

**576, 578 and 580 Front Street West, 25 and 27 Bathurst Street and 33, 35 and 49 Niagara Street –
Zoning Amendment Application – Final Report**

Date:	May 22, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	11 230641 STE 20 OZ

SUMMARY

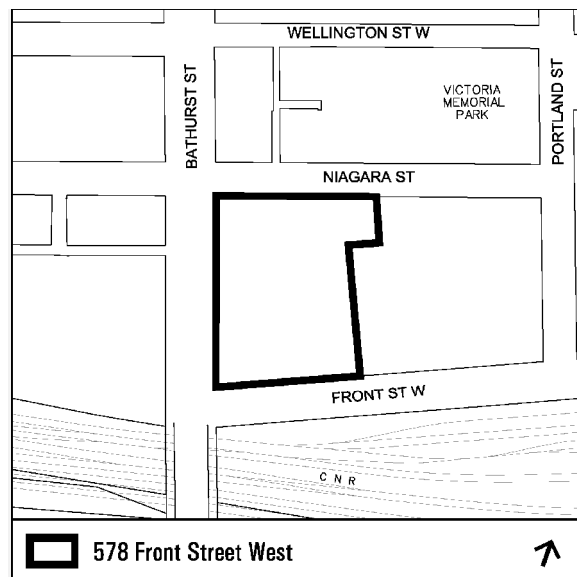
This application proposes to construct an 80,107 square metre, mixed-use building at 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street and 33, 35 and 49 Niagara Street. 1200 residential units are proposed above at-grade retail uses in a building with heights up to 18-storeys (63 metres). Access to the parking and loading is proposed to be from Front Street West and Bathurst Streets, and three levels of underground parking will serve both the residential and the retail uses.

This report reviews and recommends approval of the Zoning By-law Amendment as modified by this report to reduce the building height in some areas and to ensure that adequate visitor parking is set aside for visitors to the residential component of the building.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of Toronto Zoning By-law 438-86, as amended, for the lands at 576, 578 and



580 Front Street West, 25 and 27 Bathurst Street and 33, 35 and 49 Niagara Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated May 22, 2012, 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 Bill to City Council for enactment, City Council require the owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense:
 - a. a cash payment of \$1,800,000.00 payable prior to issuance of the first above-grade building permit and to be applied at the discretion of the City as determined by the Chief Planner and Executive Officer, in consultation with the Ward Councillor, as follows:
 - i. \$180,000.00 for capital improvements to Toronto Community Housing Corporation properties located in Ward 20; and
 - ii. \$1,620,000.00 for parkland, streetscape improvements and community facilities within the King - Spadina Secondary Plan area;

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. an architectural feature integrated into the southwest corner of the building on the lot (intersection of Bathurst Street and Front Street), to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the submission, prior to issuance of the first above grade building permit, of a letter of credit in an amount and form satisfactory to the Chief Planner and Executive Director to secure the estimated cost of design, construction and installation of the architectural feature;
- c. the design, construction and installation of any municipal infrastructure improvements identified as being required in the accepted Functional Servicing Report and accepted Transportation Study for the proposed development to the satisfaction of the Executive Director, Technical Services and the submission of, prior to issuance of the first above-grade building permit, a letter of credit in an amount and form satisfactory to the Executive Director, Technical Services to secure any municipal infrastructure improvements identified as being required in the accepted Functional Servicing report and accepted Transportation Study for the proposed development;

- d. the provision and maintenance by the owner of the following:
 - i. development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as set out in Item PG 32.3 of the Planning and Growth Management Committee adopted by Toronto City Council at its meeting held on October 26 and 27, 2009;
 - ii. the wind mitigation measures listed in the submitted Wind Study, to ensure that the wind effects are acceptable; and
 - ii. at least 10% of the total number of dwelling units to be constructed on the lot that contain at least three or more bedroom units in compliance with the provisions of the Ontario Building Code; and
 - e. the construction of the proposed development on the lot substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Wallman Architects dated April 25, 2012 and date stamped April 27, 2012 by City Planning, the details of which will be refined on approved plans and drawings in the context of site plan approval.
4. Before introducing the necessary Bills to City Council for enactment, City Council require that the owner shall:
- a. submit a Site Plan approval application which includes all relevant drawings and reports as determined by the Chief Planner and Executive Director, City Planning Division;
 - b. revise the Functional Servicing Report to address the matters detailed in the Functional Servicing section of the letter dated April 17, 2012, from the Executive Director, Technical Services, to the satisfaction of the Executive Director of Technical Services;
 - c. revise applicable plans and/or documentation to address the comments from Transportation Services contained in the Memo from Technical Services dated April 18, 2012 to the satisfaction of the Executive Director of Technical Services; and
 - d. revise applicable plans and/or documentation to address the comments from Solid Waste contained in the Memo from Technical Services dated April 18, 2012 to the satisfaction of the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Preliminary Report on this application was adopted by Toronto and East York Community Council on September 12, 2011. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2011/te/bgrd/backgroundfile-39894.pdf>

ISSUE BACKGROUND

Proposal

The proposal is for an 80,107 square metre mixed-use building which includes 5,013 square metres of non-residential uses at-grade. A grocery store and several smaller retail spaces are proposed to occupy the ground level and 1200 residential units are proposed above.

The building ranges in height from 8-storeys (30 metres) to 18-storeys (63 metres) and circles the site creating an interior courtyard. The ground floor is 7 metres tall to accommodate the proposed grocery store. The tallest portion of the development is at the southwest corner of the site and is proposed to be 18-storeys (63 metres). On the southeast corner of the site is a 16-storey (57 metre) portion of the building, and between the 18- and 16-storey portions is an 8-storey (30 metre) streetwall. The northwest corner of the site is 14-storeys (52 metres) and then the building terraces upwards along Bathurst Street to 18-storeys at the corner of Front and Bathurst Streets. Along Niagara Street the building is 9-storeys (34 metres). The east wing of the building terraces down from the 16 storey portion on Front Street West towards 9-storeys on Niagara Street.

The 1200 proposed residential units are comprised of 242 studio, 747 one-bedroom, 87 two-bedroom and 124-three bedroom units. Two-storey live/work townhouse units front on Niagara Street, and the remainder of the units are accessed through residential lobbies on Niagara Street and Front Street West. Amenity space for the residents is located on the second floor with the outdoor amenity space proposed in the courtyard on the roof of the ground floor.

Access to the site will be from Front Street West and Bathurst Streets. A total of 701 parking spaces are proposed including 500 for the residential component of the development and 201 in a commercial parking garage which will also contain the residential visitor parking. All servicing for the site including garbage pick-up and loading is located internal to the site with access from Front Street West. The underground parking garage is accessed from Front Street West, and also from Bathurst Street. Pedestrian access to the at-grade retail uses and the residential uses above is found on Front Street, Bathurst Street and Niagara Street.

Please see Attachments 1-6 and Attachment 8 for the Application Data Sheet and drawings showing the proposal.

Site and Surrounding Area

The site is 9,686 square metres in size and is located on the northeast corner of the intersection of Bathurst Street and Front Street West.

North: To the immediate north of the site is Niagara Street. At the intersection of Niagara and Bathurst Streets (northeast corner) is a 12-storey residential building and to the east of this building is a surface parking lot, a 6-storey residential building and Victoria Memorial Park.

East: To the east of the site is a recently constructed 13-storey residential building, then further along Front Street West is a 9-storey building with 3-storey townhouses along Portland and Niagara Streets.

South: To the south of the site is Front Street West, beyond which is the sunken rail corridor and the high-rise neighbourhood of the Railway Lands West.

West: To the west of the site is Bathurst Street. On the west side of Bathurst Street is an 11-storey residential building, a child care centre and lower rise commercial, industrial and residential buildings in the Niagara Neighbourhood.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Regeneration Area* in the Official Plan, and is subject to the King-Spadina Secondary Plan Area. The site is also located in the *Downtown and Central Waterfront* as identified in the City's Urban Structure map. The *Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the urbanization strategy and the goals for *Downtown* is attracted to the area. Sites located within the *Downtown* offer opportunities for substantial employment and residential growth.

The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. New buildings will achieve a compatible relationship with their built form context through consideration of matters such as building height, massing, scale, setbacks, stepbacks, roof line and profile, architectural character and expression.

