the proximity of the TTC subway tunnel and the difficulty in constructing underground parking abutting it. Another consideration was the cost of the car elevator construction and future disruption during its maintenance. The applicant withdrew the 192 Bloor St. portion of the site, from the application in the November 19, 2009 submission as a result of being unable to acquire it. The laneway will have windows facing towards it and it is proposed to eventually provide only pedestrian traffic, once a rear laneway access agreement has been reached between the City and a nearby building owner and his tenant who have an exclusive easement over the City owned rear laneway.

A further community information meeting was held by the ward councillor on March 24, 2010 at OISE, located on the University of Toronto property. Approximately thirty members of the public were in attendance at the meeting which included discussions on three local projects including this one. There were questions about the height and setback of the proposed tower and the future access off the City owned rear laneway.

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

This proposal supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the Planning Act that

support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public services facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation nodes.

The proposed development is consistent with the 2005 Provincial Policy Statement. The proposal allows for intensification on a site that is classified as being in a built up area, 5 along an intensification corridor that has access to a number of nearby transit stations. All these type of classifications apply to lands that are targeted for urban intensification.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe by proposing a mixed-use building that would intensify a built up area that is adjacent to a major transit system and provides cycling and walking opportunities.

Land Use

The proposed mixed commercial-residential land uses conform to the land uses which are permitted by the Official Plan and Zoning By-law. Both documents permit a broad range of retail, service, office-commercial and residential uses for this site. The proposed large size units are intended for high order retail uses which are accommodated within the first two floors and would permit an extension of the Yorkville shopping area towards Bedford Road to the west.

The site is located close to an important intersection of the City's Downtown, in an area with a high intensity of uses and scale. The site is currently underutilized as it is occupied by a block of low-rise commercial buildings. The current mixed use areas Official Plan designation has been anticipated to absorb most of the anticipated increase in retail, office and services employment in Toronto in the coming decades, as well as much of the new housing. The site is also well served by nearby public transit, retail uses, places of employment and institutional uses on the south side of Bloor Street.

Density, Height, Massing

The site is located in a section of Bloor Street West that is comprised mainly of mixed-use buildings on the north side of the street. The proposed building is designed to fit into the context of its surroundings. It provides a transition between the lower scale commercial-residential area at the rear of the site on Prince Arthur Avenue and the Annex Neighbourhood further north on Lowther Avenue.

With respect to density, the revised scheme has a density of 13.82 times the area of the lot. This results partly from the inclusion of the gross floor area for the above-grade parking garage which consists of 6,419 square metres. This amount of space cannot be accommodated underground due to the proximity of Bloor-Danforth subway tunnel that runs below the site. If underground parking garage was feasible, it would reduce the density of the proposed development to approximately 10.45 times the area of the lot. The projects' proposed density is within the range of Bloor/Yorkville existing and approved densities.

The new proposal has a height of 100 metres and responds to the policies set out in Area-Specific Policy 211-Bloor Yorkville/ North Midtown Area. The subject site is near the western edge of the Bloor Street designated Height Ridge. This height ridge transitions to lower heights as it runs north and west from the highest point at Bloor/Yonge to be compatible with the surrounding area. The height ridge ends to the west at Bedford Road where the 1 Bedford Road building is located at (32 stories).

The towers along Bloor Street have step backs at their podium levels that range from 3 to 4.5 metres to create a scale that is comfortable for pedestrians at street level. The proposed building has a minimum step back of 3 metres that increases to over 4 metres where the second block element is tilted towards the western building edge.

The adjacent and nearby buildings along Bloor Street have a comparable podium heights and they create a consistent street wall condition that both frames the street and enhances the pedestrian streetscape. There are a number of buildings to the west that have 8-storey podiums.

The applicant has designed the building to be less intrusive and overwhelming from a massing perspective. This has been achieved by designing the tower into a series of building "blocks," this minimizes the visual impact of the building as opposed to the original concept. The tower floor plate is 729 m² on average and of architectural interest.

The podium blocks are designed to frame the street and create a comfortable pedestrian scale, while housing the parking garage at the rear. The tower is setback from the podium building to reduce the visual impact of the taller element from the pedestrian environment. The tower's middle portion is highly articulated, while the mechanical penthouse is incorporated into the top block of the building, at the request of City Planning staff. There will be no projections above the top of the proposed 100 metre tower.

Sun, Shadow

The Official Plan requires that mixed use developments are to be located, "so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes."

The site does not have a lot line in common with a Neighbourhood designated area. The closest Neighbourhood area is located 165 metres to the north of the site on the south side

of Lowther Avenue. The revised proposal has maintained a maximum height of 100 metres and the separation distance is greater than the height of the tower and will not result in any significant shadow impacts.

The owner's architect submitted a shadow analysis which was reviewed by City Planning staff who are satisfied with the level of shadowing on other nearby properties. The shadows cast by the proposed tower will result in a marginal increase in shadows on the surrounding area because the original 750 m² average floorplate of the proposed tower above the podium will result in a quick sweep of shadow across the area. In the Mixed Use Areas and Apartment Neighbourhood on Prince Arthur Avenue, no individual property is impacted by shadow for more than one hour. City planning staff had determined this is acceptable.

Wind

The applicant submitted a Pedestrian Level Wind Study of the conditions created by the proposed building. The consultant's analysis concluded that the pedestrian wind conditions around the base of the original proposed development are generally acceptable for most pedestrian activities much of the time on an annual and seasonal basis. As a result of favourable wind conditions at-grade and on elevated amenity terraces, no mitigation is required or recommended for this site. City Planning staff were satisfied with these conclusions, however, a further updated wind study has been requested based on the redesign of the upper vertical tower into a series of stacked blocks, which have the same vertical height but in a different configuration.

Traffic Impact, Access, Parking

The Official Plan's Section 2.2 in (Structuring Growth in the City: Integrating Land Use and Transportation), states that future growth within Toronto will be directed to areas that are well served by transit, the existing road network and areas that have properties with redevelopment potential.

The Plan goes on to state 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 within "Avenues," "Centres," "Employment Areas," and the "Downtown". This site is within the "Downtown Area".

This underdeveloped site has excellent proximity to two major subway lines, retail shopping, high end restaurants, and other entertainment and is located in an area of the "Downtown" where intensity of development is expected to occur and be encouraged.

Parking

The City's Technical Services Division has applied the following parking standards to the respective components of the proposed development:

Bachelor	0.3 spaces per unit
1-Bedroom	0.7 spaces per unit

2-Bedroom	1.0 spaces per unit
3+Bedroom	1.2 spaces per unit
Visitor	0.06 parking spaces per unit

Based on the above parking ratios provided by the City’s Technical Services Division, the applicant is proposing a total of 176 (150 parking spaces minimum) parking spaces in 8 levels of above ground parking of which 135 spaces minimum will be for the residents, 11 spaces for resident visitors and 4 spaces for non-residents of the building.

The Zoning By-law has no parking requirements for retail stores or restaurants in this area of Bloor Street West.

Loading

The revised application proposes one Type “G” loading space to be located on-site, within the enclosed ground floor of the north end of the building’s podium.

Access

As outlined in the Preliminary Planning Report the original application proposed two alternative options for access to the site.

The Option 1 access is from Bloor Street crossing the City sidewalk traveling north on a private laneway to the rear of the site. Option 2 accommodates vehicular access by way of city owned rear east/west laneway from Bedford Road to Prince Arthur Avenue, with the north-south private laneway converted into a pedestrian walkway.

The Option 1 private laneway is owned by the subject site owner, but it is encumbered by shared easement agreements which allow access to the rear of the three properties to the west. The Option 2 east/west bound laneway at the rear of the site is owned by the City, and is under the jurisdiction of the Toronto Parking Authority. It is subject to an exclusive easement agreement with a building owner and his tenant who are located west of the subject site. This laneway is used for delivery, servicing and solid waste removal and by vehicles with access from Prince Arthur Avenue, located to the northwest.

The revised application proposes Options 1 in the short term, allowing access along the private laneway from Bloor St. It also shows Option 2 for the longer term which would allow the private laneway to be landscaped and lighted to become a safe pedestrian walkway. This report recommends that the owners 192A to 210 Bloor St. be required to utilize the rear City owned east/west laneway for vehicular access once the City has acquired rights over the exclusive easement by the property to the west of the subject site.

