

**94 Cumberland Street - Zoning Amendment
Final Report**

Date:	January 25, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	10 288955 STE 27 OZ

SUMMARY

This application proposes a 22-storey (75.7 metres plus 5.5m mechanical penthouse), mixed-use building with 127 residential units and 87 parking spaces in 5 levels of underground parking at 94 Cumberland St.

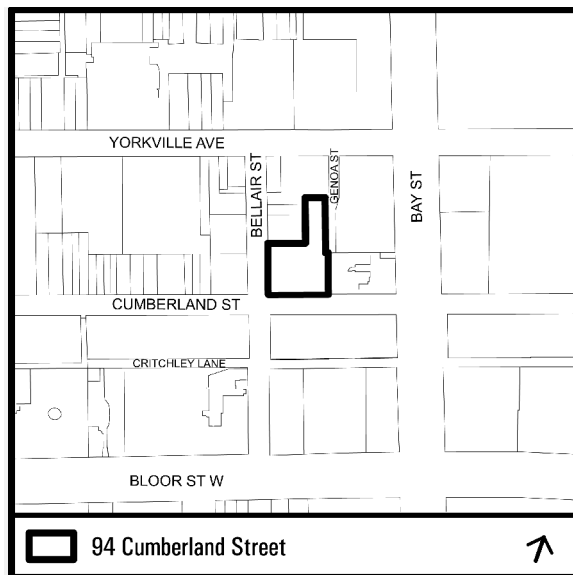
The proposed development has been found to be substantially in compliance with the development criteria for *Mixed Used Areas, Downtown*, Area Specific Policy 211, Public Realm, Built Form, and all other relevant Official Plan policies and the Bloor - Yorkville/North Midtown Urban Design Guidelines.

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, for the lands at 94 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report of the Director of Community



Planning, Toronto and East York District, dated January 25, 2012.

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 of the land at 94 Cumberland Street to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed contribution of \$1,100,000, of which \$300,000 is to be paid prior to the passing of the Bills and the remaining \$800,000 is to be paid prior to the issuance of the first above-grade building permit.

The first \$300,000 payment will be used towards a Heritage Conservation District Study for the Yonge-Yorkville area, as identified in the list of potential Heritage Conservation Districts, authorized for Section 37 funding. The boundaries of the study will be determined by the Manager of Heritage Preservation Services. The remaining monies will be directed towards improvements to the Village of Yorkville Park, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following payment of \$800,000 will be used for area streetscape and parkland improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - ii. In addition to the cash contribution, the Owner is required to provide upgraded materials, lighting and artwork at the base of the building, to a value of \$300,000, at the discretion of the Owner to be secured in the Site Plan Agreement.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

As part of the Site Plan Approval process, the owner shall provide a pedestrian easement within the 1.5 metre setback along Bellair Street.

4. Before introducing the necessary Bills to City Council for enactment, City Council require that the applicant shall have been issued a Notice of Approval Conditions as part of the Site Plan Control process under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal calls for a new 22-storey (75.7 metres plus 5.5m mechanical penthouse) mixed-use building containing residential and commercial uses.

The proposed building is comprised of tower set back above a two storey (approx. 11 metres tall) podium. The podium is to be set back 1.5 metres from Bellair Street, other than at the most northern edge where it is set back 2.7 metres. Along the Cumberland St. frontage the podium is proposed to be built to the property line.

The shape of the tower consists of a curving façade and some straight edges. On the east side of the building, the tower is built to the property line along the party wall at 80 Cumberland Street, up to the first 10 storeys. Above the 10th storey the tower steps back 5 metres to the top of the tower. There are no projecting balconies along the east façade.

Along the Cumberland St. frontage, the tower is composed of two forms. One form is a squared 10-storey portion on the east half which is set back, parallel to the property line with projecting balconies. The remainder of the frontage to the west and above the 10 storey portion is curved with curving projected balconies. As the tower curves the setback varies from 0.5 and 3.0 metres from the property line.

Along the Bellair St. frontage, the tower is curved with projecting curved balconies. Like the Cumberland St. frontage the tower setback varies from approximately 0.5 and 3.0 metres above the podium.

The north façade of the tower consists of a party wall condition for a portion of the eastern most section of the tower. The tower then curves between 3 and 4 metres from the property line, with projecting balconies. The party wall is proposed to be a solid wall, but there is another portion along the property line with sandblasted glass.

Behind the main podium and tower is a 4 storey (approximately 19 metres) portion of the building which fronts on Genoa Street. This 4 storey component is proposed to consist of part of the building's servicing, mechanical, storage and amenity areas.

Indoor and outdoor amenity areas are located on both the 4th and 5th floors. The total proposed indoor amenity area is 480 square metres and the total outdoor amenity area is 254 square metres. Both the 4th and 5th floor indoor amenity areas open onto an outdoor terrace.

The residential lobby entrance is proposed to be located midway along the Cumberland St. frontage. The proposed building consists of 127 residential units located from the 4th to 22nd floor. The residential unit breakdown proposed is:

Unit Type	Number of Units
One-bedroom	69
Two-bedroom	58

The three levels of non-residential uses are proposed in the 2-storey podium and the 3rd floor. Other than the residential lobby, the two story podium is to be used as retail space, with entrances from Cumberland and Bellair Streets. The third storey is currently being proposed as a restaurant with a terrace on top of the podium.

A total of 87 parking spaces (79 residential and 8 visitor spaces) are proposed in five levels of underground parking accessed from Genoa Street at the rear of the building. No commercial parking is proposed. Servicing and loading functions are proposed to be accommodated at the rear of the building from Genoa Street.

Revisions from the original application to the current proposal can be summarized as follows:

- The height was reduced from 26 storeys (100 metres including mechanical penthouse) to 22 storeys (81.2 metres including mechanical penthouse).
- The podium is now proposed to set back 1.5 metres from Bellair Street and the retail and residential entrances and their profile has been revised.
- The floor plate size was increased and the curved design was varied. The form of the tower was altered, as well, increasing the setback in some areas and decreasing in others.
- The number of residential units has increased from 105 to 127.

Site and Surrounding Area

The site is located at the northeast corner of Cumberland Street and Bellair Street. The site has an area of 1,316 m² with a 35 metre frontage on Cumberland Street and 30 metres along Bellair Street. The site is generally square in shape but includes a piece of land that extends northerly along Genoa Street. The site is currently occupied by a nine storey office building with retail uses at grade. Access to underground parking is currently from Bellair Street.

Abutting properties and other development in the vicinity of the site is as follows:

North: of the site along Bellair Street is a row of three storey commercial buildings containing a mix of restaurant, retails and office uses. On the north side of Yorkville Avenue at the terminus of Bellair Street is a 17-storey mixed-use building forming part of the redevelopment of lands at 76-100 Yorkville Avenue.

East: of the site, within the same block, are two 18-storey mixed-use buildings with frontage on Bay Street (80 Cumberland Street and 61 Yorkville Avenue).

South: of Cumberland Street is a nine-storey office building containing retail at grade (1240 Bellair Street) and the entrance to the Bay Subway Station.

