

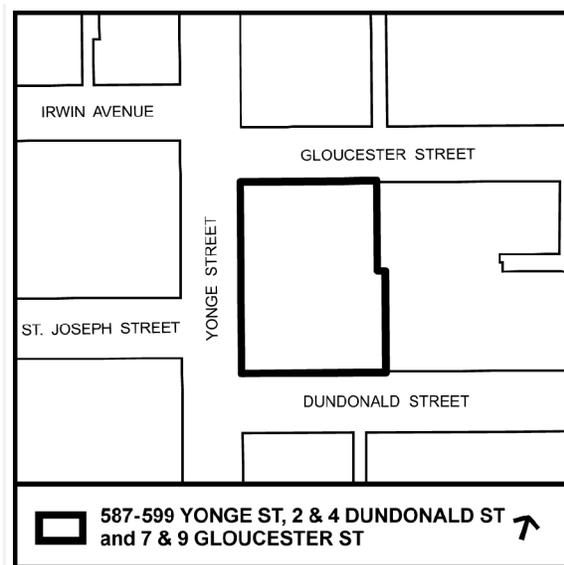
587 to 599 Yonge Street, 2 to 4 Dundonald Street, 7 to 9 Gloucester Street – Zoning Amendment Application – Request for Direction

Date:	May 29, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 235622 STE 27 OZ

SUMMARY

The applicant has appealed a Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A pre-hearing has been scheduled for July 21st, 2014. The purpose of this report is to seek City Council's direction with respect to the position of the City at the Ontario Municipal Board pre-hearing including instructions regarding the applicant's revised submission.

In their most recent submission, date stamped March 14, 2014 by City Planning, the applicant proposes to redevelop the site with a 44-storey residential tower (148 metres including mechanical penthouse) on a 4-storey base containing retail commercial uses with 420 residential condominium units. There are four levels of below-grade parking proposed with 192 spaces and access from Gloucester Street on the north side of the site. The proposed zoning by-law amendment includes the provision of facilities, services and matters pursuant to Section 37 of the Planning Act as detailed in the report and recommendations, and to be further secured in a Section 37 Agreement to be



satisfactorily entered into and registered prior to the issuance of the Board Order.

It is staff's opinion that the most recent submission date stamped March 14, 2014 by City Planning is appropriate. Staff is recommending that the revised application be supported, subject to the conditions in the Recommendations Section of this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and other appropriate staff to attend the Ontario Municipal Boarding hearing as necessary in support of the recommendations for the property at 587 to 599 Yonge Street, 2 to 4 Dundonald Street, 7 to 9 Gloucester Street and substantially in accordance with the plans by Hariri Pontarini Architects, submitted to City Planning and date stamped March 14, 2014 and with the draft Zoning By-law Amendment (Attachment 1) and as further detailed in the report (May 29, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council support the draft Zoning By-law Amendment contained in Attachment 7 to the report (May 29, 2014) from the Director, Community Planning, Toronto and East York District, which implements this direction before the Ontario Municipal Board.
3. City Council require that the applicant provide sufficient parking on site as outlined in the Engineering and Construction Services memo of May 12, 2014 and discussed in the report (September 23, 2013) from the Director, Community Planning, Toronto and East York District.
4. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to continue to work with the applicant on the final form of the draft Zoning By-law Amendment to be presented to the Ontario Municipal Board.
5. City Council instruct the City Solicitor to request the Ontario Municipal Board to withhold its final order until the owner revises the Site Servicing Assessment and the Downstream Sanitary/Combined & Storm Sewer Analysis prepared by GHD Group to the satisfaction of the Executive Director, Engineering & Construction Services; and require the owner to pay for and construct any improvements to the municipal infrastructure should the Site Servicing Assessment and the Downstream Sanitary/Combined & Storm Sewer Analysis as accepted by the Executive Director, Engineering & Construction Services show that upgrades are required to support this development to the satisfaction of the Executive Director of Engineering and Construction Services.
6. City Council instruct the City Solicitor to request the Ontario Municipal Board to withhold its final order for the lands at 587 to 599 Yonge Street, 2 to 4 Dundonald Street, 7 to 9 Gloucester Street until the Owner enters into one or more Agreement(s) pursuant to

Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with appropriate civic officials and the Ward Councillor:

- i. Enter into an agreement at the expense of the owner the following as Section 37 facilities, services and matters:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$3,200,000 to be used for the following:
 - i. \$1,200,000 towards local park improvements in James Canning Park and in the immediate area and for the owners to design and construct the park improvements to the satisfaction of the City and in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor and the Chief Planner and Executive Director, City Planning.
 - a. Prior to issuance of the first above grade building permit, the Owner shall submit a cost estimate and all the necessary plans for the park improvement to be approved by the General Manager, Parks, Forestry and Recreation.
 - b. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the approved estimate to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - c. Occupation of the existing parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from Parks, Forestry and Recreation's Planning, Design and Development section. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR. The POP must be secured prior to the issuance of any shoring and excavation permits. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
 - d. The construction of the Park Improvements shall be completed within two years after the date of issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the Park Improvements shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the Park Improvements.
 - e. 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. Upon the City's acceptance of the certificate, the Letter of Credit(s) will be released less 20% which will be retained for the 2 year guarantee – Parkland Warranty Period.

- f. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that:
 - i. There are no outstanding claims against the remaining park security;
 - ii. No liens have been registered against the parkland;
 - iii. The owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;
 - iv. All deficiencies have been rectified; and
 - v. The owner has provided to the City the certificate of the parkland Landscape Architect providing evidence that all lien periods under the Construction Lien Act affecting the parkland have expired.
- g. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. A complete set of “as built” plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11X 17 format to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
- ii. \$500,000 towards public art in accordance with the Percent for Public Art Program which may used within the public plaza at the north end of the site;
- iii. 1,500,000 towards the Toronto Community Housing Corporation for capital improvements and/or community, cultural or recreational space improvements in the local area.
- iv. The payment amounts identified in Parts i, ii and iii above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index

for the Toronto CMA, reported by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:
 - i. The owner agrees to provide and design at the expense of the owner, a privately owned, publically accessible pedestrian plaza at the north end of the site with a minimum depth of 10 metres at grade to a height of 6 metres and minimum depth of 7 metres above 6 metres and a minimum width of 23.2 metres and minimum area of 245 square metres with final design and access to be secured through the site plan approval process and which may contain public art and patio space for the adjoining retail uses as shown on the plans by Hariri Pontarini date stamped March 14, 2014 by City Planning;
 - ii. As a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) for 24-hour public access to the pedestrian plaza as identified in 5.b.i, (the “City Easements”), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services;
 - iii. The wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
 - iv. At least 10% of the total number of dwelling units to be constructed on the lot shall contain family sized units of two bedroom plus den and three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - v. Require the owner to provide a setback along the Yonge Street frontage of a minimum width of 3 metres at the north end of the site and 2.8 metres at the south end of the site except in the location of the character building as described in Recommendation 6.b.vii. and to design and construct an upgraded streetscape for Yonge Street, Gloucester Street and Dundonald Street along the frontage of the site including upgraded pavement treatment and landscaping in accordance with Vibrant Streets Design Guidelines to be secured through the site plan process;

- vi. Require the owner to design and construct an upgraded architectural façade treatment for the base and the tower, including pedestrian weather protection along each frontage of the site all in accordance with the North Downtown Yonge Street Urban Design Guidelines;
- vii. Require the owner to retain the character building known as 587 Yonge Street and located at the southwest corner of the site (north east corner of Yonge Street and Dundonald Street) and incorporate this building into the final design of the base of the building substantially in accordance with the architectural drawings submitted by Hariri Pontarini date stamped by City Planning March 14, 2014 and to be further refined through the site plan approval process;
- viii. Submit a monitoring protocol and demolition plan to be completed by the consultant archaeologist for the demolition of the Yonge Street structures to ensure that the archaeological resources are not impacted during the demolition process.
- viii. All archaeological requirements for Stage 2-3 archaeological assessment as well as the provision for any additional Stage 4 archaeological assessment is to be fully secured as follows:
 - a. As a pre-approval condition of a site plan application for the subject properties, the owner will retain a consultant licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 - 3 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. (i.e. Stage 4);
 - b. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. Should the archaeological assessment process continue beyond a Stage 2 -3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - c. The owner will submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
 - d. The owner will incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and

interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing; and

- e. The owner will ensure no construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
 - ix. Apply for and complete the approval process to seek permission to remove City street trees and trees from a City park as protected under the City of Toronto's Street Tree By-law and the City of Toronto Park's By-law.
 - x. The owner shall agree to not object to the heritage designation of the property at 7-9 Gloucester Street.
 - xi. As a condition of site plan approval and prior to the issuance of any permits, require a detailed construction management plan for the site.
7. City Council direct that the owner withdraw their appeal to Ontario Municipal Board of OPA 183, the North Downtown Yonge Area Specific Policy 382 once the Ontario Municipal Board issues their decision on the appeal of the Zoning By-law Amendment for the lands at 587 to 599 Yonge Street, 2 to 4 Dundonald Street, 7 to 9 Gloucester Street.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Ontario Municipal Board Appeal

The zoning by-law amendment application for a 49-storey, 163 metre high mixed use condominium building with retail uses in the base of the building at 587 to 599 Yonge Street, 2 to 4 Dundonald Street, 7 to 9 Gloucester Street was submitted to the City on August 24, 2012. On April 5, 2013, the City Clerk's Office received notification that the applicant filed an appeal to the OMB citing Council's failure to make a decision on the application within the time prescribed by the Planning Act. A pre-hearing is scheduled for July 21, 2014.

ISSUE BACKGROUND

Original Proposal

The original application proposed a 49-storey (163.16 metres including mechanical penthouse, 155.26 metres excluding mechanical penthouse) residential condominium building with a 4-storey podium with ground floor and second floor retail. The two existing 2½-storey townhouses known municipally as 7-9 Gloucester Street and located on the northeast corner of the site were

proposed to be retained; however, the rear extensions of these townhouses were proposed to be demolished to allow access, circulation, and bicycle parking.

Residential pedestrian access were proposed from a lobby on the southeast corner of the building, facing south onto Dundonald Street. Retail access was located from two entrances fronting onto Yonge Street. Additional retail entrances associated with restaurant patios were proposed from Dundonald Street and Gloucester Street. The proposal contained a total of 513 residential units.

The original proposal provided four levels of underground parking for a total of 202 parking spaces. One Type G and one Type B loading space were to be located on the ground floor and accessed from a driveway off Gloucester Street. A total of 529 bicycle parking spaces were proposed with 133 spaces at grade and 396 spaces located on the first underground parking level.

The applicant proposed a gross floor area of 38,459 square metres on a site area of 3,164 square metres, which calculates to a floor space index of 12.15 times the area of the lot.

The indoor amenity space was located on the second, third, and fifth floors and the outdoor amenity space was located on the third and fifth floors. The applicant proposed 1,048 square metres of indoor amenity space and 1,060 square metres of outdoor amenity space.