The implementation of Option 2 may have financial implications to the City. This will be discussed in a future staff report.

Servicing

The Executive Director of Technical Services has advised that the Municipal Servicing and Stormwater Management Report, Site Servicing Plan (Drawing Number SS-1); and

the Site Grading Plan (Drawing Number GR-1) all prepared by the MMM Group have been found to be acceptable with respect to the proposed stormwater management, municipal connections and grading.

Streetscape

Section 4.5.2 (f) of the Official Plan requires that new development within Mixed Use Areas provide an attractive, comfortable and safe pedestrian environment.

At street level, Bloor Street West, west of Avenue Road is comprised of a mix of retail, service and office commercial, restaurants, night clubs, hotels and infill residential condominiums. Bloor Street West, west of Avenue Road has the potential to be an active extension of the Bloor/Yorkville area in terms of high quality stores and shops and upscale residential condominium buildings. The subject site provides an opportunity for upgrading and revitalizing the streetscape along this portion of Bloor Street West.

The proposed development will include approximately 1186 m² of retail at-grade and on the second floor. All the retail will be accessed off Bloor Street with a projecting three metre overhang from the upper podium block for weather protection for pedestrians.

Streetscaping will include a hard landscaping treatment of decorative pavers and new street trees which are to be planted in a continuous trench along the Bloor Street frontage.

The applicant has submitted designs for commercial components of the project that provides attractive new retail space at-grade along Bloor Street and allow for pedestrian animation in front of the shops and along the proposed pedestrian walkway located along the western boundary of the site.

Views of the Legislature from College Street

As mentioned earlier in this report, the Bloor Corridor Visioning Study Urban Design Guidelines recommend the preservation and enhancement of the Landmark View of the Ontario Legislative Assembly (OLA) building, when considering the building height and its impact on views along University Avenue.

Staff were specifically concerned about the views on the north side of College Street (east sidewalk, northbound traffic lanes, centre median and west sidewalk).

Staff have conducted a view shed analysis that concludes that the proposed height of 100 metres when viewed from the north side of College Street will not interrupt the silhouette of the west wing of the OLA, and is acceptable. When standing 90 metres south, of the north side of College Street on University Avenue, a portion of the proposed 100 metre tower will be first visible above the silhouette of the west wing of the OLA.

See Attachment 5 for Rendered View of Ontario Legislative Assembly from College Street, East Side

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open space 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 of 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.

The application proposes 183 residential units on a total site area of .1999 hectares (1,999 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.256 hectares (2,560 m²). However, a cap of 10% applies and hence the parkland dedication for the development would be .01999 hectares (199.8m²).

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, cP.13

The applicant purposes 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 with the subway tunnel below-grade.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Environment

Toronto Green Standard

The Green Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development is intended to achieve 25 minimum and 10 enhanced targets for a total of 35 targets. Some of the targets proposed to be met are:

- provide opportunities for shade, reduced ultraviolet exposure and protection from inclement weather
- conflicts avoided between pedestrian and vehicular routes
- green roof installed with 50% minimum coverage
- cover provided to shade at least 30% of all hardscape, including surface parking- 70% of appliances are Energy Star compliant
- stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities or cash-in-lieu of the provision of those facilities as set out in policy 5.1.1.6 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development, including a minimum geographic relationship and addressing planning issues associated with the development.

In this case, Planning staff in consultation with the local ward councillor's office are recommending that the developer contribute \$1,030,000.00 to be used for the following community benefits:

1. \$515,000 to be used for improvements of the Jean Sibelius Square Park for landscaping, restoration work and future upgrading of park facilities. Such payment would be due prior to the introduction of the Bills in Council; and
2. \$185,000 to Jean Sibelius Square Park for additional park improvements, \$200,000 for the Annex Heritage Conservation District Study, \$100,000 for local Affordable Housing, and \$30,000 for the Heritage Plaque Programme in the Annex prior to the first above-grade building permit. These latter payments shall be indexed from the date of execution of the agreements to the date of payment in accordance with the Non-Residential Construction Price Index for Toronto. Such funds are over and above any requirement for park levies under s.42 of the Planning Act.

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

- (a) the owner shall incorporate, in the construction of the building exterior material shown on the 1:50 scale drawings, recommended for approval by the Chief Planner and Executive Director, submitted for the development, consisting of the four elevations;
- (b) the owner shall submit a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director prior to the issuance of site plan approval.
- (c) the owner shall agree that if vehicular access in the future is provide over or through such lands abutting to the north and otherwise in proximity to the site, which may include but not limited to properties at 9 Bedford Road, 5 Prince Arthur Avenue, 194R and 208 R Bloor street West, the owner shall take all reasonable and appropriate action measures to the satisfaction of the Chief

- Planner and Commissioner of Works and Emergency Services, to redirect traffic over such access and top cease all vehicular use of the north-south private right-of-way immediate abutting the site;
- (d) the owner shall agree to have notice contained of the requirement of recommendation (c) in any condominium documents to the satisfaction of the City Solicitor;
 - (e) the owner shall agree to design, construct and convey to the City, to the satisfaction of the Chief Planner and Director of Technical Services, an at-grade pedestrian walkway over the existing north-south private laneway located along the westerly portion of the subject property, as more particularly detailed on the site plan drawings submitted with this application upon;
 - (i) access rights to the existing east-west laneway located to the rear of the property being secured by the City;
 - (ii) the rear laneway being gated at the rear of 220 Bloor St. with a card reader access at the expense the future laneway users;
 - (iii) the City owned laneway being upgraded at the City's expense;
 - (iv) release of the easement interest over the existing north-south private laneway located along the westerly portion of the subject property from all affected owners at the expense of the owner of 192A, 194 and 200 Bloor Street.
 - (f) the owner shall complete the construction and conveyance of the at-grade pedestrian walkway in (e) above, within six (6) months (allowing for poor winter weather) after substantial completion of the building and subject to (i) – (iv) above being completed within six (6) months;
 - (g) that the owner agrees that the warning clauses shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration of document(s) for each affected residential unit, such warning clauses, respecting the possibility of a future area development to be to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor;
3. the owner shall agree to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and construct with backflow preventer to the satisfaction of the General Manager of Parks, Forestry and Recreation;

4. the owner shall agree to provide any necessary improvements to the municipal infrastructure in connection with the site servicing review, if it is determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.

Tenure

All residential units will be part of a condominium corporation. A draft plan of condominium will need to be submitted for approval.

Development Charges

It is estimated that the development charges for this project will be \$1,337,803.50. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Barry Brooks, Senior Planner
Tel. No. (416) 392-1316
Fax No. (416) 392-1330
E-mail: bbrooks@toronto.ca