West: of Bellair Street and north of Cumberland Street is characterised by commercial buildings of one to three storeys in height. On the south side of Cumberland Street is the Village of Yorkville Park which extends westerly to approximately Old York Lane.

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 City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates the site within *the Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. As part of the Official Plan's growth strategy, the *Downtown* is identified as an area of intensification.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale

Neighbourhoods; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Area Specific Policy 211 – Bloor Yorkville/North Midtown Area

Area Specific Policy 211, in the Official Plan, recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale. The subject site is located outside, but adjacent to, the *Areas of Special Identity* within *Mixed Use Areas* called the Village of Yorkville (Map 1 of 2, Policy 211). The subject site is also outside of Height Peaks, Height Ridges and Low-Rise Areas as illustrated on Map 2 of 2 in Policy 211.

Zoning

The subject site has two zoning designations under Zoning By-law 438-86, as amended. The north portion of the site, behind the property at 25 Bellair St., is zoned CR T3.0 C2.5 R3.0 while the majority of the site is zoned CR T6.0 C4.5 R6.0 (See Attachment No. 7).

The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 6.0 times the area of the lot, other than the area behind 25 Bellair St., which is 3.0 times the area of the lot. The maximum permitted height for the majority of the site is 46 metres and 18 metres at the northern portion of the site.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant submitted a site plan application (10 288949 27 SA), which is being reviewed concurrently with the Zoning By-law Amendment application.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of these recently adopted Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;

- Protection of residential areas from adverse impacts of commercial and/or higher density development;
- Improvement of public realm and publicly accessible areas; and
- Excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located in the Village of Yorkville Precinct.

The Urban Design Guideline is available on the City's website at:
<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

Tall Building Guidelines

Toronto City Council approved the use of the document "Design Criteria for Review of Tall Building Proposals" in June, 2006. In April, 2010, Council extended the authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site.

The Design Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document has been used to assess the proposed tower.

The City's "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>

Reasons for Application

The proposal calls for a 22-storey, 75.7-metre (excluding the mechanical penthouse) tall building with a density of 11.92 times the area of the subject site. The proposed density and height exceeds the permissions in Zoning By-laws 438-86. A Zoning By-law amendment is therefore required. Additional areas of non-compliance with the Zoning By-laws have been identified and addressed as part of the Draft Zoning By-law.

Community Consultation

A community consultation meeting was held in the neighbourhood to discuss the proposal on March 2, 2011. Approximately 45 members of the public attended the meeting. At this meeting, the applicant presented the 26-storey proposal. Residents were concerned with the proposed height, setback, possible local traffic and fit within Yorkville. Residents also raised concerns related to the proposed access and congestion along Genoa St.

At the community consultation meeting, the local area Councillor called for a working group to be established to provide a forum for the local community to discuss their concerns about the proposal with the application. The working group meetings were

organized through the Councillor's office in concert with Planning staff. The makeup of the working group included neighbouring residents, business owners, property owners as well as representatives from the ABC Residents' Association, the Greater Yorkville Residents' Association, and the Bloor-Yorkville Business Improvement Area.

Four working group meetings were held on, April 20, 2011, May 3, 2011, May 19, 2011 and May 30, 2011. The four working group meetings were structured to address issues relating to: the public realm and podium design; tower built form; traffic, transportation and vehicular access; and a final session for outstanding issues.

While a consensus was not reached on all the issues, the working group helped direct revisions to the podium design and setbacks. The working group also generally agreed that vehicular access should be located off Genoa St. as proposed, but that better monitoring and signage be required. The issue relating to the height of the tower was not resolved. The group generally agreed that the height was too tall and when shown options of alternate architectural styles, they preferred an "organic" rather than a "square" shape tower.

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 (PPS). The PPS sets the policy foundation for regulating the development and use of land. The PPS promotes additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Policy 1.1.3.4 requires development in intensification areas to meet appropriate development standards, which is discussed further in this report under the subsection Density, Height and Massing.

In regards to efficient use of infrastructure and transportation systems; 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 support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within steps from the Bloor-Danforth subway line and a relatively short walk to the Bay Street bus line and the Yonge-University subway line.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. Policy 2.2.2 directs a significant portion

of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

Policy 2.2.3.6(c) requires municipalities to use Official Plans to identify intensification areas in order to support achievement of intensification targets. The City of Toronto Official Plan is consistent with the Growth Plan and identifies the *Downtown*, *Centres* and *Avenues* designations as Urban Growth Centres. This development is located within the Downtown Toronto Urban Growth Centre, and is designated to accommodate additional intensification because of the existing transit services and infrastructure available.

Land Use

This site is designated *Mixed Use Areas* in the Official Plan. Zoning By-law 438-86, as amended, also permits a mix of residential and non-residential uses. The proposed uses comply with the Official Plan and the Zoning By-law. Therefore, no amendments are required to permit the proposed uses.

Density, Height, Massing

With respect to the proposed density and intensification of the site, Planning staff are satisfied that the City's policies and guidelines permit greater height and density than the existing 9-storey office building on the site. The site is well serviced by public transit and is within a relative short distance from many services and amenities. The site is located in the *Downtown*, in the *Mixed Use Areas*, and adjacent to the Height Ridges, as described in the Official Plan. As such, Planning staff find the proposal to increase the permitted density acceptable.

The proposed 22-storey mixed use building is massed to fit within the existing canyon typology to the east of the site, and along Bay Street. As stated in the Bloor-Yorkville / North Midtown Urban Design Guidelines, while *Downtown* and *Mixed Use Areas* policies are specifically identified for intensification, new development is subject to a number of policies and criteria regarding appropriate building location, massing, protection of adjacent *Neighbourhoods* and treatment to the public realm.

The Official Plan Area Specific Policy, as well as the local Urban Design Guidelines set out areas of Height Peaks, Height Ridges and Low-Rise Areas. The general intent of these policies and guidelines are to direct the tallest buildings around the Yonge and Bloor Streets intersection, within the Height Peak. Heights will step down from the Height Peak to the Height Ridges located along arterial corridors like Bloor Street, Yonge Street, Bay Street and Avenue Road. Angular planes are provided in the Urban Design Guidelines to control building location and massing at various locations within the area.

The subject site is not located within the Height Peak, Height Ridge, Low-Rise area or subject to angular plane restrictions, as identified in Official Plan Policy 211 and the Urban Design Guidelines. The site currently contains a nine-storey commercial building and falls within the same zoning classification as the adjacent properties on the west side of Bay St. and properties along Bloor St., Avenue Rd. and Bellair St.

In the Official Plan, the subject site is located outside, but adjacent to, the Areas of Special Identity within *Mixed Use Areas* called the Village of Yorkville (Map 1 of 2, Policy 211). The subject site is not located within the Height Peak, Height Ridge, Low-Rise area. As such, there is no specific direct restriction or direction given with respect to height. Policy 211 does state that, “Development in Mixed Use designations within these Areas or on sites that are proximate to these Areas will be strictly controlled to respect and reinforce the established character of these Areas of Special Identity.” Staff are satisfied the design and setback of the podium respects and reinforces the established character of the Village of Yorkville, particularly given that an existing 9-storey office building is located on the site.