The 4-storey podium was L-shaped and stepped down to 2-storeys towards the east, abutting the existing parkland, James Canning Gardens. Along Yonge Street, the base of the building had a street wall of 3 storeys and then stepped back by approximately 3.3 metres. Along the frontages of Dundonald Street and Gloucester Street, the base stepped back 6.8 metres at the height of three storeys.

The tower was set back: from the north property line by 26.2 metres; from the south property line by 5 metres; from the east property line by 12.5 metres; and from the west property line by 11.5 metres. The tower was separated by 14 metres from the townhouses to be retained at 7-9 Gloucester Street and approximately 8.7 metres from the southerly lot line of 7-9 Gloucester Street. The tower setback to the existing low-rise area to the east, designated as *Neighbourhoods* in the Official Plan, was 30.6 metres.

The tower floorplate proposed was 796 square metres. The applicant proposed outdoor patio space on Dundonald Street and Gloucester Street with a width of 6 metres. The applicant also proposed to extend the Yonge Street sidewalk from a width of 3.23 metres to 5 metres.

Revised Proposal

The applicant has worked with staff through the application review process. Through the latest submission of architectural drawings by Hariri Pontarini as date stamped by City Planning March 14, 2014, the applicant has agreed to the following revisions as shown on Attachments 1 to 8 and as summarized below and in Table 1:

- reduce the building height to 44 storey's (148 metres including mechanical penthouse) at the south end of the site stepping down to 18 storeys' (61.4 metres) at the north end of the site;
- reshape the tower to conform to the 75 degree angular plane, slim the east/west elevation of the tower;
- increase the setback from the Yonge Street frontage on the south (taller) part of the tower to 17 metres and maintain a minimum 10 metre setback on the north (lower) part of the tower;
- provide a minimum separation distance of 28 metres to the area designated *Neighbourhoods* to the east of the subject site;
- revise the proposed residential lobby at the southeast corner of the site to wrap around the corner and provide "eyes on the park";
- reconfigure the retail commercial space to provide smaller retail units at grade with narrower frontages along Yonge Street and to relocate the larger floor area for proposed office and/or retail to the second floor with a separate office lobby with elevator/escalator access;
- provide a setback on the north end of the subject site at ground level of a minimum 10.6 metres to provide a publically accessible, privately owned open space plaza;
- provide a minimum setback on the north end of the site to the second level of 7.6 metres to provide an overhang for weather protection for part of the publically accessible, privately owned open space plaza immediately adjacent the building;
- retain the character building on the northeast corner of Yonge Street and Dundonald Street to be incorporated into the base of the building;
- provide a minimum 6.3 metre pedestrian area along Yonge Street by setting back the base of the building, with pedestrian weather protection provided through a partial overhang of the base of the building and/or by a proposed canopy along different portions of the façade;
- internalize all the parking, loading and service areas within the site;
- retain the heritage properties at the north end of the site at 7 and 9 Gloucester Street and support heritage designation on those properties including a heritage easement agreement registered on title; and
- increase the number of larger units since the first submission and providing more family sized units.

Table 1 – Summary of Revisions to the Application:

Revisions to the Application	Original Submission Circulation date September 5, 2012	Submission 2 Circulation date September 19, 2013	Submission 3 Circulation date November 18, 2013	Submission 4 March 14, 2014
Site Area	3,164.4 sq.m.	3,164.4 sq.m.	3,164.4 sq.m.	3,164.4 sq.m.
Tower floorplate (average GFA)	796 sq.m. (whole tower)	792 sq.m. (avg level 7 and above)	812 sq.m. (avg level 7 and above)	768 sq.m. (avg level 7 and above)
Gross Floor Area (above grade)				
Residential	35,517.4 sq.m.	36,018 sq.m.	36,012 sq.m.	35,073 sq.m.
Non-Residential	<u>2,942 sq.m.</u>	<u>3,272 sq.m.</u>	<u>3,391 sq.m.</u>	<u>3,386 sq.m.</u>
Total	38,459.4 sq.m.	39,290 sq.m.	39,810 sq.m.	38,459 sq.m.
Floor Space Index	12.15 x lot area	12.4 x lot area	12.6 x lot area	12.15 x lot area
East side setback – tower to the property line:				
To the tower face	11 metres	3.2 metres	3.2 metres	3.2 metres
To the boundary of the area designated <i>Neighbourhood</i>	31 metres	20 metres	20 metres	20 metres
To the closest structure	38 metres	23 metres	23 metres	23 metres
West side setback – tower to the property line:	n/a	9.5 metres	10 metres	10 metres
To the 18-storey tower face				
To the 18-storey balcony face	n/a	8 metres	10 metres	5 metres
To the 44-storey tower face (starting at level 7)	10 metres	17 metres	17 metres	metres
Number of Units	513	375	428	420
Bachelor	23 (4.5%)	0	50 (12%)	49 (12%)
One Bedroom	378 (74%)	74 (20%)	152 (35.5%)	147 (35%)
One Bedroom plus Den	12 (2.3%)	95 (25%)	87 (20%)	87 (20%)
Two Bedroom	78 (15%)	52 (14%)	58 (15.5%)	58 (14%)
Two Bedroom plus Den	0 (0%)	55 (15%)	51 (12%)	49 (12%)
Three Bedroom	22 (4.2%)	99 (26%)	30 (7%)	30 (7%)
Proposed Vehicular Parking				
Resident	169	169	166	166
Visitor	33	23	26	26
Auto Share	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	202	192	192	192 (0.47/unit)
Proposed Bicycle Parking	529 spaces (1.03 spaces per unit)	Total 116 spaces (0.3 spaces per unit)	Total 436 (1.01 spaces per unit)	Total 427 (1.01 spaces unit)
Interior Residential Amenity Space	1,048 sq.m. (1.02 sq.m. per unit)	750 sq.m. (2 sq.m. per unit)	855 sq.m. (2 sq.m. per unit)	840 sq.m. (2 sq.m. per unit)
Exterior Residential Amenity Space	1,059 sq.m. (1.03 sq.m. per unit)	750 sq.m. (2 sq.m. per unit)	855 sq.m. (2 sq.m. per unit)	840 sq.m. (2 sq.m. per unit)
Building Height – South	49 storeys	44 storeys	44 storeys	44 storeys
Main Roof	155 metres	140 metres	140 metres	140 metres
Including Mechanical Penthouse	163 metres	148 metres	148 metres	147.9 metres

As noted previously, the resubmission date stamped March 14, 2014 are for Council to consider and if supported, for staff and the applicant to submit to the OMB at the pre-hearing scheduled for July 21, 2014. The discussion and analysis in this report is based on the proposed resubmission date stamped March 14, 2014 as outlined above.

Site and Surrounding Area

The site is located on the east side of Yonge Street, occupying the entire block between Dundonald Street and Gloucester Street. The subject site is 3,164 square metres in size with frontage of 66 metres on Yonge Street, 49 metres on Dundonald Street and 47 metres on Gloucester Street. The site is located within the North Downtown Yonge Street Planning Framework. This study resulted in the North Downtown Yonge Area Specific Policy 382, Urban Design Guidelines and consideration of the area for a potential Yonge Street Heritage Conservation District.

The site currently contains six buildings ranging in heights from one to three storeys and a mix of uses including residential, retail, and office. Some of the buildings were built in the late 1800s and early 1900s, while two of the buildings were built in the 1970s. None of the buildings are designated or listed on the City of Toronto's Heritage Inventory.

The surrounding uses are as follows:

South: 2- and 4-storey commercial buildings, and a 10-storey mixed use building at the northeast corner of Yonge Street and Wellesley Street East.

East: James Canning Gardens and further east is a mix of low-rise detached, semi-detached and row houses that are designated *Neighbourhoods* in the City of Toronto Official Plan.

North: a 4-storey designated heritage building, the former Masonic Hall. The site is part of a rezoning application (File No. 11 216486 STE 27 OZ) to permit a 35-storey tower on the northeast portion of the site and intends to incorporate the Masonic Hall building into the redevelopment.

West: a row of 2½-storey converted house-form commercial buildings.

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. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the

provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

This application was reviewed against the policies in the Official Plan. The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated "Mixed Use Areas" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts and provide an attractive, safe and comfortable pedestrian environment.

This application was reviewed against the policies in the Official Plan including those in the "Downtown", "Public Realm", and "Built Form" sections of the Plan. (www.toronto.ca/planning/official_plan/introduction.htm).

Compliance with other relevant policies of the new Official Plan including the environment and transportation were also addressed.

Tall Building Design Guidelines and Downtown Tall Buildings: Vision and Supplementary 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 at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, 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.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and

Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal. The Downtown Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

Yonge Street is identified as a "Special Character Street" through Maps 1 to 3, and is identified as a "Priority Retail Street" on Map 4. As a Special Character Street, Yonge Street is recognized for its overall heritage value and iconic stature but also its ability to accommodate differing redevelopment potentials along specific segments of the street. Specific heights of the tower portion of a tall building proposal on Yonge Street will be determined on a site-by-site basis, taking into account: the heights of adjacent buildings; heights proposed along adjacent High Streets and Secondary High Streets; and the possible negative impacts of tall building development on adjacent open space and parks, landmark views and heritage resources. A tower set-back of 20 metres (when heritage resources are present) and 10 metres (where there are no heritage resources) should apply for all tall building development sites or blocks located within the Yonge Street Special Character Street.

North Downtown Yonge Area Specific Policy 382 (OPA 183)

At its meeting of October 8-9, 2013, City Council adopted the North Downtown Yonge Area Specific Policy 382, Official Plan Amendment 183 and approved the Final version of the North Downtown Yonge Urban Design Guidelines, for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The following is the link to the decision and reports:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.14>

The North Downtown Yonge Site and Area Specific Policy 382 provides direction in how development responds to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. This block is within the Yonge Street Character Area.

This block is subject to the height provisions of the North Downtown Yonge Area Specific Policy 382. It is identified as being located in the "Core Area" to which an angular plane of 75 degrees taken at a height of 18 metres as measured from the Yonge Street property line applies.

Other Yonge Street Character Area policies that are relevant to this area relate to: creating a consistent street wall and store widths along Yonge Street; creating minimum sidewalk zones and provision of at-grade commercial uses; mitigating shadow impacts on the adjacent linear parks; and minimum tower setbacks of 10 metres from the Yonge Street property line for sites with no heritage buildings (min 20 metres setback for sites with heritage buildings). There are also area-wide policies related to heritage, parks and open space and the public realm.

Zoning

The site is zoned CR T3.0 C2.0 R3.0 under By-law 438-86, with a height limit of 18 metres. There is an angular plane of 16 metres and then 44 degrees along Yonge Street. The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices and hotels. The zoning permits a maximum non-residential density of 2.0 times

the area of the lot and a maximum residential density of 3.0 times the area of the lot. Attachment 3 shows the zoning for the site and surrounding area.

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan Approval has not been submitted but will be required.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height, a reduction and refinement to the residential parking and other development standards that relate to the site-specific provisions.

Additional areas of non-compliance were identified through the circulation and review process.