SIGNATURE

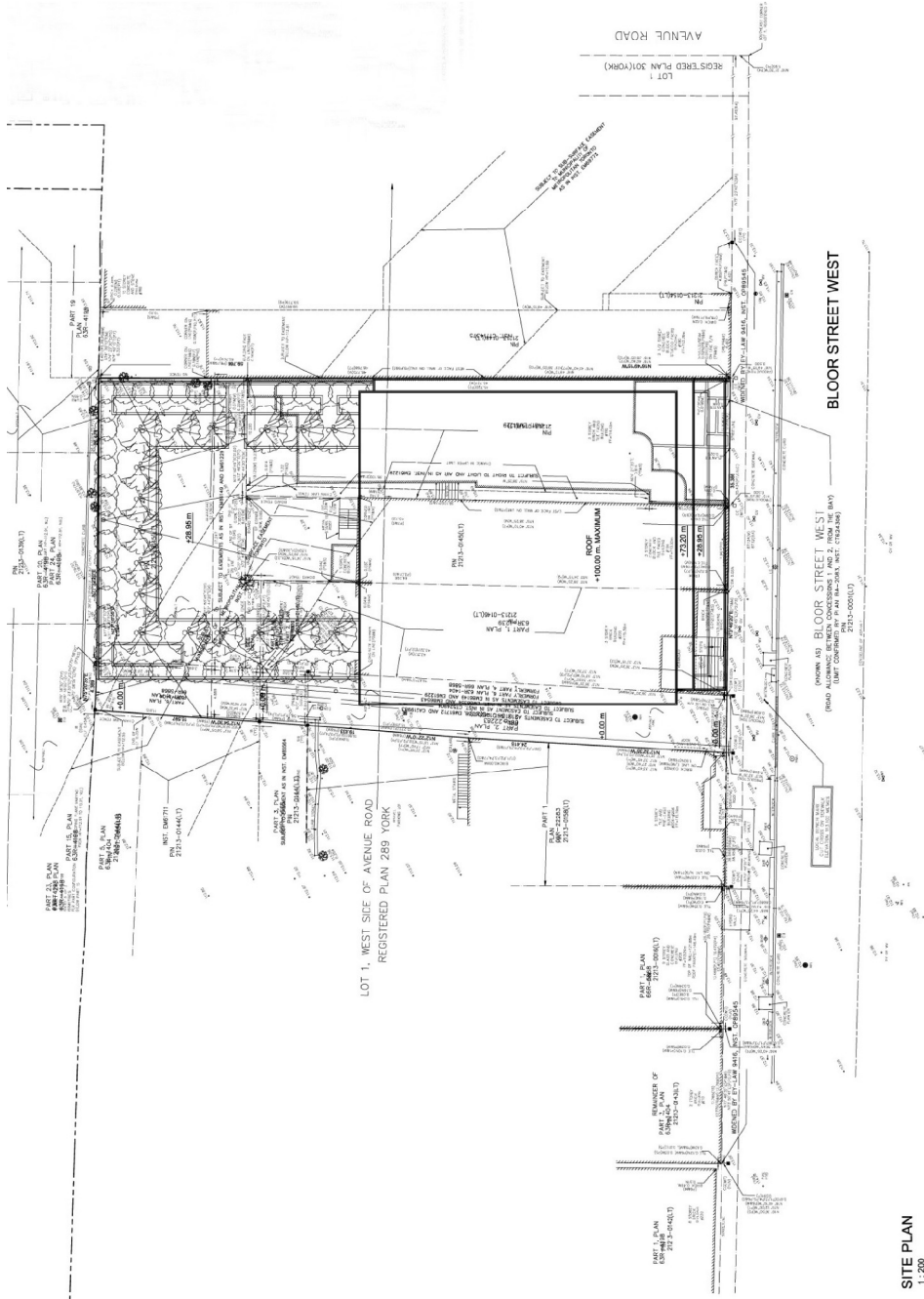
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan Details
Attachment 2: Ground Floor Plan Interim and Final
Attachment 3: Elevations (North and South)
Attachment 4: Elevations (East and West)
Attachment 5: Rendered View of the Ontario Legislature from College Street
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Section 37 Agreement