With respect to the proposed podium design and massing, the Bloor –Yorkville/North Midtown Urban Design Guidelines calls for low-rise at street edge. The Guidelines also requires the height of the street wall to reinforce the pedestrian scale of the existing street wall heights of the surrounding buildings – generally no more than 3 storeys. The height of the 2-storey podium is 11 metres which is approximately the width of the right-of-way. The Guidelines state that, unless subject to height restriction, angular planes, or other urban design considerations in these guidelines, street wall heights should, in general not exceed a 1:1 relation of height to street width (building wall to building wall). In this case, there are not angular plane restrictions.

The podium has been set back 1.5 metres from the property line, along the Bellair Street frontage, to provide for a wider sidewalk on the east side Bellair Street. At the northern most point of the podium, the setback is 2.7 metres to align with the front wall of the property to the north. The design of the podium has been articulated to provide approximately 4 commercial entrances along each frontage and a feature entrance set back at the corner of Bellair and Cumberland Streets. Planning staff is satisfied with the siting, height, massing and design of the podium.

As per the Bloor-Yorkville/North Midtown Urban Design Guidelines, the subject site is located in the Village of Yorkville Precinct. The Guidelines, states that “in considering development applications for this area, the form of the proposed building on the lot should be within the building envelope, as shown in Section 4.3.3. This is in order to provide an acceptable relationship of buildings in terms of light, view or privacy, and to maintain the streetscape character. The project approved by the OMB at 100 Yorkville significantly breaches this envelope by virtue of its 18 storey height. This would not be appropriate elsewhere in the block particularly given the significantly smaller lot sizes.” It should be noted that Section 4.3.3 refers to the built form angular plane requirement in the Guidelines. This site is not subject to the angular plane requirement, thus greater heights are acceptable on this site.

The proposed tower is 22 storeys tall. The zoned height is 46 metres plus mechanical penthouse, where the proposed height is 75.7 metres plus a 5.5m mechanical penthouse, totalling 81.2 metres. The neighbouring buildings vary in height. To the immediate east heights are in the range of 18 storeys. To the west is the Area of Special Identity, Village

of Yorkville, with heights ranging from 1 to 3 storeys. Within close proximity to the Village of Yorkville are towers with even greater heights (excluding the new Four Seasons tower at 36 Yorkville Ave.) that have been recently approved at heights ranging from 26 to 31 storeys. These towers are located within the Policy 211 area, but outside the Height Ridge.

At a total height of 81.2 metres the proposed tower is within the range of other towers that immediately surround the Village of Yorkville and the Village of Yorkville Park. Some of these towers are measured at: 95.2 metres at 100 Bloor St. W.; 83.9 metres at 155 Cumberland St.; 86 metres at 150 Bloor St. W./175 Cumberland St.; and, 99 metres, existing, and 133 metres, approved, at 21 Avenue Rd. The proposed tower is within this range and Planning staff are satisfied that the overall height is acceptable given the overall design and setback of the tower and podium.

The proposed development is massed to respond to the varying characteristics within the immediate context. The podium responds to the low-scale character of the Village of Yorkville; the curved tower responds to the canyon typology at the 10th and 18th floor with varying stepbacks; and stepping back from the north are the upper four floors, plus mechanical penthouse which are reflective of the heights which surround the Village of Yorkville and Village of Yorkville Park. The stepback at southwest corner of the tower provides a visual relief from the Village of Yorkville Park. Planning staff have advised the applicant that greater details will be required, as part of the site plan review process, to mitigate any privacy and safety concerns where the 11th storey private terraces butts against the private terraces at 80 Cumberland Street.

Residents and other stakeholders in the area have expressed concern over the scale of this development in proximity to the Village of Yorkville. It has been demonstrated that there are a number of buildings around the Village of Yorkville, existing and planned that are within a similar height range. With respect to the Village itself, The Official Plan and the Urban Design Guidelines, state that development will respect and reinforce the existing character of low-scale buildings. This policy remains unchanged. The height of this proposal does not set a precedent to permit greater heights within the Village of Yorkville, most notably west of Bellair Street where the Urban Design Guidelines provides specific angular plane restrictions.

Sun, Shadow, Wind

There are a number of policies and guidelines relating to shadow and wind impacts in Yorkville area. The *Mixed Use Areas* policies in the Official Plan, Section 4.5, provide development criteria (Policy 2(d)) which states that development will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. Developments on sites near the *Neighbourhoods*, identified in Official Plan Policy 211, shall be designed to adequately limit shadow, wind and privacy impacts upon nearby residences and the public realm. The Urban Design Guidelines identify Shadow Sensitive Areas, which includes the Village of Yorkville Park and generally the areas north of the Park to Davenport Road.

Planning staff find the shadow impacts resulting from the 22 storey proposal to be acceptable. The proposal adequately limits shadow on the lower-scale *Neighbourhoods*, as there is no shadow impact in the spring and fall equinoxes between 9:18a.m and 6:18p.m. On June 21, there will be some incremental morning shadow on the Village of Yorkville. As the sun moves throughout the day, there is no shadow on the north or south sidewalk along Yorkville Ave. and in the late afternoon the shadow reaches to the east side of Bay St. On September 21, the shadow is longer and sweeps along the north side of Yorkville Ave. from the early morning to the early afternoon. From 10AM and on the shadow does not extent further than the properties fronting onto the north side of Yorkville Ave. In the late afternoon the shadow extends just beyond the first properties on the east side of Bay Street. As called for in the Bloor-Yorkville/North Midtown Urban Design Guidelines, staff reviewed the shadow impacts for Dec 21 and find that there is only minimal incremental shadow at 11AM on the south edge of Jesse Ketchum Park. Around 10AM, the shadow falls in line with the shadow cast from 100 Yorkville Ave. and therefore creates no additional shadow on the Park at that time.

A Pedestrian Wind Assessment, was submitted by Rowan Williams, Davies & Irwin Inc. (RWDI), dated July 28, 2010, October 25, 2010 and last updated on November 9, 2011. The study found that the “existing wind comfort conditions along Cumberland and Genoa Streets are estimated to be comfortable for standing in the summer and walking in the winter. Along Bellair Street, wind speeds suitable for standing are expected year-round.” With the introduction of the proposed 22-storey tower and podium, “wind conditions are expected to remain similar to the existing conditions, hence suitable for standing in the summer and walking in the winter along Cumberland and Genoa Street, with calmer conditions along Bellair Street.” Planning staff are satisfied with these results and findings.

Traffic Impact, Access, and Parking

City Staff find traffic impacts resulting from the proposed development to be acceptable. Vehicles will access the site from Genoa Street. Genoa Street is accessed from Yorkville Ave. and terminates at the servicing area for the mixed-use building at 80 Cumberland St. Genoa Street is designed and acts like a lane even though it is named “street”. The proposed driveway is to be located off Genoa Street. In support of the proposal, the applicant submitted an Urban Transportation Considerations Report, by BA Group, dated October 2010. Since the initial application the number of proposed units increased. Staff reassessed the traffic impact with based on the unit count increase. Residents of 80 Cumberland St., who also use Genoa Street for their access, would like to see better coordination amongst the users of the Street to reduce congestion.