Community Consultation

A community consultation meeting was held by City Planning on November 8, 2012, for the public to review the applicant's submission and ask questions of City staff and the applicant. The meeting was attended by approximately 60 people. Issues raised included the following:

- height of tower;
- shadow on the linear park to the east of the site (James Canning Gardens) as well as the park to the north (Norman Jewison Park);
- shadow on the neighbourhood area to the east of the linear park;
- additional traffic in the area generated by this development;
- increased parking space demand in the area as the proposal is providing reduced parking;
- increased pedestrian traffic and narrow sidewalk widths;
- lack of community services in the area in response to increased development including schools, transit, dog run/off-leash areas;
- lack of family sized (three bedroom) units;
- concern over the size and type of the proposed retail, do not want large format retail along Yonge Street;
- concern with how the site addresses the heritage context of the area given the Heritage Conservation District Study that is underway;
- inadequate green space/open space in the community; and
- the ability of this development to be in line with the then emerging North Downtown Yonge Area Specific policies.

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

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

City Council's planning decisions are required to be consistent with the Provincial Policy Statement (PPS), 2014. This application supports the PPS direction of intensification through appropriate levels of growth as directed by the Official Plan taking into consideration the established character and context of an area while making efficient use of existing infrastructure. The proposal preserves a built heritage resource by incorporating the heritage properties in the site for adaptive reuse while preserving its heritage value.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas in order to make use of existing infrastructure. The site is within an Urban Growth Centre and conforms to the policies set out in the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Mixed Use Areas* on Map 18, Land Use Plan (December 2010) of the Toronto Official Plan. It is anticipated that *Mixed Use Areas* will absorb most of the expected increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. Development criteria in *Mixed Use Areas* are set out in Section 4.5 of the Official Plan and include the following:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- take advantage of nearby transit services;
- locate and mass new buildings to frame 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;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

In addition to the *Mixed Use Areas* development criteria and the desire to promote good design on its own merits, the Official Plan also emphasizes the manner in which the building and site fit within the context of the neighbourhood and City (Section 3.1.2 of the Official Plan). This is to

be achieved in a number of ways including locating buildings parallel to the street with a consistent front yard set-back, locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, and by providing ground floor uses that have views into and, where possible, access to adjacent streets, parks and open spaces. The proposed intensification in residential use and the provision of office space and retail is appropriate for this site.

North Downtown Yonge Area Specific Policy 382

The North Downtown Yonge Area Specific Policy 382 provides direction in how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. The site is within the Yonge Street Character Area which is characterized by a strong heritage fabric, predominantly low-rise main street building typology with a prevailing street wall height of 2-4 storeys, narrow retail frontages of around 16 metres and shallow lot depths of approximately 18, 25 or 30 metres.

The site is subject to the height provisions of the North Downtown Yonge Area Specific Policy 382 and is identified as being in the Height Core Area which permits a maximum height of 18 metres. The Height Core Area policy also includes an angular plane of 75 degrees which is measured at a height of 18 metres as measured from the Yonge Street property line. Additional height in excess of 18 metres may be considered on a site depending on the depth of the property and subject to the angular plane.

The North Downtown Yonge Urban Design Guidelines provide further direction for implementation of the policy. Within the Yonge Street Character Area the North Downtown Yonge Urban Design Guidelines provide a block-by-block analysis for Yonge Street from College/Carlton Streets to Charles Street. The subject site is within Block 6. It places the site within the Core Area where there is a large concentration of heritage properties. The urban design guidelines for this block include the following:

- the existing character building at the intersection of Yonge and Dundonald Streets will be conserved and maintained;
- the height of the base of the building will conform to the prevailing streetwall height in the vicinity of the site;
- the base will create a continuous streetwall with active retail at-grade, defined by clear entrances and signage facing on to Yonge Street;
- predominant storefront widths should range from 4 metres to 5.5 metres on this block;
- towers will have a 20 metre setback from designated *Neighbourhoods*;
- the tower will have a minimum setback of 10 metres from the face of the base fronting onto Yonge Street while implementing the 75 degree angular plane starting above the 18 metre streetwall;

- the northern edges of the property should be associated with a gathering place and contribute to the expansion of the open space network through creating a forecourt, generous landscape area or plaza with exemplary design and public art installation.

Land Use

The site is currently occupied by six buildings ranging in heights from one to 3-storeys and a mix of uses including residential, retail, and office. The proposal includes residential uses as well as office on the second floor and retail uses on the ground floor. The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and Zoning By-law.

Density, Height, Massing

Density

The proposed density of the applicant's original proposal which is before the Ontario Municipal Board (OMB) as well as their most recent submission date stamped March 14, 2014 is 12.15 times the area of the lot. The proposed density exceeds the current underlying zoning permissions of the Zoning By-law of 3 times the lot area for a mixed use and 2 times the lot area for a commercial building.

The density of developments that have been recently approved and under construction in this area are as follows:

Development	Density
2, 6, 8 Gloucester Street, 601-613 Yonge Street North east corner of Gloucester Street and Yonge Street immediately north of the subject site	14.36 x the lot area
5-9 St. Joseph Street, 606-616 Yonge Street South west corner of St. Joseph Street and Yonge Street	14.42 x the lot area
Sutton Place Hotel (recent approval) redevelopment at the north east corner of Wellesley Street and Bay Street (951-971 Bay Street, 36 Wellesley Street West)	12.7 x the lot area
501-521 Yonge Street East side of Yonge Street between Maitland Street and Alexander Street	15.2 x the lot area
The Murano - east side of Bay Street between Grosvenor Street and Grenville Street (38 Grosvenor Street, 37 Grenville Street) - the height of the towers step up to the south	15.37 x the lot area

The density proposed by the applicant is in keeping with the range of other similar mixed use and residential developments in the area.

The proposed density of the site is found to be acceptable in this particular location in the Core Area of the North Downtown Yonge Area Specific Policy 382. The site is in close proximity to a variety of transit lines, and will have supportive retail and commercial uses. Staff are of the opinion that the density of the development is appropriate for this particular site, subject to resolution of the servicing capacity issues identified in this report.

Height, Massing and Separation Distances

The original proposal which is currently before the OMB had an overall building height of 49 storeys, (163 metres including mechanical penthouse) in a point tower design. The original proposal did not meet the North Downtown Yonge Area Specific Policy 382 and the North Downtown Yonge Urban Design Guidelines in the following areas: the point tower design intruded into the 75 degree angular plane; the extent of the shadow impact on the adjacent low-rise area to the east designated *Neighbourhoods*; the lack of a public plaza at the north end of the site; the large format and lack of animation of the ground floor retail; the pedestrian area proposed along Yonge Street was only 5 metres wide; and the location of the proposed bike parking along the Yonge Street frontage of the site.

The applicant has worked with staff and have submitted revised architectural drawings as shown on Attachments 1-5 to this report. The proposed revisions improves on the original proposal by: revising the tower design to comply with the 75 degree angular plane; stepping the tower down to the north; locating and reshaping the tower to reduce the shadow impact on the low-rise area designated *Neighbourhoods* to the east of the site as much as possible; providing a publically accessible private open space plaza at the north end of the site; increasing the pedestrian area to a minimum 6 metres along the Yonge Street frontage of the site; revising the ground floor retail to reduce the size of the retail units and narrow the retail frontages; and relocating the proposed bike parking from the Yonge Street frontage to the interior of the site.

The original proposal included a point tower on a 16 metre base building and a setback of 10 metres back from the Yonge Street property line. The North Downtown Yonge Area Specific Policy 382 and the North Downtown Yonge Urban Design Guidelines provide direction regarding height as discussed previously in this report. The height of a tower would depend on the depth of a lot as well as tower placement respecting the setback requirements and the 75 degree angular plane. The original proposal did not comply with the angular plane requirement in the North Downtown Yonge Area Specific Policy 382 and the North Downtown Yonge Urban Design Guidelines. In their latest submission, the applicant has revised the plans to be in keeping with the setback requirements and to comply with the 75 degree angular plane. The revised base of the building is 18 metres at the Yonge Street frontage then steps back and up within the 75 degree angular plane to a lower 18-storey height at the north end of the site then to a higher 44-storey height at the south end of the site.

The original point tower design increased the shadow impact on the low-rise residential area to the east of the site designated *Neighbourhood*. The North Downtown Yonge Area Specific Policy 382 includes policies that address shadow impact on sensitive areas as further discussed later in this report. As well, the North Downtown Yonge Urban Design Guidelines directs that towers of tall building be slender to minimize adverse shadow impact on areas designated *Neighbourhoods*, open spaces and streets and have a floor plate area of 750 sq.m. or less, otherwise it should be highly articulated. The original proposed point tower had an average tower floorplate of 796 sq.m. (gross floor area) and a width of 34 metres. The revised tower proposes an average tower floorplate from levels 19 to 44 (excluding the mechanical penthouse) of 663 sq.m. gross floor area. The length (north to south) of the tower has been reduced from 34 metres in the original proposal to 32 metres and the setbacks have been increased to the north

and south property line. The reshaping of the tower and slimming its profile has reduced the shadow impact on the area designated *Neighbourhoods* to the east.

The original proposal extended the base of the building to the north property line without any plaza or open space on the site. The North Downtown Yonge Urban Design Guidelines envisioned a plaza along the north end of the site, which could be publically accessible and privately owned. This would provide much needed additional open space in this area of the downtown and encourage public activity and interaction. The plaza would also compliment the Masonic Hall directly to the north of the site, a designated heritage building. The North Downtown Yonge Area Specific Policy requires that views to the Masonic Hall be preserved and the plaza would assist achieving this direction. The revised proposal has included a 10 metre plaza at the north end of the site that will be privately owned and accessible to the public.

The retail space on the ground floor of the original proposal was a large consolidated space with direct connection through escalators to a second floor with the escalators running parallel to the windows and bicycle parking along the Yonge Street frontage of the site that would block the windows. The policy direction for Yonge Street is to provide retail frontage widths consistent with the average width of at-grade retail in the vicinity of the site. There is also policy direction to support and encourage space for cafes, marketing activities and outdoor displays. The applicant has revised the retail space to provide a maximum of 600 sq.m. of retail space and opportunities through door and support placement for a narrow retail format. The second floor space is now proposed as office and has a separate lobby access with escalators running perpendicular to the frontage. The applicant has also provided information subsequent to the most recent submission to ensure that the bicycle parking would be moved internal to the site so the windows along the frontage would not be blocked.

The original proposal included a 5 metre pedestrian clearway that would include public sidewalk and private setback area along the Yonge Street frontage of the site. The North Downtown Yonge Area Specific Policy 382 and the Urban Design Guidelines requires a minimum 6 metre pedestrian clearway along Yonge Street where there are no heritage buildings so new development could be set back. The revised proposal provides a minimum 6 metre pedestrian clearway. Through the site plan approval process easements will be required for public access to the clearway.

There are policies that provide direction for urban design in the North Downtown Yonge Area Specific Policy 382. In addition to the official plan policies, the North Downtown Yonge Urban Design Guidelines elaborate on the built form expectations for new development in this area. A high quality of design is required including materiality and architectural articulation to create architectural interest. Additional review of the proposal will be required through the site plan process to implement these design directives for the subject site. The site plan will also be required to be presented to the City of Toronto Design Review Panel.

