

## **120 to 130 Harbour Street, and 10 York Street – Official Plan Amendment and Zoning Amendment Applications – Final Report**

<b>Date:</b>	October 19, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	11 329885 STE 20 OZ and 12 256067 STE 20 OZ

### **SUMMARY**

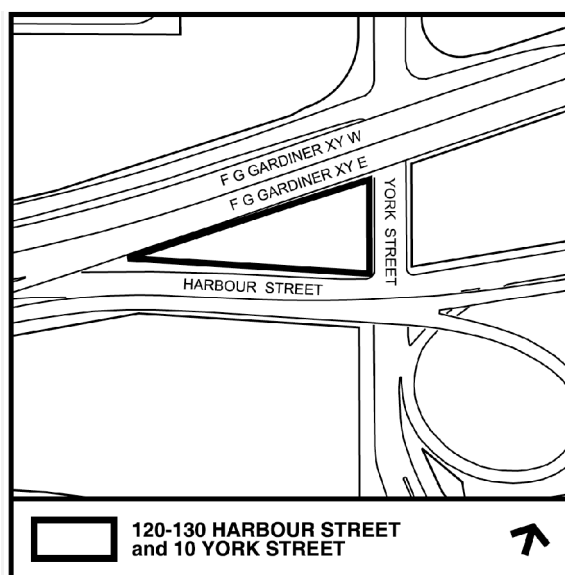
This application proposes a mixed use development at 120 to 130 Harbour Street and 10 York Street. The proposal includes a 62-storey (224 metres including mechanical penthouse) residential tower with a 4-storey podium. There are a total of 726 dwelling units proposed in the tower. The proposed uses within the podium include: retail at grade; mechanical, storage and guest suites on levels 2 to 3; and indoor and outdoor amenity space on levels 3 and 4.

This report reviews and recommends approval in principle of the Official Plan Amendment and Zoning By-law Amendment subject to the provision of parking in accordance with the requirements as set out in this report.

### **RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Official Plan, for the lands at 120 to 130 Harbour Street and 10 York Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to report (October 19,



2012) from the Director, Community Planning, Toronto and East York District.

2. City Council amend Zoning By-law 438-86, for the lands at 120 and 130 Harbour Street and 10 York Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report (October 19, 2012) from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Zoning By-law Amendment as may be required.
4. City Council require that the applicant provide sufficient parking on site as outlined in the Technical Services memo of September 25, 2012 and discussed in the report (October 19, 2012) from the Director, Community Planning, Toronto and East York District.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 120 to 130 Harbour Street and 10 York Street to address all such issues and, if required by the Executive Director of Technical Services, that the owner has entered into a secured Agreement with the City to ensure the provision of (a) the Functional Servicing Report, to the satisfaction of the Executive Director of Technical Services; and (b) the Transportation Study, to the satisfaction of the General Manager of Transportation Services, should it be determined that improvements to such infrastructure are required to support this development.
6. Before introducing the necessary Bills 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. To provide affordable housing contribution to the value of \$5,200,000.00.
    - i. The value of the affordable housing shall be either in cash payable at building permit or as a built contribution within the property of 120 to 130 Harbour Street and 10 York Street to the satisfaction of the Affordable Housing Office of the City of Toronto and the Chief Planner.
  - b. If it is determined that the affordable housing contribution be provided as cash, it is required that the cash amounts identified in 6.a. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
  - c. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. affordable housing.
  - d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code.
- ii. Provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit.
- iii. Through the Site Plan application process the following is required:
  - a. A conveyance with a maximum width of 1.6 metres from a point 1.2 metres below finished grade, to the sky, including a daylight triangle at the southwest corner of York Street and Lake Shore Boulevard West, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes, all as more particularly illustrated on a dimensioned sketch to be provided to the property owner;
  - b. A further below-grade conveyance which excludes the parking garage and all associated support structure, such conveyance to have a width of approximately 4.8 metres at the east limit of the site, and extend parallel to the existing north limit of the right-of-way to bring the width of the Lake Shore Boulevard West/Gardiner Expressway public right-of-way to a minimum width of 45 metres, in accordance with the requirements of the Official Plan;
  - c. An easement with a minimum width of 5.0 metres to the full extent of the site abutting the southerly drip line or any other structural component of the Gardiner Expressway (including below grade foundation) along the F.G. Gardiner Expressway at a point 1.2 metres below finished grade, to the sky, the easement to be conveyed to the City for a nominal sum as required for maintenance purposes and the possible future dismantling of the F.G. Gardiner Expressway to the satisfaction of the Executive Director of Technical Services;
  - d. Setback the project, including all ramps, driveways, bridge support columns and ventilation shafts, in order to accommodate the road widening as set out above;
  - e. Provision of continuous pedestrian weather protection abutting York Street;
  - f. Identification of any future patio space in co-ordination with the pedestrian weather protection requirements;

- g. Provide upgraded streetscape along York Street, Lake Shore Boulevard West and Harbour Street to co-ordinate and be in keeping with the York Street Promenade requirements;
  - h. Provision of maintenance holes at the property line off city property for both storm and sanitary connections; and
  - i. Enter into an encroachment agreement for the area of the parking garage that will encroach into the Harbour Street and Lake Shore Boulevard right-of-way.
7. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 120 to 130 Harbour Street and 10 York Street to undertake the following to address the provision of affordable housing within the lands as required through the Section 37 Agreement:
- a. The owner shall, to the satisfaction of the Chief Planner and the City Solicitor, and in consultation with the Councillor for Ward 20, determine the details of the implementation of the affordable housing on the site which shall be incorporated into Appendix 1 of the draft Zoning By-law Amendment attached to the report (October 19, 2012) as Attachment 7 from the Director, Community Planning, Toronto and East York District.
  - b. If deemed necessary by the Chief Planner the applicant shall have submitted, processed and Council have adopted an Official Plan Amendment to address rental affordable housing within a condominium development on the subject site.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The Preliminary Report for this application can be found at:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-44674.pdf>

### **ISSUE BACKGROUND**

#### **Original Proposal**

The application was originally submitted December 22, 2011. The subject site is a pie shaped lot bounded by York Street to the east, the Gardiner Expressway/Lake Shore Boulevard West to the west and to the north and Harbour Street to the south. The applicant proposed a 75-storey (253.4 metres including mechanical penthouse, 242.4 metres excluding mechanical penthouse) residential tower with a podium of 6 storeys on the west side of the site and 5 storeys on the east side of the site. The development contained a total of 783 residential units including 444 one-bedroom units (57%), 256 two-bedroom units (32%) and 83 three-bedroom units (11%).

The applicant also proposed five levels of underground parking and three levels of above-grade parking. There were a total of 330 parking spaces proposed that include 292 spaces for residential use and 38 spaces for residential visitors. The residential parking rate would be 0.37 spaces per unit. A total of 785 bicycle parking spaces were proposed including 675 residential spaces and 110 visitor spaces.

The proposed tower was situated on the easterly part of the site. The tower dimensions were 32.3 metres x 30 metres. The typical net floor area for the tower was 845 square metres with the total gross floor area of the tower being 68,258 square metres. The total density was 26.5 times the area of the lot.

The condominium tower proposed approximately 66,633 square metres of residential gross floor area and approximately 138 square metres of retail gross floor area, including approximately 1,487 square metres of indoor and 659 square metres of outdoor amenity space which is less than the 1,566 square metres of indoor and outdoor amenity space that is required by Zoning By-law 438-86.

The ground floor would contain the residential lobby and retail space with access from York Street. Floors 2 to 4 of the podium building would be used for above grade parking and the 5<sup>th</sup> floor would be used for mechanical and residential storage purposes. Indoor and outdoor amenity space would be located on the 6<sup>th</sup> and 7<sup>th</sup> floors.

The proposed tower setbacks are as follows (all numbers are minimums and from the property line):

	<b>Ground Floor to 6<sup>th</sup> floor</b>	<b>7<sup>th</sup> floor to 75<sup>th</sup> floor</b>
<b>North Setback (Lake Shore Blvd. West)</b>	4 metres	4.8 metres
<b>East Setback (York Street)</b>	3 metres	5.7 metres
<b>South Setback (Harbour Street)</b>	Zero	0.7 metres
<b>West Setback</b>	33 metres	75 metres

The proposed location of the tower on the subject site would provide a minimum tower separation across streets of 55.6 metres to the north (distance to the easterly residential tower of the ICE Condominium development), 30 metres to the east (proposed office tower at 90 Harbour Street) and 30 metres to the south (existing tower at 8 York Street).

Vehicular access was via two driveways on Harbour Street with one in-bound and one out-bound and a single in-bound only access from Lake Shore Boulevard West. An on-site circulation system will connect these driveways with the parking ramps, loading facilities and on-site passenger pick-up/drop-off facilities. One Type C and one Type G loading space was proposed to serve the residential building. The loading functions were located within the northerly portion of the ground floor.

The applicant proposed to implement the City Council approved York Street Pedestrian Promenade Plan by providing a setback of the podium base for an expanded sidewalk area on the site with a minimum width of 4.0 metres along York Street. Continuous weather protection was to be provided with a minimum depth of 3 metres. Planting beds and raised planters were also being proposed along the York Street and Harbour Street frontages.

Attachments 1 and 2 show the proposed site plan and elevations for the project. For a summary of the application details, please refer to the Application Data Sheet in Attachment 5.

## Revised Proposal

Since the original application was submitted the applicant has submitted revisions to address comments received from staff, the community and the Design Review Panel. The second submission was dated August 10, 2012 and was circulated to departments and agencies for comment. The revisions to the plans include a number of changes to the site including reducing the height of the podium, reducing the height of the tower, changing the parking to be below grade only, revisions to the access to the site to be from Harbour Street only, re-shaping the tower and podium in response to urban design and Waterfront Design Review Panel comments. Table 1 is a summary of the revisions to the plans.

**Table 1 – Summary of Revisions to the Application**

	<b>First Submission December 22, 2011</b>	<b>Second Submission August 10, 2012</b>	<b>Final Revision September 7, 2012</b>
Site Area	2,572 sq.m.	2,572 sq.m.	2,572 sq.m.
Tower Floorplate (approximate average)	850 sq.m.	900 sq.m.	925 sq.m.
Gross Floor Area (above grade)			
Total Residential	66,633 sq.m.	61,349 sq.m.	59,500 sq.m.
Non-Residential	<u>1,625 sq.m.</u>	<u>473 sq.m.</u>	<u>400 sq.m.</u>
Total	68,258 sq.m.	61,822 sq.m.	59,900 sq.m.*.
Floor Space Index	26.5 x lot area	24 x lot area	23 x lot area
Setbacks and Separation (from tower face):			
North side Tower to Gardiner Expressway	5.5 metres	6.2 metres	6.2 metres
North side Tower to property line	4.8 metres	4.8 metres	4.8 metres
East side Tower to the east property line	5.7 metres	9.5 metres	9.5 metres
South side Tower to Harbour Street	0.7 metres	2.75 metres	2.75 metres
Number of Units	783	726	725
Proposed Vehicular Parking	330	289	289
Proposed Bicycle Parking	785	728	728
Loading Spaces			
Type G	1 space	1 space	1 space
Type C	1 space	1 space	1 space
Interior Residential Amenity Space	1,487 sq.m. (1.89 sq.m. per unit)	1,572 sq.m. (2.16 sq.m. per unit)	1,572 sq.m. (2.16 sq.m. per unit)
Exterior Residential Amenity Space	659 sq.m. (0.84 sq.m. per unit)	438 sq.m. (0.6 sq.m. per unit)	438 sq.m. (0.6 sq.m. per unit)
Building Height (including mechanical penthouse and architectural elements)	253.4 metres	239.5 metres	224 metres

\* Note: Final gross floor area will be lower to reflect final tower height

Further discussions with the applicant since the last submission has resulted in additional revisions to the proposal as summarized on Table 1 and which will be further elaborated in this report. In summary, the applicant has agreed to reduce the height of the residential tower from 324 metres to 224 metres inclusive of mechanical penthouse and architectural elements. This would result in a reduction in the number of storeys from approximately 68-storeys to 65-storeys. There will be a resultant reduction in residential gross floor area that will be finalized Staff report for action – Final Report – 120 to 130 Harbour Street, 10 York Street

when the bills come forward to Council once the applicant has finalized their detailed internal design.

Through the review of the rezoning application the applicant was made aware of the requirement for a road widening along the area of Lake Shore Boulevard West between the subject site and Bay Street. To address the site specific requirements for the road widening an Official Plan Amendment has been submitted under file 12-256067 STE 20 OZ. The road widening and Official Plan Amendment will be discussed further in the comments section of this report.

## **Site and Surrounding Area**

The site is located at the northwest corner of York Street and Harbour Street and is bounded by York Street to the east, Lake Shore Boulevard West/Gardiner Expressway to the north and west, and Harbour Street to the south. The subject site is 2,572 square metres in size with frontages of 44.5 metres along York Street, 82.3 metres along Lakeshore Boulevard West and 79.3 metres along Harbour Street. The site is occupied by a Toronto Parking Authority lot. The site is located within the Union Station District and the Central Waterfront Secondary Plan.

The surrounding land uses are as follows:

North: Lake Shore Boulevard West/Gardiner Expressway. Further to the north is the approved ICE mixed-use office and condominium development at 16 York Street, known as York Centre. The proposed development consists of a 31-storey office building at the southwest corner of Bremner Boulevard and York Street (site plan application 11-213852 STE 20 SA), with two residential towers of 57 and 67 storeys on the southerly portion of the site (site plan applications 09-200568 STE 20 SA and 09-161101 STE 20 SA respectively). These sites are to be connected to the PATH system via a tunnel under York Street. To the northeast across from York Centre is Maple Leaf Square at 15 York Street, consisting of a 10-storey mixed use podium connecting 50-storey and 54-storey residential towers. The site also includes office and retail uses and direct PATH pedestrian access to Union Station.

South: Harbour Street and the Gardiner Expressway off-ramps leading to York Street and Bay Street. Further south is the Waterclub Condominium residential development, consisting of two 37-storey towers on the easterly portion of the block and a 27-storey storey tower on the southwest portion of the block. This block also includes a 7-storey above grade commercial parking garage that extends along Harbour Street.