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

King-Spadina Built Form Review

In 2005, the King-Spadina Secondary Plan review was initiated by Council to evaluate development issues in King-Spadina related to entertainment uses, community facilities, public realm and built form. In September 2006, Council enacted amendments to the Secondary Plan and Zoning By-law for the area. The amendments were appealed to the Ontario Municipal Board (OMB) and many of these appeals have since been withdrawn or resolved. A further prehearing on the outstanding appeals has not yet been scheduled by the OMB.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2004) support the implementation of the King-Spadina Secondary Plan with detailed guidelines for areas of special identity and special streets. The guidelines seek to ensure that new development respects the massing, height, setback, orientation and character of the industrial buildings prevalent on the street. Building articulation and fenestration should be based on the articulation of the historic building facades.

Updated King-Spadina Urban Design Guidelines were considered by City Council in September 2006. The updated Guidelines encourage buildings with podiums that relate to nearby historic buildings, and evaluate tall buildings in terms of massing and height and impacts on light, view, privacy, sunlight access and wind conditions, as well as ensuring that the potential for other sites appropriate for tall buildings to develop in a similar manner is maintained. Stepbacks between 3 and 9 metres are encouraged for tall portions of buildings to not overwhelm the street wall.

Zoning

The site is zoned Reinvestment Area (RA) in the former City of Toronto Zoning By-law 438-86, as amended. The RA zoning permits a range of uses and a maximum building height of 30 metres along Front Street, 26 metres along Bathurst Street and 23 metres for the interior of the site and along Niagara Street. An additional 5 metres is permitted for rooftop mechanical elements. The Zoning By-law also contains requirements related to building setbacks from the side and rear lot lines, parking for residents and visitors, as well as bicycle parking for residents and visitors.

Site Plan Control

This proposal is subject to Site Plan Control, however an application has not yet been submitted.

Reasons for Application

The applicant has submitted a Zoning By-law Amendment application to permit a building that exceeds the maximum zoning height as permitted in the By-law, and does not comply with the required setbacks.

Community Consultation

A Community Consultation meeting was held on October 12, 2011. The local Councillor, planning staff, the applicant and approximately 60 members of the public attended. Both the

applicant and the Wellington Plan Neighbourhood Association made presentations and then the floor was opened up to questions and comments.

The concerns raised at the meeting included the following: the overall height and massing of the building, the proposed access off Niagara Street, the separation distance between this proposal and the building directly to the east of the site, shadows on Victoria Memorial Park, the proposed number of parking spaces, and the amount of traffic that will be generated by this proposal. These issues are discussed in the Comments section of this report.

Prior to the Community Consultation meeting a working group comprised of the local Councillor, the applicant, planning staff and members of the community met three times to review the proposal and consider different design alternatives for the site. The result of the working group process was the complete redesign of the proposal from a "podium and point tower" based scheme, to one that is more in keeping with the character of the west precinct of the King-Spadina Secondary Plan area. Other items discussed and changed as part of the working group process included vehicular access to the site and pedestrian access through the site.

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 application 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:

- provides a density of residential uses that efficiently uses land and resources, efficiently uses infrastructure and public service facilities and supports the use of alternative transportation modes (Section 1.1.3.2);
- provides for intensification of built form within an established settlement area (Section 1.1.3.3);
- optimizes the use of existing infrastructure and public service facilities by utilizing municipal services that are already in place (Section 1.6.2); and
- provides a compact building form in proximity to public transit, providing for additional housing uses in an area of high employment uses thereby providing the opportunities for shortening commute journeys (Section 1.8.1).

This application also supports the 2006 Growth Plan for the Greater Golden Horseshoe. The site is within an *Urban Growth Centre* which is a location where growth is expected to occur.

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

Section 2.2.3.6 (e) recognizes that *Urban Growth Centres*, intensification corridors, and major transit station areas as key focus for development to accommodate intensification.

Section 2.2.2.1 directs how this growth should be accommodated and this proposal addresses many of the policies including:

- (a) directing a significant portion of new growth to the built-up areas of the community through intensification;
- (d) reducing dependence on the automobile through the development of mixed-use, transit supportive, pedestrian friendly urban environments; and
- (e) providing convenient access to intra- and inter-city transit.

This proposal also complies with the policies set out in Section 2.2.3.7 which states that "all intensification areas will be planned and designed to:

- (a) attract a significant portion of population and employment growth;
- (b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods;
- (d) support transit, walking and cycling for everyday activities; and
- (e) achieve an appropriate transition of built form to adjacent areas.

This proposal complies with both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposal is for a mixed-use building with retail at grade and residential units above. Both the Official Plan and the Zoning By-law permit these uses and they are appropriate for the site.

Height and Massing

The in-force Zoning on the site allows heights of 30 metres on Front Street West, 26 metres along Bathurst Street and 23 metres on the remainder of the site. The proposed plan maintains the intent of the zoning by placing the tallest parts of the building on Front Street, the next tallest along Bathurst and the lower part of the building along Niagara Street. This distribution of the height also minimizes the shadow impact on Victoria Memorial Park and allows the building to fit into the existing built form context.

The chart below compares the heights that were proposed in the original application and the revised heights:

	Original Application (July 2011)		Revised Application (March 2012)	
	Storeys	Metres	Storeys	Metres
Corner of Front and Bathurst Streets	22	81	18	63
Along Bathurst Street	14	49	15-17	55-60
Corner of Bathurst and Niagara Streets	18	63	14	52
Along Niagara Street	9	34	9	33
East Wing	16	55	10-14	37-50
Southeast corner of the site	19	72	16	57
Along Front Street	4	18	8	30

The revised application responded to the major concerns with the original proposal with respect to the height and massing. The massing of the building was changed from a "podium and point tower" design to one that is more in keeping with the character of the neighbourhood. Firstly, the new design lowered the three corners of the site. The northwest corner of the site went from 18- to 14-storeys, the southwest corner of the site went from 22- to 18-storeys and the southeast corner of the site went from 19- to 16-storeys. Secondly, the parts of the building in between the corners were raised up. This created strong streetwalls along Bathurst Street and Front Street West. The character of the West Precinct of the King-Spadina Secondary Plan area does not contain point towers, and this fundamental shift in the design of the building was key to staff's support.

The draft site specific zoning by-law (Attachment 9) limits the portion of the building at the northwest corner of the site to a total height of 52 metres, including all mechanical, which is the total height of the Thompson Hotel. The submitted drawings from the applicant show a height of 52 metres for the residential portion of the building, and a mechanical penthouse that has a total height of 59 metres which staff believe is not appropriate. The mechanical penthouse should be removed from this portion of the building. All other heights described in the draft zoning by-law are consistent with the revised application.

Another important aspect of the massing of the building is the setback that has been proposed along the Bathurst Street frontage of the building. A setback of 4.5 metres, with no projections permitted, has been secured for 60 metres in the middle of this façade, above the 8th floor. See Attachment 5 for an illustration of this setback. Initially this setback was not proposed, and staff were concerned that the length and height of this façade would be overwhelming for Bathurst Street. In addition, the current zoning by-law has a requirement for a 45 degree angular plane above 22 metres in height along Bathurst Street. One purpose of this angular plane is to provide for a comfortable pedestrian environment, and the setback as proposed will help in this regard. The setback will also provide some visual relief along the Bathurst Street elevation.

The facing distance between building faces within the central courtyard are a minimum of 21 metres. This distance is appropriate for the interior of the courtyard and will provide sufficient separation between units. The facing distance between the east wing of the proposal and the

existing building to the east of the site (558-560 Front Street West) will be 19 metres which is comprised of 7.5 metres on the adjacent site and 11.5 metres on the subject site. The property at 558-560 Front Street West was approved at the Committee of Adjustment in 2009, and the 7.5 metre setback is the zoning by-law requirement for the side yard setback. Staff have reviewed the setback on the subject site and believe that the 11.5 metre setback on the subject site is appropriate, and that a 19 metre facing distance is acceptable given that only 7.5 metres is proved on the adjacent site.

Through Site Plan approval, staff will work with the applicant to provide an appropriate treatment for the ground floor wall on the east side of the site, facing the building at 558-560 Front Street West, as the second floor units facing west will be only 7.5 metres away from this wall. There is no Zoning By-law requirement for this ground floor wall of the new building, containing no windows, to be set back from the property line.

The façade along Niagara Street has been designed to fit into the existing built form context and provide animation on the ground floor. Two-storey live/work townhouse units are located at-grade along Niagara Street, each with an individual entrance off Niagara Street. There are also two residential lobbies which provide access to the residential units above the townhouses. Given the high floor-to-ceiling height of the first floor required to accommodate the retail uses, both levels of the 2-storey townhouses can fit within the "ground floor". Eight additional residential storeys are located above. The two uppermost floors of the Niagara Street portion of the building are set back from the building faces below to further reduce their visual impact. The townhouses will be permitted to have both live and work uses, to provide additional animation along Niagara Street.