Sun, Shadow, Wind

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant submitted a shadow analysis for the original and revised proposals to

illustrate the shadows created by the proposed development during September 21st and June 21st between the hours of 9:18 a.m. and 6:18 p.m.

The North Downtown Yonge Area Specific Policy 382 directs that development/redevelopment within or immediately adjacent to Yonge Street Character Area, must demonstrate as part of the development application review process, that best efforts have been made to not cast any new net shadow on the linear parks during the day for all seasons of the year. As well, policy 5.5.2 states that the Gloucester Dundonald Character Area will be protected from new net shadow impacts resulting from development/redevelopment in the adjacent Character Areas by requiring that development/redevelopment be located and massed so as to minimize new net shadow impacts on the Gloucester/Dundonald Character Area at all times of the day and for all seasons of the year.

As noted above, the applicant revised the plans to slim the tower and adjust the placement on the lot. This will reduce shadows by aligning them with the existing shadow from the FIVE Condominium site to the west at 5 St. Joseph Street in September. The proposed development has limited impact on the low-rise residential area at 3:18pm and then again at 5:18pm. The shadow aligns with the FIVE condominium in between those times. The proposed development does cast increased shadow on the low-rise residential area between 2:18 to 5:18pm in addition to the as-of-right shadow. The decrease in the height and the slimming of the tower has lessened the impact on the rear yards of the low-rise residential area.

The proposed development does cast increased shadow over and above the as-of-right shadow impact in September from 1:18pm to 3:18 pm on the south end of Norman Jewison Park and the north east end of James Canning Gardens. The shadow clears Norman Jewison Park after 2:18pm and James Canning Gardens between 2:18 to 3:18pm.

The Downtown Tall Buildings Vision and Performance Standards require no new net shadow on Norman Jewison Park and James Canning Gardens between noon and 2:00 p.m. on September 21st. If a sun/shadow study shows that the proposed tall building casts new net shadow on any park between these hours, the tower would have to be reduced in height or size and/or otherwise re-designed and re-oriented to meet the sunlight protection standards. The North Downtown Yonge Area Specific Policy requires that new development/redevelopment must demonstrate as part of the development application review process that best efforts have been made to not cast any new net shadow on the linear parks during the day for all seasons of the year.

During the time of public consultation on the Downtown Tall Buildings Vision and Performance Standards it was understood that adherence to this standard would be a challenge for small downtown parks such as Alexander Park, James Canning Gardens, Norman Jewison Park, and George Hislop Park. These parks are small rectangular parks that run north-south parallel to Yonge Street and are used for passive recreation and enjoying sunlight. The as-of-right zoning permissions for the lands between Yonge Street and these parks would result in development that would have a considerable impact on the remaining sunlight on the parks. Many previous City Council or Ontario Municipal Board development approvals such as 9-21 Grenville Street and 5 St. Joseph Street have resulted in new net shadow increments on these parks.

In revising the proposal to slim and reshape the tower, staff find that the applicant has demonstrated best efforts to reduce the shadow impact on the linear park and the low-rise residential area as much as possible and in a balanced manner. It is the opinion of staff that the shadow impacts are acceptable.

Traffic Impact, Access, Parking

Parking and Access

The applicant is proposing a total of 192 parking spaces in four levels of a below-grade garage with access internal to the site from Gloucester Street. The applicant submitted a Traffic Impact Study which indicated that the parking provided was adequate. However, City Staff have indicated that they do not support the proposed reduction in the parking supply. The projected parking requirements in accordance with Zoning By-law 438-86, require a minimum of 248 spaces for residents, 25 spaces for visitors and 13 spaces for office and/or retail. The total amount of parking required ranges from 258 to 286 spaces considering the sharing provisions for the visitor, office and retail component that the by-law provides. The proposed amount of parking is approximately 33% less than the minimum required amount of parking. Staff recommend the following minimum reduced resident parking standards be secured if a site specific by-law goes forward for this project:

Bachelor units	0.23 spaces per unit
One-bedroom	0.39 spaces per unit
Two-bedroom	0.62 spaces per unit
Three or more bedrooms	0.77 spaces per unit

These recommended parking standards are reflected in the draft site specific zoning by-law attached to this report.

Loading/Access

Access to the site is from Gloucester Street along the north side of the site. The access driveway and loading spaces are located wholly within the site. The applicant has proposed one Type B and one Type G loading spaces. Although the proposed spaces do not meet the requirement of Zoning By-law 438-86, they do meet the requirement in the new harmonized Zoning By-law 569-2013 which is based on more recent data/research. The proposed loading is acceptable.

Bicycle Parking

The proposal includes 427 bicycle parking spaces, comprising 339 spaces for residents and 88 spaces for visitors. Both visitor and resident bicycle parking is proposed primarily on the below-grade P1 level with some spaces at ground level. A separate bicycle ramp is located adjacent to the vehicular access to the P1 parking level. Some of the bicycle spaces are proposed along the Yonge Street frontage of the building. The applicant has agreed to relocate these spaces to a more appropriate location that does not obstruct the pedestrian clearway. This will be further addressed through the site plan approval process. The proposed bicycle parking exceeds the zoning by-law requirements and meets the Toronto Green Standard requirements.

Servicing

Engineering and Construction Services staff have reviewed the most recent version of the Functional Servicing Report (FSR) submitted in support of the application. Additional information is required prior to OMB consideration of the site specific zoning by-law to demonstrate there is adequate capacity in the City's sanitary and storm sewers to service the site as well as providing more details regarding fire flows, water balance and hydrant testing.

Heritage and Archaeology

Heritage

The subject site currently contains properties that were identified through the North Downtown Yonge Urban Design Guidelines as having potential for inclusion on the City Inventory of Heritage Properties. The owner of the subject site has submitted a Heritage Impact Assessment that specifically identifies the row houses at 7 and 9 Gloucester Street as having significant cultural heritage value based on Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value. Heritage Preservation Services staff is undertaking their own review of the heritage value of these properties and if the results of this research support the findings of the HIA, staff will be recommending designation of the properties at 7 and 9 Gloucester Street under Part IV of the Ontario Heritage Act. It is anticipated that a designation report could be completed and on the agenda of the July 17, 2014 meeting of the Toronto Preservation Board for consideration by City Council at its meeting on August 27, 2014. The applicant has stated they do not object to the heritage designation of the original townhomes.

Archaeology

Heritage Preservation Services (HPS) provided comments to the applicant advising that the archaeological work for the project must be completed prior to Bills.

The Stage 1 Archaeological Background Study submitted by the applicant recommended that the property be subject to Stage 2-3 archaeological assessment. In consultation with the archaeologist and the proponent, HPS determined that in this instance, in order to protect the integrity of the archaeological resources and allow full consultant access to the property, the Stage 2-3 archaeological assessment should be completed once the demolition of the structures fronting Yonge Street has been completed. The laneways and areas requiring archaeological assessment are not to be impacted by the demolition process.

The archaeological assessment work would therefore not be secured prior to Bills to Council, but would be completed as a pre-approval condition of site plan.

Heritage Preservation Services staff recommend that should the application be approved, it be subject to the zoning amendment conditions outlined in the recommendations of this report.

In addition, prior to the passing of Bills, the Owner shall submit a monitoring protocol and demolition plan to be completed by the consultant archaeologist for the demolition of the Yonge Street structures to ensure that the archaeological resources are not impacted during the demolition process.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 420 residential units and 3,386m² of non residential uses on a site with a net area of 3,164m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.5 hectares or 177% 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 296m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate, as there is no location for an on-site parkland dedication that would be of a useable size and the site would be encumbered with a below-grade parking garage.

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

Urban Forestry

The Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated August 7, 2012, date stamped as received by City Planning on August 31, 2012, indicated that development proposed on the site would impact both City owned street trees and City owned parkland trees.

There are ten City owned street trees which are protected under the provisions of the City's Street Tree By-law that are proposed for removal. Where it is not possible to retain a tree on City road allowance that qualifies for protection under the City of Toronto's Street Tree By-law, it will be necessary for the applicant to submit an application requesting permission to remove the tree in question to Urban Forestry.

The Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated August 7, 2012, date stamped as received by City Planning on August 31, 2012, identified ten City owned parkland trees which are protected under the provisions of the City's Parks By-law. The development proposes the removal of four of the trees and the retention and protection of six of the trees.

Where it is not possible to retain a tree situated on City owned parkland, it will be necessary for the applicant to submit a written request to Urban Forestry seeking permission to remove trees from a City park. If approved by Urban Forestry and Parks, the applicant will be responsible for removing the trees and for the value and replacement costs associated with the trees.

One of the City owned parkland trees to be retained is a 46 cm diameter Littleleaf Linden. Urban Forestry staff have requested that the applicant retain a Certified/Registered Consulting Arborist to undertake an air spade excavation along the west property line of the City park equivalent to the length of the foundation setback of the house situated at 4 Dundonald Street and immediately adjacent to the Littleleaf Linden.

Staff are recommending that the requirement related to the applicant's request for tree removal be secured in the Section 37 section of the site specific zoning by-law.

Streetscape

The North Downtown Yonge Area Specific Policy 382 and the North Downtown Yonge Urban Design Guidelines provide direction regarding public realm and streetscape for Yonge Street and the surrounding area. The applicant has addressed the public realm through the following revisions to the plans:

- set back the base of the building along Yonge Street to provide a minimum 6.3 metre pedestrian area comprised of public and private realm;
- set back the building at the north end of the site to create a privately owned publically accessible plaza; and
- providing a continuous pedestrian weather protection along the frontage of Yonge Street, Gloucester Street and Dundonald Street (except for the frontage of the retained character building) through canopy and building overhangs.

Staff are recommending that the site specific zoning by-law include the appropriate requirements for the streetscape elements with the remaining elements to be reviewed in further detail through the site plan review and approval process. This area will be subject to further detailed review through the site plan process. Easements will be required at the site plan stage to address the pedestrian clearway as required through the Vibrant Street's Design Guidelines.

Yonge Street is a priority retail street. The current Zoning By-law requires that a minimum of 60% of the Yonge Street frontage at-grade should be retail in order to animate the street. The applicant is more than meeting the intent of this provision by providing all of the Yonge Street frontage as retail/office space as well as wrapping the retail around the north and south ends of the building along Gloucester Street and Dundonald Street.

The North Downtown Yonge Area Specific Policy 382 requires store frontage widths at grade along Yonge Street to be consistent with the average width of at-grade retail that is currently found within two blocks to the north and south of a given site along either side of Yonge Street. The average width of retail in the area is not consistent. It varies with greater widths in newer buildings and smaller widths in the heritage properties. The applicant has proposed retail frontages of between 6 to 9 metres in width. The applicant has agreed to a maximum retail unit sizes of 600 sq.m. on the ground floor. These provisions will be included in the site specific zoning by-law. The design of the base will provide opportunity for narrow retail frontages and smaller retail formats similar to those found in the area of the site. Staff are satisfied that the

intent of the priority retail provision in the North Downtown Yonge Site and Area Specific Policy is met.