East: York Street, beyond which is a commercial parking lot at 90 Harbour Street, which is the subject of an application for a mixed-use development consisting of a 31-storey office tower fronting onto York Street and two residential towers of approximately 66 and 62 storeys on the easterly portion of the site under application 11-295626 STE 28 OZ. To the southeast is the parkland containing the off-ramp from the Gardiner Expressway, commonly known as the “York Off-Ramp Park”. Further to the east is the Waterpark Place Phase III development for a 30-storey office tower currently in the final stages of site plan approval under application 11-194925 STE 28 SA.

West: Gardiner Expressway and Lake Shore Boulevard West.

## 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 subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan.

In the City of Toronto's Official Plan, the lands at 120 and 130 Harbour Street and 10 York Street are designated *Regeneration Areas*. These areas are intended to provide for a broad mix of commercial, residential, light industrial, institutional and live/work uses in an urban form in order to revitalize areas that are largely vacant or underused and to create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure.

The Development Criteria for *Regeneration Areas* requires that development should not proceed prior to approval of a Secondary Plan. The Official Plan sets out criteria through which a Secondary Plan would guide the revitalization of the area. The subject site is within the Central Waterfront Secondary Plan which is further discussed in the next section of this report.

The City of Toronto's Official Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan was adopted by Council on April 16, 2003 as an amendment to Part II of the former City of Toronto Official Plan. It was appealed in its entirety, and although parts of the Plan have been approved by the Ontario Municipal Board, the Plan is not approved and in force as it applies to the subject site.

The Secondary Plan identifies the subject site as "*Regeneration Areas*" on Map E-Land Use Map. This designation applies to larger blocks and permits mixed-use development ranging from industries to housing to community services and parks including offices, hotels and restaurants. New development should incorporate a wide mix of uses both public and private and should be designed at ground level to complement the activities anticipated in adjacent public spaces. The Regeneration sites are subject to particular attention to ensure the highest quality of built form and design expected. The policies note that peer review of the design issues will be undertaken to ensure the high standards of excellence and to address scale, range of uses and overall building design. The Secondary Plan also contains policies to address enhanced public realm and affordable housing.

The Central Waterfront Secondary Plan is available on the City's website at:  
[http://www.toronto.ca/waterfront/cwp\\_2006.htm](http://www.toronto.ca/waterfront/cwp_2006.htm)

## **Zoning**

The site is zoned CR T3.0 C3.0 R0 and has no height limit. The CR zone generally permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices, hotels and parks. The zoning permits a maximum non-residential density of 3.0 times the area of the lot. The current zoning does not allow for residential density. Attachment 4 shows the zoning for the site and surrounding area.

## **Tall Building Guidelines**

The subject property is located south of the Gardiner Expressway/Lake Shore Boulevard West and is therefore not subject to the Downtown Tall Building Guidelines but would be subject to the City wide Tall Building Guidelines. The review of the site in relation to the Tall Building Guidelines is discussed in this report under the section entitled Density, Height and Massing.

In June of 2006, Toronto City Council adopted the Design Criteria for Review of Tall Building Proposals and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development proposals falling within the Guideline boundaries. The Guidelines establish a framework to regulate their height, form and relationship to their surroundings. They focus on enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown.

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>.

## **Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. A site plan application has not yet been submitted but will be required.

## **Reasons for Application**

An amendment to Zoning By-law 438-86 is required to increase the permitted total density from 3 times the lot area to 24 times the lot area, increase the residential density from zero to 24 times the lot area, reduce the required amount of parking, reduce the required amount of outdoor amenity space and to revise other development regulations as required to accommodate the proposed development.

## **Community Consultation**

A community consultation meeting was held April 3, 2012 at the Paws Way Pet Centre on Queens Quay West for the public to review the applicant's submission and ask questions of City staff and the applicant. The meeting was attended by approximately 132 people. Issues raised included the following:

- additional commercial and residential traffic in the area generated by both this development and the proposed development to the east at 90 Harbour Street,
- increased parking space demand in the area as the proposal is providing reduced parking,

- increased pedestrian traffic particularly through peak tourist season and impact on public realm,
- ability of the existing infrastructure to accommodate the additional population,
- narrow sidewalk widths,
- lack of community services in the area in response to increased development,
- proposed height of the residential buildings,
- inadequate green space in the community,
- the perception of a conflict of interest between BILD Toronto and the review by city staff,
- the status of the removal of the York/Bay/Yonge off-ramp from the Gardiner Expressway, and
- lack of bicycle lanes.

In addition, the York Quay Neighbourhood Association (YQNA) contacted Community Planning staff and submitted letters noting their concerns most particularly related to traffic volumes and long term impact on the area especially during peak times, height of the residential tower, density, how the building addresses York Street, how it affects the view from and to the waterfront north and south along York Street, massing and overcrowding.

Comments were also received from members of the public in writing and by e-mail after the public meeting expressing similar concerns to those noted above.

Along with the Community Consultation held by the Planning Department, the local Councillor has also held community meetings on November 8, 2011 and September 12, 2012 to discuss concerns of the area stakeholders. The issues raised included those noted above as raised at the community consultation meeting. Staff were invited to participate at these meetings.

### **Waterfront Toronto Design Review Panel**

The application was before the Waterfront Toronto Design Review Panel on March 7, 2012, April 11, 2012 and June 13, 2012 as well as sub-committee meetings to clarify comments. The Panel voted for non-support at the first two meetings and provided direction to the applicant in terms of revisions to address the materiality of the podium and how it addresses the street, the form and proportions of the tower and the context of the area. Additional views of the development were also requested to have a full understanding of the project. The applicant revised the plans also incorporating comments from staff which included re-shaping the tower from a square to a flat iron shape to relate to the shape of the site, putting the parking below grade rather than above grade, revising the podium to respond to the objectives of the York Street Promenade Plan. At the third meeting the Panel voted to support the building. Additional direction by the panel included simplifying the façade of the tower, further developing the treatment of the solid portions of the podium façade and considering adding more street trees. The applicant will be providing further refinements through the site plan approval process.

### **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**

To predicate the analysis in this report it should be noted that this area of the Central Waterfront bounded by Bay Street, Harbour Street, Lake Shore Boulevard West and the west end of the subject site has been identified in the Official Plan and Secondary Plan as underused and in need of revitalization from its present use as parking lots and surrounded by highway ramps to something more vibrant and contributory to the community. The area has the benefit of being directly adjacent to the *Financial District* and Union Station to the north as well as the waterfront area to the south. The area also faces challenges including the proximity to the Gardiner Expressway and its access ramps as well as the multi-lane Lake Shore Boulevard West and Harbour Street.

This location is essentially the westerly end of an "island" of three remnant parcels that includes the subject site, 90 Harbour Street directly to the east, and 60 Harbour Street further east. The "island" effect has necessitated a broader review of the context of the subject site due to the inter-connection of issues including transportation, access, pedestrian area and streetscape as well as the density, height and massing. The Central Waterfront to the west, south and east is considered to have less intensification potential (i.e., the area east of Yonge Street, further west at Rees Street) of individual sites, not a grouping of sites as with this particular area. The area to the east of Yonge Street is currently designated "*Regeneration Area*" and is considered to be a transition to the East Bayfront lands further to the east. The location of these remnant sites acts as a gateway between the waterfront area and the Financial District. Although tower form of development may be appropriate on other sites in the waterfront area depending on the area and site analysis of those sites as they come forward, it is not anticipated or expected that the density or height of development proposed in this area would be appropriate throughout the waterfront.

## **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.

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.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, as the site is within an identified Urban Growth Centre, an area intended to accommodate future intensification that is transit and pedestrian-friendly.

## **Land Use**

### ***City of Toronto Official Plan***

The proposed mixed use development is consistent with the land use provisions of the Official Plan.

The subject site is within the *Downtown* and *Central Waterfront* area as shown on Map 6 – Urban Structure of the Toronto Official Plan. The direction of the Official Plan and provincial planning documents identify the *Downtown* as the employment centre in the regional economy. The Official Plan describes the *Central Waterfront* as offering a unique opportunity for substantial employment and residential growth while recognizing that there is a Secondary Plan that guides development for the area. Growth will be directed to the *Downtown* in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2 Policy 2).

The site is designated *Regeneration Areas* on Map 18- Land Use Plan. The Regeneration Areas are unique areas that provide an opportunity to re-use buildings and encourage new construction to revitalize areas of the City that are either vacant or under used. This designation permits a range of uses including retail, office and residential and encourages the uses to be mixed within the same block or even the same building. The framework for new development in each *Regeneration Areas* is set out in a Secondary Plan.

The proposed intensification is generally appropriate for this site particularly given its location in the *Downtown* and *Central Waterfront Area*, the opportunity to revitalize an underused site in

keeping with the direction of the *Regeneration Areas*, the proximity to a major transit hub of Union Station and the location adjacent to the Gardiner Expressway.

### ***Central Waterfront Secondary Plan***

The proposed mixed-use development is in keeping with the land use provisions of the *Regeneration Areas* in the Central Waterfront Secondary Plan. The *Central Waterfront Secondary Plan* is currently before the Ontario Municipal Board and staff have been working with the applicants of both this site and the adjacent site to address as many of the policies as possible.

The Secondary Plan identifies the subject site as *Regeneration Areas* on Map E-Land Use Map. This designation permits the proposed mixed-use development including such uses as office, commercial and residential. New development should incorporate a wide mix of uses both public and private, and should be designed at ground level to complement the activities anticipated in adjacent public spaces. The *Regeneration sites* will be subject to particular attention to ensure the highest quality of built form and design expected.

The *Central Waterfront Secondary Plan* also contains other policies that relate to development including public realm, park design, fostering transit initiatives, designing the built environment and providing housing options including affordable housing. Precinct Plans are the preferred implementation tool for larger *Regeneration Areas* that would also be subject to a plan of subdivision and that would address broader community building initiatives including new road layout, provision of parkland, schools and other institutional uses, transit initiatives and strategies to achieve affordable housing.

The overall goal for the Central Waterfront is that *affordable rental housing* and *low-end-of-market housing* comprise 25 per cent of all housing units as defined in the Plan. Through the review of the subject site and with the site to the east at 90 Harbour Street, staff worked with the applicant's toward achieving the range of policy objectives of the Plan. The achievement of 25% of the residential units as affordable units was determined to be unrealistic for these sites. For the subject site the affordable housing objective was addressed through the Section 37 contributions.

The subject site and the lands to the east at 90 Harbour Street are smaller individual sites that are not subject to the subdivision approach and therefore did not go through the Precinct Plan process. However both the subject site and the adjacent 90 Harbour Street site were reviewed by staff in keeping with the direction of all the policies of the *Central Waterfront Secondary Plan* including the balance between residential and commercial, heights/massing, parking, transportation and affordable housing. The site at 90 Harbour Street is furthering office commercial development in the waterfront area. Along with Waterpark Place Phase III (under construction) the proposed residential development on the subject site and at 90 Harbour Street contribute to the existing balance between residential and employment based development for this area. Given the objectives that have been achieved with this proposal and the proposal on the adjacent site at 90 Harbour Street staff are of the opinion that a broad range of policy objectives have been achieved.

### ***Site Specific Official Plan Amendment***

Through the review of the original rezoning application a road widening along the northerly boundary of the site has been identified as a requirement for Lake Shore Boulevard West. The details of the road widening are discussed further under the "Transportation" section of this Staff report for action – Final Report – 120 to 130 Harbour Street, 10 York Street

report and are to be addressed through a site specific Official Plan Amendment and will also be a requirement of the site plan agreement. The road widening is proposed along the northern boundary of the site. The proposed widening is 0.5 metres wide at the east of the site widening out to 1.6 metres at the west end of the site. A daylight triangle of 5 metres is also required at the southwest corner of York Street and Lake Shore Boulevard West. No buildings or structures are allowed to be placed within the widening to keep it free and clear from all encumbrances. The widening is to accommodate a potential future "Grand Boulevard" along Lake Shore Boulevard in the event that the Gardiner Expressway is removed in the future.

As a result of the revisions discussed the site specific policy shall include wording to ensure the extent of the widening along the Lake Shore Boulevard frontage in terms of the length and width required and recognize that this is less than the 45 metres required in the Official Plan. The detailed wording of the proposed Official Plan Amendment is in Attachment 6.

The Official Plan amendment will essentially allow a support easement for any future below grade deep tunnel under their parking garage – may have financial repercussions in the future if any deep level tunnel proposal is undertaken as a result of the Gardiner Expressway being removed as the structural easement requirements would add to the cost of a deep level tunnel. In terms of the proposed policy intent and wording, Staff are satisfied that the site specific policy will address the policy aspect of the road widening requirement.

## **Union Station District Plan**

A Union Station District Plan (May 2006) was presented to Planning and Transportation Committee in June 2006 and approved by City Council on June 27, 28 and 29, 2006. The plan outlines the boundaries of the Union Station District Plan as Simcoe Street/railway/Rees Street on the west, Harbour Street on the south, Yonge Street on the east and Wellington Street on the north. The plan recommends significant public realm, landscape and streetscape improvements within the District including Harbour Street, York Street and Lake Shore Boulevard West.

## **Density, Height, Massing**

### ***Density***

The proposed density at 23 times the area of the lot, exceeds the current permissions of the Zoning By-law of 3 times the lot area for a commercial building and 0 times the lot area for residential.

The direction of the Official Plan and provincial planning documents identify the *Downtown and Central Waterfront Area* as locations for intensification. Growth will be directed to the *Downtown* in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2 Policy 2).

The density proposed for this site exceeds recently approved and under construction sites in the area to the north of Lake Shore Boulevard West. The ICE condominium development at 16 York Street has a total site density of 14 times the lot area which includes both the residential buildings and the commercial office building. Maple Leaf Square (15 York Street) has a total site density of 12.5 times the area of the lot. The Pinnacle development at 33 Bay Street has a density of 10 times the area of the lot. The density is also greater than the proposed mixed-use density for 90 Harbour Street directly to the east of the subject site at 19 times the area of the lot.