Attachment 1: Site Plan



SITE PLAN
1:200

192A, 194 and 200 Bloor Street West

Site Plan Details

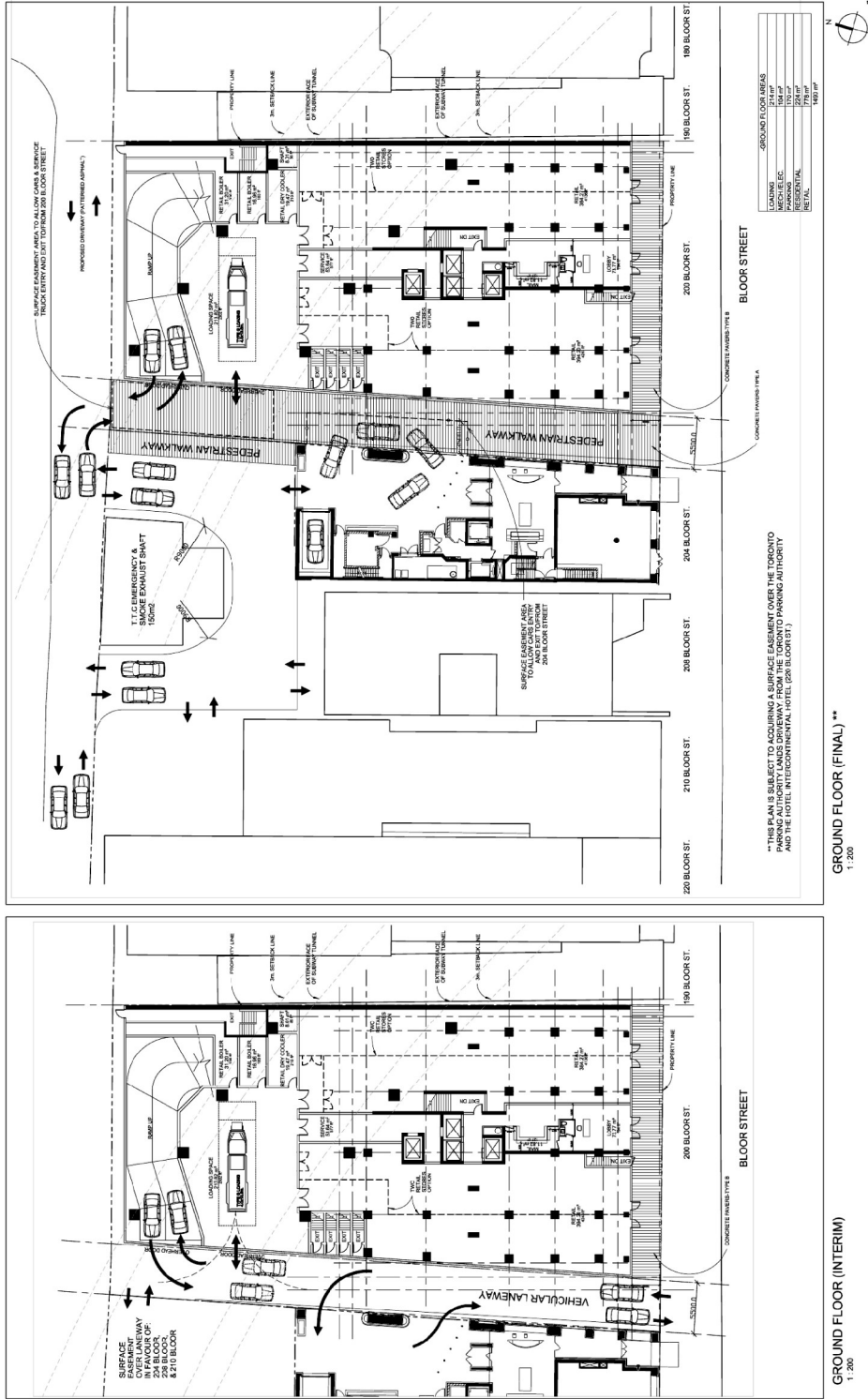
Applicant's Submitted Drawing

Not to Scale
01/20/10



File # 09_111145 & 09_111148

Attachment 2: Ground Floor Plan Interim and Final



192A, 194 and 200 Bloor Street West

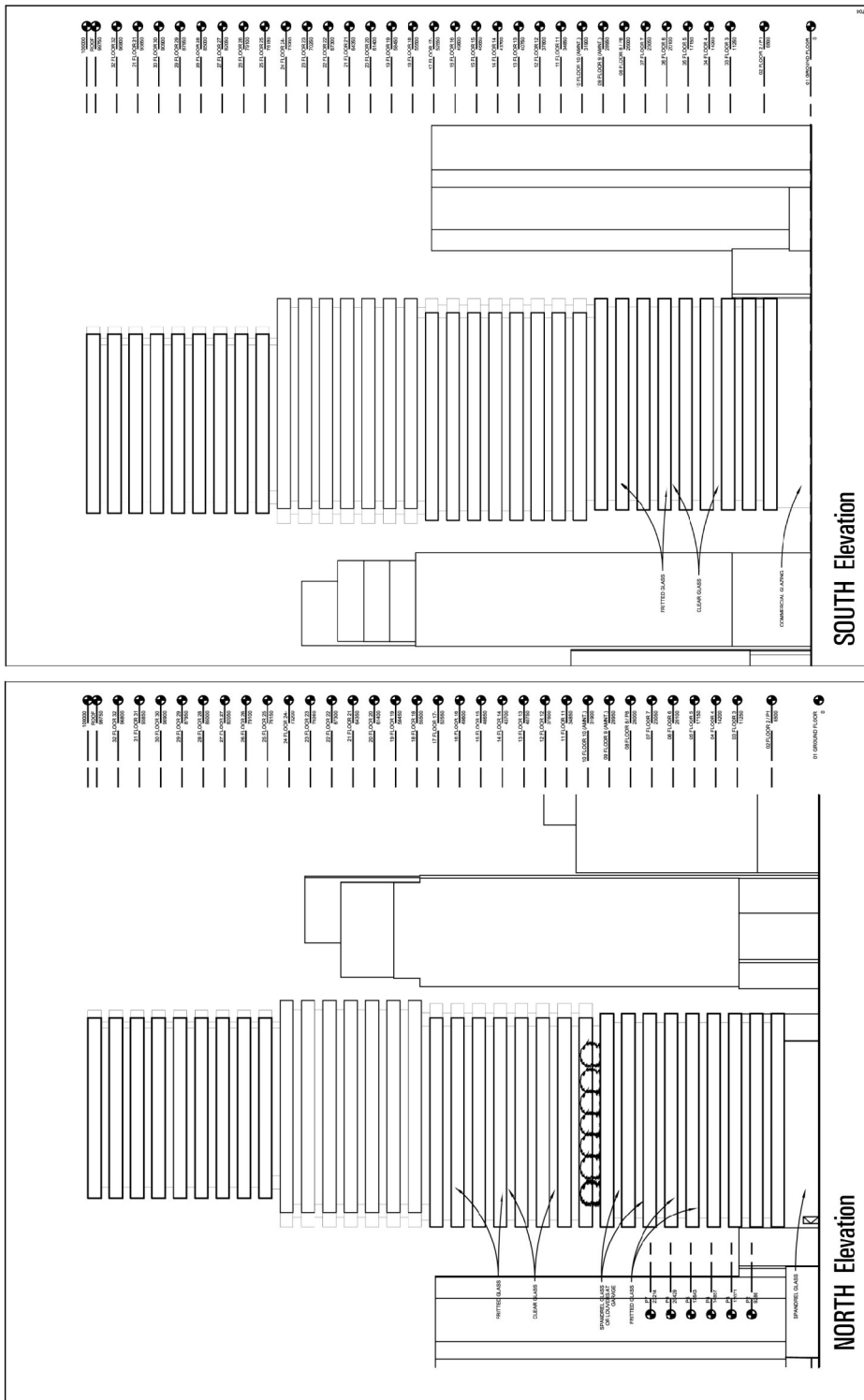
Ground Floor Plan - Interim and Final

Applicant's Submitted Drawing

Not to Scale
01/20/10

File # 09_111145 & 09_111148

Attachment 3: Elevations (North and South)



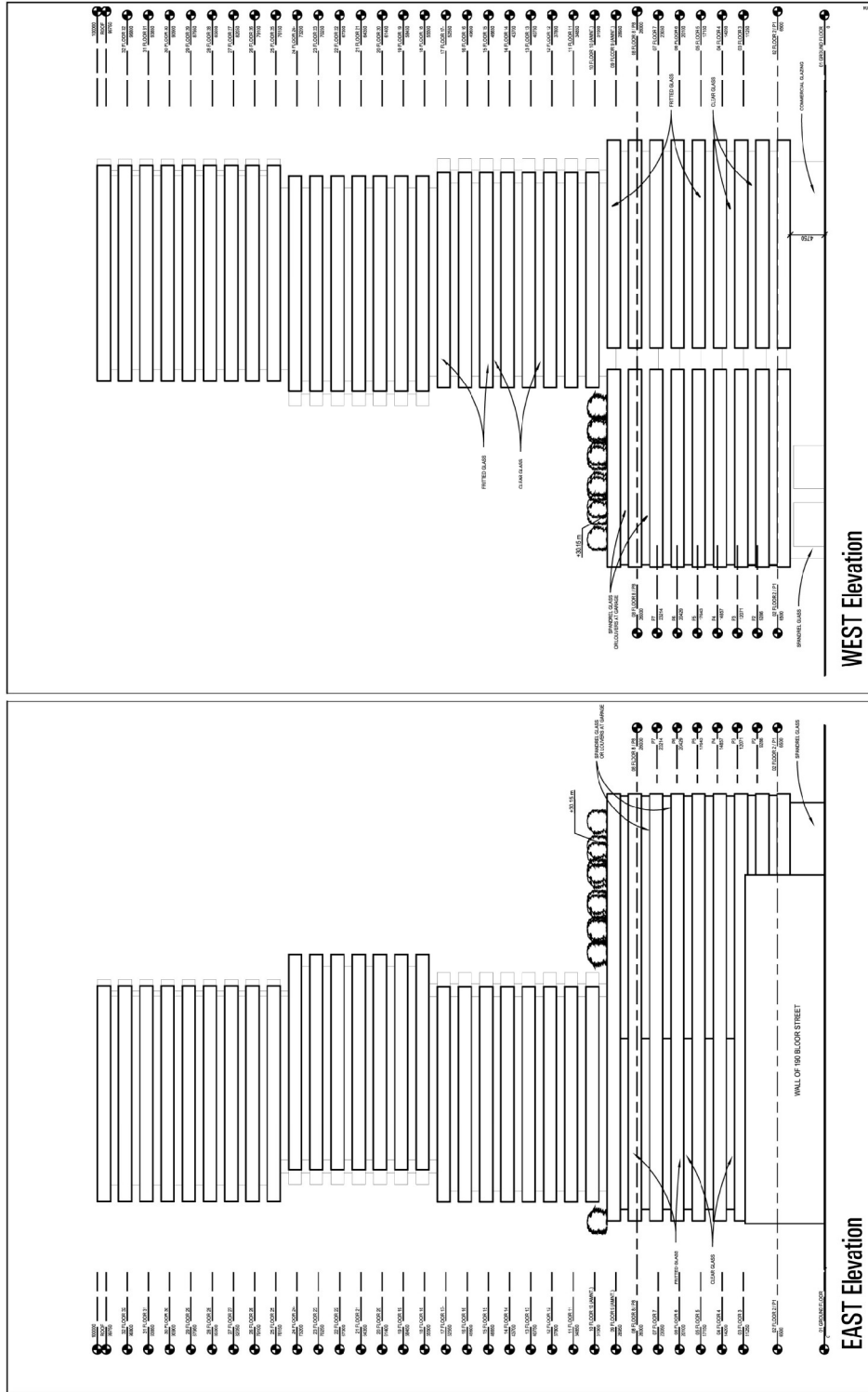
Elevations

192A, 194 and 200 Bloor Street West

Not to Scale
02/10/10

File # 09_111145 & 09_111148

Attachment 4: Elevations (East and West)