Toronto Green Standard

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

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

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

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

Section 37

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

The community benefits recommended to be secured in the Section 37 agreement for a mixed-use development with one towers of 44 storeys (148 metres including mechanical penthouse) as follows:

1. Enter into an agreement at the expense of the owner the following as Section 37 facilities, services and matters:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$3,200,000 to be used for the following:
 - i. \$1,200,000 towards local park improvements in James Canning Park and in the immediate area and for the owners to design and construct the park improvements to the satisfaction of the City and in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor and the Chief Planner and Executive Director, City Planning;

- a. Prior to issuance of the first above grade building permit, the Owner shall submit a cost estimate and all the necessary plans for the park improvement to be approved by the General Manager, Parks, Forestry and Recreation.
- b. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the approved estimate to the satisfaction of the General Manager, Parks, Forestry & Recreation.
- c. Occupation of the existing parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from PF&R's Planning, Design and Development section. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR. The POP must be secured prior to the issuance of any shoring and excavation permits. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
- d. The construction of the Park Improvements shall be completed within two years after the date of issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the Park Improvements shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the Park Improvements.
- e. 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. Upon the City's acceptance of the certificate, the Letter of Credit(s) will be released less 20% which will be retained for the 2 year guarantee –Parkland Warranty Period.
- f. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that:
 - i. There are no outstanding claims against the remaining park security;
 - ii. No liens have been registered against the parkland;
 - iii. The owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;

- iv. All deficiencies have been rectified; and
 - v. The owner has provided to the City the certificate of the parkland Landscape Architect providing evidence that all lien periods under the Construction Lien Act affecting the parkland have expired.
- g. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. A complete set of “as built” plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11X 17 format to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
- ii. \$500,000 towards public art in accordance with the Percent for Public Art Program which may be used within the public plaza at the north end of the site;
 - iii. 1,500,000 towards the Toronto Community Housing Corporation for capital improvements and/or community, cultural or recreational space improvements in the local area;
 - iv. The payment amounts identified in i, ii and iii above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:
- i. The owner agrees to provide and design at the expense of the owner, a privately owned, publically accessible pedestrian plaza at the north end of the site with a minimum depth of 10 metres at grade to a height of 6 metres and minimum depth of 7 metres above 6 metres and a minimum width of 23.2 metres and minimum area of 245 square metres with final design and

access to be secured through the site plan approval process and which may contain public art and patio space for the adjoining retail uses as shown on the plans by Hariri Pontarini date stamped March 14, 2014 by City Planning;

- ii. As a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) for 24-hour public access to the pedestrian plaza as identified in 5.b.i, (the “City Easements”), for nominal consideration and to the satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services;
- iii. The wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
- iv. At least 10% of the total number of dwelling units to be constructed on the lot shall contain family sized units of two bedroom plus den and three or more bedrooms in compliance with the provisions of the Ontario Building Code;
- v. Require the owner to provide a setback along the Yonge Street frontage of a minimum width of 3 metres at the north end of the site and 2.8 metres at the south end of the site except in the location of the character building as described in 6.b.vii. and to design and construct an upgraded streetscape for Yonge Street, Gloucester Street and Dundonald Street along the frontage of the site including upgraded pavement treatment and landscaping in accordance with Vibrant Streets Design Guidelines to be secured through the site plan process;
- vi. Require the owner to design and construct an upgraded architectural façade treatment for the base and the tower, including pedestrian weather protection along each frontage of the site all in accordance with the North Downtown Yonge Street Urban Design Guidelines;
- vii. Require the owner to retain the character building known as 587 Yonge Street and located at the southwest corner of the site (north east corner of Yonge Street and Dundonald Street) and incorporate this building into the final design of the base of the building substantially in accordance with the architectural drawings submitted by Hariri Pontarini date stamped by City Planning March 14, 2014 and to be further refined through the site plan approval process;

- viii. Submit a monitoring protocol and demolition plan to be completed by the consultant archaeologist for the demolition of the Yonge Street structures to ensure that the archaeological resources are not impacted during the demolition process.
- viii. All archaeological requirements for Stage 2-3 archaeological assessment as well as the provision for any additional Stage 4 archaeological assessment is to be fully secured as follows:
 - a. As a pre-approval condition of a site plan application for the subject properties, the owner will retain a consultant licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 - 3 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. (i.e. Stage 4);
 - b. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. Should the archaeological assessment process continue beyond a Stage 2 -3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
 - c. The owner will submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
 - d. The owner will incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing; and
 - e. The owner will ensure no construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- ix. Apply for and complete the approval process to seek permission to remove City street trees and trees from a City park as protected under the City of Toronto's Street Tree By-law and the City of Toronto Park's By-law.

- x. The owner shall agree to not object to the heritage designation of the property at 7-9 Gloucester Street.
- xi. As a condition of site plan approval and prior to the issuance of any permits, require a detailed construction management plan for the site.

Conclusion

The applicant's resubmission date stamped March 14, 2014 for the Zoning By-law Amendment for 587-599 Yonge Street, 2-4 Dundonald Street and 7-9 Gloucester Street has been carefully considered with respect to built form, shadow impact, public realm, compatibility and fit with the surrounding context. The application has also been reviewed in relation to the policies of the Official Plan and the North Downtown Yonge Street Area Specific Policy 382 as well as the City Wide Tall Building Design Guidelines, the Downtown Tall Buildings: Vision and Supplementary Design Guidelines and the North Downtown Yonge Urban Design Guidelines.

The applicant has demonstrated through the application process a willingness to work with staff to address the concerns with the application including built form, shadow impact, and public realm. The revised proposal conforms with the Official Plan and the North Downtown Yonge Area Specific Policy 382 and is consistent with Council-approved guidelines. Also, the proposal reinforces and respects the physical character of the existing neighbourhood. Therefore Planning staff recommend that City Council support the revised proposal date stamped by the City March 14, 2014 and direct staff to work with the applicant on finalizing a site specific zoning by-law amendment to implement the revised proposal.

CONTACT

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Tel. No. 416-392-7196
Fax No. 416-392-1330
E-mail: shensto@toronto.ca

SIGNATURE

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

(P:\2014\Cluster B\pln\TEYCC\28116272067.doc) - vc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

