

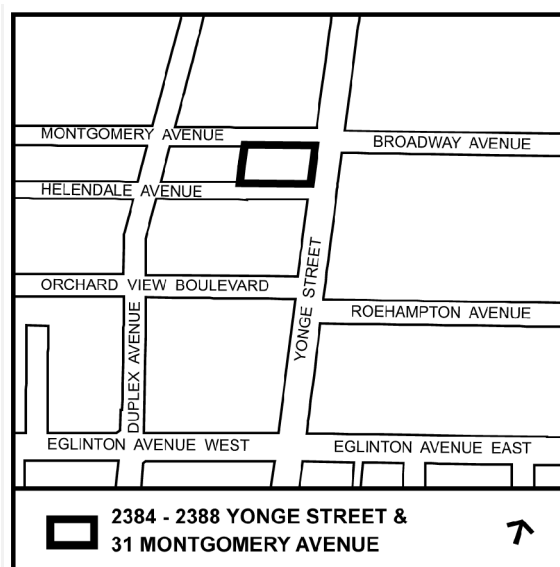
2384 – 2388 Yonge Street and 31 Montgomery Avenue – Official Plan and Zoning By-law Amendment Applications – Final Report

Date:	July 24, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	13 127993 NNY 16 OZ

SUMMARY

This application proposes a 27-storey mixed-use building, 79.5 metre high (excluding mechanical penthouses) with 233 rental dwelling units at 2384 – 2388 Yonge Street and 31 Montgomery Avenue. The proposal includes the retention of the 2-storey historically significant Postal Station K building on the site and proposes its conservation and reuse for retail uses. The application also proposes the conveyance of public parkland along the Yonge Street, Montgomery Avenue and Helendale Avenue frontages of the site as a civic square – Montgomery Square.

The proposal conserves and adaptively reuses a historic site of national, provincial and municipal interest. The proposal reinforces the existing and planned built form context along Yonge Street consistent with the policies of the Official Plan and Yonge-Eglinton Secondary Plan. The proposal to dedicate on-site public parkland and the creation of a new civic square along Yonge Street - Montgomery Square will make a significant positive contribution to the public realm in Yonge –Eglinton. This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 2384 and 2388 Yonge Street and 31 Montgomery Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 15 to report dated July 24, 2014, from the Director, Community Planning, North York District.
2. City Council amend Zoning By-law No. 569-2014, for the lands 31 Montgomery Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 16 to report dated July 24, 2014 from the Director, Community Planning, North York District.
3. City Council amend Zoning By-law No. 438-86, for the lands at 2384 and 2388 Yonge Street, and 31 Montgomery Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 17 to report dated July 24, 2014 from the Director, Community Planning, North York District.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into a Heritage Easement Agreement with the City pursuant to Section 37 of the *Ontario Heritage Act*, for the property at 2384 and 2388 Yonge Street in accordance with the Heritage Impact Statement, prepared by ERA Architects dated June 2, 2014, such agreement to be subsequently registered against title to the lot, all to the satisfaction of the City Solicitor in consultation with the Manager Heritage Preservation Services.
6. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor, and the Chief Planner and Executive Director, City Planning, such agreement(s) to be registered against the title of the lands for the development to secure the following facilities, services and matters:
 - a. the owner shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, in the amount of five hundred thousand dollars (\$500,000.00), to guarantee the cost for public art on the lands, such public art to be provided by the owner with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The owner shall submit a

Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines and details the public art process to the satisfaction of City Council.

- b. the owner shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, in the amount of one hundred thousand dollars (\$100,000.00), to guarantee the cost for streetscape improvements to be provided by the owner, to Yonge Street, Helendale Avenue and Montgomery Avenue abutting the site and parkland, such streetscape improvements in accordance with designs to be approved in connection with the Midtown in Focus, Parks, Open Space and Streetscape Master Plan Study for Yonge-Eglinton, the details of which to be determined in association with site plan approval, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- c. the owner shall provide a non-exclusive public pedestrian easement to the City on terms and conditions satisfactory to the City Solicitor in a location generally described as a north/south access over the western portion of the site, with details of the location and final design to be determined in the context of site plan approval for the development and that such easement lands be maintained by the owner at its sole cost. The conveyance of the easement shall be for nominal consideration at no cost to the City to the satisfaction of the City Solicitor and the owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe the easement.
- d. the owner shall provide a minimum of four (4), three-bedroom units in the building.
- e. the owner shall maintain the public park having an area of not less than 264 square metres, at its sole expense, after its conveyance to the City and subject to terms and conditions to be contained in the Section 37 agreement, to the satisfaction of the General Manager Parks, Forestry and Recreation together with provisions for protections and indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance including but not limited to the regular year round maintenance of landscaping and landscape surfacing including removal of snow and ice, fixtures, irrigation, electrical, fences or other structures which form part of the park installations, and, arrangements with respect to inspection of the park and park installations by the City.

- f. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall enter into a Heritage Easement Agreement with the City pursuant to Section 37 of the *Ontario Heritage Act*, for the property at 2384 and 2388 Yonge Street in accordance with the Heritage Impact Statement, prepared by ERA Architects dated June 2, 2014, such agreement to be subsequently registered against title to the lot, all to the satisfaction of the City Solicitor in consultation with the Manager Heritage Preservation Services
 - ii. Prior to the issuance of final Site Plan Approval for all or any portion of the lot through the Site Plan Approval process pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall:
 - 1. provide a Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Statement for 2384 and 2388 Yonge Street prepared by ERA Architects, dated June 2, 2014 and all to the satisfaction of the Manager, Heritage Preservation Services.
 - 2. provide final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
 - iii. Prior to the issuance of any permit for all or any part of the lot, excluding the portion of the lot known municipally in the year 2014 as 31 Montgomery Avenue, including pursuant to the *Ontario Heritage Act* and the *Building Code Act* and including any permit for excavation and shoring or foundation, but excluding a permit for the removal of the one storey addition to the rear of the heritage structure, a rental/sales centre, repairs, maintenance and usual and minor works acceptable to the Manager Heritage Preservation Services, the owner of the lot shall:
 - 1. obtain final approval for the necessary by-law amendment required for the alterations to the property at 2384-2388 Yonge Street, such amendment to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and Executive Director City Planning in consultation with the Manager, Heritage Preservation Services;
 - 2. have obtained final Site Plan Approval for such property, for an above-grade building permit only;

3. provide full building permit drawings, including notes and specifications for the conservation and protection measures keyed to the approved Conservation Plan, including a description of materials and finishes to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager Heritage Preservation Services, except in the case of any below-grade building permits, only the subject building permit drawings are to be provided;
 4. provide a Lighting Plan that describes how the heritage structure will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services, for an above-grade building permit only;
 5. provide an Interpretation Plan for Postal Station K, to the satisfaction of the Manager, Heritage Preservation Services, for an above-grade building permit only; and
 6. provide a letter of credit to the City in a form and amount satisfactory to the Manager Heritage Preservation Services prior to the issuance of any permit pursuant to the *Ontario Heritage Act* for all or any part of the lot, to secure all work included in the approved Conservation Plan and the approved Interpretation Plan, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the letter of credit is provided.
- iv. Prior to the release of such letter of credit the owner shall:
1. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager Heritage Preservation Services;
 2. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager of Heritage Preservation Services.
- v. The owner shall construct and convey to the City, within three years after the date of the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, for

nominal consideration a public park having a minimum size of 264 square metres with such conveyance deemed to fully satisfy the parkland contribution requirements for the development as currently proposed, and in accordance with the terms and conditions of parkland conveyance as are set out in Attachment 14 to report dated July 24, 2014, from the Director, Community Planning, North York District.

7. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The property located at 2384 Yonge Street was listed on the City of Toronto's Inventory of Heritage Properties on February 6, 1974.

At its meeting on July 8, 9, 10 and 11, 2014 City Council considered an Intention to Designate under Part IV of the Ontario Heritage Act and Authority for a Heritage Easement Agreement for 2384 Yonge Street. Council adopted the recommendations pertaining to the designation of the property and authorized the entering into of a Heritage Easement Agreement with the owners of 2384 Yonge Street. Council's decision is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY33.8>At its

At its meeting of May 13, 2013 North York Community Council (NYCC) considered a preliminary report on the Official Plan and Zoning By-law Amendment application. NYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site. The preliminary report is on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY24.14>

ISSUE BACKGROUND

Proposal

The Station K property is listed on the City's *Inventory of Heritage Properties* and is a National Historic Site. The historically significant Postal Station K building constructed in 1936 and marked with the insignia of Edward VIII, is located on the site and was listed on the City's inventory in 1974. It is also the former site of Montgomery's Tavern, the

headquarters of William Lyon Mackenzie leader of the Upper Canada Rebellion of 1837. The site was designated as a National Historic Site in 1925 and is marked by a Historic Sites and Monument Board of Canada plaque affixed to the base of a monument and flagpole situated to the north of the Station K building.

Since the initial submission the applicant has added the property adjacent to the west of Station K at 31 Montgomery Avenue to the site and has made revisions to the proposed design. A summary of the initial and revised proposals is in the two tables below.

The application proposes a 27-storey (79.5 m) mixed-use building with 233 dwelling units and 1,441 square metres of commercial/retail gross floor area. The mix of dwelling units includes 4 studio, 129 one-bedroom, 92 two-bedroom units and 8 three-bedroom units. The proposed tenure of the dwelling units is rental. The proposed density of the development is 7.25 times the area of the lot (Attachments 1, 2, 3, 4, and 5).

The proposal includes the retention of the historically significant 2-storey front portion of Station K, and the removal of the 1-storey rear portion of the building. New development is proposed on the west side of the 2-storey building. A glassed atrium would connect the old and new portions of the building with new entrances on the north and south sides from Montgomery Avenue and Helendale Avenue in addition to the main entrance to the building from Yonge Street. An outdoor retail terrace is proposed on the roof of the Station K building.

The building design consists of a 4 storey base building terracing to 8 storeys along the west side of the building. The new base building would include 2-storey townhouses along Montgomery Avenue and 2 levels of apartments above and the residential lobby and associated uses along Helendale Avenue. The base building is proposed to be setback approximately 1.2 metres from Helendale Avenue, 1.5 metres from Montgomery Avenue and approximately 9.0 metres at the ground floor from the west lot line adjacent to the neighbourhood. The tower element of the building is proposed to be setback approximately 20 metres from the current west property boundary and approximately 20 to 23 metres from Yonge Street. The tower cantilevers approximately 4.5 metres over Station K, approximately 9 metres above the roof of the existing building.

Four levels of underground parking with 137 parking spaces are proposed for residents (114) and visitors (23), including 4 outdoor pick-up and drop-off proposed on the west side of the building. One-hundred and 75 (175) bicycle parking spaces for residents (140) and visitors (35) and 8 spaces for the retail uses are proposed at grade and in the underground parking garage. Access to loading and parking is proposed from a 9 metre wide driveway along the west boundary of the site that extends from Helendale Avenue to Montgomery Avenue. This driveway is also intended for pedestrian use providing a pedestrian connection through the block.

Proposed common residential amenity space includes 817 square metres within the building on the 4th and 5th floors connected to outdoor terraces (469 m²) on both levels along the north, south and west sides of the building. The amenity space consists of a

swimming pool, fitness room, lounges, a kitchen and party rooms. A dog spa and outdoor area for dog walking are also proposed. Private balconies and terraces of varying sizes are also proposed for the dwelling units.

The application also proposes the dedication of public parkland of 264 m² onsite, along the east side of the site adjacent to Yonge Street, Helendale Avenue and Montgomery Avenue.

Additional site and development statistics are included in the application data sheet, included as Attachment 6.

Summary of Initial and Revised Submissions		
	Initial submission March 4, 2013 (2384-2388 Yonge St)	Revised Submission May 30, 2014 (2384-2388 Yonge St. & 31 Montgomery Ave.)
Area of the Site	2,551 m ²	2,835.3 m ²
Storeys (height in metres)	26 (78.2 m)	27 (79.5 m)
Dwelling Units	234	233
Residential Gross Floor Area	18,358 m ²	19,114 m ²
Retail Gross Floor Area	1715 m ²	1441 m ²
Total Gross Floor Area	20,073 m ²	20,555 m ²
Density – Floor Space Index	7.9 x	7.25 x
Parking Spaces	172	137
Bicycle Parking Spaces	175	188
Indoor Amenity Space	488m ²	817 m ²
Outdoor Amenity Space	169 m ²	469m ²
Tower Floorplate	780 m ²	788 m ²
On-site Parkland dedication	----	264 m ²

Base Building and Tower Setbacks				
Boundary	Base Building Setbacks (m)		Tower Setbacks (m)	
	Initial submission	Revised submission	Initial submission	Revised Submission
East	9.4 – 13.4*	9.4 – 13.4*	17.8-21.1	19.7 - 23
West	7.5	9.0	10.5 – 11.8 16 – 19.7	20 20-22.4
North	1.5 (4.5*)	1.5 (4.5*)	5.1	5.0 – 6.9
South	1.2 (4.3*)	1.2 (4.3*)	4.8	4.8-6.6

* Setback of existing Station K building

Site and Surrounding Area

The site is located on the west side of Yonge Street and extends the full block from Helendale Avenue to Montgomery Avenue. The site is 2,853.5 square metres in area, rectangular in shape and generally flat. It has a frontage of approximately 39.6 metres along Yonge Street and approximately 72 metres along Montgomery Avenue and 67 metres along Helendale Avenue. The portion of the site at 2384-2388 Yonge Street is occupied by the 1 and 2-storey Station K building that was recently used for a post office and dance studio. The building is now vacant. There is a secured and fenced surface parking lot and loading area to the west of the building and a publicly accessible landscaped forecourt on the east side of the building that extends to Yonge Street. The

portion of the site at 31 Montgomery Avenue is a through lot, currently occupied with a single detached dwelling on the north end of the lot facing Montgomery Avenue and a detached garage on the south end of the lot facing Helendale Avenue.

Surrounding uses include:

- West: Single to 3-storey low-rise residential neighbourhood of single, semi-detached and townhouse dwellings.
- East: 2 to 4-storey retail/commercial buildings opposite the site on the east side of Yonge Street with highrise apartment buildings in the apartment neighbourhood further east.
- North: The Anne Johnson Health Station and Fire Station 134 are opposite the site on the north side of Montgomery Avenue. The 2-storey Anne Johnson Health Station formerly housed Police Station #12 and is designated as historically significant under the *Ontario Heritage Act*. Fire Station #134 is also historically significant and is listed on the City's *Inventory of Heritage Properties*. Further north along Yonge Street are 2 and 3-storey commercial/retail buildings.
- South: There are single to 3-storey commercial/retail buildings along Yonge Street opposite the site on the south side of Helendale Avenue and extending further south along Yonge Street to Orchard View Boulevard. A 28-storey mixed-use building is currently proposed on the southwest corner of Yonge Street and Helendale Avenue (2360 Yonge Street) opposite the east portion of the site (File: 12 168197 NNY 16 OZ). There is also a single-detached dwelling and three 3-storey apartment buildings on the south side of Helendale Avenue (31-37 Helendale Avenue) opposite the west portion of the site. A 24-storey residential building is proposed on these properties (File: 12 141927 NNY 16 OZ). West of this is the 2-storey Northern District Library with the 15-storey Stanley Knowles Cooperative above. Further south is the larger Rio Can retail and office complex (22 and 30-storey office buildings) and two high-rise apartments (17 and 22-storeys). A Zoning By-law amendment application to increase the heights of the two office buildings from 22 and 30 storeys to 27 and 37-storeys respectively was recently approved (File 09 110945 NNY 16 OZ).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be significant. In the PPS 2014, "conserved" is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

City Council's planning decisions are required to be consistent with the PPS. The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The portion of the site at 2384-2388 Yonge Street site is located on an *Avenue* (Attachment 7) and is designated *Mixed-Use Areas* in the Official Plan. The lot at 31 Montgomery Avenue is in a *Neighbourhoods* designation (Attachment 8). The site is also located in the Yonge-Eglinton Secondary Plan area (Attachment 9).

The lands opposite the site on the east side of Yonge Street are designated *Mixed-Use Areas* and are within the Yonge-Eglinton Centre. The Yonge-Eglinton Centre is also one of five Provincial Urban Growth Centres within Toronto. While the site subject to this application is in the Yonge-Eglinton Secondary Plan Area it is not within the Urban Growth Centre. Lands adjacent to the west are within the *Neighbourhoods* designation.

The growth management strategy for the City steers growth and change to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. Section 2.2.2 of the Official Plan identifies five areas that can best accommodate growth including the *Downtown, Central Waterfront, Centres, Avenues* and *Employment Districts*. The Official Plan directs growth to these areas in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed-use development to increase opportunities for living close to work and to encourage walking and cycling, and protects neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

Avenues and Centres Policies

The Official Plan recognizes the strategic mid-town location of the Yonge-Eglinton Centre and its continuing role as both an office centre and a desirable living area. The Plan promotes new development within the Yonge-Eglinton Centre and identifies where and how this should occur including through infill development and redevelopment of key sites near the Yonge-Eglinton intersection and along Eglinton Avenue East. On the east side of Yonge Street north of Roehampton Avenue, the potential for new

development within this area of the *Centre* is considered appropriate through mid-rise buildings. The subject site, located on the west side of Yonge Street is outside of the *Centre*.