192A, 194 and 200 Bloor Street West

Elevations

File # 09_111145 & 09_111148

Not to Scale
02/10/10

Attachment 5: Rendered View of the Ontario Legislature from College Street

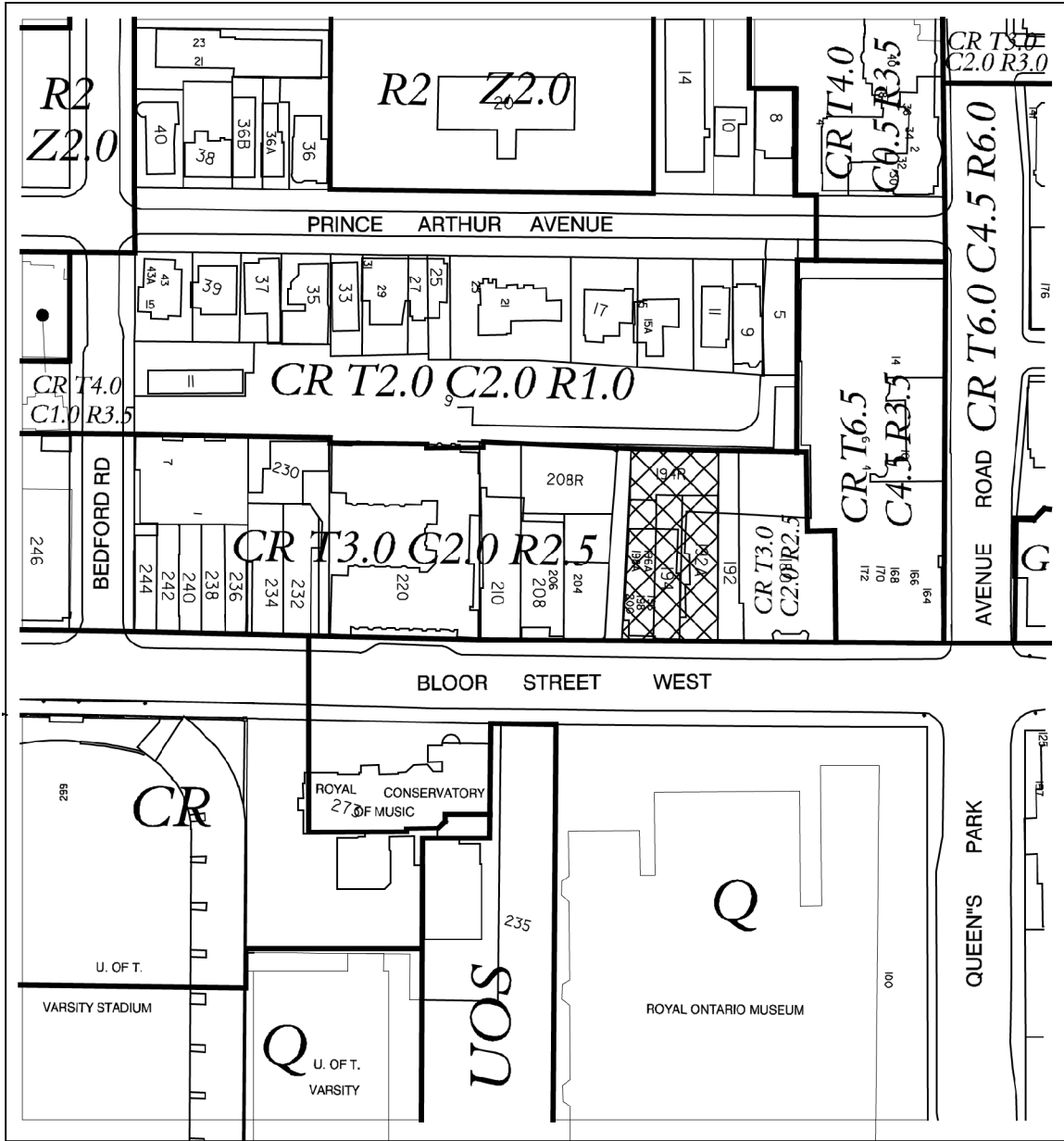


Rendered View from North side of College Street, East Sidewalk 192A, 194 and 200 Bloor Street West

Not to Scale
02/10/10

File # 09_111145 & 09_111148

Attachment 6: Zoning



TORONTO City Planning
Zoning

192A, 194 and 200 Bloor Street West

File # 09_111145 & 09_111148

- G Parks District
- UOS Parks District
- R2 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/20/10 - NRS

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	09 111145 STE 20 OZ
Details	Rezoning, Standard	Application Date:	March 18, 2009
Municipal Address:	200 BLOOR ST W		
Location Description:	PL 289 PT LT1 RP 63R-1239 PTS 1 & 2 WITH ROW **GRID S2003		
Project Description:	Rezoning application for 32 storey mixed use apartment building with commercial at grade and second floor - commercial suites 4 - residential suites 183 - parking spaces 176 - 7 storeys of above grade parking - 1 type G loading space		

Applicant:	Agent:	Architect:	Owner:
ROSARIO VARACALLI			LUCY YIN HING LAW

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T3.0 C2.0 R2.5	Historical Status:
Height Limit (m):	24	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	1999	Height:	Storeys:	32
Frontage (m):	35.4		Metres:	100
Depth (m):	59.8			
Total Ground Floor Area (sq. m):	1002			Total
Total Residential GFA (sq. m):	19585		Parking Spaces:	176
Total Non-Residential GFA (sq. m):	1186		Loading Docks	1
Total GFA (sq. m):	27627			
Lot Coverage Ratio (%):	50.1			
Floor Space Index:	13.82 (including parking garage, bicycle pk., etc all above grade)			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	58
2 Bedroom:	125
3 + Bedroom:	0
Total Units:	183

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	19323	262
Retail GFA (sq. m):	1186	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Barry Brooks, Senior Planner
	TELEPHONE:	(416) 392-1316

Attachment 8: Draft Zoning By-law Amendment

Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2010

To amend By-law No. 438-86 of the former City of Toronto with respect with lands known as 192A, 194 and 200 Bloor Street West

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands forming part of lands known municipally in the year 2010 as 192A, 194 and 200 Bloor Street West;

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 the Council of the City of Toronto, at its meeting on ~, 2010, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto,

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 by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Subsection 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the *site* 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. None of the provisions of Section 2 with respect to *lot*, grade, height, residential gross floor area, parking space, and bicycle parking space and Sections 4(2) (a), 4(5)(b), 4(8), 4(12), 4(13) (a), 4(16), 8(2)7, 8(3),Part(I)(a)(ii) and 12(2), 219(b) of By-law No. 438-86, shall apply to prevent the erection and use of a *mixed-use building*, containing the uses set out in Section 4 of this By-law, on the lands delineated by heavy lines on the attached Map1, providing the building also complies with all Sections of this By-law:
4. Notwithstanding Section 8(1)(f), 8(2) or 12(2)219(b) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *site* for any purpose except one or more of the following uses:
 - (a) an *apartment building*;
 - (b) five (5) *guest suites*;
 - (c) any of the non-residential uses permitted within a CR district by Subsections 8(1)(f)(b)(iv) and (vi) of By-law No. 438-86;
 - (d) uses *accessory* thereto, including a property management office and an above grade *parking garage*; and
 - (e) a *sales office* for the building or structure permitted by this section.
5. Notwithstanding Section 8(3) Part I of By-law No. 438-86, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 27,400 square metres, exclusive of above-grade parking not exceeding 6,800 square metres, of which:
 - (a) the maximum *residential gross floor area* shall not exceed 26,100 square metres;
 - (b) the maximum *non-residential gross floor area* shall not exceed 1,300 square metres.
6. Notwithstanding Section 8(3) Part II of By-law No. 438-86, no part of any building or structure erected within the *site* shall be located above finished ground level other than within a *Building Envelope*, except for the following:
 - (a) cornices, lighting fixtures, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, guardrails, balustrades, railings, wind mitigation screens and features, stairs, vents, podium screens, and podium landscape features;
 - (b) balconies, which may extend within the *site* to a maximum horizontal

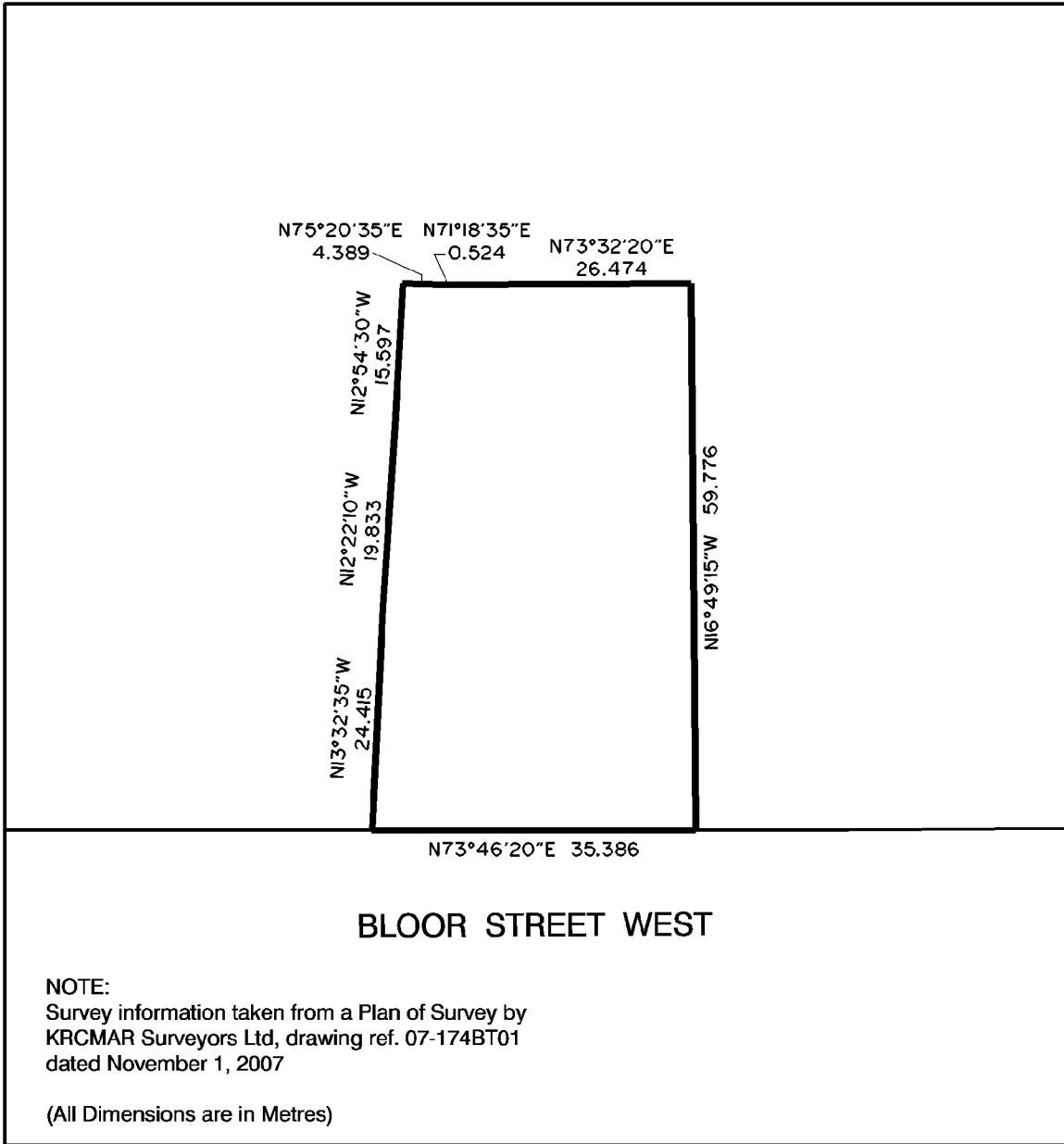
projection from an exterior building wall of 1.5 metre beyond the heavy lines as shown on Map 2A, 2B, 2C and 2D; and