The density proposed by the applicant is 30% to 50% greater than other similar mixed use and residential developments in the area and this is primarily related to the smaller site and shape of the proposed tower on the site. The original tower shape was a square point tower with a large floor plate to accommodate the originally proposed height of 75 storeys. Comments received from the Waterfront Toronto Design Review Panel recommended the applicant to reshape the tower to a flat iron to take advantage of the unique shape of the site. The applicant did reshape the tower with input from staff on the final design. The flat iron design has resulted in a larger floor plate of 925 square metres than would usually be contemplated. With the design changes the resultant changes in overall gross floor area of the site has been reduced since the first submission as summarized in Table 1 earlier in this report.

The overall density reduction is from 26 times the area of the lot to 23 times the area of the lot. While this is not a significant reduction overall it includes an overall height reduction and a uniquely shaped tower that will add significant interest to the city skyline along the waterfront. The residential gross floor area has been reduced by 8,358 square metres and the height has been reduced by 29 metres. With the reduction in the height of the tower the gross floor area of the development is 59,900 square metres.

The ICE development and Maple Leaf Square are located within the *Financial District* and the Railway Lands Precinct which envision substantial commercial office development with densities and heights in keeping with *Financial District* development. With the boundary of the Railway Lands and the *Financial District* being Lake Shore Boulevard West, the subject site is located directly adjacent to these areas. The subject site is situated in close proximity to Union Station, the city's main transportation hub. Further to the west and south are existing residential condominiums and retail/office space. To the east of the site is the proposed Menkes development at 90 Harbour Street with two residential towers, a Class A office tower and a commercial retail podium with a direct PATH pedestrian connection to Union Station. To the east of the Menkes site is 60 Harbour Street which has existing zoning in place to permit a commercial/office development. Further to the east on the east side of Bay Street is the existing Pinnacle mixed-use 4-tower development and the Westin Harbour Castle Convention Centre. Although there are lands on the east side of Yonge Street that will be subject to redevelopment in the future, it is not anticipated to have the same heights or densities as proposed on the subject site within the broader waterfront area as distance from Union Station increases. That area of the Central Waterfront is currently under review to provide direction as to the appropriate form and type of land use that would be acceptable.

Although the proposed density of the site is greater than recently approved development applications in the area, it is found to be acceptable in this particular location due to the unique shape of the site which has necessitated a creative design response, the proximity to the *Financial District* and Union Station. The site will also include upgraded streetscape along Harbour Street, Lake Shore Boulevard West and particularly York Street in keeping with the York Promenade Plan and the Union Station District Plan. Staff are of the opinion that the density of the development is appropriate on this particular site but should not become a precedent for the waterfront area as a whole.

### ***Height***

The original proposed height of residential tower is 253.4 metres including mechanical penthouse (224 metres excluding mechanical penthouse). The zoning by-law does not contain a height permission for this site. In reviewing previous zoning prior to By-law No. 438-86 it appears that height was not included but the zoning did include density provisions in terms of

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maximum number of units permitted on the lot. Given the lack of direction in terms of the by-law provisions for this site, the height was reviewed in terms of the local context surrounding the subject site.

The height proposed on the subject site is more in keeping with the heights in the *Financial District* than the height along the waterfront area. *Financial District* heights of other office and residential condominium proposals in or near the *Financial District* that have been approved by City Council include the following:

<b>Development</b>	<b>Height (metres) Including mechanical penthouse</b>
18 York Street (three buildings): Office tower Office tower Hotel tower	135.45 metres 126 metres 159.79 metres
ICE 16 York Street: North (east) residential tower South (west) residential tower Commercial tower	234.5 metres 202 metres 158 metres
Maple Leaf Square 15 York Street:	174 metres
Telus 25 York Street	160 metres
Ritz – Carleton, 230 Front Street West	188 metres
Trump Tower, 333 Bay Street	269 metres
1 King Street West	176 metres
Shangri-La, 180-188 University Avenue	214 metres
Bay Adelaide Centre, 40 Adelaide Street West	218 metres
Royal Bank Plaza, 200 Bay Street	175 metres
BCE Place, 32 Front Street West	195 and 255 metres
Pinnacle, 33 Bay Street	162 metres
40 Scott Street	204 metres

The Official Plan policies support and direct that the highest and most dense developments of the City be located within the *Financial District*.

Although the location of the site is along the Gardiner Expressway corridor and at the edge of the *Financial District* and is appropriate for a tall building, there should be a transition from the *Financial District* to the existing lower forms of the development along the waterfront. Through the community consultation process transition from the *Financial District* to the waterfront was also noted as a concern.

Staff have undertaken a detailed review of the site and the area and are of the opinion that the height of the residential tower should be revised to 222 metres (approximately 65 storeys) or less for two-thirds of the roof with an architectural element permitted at the westerly edge of the roof to a maximum height of 224 metres. This has been discussed with the applicant and agreement has been reached on the height of the tower. The heights of the ICE development and Maple Leaf Square were used as a reference point in determining the appropriate height for the subject site with the intent that the subject site be less in height than the ICE east residential tower. The stepping of the building heights from the north side to the south side of Lake Shore Boulevard

West provides an appropriate transition from the intensity of the *Financial District* to the lower density development and more open landscape of the waterfront.

It should be noted that additional requests for increases in height through future Committee of Adjustment applications or rezonings would not be supported. The intent of the transition area is to provide a stepping down of height from the *Financial District* to the waterfront. Additional height would go further to matching the *Financial District* height and not fit within the intent of providing an appropriate transition as required to respond to the context of the area.

### ***Massing***

The tall building policies of the Official Plan identify three parts of a tower: the base, the middle and the top. The base building should provide definition and support at an appropriate scale and integrate with adjacent buildings.

The existing developments in the area are tower-podium form along Queens Quay, York Street and Bay Street. The proposed built form and massing are an appropriate response to the existing forms of development in the area.

In accordance with the direction provided in the Official Plan the middle of the tower should be designed with a floor plate size and shape with appropriate dimensions for the site. Taller buildings are to be located to ensure adequate access to sky view for the proposed and future use of the area.

The original shape of the tower was a square point tower with a floor plate of 850 square metres. According to the applicant, the size of the floor plate was larger than contemplated by the Tall Buildings Guidelines to accommodate the originally proposed height of 75 storeys. Comments received from the Waterfront Toronto Design Review Panel recommended the applicant to respond to and celebrate the unique shape of the site by reshaping the tower to a flat iron. The applicant did reshape the tower but in order to have a useable floor plate the size of the floor plate was enlarged to 900 square metres and a flare was added that widened the south and north elevations of the tower from a smaller floor plate at the bottom to a wider floor plate at the top of the tower. Staff had concerns with the flare and have worked with the applicant on a final tower design. The applicant has since agreed to reduce the height of the tower and regularize the floor plate to take out the flare which has resulted in a floor plate of 925 square metres. The flat iron shape of the building challenged the applicant in regard to unit design. This has resulted in the need for a larger floorplate for the tower. The Tall Building Guidelines direct that larger floorplates may be acceptable depending on the height and design of the building. Staff are satisfied that the floorplate of the tower is appropriate on the particular site.

The scale of the podium has also undergone a detailed review by staff and the Waterfront Toronto Design Review Panel. The resulting shape is considered to respond to the unique shape of the site as well as the existing context particularly in terms of development to the north and south of the site. Since the original submission the podium has been reduced in height, the above grade parking has been moved to below grade, the lobby has been moved to the north east part of the podium and the retail space has been moved to the south east corner of the podium to relate to the park and the waterfront to the south and east of the site.

The Official Plan policies as noted above direct that new development respect and be massed to fit within the existing planned context, provide appropriate setbacks, create appropriate transitions to neighbouring development and provide for adequate light and privacy. The

Development Criteria for Tall Buildings Proposals (Tall Buildings Guidelines) were developed to implement the Built Form policies as found in Section 3 of the Official Plan. Section 3 of the Tall Buildings Guidelines direct a minimum distance between towers of 25 metres be provided to adequately address the policy requirements.

The setbacks on the subject site have changed since the original submission to address respond to the revisions in the tower shape. The tower has a setback from the easterly property boundary of 9.5 metres, to the south property boundary of 2.75 metres and to the north property boundary of 4.8 metres. The site is bounded on the east and south by York Street and Harbour Street respectively. Across York Street (east side) the proposed Menkes office building would be set back 6 metres from York Street in accordance with the York Street Promenade Plan. The cumulative setbacks provide a separation distance of a minimum of 30 metres. To the south of the subject site on the south side of Harbour Street is the existing Waterclub residential condominium. With the existing right-of-way of Harbour Street providing additional separation distance the minimum distance between the towers is approximately 30 metres. Staff are satisfied that the proposed separation distance adequately addresses the Tall Buildings Guidelines and the Official Plan.

The Tall Buildings Guidelines direct that the top of tall buildings shall contribute to the skyline character and integrate roof top mechanical systems into the design. The roofline proposed by the applicant is to be sloped from west to east with upgraded architectural design. This proposal masks the mechanical systems by integrating it into the sloped area and the overall design of the building.

## **Sun, Shadow, Wind**

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis to illustrate the shadows created by the proposed development during March 21<sup>st</sup> and June 21<sup>st</sup> between the hours of 9:18 a.m. and 6:18 p.m. The proposed development casts an increased shadow to the north, including shadows cast on Union Plaza between 12:18 pm and 2:18 pm March 21<sup>st</sup>. The additional shadows will not impact the Roundhouse Park or any other parks in the area and the new shadows will fall within the existing mixed use area. The shadow impacts of the development are acceptable.

## **Traffic Impact, Access, Parking**

### ***Parking and Access***

The applicant is proposing a total of 289 parking spaces in 6 levels of underground garage with 264 resident spaces and 25 visitor parking spaces. The applicant submitted a Traffic Impact Study completed by BA Group which indicated that the parking provided was adequate. However, City Staff have reviewed the study and require additional information to support the proposed parking. Staff have indicated that they do not support the proposed reduction in the resident parking supply from the required approximately 509 spaces to the proposed 289 spaces. According to the Technical Services comments dated April 13, 2012 the following are required:

- that the applicant comply with the updated parking supply requirements as proposed through the repealed Zoning By-law 1156-2010 as they are based on more recent data than the current Zoning By-law 438-86 standards;

- as an alternative to the above, the Owners transportation consultant can submit acceptable justification in respect of the residential parking reduction;
- the applicant comply with the parking space dimensional requirements of By-law 494-2007; and
- satisfy all outstanding issues with respect to the Traffic Impact Study.

### ***Road Widening***

Map 3, "Right-of-Way Widths Associated with Existing Major Streets" of the Official Plan requires Lake Shore Boulevard to have a width of "45 metres and over". Through the review of this application it was noted that the segment of the Lake Shore Boulevard West/Gardiner Expressway right-of-way abutting the site has an irregular width. In order to address the Official Plan requirement the owner will be required to convey a strip of land to the City, for nominal sum, to the full extent of the site abutting Lake Shore Boulevard West.

Section A3 of the Central Waterfront Secondary Plan states that Lake Shore Boulevard is to be transformed into an urban avenue through the Central Waterfront to accommodate its function as an arterial road. The new boulevard is to be generously landscaped; will maximize the opportunities for pedestrian crossings through frequent intersections with streets connecting into the downtown core; and will provide ample room for commuter cycling and pedestrians. To achieve this vision, the subject site was reviewed along with the surrounding area to determine the most appropriate conveyance. Along with the at-grade vision for this corridor there has also been discussion of a possible underground transit link under Lake Shore Boulevard and this was also factored into the analysis for the area.

To achieve the long term transportation vision and protect for possible future options along the Lake Shore Boulevard corridor a tapered widening is required along the north side of the subject site. The widening measures 1.6 metres at the widest point (approximately 78 metres west of the easterly property line), and tapers to 0.5 metres in width at the extremities of the site. In addition a 5 metre by 5 metre daylight triangle is also required at the southwest corner of York Street and Lake Shore Boulevard West as measured from the widening Lake Shore Boulevard West right-of-way. An additional below grade conveyance is also required to protect for any future transit initiatives. The below grade conveyance will wrap around the north limit of the parking garage, then extend below the lowest level of the parking garage for a width of 4.8 metres at the west end of the site at the widest point. The wider conveyance below the garage structure will preserve the potential for a future deep level tunnel by providing a minimum right-of-way width of 45 metres beneath the parking garage and associated building supports.

### ***Site Plan requirements***

Other matters have been raised that are required to be addressed through the site plan process and that will be secured through the Section 37 agreement are as follows:

- conveyance with a maximum width of 1.6 metres at the widest point (approximately 78 metres west of the easterly property line), tapering to 0.5 metres in width at the extremities of the site, including a 5 metre by 5 metre daylight triangle to be measured from the new property line at the southwest corner of York Street and Lake Shore Boulevard West such lands to be free and clear of all encumbrances and to be dedicated for public highway purposes, all as more particularly illustrated on a dimensioned sketch to be provided to the property owner;

- further below-grade conveyance which excludes the parking garage and all associated support structure, such conveyance to have a width of approximately 4.8 metres at the east limit of the site, and extend parallel to the existing north limit of the right-of-way to bring the width of the Lake Shore Boulevard West/Gardiner public right-of-way to a minimum width of 45 metres, in accordance with the requirement of the Official Plan;
- convey an easement to the City of support rights in the lands located below the lands to be conveyed;
- convey an easement to the City of a 5 metre strip from a point 1.2 metres below grade to the sky and to the full extent of the site abutting the southerly drip line along the Gardiner Expressway to be conveyed to the City for a nominal sum as required for maintenance purposes and the possible dismantling of the Gardiner Expressway; and
- revise drawings in accordance with the requirements as outlined in the memo dated September 25, 2012, from the Executive Director, Technical Services, to the satisfaction of the Executive Director of Technical Services.

### ***Loading/Access***

Access to the site is to/from Harbour Street at the westerly end of the site. There are two driveways with the westerly one as the entrance and the easterly one as the egress from the site. The access driveway and vehicular courtyard space is located wholly within the podium of the building. The driveways provide access to the loading spaces and to the ramp to the underground residential parking garage.