The policies of Section 2.2.2 of the Official Plan provide that each *Centre* will have a Secondary Plan that sets out the local goals and a development framework consistent with the Plan, and among other things, the location, mix and intensity of land uses within the *Centre*. The Yonge-Eglinton Secondary Plan Area encompasses lands beyond the *Centre* and provides a development framework for the *Centre* as well as the larger area.

Avenues are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them. Reurbanization of the *Avenues* is subject to the policies of the Official Plan, including in particular the neighbourhood protection policies.

Section 2.2.3.1 of the Official Plan provides that reurbanizing the *Avenues* will be achieved through the preparation of *Avenue* Studies for strategic mixed use segments. An *Avenue* Study has not been prepared for this mixed use segment of Yonge Street. Section 2.2.3.3 of the Official Plan provides for development on an *Avenue* prior to an *Avenue* Study subject to certain requirements. As development prior to an *Avenue* Study which is not consistent with the Secondary Plan has the potential to set a precedent for the intensity, form and scale of reurbanization, in addition to addressing the policies of the Plan for *Mixed Use Areas*, Section 2.2.3.3 requires that proponents of proposals also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located.

Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review.

For development within a *Mixed-Use Area* that precedes an *Avenue* Study, Section 2.2.3.3c) outlines requirements that must be satisfied in addition to all other policies of the Plan including in particular the neighbourhood protection policies.

Healthy Neighbourhoods Policies

The Official Plan recognizes that established neighbourhoods can benefit from directing growth to areas such as the *Avenue* with improved services, amenities and other enhancements while preserving the shape and feel of the neighbourhood. At the boundary points between the neighbourhoods and the growth areas, development in the *Mixed Use Area* will have to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. To protect neighbourhoods and limit development impacts Section

2.3.1.2 outlines requirements for developments in *Mixed-Use Areas* that are adjacent or close to *Neighbourhoods*.

Public Realm and Built Form Policies

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Plan states that although tall buildings are desirable in the right places they do not belong everywhere and are only one form of intensification. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

Heritage Resources Policies

The heritage resource policies of Section 3.1.5 a) of the Official Plan provide that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's *Inventory of Heritage Properties*, designating them and entering into conservation agreements with owners of designated heritage properties. For heritage resources on the City's *Inventory of Heritage Properties*, Section 3.2.5.2 provides that these resources will be conserved and a Heritage Impact Statement required where development requires an amendment to the Official Plan and/or Zoning By-law.

Housing Policies

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability and investment in new rental housing is encouraged.

Mixed Use Areas Policies

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a

number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development. Development in the *Mixed Use Areas* along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

Section 4.5.2 includes criteria for development in *Mixed Use Areas* to ensure, among other things, that the location and massing for new buildings achieves transitions between areas of different development intensity and scale, adequately limits shadow impacts on adjacent *Neighbourhoods*, and frames the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Neighbourhoods Policies

Neighbourhoods are considered physically stable areas made of lower scale residential uses. The Official Plan provides that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood including among other criteria the pattern of streets, block and lanes, parks and public building sites, heights, massing and scale of nearby residential properties, the prevailing pattern of rear and side yard setbacks and the conservation of heritage buildings structures and landscapes. The Official Plan requires that proposals for intensification on major streets in *Neighbourhoods* be reviewed with respect to these development criteria having regard to both the form of the development along the street and its relationship to adjacent development in the *Neighbourhood*.

The Official Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/introduction.htm

Yonge-Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan provides a locally focussed policy framework for guiding growth and change in the Secondary Plan area. The general policies of Section 2 establish objectives in relation to land use, the nature and scale of development, transportation, urban form and public realm, community services, and parks and open spaces.

It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. Section 2.5 provides that the development of mixed use buildings in *Mixed Use Areas* will be encouraged to increase active pedestrian circulation at street level, and to increase housing opportunities for family and other households.

Section 2.7 outlines objectives aimed to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all buildings form a positive visual relationship to the street. Among other things it is the

objective of the Secondary Plan, to maintain the existing scale of development within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas* and to secure a transition in height and scale from developments in *Mixed Use Areas* to *Neighbourhoods* and in particular to those sites which abut a *Neighbourhood*.

The Secondary Plan recognizes the importance of higher order transit, existing and planned for Yonge-Eglinton, and Section 2.10 provides opportunity to consider reduced parking requirements for development in *Mixed Use Areas* which are in close proximity to subway and light rapid transit access. Improvements to the public realm are encouraged in association with all development and the *Parks and Open Space Areas* policies of Section 2.21 encourage the creation of interesting and engaging parks and opens spaces that are safe, comfortable and accommodate people of all ages and abilities.

The policies of Section 4 of the Secondary Plan for Mixed Use Areas seek to ensure a compatible relationship of uses in *Mixed Use Areas* and residential uses in adjacent residential areas and that access points, the relationship of development to the sidewalk, and the location of walls, fences and trees enhance the quality of the streetscape.

Section 5 of the Secondary Plan includes policies for the Yonge-Eglinton Centre. Section 5.1 confirms the intent that the Yonge-Eglinton Centre satisfy the requirement of an 'Urban Growth Centre' within the meaning of the Growth Plan for the Great Golden Horseshoe. In recognition of this status more detailed policies to guide development in the Centre are included. Section 5.2 and 5.3 provides for the highest heights, densities and scale of development within *Mixed-Use Area A* at the four quadrants of the intersection of Yonge Street and Eglinton Avenue and that the heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from this intersection. The built form typology and building heights along segments of Yonge Street and Mount Pleasant Road that are within the *Centre* are also further defined. For Yonge Street, Section 5.5 provides that development along the east side of Yonge Street north of Roehampton Avenue will be mid-rise buildings with a scale in the range of 8 to 12 storeys with retail uses at grade.

The Yonge-Eglinton Secondary Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/pdf_secondary/21_yonge_eglinton_dec2010.pdf

The Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM10000071d60f89RCRD>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas". The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Zoning

The portion of the site at 2384 – 2388 Yonge Street is zoned in a Mixed-Use (MCR) zone in former City of Toronto Zoning By-law 438-86 (Attachment 10). A wide range of residential, retail and commercial uses are permitted on the site. A maximum overall density of 3 times the area of the lot is permitted. For residential uses the maximum density permitted is 2 times the area of the lot and the maximum density for commercial and retail uses is 2.5 times the area of the lot. The maximum building height permitted is 16 metres (Attachment 11). The portion of the site at 31 Montgomery Avenue is zoned Residential (R) in new City of Toronto Zoning By-law 569-2013 (Attachment 12). A range of residential uses from single detached dwellings to apartment buildings are permitted on the lot. The maximum density permitted is 1 times the area of the lot and the maximum permitted building height is 9 metres.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has been submitted and is being reviewed concurrently with the zoning amendment application (File: 14 164280 16 SA).

Yonge, Duplex, Helendale and Orchard View Planning Study

The Yonge, Duplex, Helendale, Orchard View Planning Study was completed in November 2013. The study considered future development on the block bounded by Yonge Street, Duplex Avenue, Helendale Avenue and Orchard View Boulevard in a comprehensive fashion in relation to built form and public realm. Although the Postal Station K site is situated on the block adjacent to the north of the study block, the site was identified through the study as one of the most important civic sites in the larger community due to its location and historic significance. The creation of a local civic centre focussed on the Postal Station K site emerged as one of the main themes for the

study. The Final Report on the study included amendments to the Yonge-Eglinton Secondary Plan to introduce an Area Specific Policy for the Block and Urban Design Guidelines to implement the results of the Study.

The area specific policy for the Study includes providing for lower scale base building heights along Yonge Street and Helendale Avenue that respect the scale and character of the historic Postal Station K building and the low-rise character of Yonge Street. As well, the Urban Design Guidelines include guidelines for the public realm and built form in relation to the Station K site and these are illustrated on a concept plan in the Guidelines (Attachment 13). The concept plan illustrates the overarching idea of placemaking expressed through the study process that includes the creation of a public square centred on the Station K site (Montgomery Square).

At its meeting of December 16 and 17, 2013 City Council enacted amendments to the Yonge-Eglinton Secondary Plan and adopted Urban Design Guidelines to implement the results of the study. The Official Plan amendment was appealed to the OMB by the applicant for the 28-storey mixed use building proposed on the southwest corner of Yonge Street and Helendale Avenue at 2360-2378 Yonge Street opposite the subject site. A prehearing date has not been scheduled by the OMB.

Information about the Yonge, Duplex, Helendale and Orchard View Planning Study is available on the City's website at: www.toronto.ca/planning/ydho_planning_study.htm

Parks, Open Space and Streetscape Master Plan Study for Yonge-Eglinton

The City has initiated a Parks, Open Space and Streetscape Master Plan Study for the area now called Midtown in Focus. The study area is generally focussed on the *Centre* in the Yonge-Eglinton Secondary Plan area, but also includes streets and open spaces at the edge of the *Centre*. The overall objective of the study is to develop a Parks, Open Space and Streetscape Master Plan which identifies the distinct character of the study area, and provides a public realm framework for the study area including guidelines for amenities that support pedestrians and guidelines for open space. It is anticipated that the study will be completed by the 3rd quarter of 2014.

The site is located within the Master Plan Study Area. The results of the Planning Study for the Block also informed the Midtown in Focus study including the creation of a public square centred on the Station K site.

Reasons for Application

An Official Plan Amendment is required as the property at 31 Montgomery Avenue is in a *Neighbourhoods* designation and the amendment proposes to redesignate this property to *Mixed-Use Areas*. The amendment also proposes to redesignate a portion of the site along Yonge Street as *Parks* and introduce new policies into the Yonge-Eglinton Secondary Plan concerning the conservation of the historic Postal Station K building on the site.

A zoning by-law amendment is required as the zoning by-law permits maximum building heights of 9 and 16 metres on the site, and the proposed building would have a height of about 79.5 metres. As well, maximum densities of 1 and 3 times the area of the site are permitted in the current zoning by-law and a density of 7.25 times the area of the site is proposed. A zoning by-law amendment is also required to establish development standards such as parking and loading requirements, building setbacks and required landscaping and amenity space for the proposed development.

Community Consultation

A community consultation meeting was held on June 27, 2013. Planning staff, the Ward Councillor and approximately 50 people attended. Main issues of concern included the overall building height and scale, the proposed cantilever over Station K, the potential for increased traffic, the lack of capacity of the transit system and community services such as schools for new development with the larger Yonge Eglinton area, and the amount of parking proposed with the development. Participants noted that the building was well designed and supported the conservation of the Station K building and the proposed landscape enhancements on the forecourt along Yonge Street. Participants asked if the artifacts within the building would be preserved and if the development could incorporate an area that could be used for dogs.

Design Review Panel

The proposal was considered by the City's Design Review Panel (DRP) on July 3, 2014. All of the panel members considered the building to be extremely well designed. Panel members noted that the simplicity in the design, the choice of limestone for the building, the scale of the building, the separation of the tower from the heritage building and the glazed atrium all contributed to a very elegant building that integrates well with the heritage building. Panel members noted that use of brick in the base building along with the terracing on the west elevation and the lane provided a good fit with the residential neighbourhood behind. The design of the forecourt and park to integrate with the streets surrounding the site was also commended and panel members suggested that the paving materials be extended further to the surrounding streets and sidewalks, and that the site landscaping incorporate the public realm initiatives arising from the Midtown in Focus study along Montgomery Avenue. Panel members suggested that particular attention be paid to the design of the servicing driveway to support the proposed shared pedestrian use, and that further examination of the planting strategy close around the building be undertaken to promote a high level of activity between the square and atrium of the building. One member noted that the current location of the flagpole may have historic significance and should be considered in the design, and that a variety of options for the form of the public art be considered on the site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate official plan policies and by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities and requires that significant built heritage resources and cultural heritage landscapes be conserved. The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The application proposes a mixed-use building with commercial and residential uses, including the adaptive reuse of the Station K heritage building for commercial uses along with the rooftop as a restaurant terrace. The proposed uses are permitted within the *Mixed-Use Areas* designation on the site. The proposal for rental housing supports the housing policies of the Official Plan that promote a range of housing opportunities and encourage new private sector rental housing.

The application has been revised since the initial submission to add the property at 31 Montgomery Avenue and the proposal now includes the redesignation of this property from *Neighbourhoods* to *Mixed-Use Areas*. Currently a mixed-use building is not permitted on this property. The Official Plan Amendment proposes to limit the uses on the portion of the site at 31 Montgomery Avenue to landscaping, access and associated service uses to support the development.

Additional comments on the proposed use of the heritage building and the proposed rooftop terrace are included in the Heritage Conservation section of this report included below.

Staff agree with the requested redesignation of the lot at 31 Montgomery Avenue from *Neighbourhoods* to *Mixed-Use Area*. As discussed in further detail in the Built Form and Massing section of this report, the addition of this property provides opportunity to achieve the conservation and adaptive reuse of a significant heritage resource in a new development that respects and reinforces the scale and character of the Station K heritage building and that fits harmoniously within its context consistent with the Official Plan. It also provides significant public realm enhancements envisioned through the Block Planning Study and Midtown in Focus study including the creation of Montgomery Square along Yonge Street and a new through block pedestrian connection.

Heritage Conservation

The proposed development involves the retention of the two-storey portion of the heritage building that faces on to Yonge Street and the introduction of new commercial and residential uses to the site. The removal of the rear one-storey portion of the post

office building will allow a new 27-storey building to be located to the west of the existing heritage building. Two rooftop glass elevators will be added to the heritage building (set back from the parapet) to allow for rooftop terrace access and a glazed guardrail set back from the parapet will also be required. The heritage building will be adaptively re-used in its entirety.

Heritage Preservation Services staff have reviewed this proposal and are satisfied that it addresses their concerns. The connection between new development and the heritage building is sympathetic to the heritage character of the original post office and provides for a glazed transition that provides visual separation. The full retention of the heritage building via the setback at grade and the cantilever over a small portion of the building will ensure that the quality and character of the building will be retained. The new building will not block or alter existing views of the heritage building or the nearby heritage buildings on Montgomery Avenue and Yonge Street and the proposed materials establish a complimentary but distinguishable contrast between old and new.

On the rooftop terrace, two new elevators will be setback from the parapet, clad in glass and will not be visible from the street. Staff will work with the owner to create a design for this patio space that results in minimal visibility from all elevations.

The creation of a new civic forecourt in front of the former post office is of special benefit to the heritage building and provides a permanent place for public appreciation of the historic significance of the site as a whole. It will also result in a permanent civic space in Midtown Toronto that commemorates and celebrates an important place in the City's history, from the early nineteenth century to the present.

Heritage Preservation Staff consider the proposed rehabilitation and adaptive re-use of Postal Station K in keeping with heritage preservation guidelines and represents exemplary conservation. The proposed development will result in the designation of a significant heritage property under Part IV of the Ontario Heritage Act, and will secure its long term protection with a heritage easement agreement registered on title.

Staff recommend that the Conservation Strategy, including a Conservation Plan, Interpretation Plan, and Lighting Plan along with the requirement for a Heritage Easement Agreement be secured in the Section 37 Agreement.

Built Form and Massing

The policies of the Official Plan and Secondary Plan seek to maintain the stability of *Neighbourhoods* and minimize conflicts among uses in the *Mixed-Use Areas* and *Neighbourhoods*. As well, the built form policies of the Plan promote compatible physical and land use relationships between developments within the various land use designations and between sites in abutting land uses designations. In order to achieve this, the use of angular planes, stepbacks and setbacks in building design are encouraged. The conservation of important heritage resources is also a key objective of the Official Plan.

This site is located on an *Avenue* outside of the *Centre*. The Secondary Plan provides that buildings of 8-12 storeys are appropriate along the east side of Yonge within the *Centre* opposite this site. As a result, typically a mid-rise built form would be considered appropriate on this site in keeping with this planning framework.

In the review of the initial submission planning staff had concerns with the proposed tall built form on the site and potential impacts on the lower scale neighbourhood to the west and the extent of the cantilever over the Station K building and the impacts on the integrity of this heritage building.

In the initial submission the base building was proposed to be situated 7.5 metres from the west property line adjacent to the neighbourhood with a stepback of 3 to 4 metres above the 4th level and the tower situated about 10.5 to 11.6 metres from the west property line. At the 9th level, the tower cantilevered 6 metre overtop Station K increasing the setback of the tower to approximately 16 to 19.7 metres from the neighbourhood to the west.

In the current proposal, the 4 to 8 storey base building is now proposed to be setback 9 metres from the west property line. A combined vehicular and pedestrian connection 6.5 metres wide along with a 2.5 metre wide landscape buffer that includes landscaping, fencing, seating and bicycle parking along the west property boundary is proposed within this setback. The increased setback of the base building provides additional space for landscaping adjacent to the residential neighbourhood and provides for a pedestrian connection through the block consistent with the public realm objectives of the Midtown in Focus study for Yonge-Eglinton.

The design of the west elevation is now highly articulated and includes a series of terraces with stepbacks at the 3rd, 4th, 6th, 8th and 10th levels ranging from 3 to 11 metres. The tower is setback approximately 20 to 22 metres from the west property line and the top floor is setback over 24 metres. The west side of the base building also falls primarily within a 45 degree angular plane with the exception of the edges of the outdoor amenity area on the 5th level and balconies on the 8th level. Staff find that the revised building design provides for an appropriate transition in scale from the proposed tower down to the lower scale residential neighbourhood to the west minimizing potential impacts on privacy and overlook, consistent with the Official Plan and Yonge-Eglinton Secondary Plan.