After reviewing the revised proposal including a series of 3-D model views of the site and the surrounding context, staff believe that the heights and massing proposed are appropriate for the site.

Pedestrian Environment

The building has been set back 2 metres from the Front Street property line to allow for a wider sidewalk and tree planting. On the ground floor, at the intersection of Front and Bathurst Streets, the first three floors of the building are set back approximately 6 metres from both property lines, to allow for extra space at the intersection for pedestrians waiting to cross at the lights, and to provide visual interest at the corner. The Bathurst Street setback is 1.5 metres from the west property line which provides room for tree planting, a wide sidewalk and patio space for the commercial uses at-grade. The pedestrian realm on Niagara Street will be improved by setting the building back 2.5 metres from the property line; thereby creating some outdoor space for the townhouse units, wider sidewalks and space for tree plantings.

Sun, Shadow, Wind

The applicant submitted Sun/Shadow Studies as well as a Wind Study as part of the application.

The Sun/Shadow studies show the existing, the as-of-right and the proposed shadows in March and September. The shadow studies demonstrate that the increased shadow produced by the

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

proposed building is not significant. A key part of the review was to study any potential shadows on Victoria Memorial Park. The only additional shadow that will be cast on the park is at 4:00 pm, and it will be on a small portion of the southwest corner of the site. The shadow is off the park by 5:00 pm.

A Wind Study was also prepared for the proposal. The proposal includes a number of wind mitigation measures including parapet walls, canopies, balconies and landscaping which will mitigate the effect of the wind on the pedestrian environment. The conclusion of the study is:

We (Theakston Environmental Consulting) do not expect the proposed Development will significantly exacerbate wind conditions anticipated along Front or Bathurst Streets with Northerly, Southerly or Easterly winds. Westerly winds, or components thereof, may cause windy conditions at the windward building's corners from time to time... Comfort conditions expected at the proposed Development site are considered better than those required to suit the urban context, based on qualitative analysis.

Planning staff have reviewed the shadow and wind studies and believe that the shadow and wind impact is acceptable.

Vehicular Access to the Site

There are two points of vehicular access into the development. The first is on Front Street, at the southeast corner of the site. This entrance/exit will be for all the servicing of the site, as well as for the commercial and residential parking. A secondary access for the underground parking is on Bathurst Street. The original proposal had the secondary access on Niagara Street, as city policies do recommend that vehicular access should occur off secondary streets where possible. However, after the Community Consultation meeting where many residents asked for the access to be moved, the applicant relocated the secondary access to Bathurst Street. Staff are willing to accept the secondary access in this location.

Traffic

The applicant submitted a revised Traffic Impact Study to the City (submitted March 6, 2012) for review and Technical Services staff have provided comments. However, there are still outstanding issues relating to the study including questions about the amount of traffic generated by the non-residential component of the development and the details of the road improvements that have been proposed by the applicant. The Bills will be held from City Council until the Executive Director of Technical Services has accepted the Traffic Impact Study, and the applicant has revised applicable plans and/or documentation to address the comments from Transportation Services dated April 18, 2012. Any road improvements and/or infrastructure improvements required as part of the approval of the Traffic Impact Study will be secured in the Section 37 agreement.

Parking

The revised submission from the applicant has reduced the total number of parking spaces from 960 to 701. The parking ratios proposed by the applicant are as follows:

Unit Type	Zoning By-law Requirement		Proposal	
	Ratio	Number of Parking Spaces	Ratio	Number of Parking Spaces
Studio	0.3	73	0.26	62
1 Bedroom	0.5	374	0.3	224
2 Bedroom	0.75	65	0.75	65
3 Bedroom	1.2	149	1.2	149
Visitor	0.06	72	0	0
SUB-TOTAL		733		500
Commercial	0	0	0.04	201
TOTAL		733		701

The proposal still does not meet the minimum by-law requirements for the residential component of the development. Staff require additional information to justify the proposed reduction prior to accepting the parking supply as proposed. The draft zoning by-law, in the absence of further information, contains the existing by-law requirements as outlined in the second and third columns above.

Although the zoning by-law does not require any parking for the commercial component of the development, staff believe that parking for the grocery store and ancillary retail uses is warranted, but will require additional information to determine the appropriate number. This information must be provided to the satisfaction of the Executive Director, Technical Services prior to the Bills being introduced at City Council.

Zoning By-law 438-86 clearly states that visitor parking is to be provided for visitors to the residential component of the building. The ratio for visitor parking in the downtown is the lowest in the City and acknowledges the high level of transit service. At 0.06 spaces per unit, this yields 72 spaces to serve the 1200 units in this project. In the downtown and particularly in King-Spadina the demand for commercial parking is high to serve the commercial and entertainment uses in the area. Over the past 10 years with the replacement of many surface parking lots with condominium development the supply of parking has decreased dramatically with most new developments providing no or limited visitor parking. This creates demand on limited street parking for older buildings that have no parking. In addition the peak demand for commercial parking overlaps directly with that for visitor parking. This has been demonstrated across the downtown where visitor parking for condominium buildings is routinely full though the weekends.

In this case, the applicant is proposing that visitors can park in the commercial parking facility with no spaces reserved for visitors. Although staff has no objection to charging for visitor parking, it is recommended that visitor parking be physically separated from the commercial parking and reserved solely for the exclusive use of visitors. Access to the visitor parking can be shared with the commercial lot.

Bicycle Parking

The applicant is providing 1,225 bike parking spaces which include 970 for residents and 255 for visitors. The 255 visitor spaces serve the residential visitors and the commercial component of the development. The location of the bicycle parking spaces, as well as the type of parking spaces (horizontal, vertical or stacked) will be secured in the zoning by-law.

Loading and Garbage

All loading and garbage collection, for both the residential and commercial components, will be done on the ground floor, internal to the site with access from Front Street West. Four loading spaces are proposed (three Type B and one Type G) and this number is acceptable to Technical Services.

Additional information is required for Solid Waste Management prior to the introduction of Bills in Council. These include details about the number of townhouse units, the method of waste separation, the location of the waste compactor, the required size of the waste collection rooms, the movement of the collection vehicles within the site and the storage location of the waste bins. The applicant must provide this information to the satisfaction of the Executive Director, Technical Services prior to the Bills being introduced to City Council.

Servicing

The Functional Servicing Report prepared by Al Underhill and Associates, date stamped as received by City Planning on March 7, 2012 requires further revisions. The concerns raised by Technical Services are outlined in a letter dated April 17, 2012 which was sent directly to the consultant include the fire flow calculations and sanitary flow calculation. The Functional Servicing Report needs to be revised and accepted by the Executive Director, Technical Servicing prior to the Bills being introduced at City Council. In addition, if upgrades to the city infrastructure is required to properly service this development, any upgrades to the infrastructure will be secured in the Section 37 agreement and the applicant will be responsible for the costs in their entirety.

Noise and Vibration

The applicant submitted a Noise Study and a Vibration Study as part of their application. The studies were circulated to Metrolinx for their comments, and were reviewed by city staff. Metrolinx requires the applicant to enter into an agreement with Metrolinx which includes an environmental easement against the residential units, in favour of Metrolinx to acknowledge the subject site's location across the street from the rail corridor. Additional conditions and recommendations in the Noise Study will be secured as part of site plan approval.

Open Space/Parkland

The use is proposed to be mixed-use. The site is in the second highest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority are, as per Alternative Parkland Dedication Rate By-law 1020-2010.

The application proposes 1,200 residential units and 4,907 square metres of commercial on a site of 0.97 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

2010, parkland dedication would be 1.6 hectares. The proposal is subject to a cash-in-lieu cap of 10% of value of the residential component and a 2% of the commercial component, net of any conveyances for public road purposes. The residential component of the development would generate a parkland requirement of 0.09 hectares while the commercial component would generate a parkland requirement of 0.001 hectares. The combined parkland dedication requirement would be 0.091 hectares.

The owner proposed to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as it would prove to be difficult to find a parcel of land that would meet the department's requirement for land conveyance due to the size and shape of the property and the amount of underground infrastructure on site.

Site Plan Application

The proposal is subject to Site Plan Control, but an application for Site Plan approval has not yet been submitted by the applicant. The design of the building is very unique including detailed fenestration and various setbacks in a variety of locations on all the elevations, and it is important to secure this detail. The elevations will be secured in the Section 37 Agreement, however staff also recommend that the Bills should not be introduced at City Council until the applicant has submitted a Site Plan Approval application to the City.

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 and this will be secured in the Section 37 Agreement.