The main loading area for the Type G space is enclosed within the podium and located adjacent to the service elevators and garbage room. The Type C space is located on the north side space along with three other drop-off/pick-up spaces to accommodate short-stay users such as couriers. The applicant has provided the required number and type of loading spaces including two Type A, three Type B and four Type C spaces. A drop-off layby is also provided in the centralized driveway at the south east corner to accommodate short-stay users such as couriers.

### ***Transportation***

In order to assess the traffic impacts of this proposal, BA Group on behalf of the applicant initially prepared a December 2011 Transportation Considerations report. In this study, the consultant estimates that the project will generate approximately 125 and 140 two-way trips during the AM and PM peak hours respectively. The consultant concludes that the proposed development can be adequately accommodated on the area public streets.

Transportation Services reviewed the report provided by the consultant and agreed with the above conclusion. However, at the September 12, 2012 meeting held by the local Councillor the applicant was directed by the Councillor to undertake additional traffic analysis for the area to address a number of issues raised by the residents including:

1. The study must provide an analysis of the traffic impacts of the project during a typical weekend peak hour period and a summer weekend peak hour period;
2. The projected future traffic volumes in the study must be compared to those contained in the Waterfront Toronto EA for the Queens Quay Revitalization;

3. A trip generation estimate must be provided for an a-of-right development scenario, using appropriate assumptions;
4. Projected trips associated with all applicable background developments in the area must be included in the analysis and must be individually shown, including any trips associated with a potential Casino; and
5. The study must assess the traffic impacts of the project, while taking into account any lane/road closures in the area that are associated with construction activity for other developments, including construction activity associated with elimination of the eastbound Gardiner Expressway/York Street off-ramp.

Although many of the above issues are typically not applicable for a traffic impact study that is prepares for a development of this nature, the applicant's consultant submitted a September 24, 2012 letter report to address the issues raised by the community, based on information available. The additional documentation has been reviewed by Transportation Services staff and they have determined that the traffic impacts of the development continue to be acceptable.

## **Servicing**

Technical Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application for 90 Harbour Street, but cannot sign off on the report in its current form. In order to ensure that all site servicing issues resulting from the rezoning application for the subject site are identified and resolved, staff have recommended that Council not enact the bills until all such issues are resolved and if required by the Executive Director of Technical Services that the owner has entered into a secured Agreement with the City to ensure the issues have been addressed including the provision of all identified improvements to the infrastructure, all to the satisfaction of the Executive Director of Technical Services.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.55 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020- 2010.

The application proposes 726 residential units and 473 m<sup>2</sup> of non residential uses on a site with a net area of 2,572 m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.968 hectares or 376.36 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 257 m<sup>2</sup>.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 257 m<sup>2</sup> would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Pedestrian Infrastructure**

The York Street Promenade Plan requires streetscape improvements to York Street to provide an improved pedestrian environment and strengthen the connection to the waterfront. The applicant has addressed the York Street Promenade requirements by setting back the face of the office building 6 metres from the York Street right-of-way and incorporating upgraded pavers, planters and continuous weather protection. These will be implemented through the site plan approval process. Attachment 8 provides an excerpt from the York Street Promenade Plan as the requirements in this area that will be implemented through the site plan review process.

## **Cycling Infrastructure**

The applicant proposes to provide bicycle parking in accordance with the requirements of the Toronto Green Standard. This will provide a minimum of 728 bicycle parking spaces for this development. Bicycle parking would be located on the P1 to P5 parking levels, at grade and at the mezzanine level. The bicycle parking standards will be incorporated into the zoning by-law for the site and the details of the location will be addressed through site plan application review.

## **PATH Pedestrian System**

The PATH Master Plan shows 120 and 130 Harbour Street being potentially connected to the PATH system via two routes: a "high priority" east west connection under York Street between 90 Harbour Street (Menkes three tower proposal) and 120 and 130 Harbour Street; and a "long-term opportunity" north south connection under Lake Shore Boulevard (west of York Street) between 16 York Street (ICE three tower proposal) and 120 and 130 Harbour Street. There is a below grade PATH knockout panel at the southeast corner of the ICE development. The developments at 15 York Street, 16 York Street, 90 Harbour Street and 85 Harbour Street will be connected to PATH to Union Station via existing connections at 25 York Street, 15 York Street and 40 Bay Street.

It is staff's practice to secure PATH connections for large residential and office developments in and abutting the Financial District. The York Quay Neighbourhood Association has consistently requested that buildings north of Queens Quay between Lower Simcoe Street and Yonge Street be connected to PATH. Staff have worked with the applicant to try to achieve a PATH connection for the proposed 725 units at 120 and 130 Harbour Street. A PATH connection is prohibitively expensive below grade under Lake Shore Boulevard West due to existing below grade services. A PATH connection under York Street is technically feasible but the applicant has advised that they will not make the connection or provide a knockout panel.

Staff have secured continuous weather protection (canopy with a minimum depth of 3 metres) along the York Street frontage of 120 and 130 Harbour Street in accordance with the York Street Pedestrian Promenade Plan. Residents will be able to exit PATH at the northwest corner of York Street and Lake Shore Boulevard West, be under the weather protection of the Gardiner Expressway, and then be under continuous weather protection abutting the site. Staff are satisfied with the site not being connected to the PATH system.

## **Transit Infrastructure**

The site is well served by public transit. The site is within a five minute walk of Union Station to north. The site is also within a 5 minute walk to the Queens Quay streetcar line which provides a direct connection to Union Station as well as connections west to Spadina Avenue, Bathurst Street and the Exhibition lands.

## **Unit Mix**

The proposed development contains a majority (70%) of units that are one-bedroom or less, with 20% being two-bedroom units and 12% being three-bedroom units. City Council, Planning staff and local residents have been encouraging developers to provide more large sized units in an effort to attract families and provide a full range of housing types in residential condominium buildings throughout the City, and particularly in the waterfront area. The emerging practice is for buildings to contain a minimum of 25% two-bedroom units and 10% three-bedroom units. Although this application is exceeding the minimum proportion for three-bedroom units the applicant is encouraged to increase the number of two-bedroom units to achieve the desired proportion of total units to align with the goal of creating units for a broader range of household sizes.

## **Residential Amenity Space**

The Official Plan Section 3.1.2(6) requires every significant multi-unit residential development to provide indoor and outdoor amenity space. The policies direct that each resident will have access to outdoor amenity space such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Zoning By-law No. 438-86 requires two square metres of common outdoor and indoor residential amenity space per unit for exclusive use of the residents which results in a requirement of a minimum of 1,452 square metres each of exclusive use indoor and outdoor amenity space be provided given the number of units proposed.

This development proposes 438 square metres of outdoor amenity space to be located on the rooftop of the podium. This is approximately 0.6 square metres per unit whereas the provisions of the zoning by-law require 2 square metres per unit be provided. The applicant is also proposing to provide 1,572 square metres of indoor amenity area which is approximately 2.16 square metres per unit whereas 2 square metres is required. Although the applicant is providing less than the required amount of outdoor amenity space, they are providing 70% of the total combined indoor and outdoor amenity area required. Also, the site is adjacent a parkland at the south east corner of Harbour Street and York Street. Although the parkland is currently being used as an off-ramp for the Gardiner Expressway, the ramp was included in the analysis of the Council approved ramp modifications of the Gardiner Expressway York/Bay/Yonge Ramps Environmental Assessment. The ramp modification includes liberating the parkland from its current use to be used for the intended purpose of open space.

Staff are satisfied with the provision of the amenity space.

## **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, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g. local shortage of parkland, provision of new parks facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres and/or increases the height significantly or where the applicant agrees to provide such benefits.

Through discussions with Councillor Vaughan, Ward 20 regarding the direction for Section 37 benefits for this site it was determined that the community benefits be directed to affordable housing within the building on the subject site. The applicant has agreed to provide affordable rental units within the development. The Official Plan does not currently permit the provision of affordable rental housing within a condominium ownership. There are two ways in which these can be provided in the development. The typical approach is to reserve an area of the building such as one or more storeys of the building for the affordable rental units, and not register it as condominium. Recently, a few developments have sought to provide the affordable rental units to a non-profit organization while permitting them to be registered as condominium. This latter approach is the one preferred by the developer in this situation, but the Official Plan does not currently permit the provision of affordable rental housing within a condominium ownership. To implement this second approach, an Official Plan amendment would be necessary.

At their meeting of October 2, 3 and 4 2012 Council adopted the recommendations from the Planning and Growth Management Committee to initiate a review of the affordable housing policies of the Official Plan. The recommendation included, among other matters, creating a framework to encourage new affordable ownership housing and to amend the Section 37 policies to explicitly authorize affordable ownership housing and condominium-registered rental unit as eligible Section 37 benefits. The applicant has advised staff that they wish to proceed with their development as soon as possible which would require the bills for the site specific zoning by-law and official plan amendment as outlined in this report being before Council prior to the broader review of the Official Plan affordable housing policies. The applicant has agreed to initiate a site specific official plan amendment as soon as possible to address their provision of affordable housing units.

Upon approval of a site specific Official Plan amendment for the affordable housing contribution, the wording in the Section 37 agreement may need to be revised to include further details that would have evolved through the OPA process. Until that time, the following recognizes the agreement with the applicant regarding the dollar amount and provides the intent for the direction of the Section 37 contributions.

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

6. Before introducing the necessary Bills 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. to provide affordable housing contribution to the value of \$5,200,000.00.
    - i. the value of the affordable housing shall be either in cash or as a built contribution within the property of 120 – 130 Harbour Street and 10 York Street to the satisfaction of the Affordable Housing Office of the City of Toronto and the Chief Planner.
  - b. the value of the contribution identified in a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
  - c. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. affordable housing.
  - d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
    - ii. Provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
    - iii. Through the Site Plan application process the following is required:
      - a. A conveyance with a maximum width of 1.6 metres from a point 1.2 metres below finished grade, to the sky, including a daylight triangle at the southwest corner of York Street and Lake Shore Boulevard West, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes, all as more particularly illustrated on a dimensioned sketch to be provided to the property owner;
      - b. A further below-grade conveyance which excludes the parking garage and all associated support structure, such conveyance to have a width of approximately 4.8 metres at the east limit of the site, and extend parallel to the existing north limit of the right-of-way to bring the width of the Lake Shore Boulevard West/Gardiner

Expressway public right-of-way to a minimum width of 45 metres, in accordance with the requirements of the Official Plan;

- c. An easement with a minimum width of 5.0 metres to the full extent of the site abutting the southerly drip line or any other structural component of the Gardiner Expressway (including below grade foundation) along the F.G. Gardiner Expressway at a point 1.2 metres below finished grade, to the sky the easement to be conveyed to the City for a nominal sum as required for maintenance purposes and the possible future dismantling of the F.G. Gardiner Expressway;
- d. Setback the project, including all ramps, driveways, bridge support columns and ventilation shafts, in order to accommodate the road widening as set out above;
- e. Provision of continuous pedestrian weather protection abutting York Street;
- f. Identification of any future patio space in co-ordination with the pedestrian weather protection requirements;
- g. Provide upgraded streetscape along York Street, Lake Shore Boulevard West and Harbour Street to co-ordinate and be in keeping with the York Street Promenade requirements;
- h. Provision of maintenance holes at the property line off city property for both storm and sanitary connections; and
- i. Enter into an encroachment agreement for the area of the parking garage that will encroach into the Harbour Street and Lake Shore Boulevard right-of-way.

## **CONTACT**

Sarah Henstock, Senior Planner  
Tel. No. 416-392-7196  
Fax No. 416-392-1330  
E-mail: shensto@toronto.ca

## **SIGNATURE**

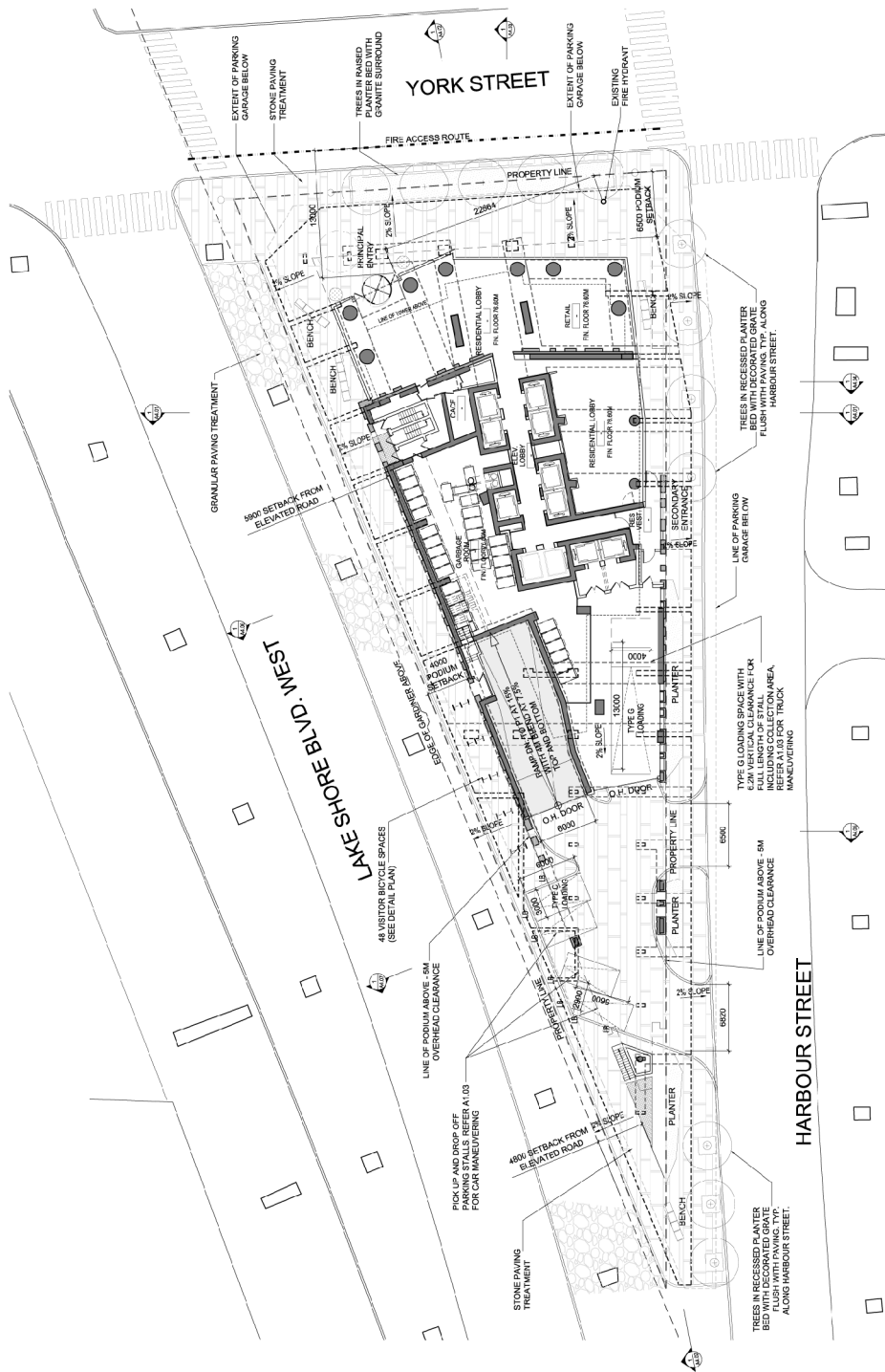
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2a: South Elevation Second Submission
- Attachment 2b: East Elevation Second Submission
- Attachment 2c: North Elevation Second Submission
- Attachment 2d: West Elevation Second Submission
- Attachment 3: Contextual Modelling of the Revised Residential Tower Height (including mechanical penthouse)
- Attachment 4: Zoning
- Attachment 5: Application Data Sheet Second Submission
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment
- Attachment 8: York Street Pedestrian Promenade Plan Excerpt Plan SK-2