The cantilever over Station K has also been reduced in the revised submission to 4.5 metres and the tower setback along Yonge Street has been increased to 19.7 to 23 metres. The reduction in the cantilever of the new building over Station K and the increased setback of the tower from Yonge Street will maintain the prominence of this important heritage building on the site consistent with Official Plan heritage conservation objectives.

Staff have worked with the applicant to conserve a historically significant building and create public parkland on a national historic site with a tall building design that balances

issues of fit and transition in scale and impacts on the adjacent neighbourhood consistent with the Official Plan and Secondary Plan. The addition of 31 Montgomery Avenue to the development site also provides the opportunity for a through block connection identified through the Block planning study.

Height and Density

The site is situated on an *Avenue* in a *Mixed-Use Area* designation in the Official Plan, where redevelopment is anticipated and encouraged including intensification. The Official Plan and Secondary Plan policies for the Yonge-Eglinton *Centre* provide that development along the east side of Yonge Street north of Roehampton Avenue within the *Centre* be in midrise buildings in the range of 8 to 12 storeys with retail uses at grade. This site is located opposite the *Centre* on the west side of Yonge Street and a midrise building from 8 to 12 storey would typically be considered appropriate on this site within the planned context for Yonge Street in this area. As discussed below, this site and the proposed development have a number of distinct attributes that City Planning staff have considered in assessing height and density for development on the site.

The site contains a heritage building and is a national historic site. The historic Station K building is setback from 9.4 to 13.4 metres along Yonge Street and the proposal includes the dedication of a portion of the nationally significant forecourt along Yonge Street to the City as public parkland. In addition, no excavation is proposed under the Station K building and no buildings are proposed to be constructed on its forecourt. As a result, about 30% of the site will not be developed with new buildings.

The proposed development on the site represents a density of approximately 7.25 times the area of the lot consistent with a density that could be achieved for a mid-rise building of 8 to 12 storeys on the entire site. In the current proposal, a 27-storey building is proposed with a height of 79.5 metres high (excluding mechanicals) and the tower is proposed to be setback from 19.7 to 23 metres along Yonge Street. The building height has increased slightly from the initial submission where a 26-storey building with a height of 78.2 metres (excluding mechanicals) was proposed. The applicant has advised that the change in height is due to reductions in the floor to ceiling heights within the building providing for an additional floor. The overall number of residential units however has decreased from 234 to 233 units, while the overall gross floor area has increased modestly from 20,073 to 20,555 m².

Planning staff consider the proposed density and building height to be appropriate for this heritage site. Although a tall building is proposed, the tower is setback approximately 20 metres from Yonge Street with a public park and landscape forecourt proposed within the setback. Along Yonge Street, the existing low rise built form character of Yonge Street will be maintained with the conservation of the 2-storey historic Station K building at a height of approximately 12.5 metres. As noted previously, in the Built Form and Massing section of this report, the building design that includes terracing situates the base building primarily within a 45 degree angular plane. This provides for an appropriate transition in scale from the proposed tower down to the lower scale neighbourhood to the west. In addition, the overall proposed density of 7.25 times the area of the site is

consistent with the objectives for this *Avenue* site along Yonge Street where mid-rise levels of intensification are planned.

Tall Building Design Guidelines

A tall building is defined as a building that is taller than the width of the road right-of-way adjacent to the site. The proposed building at 79.5 metres high is considered a tall building. The Tall Building Design Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The guidelines provide recommendations to assist staff in reviewing tall building proposals with regard to issues such as transitions in scale, considerations with respect to heritage buildings, building placement and orientation, building massing, setbacks and separation distances and, tower floorplates. Issues with respect to fit and transition, building massing, setbacks and stepbacks and the integration of the development with the historic Postal Station K building have been discussed previously in this report and the proposal is consistent with the guidelines in these areas.

The guidelines also recommend the use of small floorplate towers, no greater than 750m², as compact floor plates cast smaller, faster moving shadows, improve access to sky view, permit better views between buildings and through sites and contribute to a more attractive skyline. When larger tower floorplates are proposed, the guidelines recommend that exceptional attention be given to the shape and articulation of the tower to diminish the overall scale and impact of the building mass.

In this case, the proposed tower floorplate is approximately 790 m² in size. The building is highly articulated along all elevations with elements such as balconies that are recessed in some locations and projections of main walls in other areas around the building to create a highly sculpted building reducing the overall impact of the mass of the building, meeting the intent of the design guidelines.

Sun, Shadow, Wind

The shadow study submitted with the application indicates that the shadow cast by the proposed building will extend into the *Neighbourhoods* north of Roselawn Avenue in the morning during the spring and fall equinoxes reaching to the rear yard of the houses that front along the south side of Roselawn Avenue. The shadow will have moved beyond the neighbourhood by 1:00 p.m. on March 21st and September 21st.

Although the shadow cast by the building will impact the *Neighbourhood*, shadow impacts in this neighbourhood will not be exclusive to this proposal. Shadows from buildings approved and under construction in the *Apartment Neighbourhoods* on the east side of Yonge Street within the *Centre* and the existing apartment building west of Duplex Avenue north of Montgomery Avenue also extend into this *Neighbourhood* during the morning hours. Shadow impacts are reduced by using smaller tower floorplates which provides smaller shadows and periods of sunlight.

Maintaining the existing afternoon sunlight on the open space forecourt and the adjacent sidewalks along Yonge Street in this area is important to promote the use of these civic open spaces and maintain and enhance the character of Yonge Street. The sun-shadow study indicates that the existing midday sunlight condition will be maintained on the public park adjacent to Station K and along the sidewalks until 2:18 p.m. on both March 21st and September 21st.

A wind study was submitted with the initial submission and an addendum to the study was submitted in relation to the revisions to the building design. The reports advise that that no safety conditions are anticipated with the current proposed massing, and that wind conditions on public sidewalks and open spaces at grade around the building are anticipated to be appropriate for the uses including walking and sitting. Wind mitigation measures may be required to ensure appropriate wind conditions for the intended use on the terraces. These will be secured through the site plan approval process.

Streetscape Enhancements and Montgomery Square

The Yonge, Duplex, Helendale and Orchard View Planning study and the public realm improvements recommended through the Midtown in Focus public realm study include the creation of a new civic space that is centred on the Station K site – Montgomery Square. This new civic space is intended to extend beyond the boundaries of the site to include the public rights-of ways along Yonge Street, and both sides of Montgomery Avenue and Helendale Avenue along with enhancements that extend west along Helendale Avenue to connect to the Northern District Library site on the south side of Helendale Avenue west of the site. This space is intended to have a pedestrian focus including opportunities for farmers' markets and other community events.

The applicant's proposal makes a significant contribution to the creation of Montgomery Square. It includes the dedication of on-site parkland that extends along Yonge Street, and wraps the corners at the intersections of Yonge Street with Montgomery and Helendale Avenues. The applicant has agreed to maintain this parkland at its sole cost. As well, the concept landscape plan submitted with the proposal integrates the design of the private open space on the site with the proposed park, and the boulevards along the abutting streets proposing consistent paving materials from the face of the existing heritage building and the new development to the curbs to create a more expansive open space for public use. Landscaping, street trees and pedestrian amenities such as seating and lighting as well as public art are proposed to enhance this civic space. There is also a Historic Sites and Monument Board of Canada plaque affixed to the base of a monument and flagpole situated to the north of the Station K building that commemorates this National Historic Site and this will remain on the site.

Planning staff support the proposed concept plan for the design of Montgomery Square that extends the square from the face of the building to the curbs of the adjacent streets. The new square will serve as an important community space and achieves the public realm objectives of the block study and the larger Midtown in Focus study for Yonge-Eglinton. Planning staff recommend that the final design of the square be determined and secured through the site plan approval process in consultation with Heritage Preservation

Services, Transportation Services, Parks Forestry and Recreation staff, and the local Ward Councillor including providing for non-standard materials within the public right-of-ways. The detailed requirements concerning the dedication of parkland and its maintenance are outlined in the Open Space/Parkland section of this report below.

Public Art

The applicant has agreed to a public art contribution of \$500,000.00. In May 2014, the applicant submitted a draft Public Art Plan for review by Urban Design staff and the Toronto Public Art Commission (TPAC). Following a presentation made on June 25, 2014 to the TPAC, the TPAC recommended support for the proposed artist selection process and the proposed public art locations on the publicly accessible, privately owned areas of the development. Subsequent to the presentation to the TPAC, the applicant advised that they would like to explore further public art opportunities including situating the art on the proposed parkland, and if reconfigured will resubmit a revised draft Public Art Plan for City approval. The public art contribution amount would remain the same. The public art process for selection will be in accordance with the City's Percent for Public Art Guidelines. The public art contribution and selection process are proposed to be secured through the Section 37 agreement.

Mix of Unit Types and Tenure

In the initial submission no 3-bedroom units were proposed and staff discussed the lack of larger family-sized units in the building with the applicant. In the revised proposal eight 3-bedroom units are proposed and the applicant has agreed to ensure that at least four of these are maintained within the building as floor plans are finalized. The proposed tenure of the dwellings units has been revised since the initial submission from condominium to rental tenure. The proposal will provide new rental housing including opportunities for families adding to the range of housing options in this area of the City consistent with the Official Plan. It is recommended that the requirement for four 3-bedroom units be secured in the Section 37 agreement.

Traffic Impacts and Parking

The applicant submitted a Transportation Considerations Report that included an assessment of parking requirements and this has been reviewed by City staff. Transportation Service staff concur with the conclusions of the report that the new site related traffic can be accommodated at the study area intersections.

A road widening of 0.4 metres is required along Yonge Street as well as corner roundings at the intersections of Yonge Street and Montgomery and Helendale Avenues and these have been incorporated into the proposal by the applicant. The road widenings will be secured through the site plan process.

The application proposes 137 parking spaces, 114 for residents and 23 for visitors, including 4 outdoor pick-up and drop-off spaces at grade on the west side of the building along Montgomery Avenue. No parking is proposed for the commercial uses. The current zoning by-law for the site requires a minimum of 212 parking spaces for the residential uses, 154 for residents and 58 for visitors and a minimum of 61 parking spaces

for the retail uses for an overall total of 273 parking spaces. The proposal is deficient by 136 parking spaces under the existing zoning by-law.

The Yonge-Eglinton Secondary Plan provides for reductions in parking requirements for developments in Mixed Use Areas which are in close proximity to subway and light rapid transit access. The site is approximately 300 metres from the Eglinton subway station. The parking assessment submitted with the application recommended a reduced parking rate for the residential uses given the proposal for a rental building rather than a condominium and no parking was proposed for the retail uses. Transportation Services staff have requested that additional parking be provided for both the residential and commercial uses on the site using parking rates from the new Zoning By-law 569-2013. Using these parking rates a total of 195 parking spaces would be required on the site, 154 for residents, 23 for visitors and 18 for the retail uses. The proposal is deficient by 58 parking spaces under the new Zoning By-law.

Planning staff recommend that no parking be required from the proposed retail uses given the proximity of the site to the Yonge-Eglinton subway station and to ensure consistency with other sites within the Yonge Eglinton area including the site opposite this property at the southwest corner of Helendale Avenue and Yonge where no retail parking is required. However, the proposed parking standards for the residential uses as recommended by Transportation Services are proposed to be included in the amending zoning by-law. Additional information should be submitted by the applicant for the review by Transportation Services staff concerning residential parking such as information on parking demands in comparable developments within the area or parking demand management measures that could be put in place to reduce parking demand on this site, before a reduction in parking for residential uses can be furthered considered.

Avenue Segment Study

As an Avenue Study has not been prepared by the City for this *Avenue*, an *Avenue Segment Study* was submitted by the applicant in accordance with the Official Plan. The *Avenue Segment* study assessed the proposal in the context of the segment of the Yonge Street *Avenue* extending from Orchard View Boulevard north to Lytton Boulevard on the west side of Yonge Street and from Blythwood Avenue south to the boundary of the *Centre* (south of Keewatin Avenue) on the east side of Yonge Street.

Avenue Segment Studies are intended to examine the implications of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity as the proposed development. This examination includes considering all of the policies of the Official Plan including the policies for *Mixed Use Areas*.

The *Avenue Segment Study* identified nine soft sites; two potential tall building sites and seven potential mid-rise building sites. The tall building sites included a consolidated site to the south of subject site at the northwest corner of Orchard View Boulevard and Yonge Street, and a site that included the consolidation of the all of the properties between Montgomery Avenue and Roselawn Avenue along Yonge Street north of the subject site, except for the Anne Johnson Health Station. The Study concluded that approximately

2,000 units and 17,000 square metres of new commercial gross floor area would be achievable within the segment overall.

Planning staff do not agree that the two tall building sites identified within the segment are appropriate for tall buildings given the size and configuration of the properties and the existing and planned context along Yonge Street in this area that provides for midrise buildings. As discussed previously, the subject site is unique given the heritage building and its associated nationally significant forecourt along Yonge Street. Although the proposal incorporates a tall building, the tower is setback approximately 20 metres from Yonge Street, with the low rise Station K building maintained along Yonge Street and includes setbacks and stepbacks to provide an appropriate transition to the low rise neighbourhood to the west. In addition the overall development floor area reflects a midrise level of intensification. Given these considerations, planning staff do not think that the proposal if approved would set a precedent for additional tall buildings along this segment of the *Avenue*.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 – 1.56 hectares of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland and is located within the Yonge Eglinton Secondary Plan area. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 233 residential units and 1,868m² of non residential uses on a site with a net area of 0.2835 hectares (2,835 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.3106 hectares (3,106 m²) or 120% 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 0.0264 hectares (264 m²).

The applicant is proposing to convey a 0.0264 hectare (264m²) portion of land across the front of the development site adjacent to Yonge Street with small wrap arounds along Montgomery Avenue and Helendale Avenue, for City parkland purposes. The proposed parkland dedication is acceptable to Parks Forestry and Recreation and the proposed draft terms and conditions of parkland conveyance are included in Attachment 14 to this report. The conditions address requirements for the design, construction and conveyance of the parkland to the City, and its maintenance by the owner, including the provision of a development charge credit, to the owner, of the parks and recreation component of the development charges to design and construct the above base park improvements for the new parkland.

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 Cycling Infrastructure. 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 height and/or density in exchange for community benefits.

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

1. the owner shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure in the amount of five hundred thousand dollars (\$500,000.00), to guarantee the cost for public art on the lands, such public art to be provided by the owner, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines and details the public art process to the satisfaction of City Council.
2. the owner shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, in the amount of one hundred thousand dollars (\$100,000.00), to guarantee the cost for streetscape improvements to be provided by the owner, to Yonge Street, Helendale Avenue and Montgomery Avenue abutting the site and parkland, such streetscape improvements in accordance with designs to be approved in connection with the Midtown in Focus, Parks, Open Space and Streetscape Master Plan Study for Yonge-Eglinton, the details of which to be determined in association with site plan approval, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
3. the owner shall provide a non-exclusive public pedestrian easement to the City on terms and conditions satisfactory to the City Solicitor in a location generally described as a north/south access over the western portion of the site, with details of

the location and final design to be determined in the context of site plan approval for the development and that such easement lands be maintained by the owner at its sole cost. The conveyance of the easement shall be for nominal consideration at no cost to the City to the satisfaction of the City Solicitor and the owner shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe the easement.

4. the owner shall provide a minimum of four (4), three-bedroom units in the building
5. the owner shall maintain the public park having an area of not less than 264 square metres, at its sole expense, after its conveyance to the City and subject to terms and conditions to be contained in the Section 37 agreement, to the satisfaction of the General Manager Parks, Forestry and Recreation together with provisions for protections and indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance including but not limited to the regular year round maintenance of landscaping and landscape surfacing including removal of snow and ice, fixtures, irrigation, electrical, fences or other structures which form part of the park installations, and, arrangements with respect to inspection of the park and park installations by the City.

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

1. The owner shall enter into a Heritage Easement Agreement with the City pursuant to Section 37 of the *Ontario Heritage Act*, for the property at 2384 and 2388 Yonge Street in accordance with the Heritage Impact Statement, prepared by ERA Architects dated June 2, 2014, such agreement to be subsequently registered against title to the lot, all to the satisfaction of the City Solicitor in consultation with the Manager Heritage Preservation Services
2. Prior to the issuance of final Site Plan Approval for all or any portion of the lot through the Site Plan Approval process pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall:
 - i. provide a Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Statement for 2384 and 2388 Yonge Street prepared by ERA Architects, dated June 2, 2014 and all to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. provide final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
3. Prior to the issuance of any permit for all or any part of the lot, excluding that portion of the lot known municipally in 2014 as 31 Montgomery Avenue, including

pursuant to the *Ontario Heritage Act* and the *Building Code Act* and including any permit for excavation and shoring or foundation, but excluding a permit for the removal of the one storey addition to the rear of the heritage structure, a rental/sales centre, repairs, maintenance and usual and minor works acceptable to the Manager Heritage Preservation Services, the owner of the lot shall:

- i. obtain final approval for the necessary by-law amendment required for the alterations to the property at 2384-2388 Yonge Street, such amendment to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and Executive Director City Planning in consultation with the Manager, Heritage Preservation Services;
 - ii. have obtained final Site Plan Approval for such property, for an above-grade building permit only;
 - iii. provide full building permit drawings, including notes and specifications for the conservation and protection measures keyed to the approved Conservation Plan, including a description of materials and finishes to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager Heritage Preservation Services, except in the case of any below-grade building permits, only the subject building permit drawings are to be provided;
 - iv. provide a Lighting Plan that describes how the heritage structure will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services, for an above-grade building permit only;
 - v. provide an Interpretation Plan for Postal Station K, to the satisfaction of the Manager, Heritage Preservation Services, for an above grade building permit only; and
 - vi. provide a letter of credit to the City in a form and amount satisfactory to the Manager Heritage Preservation Services prior to the issuance of any permit pursuant to the *Ontario Heritage Act* for all or any part of the lot, to secure all work included in the approved Conservation Plan and the approved Interpretation Plan, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the Letter of Credit is provided.
4. Prior to the release of such letter of credit the owner shall:
- i. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive

work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager Heritage Preservation Services;

- ii. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager of Heritage Preservation Services.
5. The owner shall construct and convey to the City, within three years after the date of the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, for nominal consideration a public park having a minimum size of 264 square metres with such conveyance deemed to fully satisfy the parkland contribution requirements for the development as currently proposed, and in accordance with the terms and conditions of parkland conveyance as are set out in Attachment 14.