Section 37

Section 37 of the *Planning Act* allows municipalities to secure "facilities, services or matters as are set out in the By-law". The Official Plan also contains policies relating to the use of Section 37. Section 5.1.1.1:

Zoning by-laws, pursuant to Section 37 of the *Planning Act*, may be enacted to permit more height and/or density for a use than is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits in the form of capital facilities to be set out in the Zoning By-law together with the related increase in height and/or density, subject to the following:

- a) the capital facilities must bear a reasonable planning relationship to the increase in the height and/or density of a proposed development including, at a minimum, having an appropriate geographic relationship to the development and addressing planning issues associated with the development;

- b) the development must constitute good planning, be consistent with the objectives and policies of this Plan, and comply with the built form policies and all applicable neighbourhood protection polices; and
- c) the use of Section 37 must be contingent upon adequate infrastructure to support the development.

The community benefits recommended to be secured in the Section 37 agreement is a cash payment of \$1,800,000 to be paid upon the first above-grade permit on the site, and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 Agreement to the date of payment. The money will be used as follows:

- a) \$180,000.00 to be used for capital improvements to the Toronto Community Housing Corporation properties in Ward 20; and
- b) \$1,620,000.00 to be used for local parkland, streetscape improvements and/or community facilities in the King-Spadina Secondary Plan Area.

This development will be increasing the number of residents in the neighbourhood which will put increased pressure on the existing community facilities and parks. In the Community Services and Facilities Study submitted by the applicant and reviewed by staff, community space including meeting rooms and recreation facilities were both lacking in the neighbourhood and the cash contribution can be used to address these needs in the community.

The Section 37 Agreement will also contain provisions relating to the specific design of the building. The north, west and south elevations, as submitted to the City as part of the Zoning Amendment application are attached to the Section 37 Agreement to ensure that the specific and unique design of the building is implemented through to final construction.

The following matters are also recommended to be secured in the Section 37 agreement and be provided and maintained by the owner:

1. The owner is required to meet the Tier One Green Development Standards.
2. At least 10% of the total number of dwelling units to be constructed in the building shall be three bedroom units in compliance with the provisions of the Ontario Building Code.
3. An architectural feature to be located on the southeast corner of the intersection at Front and Bathurst Streets, incorporated into the design of the building, will be secured, to the satisfaction of the Ward Councillor and the Chief Planner. A letter of credit for the full cost of this feature will be posted by the applicant prior to the first above grade permit on the site.
4. The wind mitigation measures in the Wind Study will be implemented by the owner.

Finally, in support of the development the owner will be required to secure (prior to first above grade building permit) and undertake all necessary infrastructure improvements to the satisfaction of the Executive Director, Technical Services and as identified in the accepted Functional Servicing Report and accepted Traffic Impact Study.

Development Charges

It is estimated that the development charges for this project will be \$9,372,647.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

Staff support this application in principle, but there are a number of details that must be finalized prior to the Bills being introduced at City Council. In addition, the draft Zoning By-law attached to this report modifies the height and parking ratios for the proposal to levels that City Planning Staff can support. Staff will report back to City Council if the finalization of these details results in a material change in the draft zoning by-law, or if further direction from City Council is required.

CONTACT

Sarah Phipps, Senior Planner
Tel. No. (416) 392-7622
Fax No. (416) 392-1330
E-mail: sphipps1@toronto.ca

SIGNATURE

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

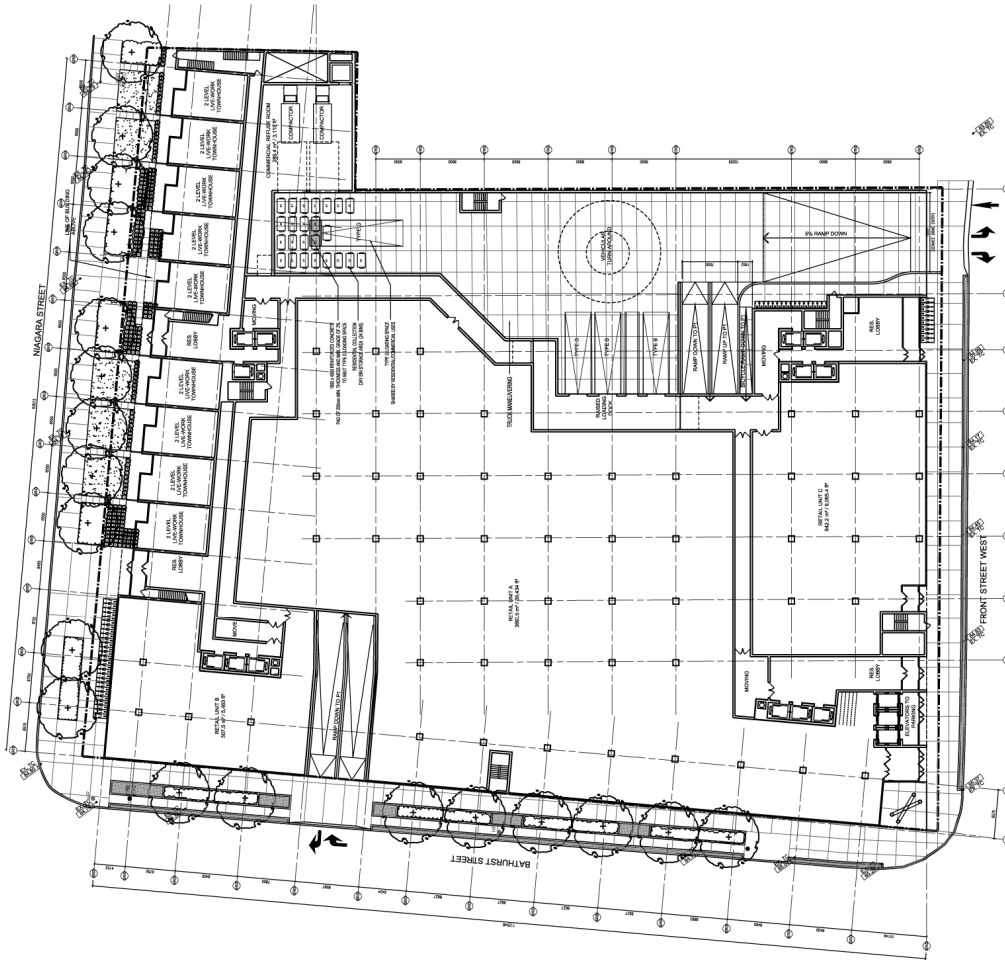
(p:\2012\Cluster B\pln\teycc12909746047.doc) - es

ATTACHMENTS

Attachment 1: Ground Floor Plan
Attachment 2: North Elevation (Niagara Street)
Attachment 3: South Elevation (Front Street West)
Attachment 4: East Elevation
Attachment 5: West Elevation (Bathurst Street - showing setbacks)
Attachment 6: Roof Plan
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning By-law