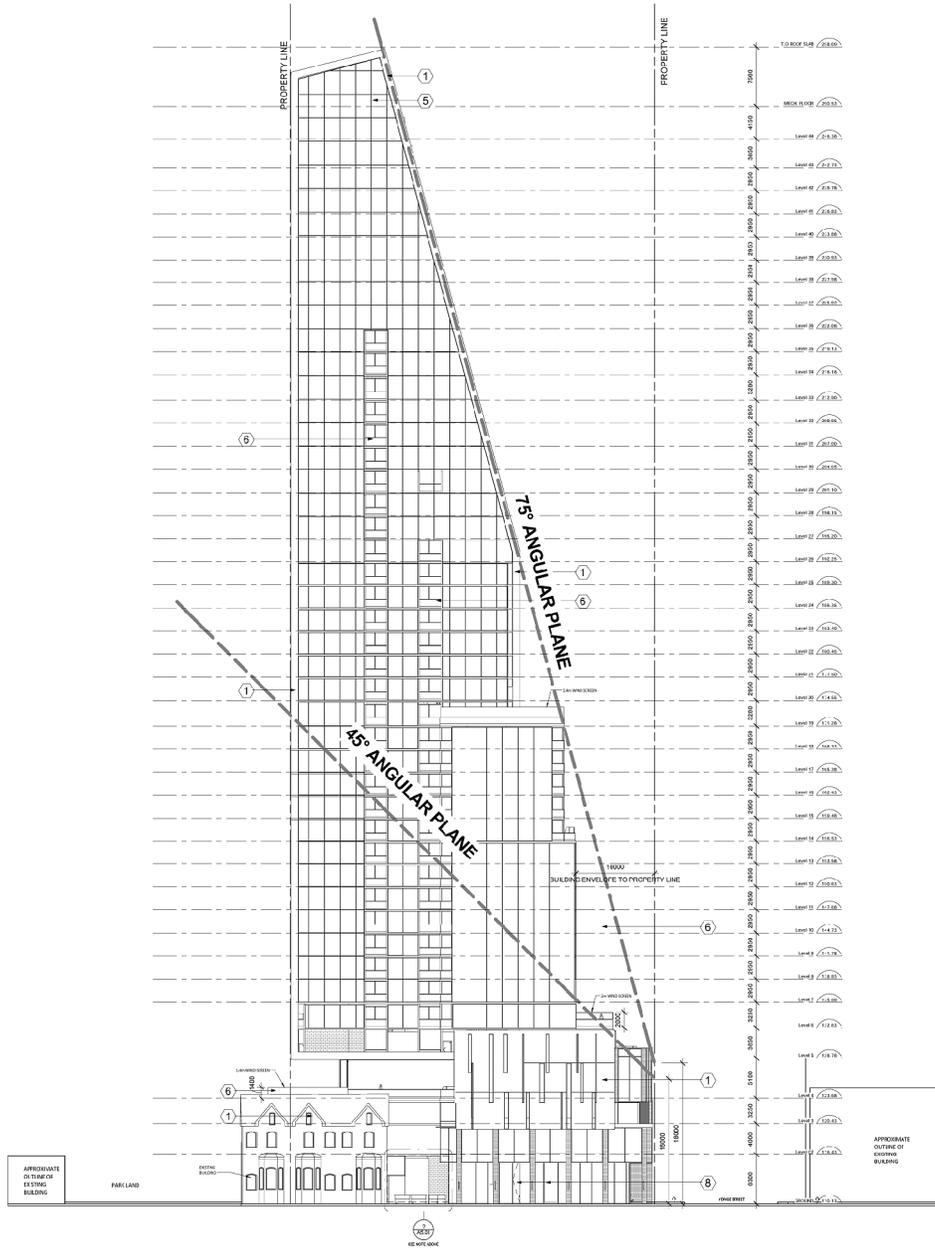
Attachment 5: West Elevation

Attachment 6: Zoning

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Application Data Sheet

Attachment 2: North Elevation



North Elevation

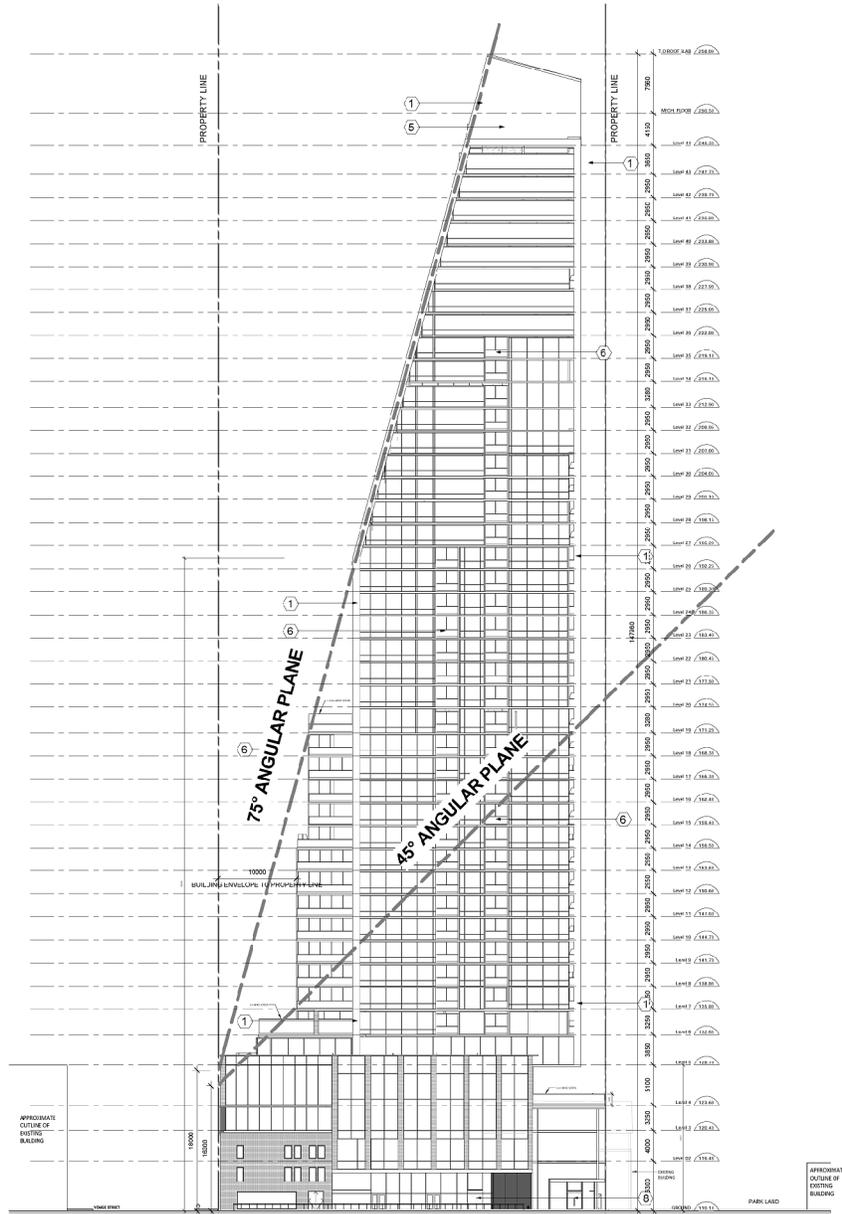
Applicant's Submitted Drawing

Not to Scale
05/12/2014

587-599 Yonge Street, 2 & 4 Dundonald Street, and 7 & 9 Gloucester Street

File # 12 235622 STE 27 0Z

Attachment 3: South Elevation



South Elevation

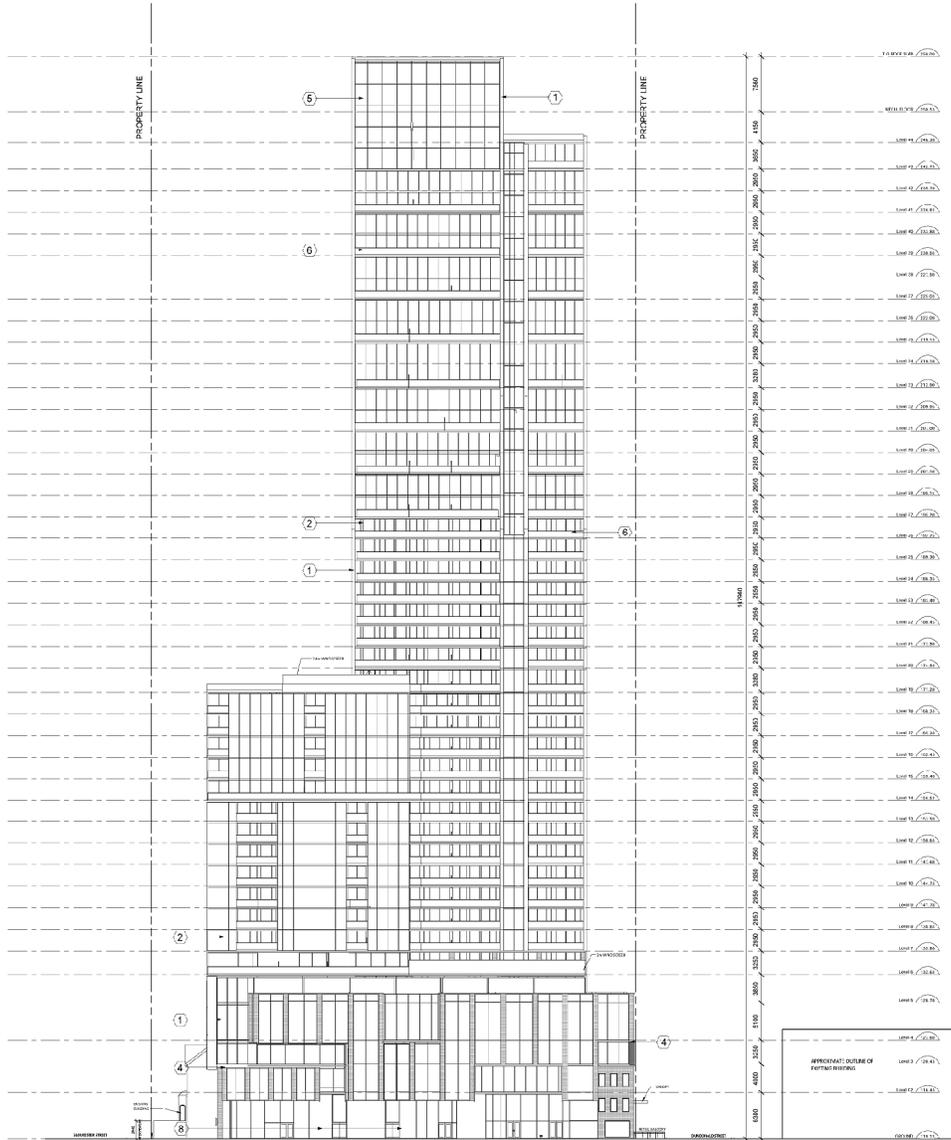
Applicant's Submitted Drawing

Not to Scale
05/12/2014

587-599 Yonge Street, 2 & 4 Dundonald Street, and 7 & 9 Gloucester Street

File # 12 235622 STE 27 0Z

Attachment 5: West Elevation

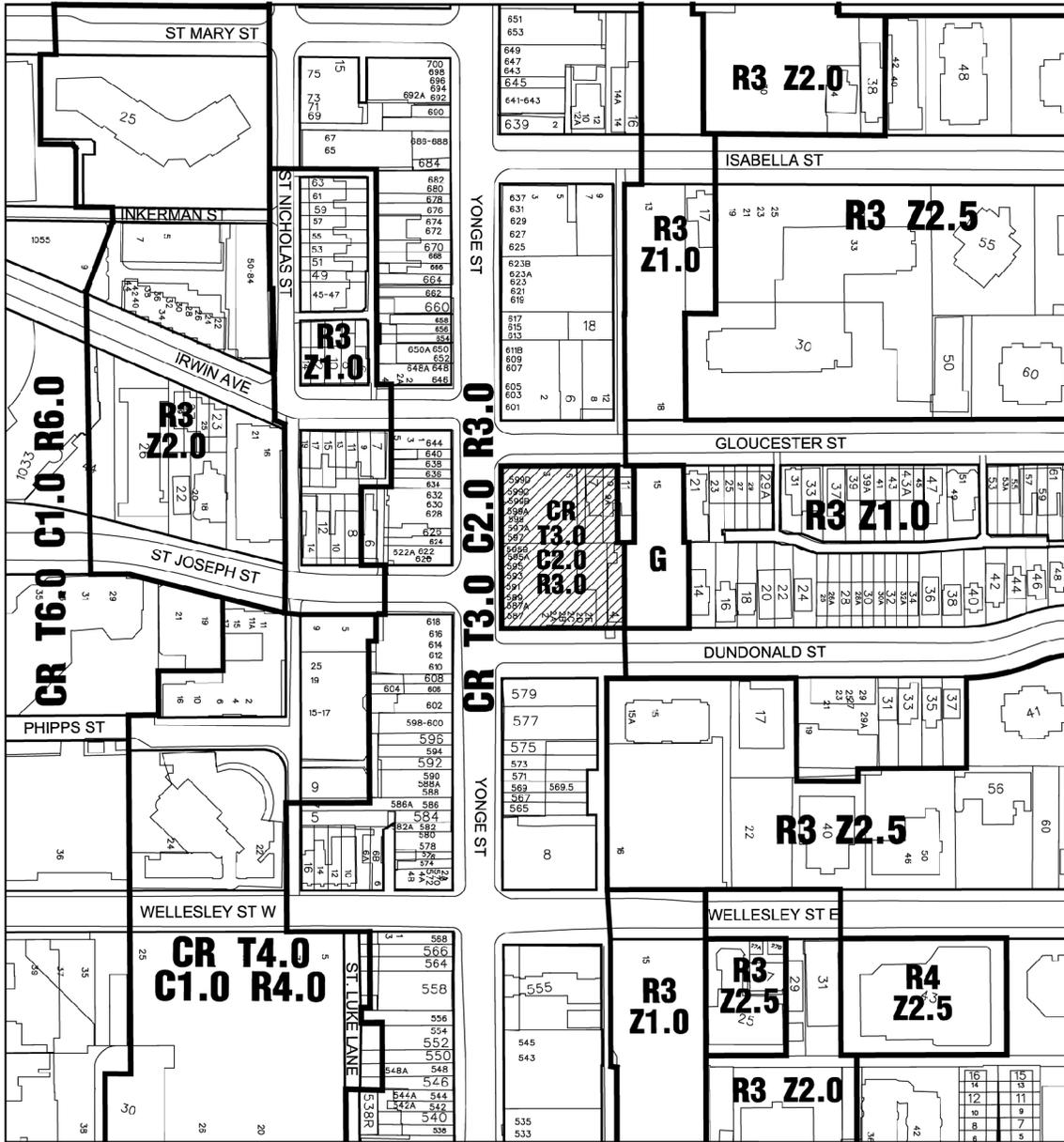


West Elevation
 Applicant's Submitted Drawing
 Not to Scale
 05/12/2014

**587-599 Yonge Street, 2 & 4 Dundonald Street,
 and 7 & 9 Gloucester Street**

File # 12 235622 STE 27 0Z

Attachment 6: Zoning



587-599 Yonge Street, 2 & 4 Dundonald Street
and 7 & 9 Gloucester Street
File # 12 235622 0Z

- CR Mixed-Use District
- R3 Residential District
- R4 Residential District
- G Parks District


 Not to Scale
 Zoning By-law 438-86 (as amended)
 Extracted 09/13/2012

Attachment 7: Draft Zoning By-law

Authority: Ontario Municipal Board Order issued on _____ in
Board File No. PL130332

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2014 (OMB)

**To amend former City of Toronto Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as
587-599 Yonge Street, 2-4 Dundonald Street and 7-9 Gloucester Street**