Conclusions

City Planning recommends that Council approve the Official Plan and Zoning By-law Amendment applications. The proposal for a 27-storey mixed-use building that includes the conservation and adaptive reuse of the historic Postal Station K building and commemoration of this nationally significant historic site, is consistent with the objectives of the Official Plan. The proposed building design reinforces the existing and planned built form context along Yonge Street consistent with the Official Plan and Yonge-Eglinton Secondary Plan. The dedication of public parkland on the site and the creation of Montgomery Square will make a significant contribution to the public realm in Yonge-Eglinton. The recommended Official Plan Amendment is included in Attachment 15. Section 37 contributions have also been agreed upon and will be secured in a Section 37 agreement. The recommended Zoning By-law Amendments are included in Attachments 16 and 17.

CONTACT

Susan McAlpine, Senior Planner
Tel. No. (416) 395-7110
Fax No. (416) 395-7155
E-mail: smcalpin@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: East Elevation

Attachment 4: South Elevation

Attachment 5: West Elevation

Attachment 6: Application Data Sheet

Attachment 7: Official Plan – Urban Structure

Attachment 8: Official Plan – Land Use

Attachment 9: Yonge-Eglinton Secondary Plan

Attachment 10: Zoning By-law 438-86 – Land Use

Attachment 11: Zoning By-law 438-86 – Height

Attachment 12: Zoning By-law 569-2013

Attachment 13: Concept Plan – Yonge, Duplex, Helendale, Orchard View Planning Study

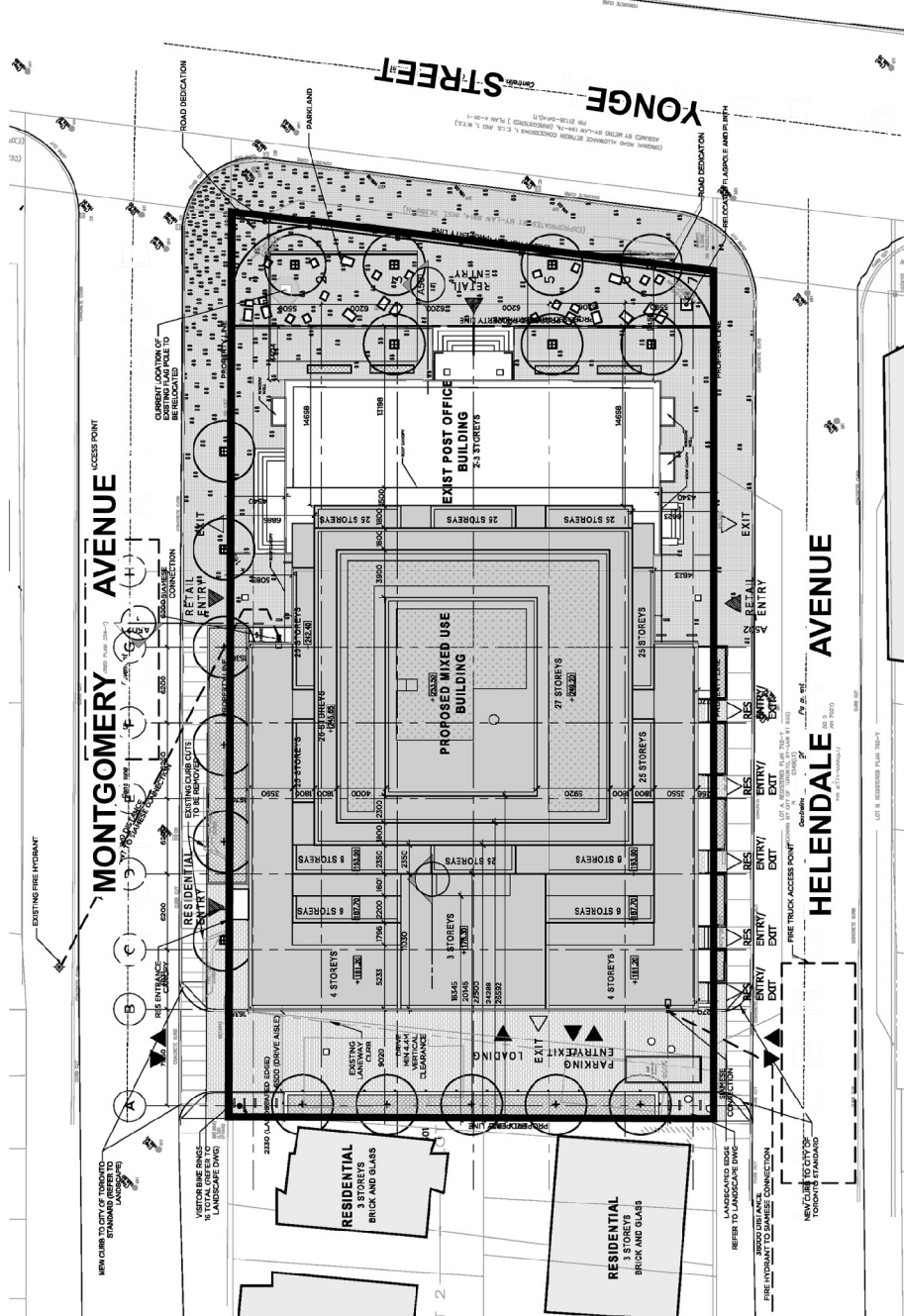
Attachment 14: Draft Terms and Conditions of Parkland Conveyance

Attachment 15: Draft Official Plan Amendment

Attachment 16: Draft Zoning By-law Amendment (Zoning By-law 569-2013)

Attachment 17: Draft Zoning By-law Amendment (Zoning By-law 438-86)

Attachment 1: Site Plan



Site Plan

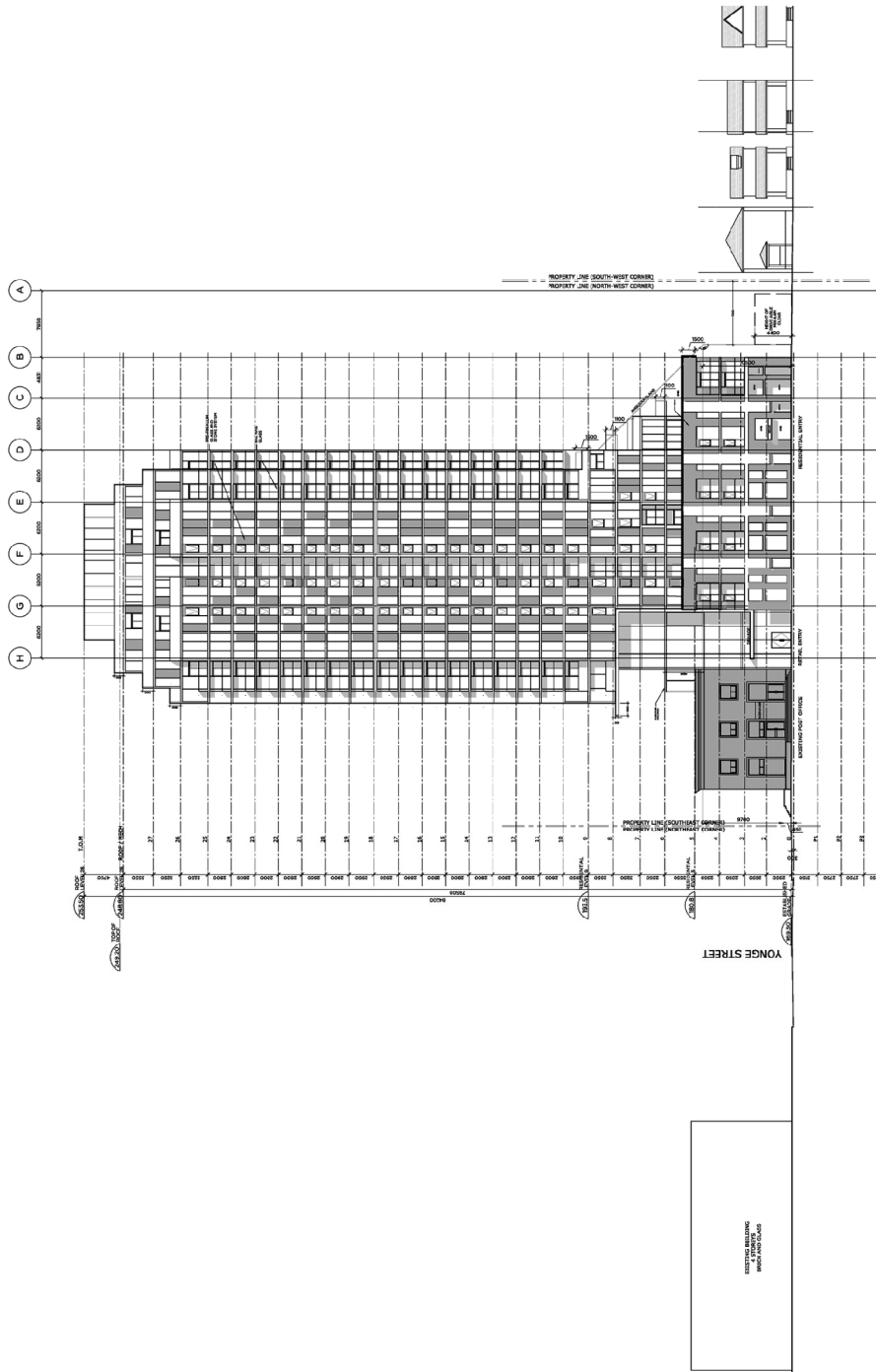
Applicant's Submitted Drawing

Not to Scale
06/16/2014



2384 - 2388 Yonge Street &
31 Montgomery Avenue
File # 13 127993 NNY 16 0Z

Attachment 2: North Elevation



Elevation - North

Applicant's Submitted Drawing

Not to Scale
06/17/2014

**2384 - 2388 Yonge Street &
31 Montgomery Avenue**

File # 13 127993 NNY 16 02

Architectural drawing of the proposed 15-story building at 1500 Montgomery Avenue. The drawing shows the building footprint, setbacks, and surrounding streets (Montgomery Ave, Heleendale Ave). The drawing includes a north arrow, a scale bar (0 to 100 feet), and a title block with project information.

Project Information:

- Project Name: 1500 MONTGOMERY AVENUE
- Site Address: 1500 MONTGOMERY AVENUE
- Owner: [Redacted]
- Architect: [Redacted]
- Engineer: [Redacted]
- City: [Redacted]
- County: [Redacted]
- State: [Redacted]
- Year: [Redacted]

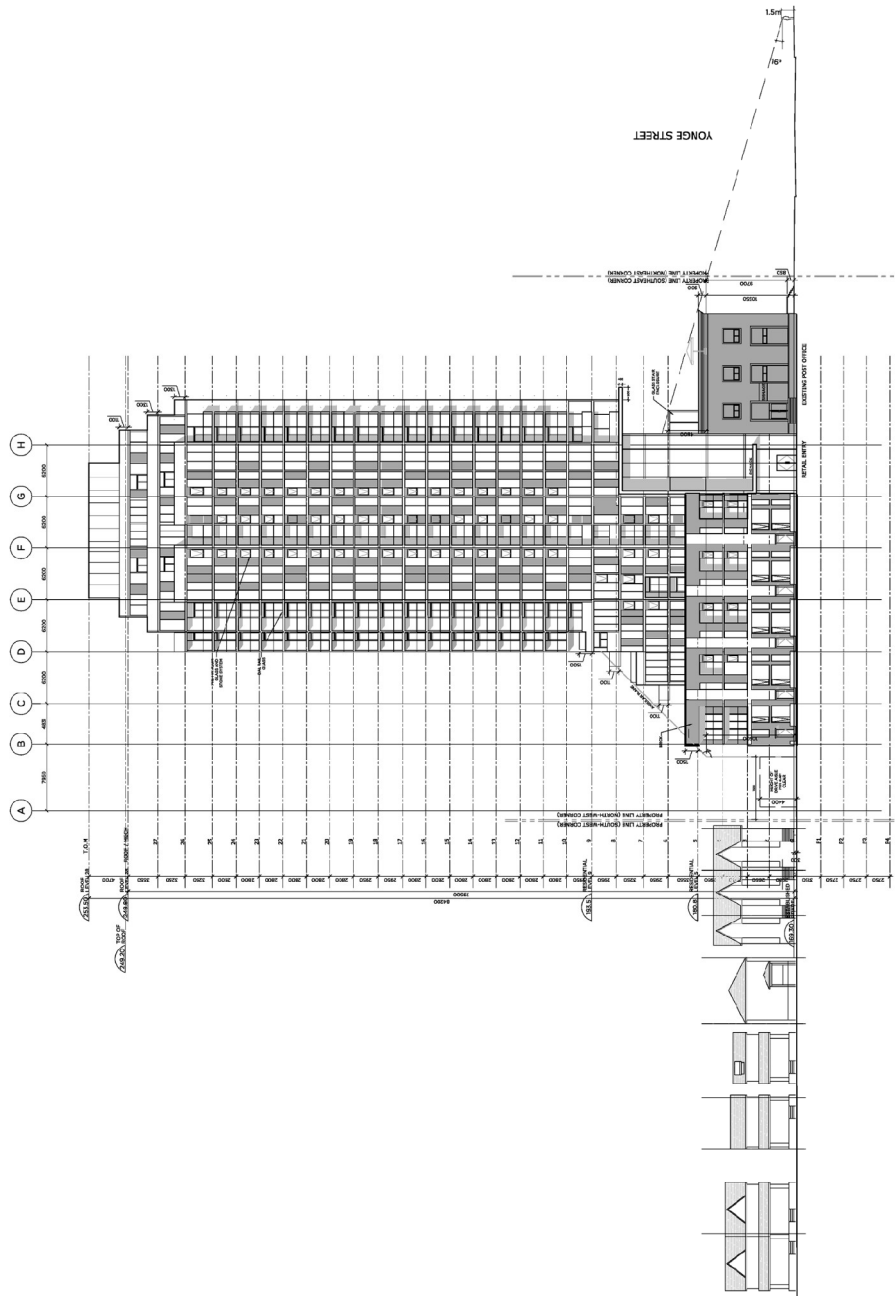
Building Details:

- Building Height: 15 Stories
- Building Footprint: [Redacted]
- Setbacks: [Redacted]
- Surrounding Streets: MONTGOMERY AVE, HELENDALE AVE