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

Attachment 1: Ground Floor Plan



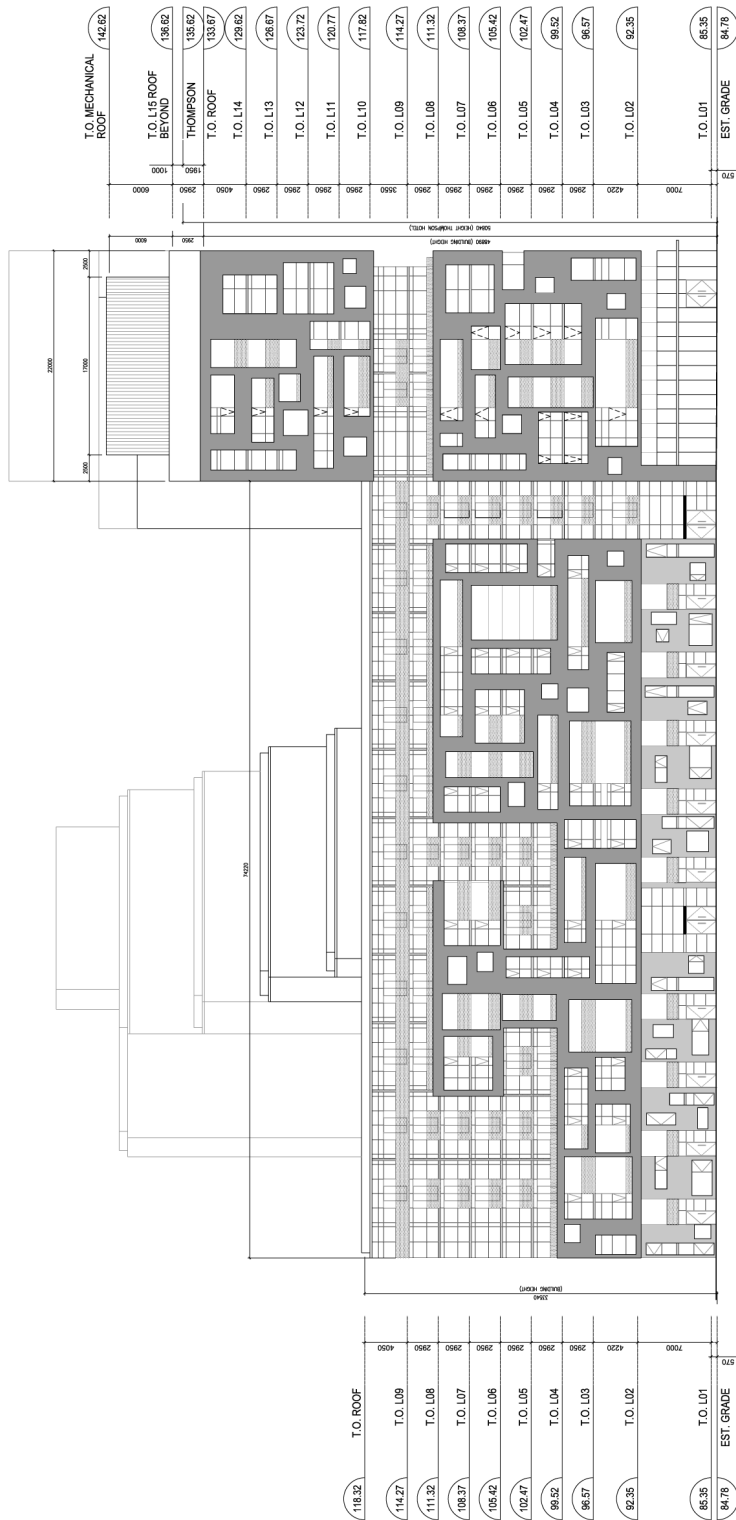
578 Front Street West

Ground Floor Plan
Applicant's Submitted Drawing

Not to Scale
05/07/2012

File # 11 230641 OZ

Attachment 2: North Elevation (Niagara Street)



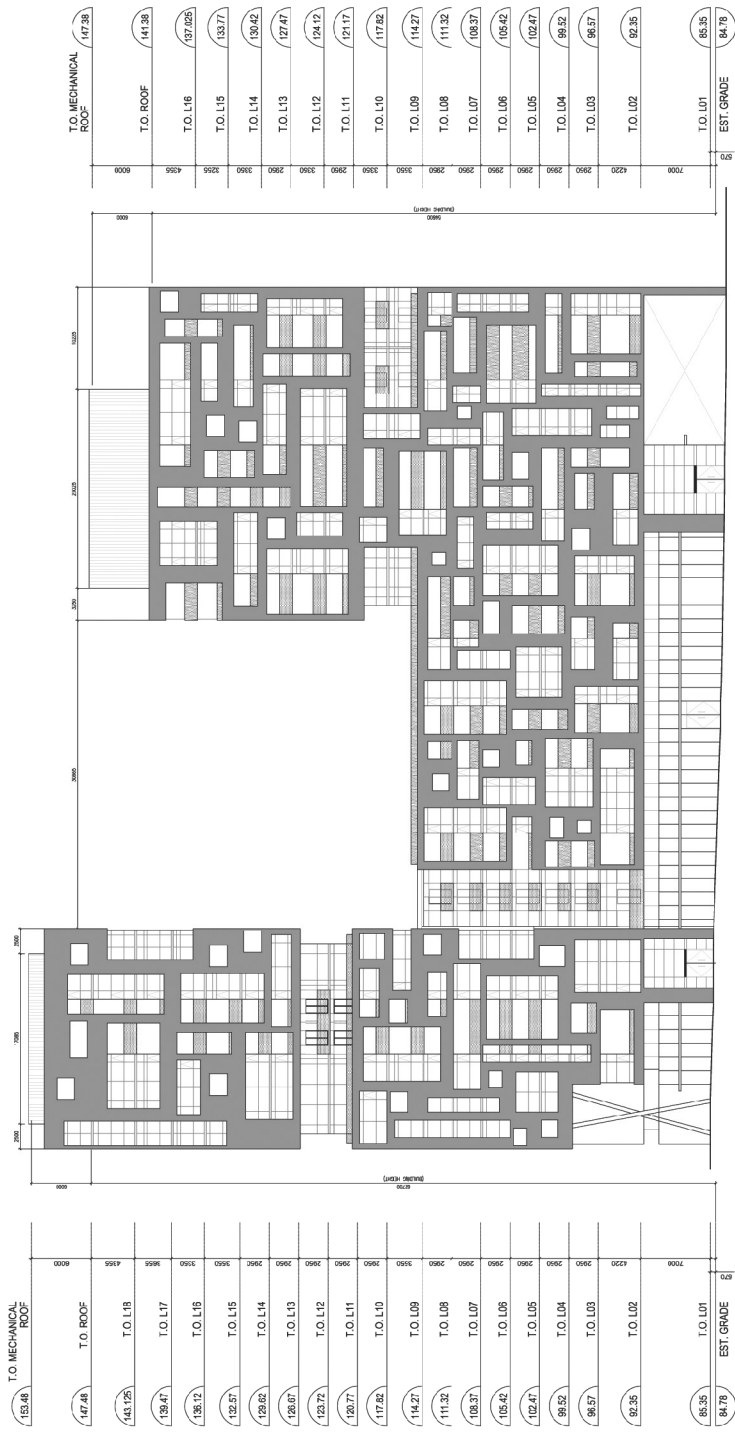
North Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/07/2012

578 Front Street West

File # 11 230641 0Z

Attachment 3: South Elevation (Front Street West)



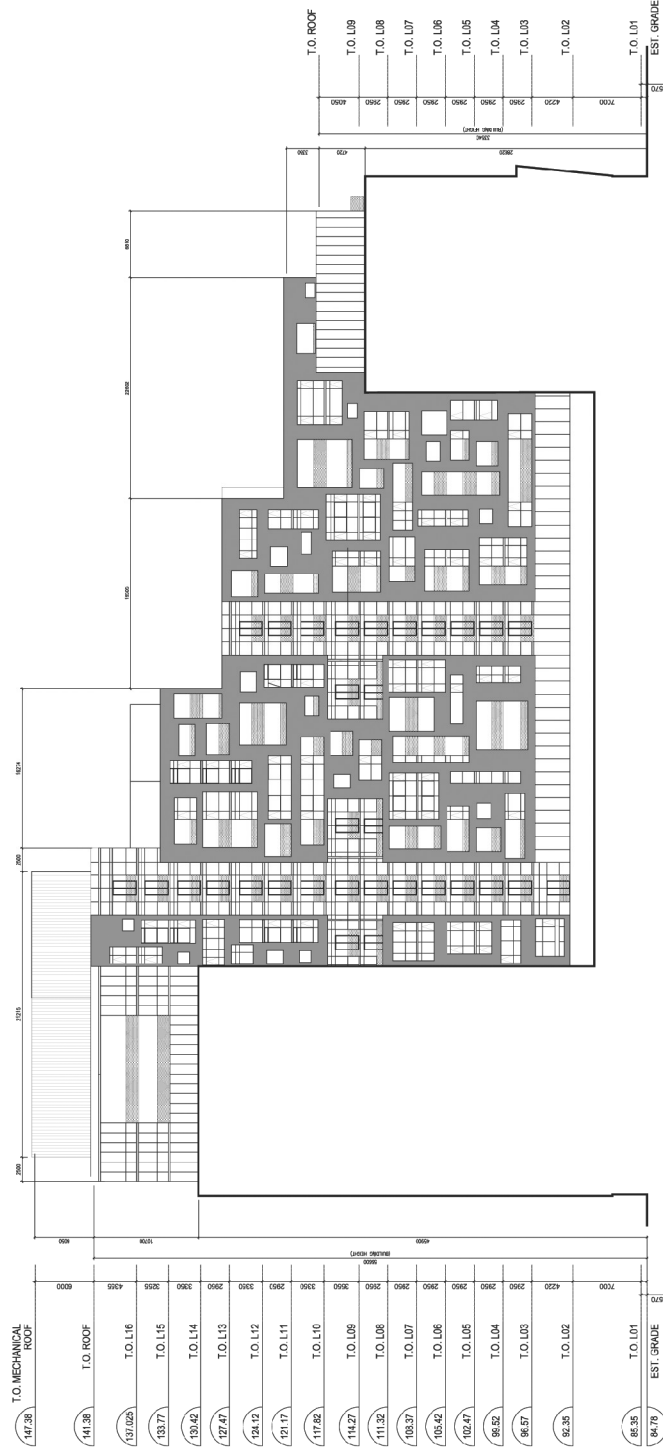
South Elevation

578 Front Street West

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/07/2012

File # 11 230641 02

Attachment 4: East Elevation



East Elevation

578 Front Street West

Elevations

Applicant's Submitted Drawing

Not to Scale
05/07/2012

File # 11 230641 02

Attachment 5: West Elevation (Bathurst Street -showing setbacks)