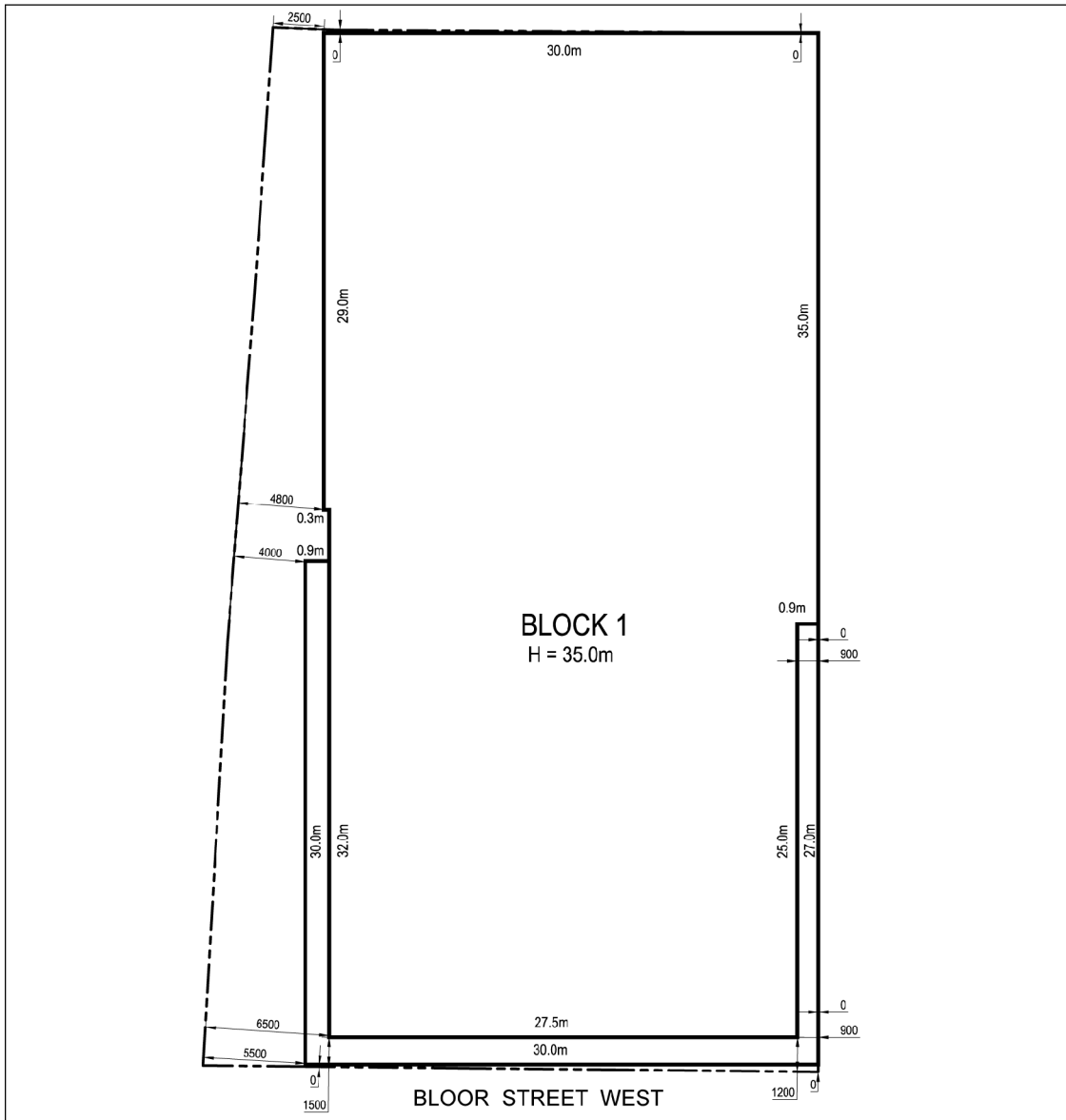
- (c) notwithstanding item (a) and (b) of this section, no projections of any kind shall be permitted over the 100.0 metres height limit.
7. Neither the definition of *lot* nor Sections 4(16) and 8(3) Part II 1(a) of By-law No. 438-86, shall apply to prevent the erection and use of any building or structure within the *site* that is otherwise permitted by this By-law.
8. Notwithstanding Section 4(2)(a) of By-law No. 438-86:
- (a) a building or structure erected within the *site* shall, in respect of each corresponding area as identified and shown on Map 2A, 2B, 2C and 2D within each *Building Envelope*, have a maximum *height* in metres above *grade* as shown following the symbol “H”;
 - (b) the maximum height assigned to each of the building blocks identified on Map 2A, 2B, 2C and 2D applies to the respective block only, commencing at the maximum height elevation of the preceding block;
 - (c) no building or structure shall be erected above finished ground level within the *site* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Subsections 9(a) and 9(b) hereof.
9. The preceding Section hereof,
- (a) does not apply to prevent the erection or use above the said *height* limits of:
 - (i) the projections identified in Section 6 of this By-law, subject to the limitations contained therein;
 - (ii) parapets, ornamental elements, or a roof structure which is used to house or serve as structural support for “green roof” landscaping, on the roof of a building, provided the maximum vertical dimension of any such parapet, element or structure does not exceed 1.5 metres above the applicable *height* limit;
 - (iii) privacy screens on the roof of a building provided the maximum vertical dimension of any such screen does not exceed 2.2 metres above the applicable *height* limit; or
 - (iv) temporary window washing equipment on the roof of any building within the *site*, provided the maximum vertical dimension of any