Applicant's Submitted Drawing

File # 13 127993 NNY 16 0Z

Attachment 4: South Elevation



Elevation - South

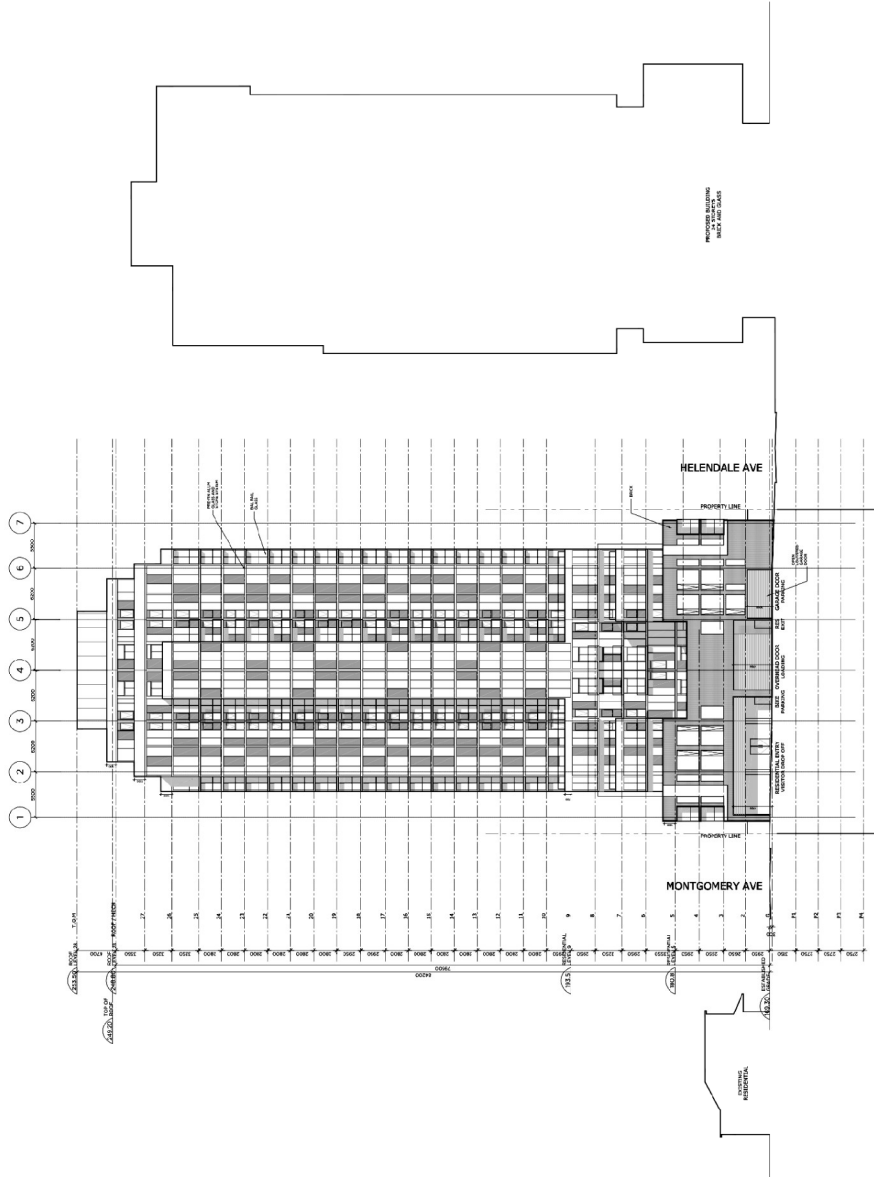
Applicant's Submitted Drawing

Not to Scale
06/17/2014

**2384 - 2388 Yonge Street &
31 Montgomery Avenue**

File # 13 127993 NNY 16 0Z

Attachment 5: West Elevation



Elevation - West

Applicant's Submitted Drawing

Not to Scale
06/17/2014

2384 - 2388 Yonge Street &
31 Montgomery Avenue

File # 13 127993 NNY 16 0Z

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	13 127993 NNY 16 OZ
Details	Zoning By-law Amendment Standard	Application Date:	March 4, 2013

Municipal Address: 2384 - 2388 Yonge Street and 31 Montgomery Avenue

Location Description:

Project Description: A 27-storey mixed use commercial and residential building with 233 dwelling units and 1,441 m² of commercial/retail gross floor area. Four levels of underground parking with 137 parking spaces are proposed. The 2-storey front portion of the existing historic post office building is proposed to be retained and reused for retail uses.

Applicant:

Rockport Acquisitions Inc.
170 The Donway West,
Suite 307
Toronto, ON M3C 2G3

Agent:

Architect:

Roland Comtolf,
RAW Design
405-317 Adelaide St. W
Toronto ON M5V 1P9

Owner:

His Majesty the King c/o
Canada Post Corporation
2701 Riverside Drive, Suite
N-0122
Ottawa, ON K1A 0B1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas & Neighbourhoods	Site Specific Provision:	N
Zoning:	MCR T3.0 C2.0 R2.5 R (d1.0) (x768)	Historical Status:	Y
Height Limit:	16 & 9 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2,835.3	Height:	Storeys:	27
Frontage (m):	39.62		Metres:	79.5
Depth (m):	65.18			
Total Ground Floor Area (sq. m):	1,134			Total
Total Residential GFA (sq. m):	19,114		Parking Spaces:	137
Total Non-Residential GFA (sq. m):	1,670		Loading Docks	1
Total GFA (sq. m):	20,555			
Lot Coverage Ratio (%):	58.9			
Floor Space Index:	7.25			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Studio:	4 (1.7%)
1 Bedroom:	129 (55.4%)
2 Bedroom:	92 (39.5%)
3 + Bedroom:	8 (3.4%)
Total Units:	233

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	19114	0
Retail GFA (sq. m):	1,441	0
Office GFA (sq. m):		0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Sue McAlpine, Senior Planner
	TELEPHONE:	416-395-7110 Email: smcalpin@toronto.ca

Attachment 7: Official Plan – Urban Structure



Toronto City Planning

Extract from Official Plan Map 2 - Urban Structure

2384 - 2388 Yonge Street &

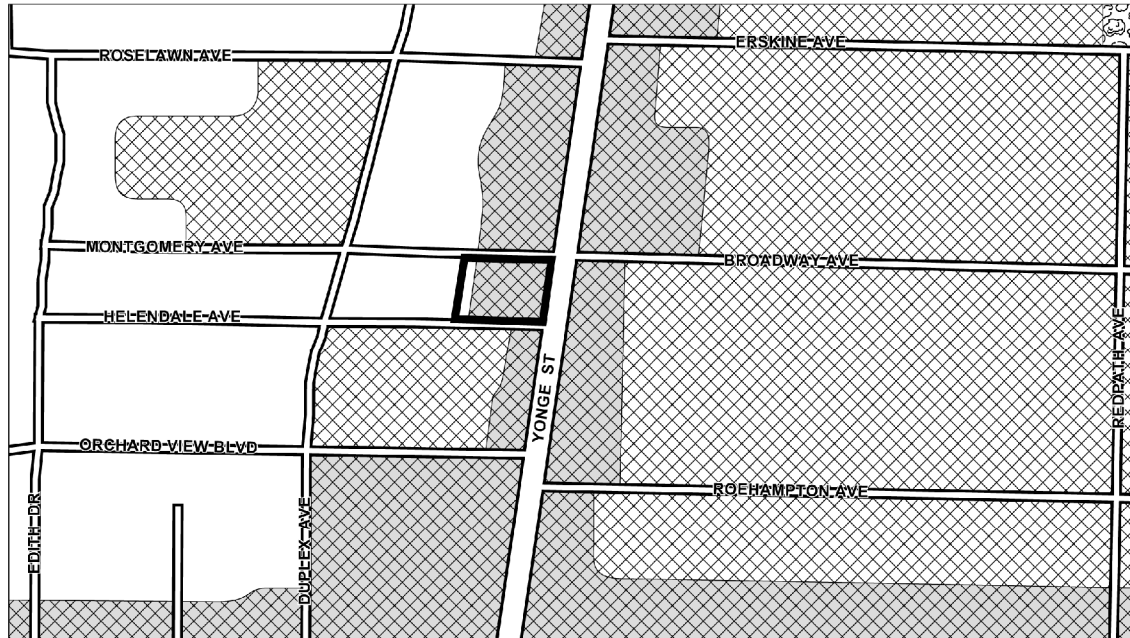
31 Montgomery Avenue

File # 13 127993 NNY 16 02

- ★ Site Location
- Avenues
- Centres
- Green Space System

↑
Not to Scale
05/06/2014

Attachment 8: Official Plan – Land Use



Toronto City Planning
Official Plan

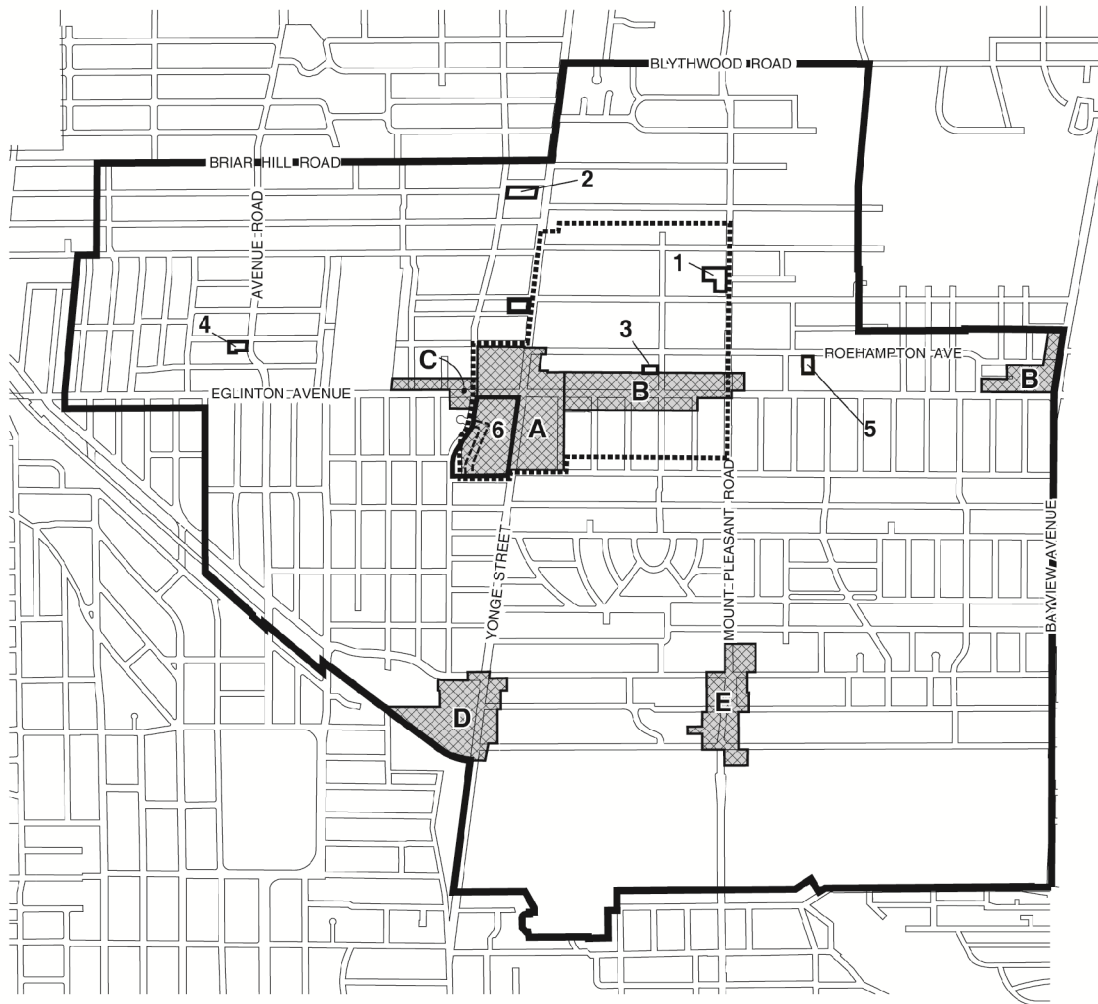
2384 - 2388 Yonge Street &
31 Montgomery Avenue

File # 13 127993 NNY 16 02



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Not to Scale
03/20/2013

Attachment 9: Yonge-Eglinton Secondary Plan



Yonge-Eglinton Secondary Plan

Map 21-1 Land Use Plan (December 2010)

Not to Scale
05/06/2014

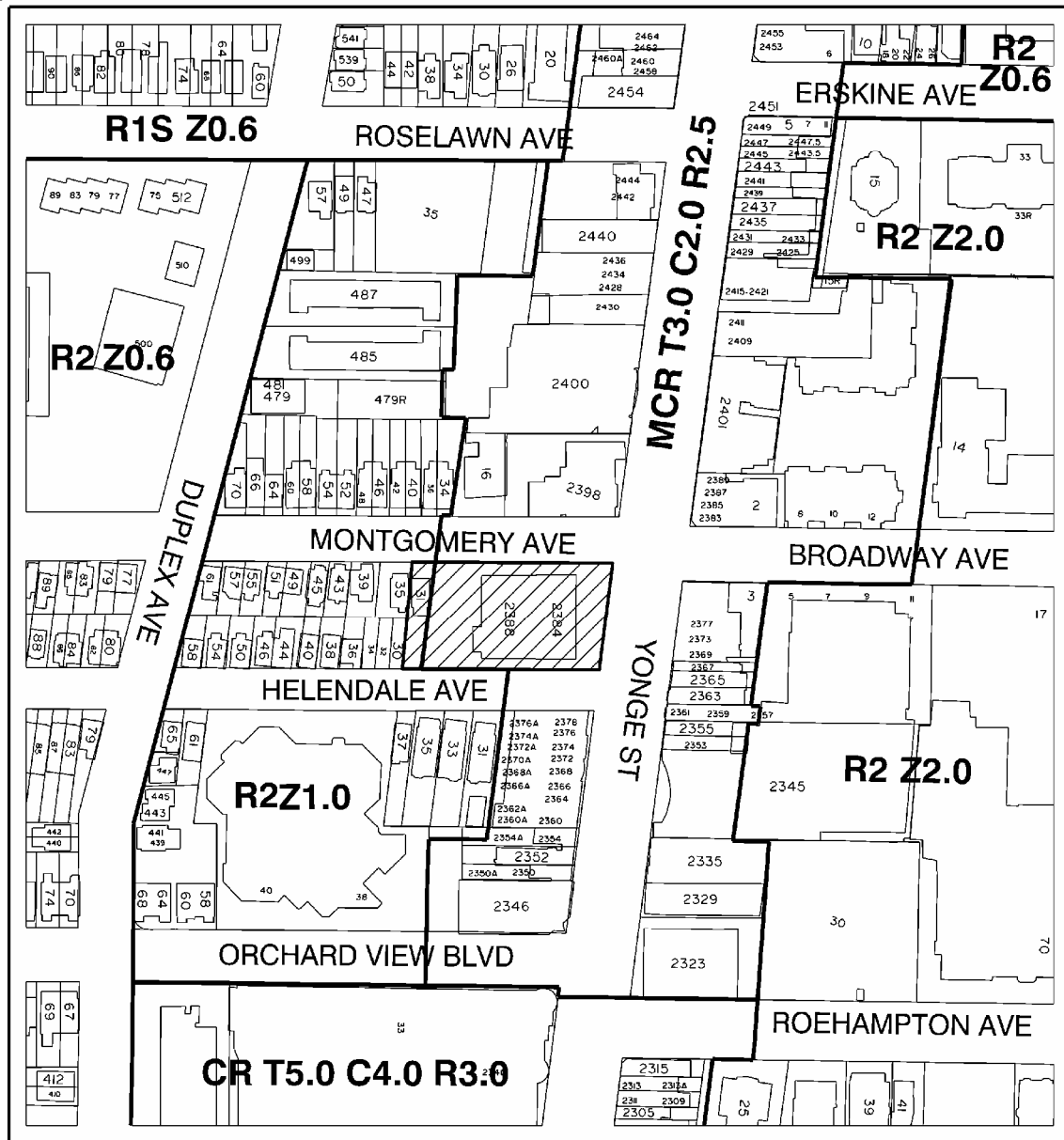


- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- 1 Site and Area Specific Policies
- Proposed Road
- Site Location

2384 - 2388 Yonge Street &
31 Montgomery Avenue

File # 13 127993 NNY 16 02

Attachment 10: Zoning By-law 438-86 – Land Use



Toronto City Planning
Zoning

2384 - 2388 Yonge Street & 31 Montgomery Avenue

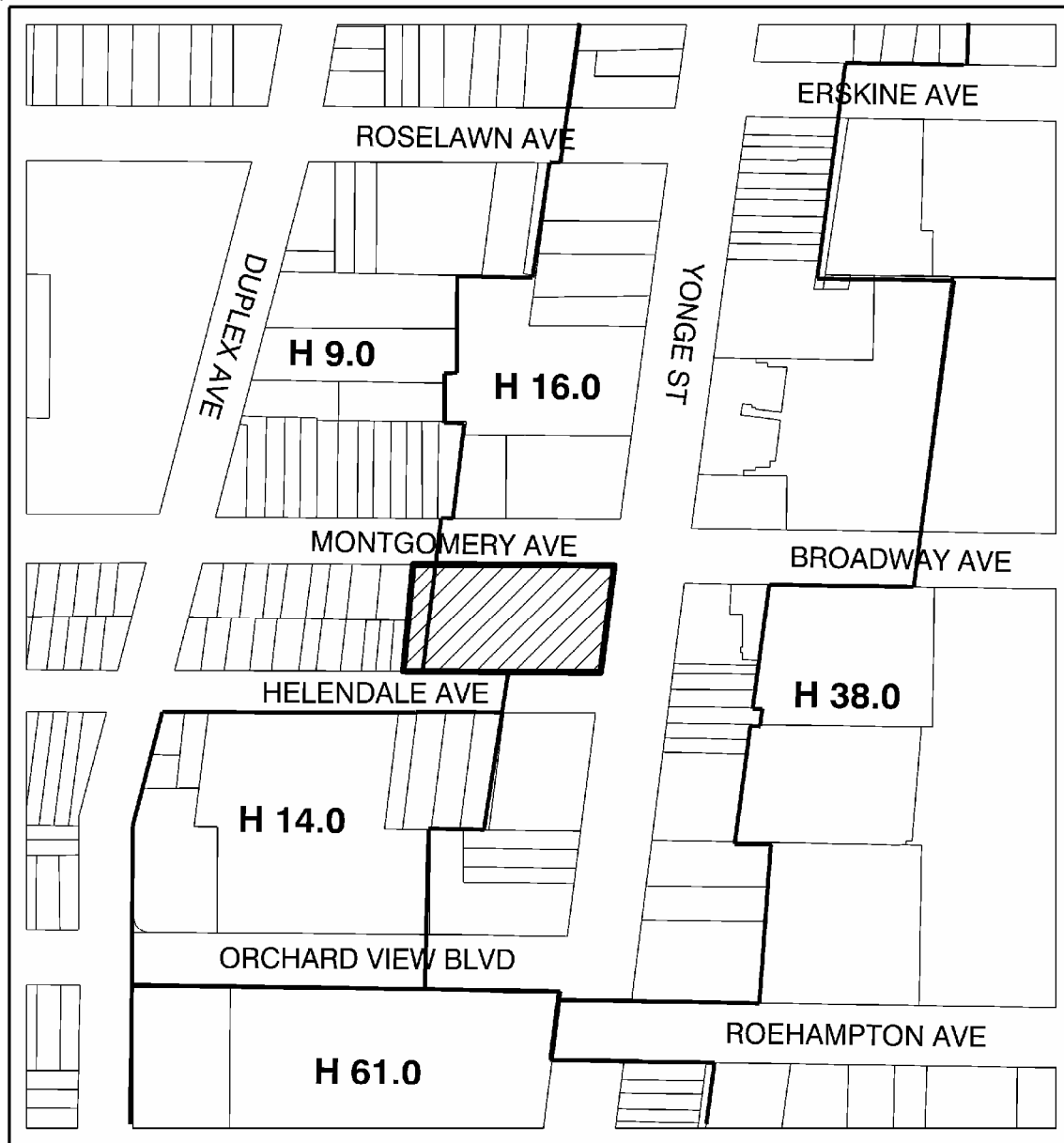
File # 13 127993 NNY 16 02

R1 Residential District
R2 Residential District
CR Mixed-Use District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/20/2013