# Attachment 1: Site Plan



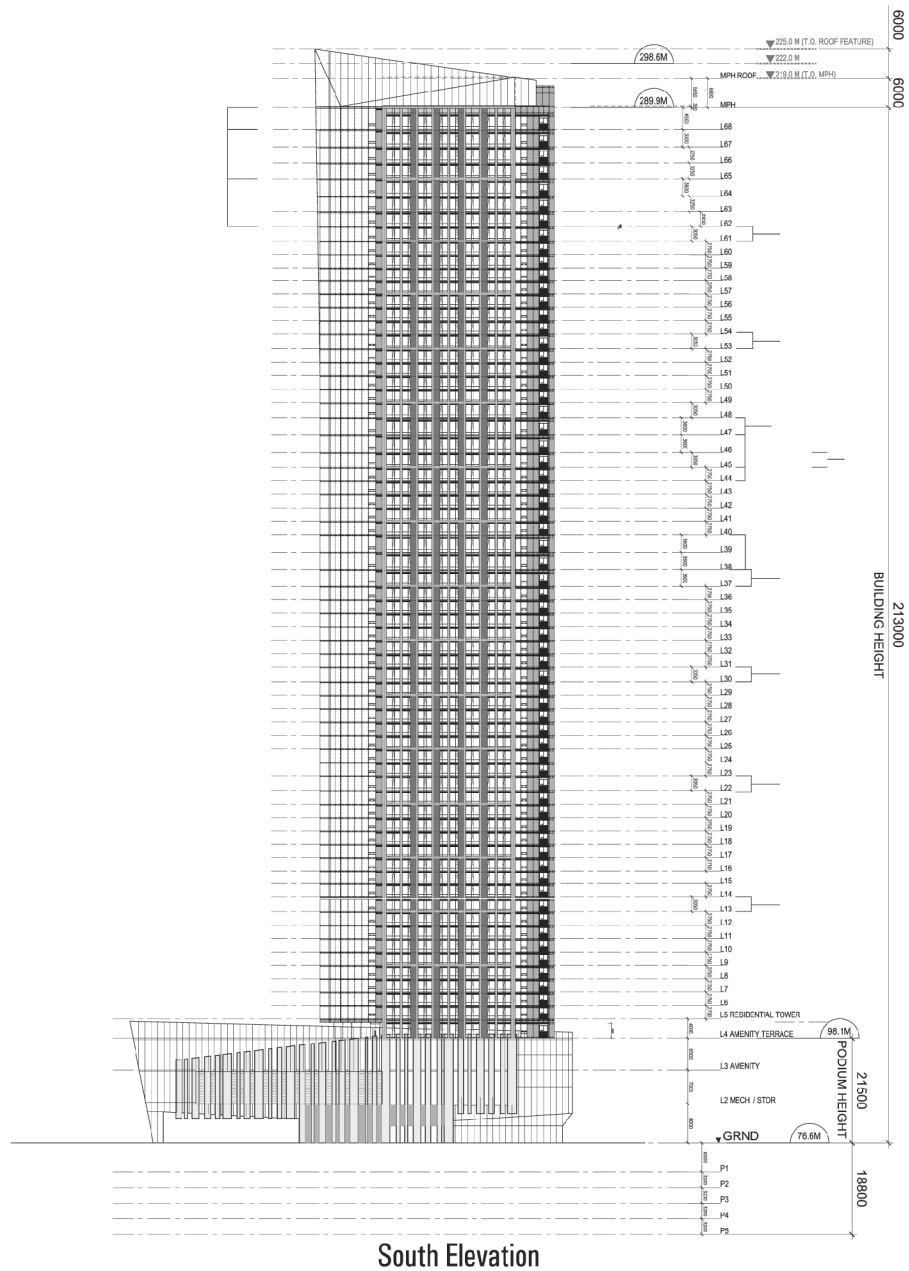
Site Plan

Applicant's Submitted Drawing

Not to Scale  
09/28/2012

File # 11 329885 02

## Attachment 2a: South Elevation Second Submission



### Elevations

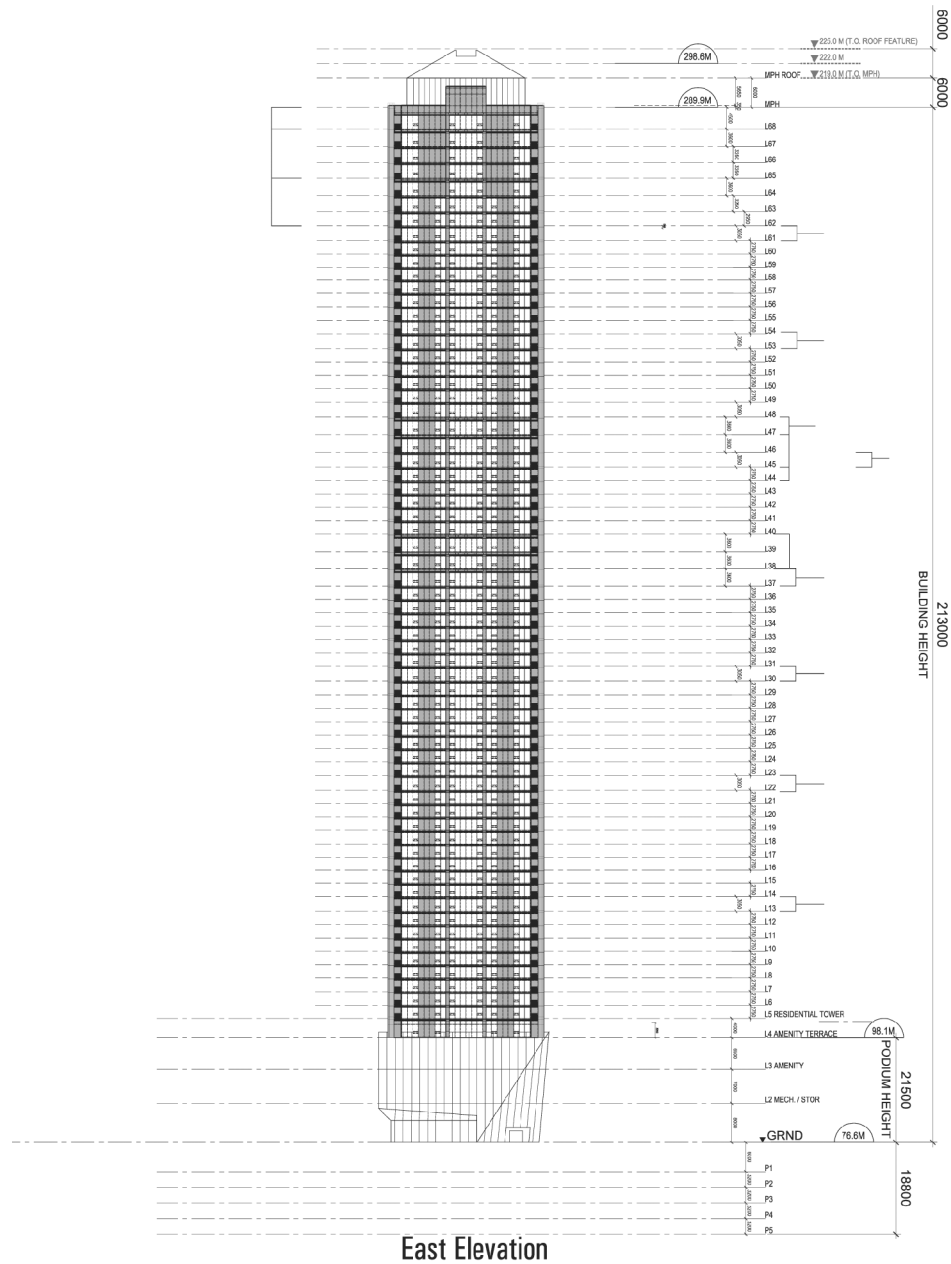
### 120-130 Harbour Street and 10 York Street

Applicant's Submitted Drawing

Not to Scale  
09/28/2012

File # 11 329885 0Z

## Attachment 2b: East Elevation Second Submission



### Elevations

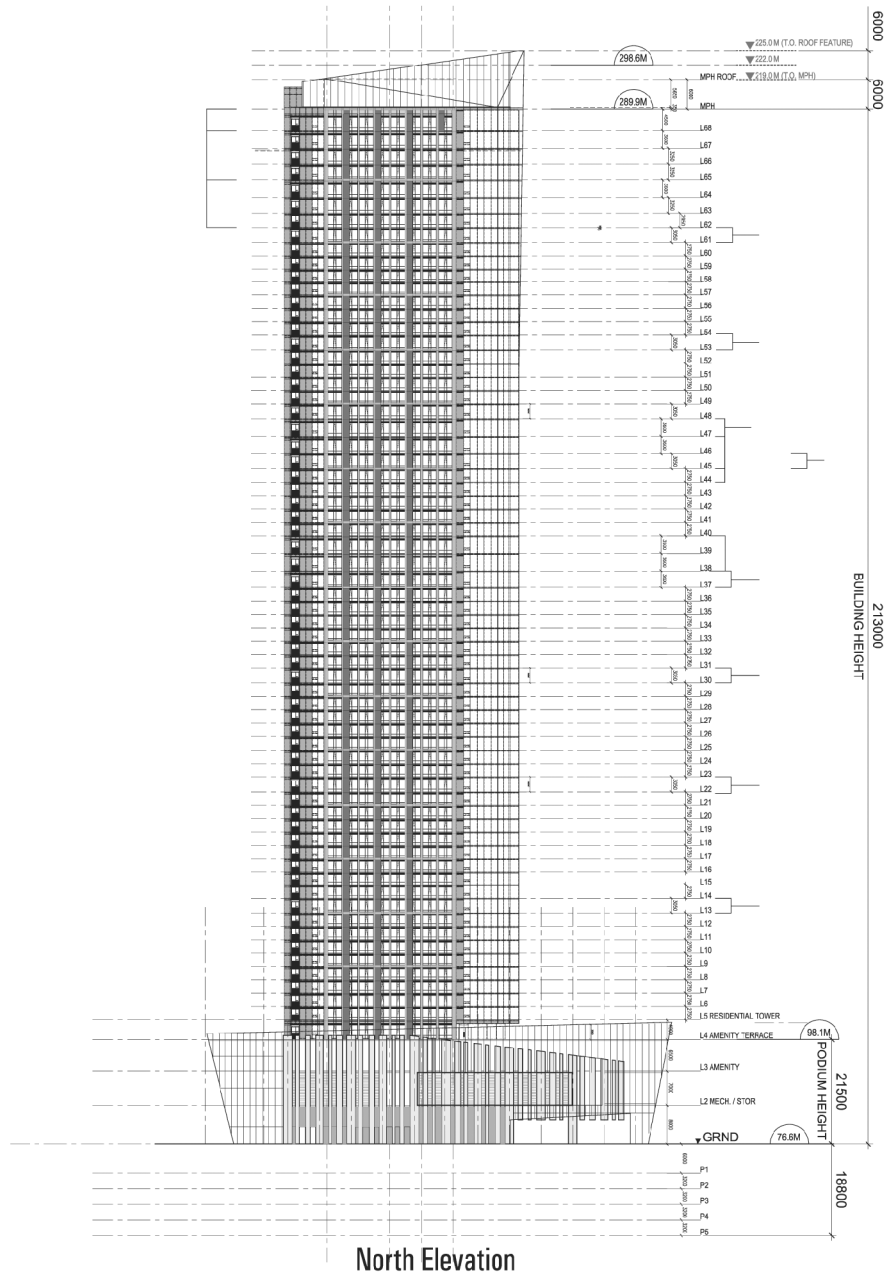
### 120-130 Harbour Street and 10 York Street