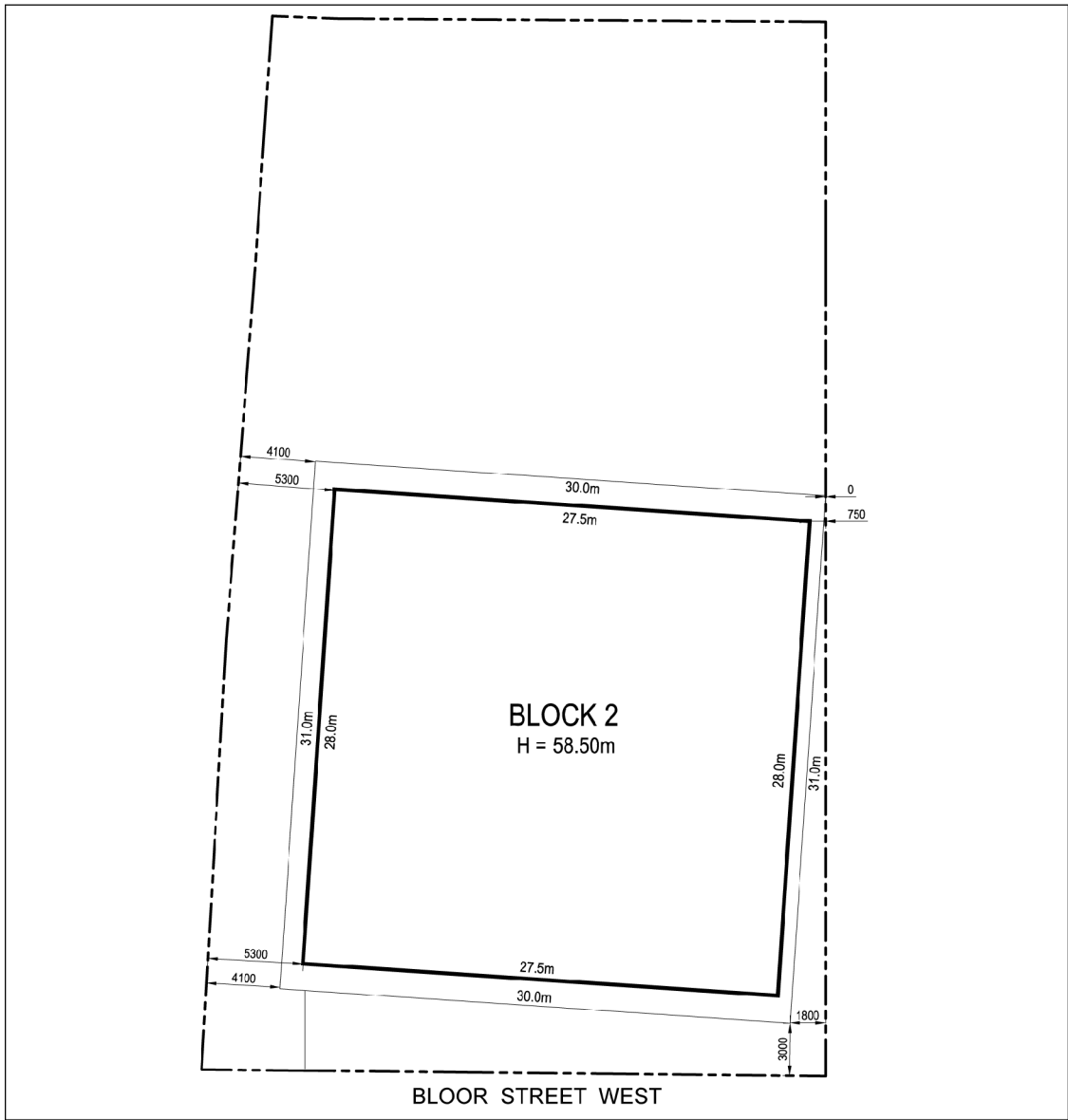
- such equipment does not extend 1.6 metres above the applicable *height* limit; and
- (v) notwithstanding items (ii) and (iii) no projections of any kind shall be permitted over the 100.0 metre height limit.
- (b) for clarity, does not permit the erection or use above the said *height* limits of the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86, other than such elements as are set out in Subsection 9(a) hereof.
- 10.** Notwithstanding Section 4(5) (b) of By-law No. 438-86, a minimum of 176 *parking spaces* shall be provided and maintained within the *site* within an above grade *parking garage*, of which 161 *parking spaces* shall be exclusively for use by residents, 11 *parking spaces* shall be for residents' visitors of the building erected on the *lot* and 4 *parking spaces* shall be designated for non-residents' of the building erected on the *lot*;
- 11.** Notwithstanding Section 4(17) of By-law No. 438-86, the minimum dimension for a required *parking space* is 5.6 metres in length, 2.0 metres in height and 2.6 metres in width;
- 12.** Notwithstanding Section 4(13) of By-law No. 438-86, no person shall erect or use a building within the *site* unless:
- (a) a minimum of 140 *bicycle parking space – occupant will be* provided and maintained on the *site*; and
- (b) a minimum of 29 *bicycle parking space – visitor will be* provided and maintained at *grade*.
- 13.** Notwithstanding Section 4(8) of By-law No. 438-86, no person shall erect or use a building within the *site* unless a minimum of one *loading space-type G* is provided and maintained on the *site*.
- 14.** For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) “*Building Envelope*” means a Building Envelope as outlined by heavy lines on Map 2A, 2B, 2C and 2D attached hereto;
- (b) “*By-law No. 438-86*” means By-law No. 438-86, as amended, of the former City of Toronto being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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”;

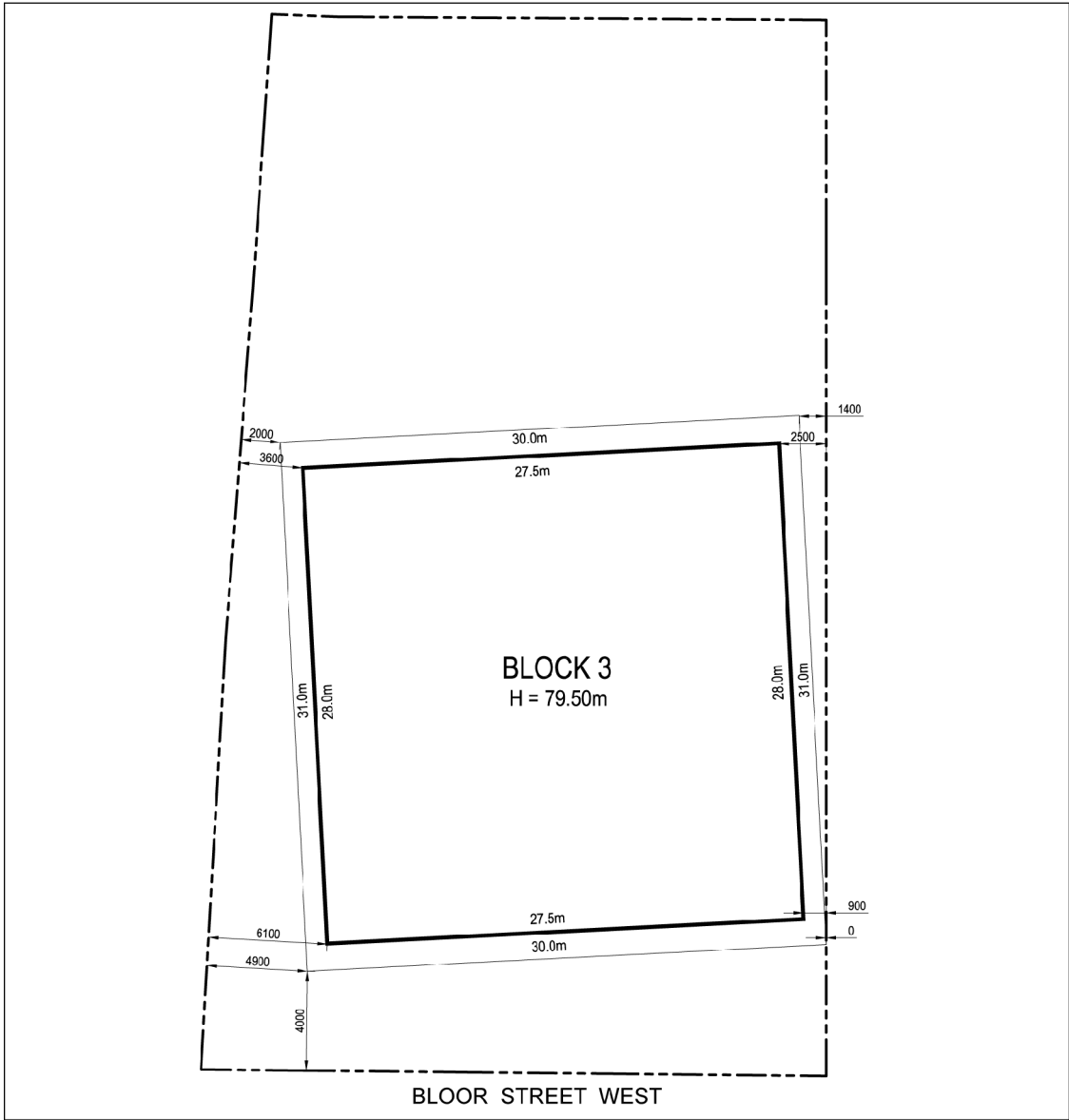
- (c) “*grade*” shall mean an elevation of 114.0 metres above Canadian Geodetic Datum;
 - (d) “*guest suite*” shall mean a suite, located in Block 1 of the apartment building, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment house dwelling.
 - (e) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2A, 2B, 2C or 2D;
 - (f) “*residential gross floor area*” shall have the same meaning as defined by By-law No. 438-86, except that, it shall exclude an above grade *parking garage*;
 - (g) “*owner*” means the registered owner of the *site* or any part thereof;
 - (h) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto;
- 15.** Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in the By-law.