Attachment 11: Zoning By-law 438-86 – Height



 **TORONTO** City Planning
Height Map

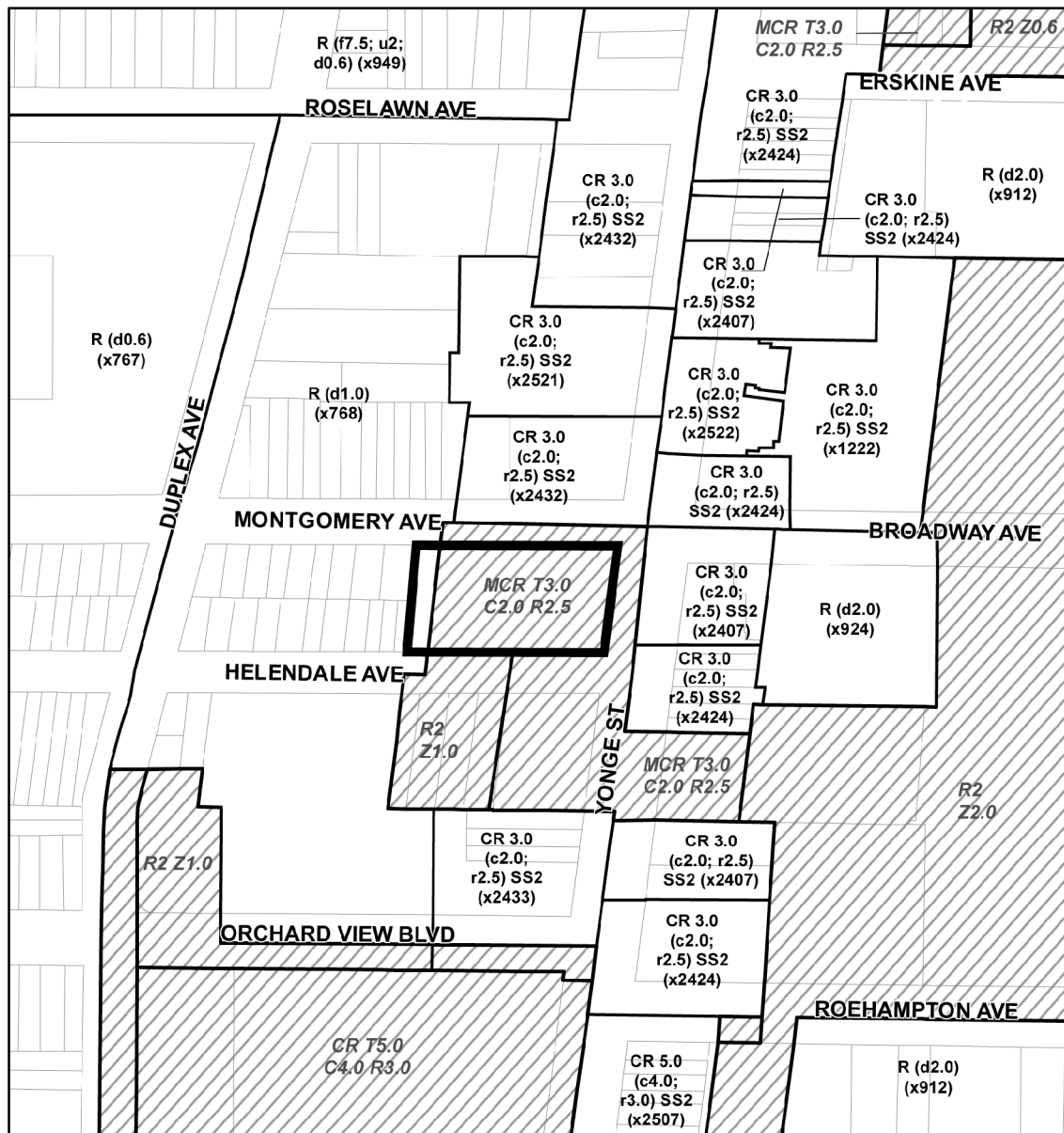
2384 - 2388 Yonge Street & 31 Montgomery Avenue

File # 13 127993 NNY 16 02



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/20/2013

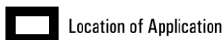
Attachment 12: Zoning By-law 569-2013



Zoning By-law 569-2013

2384 - 2388 Yonge St. & 31 Montgomery Ave.

File # 13 127993 NNY 16 02



R Residential
CR Commercial Residential



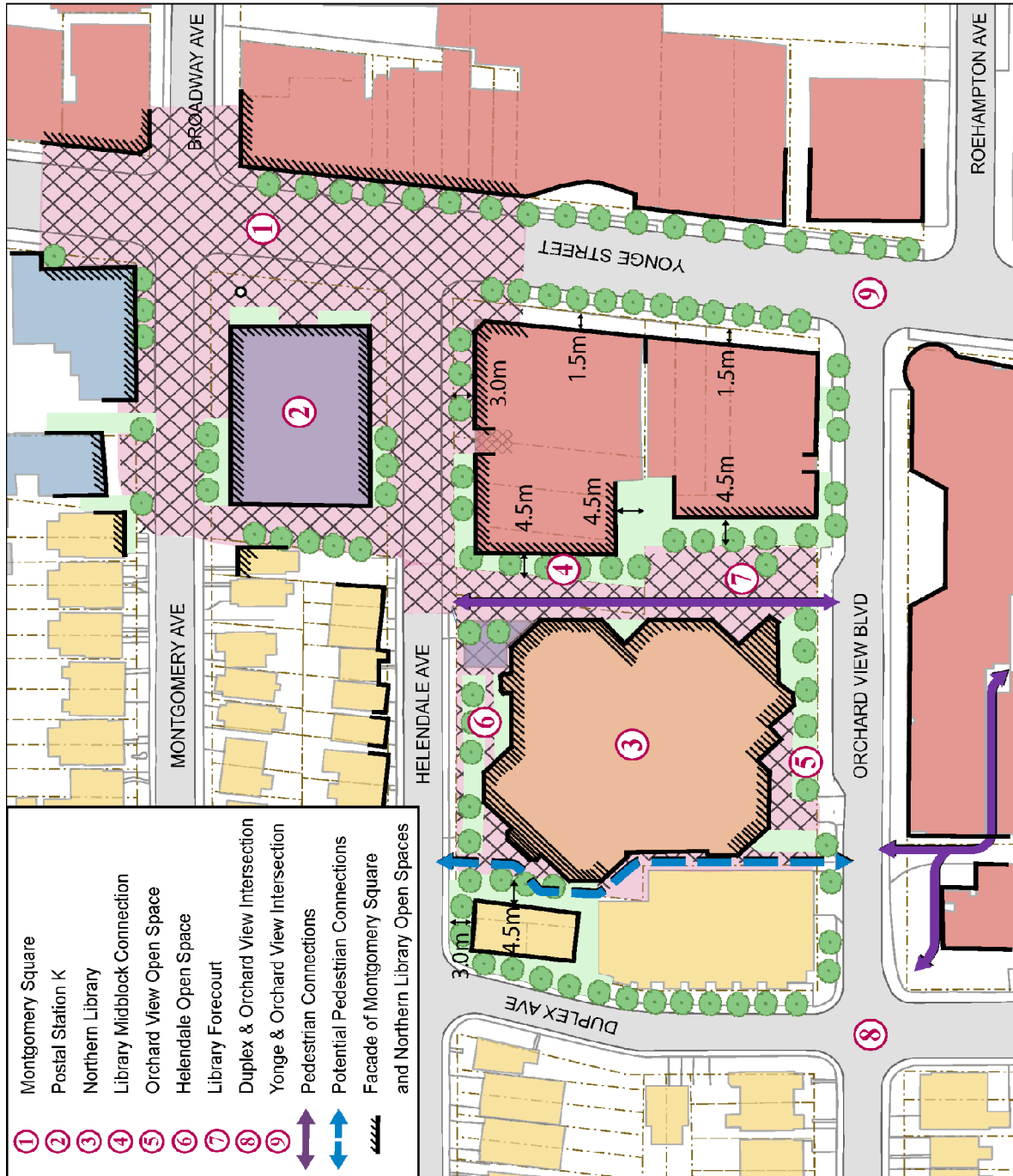
See Former City of Toronto Bylaw No. 438-86

CR Mixed-Use District
MCR Mixed-Use District
R2 Residential District



Not to Scale
Extracted: 05/12/2014

Attachment 13: Concept Plan **Yonge Duplex, Helendale, Orchard View Planning Study**



Attachment 14: Draft Terms and Conditions of Parkland Conveyance

1. Prior to the issuance of the first above grade building permit the Owner shall register a Section 118 Restriction pursuant to the *Land Titles Act*, on the 264m² parcel of land to be conveyed as parkland, as follows;

“No sale, transfer, lease, disposition, charge or other dealing with Part 5 on Plan 66M-_____, City of Toronto, or any part thereof, shall be registered without the written consent of the Chief Planner, City Planning, City of Toronto.”
2. The proposed parkland dedication is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
3. The owner is to pay for the costs of the preparation and registration of all relevant documents pertaining to the new parkland including registration fees and all other related costs of the land. The Owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
4. The *owner* shall maintain the public park at its sole expense, after its conveyance to the City, subject to terms and conditions to be contained in the Section 37 agreement, to the satisfaction of the General Manager Parks, Forestry and Recreation together with provisions for protections and indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance including but not limited to the regular year round maintenance of landscaping and landscape surfacing including removal of snow and ice, fixtures, irrigation, electrical, fences or other structures which form part of the park installations, and, arrangements with respect to inspection of the park and park installations by the City.
5. The Owner agrees to use the Parks and Recreation component of the Development Charges to design and construct the Above Base Park Improvements for the new parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Owner shall receive a credit for the Parks and Recreation component of the Development Charges payable provided that the amount of such credit is the lesser of the actual cost of the Above Base Park improvements and the Parks, Forestry & Recreation component of the Development Charges payable for the development. The Owner is required to submit a design and cost estimate to be approved by the General Manager and a letter of credit equal to 120% of the Parks and Recreation component of the Development Charges with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The cost estimate and letter of credit are required prior to the issuance of the first above grade building permit for the development excluding a permit for demolition, a rental/sales centre, maintenance

and usual and minor works in association with the heritage structure, for the development.

6. Prior to conveying the parkland to the City, the Owner shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Technical Services in consultation with the General Manager, Parks, Forestry and Recreation. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes.
7. The owner will be responsible for the base construction and installation of the parkland. The base park improvements include the following:
 - (i) demolition, removal and disposal of all existing materials, buildings and foundations;
 - (ii) grading (inclusive of topsoil supply and placement, minimum of 150 mm);
 - (iii) sod (or equivalent value of other approved park development);
 - (iv) fencing to City standard (where deemed necessary);
 - (v) all necessary drainage systems;
 - (vi) electrical and water connections to the street line, including back flow preventors;
 - (vii) street trees along all public road allowances, which abut future City owned parkland; and
 - (viii) standard park sign (separate certified cheque required)
 - (ix) hydro water meter and chamber if required.

All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.

8. The Owner shall ensure that the grading and drainage of the adjacent development block is compatible with the grade of the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Director Development Engineering, Technical Services.

9. Prior to issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, the Owner shall submit the necessary plans and cost estimate for the Base Park Improvements to be approved by the General Manager, Parks, Forestry and Recreation.
10. Prior to issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the park to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park improvements.
11. The construction of the Base Park and Above Base Improvements shall be completed and the parkland shall be conveyed to the City within three years after the date of issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the parkland shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the parkland.
12. The Owner, upon satisfactory completion of the construction and installation of the park improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings and a final accounting of the cost to complete the Above Base Park Improvements. If the cost to construct the Above Base Park Improvements is less than the Parks and Recreation component of the Development Charge credit then the balance shall be paid to the City by certified cheque prior to release of the Letter of Credit. Upon the City's acceptance of the Landscape Architect's certification, the Letter of Credit(s) will be released less 20% which will be retained for 2 years as a performance guarantee.

Attachment 15: Draft Official Plan Amendment

CITY OF TORONTO

Bill No.

BY-LAW No. -2014

To adopt Amendment No. 250 to the Official Plan for the City of Toronto respecting the lands known municipally as 2384 and 2388 Yonge Street and 31 Montgomery Avenue.

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

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

The Council of the City of Toronto enacts:

1. The attached Amendment No. 250 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on (clerk to insert the date), 2014.

ROB FORD,
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT NO. 250 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS 2384 and 2388 YONGE STREET AND 31 MONTGOMERY AVENUE

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

1. Map 17, Land Use Plan, is amended, as shown on the attached Schedule 1, by redesignating lands from *Neighbourhoods* to *Mixed Use Areas* at 31 Montgomery Avenue, and redesignating lands from *Mixed Use Areas* to *Parks and Open Space Areas – Parks* at 2384 to 2388 Yonge Street.
2. Chapter 6, Section 21, Yonge-Eglinton Secondary Plan, is amended, as follows:
 - 2.1 Section 7, Site and Area Specific Policies, is amended by adding the following Site and Area Specific Policy, together with the key map as shown on Schedule 2, as follows:

8. 2384 and 2388 Yonge Street and 31 Montgomery Avenue

On lands shown as 8 on Map 21-1 the following additional policies will apply:

- (a) The maximum gross floor area permitted shall not exceed 20,600 square metres, and the maximum building height permitted shall not exceed 27 storeys and 84.2 metres (inclusive of all mechanical penthouse and architectural elements);
- (b) Any new development above grade shall have a minimum building setback of 9 metres from the west boundary of the lands, and 14.6 metres from the most easterly boundary of the lands;
- (c) On the portion of the lands known municipally as 31 Montgomery Avenue above grade uses shall be limited to landscaping and access and service related uses for the proposed development on the lands; and
- (d) In addition, the following policies shall apply to the existing heritage structure that is limited to the easterly portion of the building located on the lands as defined in the Zoning By-law (the “*heritage structure*”):