Whereas the owner of the lands known municipally as 587-599 Yonge Street, 2-4 Dundonald Street and 7-9 Gloucester Street has appealed a proposed Zoning By-law amendment to the Ontario Municipal Board;

Whereas the Ontario Municipal Board, by its decision issued _____, 2014 in Board File No. PL130332, approved amendments to the General Zoning By-law No. 438-86 of the former City of Toronto with respect to those lands;

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 matter 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 and matters in return for an increase in the height or density of development, a 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 hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by the former City of Toronto Zoning By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

Therefore pursuant to the Order of the Ontario Municipal Board, *By-law No. 438-86* is amended as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the *site* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the owner of the site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein the provisions of *By-law No. 438-86* shall continue to apply to the *site*.
5. None of the provisions of Sections 2(1) with respect to the definition of “*grade*” and none of the provisions of Sections 4(2)(a), 4(5)(b), 4(8)(b), 4(12), 4(13), 8(3) Part I 1-3a, 8(3) Part II 1(a), 8(3) part XI 2, 12(2) 260 of *By-law No. 438-86*, as amended, shall apply to prevent the maintenance of the existing buildings at 7 and 9 Gloucester Street and the erection or use of a *mixed-use building* within the *site* which may contain *dwelling units* and non-residential uses and *accessory* uses thereto including a *parking garage*, provided that:
 - a) the *lot* on which the building is located comprises at least the *site* as shown on Map 1 attached to and forming part of this By-law;
 - b) the total combined *non-residential gross floor area* and *residential gross floor area* on the site shall not exceed 38,500 square metres, of which:
 - i. the total *residential gross floor area* shall not exceed 35,100 square metres; and
 - ii. the total *non-residential gross floor area* shall not exceed 3,400 square metres;
 - c) the maximum number of storeys erected or used on the *site* shall be 44 excluding the mechanical penthouse;
 - d) at least ten percent (10%) of the total number of *dwelling units* erected or used on the *site* shall be comprised of two bedroom plus den and three or more bedrooms;

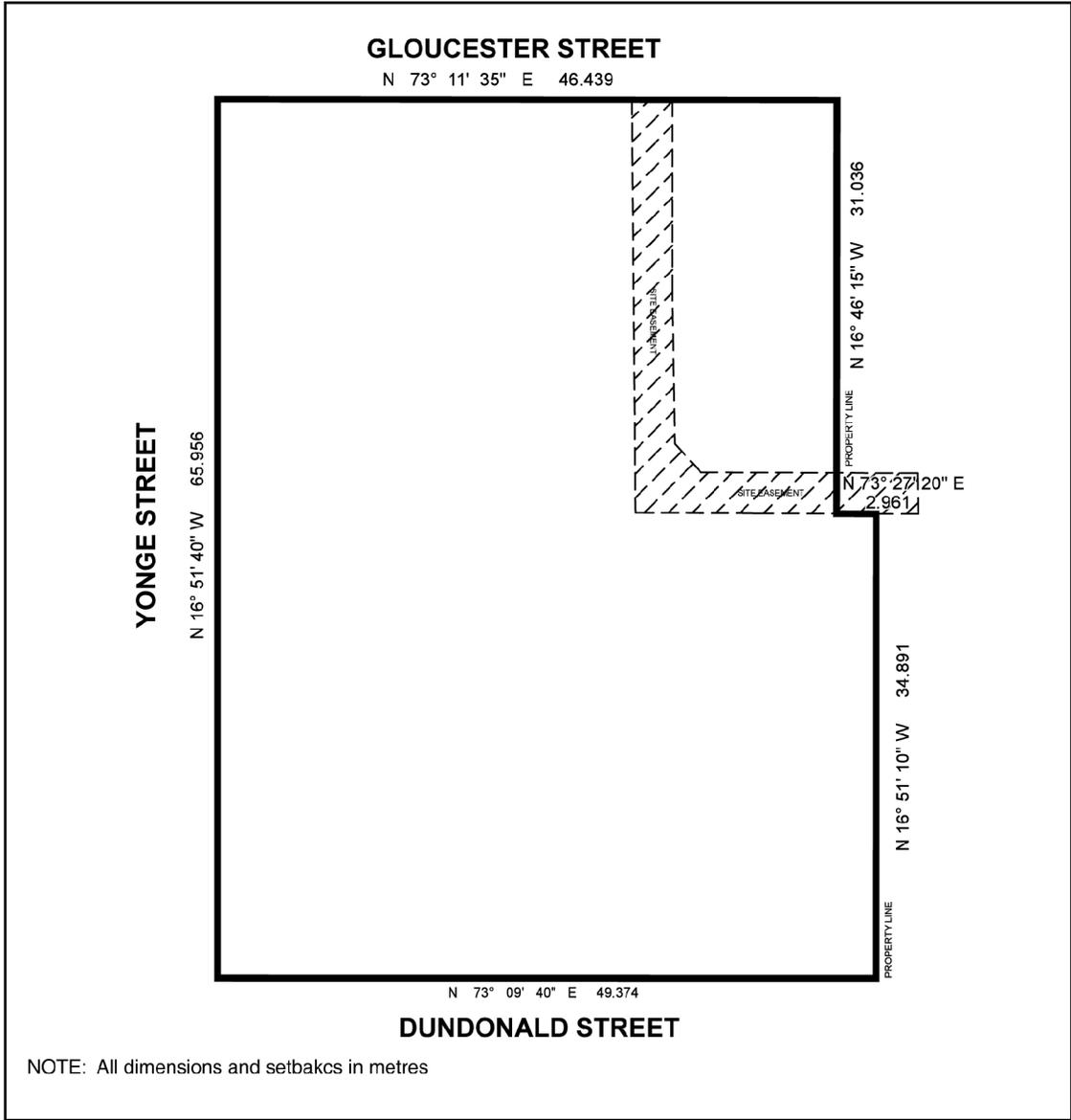
- e) the minimum floor to ceiling height of the ground floors of the *mixed use building* erected or used along Yonge Street, Dundonald Street and Gloucester Street shall be 6 metres for a minimum depth of 5 metres;
- f) in addition to the *street-related retail and service use* requirements contained in Section 12(2) 259 of *By-law No. 438-86*, each *street-related retail and service use* located on the ground floor shall have a maximum ground floor *non-residential gross floor area* of 600 square metres;
- g) the setback from the north property boundary to the face of the building shall be a minimum of 10 metres at ground level to a height of 6 metres and for a distance of 26.24 metres from the west property boundary for the purposes of a public plaza and pedestrian clearway;
- h) no part of any building or structure erected within the *site* shall penetrate the 75 degree angular plane, measured horizontally over the *site* at the *height* of 18 metres at the Yonge Street property boundary;
- i) no part of any building or structure erected on the *site* shall be located above *grade* other than within a *building envelope*, with the exception of the following structures and elements:
 - i. cornices, canopies, awnings, skylights, ornamental elements, wind mitigation elements, trellises, lighting fixtures, screens, balconies, fences, landscape and public art elements, water features, retaining walls, window washing equipment, eaves, window sills, wheelchair ramps, vents, ramps to an underground garage, stairways, railings, rooftop and mechanical elements;
- j) no portion of any building or structure erected or used on the *site*, including the roof top and mechanical elements, shall exceed the *heights* in metres specified by the following the symbol "H" on the attached Map 2 except for:
 - i. a railing or railings, a parapet, including roof drainage, thermal insulation and roof ballast, located at each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 1.1 metres; and
 - ii. window washing equipment, stairs and stair enclosures, elevator and garbage chute overruns, lightning rods, exhaust flues, landscape and green roof elements, partitions dividing outdoor recreation areas, trellises, lighting fixtures, ornamental elements, eaves, water features, guardrails, balustrades, wheel chair ramps, vents, underground garage ramps, wind mitigation and public art elements, canopies, awnings and building cornices located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres, except above the mechanical penthouse roof level *height* of 148.0 metres;

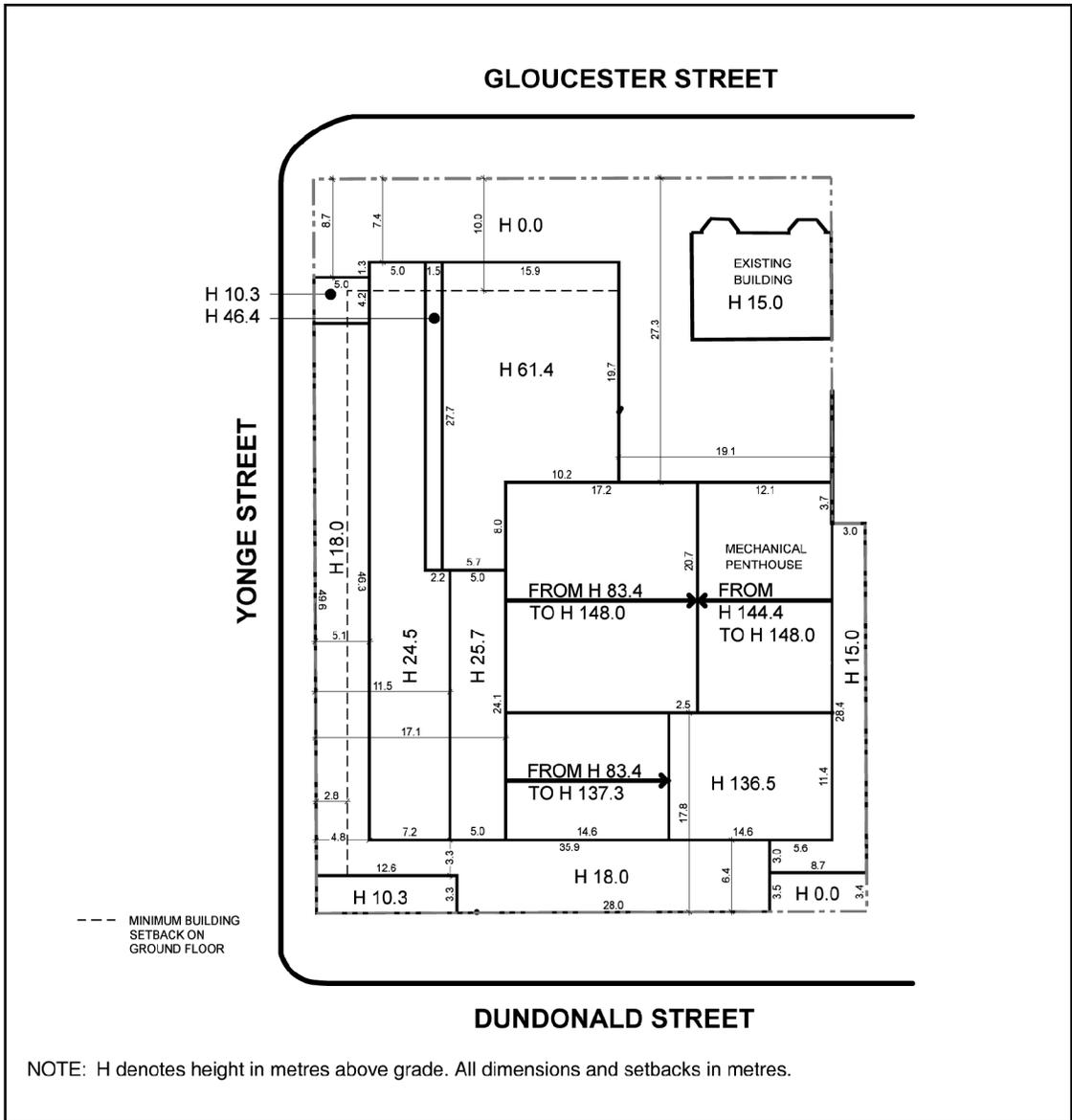
- k) *parking spaces* shall be provided and maintained on the *site* in a *parking garage* in accordance with the following minimum requirements:
- i *bachelor dwelling units* – a minimum of 0.23 *parking spaces* for each *bachelor dwelling unit*;
 - ii one-bedroom *dwelling units* – a minimum of 0.39 *parking spaces* for each one-bedroom *dwelling unit*;
 - iii two-bedroom *dwelling units* – a minimum of 0.62 *parking spaces* for each two-bedroom *dwelling unit*;
 - iv three and more bedroom *dwelling units* – a minimum of 0.77 *parking spaces* for each *dwelling unit* containing three or more bedrooms;
 - v a minimum of 0.1 *parking spaces* for visitors for each *dwelling unit*,
 - vi no *parking spaces* shall be required for non-residential uses on the *lot*;
 - vii a minimum of 38 parking spaces shall be required for non-residential uses on the *site*;
- l) a minimum of one *Loading Space – Type B* and one *Loading Space – Type G* shall be provided and maintained on the *site*;
- m) a minimum of 427 *bicycle parking spaces* shall be provided and maintained on the *site* for the residents and non-residential occupants and visitors to the *mixed-use building* in accordance with the following:
- i. for residential occupants, not less than 0.8 *bicycle parking spaces – occupant*, shall be provided in a secure weather protected location;
 - ii. for visitors and non-residential occupants, not less than 0.2 *bicycle parking spaces – visitor*, shall be provided inside on the ground floor, outside the building at ground level in a weather protected location where possible and/or on the first level below the ground floor;
- n) notwithstanding the definition of *bicycle parking space – visitor* in Section 2(1) of *By-law No. 438-86*, as amended, a *bicycle parking space – visitor* may be provided within the P1 level or a secured room;
- o) notwithstanding the definition of *bicycle parking space – occupant* and *bicycle parking space – visitor* in Section 2(1) of *By-law No. 438-86*, as amended, a *bicycle parking space – occupant* and *bicycle parking space – visitor* may be provided in a bicycle stacker in which case the minimum dimensions per bicycle parking space shall be 1.85 metres in length, 0.45 metres in width and 1.32 metres in height;