578 Front Street West

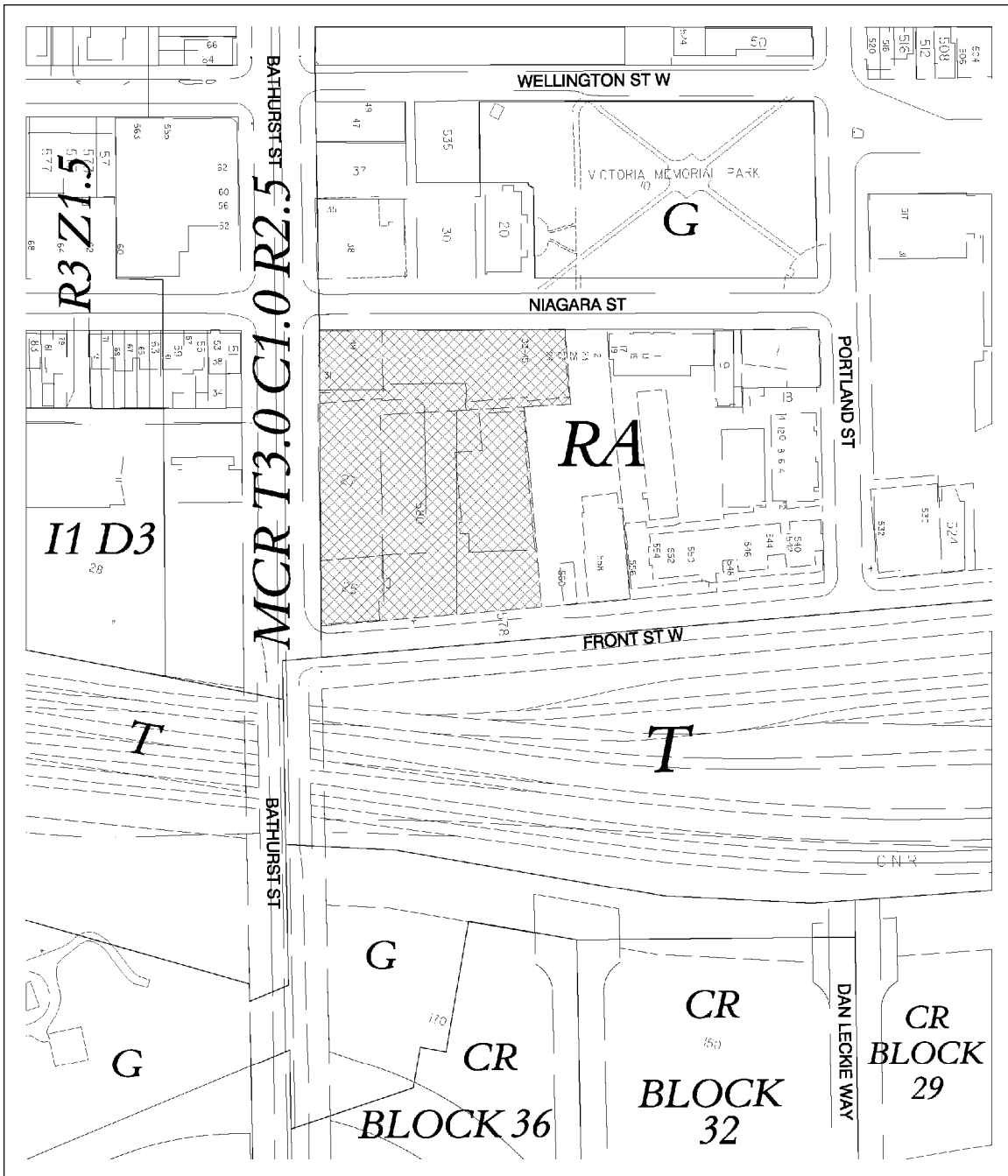
Elevations

Applicant's Submitted Drawing

Not to Scale
05/07/2012

File # 11 230641 02

Attachment 7: Zoning



Toronto Urban Development Services
Zoning

578 Front Street West
 File # 11-230641 02

- G Parks District
- I1 Industrial District
- CR Mixed-Use District
- R3 Residential Zone
- T Transportation & Utilities



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 08/11/11

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 230641 STE 20 OZ
Details	Rezoning, Standard	Application Date:	June 30, 2011
Municipal Address:	578 FRONT ST W		
Location Description:	PLAN MILITARY RESERVE SEC A PT LOTS 1,2,19 & 20 PLUS R O W **GRID S2014		
Project Description:	Rezoning application to permit the redevelopment of the lands for the purposes of a new mixed use development with a total gross floor area of 80,107m ² consisting of 1200 residential dwelling units in four towers ranging in height from 8 to 18 stories with retail at grade. Included in the proposal is the provision of 701 parking spaces to be located in a below grade parking facility.		
Applicant:	Agent:	Architect:	Owner:
MINTO URBAN COMMUNITIES		Wallman and Associates	BATHURST AND FRONT DEVELOPMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Historical Status:
Height Limit (m):	23, 26 and 30 metres	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	9686	Height:	Storeys:	Up to 18
Frontage (m):	70		Metres:	0
Depth (m):	115.5			
Total Ground Floor Area (sq. m):	7538			Total
Total Residential GFA (sq. m):	75094		Parking Spaces:	701
Total Non-Residential GFA (sq. m):	5013.2		Loading Docks	4
Total GFA (sq. m):	80107			
Lot Coverage Ratio (%):	78			
Floor Space Index:	8.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	242
1 Bedroom:	747
2 Bedroom:	87
3 + Bedroom:	124
Total Units:	1200

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	75094		0
Retail GFA (sq. m):	5013.2		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT: PLANNER NAME: Sarah Phipps, Senior Planner
TELEPHONE: (416) 392-7622

Attachment 9: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ● as adopted by City of Toronto Council on ●, 2012
Enacted by Council: _____, 2012

CITY OF TORONTO

BY-LAW No. xxx-2012

To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known municipally in the year 2012 as 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33, 35 and 49 Niagara Street.

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 known municipally in the year 2012 as 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33, 35 and 49 Niagara Street; and

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

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services, or matters in return for any increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services, and matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services, and matters as are hereinafter set forth; and

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

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services, and matters in return for the increases in height permitted in this By-law;

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

1. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *non-residential gross floor area*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17), 7(1)(a), 7(3) Part II, 12(2)132, 12(2)204, 12(2)246, 12(2)260 and 12(2)270 of Zoning By-law No. 438-86 being “A By-law to regulate the use of land and the

Staff report for action – Final Report – 576, 578, 580 Front Street West, 25, 27 Bathurst Street and 33, 35, 49 Niagara Street

erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* which may contain dwelling units, non-residential uses and a *commercial parking garage*, including uses *accessory* thereto, provided that:

- (1) For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
- (2) In addition to the uses permitted pursuant to Section 7(1)(a) of By-law 438-86, as amended, a *commercial parking garage* is a permitted use on the *lot*, provided that the *commercial parking garage* is located below the finish ground level.
- (3) Not more than 1,200 *dwelling units* are erected on the *lot*, of which not less than 10% of the total number of *dwelling units* shall contain three *bedrooms*.
- (4) The total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 80,150 square metres, of which a minimum of 4,500 square metres of *non-residential gross floor area* shall be located on the first *storey* of the building.
- (5) No portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (a) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, privacy screens, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, underground garage ramps and accessory structures, - guardrails, chimneys, vents, stacks, mechanical fans, retaining walls, wheel chair ramps, ornamental or architectural features, structures and elements related to outdoor patios, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2.; and
 - (b) balconies may extend beyond the heavy lines shown on Map 2 in the locations shown on Map 2 to a maximum horizontal projection of 1.5 metres.
- (6) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres than the *height* in metres specified by the

numbers following the letter H on the attached Map 2, provided this does not prevent:

- (a) the erection or use of the structures, elements and enclosures permitted by Section 1.(5) of this By-law;
 - (b) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.5 metres above the *height* limits shown on Map 2;
 - (c) roof top stacks and vents to a maximum vertical projection of 3.0 metres above the height limits shown on Map 2;
- (7) Notwithstanding Sections (5) and (6) above:
- (a) no part of any building shall be located within the grey area shown on Map 2 from finished ground level to 13.0 metres above *grade* other than signage, lighting, columns, structural supports and design features and such area shall be equal to a minimum of 36 square metres;
 - (b) in the area which is located between finished ground level and the ceiling of the first storey, no part of any building shall be within 3.0 metres of the property line abutting Front Street, subject to the erection or use of the structures, elements and enclosures permitted by sub-section (e) of this By-law;
 - (c) in the area within the heavy lines abutting Niagara Street which provides a *height* limit of 50.84 metres, and is located between finished ground level and the ceiling of the first *storey*, no part of any building shall be within 4.3 metres of the property line abutting Niagara Street, subject to the erection or use of the structures, elements and enclosures permitted by sub-section (e) of this By-law;
 - (d) in the areas within the heavy lines abutting Bathurst Street which provides a *height* limit above 0. metres, and is located between finished ground level and the ceiling of the first *storey*, no part of any building shall be within 1.5 metres of the property line abutting Bathurst Street, subject to the erection or use of the structures, elements and enclosures permitted by sub-section (e) of this By-law; and
 - (e) the exceptions referred to in sub-sections (b), (c) and (d) above, include the following: lighting fixtures, cornices, sills, eaves,

canopies, railings, patios, cabanas, planters, balustrades, columns, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, screens, trellises, underground garage ramps and accessory structures, guardrails, vents, wheel chair ramps, ornamental or architectural features, structures and elements related to outdoor patios, landscape features, signage, entry vestibules, as well as retail bays, where columns, entry vestibules and retail bays shall not width or occupy more than 10 % of the main walls within the area subject to the restriction.

- (8) The first *storey* will have a minimum floor to ceiling height of 6.5 metres.
- (9) The second *storey* will have a minimum floor to ceiling height of 4 metres
- (10) No person shall erect or use a building or structure on the *lot* which exceeds the number of *storeys* specified by the numbers following the letter S on the attached Map 2.
- (11) A minimum of 20% of the exterior walls of the building facing Bathurst Street shall be occupied by glazed areas, spandrel panels and vents, which are inset a minimum of 1.5 metres from the main exterior wall of the building.
- (12) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (a) 2.0 square metres of indoor *residential amenity space* shall be provided per *dwelling unit*, above finished ground level, in multipurpose room or rooms, at least one of which shall contain a kitchen and a washroom;
 - (b) A minimum of 50% of the indoor *residential amenity space* required under (a) above, shall be provided within the second *storey* of the building; and,
 - (c) 2.0 square metres of outdoor *residential amenity space* shall be provided per *dwelling unit*, above finished ground level, of which at least 1,000 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space* located within the second *storey* of the building.
- (13) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

Residential:

- (a) a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;

- (b) a minimum of 0.5 *parking spaces* per one *bedroom dwelling unit*;
- (c) a minimum of 0.75 *parking spaces* per two *bedroom dwelling unit*;
- (d) a minimum of 1.2 *parking spaces* per *dwelling unit* containing three or more *bedrooms*;
- (e) a minimum of 0.06 *parking spaces* per *dwelling unit* shall be provided for visitors.

Non-Residential:

- (f) a minimum of 1.0 parking space per 100 square metres of *non-residential gross floor area* shall be provided for a grocery store on the *lot* up to a maximum of 100 *parking spaces* and such spaces may be reserved for the exclusive use of the grocery store from time to time;
 - (g) a minimum of 1.0 *parking space* per 100 square metres of *non-residential gross floor area* for all other non-residential uses on the *lot*;
 - (h) a maximum of 250 *parking spaces* may be located in the commercial parking garage; and
 - (i) the *visitor parking spaces* may be provided within a *commercial parking garage*, but they must be physically separated from the rest of the spaces in the *commercial parking garage* and they must be reserved for the exclusive use by visitors to the residential units in the building.
- (14) The provision and use of *tandem parking spaces* is permitted as an *accessory* use on the *lot*, but for clarity, *tandem parking spaces* may not be used to satisfy the parking requirements outlined in Section 1.(11) of this By-law.
- (15) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

Residential:

- (a) a minimum of 0.8 *bicycle parking spaces* per *dwelling unit* for occupants;
- (b) a minimum of 0.2 *bicycle parking spaces* per *dwelling unit* for visitors and such *bicycle parking spaces* shall be located either at finished ground level, or within the P1 parking level;

Non-Residential:

- (c) a minimum of 0.2 *bicycle parking space* per 100 square metres of *non-residential gross floor area* for occupants; and
 - (d) a minimum of 0.3 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* for visitors.
- (16) A minimum of four loading spaces shall be provided on the *lot* consisting of one *loading space-type G* and four *loading space-type B*.
2. Pursuant to Section 37 of the Planning Act, and subject to compliance with the provisions of this By-law, the increase in height of the development on the *lot* beyond that otherwise permitted in By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* to the City of the following facilities, services and matters at the *owner's* sole expense:
- (a) Prior to issuance of the first above grade building permit for the proposed development on the *lot*, the *owner* shall:
 - i) provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$1,800,000.00 to be applied at the discretion of the City as determined by the Chief Planner and Executive Officer, in consultation with the Ward Councillor, as follows:
 - A) \$180,000.00 for capital improvements to Toronto Community Housing Corporation properties located in Ward 20; and
 - B) \$1,620,000.00 for parkland, streetscape improvements and community facilities within the King - Spadina Secondary Plan area;

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) provide the City with a letter of credit in an amount and form satisfactory to the Chief Planner and Executive Director to secure the design, construction and installation of a design feature integrated into the southwest corner of the building on the *lot* (intersection of Bathurst Street and Front Street); and

- iii) provide the City with a letter of credit in an amount and form satisfactory to the Executive Director, Technical Services to secure any municipal infrastructure improvements identified as being required in the accepted Functional Servicing Report and accepted Transportation Study for the proposed development;
- (b) the *owner* shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the *lot* to the satisfaction of the City to secure:
- i) the matters provided for in Section 2 (a) i), ii) and ii) above;
 - ii) the provision and maintenance by the *owner* of the following:
 - i) development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as set out in Item PG 32.3 of the Planning and Growth Management Committee adopted by Toronto City Council at its meeting held on October 26 and 27, 2009;
 - ii) provision of at least 10% of the total number of dwelling units constructed on the *lot* that contain three or more bedroom units in compliance with the provisions of the Ontario Building Code; and
 - iii) design, construction and installation of a design feature integrated into the southwest corner of the building on the *lot* (intersection of Bathurst Street and Front Street) satisfactory to the Chief Planner and Executive Director, in consultation with the Ward Councillor and as shown on plans and drawings approved pursuant to Section 114 of the City of Toronto Act, 2006, as amended; and
 - iii) The provision by the *owner* of the following to facilitate the development:
 - A) design and construction of proposed development on the *lot* substantially in conformity with the architectural design identified on elevation plans on file with the Chief Planner and Executive Director, prepared by Wallman Architects Inc. dated April 25, 2012 and stamp dated April 27, 2012 by City Planning, to the satisfaction of the Chief Planner and Executive Director, the details of which, including the exterior materials, will be refined on approved plans and drawings in the context of site plan approval pursuant to

Section 114, of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City; and

- B) design, construction and installation of any municipal infrastructure improvements identified as being required in the accepted Functional Servicing Report and accepted Transportation Study for the proposed development to the satisfaction of the Executive Director, Technical Services .
3. None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent a *sales office* on the *lot*.
 4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
 5. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) “*bicycle parking space*” means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and
 - (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 0.9 metres and a vertical dimension of at least 1.9 metres; and
 - (c) notwithstanding (a) and (b) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have a length of at least 1.6 metres and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;
- (2) “*grade*” means 84.78 metres Canadian Geodetic Datum;