The applicant is intending to provide a total of 87 parking spaces for this project, consisting of 79 resident spaces, 8 residential visitor spaces and no parking for the non-residential uses. Transportation Services staff have reviewed the proposed parking supply and find it to be acceptable. In total, the residential parking supply meets the minimum zoning by-law requirement, conforming to the Green Development Standard.

The by-law requires a total of 26 commercial parking spaces, given the proposed amount of non-residential floor space. No commercial parking is being provided. With respect to the non-resident parking deficiency, the applicant's transportation consultant (BA Group) submitted a November 8, 2011 report which surveyed the utilization of Toronto Parking Authority lot numbers 215 and 15. These non-surface parking lots are located 100 and 200 metres, respectively, away from the subject site and have a total parking supply of 1,208 spaces.

According to the utilization data provided by the consultant, sufficient reserve capacity is available in the above-noted Toronto Parking Authority facilities during times when the peak parking demand is expected to occur for the non-residential uses of the project (i.e. retail and visitor parking demand). Presumably, additional parking spaces are also available during these times in nearby privately owned commercial parking lots that were not surveyed by the consultant. As a result, taking into account the site location, and the additional information provided by the applicant's consultant, the proposed retail and residential visitor parking supply is acceptable.

This application provides good site access and an adequate supply of parking for residents and visitors and, thus, meets the intent of the policies in the Official Plan with respect to parking.

Servicing

Service vehicles will access the site off one driveway from Genoa Street. Type B and G loading spaces will be provided. Given the need to reverse out of the proposed loading space, staff will secure, through the Site Plan Agreement, the provision of a trained staff member, of the building, to be present on site at all times during City solid waste refuse collection. The trained staff will assist to manoeuvre the container bins from garbage/recycling storage rooms to the collection pad and in front of the collection vehicle, return the bins to the respective storage rooms immediately upon collection and act as a flag-person when the City's vehicle and other loading trucks are reversing. Furthermore, the staff member must also open the enclosure doors and secure them on all scheduled collection days.

Based upon the information available, Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to this development. Collection of waste materials from this development will be in accordance with the "City of Toronto Requirements for Garbage Collection and Recycling Collection from New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

The commercial component of this development is ineligible for City of Toronto collection. It must store, transport and make arrangements for collection of all waste materials separately from the residential component. Collection of wastes from the commercial sector of this site will be in accordance with Chapter 841, Solid Waste of the Municipal Code.

This proposal locates service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences and, thus, meets the intent of the policies in the Official Plan with respect to servicing and access.

The Owner has submitted a revised Functional Services Report and a Stormwater Management Report all prepared by AI Underhill and Associates. Technical Services staff find the Functional Servicing Report to be acceptable.

Streetscape

The Official Plan (Policy 211) states that pedestrian activity is a vital component of the Bloor-Yorkville/North Midtown Area and the amenity of public sidewalks and views to open space and parks will be maintained and enhanced with high quality, coordinated streetscape. In addition, the Bloor-Yorkville/North Midtown Urban Design Guidelines identify Cumberland and Bellair Streets as Primary Pedestrian Streets. The Guidelines suggest that they should be: predominantly commercial; transparent at the sidewalk; create an animated street frontage with awnings and canopies.

The Open Space Network Plan in the Urban Design Guidelines calls for enhancing streetscapes through tree planting, paving material, street furniture, landscape planters, lighting standards, public art and sidewalk widening. The need for additional tree planting is also called for in the Yorkville Greening Initiative. Details relating to the proposed streetscape will be secured in the Site Plan Agreement to the specifications of the City's streetscape manual, which provides customized details within the Bloor Yorkville BIA. Those initiatives and elements listed above will also help inform the final site plan review.

Given the high level of pedestrian activity in the area, particular consideration was given to minimizing the number and impact of vehicular access points across sidewalks to the parking and loading area. All the vehicular and servicing access points have been relocated from Bellair St. to Genoa St., filling in the existing gap on Bellair St. with retail and an animated street front. As well, the overall design and scale of the podium including the 1.5 metre setback along Bellair St., and an even wider setback at the corner provides a wider pedestrian area that is well animated.

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. As indicated on the map, this site falls in an area with the second lowest of five levels of parkland provisions (0.42 to 0.78 hectares of local parkland per 1,000 people).

The site is also located in a parkland priority area, as per the Alternative Parkland Dedication By-law 1020-2010. Residential developments within priority areas are subject to an alternative rate up to a maximum of 10 percent of the lot area, if the site is smaller than 1 hectare. This development is subject to an alternative rate of 0.4 hectares

per 300 units. The non-residential component of the development would be subject to a 2 percent parkland dedication requirement.

The application proposes 127 residential units and 2,621 square metres of non-residential uses on a site with an area of 1,316 square metres. At the alternative rate, the parkland dedication requirement is 1,693 square metres (129 percent of the site). The final parkland dedication, however, amounts to 114 square metres, given that a 10 percent cap is applied to the residential use and the non-residential use is subject to a 2 percent parkland dedication.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. Parks staff are satisfied with the cash-in-lieu option since an on-site parkland dedication requirement of 114 square metres would be not be of a useable size and the site would be fully encumbered below-grade.

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

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure; Cycling Infrastructure; Pedestrian Infrastructure; and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

The applicant has indicated they will pursue Tier 2 of the TGS which includes possible refunds against the Development Charges payable for the development, including: Minimum Energy Performance, Water Efficiency, Light Pollution, Use of Recycled Materials, and Construction and Demolition Waste Management targets.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. An indexed contribution of \$1,100,000, of which \$300,000 is to be paid prior to the passing of the Bills and the remaining \$800,000 is to be paid prior to the issuance of the first above-grade building permit.

The first \$300,000 payment will be used towards a Heritage Conservation District Study for the Yonge-Yorkville area, as identified in the list of potential Heritage Conservation Districts, authorized for Section 37 funding. The boundaries of the study will be determined by the Manager of Heritage Preservation Services. The remaining monies will be directed towards improvements to the Village of Yorkville Park, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following payment of \$800,000 will be used for area streetscape and parkland improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

2. In addition to the cash contribution, the Owner is required to provide upgraded materials, lighting and artwork at the base of the building, to a value of \$300,000, at the discretion of the Owner to be secured in the Site Plan Agreement.

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

3. As part of the Site Plan Approval process, the owner shall provide a pedestrian easement within the 1.5 metre setback along Bellair Street.

Development Charges

It is estimated that the development charges for this project will be \$926,107.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	10 288955 STE 27 OZ
Details	Rezoning, Standard	Application Date:	November 1, 2010

Municipal Address: 94 CUMBERLAND ST

Location Description: PLAN 69 LOT 6 PLAN 46 PT LOT 4 PLAN 70 LOTS 12, 14 & PT LOT 10
**GRID S2703

Project Description: Rezoning application for a 22-storey mixed use building containing 127 residential suites, including 3 storeys of non residential uses. A total of 87 parking spaces are provided in 5 levels of underground parking. Site Plan Application No. 10 288949 STE 27 SA has been filed concurrently with this Rezoning Application.