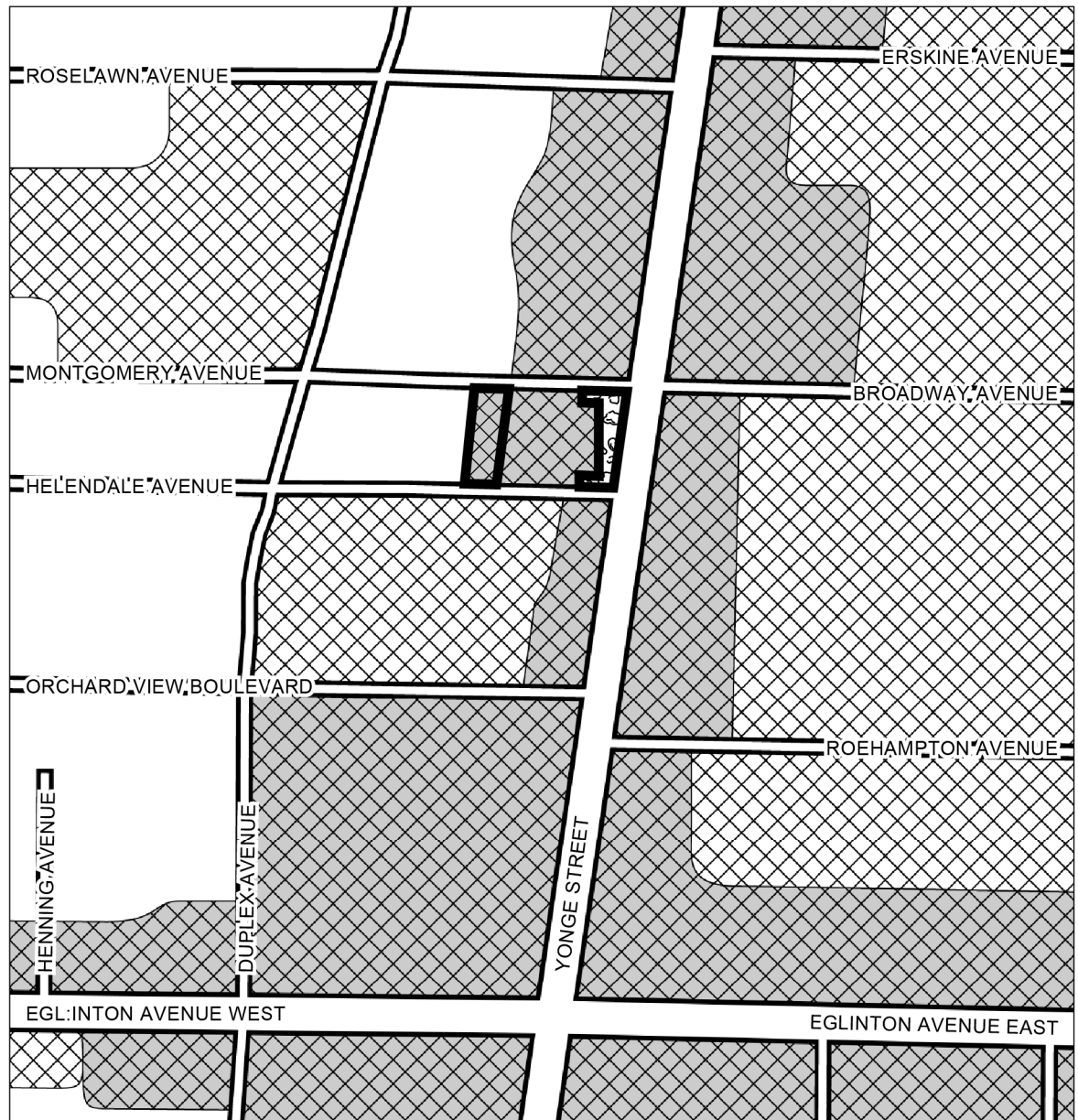
- (i) The *heritage structure* located on the lands is retained *in situ* in any new development in accordance with an agreement, or an amending agreement registered on the lands and entered into by the *owner* of such lands with the City, to the City's satisfaction, pursuant to Section 37 of the *Ontario Heritage Act* (the "*heritage easement agreement*");
- (ii) New buildings and additions to buildings on all or any portion of the lands will be designed to integrate with the *heritage structure*;
- (iii) An agreement pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City shall be entered into and registered on title to the lands which shall include those details described in the Zoning By-law;
- (iv) The *heritage structure* shall be conserved in keeping with the provisions of the *heritage easement agreement* registered on title and in accordance with a Conservation Plan and an Interpretation Plan satisfactory to the City;
- (v) A building substantially in accordance with the related site specific zoning by-law amendment enacted on the date of enactment of this official plan amendment, and permitted by the City pursuant to the *heritage easement agreement* may be permitted provided clauses (a), (b), (c) and (d) (i) to (iv) and (vi) herein are complied with and provided a permit is issued by the City pursuant to Section 33 of the *Ontario Heritage Act*, if required; and
- (vi) Prior to the issuance of any permit including pursuant to the *Ontario Heritage Act* or the *Building Code Act*, 1992, but excluding permits for the removal of the one storey addition to the rear of the heritage buildings, a rental/sales centre, repairs, maintenance and usual and minor works and conservation work, for all or any portion of the lands, excluding the portion of the lands

municipally known in 2014 as 31 Montgomery Avenue, the owner of the lands shall:

- i. Submit final building permit plans and drawings for the alterations and new construction, to the satisfaction of the City's Manager, Heritage Preservation Services, subject to and provided for in the Heritage Easement Agreement; and
- ii. Obtain final approval for any necessary zoning by-law amendments required such that they are in full force and effect.

- 2.2 Map 21-1, Land Use Plan, is amended, as shown on the attached Schedule 3 by adding Site and Area Specific Policy No. 8 to the lands municipally known as 2384 and 2388 Yonge Street and 31 Montgomery Avenue.

SCHEDULE 1



Official Plan Amendment # 250

Revisions to Land Use Map 17 to Redesignate lands from Neighbourhoods to Mixed Use Areas and to Redesignate lands from Mixed Use Areas to Parks

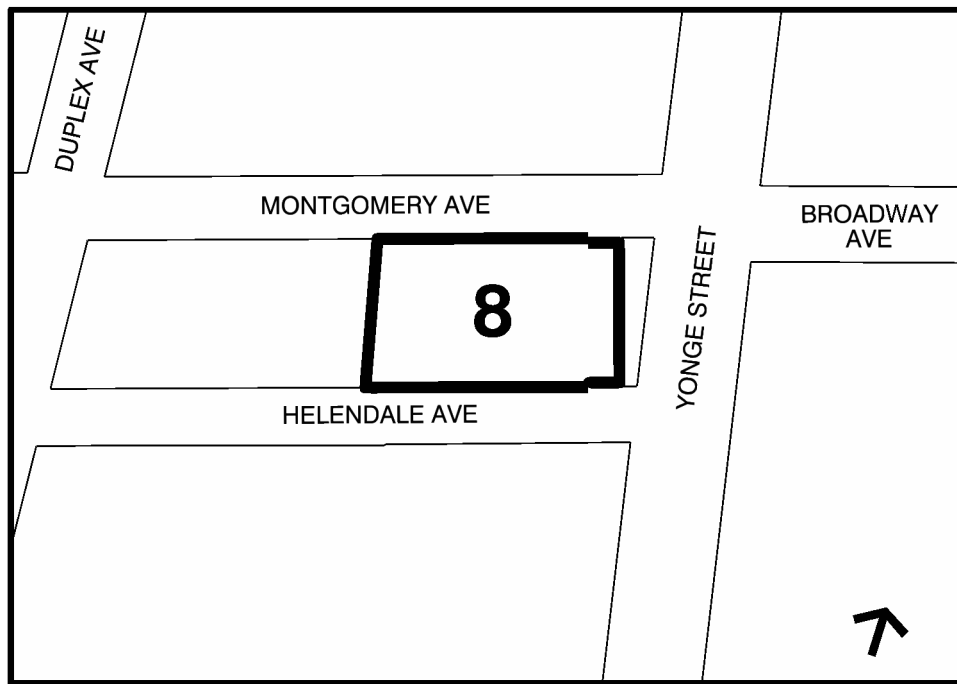
2384-2388 Yonge Street &
31 Montgomery Avenue

File # 13 127993 NNY 16 0Z

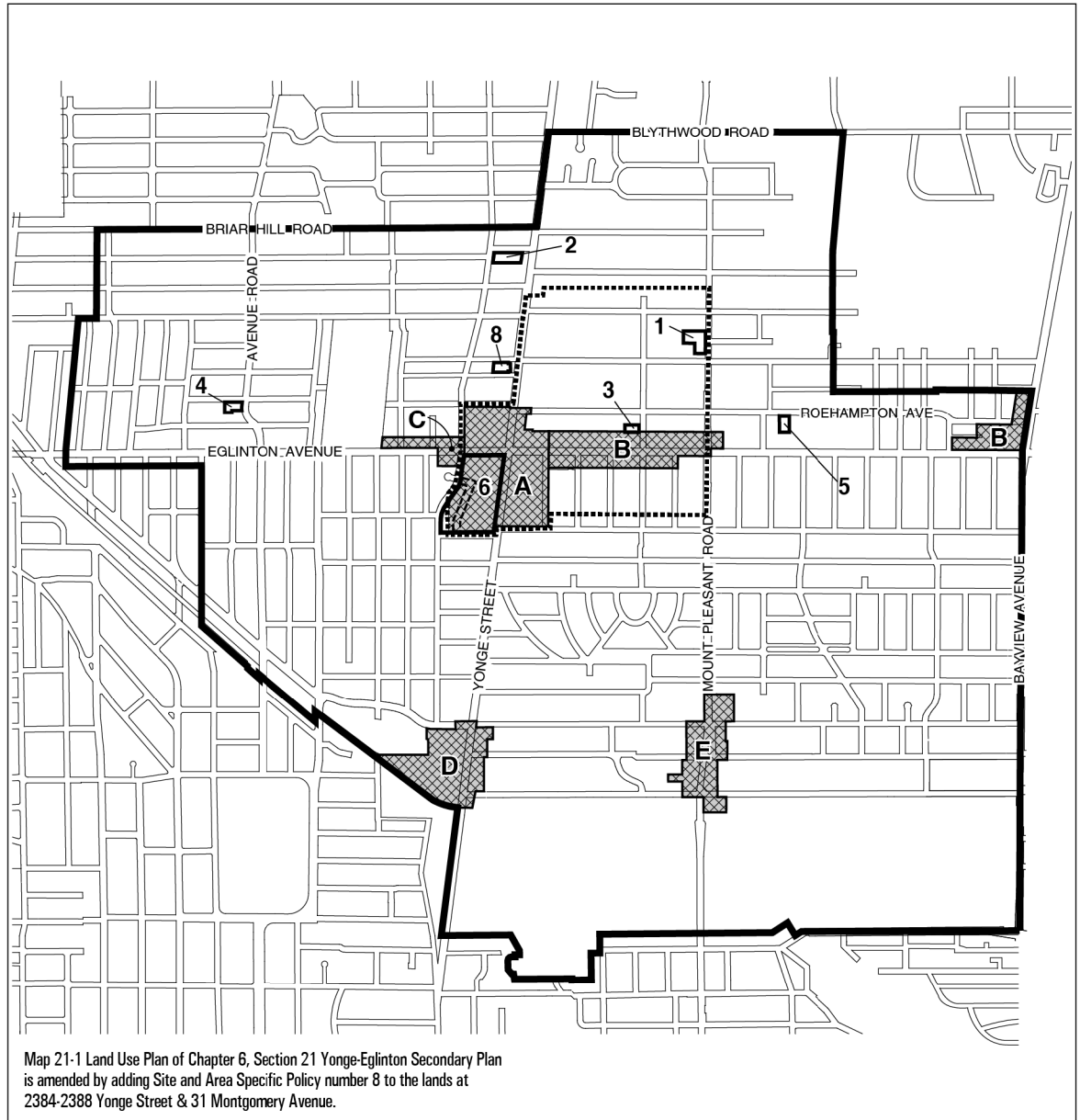


Not to Scale
07/09/2013

SCHEDULE 2



SCHEDULE 3

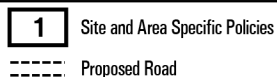
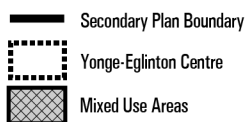


Official Plan Amendment # 250

Yonge-Eglinton Secondary Plan

Map 21-1 Land Use Plan

File # 13 127993 NNY 16 02



Attachment 16 – Draft Zoning By-law amendment (Zoning By-law 539-3013)

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2014]

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as, 31 Montgomery Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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

The Council of the City of Toronto enacts:

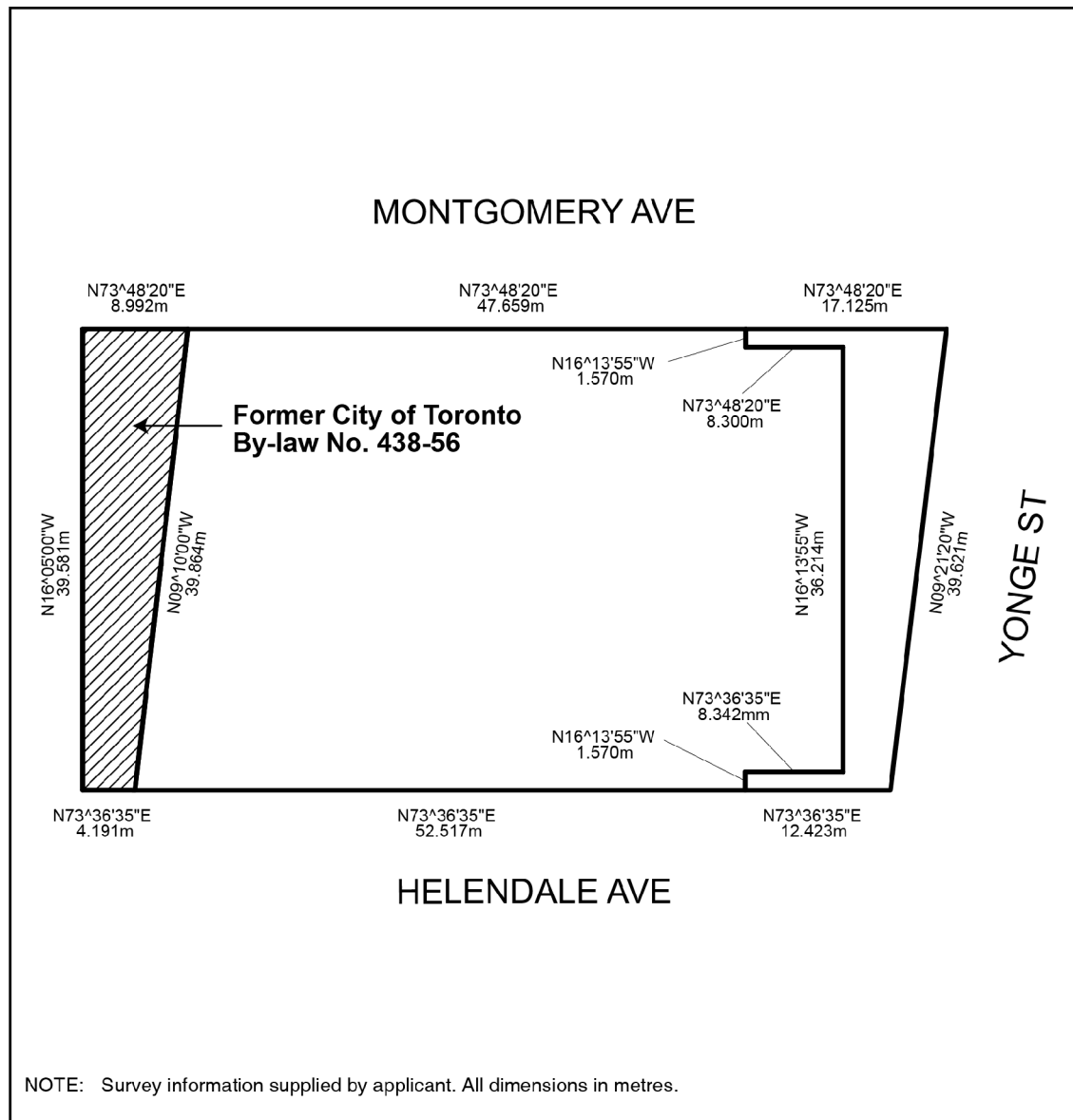
1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law No. 569-2013, as amended, is further amended by removing the lands subject to this By-law from the Zoning By-law Map in Section 990.10, and the Height Overlay Map in Section 995.20.1, and applying the following label to these lands on the Zoning By-law Map in Section 990.10, the Height Overlay Map in Section 995.20.1, the Policy Areas Overlay Map in Section 995.10.1: and Rooming House Overlay Map in Section 995.40.1: Former City of Toronto By-law No. 438-86, as shown on Diagram 1 attached to this By-law.

Enacted and passed on month ##, 2014.

Rob Ford
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)



TORONTO City Planning
Diagram 1

31 Montgomery Avenue

File # 13 127993 NNY 16 0Z

 31 Montgomery Avenue

↑
Not to Scale
07/22/2014

Attachment 17: Draft Zoning By-law Amendment (Zoning By-law 438-86)

CITY OF TORONTO

BY-LAW No. XXX-2014

To amend the General Zoning By-law No. 438-86 for the former City of Toronto, as amended, with respect to lands known municipally as 2384 and 2388 Yonge Street and 31 Montgomery Avenue.

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

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

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

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

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

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City")

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owners' expense of the facilities, services and matters set out in Appendix 1 hereof as secured by one or more agreements pursuant to Section 37(3)

of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

2. Where Appendix 1 of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of a building permit shall be dependent on satisfaction of the same.
3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provision of Appendix 1 are satisfied.
4. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the lands shown on Map 1 forming part of this By-law.
5. Within the lands shown on Map 1 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 water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. District Map No. 50L-313 contained in Appendix “A” of By-law No. 438-86, being "A by-law to regulate the use of use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:
 - (a) redesignating to "MCR T0.0 C0.0 R0.0" the lands identified as "MCR T0.0 C0.0 R0.0" and as outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
 - (b) redesignating to "G" the lands identified as "G" and as outlined by heavy lines on Map 1 attached to and forming part of this By-law.
7. Height and Minimum Lot Frontages Map No. 50L-313 contained in Appendix “B” of By-law No. 438-86, "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, is further amended by:
 - (a) establishing the maximum permitted height in metres on lands identified as "H0.0" and as outlined by heavy lines on Map 2 attached to and forming part of this By-law.