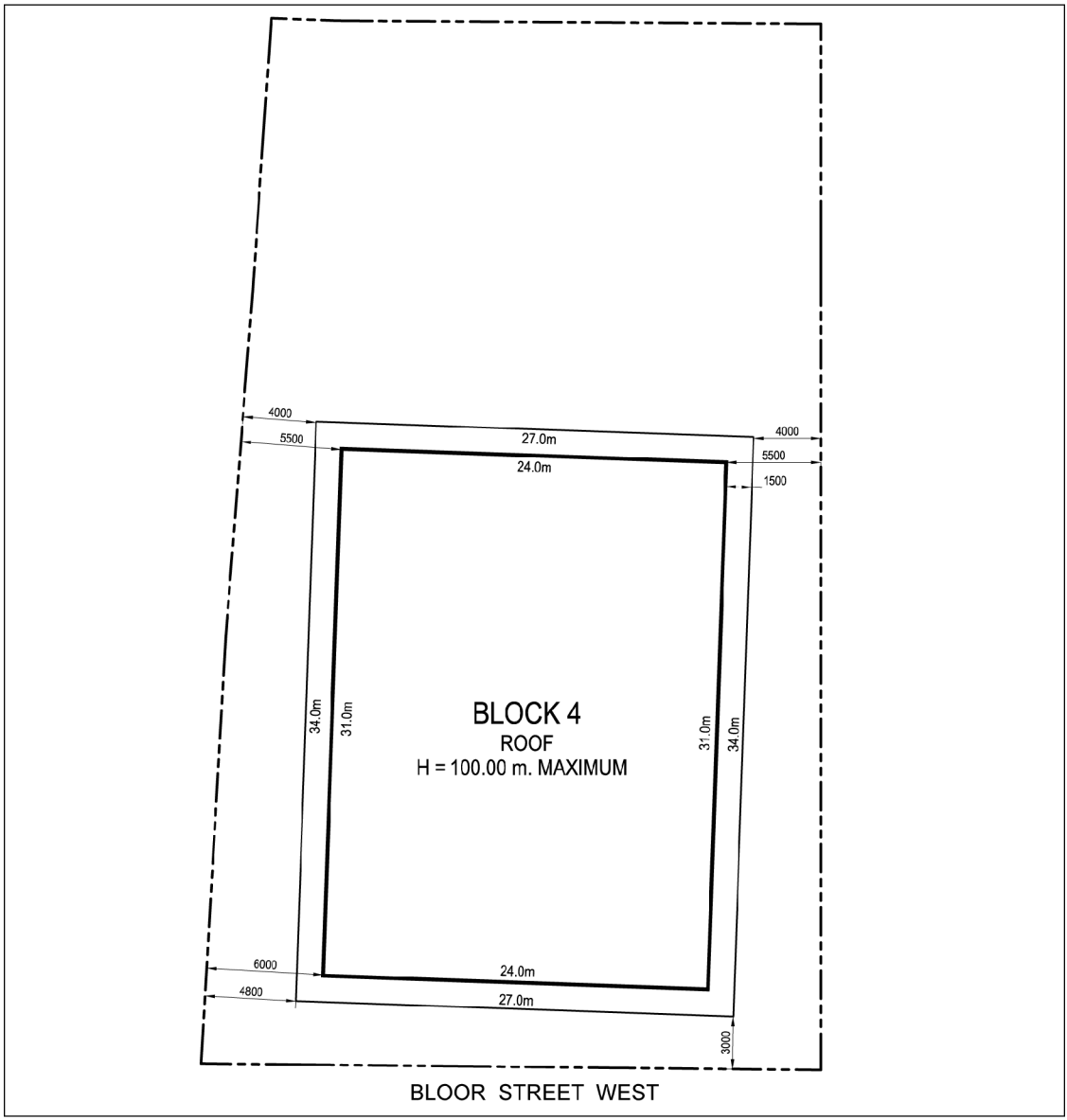
ENACTED AND PASSED this ___ day of _____, A.D. 2010.











Attachment 9: Section 37 Agreement

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* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

- (a) the owner will pay to the City, within ten (10) days of the Date of Final approval of the Amending By-Law, the sum of \$515,000 to the City; and shall pay a further sum of \$515,000 prior to the issuance of the first above-grade building permit for the lot. 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. The payments are to be allocated and distributed as follows:

Jean Sibelius Square Park improvement:	\$ 700,000
Heritage Conservation study:	\$ 200,000
Affordable Housing for Ward 20:	\$ 100,000
Heritage:	\$ 30,000

- (b) the owner will agree that if vehicular access in the future is provided over or through such lands abutting to the north and otherwise in proximity to the site, which may include but not limited to properties at 9 Bedford Road, 5 Prince Arthur, Avenue, 194R, and 208R Bloor Street West, the owner shall take all reasonable and appropriate action and measures to the satisfaction of the Chief Planner and Executive Director of Technical Services, to redirect traffic over such access and to cease all vehicular use of the north-south private right-of-way immediately abutting the site;
- (c) the owner will agree to have notice contained of the requirement of recommendation (b) in any condominium documents to the satisfaction of the City Solicitor;
- (d) the owner will agree to design, construct and convey to the City, to the satisfaction of the Director of Community Planning, Toronto and East York District and the Executive Director of Technical Services, an at-grade pedestrian walkway over the existing north-south private laneway located along the westerly portion of the subject property, as more particularly detailed on the site plan drawings submitted with this application, upon:
- (i) the access rights to the existing east-west laneway located to the rear of the property being secured by the City;

- (ii) the rear laneway being gated and card reader access at the rear of 220 Bloor St. at the expense of the future laneway users;
 - (iii) the City owned laneway being upgraded at the City's expense
 - (iv) the owner of 192A, 194, and 200 Bloor Street having secured from 206 Bloor Street West, 208 Bloor Street West and 210 Bloor Street West the release of their respective shared easement interests over the existing north-south private laneway located along the westerly portion of the subject property.
- (e) the construction and conveyance of the at-grade pedestrian walkway in (d) above is to be completed within six (6) months (allowing for poor winter weather) after the substantial completion of the building.
- (f) the following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development, whereby the owner agrees to:
- (i) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - (ii) provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
 - (iii) build in conformity with the Green Development Standard Checklist submitted by the owner to the satisfaction of the Director of Community Planning, Toronto and East York District;
 - (iv) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Director of Community Planning, Toronto and East York District and Executive Director, City Planning Division;
 - (v) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated

enclosure satisfactory to the Director of Community Planning, Toronto and East York District and Executive Director, City Planning Division;

- (vi) provide continuous weather protection with a minimum clear depth of one and a half (1.5) metres along Bloor Street West.
 - (vii) incorporate in the construction of the building exterior material shown on the 1:50 scale drawings, recommended for approval by the Director of Community Planning, Toronto and East York District submitted for the development of the four submitted building elevations;
 - (viii) submit a wind tunnel analysis and/or amending report to the satisfaction of the Director of Community Planning, Toronto and East York District and provision of any required mitigation measures contained therein, to the satisfaction of the Director of Community Planning, Toronto and East York District prior to the issuance of site plan approval;
 - (ix) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Director of Community Planning, Toronto and East York District and Executive Director of Technical Services, acting reasonably;
 - (x) insert warning clauses in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration documents for each affected residential unit and/or lot and/or block within the Development, to advise of the legal possibility that a building or structure may be erected immediately abutting the north and east property lines of the Site, to an indeterminate height; and
 - (xi) with respect to such matters as the Chief Planner considers appropriate, the Owner shall; submit a letter from the architect confirming such requirements have been implemented; thereafter maintain them; advise all prospective purchasers of them in their Agreements of Purchase and Sale and the associated Condominium disclosure documents; ensure any registered Condominium Declaration shall include notice of them; and thereafter submit a letter from the Owner's solicitor confirming compliance.
- (g) The *owner* shall is required to enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges unless otherwise specified, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.
- (h) Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the

said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.