Applicant:	Architect:	Owner:
Sherman Brown Dryer Karol C/O Adam Brown	Page + Steele IBI Group Architects	94 Cumberland Inc. (MINTO)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OP 211
Zoning:	CR T6.0 C4.5 R6.0; CR T3.0 C2.5 R3.0	Historical Status:	N/A
Height Limit (m):	46, 18	Site Plan Control Area:	Y

PROJECT INFORMATION

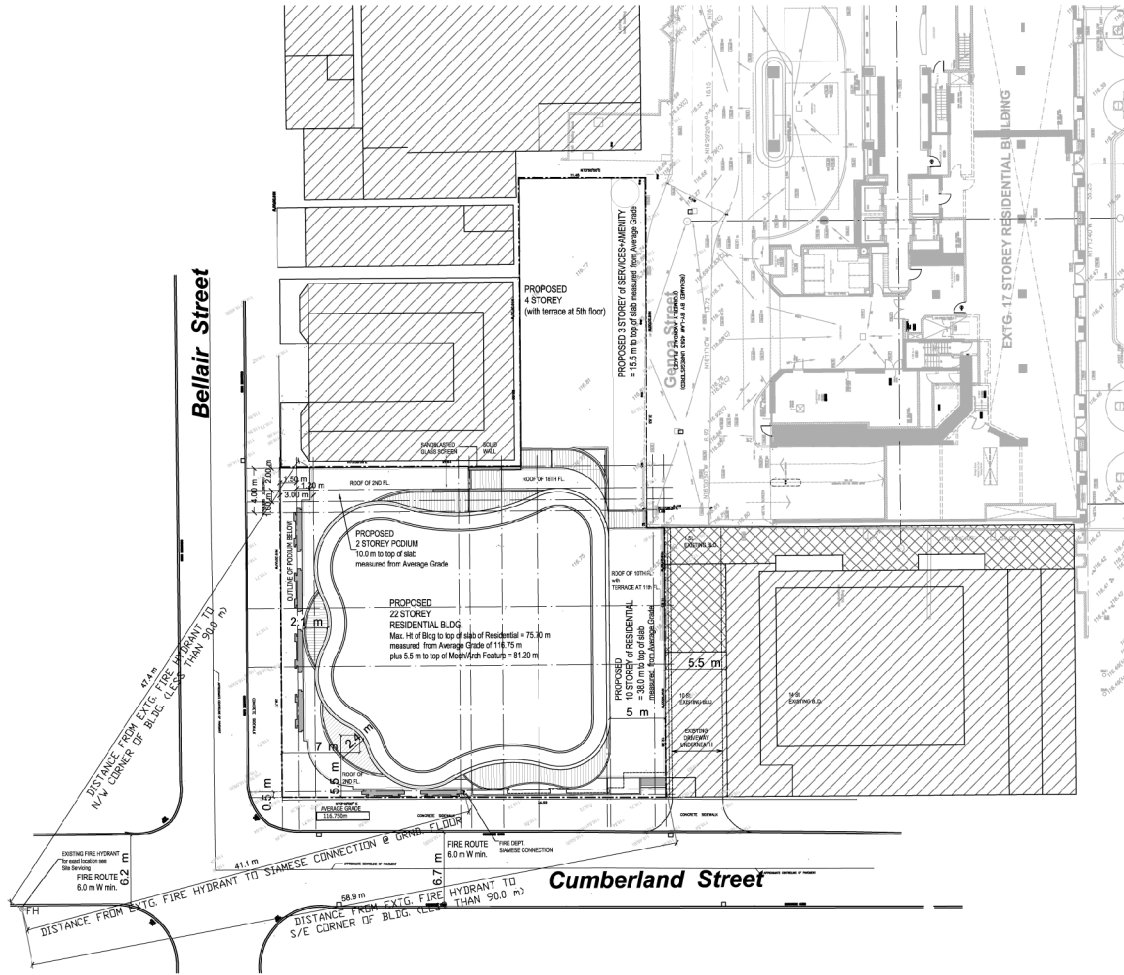
Site Area (sq. m):	1316.5	Height:	Storeys:	22
Frontage (m):	34.52		Metres:	75.7
Depth (m):	29.77			
Total Ground Floor Area (sq. m):	819			Total
Total Residential GFA (sq. m):	13074.6		Parking Spaces:	87
Total Non-Residential GFA (sq. m):	2621.4		Loading Docks	3
Total GFA (sq. m):	15696			
Lot Coverage Ratio (%):	62.2			
Floor Space Index:	11.92			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Proposed Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	13074.6	0
Bachelor:	0	Retail GFA (sq. m):	2621.4	0
1 Bedroom:	69	Office GFA (sq. m):	0	0
2 Bedroom:	58	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	127			