8. In addition to the uses permitted in Section 5(1)(f) within the "G" district the following additional uses shall be permitted within the lands identified as "G", and as outlined by heavy lines on Map 1 attached to and forming part of this By-law:
- (a) Open air markets
 - (b) Community related uses.
9. None of the provisions of Section 2 with respect to the definitions of the terms *lot*, *grade*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *dwelling unit height*, and non-residential gross floor area, and Sections 4(2)(a), 4(3), 4(12), 4(13), 8(1), 8(2), 8(3) Part I, 8(3) Part II 4, 8(3) Part IV 2, 8(3) Part VIII 1, 8(3) Part XI 2, 12(2)118, 12(2)119, 12(2)269 and 12(2)270 of the aforementioned Zoning By-law No. 438-86, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot*, including uses *accessory* thereto, provided that:
- a) the *lot* comprises at least the lands identified with hatching on Map 1 attached to and forming part of this By-law;
 - b) the *mixed use building* on the *lot* shall include the *heritage structure* and the *heritage structure* is retained in situ subject to such alterations as are permitted pursuant to a Heritage Easement Agreement or amending agreement thereto entered into between the *owner* and the City, or as amended, after the date of enactment of this By-law and registered on title to such lands pursuant to Section 37 of the Ontario Heritage Act together with any permit issued pursuant to Section 33 of the Ontario Heritage Act;
 - c) the following uses are permitted on the *lot*:
 - i. permitted uses on the *lot* shall be in accordance with Sections 8(1) and 8(2) of By-law 438-86, as amended, with the exception that:

restaurants, take-out restaurants and bake shops are permitted uses and are not subject to the qualifications in Section 8(2) of By-law 438-86, as amended;
 - ii. rooftop terraces and *patios* used for the exclusive use of a *retail store, restaurant, take-out restaurant and bake shop*; and
 - iii. guest suites;
 - d) the total combined *residential gross floor area* and *non-residential gross floor area* of the building shall not exceed 20,600 square metres, including a maximum of 866 square metres in the *heritage structure*, and subject to the following:
 - i. the *residential gross floor area* shall not exceed 19,200 square metres;

- ii. the *non-residential gross floor area* shall not exceed 1,500 square metres;
- (e) a maximum of 233 dwelling units shall be permitted;
- (f) no above *grade* portion of any building or structure erected or used on the *lot* shall be located other than wholly within the areas delineated by heavy lines shown on Map 3 except for the type of structures and elements listed in the column entitled “STRUCTURE” in the following chart, provided that:
 - i. the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with; and
 - ii. for any structure or element located within the shaded area identified on Map 3 as "Existing Heritage Structure" as may be permitted pursuant to the Heritage Easement Agreement together with any permit issued pursuant to Section 33 of the Ontario Heritage Act and provided such structure or element are acceptable to Manager Heritage Preservation Services;

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, sills, eaves, bay windows, mullions, ornamental or architectural elements, and aircraft warning lighting	1.0 metres	Provided the <i>height</i> of such “STRUCTURE” is no higher than that portion of the building to which it is attached
B. canopies	3.0 metres	Provided the <i>height</i> of such “STRUCTURE” is no higher than that portion of the building to which it is attached
C. parapets and guards	1.2 metre	Provided the <i>height</i> of such “STRUCTURE” is not greater than 2.0 metre above that portion of the building to which it is attached
D. fences, safety railings and guardrails	No restriction	Provided the <i>height</i> of such "STRUCTURE" does not exceed 3.0 metres above finished ground level
E. cornice windscreen architectural element	1.7 metres	Provided the height of such "STRUCTURE" is no greater than 1.0 metres above that portion of the

		building to which it is attached.
F. stairs, stair enclosures, ramps, wheel chair ramps and/or stairs (and associated structures), underground garage ramps and their associated structures, retaining walls, air shafts, transformer vaults and building code elements required for the functional operation of the building, including but not limited to free standing Siamese connections, and free standing accessibility door operators	No restriction	Provided the <i>height</i> of such "STRUCTURE" does not exceed 2.0 metres above finished floor level

- g) no part of any building or structure erected or used on the *lot*, shall exceed the *heights* in metres specified by the numbers following the symbol "H" on the attached Map 3, with the exception of the following structures and elements:
- i. to a maximum of 3.0 metres above the *height* limits established by this By-law:

a structure used for outside or open air recreation, elements of a green roof, lighting fixtures, canopies, screens, window washing equipment, ornamental elements, architectural elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, roofing materials, lightning rods, exhaust flues, guardrails and railings;
 - ii. to a maximum of 5.0 metres above the *height* limits established by this By-law in the area identified on Map 3 with a dashed line, provided the overall height of the building within the area of Map 3 outlined with a dashed line does not exceed 84.2 metres:

heating, ventilation, mechanical or cooling equipment, including vents, chimneys and stacks as well as fence, wall or structure enclosing such structures and elements; and
 - iii. the structures and elements identified in subsection (f) above, subject to the restrictions therein;
- (h) the *height* of the existing *heritage structure* shall not exceed its *height* as it existed on the date of enactment of this By-law with the exception of the

following structures and elements as may be permitted pursuant to the Heritage Easement Agreement together with any permit issued pursuant to Section 33 of the *Ontario Heritage Act* and provided such are acceptable to the Manager Heritage Preservation Services:

- i. structures or elements associated with *patios* located on the roof;
 - ii. elevators and associated elevator enclosures located on the roof; and
 - iii. other similar and usual structures and elements such as mechanical equipment associated with the operation of the building acceptable to the Manager of Heritage Preservation Services
- (i) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 0.5 *parking spaces* per bachelor *dwelling unit*;
 - ii. a minimum of 0.5 *parking spaces* per one *bedroom dwelling unit*;
 - iii. a minimum of 0.85 *parking spaces* per two *bedroom dwelling unit*;
 - iv. a minimum of 1.0 *parking spaces* per three *bedroom dwelling unit*;
 - v. a minimum of 0.1 *parking spaces* per *dwelling unit* for visitors to the building;
- (j) notwithstanding Section 4(5)(a) of By-law No. 438-86, no *parking spaces* shall be required for the *non-residential* uses on the *lot*;
- (k) notwithstanding Section 4(17) of By-law No. 438-86, a maximum of 18 obstructed *parking spaces* required by this By-law are permitted having minimum dimensions of length 5.6 metres, height 2.0 metres and width 2.6 metres;
- (l) a minimum of one Type G loading space shall be provided on the lot.
- (m) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. for residential uses, a minimum of 0.75 *bicycle parking space and/or stacked bicycle parking space* for each *dwelling unit*, excluding guest suites, comprised of 0.6 *bicycle parking spaces and/or stacked bicycle parking space – occupant* and 0.15 *bicycle parking spaces and/or stacked bicycle parking space – visitor*;
 - ii. for non-residential uses, a minimum of 0.13 *bicycle parking spaces and/or stacked bicycle parking space – occupant* per 100 square metres

of non-residential gross floor area and the greater of 0.25 *bicycle parking spaces and/or stacked bicycle parking space – visitor* per 100 square metres of non-residential gross floor area or 6 *bicycle parking spaces and/or stacked bicycle parking space – visitor*.

(n) *residential amenity space* shall be provided as follows:

- i. a minimum of 2 square metres of indoor *residential amenity space* shall be provided per *dwelling unit* and may be provided in separate multi-purpose rooms, provided at least one room contains a kitchen and a washroom;
- ii. a minimum of 2 square metres of outdoor *residential amenity space* shall be provided per *dwelling unit*.

10. None of the provisions of Zoning By-law No. 438-86 or this By-law shall apply to prevent a *temporary sales office* on the *lot*.
11. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

"*bicycle parking space – occupant*" has the same meaning as in the definition set forth in *By-law No. 438-86*, except that *bicycle parking spaces* may be provided in the form of a stacked bicycle parking space. A *stacked bicycle parking space* shall mean a horizontal bicycle parking space positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.0 metre and minimum horizontal dimensions of at least 0.25 metres width and 1.6 metres length;

"*bicycle parking space – visitor*" has the same meaning as in the definition set forth in *By-law No. 438-86*, except that *bicycle parking spaces* may be located in a secured room and may be provided in the form of a stacked bicycle parking space. A *stacked bicycle parking space* shall mean a horizontal bicycle parking space positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces with a minimum vertical dimension of at least 1.0 metre and minimum horizontal dimensions of at least 0.25 metres width and 1.6 metres length;

"*dwelling unit*" has the same meaning as in the definition set forth in *By-law No. 438-86*, but excludes a guest suite;

"*grade*" means 169.30 metres Canadian Geodetic Datum;

"*height*" means the highest point of the roof above grade, except for those elements prescribed by this By-law;

“*heritage structure*” means that portion of the heritage building located on the *lot* in the year 2014 as shown on Map 3, subject to alterations and additions in accordance with this By-law;

“*lot*” means at least the lands delineated by hatched lines shown on Map 1;

“*non-residential gross floor area*” shall have the same meaning as in the definition set forth in By-law No 438-86 but in addition to the exclusions identified in clauses (i) through (v), the part of the existing *heritage structure* below grade shall also be excluded from the *non-residential gross floor area*;

“*owner*” means the owner of the lot or any part thereof;

“*temporary sales office*” means a building, structure, facility or trailer on the *lot* used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential gross floor area to be erected on the *lot*.

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

ENACTED AND PASSED this ~ day of ~, A.D. 2014.

ROB FORD
Mayor

,

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Appendix 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the *owner's* expense in return for the increase in height and density of the proposed development of the lands as secured in an agreement or agreements under 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, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement whereby the *owner* agrees as follows:

1. The development permitted by this By-law on the *lot* shall incorporate and retain the existing heritage structure, as may be permitted to be altered pursuant to a heritage easement agreement or amending agreement thereto entered into by the owner of the *lands* with the *City* and registered on title to such lands pursuant to Section 37 of the *Ontario Heritage Act*, to the satisfaction of the City Solicitor and the Manager Heritage Preservation Services, together with any permit issued by the *City* pursuant to Section 33 of the *Ontario Heritage Act*;
2. The *owner* shall enter into a Heritage Easement Agreement with the *City* pursuant to Section 37 of the *Ontario Heritage Act*, for the property at 2384 and 2388 Yonge Street in accordance with the Heritage Impact Statement, prepared by ERA Architects dated June 2, 2014, such agreement to be subsequently registered against title to the *lot*, all to the satisfaction of the City Solicitor in consultation with the Manager Heritage Preservation Services
3. Prior to the issuance of final Site Plan Approval for all or any portion of the *lot* through the Site Plan Approval process pursuant to Section 114 of the *City of Toronto Act, 2006*, the owner shall:
 - i. provide a Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Statement for 2384 and 2388 Yonge Street prepared by ERA Architects, dated June 2, 2014 and all to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. provide final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
4. Prior to the issuance of any permit for all or any part of the *lot*, excluding the portion of the lot known municipally in the year 2014 as 31 Montgomery Avenue and identified as "MCR T0.0 C0.0 R0.0" on Map 1 attached to and forming part of this By-law, including pursuant to the *Ontario Heritage Act* and the *Building Code Act* and including any permit for excavation and shoring or foundation, but excluding a permit for the removal of the one storey addition to the rear of the heritage structure, a rental/sales centre, repairs, maintenance and usual and minor

works acceptable to the *Manager Heritage Preservation Services*, the *owner* of the *lot* shall:

- i. Obtain final approval for the necessary by-law amendment required for the alterations to the property at 2384-2388 Yonge Street, such amendment to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and Executive Director City Planning in consultation with the Manager, Heritage Preservation Services;
 - ii. Have obtained final Site Plan Approval for such property for an above-grade building permit only;
 - iii. Provide full building permit drawings, including notes and specifications for the conservation and protection measures keyed to the approved Conservation Plan, including a description of materials and finishes to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager Heritage Preservation Services, except in the case of any below-grade building permit, only the subject building permit drawings are to be provided;
 - iv. provide a Lighting Plan that describes how the heritage structure will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services, for an above-grade building permit only;
 - v. provide an Interpretation Plan for Postal Station K, to the satisfaction of the Manager, Heritage Preservation Services for an above-grade building permit only; and
 - vi. provide a letter of credit to the *City* in a form and amount satisfactory to the Manager Heritage Preservation Services prior to the issuance of any permit pursuant to the *Ontario Heritage Act* for all or any part of the *lot*, to secure all work included in the approved Conservation Plan and the approved Interpretation Plan, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the letter of credit is provided.
5. Prior to the release of such letter of credit the owner shall:
- i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of

conservation has been maintained, all to the satisfaction of the Manager Heritage Preservation Services;

- ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager of Heritage Preservation Services.

6. The *owner* shall provide and maintain the following:

- i. the *owner* shall construct and convey to the City for nominal consideration, a public park having a minimum size of approximately 264 square metres, with such conveyance deemed to fully satisfy the parkland contribution requirements for the development as currently proposed, and in accordance with the following and on terms and conditions as are set out in the Section 37 Agreement:

- A) Prior to the issuance of the first above grade building permit the Owner shall register a Section 118 Restriction pursuant to the *Land Titles Act*, on the 264m² parcel of land to be conveyed as parkland, as follows;

“No sale, transfer, lease, disposition, charge or other dealing with Part 5 on Plan 66M-_____, City of Toronto, or any part thereof, shall be registered without the written consent of the Chief Planner, City Planning, City of Toronto.”

- B) The proposed parkland dedication is to be free and clear above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager Parks, Forestry and Recreation
- C) The *owner* is to pay for the costs of the preparation and registration of all relevant documents pertaining to the new parkland including registration fees and all other related costs of the land. The *owner* shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
- D) The *owner* agrees to use the Parks and Recreation component of the Development Charges to design and construct the Above Base Park Improvements for the new parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. The *owner* shall receive a credit for the Parks and Recreation component of the Development Charges payable provided that the amount of such credit is the lesser of the actual cost of the Above Base Park improvements and the Parks, Forestry & Recreation component of the Development Charges payable for the development. The *owner* is required to submit a design and cost estimate to be approved by the General Manager and a letter of credit

equal to 120% of the Parks and Recreation component of the Development Charges, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The cost estimate and letter of credit are required prior to the issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, for the development.

- E) Prior to conveying the parkland to the City, the *owner* shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Technical Services in consultation with the General Manager, Parks, Forestry and Recreation. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the *owner's* expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the *owner's* environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes.
- F) The *owner* will be responsible for the base construction and installation of the parkland. The base park improvements include the following:
 - (i) demolition, removal and disposal of all existing materials, buildings and foundations;
 - (ii) grading (inclusive of topsoil supply and placement, minimum of 150 mm);
 - (iii) sod (or equivalent value of other approved park development);
 - (iv) fencing to City standard (where deemed necessary);
 - (v) all necessary drainage systems;
 - (vi) electrical and water connections to the street line, including back flow preventors;
 - (vii) street trees along all public road allowances, which abut future City owned parkland; and
 - (viii) standard park sign (separate certified cheque required)

(ix) hydro and water metre and chamber, as required.

All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- G) The *owner* shall ensure that the grading and drainage of the adjacent development block is compatible with the grade of the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Director Development Engineering, Technical Services.
- H) Prior to issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, the *owner* shall submit the necessary plans and cost estimate for the Base Park Improvements to be approved by the General Manager, Parks, Forestry and Recreation.
- I) Prior to issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, the *owner* shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the park to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park improvements.
- J) The construction of the Base Park and Above Base Improvements shall be completed and the parkland shall be conveyed to the City within three years after the date of issuance of the first above grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the parkland shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the parkland.
- L) The *owner*, upon satisfactory completion of the construction and installation of the park improvements shall be required to guarantee such work and associated materials. The *owner* shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings and a final accounting of the cost to complete the Above Base Park Improvements. If the cost to construct the Above Base Park Improvements is less than the Parks and Recreation component of the Development Charge credit then the balance shall be paid to the City by certified cheque prior to

release of the Letter of Credit. Upon the City's acceptance of the Landscape Architect's certification, the Letter of Credit(s) will be released less 20% which will be retained for 2 years as a performance guarantee.

7. The *owner* shall maintain the public park at its sole expense, after its conveyance to the City, subject to terms and conditions to be contained in the Section 37 agreement, to the satisfaction of the General Manager Parks, Forestry and Recreation together with provisions for protections and indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance including but not limited to the regular year round maintenance of landscaping and landscape surfacing including removal of snow and ice, fixtures, irrigation, electrical, fences or other structures which form part of the park installations, and, arrangements with respect to inspection of the park and park installations by the City.
8. The *owner* shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, a rental/sales centre, maintenance and usual and minor works in association with the heritage structure, in the amount of five hundred thousand dollars (\$500,000.00), to guarantee the cost for public art on the lands, such public art to be provided by the owner, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made. The *owner* shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines and details the public art process to the satisfaction of City Council.
9. The *owner* shall provide a letter of credit in the City standard form, prior to the issuance of the first above-grade building permit, excluding a permit for demolition, rental/sales centre, maintenance and usual and minor works in association with the heritage structure, in the amount of one hundred thousand dollars (\$100,000.00), to guarantee the cost for streetscape improvements to be provided by the *owner*, to Yonge Street, Helendale Avenue and Montgomery Avenue abutting the site and parkland, such streetscape improvements in accordance with designs to be approved in connection with the Midtown in Focus, Parks, Open Space and Streetscape Master Plan Study for Yonge-Eglinton, the details of which to be determined in association with site plan approval, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
10. The *owner* shall provide a non-exclusive public pedestrian easement to the City on terms and conditions satisfactory to the City Solicitor in a location generally described as a north/south access over the western portion of the site, with details of the location and final design to be determined in the context of site plan approval for the development and that such easement lands be maintained by the *owner* at its

sole cost. The conveyance of the easement shall be for nominal consideration at no cost to the City to the satisfaction of the City Solicitor and the *owner* shall be responsible to prepare, submit to the City for approval and deposit all required reference plans to describe the easement.

11. The *owner* shall provide a minimum of four (4), three-bedroom units in the building.