Applicant's Submitted Drawing

Not to Scale  
09/28/2012

File # 11 329885 0Z

## Attachment 2c: North Elevation Second Submission



### Elevations

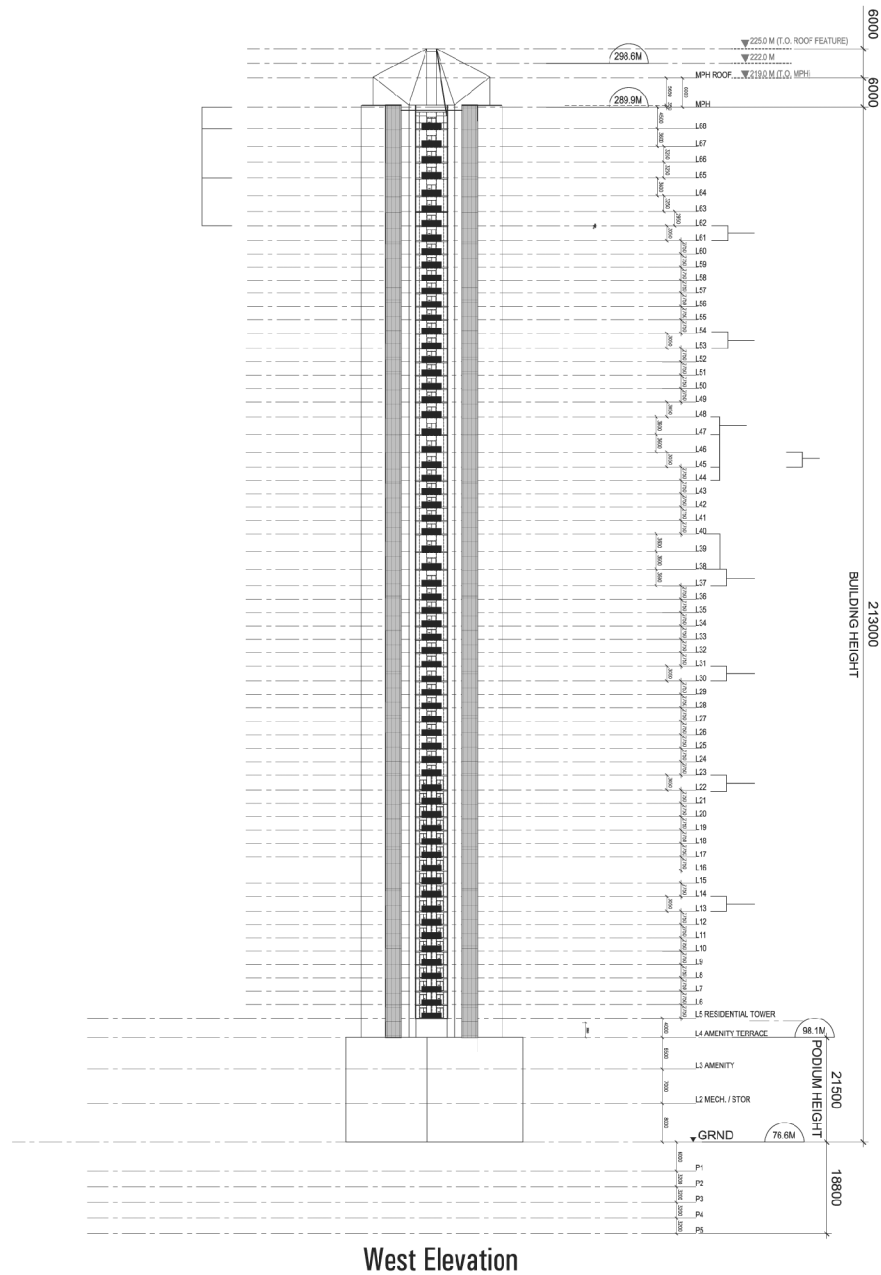
### 120-130 Harbour Street and 10 York Street

Applicant's Submitted Drawing

Not to Scale  
09/28/2012

File # 11 329885 02

## Attachment 2d: West Elevation Second Submission



### Elevations

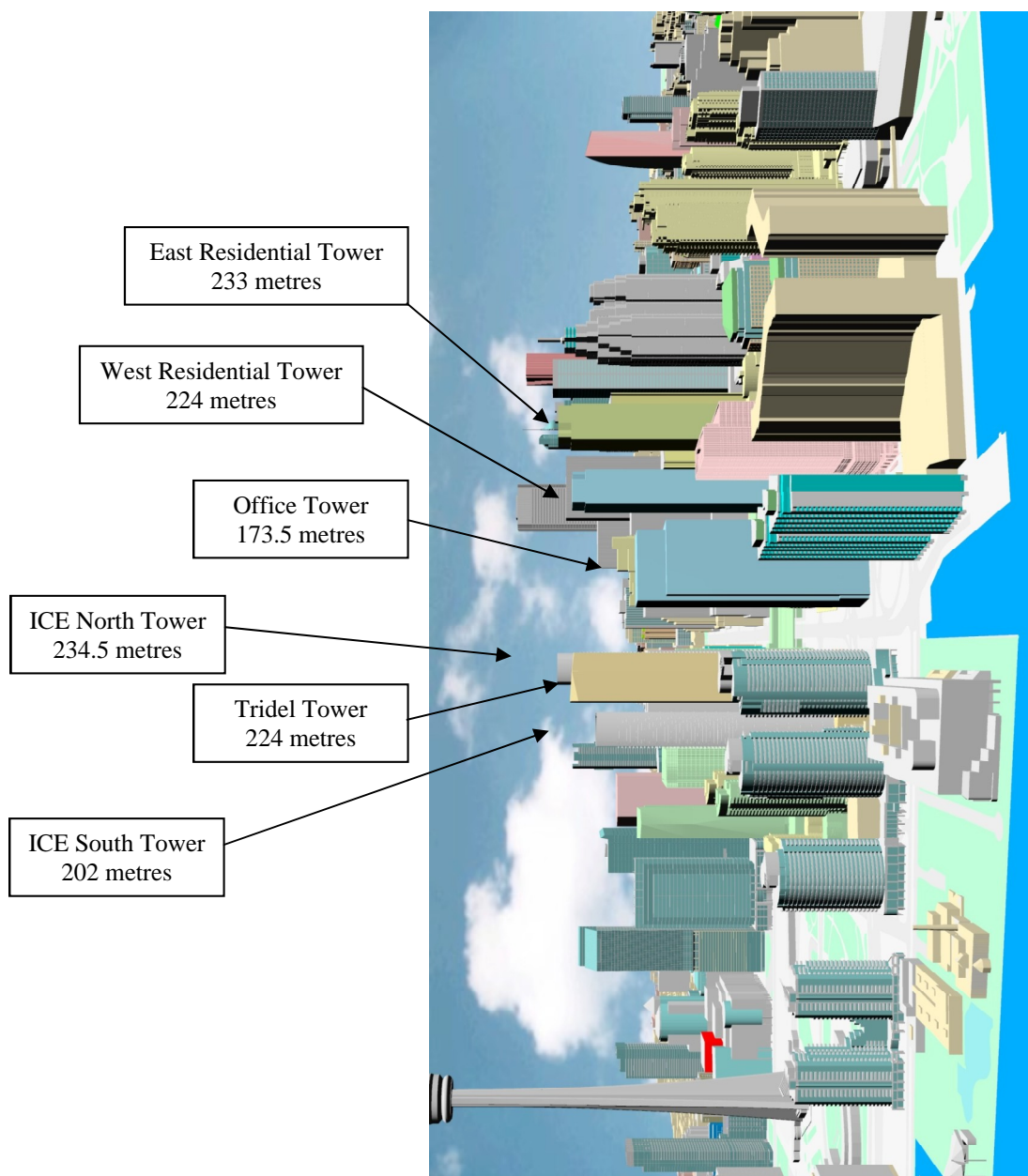
### 120-130 Harbour Street and 10 York Street

Applicant's Submitted Drawing

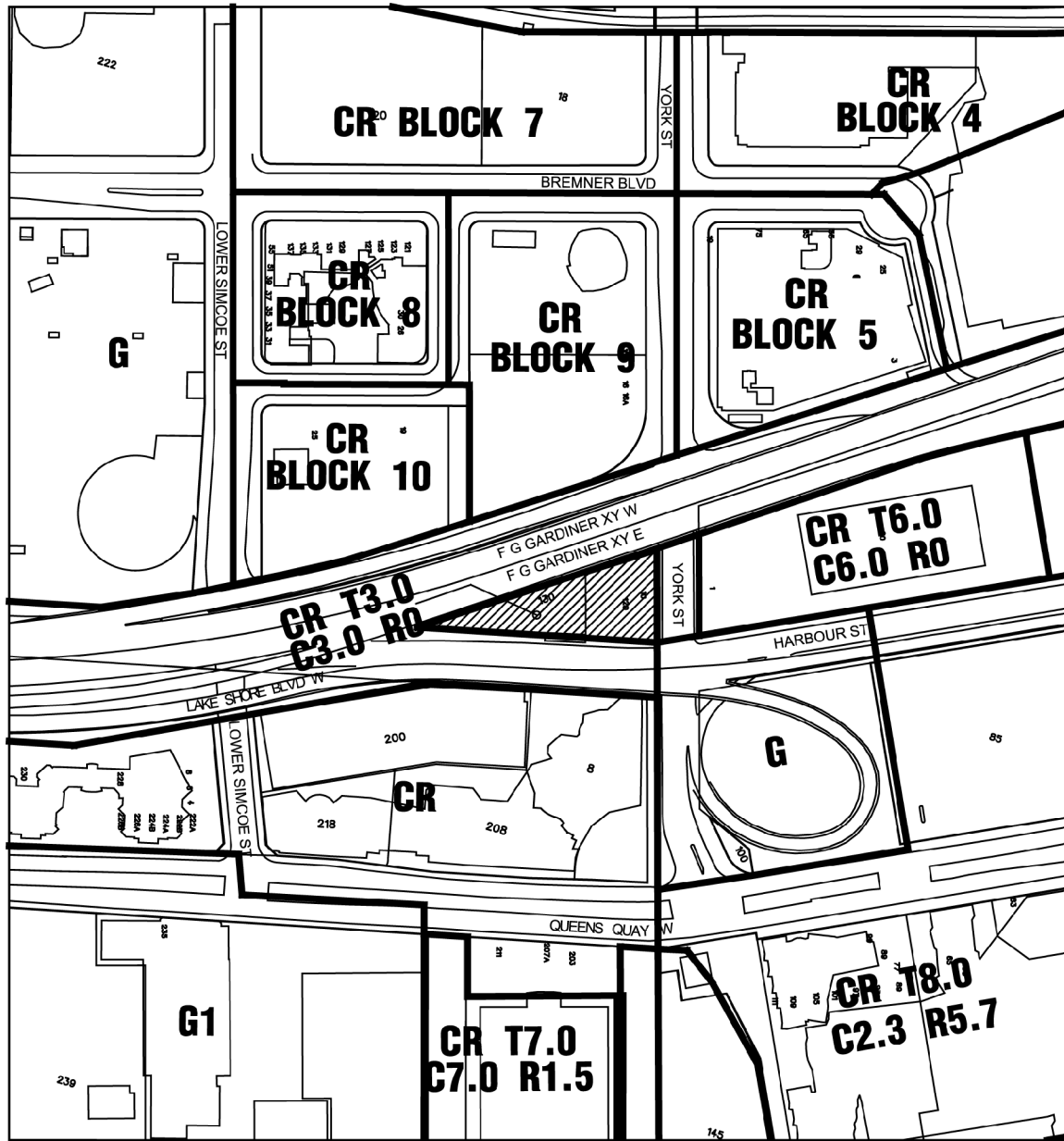
Not to Scale  
09/28/2012

File # 11 329885 02

### Attachment 3: Revised Residential Tower Height (including mechanical penthouse)



## Attachment 4: Zoning



**Toronto** City Planning  
**Zoning**

120-130 Harbour Street and 10 York Street

File # 11 329885 0Z

CR Mixed-Use District  
G Parks District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 01/09/2012

## Attachment 5: Application Data Sheet Second Submission

Application Type	Official Plan Amendment, Rezoning	Application Numbers:	11 329885 STE 20 OZ 12 256067 STE 20 OZ
Details	Rezoning, Standard	Application Dates:	December 22, 2011 October 1, 2012
Municipal Address:	120 and 130 Harbour Street, 10 York Street		
Location Description:	PLAN 657E PT LOT 2 RP 63R424 PART 6 **GRID S2017		
Project Description:	Rezoning application to construct a mixed use development at 120 and 130 Harbour Street and 10 York Street. The application is for a residential tower with a 4 storey podium and a proposed tower of approximately 68 storeys or 239 metres including mechanical (originally 75 storeys or 253.4 metres including mechanical penthouse) with a total of 726 dwelling units (originally 783 dwelling units) and retail at grade. There is also 6 levels of below grade parking (originally above grade in Floors 2 to 4 of the podium). The podium is to contain storage, mechanical and indoor and outdoor amenity space.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
DELTERA INC. 4800 Dufferin Street Toronto, Ontario M3H 5S9		WALLMAN ARCHITECTS 30 Duncan Street, Suite 202 Toronto, Ontario M5V 2C3	BUILD TORONTO INC. 200 King Street West Suite 200 Toronto, Ontario M5H 3T4

### PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N
Zoning:	CR T3.0 C3.0 R0	Historical Status:	N
Height Limit (m):	Not specified	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	2,572	Height:	Storeys:	68
Frontage (m):	44.5		Metres:	227
Depth (m):	81.8			
Total Ground Floor Area (sq. m):	1,906			Total
Total Residential GFA (sq. m):	61,349		Parking Spaces:	289
Total Non-Residential GFA (sq. m):	473		Loading Docks	2
Total GFA (sq. m):	61,622			
Lot Coverage Ratio (%):	74			
Floor Space Index:	26.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	61,349	0
Bachelor:	57 (8%)	Retail GFA (sq. m):	473	0
1 Bedroom:	446 (61%)	Office GFA (sq. m):	0	0
2 Bedroom:	133 (18%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	90 (12%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	726			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Sarah Henstock, Senior Planner	
	<b>TELEPHONE:</b>	416-392-7196	e-mail: shensto@toronto.ca

## Attachment 6: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

**To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2012 as the portion of the Lake Shore Boulevard West right-of-way adjacent to 10 York Street and 120-130 Harbour Street**

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

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. The attached Amendment No. 399 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 399 TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS**  
**10 YORK STREET AND 120-130 HARBOUR STREET**

---

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 399 for the lands municipally known in 2012 as 10 York Street and 120-130 Harbour Street, as follows:

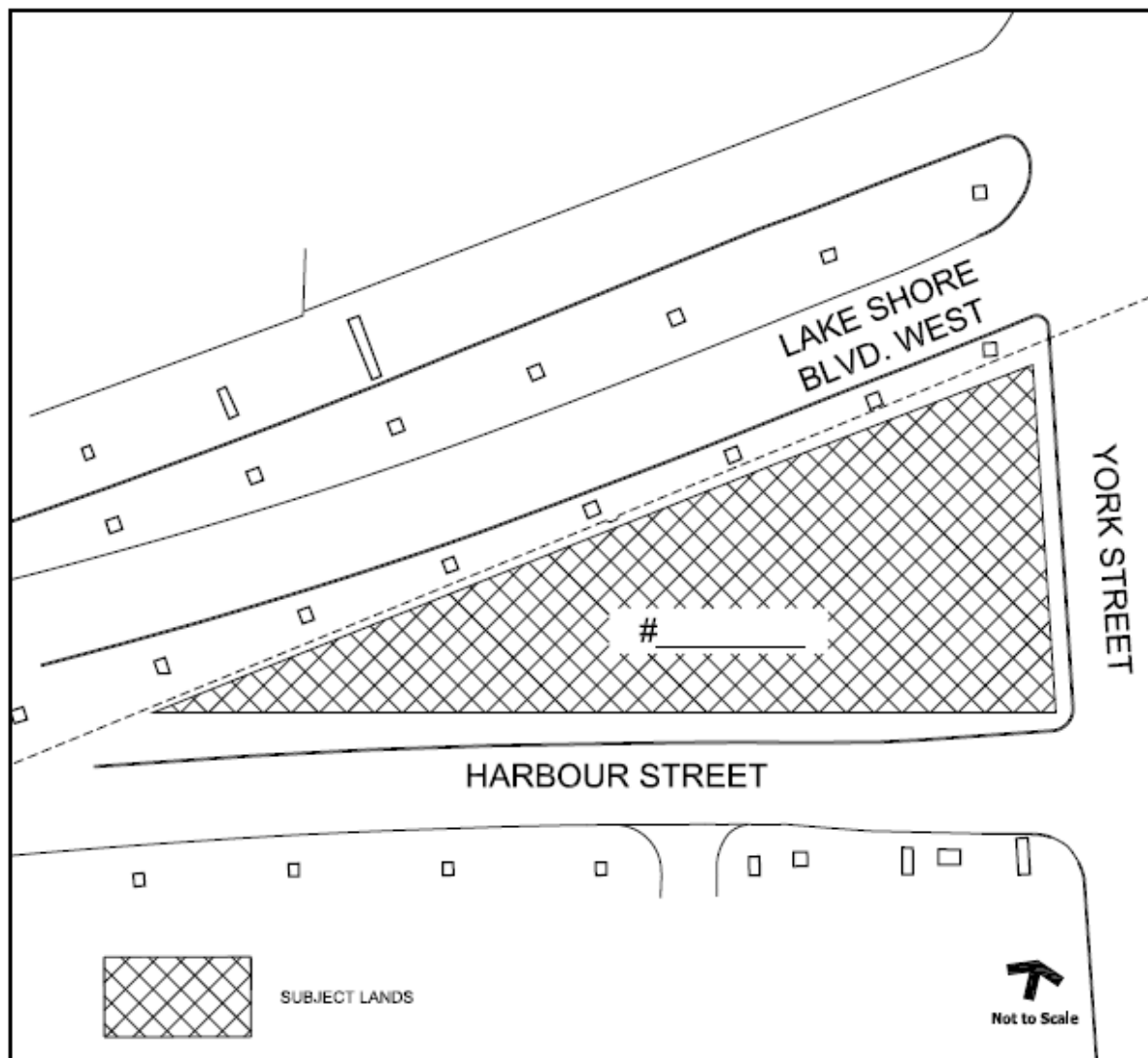
**399 10 York Street and 120-130 Harbour Street**

Despite the right-of-way width of 45 meters and over, as shown for "Lake Shore" on Map 3, Right-of-Way Widths Associated with Existing Major Streets, a conveyance in fee simple to the City for nominal consideration of the lands abutting the right-of-way along Lake Shore Boulevard West from the owner of the lands known as 10 York Street and 120-130 Harbour Street:

- a) that is at least as wide as shown on Schedule "A", (which shows an at grade conveyance from a depth of at least 1.2 metres to the sky with a width of 0.5 metres at the north-east corner and north-west corners of the site at 10 York Street and 120-130 Harbour Street and expanding to 1.6 metres toward the middle of the site at a point approximately 78 metres west of the easterly property line of 10 York Street and 120-130 Harbour Street), and
- b) that also extends, at all points below Canadian geodetic elevation of 50.60 metres, to a total width of at least 4.8 metres (which component may also be subject to a support easement),

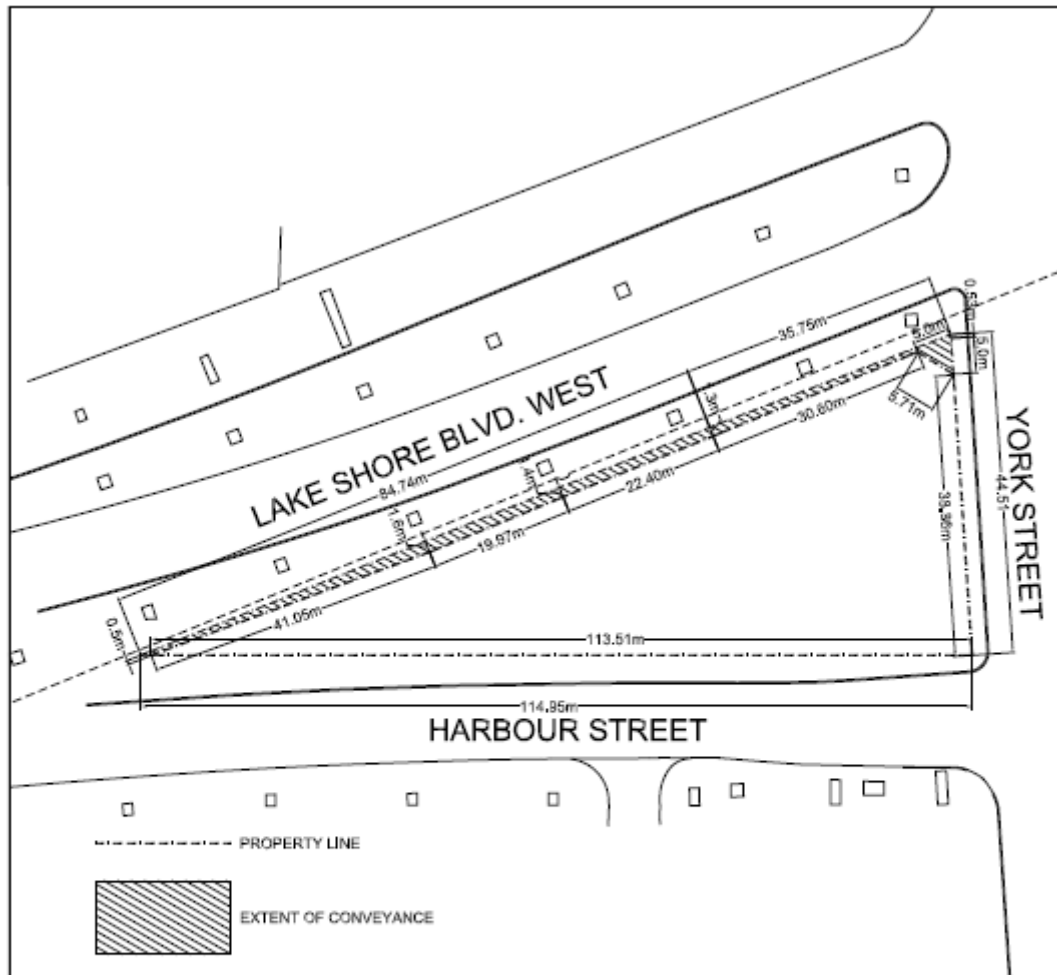
is deemed to satisfy Policy 3a)i) of Chapter 2.2 of the Official Plan, Structuring Growth in the City, Integrating Land Use and Transportation, which protects for the development of the network of right-of-way widths as shown on Map 3 and Schedules 1 and 2, by permitting the City to require the conveyance of land for widening from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals.

2. Chapter 7, Map 29, Site and Area Specific Policies, is amended to add the lands known municipally in 2012 as 10 York Street and 120-130 Harbour Street as Site and Area Specific Policy No. 399 as shown on the map below.



## Schedule "A"

City of Toronto By-law No. ~-20~



Toronto City Planning

**Schedule A**

**120 Harbour Street**

File #10

Not to Scale

## **Attachment 7: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ---**

**BY-LAW No. ~-20~**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 10 York Street and 120-130 Harbour 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 10 York Street and 120-130 Harbour Street; and

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

WHEREAS the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. 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.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of Sections 2(1) with respect to the definition of *grade*, *height*, *bicycle parking space – occupant* and *bicycle parking space – visitor*, 4(5)(a), (b), (c), (d), (e) and (f), 4(12), 4(13)(a) and (d), 8(3) Part I 1 and Part I 3(a) of *By-law No. 438-86*,

shall apply to prevent the erection or use of a *mixed-use building* within the *site*, which may contain *dwelling units* and non-residential uses and *accessory* uses thereto, including a *parking garage* provided that all of the provisions of this By-law are complied with.

6. The *lot* on which the uses are located shall comprise at least the *site*.
7. The total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *site* shall not exceed 59,900 square metres.
8. The total *residential gross floor area* erected or used on the *site* shall not exceed 59,500 square metres and total *dwelling units* erected or used on the *site* shall not exceed 725.
9. The total *non-residential gross floor area* erected or used on the *site* shall be a minimum of 112 square metres.
10. At least ten per cent (10%) of all total *dwelling units* erected or used on the *site* shall have three or more bedrooms.
11. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within the *building envelope* as shown on Map 2, except for the type of structures listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, sills, eaves, bay windows, mullions, ornamental or architectural elements, balustrades	1.0 metres	Provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
B. parapets	Maximum 1.0 metre projection	Provided the height of such “STRUCTURE” is not greater than 1.0 metre above the height limits established in this By-law
C. fences, safety railings and guardrails	No restriction	Provided the height of such "STRUCTURE" does not exceed 3.0 metres above finished ground level
D. stairs, stair enclosures, ramps, wheel chair ramps and/or stairs (and associated structures), underground garage ramps and their associated structures, garbage and servicing areas and their associated structures, retaining walls, air	No restriction	Provided the height of such "STRUCTURE" does not exceed 2.0 metres above finished ground level

shafts, transformer vaults and elements required for the functional operation of the building		
E. structures listed in Sections 14 of this By-law	No restriction	Subject to requirements of Sections 14 of this By-law

1. A continuous pedestrian weather protection shall be provided on the *site* as shown on Map 2 and shall have a minimum depth of 3 metres and a maximum height of 7.0 metres along the frontages shown on Map 2.
2. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol H on the attached Map 2 for the corresponding *building envelope* area.
3. The preceding section of this By-law does not apply to prevent the erection or use of the following structures above the *height* limits for the podium portion of the building as illustrated on Map 2:
  - a) parapets, fences, railings, balcony and terrace guards and dividers, decorative screens, privacy screens, wind screens, planters, balustrades, open air recreation, safety or wind protection purposes and window washing equipment, for unenclosed heating, ventilation, or cooling equipment such as chimneys, stacks, and flues, extending no more than 2.0 metres above the applicable *height* limit of the podium portion of the building as shown on Map 2;
  - b) acoustical screens extending no more than 3.5 metres; and
  - c) public art.
4. A minimum of 1,572 square metres or 2 square metres for each *dwelling unit*, whichever is greater, of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms (whether or not such rooms are contiguous), at least one of which contains a kitchen and a washroom.
5. A minimum of 438 square metres or 0.6 square metres for each *dwelling unit*, whichever is greater, of outdoor *residential amenity space* shall be provided, of which at least 40 square metres shall be provided in a location adjoining or directly accessible to indoor *residential amenity space*.
6. *Parking spaces* shall be provided and maintained partly on the *site*, a portion of which may be located below *grade* off-site in the area shown on Map 3, according to following requirements:
  - a) *bachelor dwelling unit* – minimum of 0.3 spaces for each *dwelling unit*;
  - b) *one-bedroom dwelling unit* – minimum of 0.5 spaces for each *dwelling unit*;
  - c) *two-bedroom dwelling unit* – minimum of 0.8 spaces for each *dwelling unit*;

- d) three or more bedroom *dwelling unit* – minimum of 1 space for each *dwelling unit*; and
  - e) visitor – minimum of 0.1 spaces for each *dwelling unit*.
7. Despite the requirement in Section 4(17) of *By-law No. 438-86*, that the minimum width of an obstructed *parking space* shall be increased by 0.3 metres for each side of the *parking space* that is obstructed, that provision shall not apply to obstructed *parking spaces* located on the *site* or below *grade* off-*site* in the area shown on Map 3.
  8. Notwithstanding Section 4(8) of *By-law No. 438-86*, one (1) *loading space - Type C* will be provided in addition to one (1) *loading space – Type G*.
  9. A maximum of 728 *bicycle parking spaces* shall be provided on the *site* or below *grade* off-*site* in the area shown on Map 3.
  10. *Bicycle parking space – occupant* means an area that is equipped with a bicycle rack 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 a vertical dimension of at least 1.9 meters;
    - 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;
    - c. in the case of a bicycle rack, may either be located in a secured room or area or a unsecured room or area.
  11. *Bicycle parking space – visitor* means an area that is equipped with a bicycle rack 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 a vertical dimension of at least 1.9 meters;
    - 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;
    - c. may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
  12. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site*.

13. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.
14. Within the *site*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
15. For the purpose of this By-law, the following expressions shall have the following meaning:
  - (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;
  - (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto;"
  - (c) "*City*" means the City of Toronto;
  - (d) "*grade*" means the Canadian Geodetic elevation of 76.6 metres;
  - (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
  - (f) "*owner*" means the fee simple owner(s) of the *site*;
  - (g) "*parking garage*" means a building or portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles;
  - (h) "*sales office*" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of *dwelling units* or the non-residential uses to be erected on the *site*;
  - (i) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
  - (j) each other word or expression, which is italicized in this by-law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.
16. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

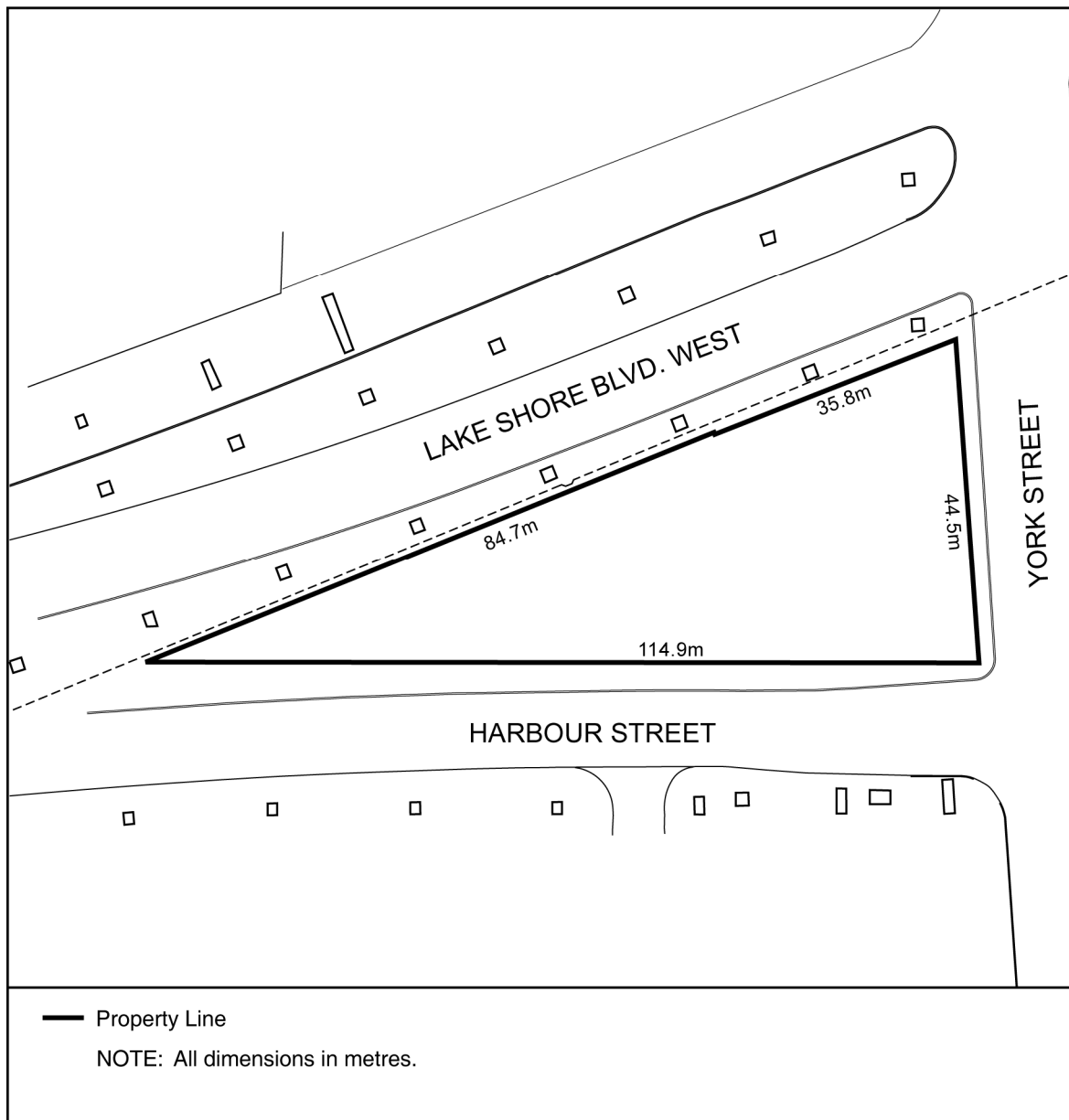
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

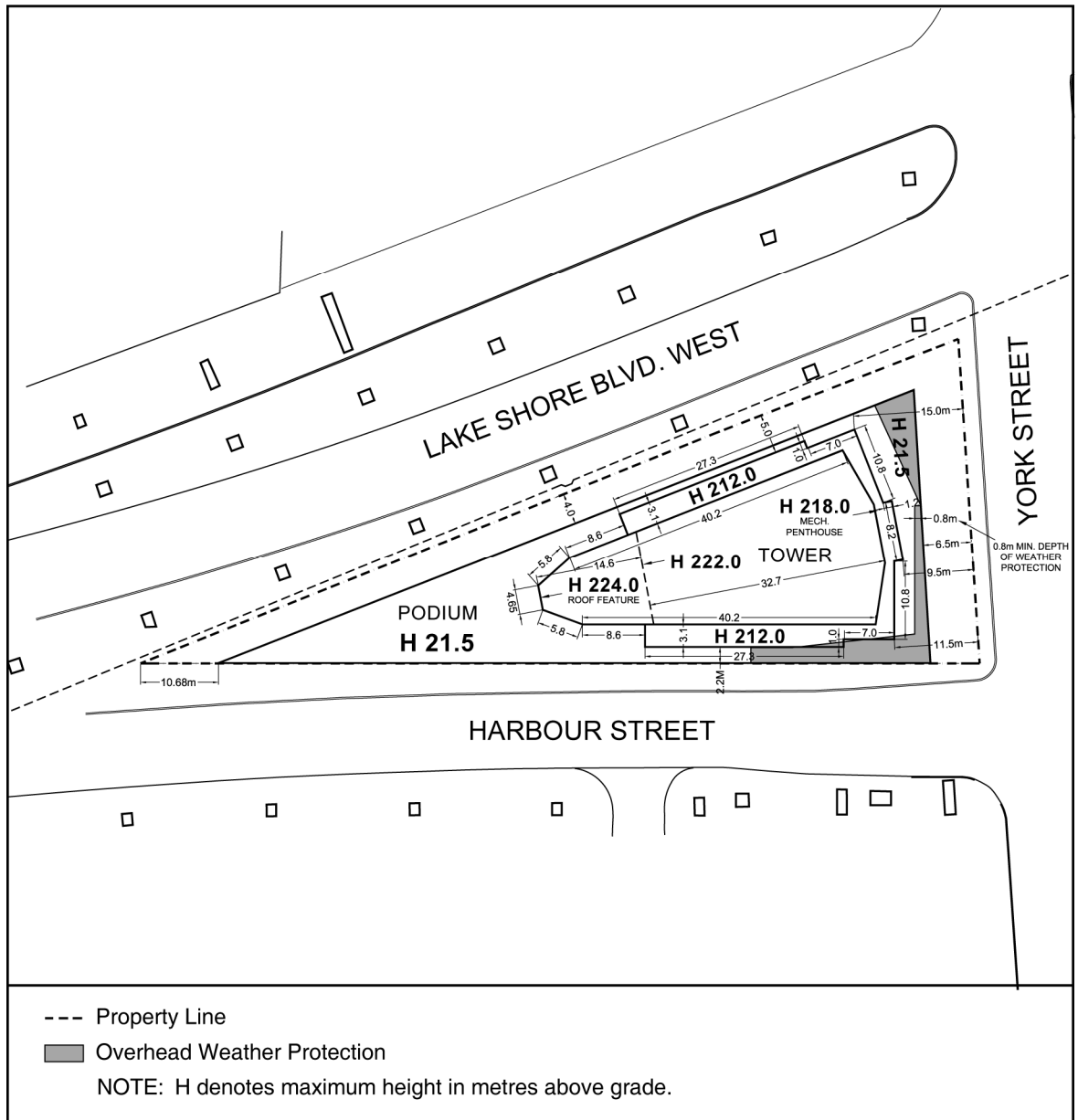
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

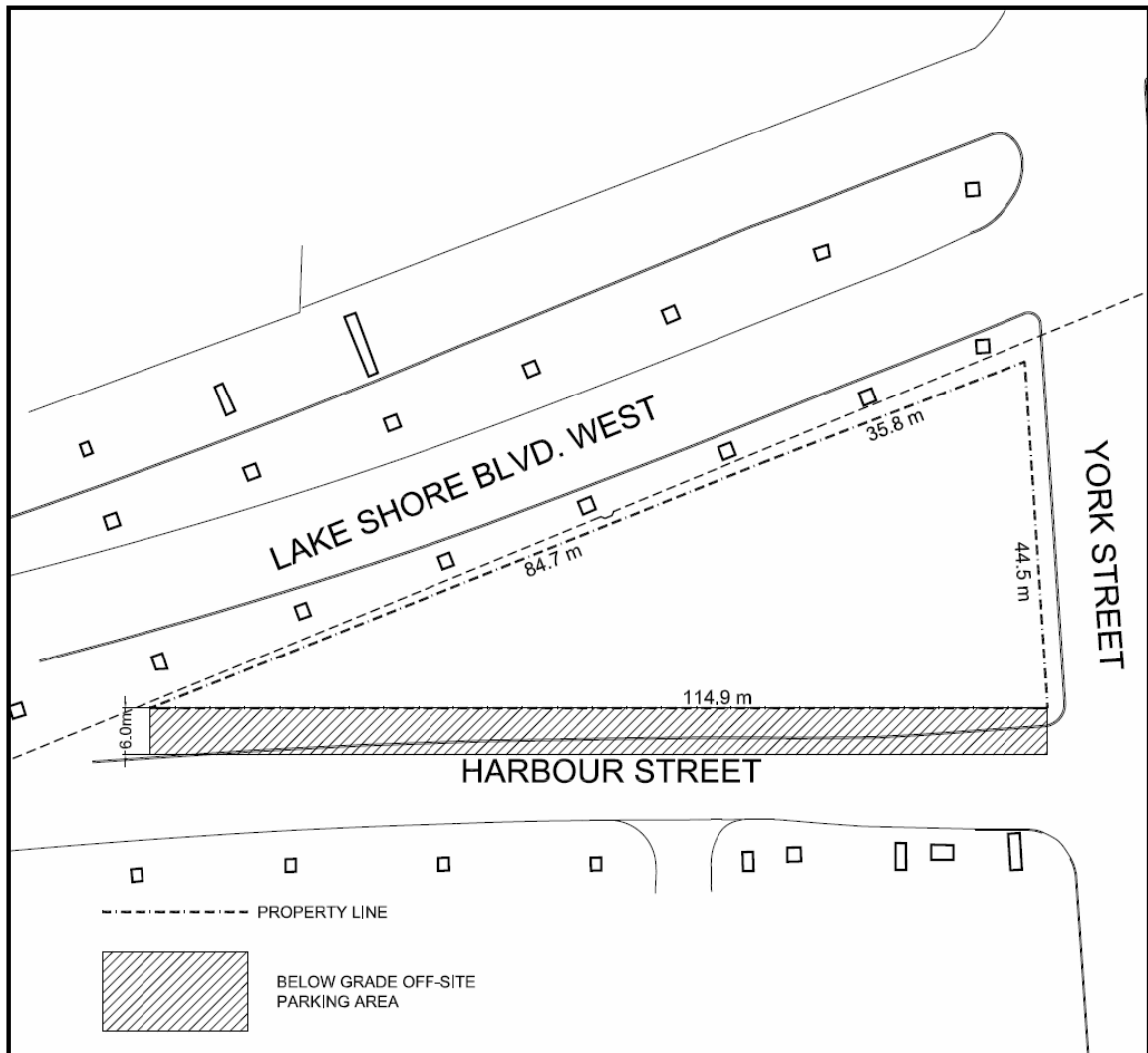
ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)







**Map 3**

**120 Harbour Street**

File #10 \_\_\_\_\_



Not to Scale

## 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*, or portion thereof 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 indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

Before introducing the necessary Bills 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. to provide affordable housing contribution to the value of \$5,200,000.00.
  - i. the value of the affordable housing shall be either in cash or as a built contribution within the property of 120 – 130 Harbour Street and 10 York Street to the satisfaction of the Affordable Housing Office of the City of Toronto and the Chief Planner.
- b. if it is determined that the affordable housing contribution be provided as cash it is required that the cash amounts identified in a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
- c. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. affordable housing.
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. At least 10% of the total number of dwelling units to be constructed on the lot shall contain at least three or more bedrooms in compliance with the provisions of the Ontario Building Code;
  - ii. Provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;

- iii. Through the Site Plan application process the following is required:
- a. A conveyance with a maximum width of 1.6 metres from a point 1.2 metres below finished grade, to the sky, including a daylight triangle at the southwest corner of York Street and Lake Shore Boulevard West, such lands to be free and clear of all encumbrances and subject to a right-of-way for access purposes until such time as the said lands have been laid out and dedicated for public highway purposes, all as more particularly illustrated on a dimensioned sketch to be provided to the property owner;
  - b. A further below-grade conveyance which excludes the parking garage and all associated support structure, such conveyance to have a width of approximately 4.8 metres at the east limit of the site, and extend parallel to the existing north limit of the right-of-way to bring the width of the Lake Shore Boulevard West/Gardiner Expressway public right-of-way to a minimum width of 45 metres, in accordance with the requirements of the Official Plan;
  - c. An easement with a minimum width of 5.0 metres to the full extent of the site abutting the southerly drip line or any other structural component of the Gardiner Expressway (including below grade foundation) along the F.G. Gardiner Expressway at a point 1.2 metres below finished grade, to the sky the easement to be conveyed to the City for a nominal sum as required for maintenance purposes and the possible future dismantling of the F.G. Gardiner Expressway to the satisfaction of the Executive Director of Technical Services;
  - d. Setback the project, including all ramps, driveways, bridge support columns and ventilation shafts, in order to accommodate the road widening as set out above;
  - e. Provision of continuous pedestrian weather protection abutting York Street;
  - f. Identification of any future patio space in co-ordination with the pedestrian weather protection requirements;
  - g. Provide upgraded streetscape along York Street, Lake Shore Boulevard West and Harbour Street to co-ordinate

and be in keeping with the York Street Promenade requirements;

- h. Provision of maintenance holes at the property line off city property for both storm and sanitary connections; and
- i. Enter into an encroachment agreement for the area of the parking garage that will encroach into the Harbour Street and Lake Shore Boulevard right-of-way.

## Attachment 8: York Street Pedestrian Promenade Plan Excerpt Plan SK-2