Attachment 2: Site Plan



Site Plan

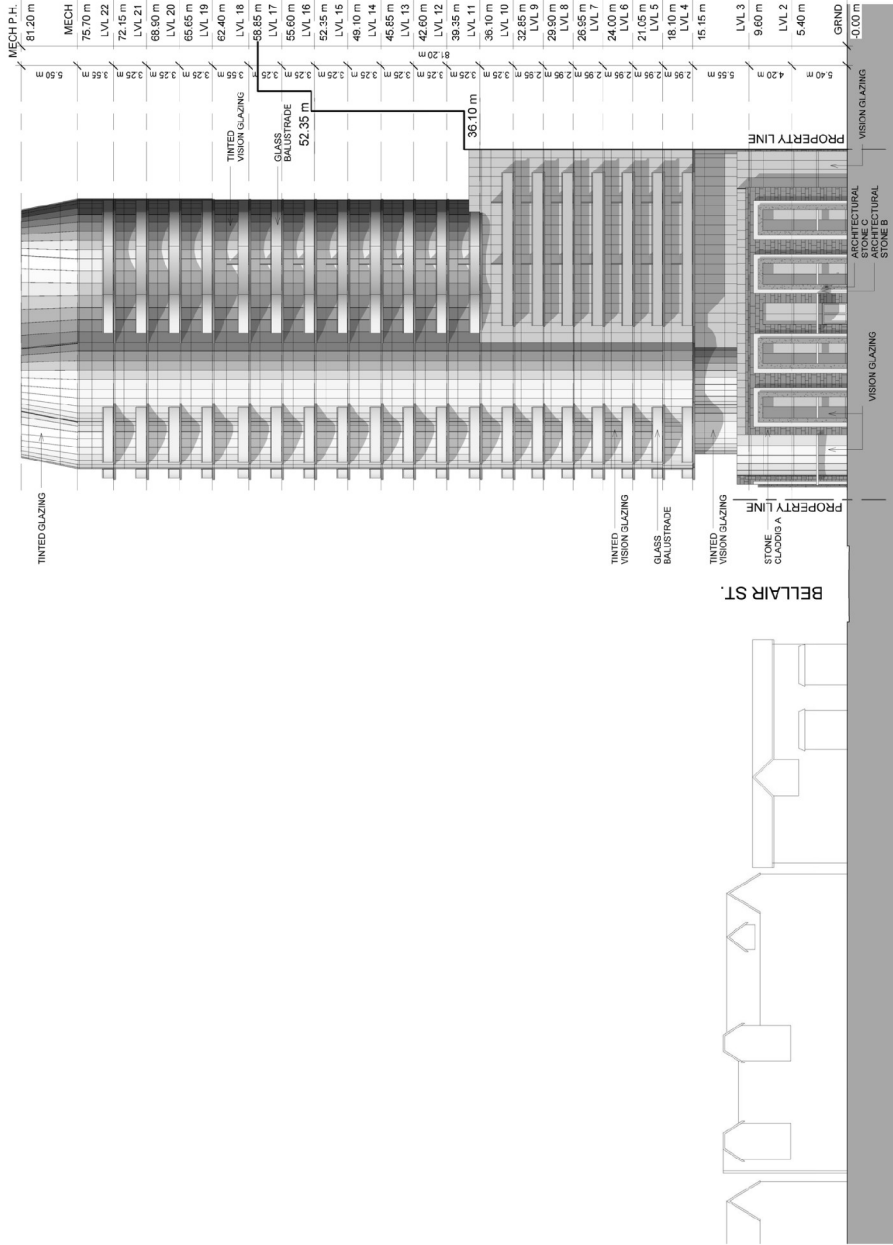
94 Cumberland Street

Applicant's Submitted Drawing

Not to Scale 

File # 10 288955 0Z

Attachment 3: South Elevation



South Elevation

94 Cumberland Street

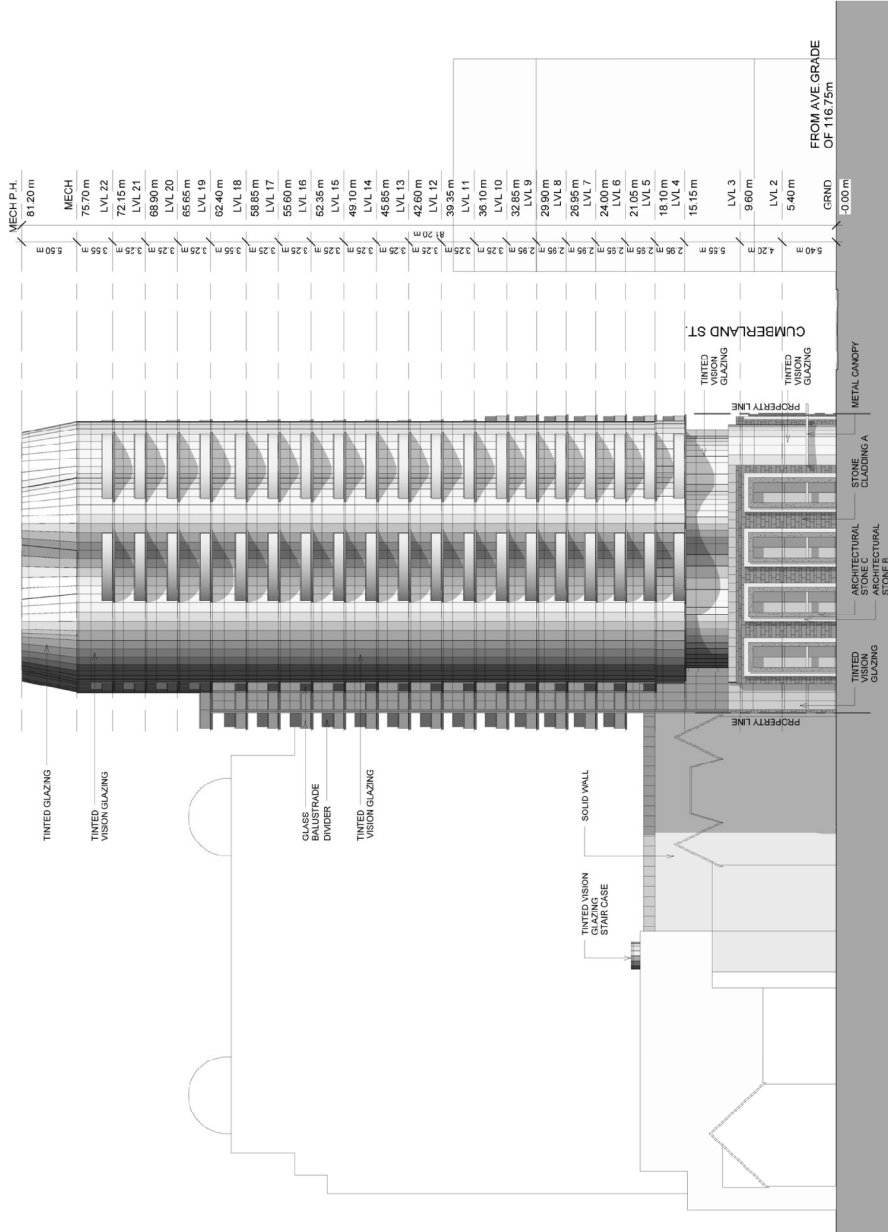
Elevations

Applicant's Submitted Drawing

Not to Scale
11/23/2011

File # 10 288955 0Z

Attachment 4: West Elevation



West Elevation

94 Cumberland Street

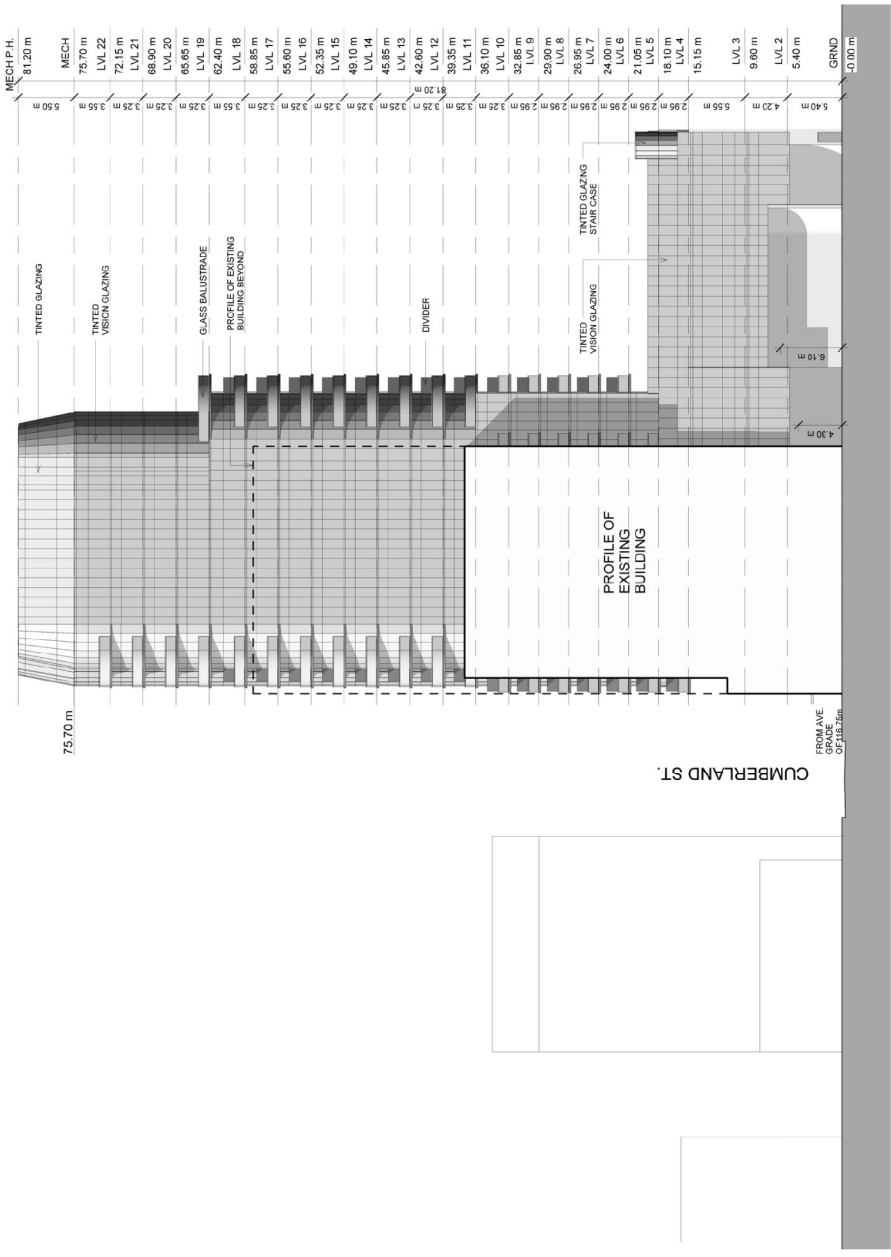
Elevations

Applicant's Submitted Drawing

Not to Scale
11/23/2011

File # 10 288955 0Z

Attachment 5: East Elevation



94 Cumberland Street

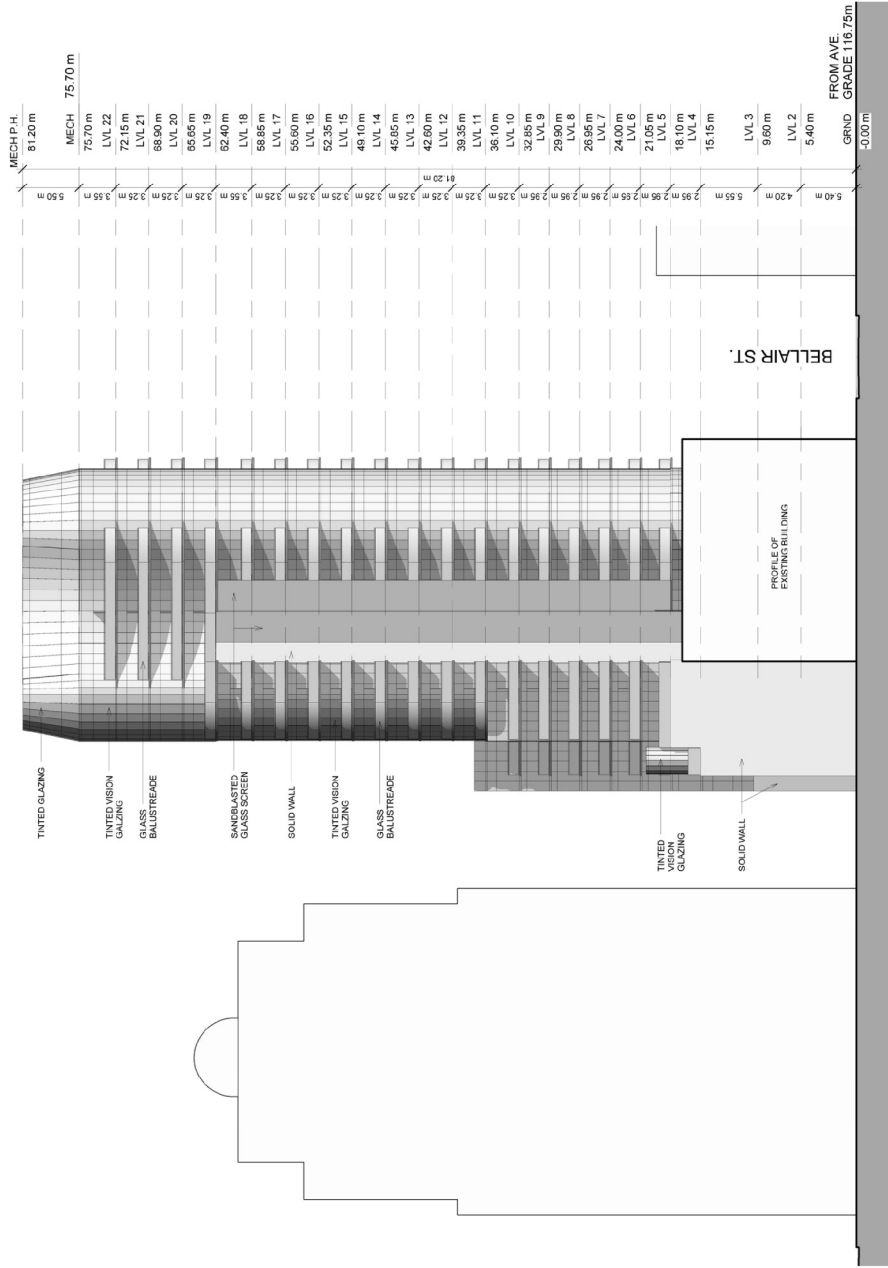
Elevations

Applicant's Submitted Drawing

Not to Scale
11/23/2011

File # 10 288955 0Z

Attachment 6: North Elevation



North Elevation

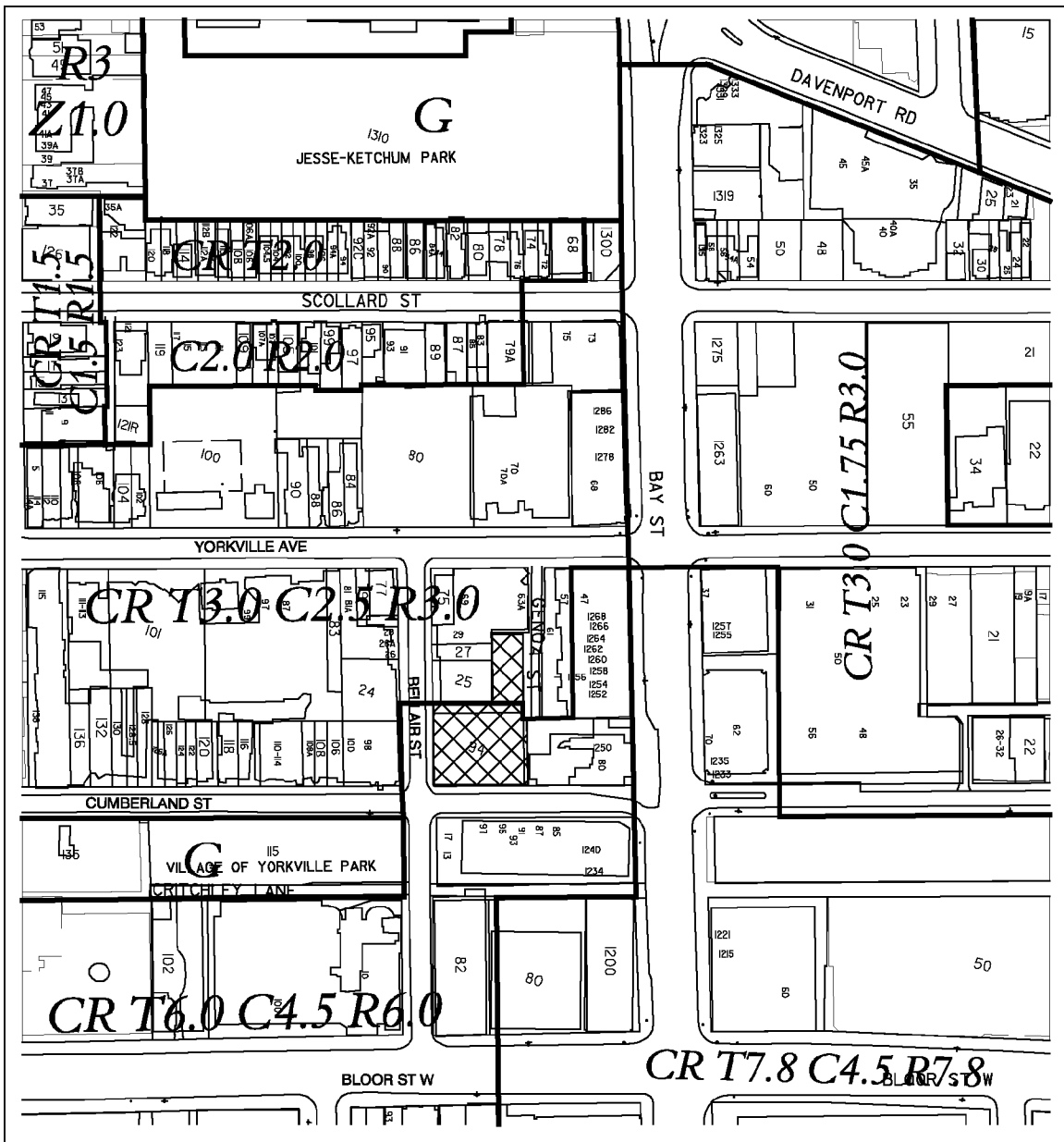
94 Cumberland Street

Elevations
Applicant's Submitted Drawing

Not to Scale
11/23/2011

File # 10 288955 0Z

Attachment 7: Zoning Map



94 Cumberland Street

File # 10_288955

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



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 12/17/10

Attachment 8: Draft Zoning By-law Amendment

CITY OF TORONTO BY-LAW NO. -2012

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 94 Cumberland Street.

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

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

1. This By-law applies to the lands delineated by heavy 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 referred to 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. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this 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.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
5. None of the provisions of Sections 2 with respect to “*lot*” and “*grade*” and Sections 4(2), 4(5)(b), 4(10)(a), 4(14), 8(3)Part I, 8(3)Part II(1)(a)(ii), and 8(3)Part III(1)(a) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and

use of certain buildings and structures in various areas of the City of Toronto”, as amended, and none of the provisions of prevailing By-law 22192, shall apply to prevent the erection and use of a *mixed-use building* on the lands municipally known as 94 Cumberland Street, hereinafter set forth, provided that:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 16,250 square metres, of which:
 - (i) the *residential gross floor area* shall not exceed 13,600 square metres; and
 - (ii) the *non-residential gross floor area* shall not exceed 2,650 square metres;
- (c) no portion of any building or structure above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features may project to a maximum of 1.2 metres beyond the heavy lines on the attached Map 2; and
 - (ii) notwithstanding Section 5(c)(i) above, balconies may project beyond the heavy lines on the attached Map 2, subject to being located wholly within the shaded areas delineated on the attached Map 2;
- (d) the *height* of any building or structure, or portion thereof, does not exceed those *heights* in metres as shown on Map 2, with the exception of the following:
 - (i) bollards, bicycle racks, underground garage ramps and their associated structures, retaining walls, fencing, decks, railings, planters, window washing equipment, decorative screens, terrace and balcony guards and dividers, landscape and public art features, outdoor furniture, lighting fixtures, safety railings, roof access hatches, vents, stacks, pipes, stairs, stair enclosures, chimneys and structures on the roof of the building for safety or wind protection

purposes may extend above the *heights* in metres as shown on the attached Map 2; and

- (ii) parapets and ornamental elements, may extend up to 1.2 metres above the *heights* in metres as shown on the attached Map 2.
 - (e) a minimum number of *parking spaces* shall be provided and maintained on the *site* in accordance with the following:
 - (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.5 *parking spaces* for each *one bedroom dwelling unit*;
 - (iii) 0.75 *parking spaces* for each *two bedroom dwelling unit*;
 - (iv) 1.2 *parking spaces* for each three or more bedroom *dwelling units*;
 - (v) 0.06 *parking spaces* for each *dwelling unit* shall be provided for visitors.
 - (f) no *parking spaces* shall be required for any portion of the *mixed-use building* that contains *non-residential gross floor area*;