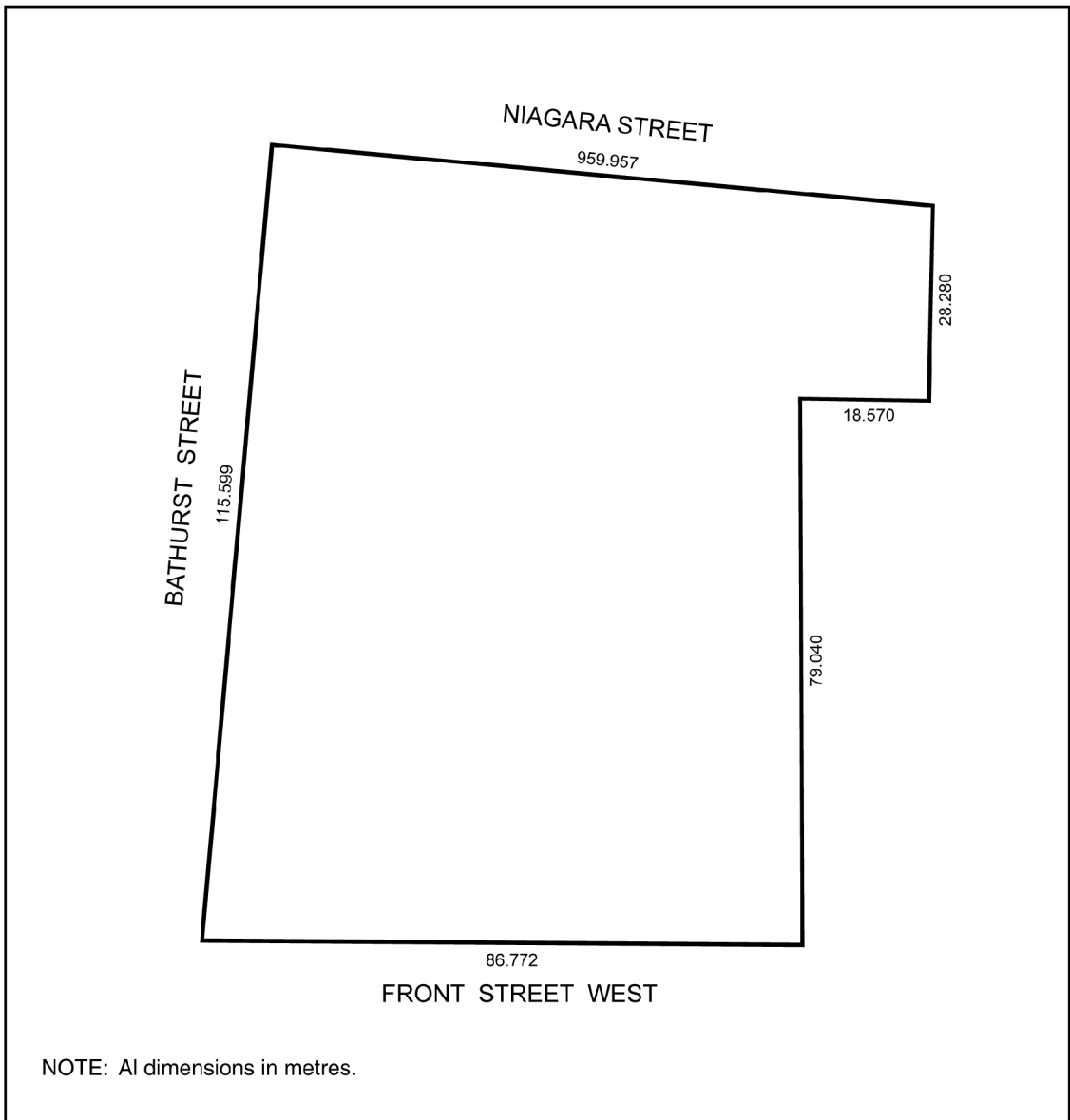
- (3) “*non-residential gross floor area*” has the same meaning as provided in By-law 438-86, as amended, with the exception that floor area occupied by a *commercial parking garage* and uses *accessory* thereto shall be excluded from the calculation of *non-residential gross floor area*, provided that the *commercial parking garage* is located below grade;
- (4) “*owner*” shall mean the registered owner of the *lot* in fee simple;
- (5) “*parking space*” means:
 - (i) an unimpeded area that has dimensions not less than those prescribed by subsection 4(17), Minimum Parking Space Dimensions;
 - (ii) a parking space within a *parking stacker*;
- (6) “*sales office*” means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*; and,
- (7) “*storey*” means a level of the building or structure located between a floor and a ceiling or roof immediately above, excluding those areas of the building labelled as mechanical penthouse on Map 2, and the first *storey* shall be the first level of the building which contains the main entrance to the residential portion of the building. For clarity, a *storey* does not include levels of the building occupied by an underground garage.
- (8) “*tandem parking space*” means an area having a minimum length of 5.6 metres, a minimum width of 2.6 metres and a minimum vertical clearance of 2.0 metres that is accessible for the parking and removal of a motor vehicle with the necessity of moving another motor vehicle;

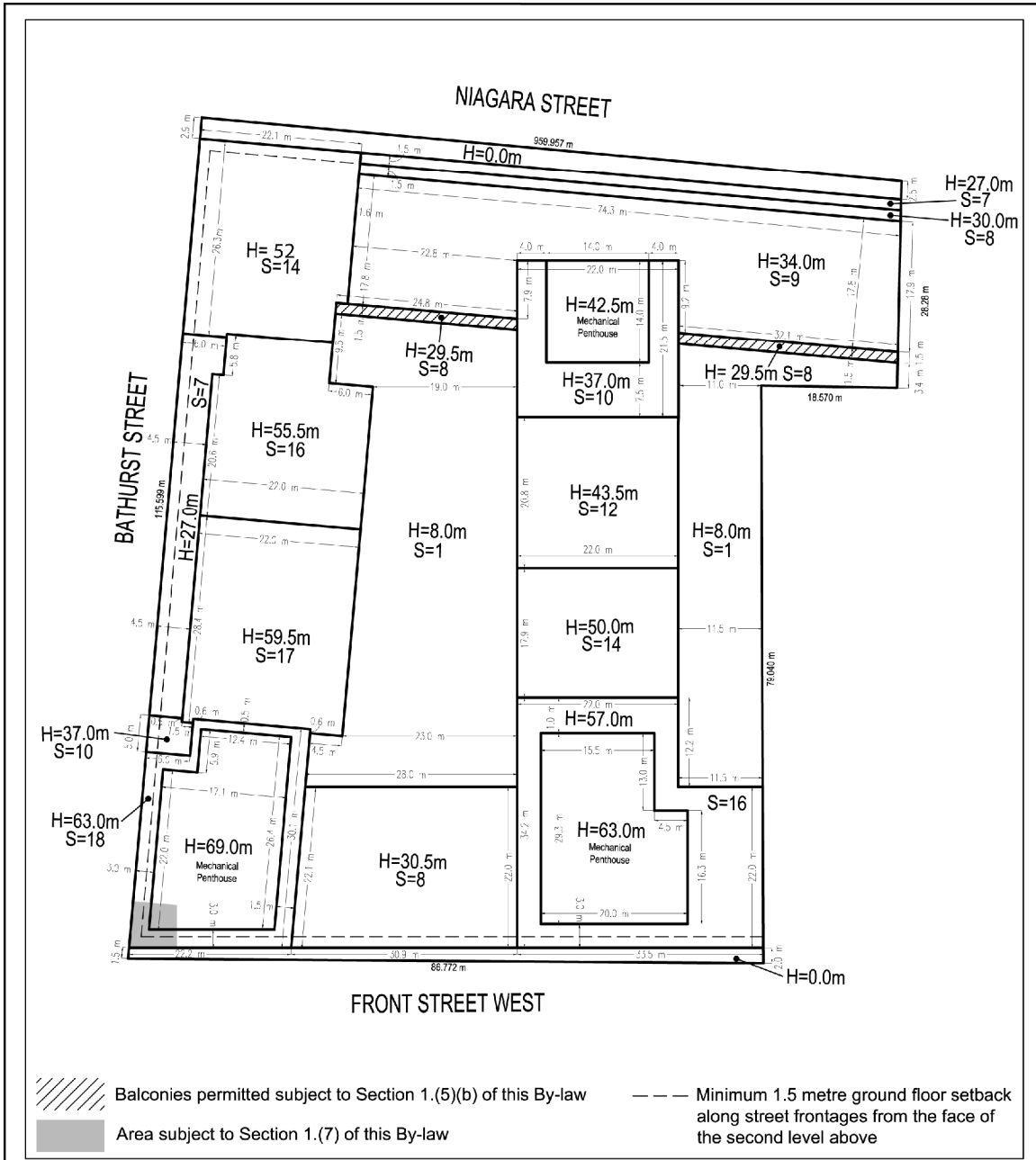
ENACTED AND PASSED this ~ day of ~, A.D. 2012.

Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk





Map 2
 25-27 Bathurst Street, 576-580 Front Street West
 and 33, 35, and 49 Niagara Street
 City of Toronto