6. For the purposes of this By-law:
- (a) “*lot*” means those lands outlined on Map 1 attached hereto;
 - (b) “*grade*” means 116.75 metres Canadian Geodetic Datum;

Every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86, as amended.

7. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this _____ day of _____, A.D. 2012.

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* at its expense 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 no credit for development charges, indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 94 Cumberland Street to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:

- a) An indexed contribution of \$1,100,000, of which \$300,000 is to be paid prior to the passing of the Bills and the remaining \$800,000 is to be paid prior to the issuance of the first above-grade building permit.

The first \$300,000 payment will be used towards a Heritage Conservation District Study for the Yonge-Yorkville area, as identified in the list of potential Heritage Conservation Districts, authorized for Section 37 funding. The boundaries of the study will be determined by the Manager of Heritage Preservation Services. The remaining monies will be directed towards improvements to the Village of Yorkville Park, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following payment of \$800,000 will be used for area streetscape and parkland improvements, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- b) In addition to the cash contribution, the Owner is required to provide upgraded materials, lighting and artwork at the base of the building, to a value of \$300,000, at the discretion of the Owner to be secured in the Site Plan Agreement.
- c) As part of the Site Plan Approval process, the owner shall provide a pedestrian easement within the 1.5 metre setback along Bellair Street.

2. The *owner* of the *site* entering into and registering on title to the *lot* one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the *City* Solicitor, in consultation with the Chief Planner and Executive Director, *City* Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.
3. 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.