- p) a minimum of 2 square metres per unit of indoor *residential amenity space* shall be provided in contiguous or non-contiguous rooms at least one of which contains a kitchen and a washroom and a minimum of 2 square metres per unit of outdoor *residential amenity space* shall be provided of which at least 40 square metres shall be accessible from the indoor *residential amenity space*;
6. For clarity, all Appendices and Maps attached to this By-law are incorporated into this By-law and are deemed to be a part of this By-law.
7. None of the provisions of this by-law or *By-law No. 438-86*, as amended, shall apply to prevent the erection and use of a *sales office* on the *site*.
8. For the purpose of this By-law:
- a) "*building envelope*" means a building envelope for each height area within the *site* as shown by an "H", and as delineated by the lines on Map 2 attached hereto;
 - b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto";
 - c) "*City*" means the City of Toronto;
 - d) *grade* means 110.13 metres Canadian Geodetic Datum;
 - e) "*owner*" means the registered owner of the site or any part thereof;
 - f) "*sales office*" means an office used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential uses to be erected on the *site*;
 - g) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
 - h) each other word or expression that is italicized in this by-law shall have the same meaning as that word or expression as defined in the said *By-law No. 438-86*, as amended.
9. Notwithstanding any existing or future severance, partition or division of the *site*, the provisions of this by-law shall apply to the whole *site* as if no severance, partition or division had occurred.
10. Within the *site*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

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

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON
_____ IN BOARD FILE NO. PL130332





APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

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

Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with appropriate civic officials and the Ward Councillor:

- a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$3,200,000 to be used for the following:
 - i. \$1,200,000 towards local park improvements in James Canning Park and in the immediate area and for the owners to design and construct the park improvements to the satisfaction of the City and in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor and the Chief Planner and Executive Director, City Planning;
- a. Prior to issuance of the first above grade building permit, the Owner shall submit a cost estimate and all the necessary plans for the park improvement to be approved by the General Manager, Parks, Forestry and Recreation.
- b. Prior to issuance of the first above grade building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the approved estimate to the satisfaction of the General Manager, Parks, Forestry & Recreation.
- c. Occupation of the existing parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from PF&R's Planning, Design and Development section. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, PFR. The POP must be secured prior to the issuance of any shoring and excavation permits. The owner will indemnify the

City against any claim during any interim use of or work carried out by the applicant on the park.

- d. The construction of the Park Improvements shall be completed within two years after the date of issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry & Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the Park Improvements shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the Park Improvements.
- e. 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. Upon the City's acceptance of the certificate, the Letter of Credit(s) will be released less 20% which will be retained for the 2 year guarantee –Parkland Warranty Period.
- f. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that:
 - i. There are no outstanding claims against the remaining park security;
 - ii. No liens have been registered against the parkland;
 - iii. The owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;
 - iv. All deficiencies have been rectified; and
 - v. The owner has provided to the City the certificate of the parkland Landscape Architect providing evidence that all lien periods under the Construction Lien Act affecting the parkland have expired.
- g. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11X 17 format to the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to

specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

- ii. \$500,000 towards public art in accordance with the Percent for Public Art Program which may be used within the public plaza at the north end of the site;
 - iii. 1,500,000 towards the Toronto Community Housing Corporation for capital improvements and/or community, cultural or recreational space improvements in the local area;
 - iv. The payment amounts identified in i, ii and iii above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:
- i. The owner agrees to provide and design at the expense of the owner, a privately owned, publically accessible pedestrian plaza at the north end of the site with a minimum depth of 10 metres at grade to a height of 6 metres and minimum depth of 7 metres above 6 metres and a minimum width of 23.2 metres and minimum area of 245 square metres with final design and access to be secured through the site plan approval process and which may contain public art and patio space for the adjoining retail uses as shown on the plans by Hariri Pontarini dated March 14, 2014 by City Planning;
 - ii. As a condition of site plan approval and prior to the occupancy of the building, the owner shall convey to the City an easement(s) for 24-hour public access to the pedestrian plaza as identified in 5.b.i, (the "City Easements"), for nominal consideration and to the

- satisfaction of the City Solicitor, and shall maintain these areas free and clear of encumbrances for pedestrian use, in perpetuity, and shall pay all costs associated with the preparation and registration of all necessary documents and plans, to the satisfaction of the Executive Director, Engineering and Construction Services;
- iii. The wind mitigation measures listed in the submitted Wind Study shall be implemented to ensure that the wind effects are acceptable;
 - iv. At least 10% of the total number of dwelling units to be constructed on the lot shall contain family sized units of two bedroom plus den and three or more bedrooms in compliance with the provisions of the Ontario Building Code;
 - v. Require the owner to provide a setback along the Yonge Street frontage of a minimum width of 3 metres at the north end of the site and 2.8 metres at the south end of the site except in the location of the character building as described in 6.b.vii. and to design and construct an upgraded streetscape for Yonge Street, Gloucester Street and Dundonald Street along the frontage of the site including upgraded pavement treatment and landscaping in accordance with Vibrant Streets Design Guidelines to be secured through the site plan process;
 - vi. Require the owner to design and construct an upgraded architectural façade treatment for the base and the tower, including pedestrian weather protection along each frontage of the site all in accordance with the North Downtown Yonge Street Urban Design Guidelines;
 - vii. Require the owner to retain the character building known as 587 Yonge Street and located at the southwest corner of the site (north east corner of Yonge Street and Dundonald Street) and incorporate this building into the final design of the base of the building substantially in accordance with the architectural drawings submitted by Hariri Pontarini date stamped by City Planning March 14, 2014 and to be further refined through the site plan approval process;
 - viii. Submit a monitoring protocol and demolition plan to be completed by the consultant archaeologist for the demolition of the Yonge Street structures to ensure that the archaeological resources are not impacted during the demolition process.
 - viii. All archaeological requirements for Stage 2-3 archaeological assessment as well as the provision for any additional Stage 4 archaeological assessment is to be fully secured as follows:

- a. As a pre-approval condition of a site plan application for the subject properties, the owner will retain a consultant licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 2 - 3 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. (i.e. Stage 4);
- b. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Culture, Tourism and Sport. Should the archaeological assessment process continue beyond a Stage 2 -3 assessment, any recommendations for Stage 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
- c. The owner will submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
- d. The owner will incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing; and
- e. The owner will ensure no construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- ix. Apply for and complete the approval process to seek permission to remove City street trees and trees from a City park as protected under the City of Toronto's Street Tree By-law and the City of Toronto Park's By-law.
- x. The owner shall agree to not object to the heritage designation of the property at 7-9 Gloucester Street.
- xi. As a condition of site plan approval and prior to the issuance of any permits, require a detailed construction management plan for the site.

Attachment 8: Application Data Sheet

APPLICATION DATA SHEET

Application Type Rezoning Application Number: 12 235622 STE 27 OZ
 Details Rezoning, Standard Application Date: August 24, 2012
 Municipal Address: 587-299 YONGE STREET, 2-4 DUNDONALD STREET, 7-9 GLOUCESTER STREET
 Location Description: PLAN 250E LOTS 9 TO 12 **GRID S2708

Project Description: Proposal to construct a 49 sty condo with 514 residential units, commercial at grade, maintain portion of Heritage building, and below grade parking. Application has been appealed to the Ontario Municipal Board as of April 5, 2013. RESUBMISSION - Proposal has been revised to a 44 storey tower at the south end of the site stepping back within the 75 degree angular plane and stepping down to an 18-storey tower at the north end of the site; The revised proposal has a total of 375 residential units and 192 parking spaces. RESUBMISSION March 14, 2013 - proposal has been revised so both tower elements are within the 75 degree angular plan, provide a minimum 6 metre sidewalk zone, a plaza at the north end of the site, 420 residential units and 192 parking spaces.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS LLP 181 Bay Street, Suite 1800, Box 754, Toronto On M5J 2T9	AIRD & BERLIS LLP 181 Bay Street, Suite 1800, Box 754, Toronto On M5J 2T9	HARIRI PONTARINI ARCHITECTS 602 King Street West, Toronto On M5V 1M6	STANCORP PROPERTIES INC. Suite 300, 717 Pape Avenue Toronto On M4K 3S9

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	Y
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3164.4	Height:	Storeys:	44
Frontage (m):	46.4		Metres:	147.9
Depth (m):	66			
Total Ground Floor Area (sq. m):	1767			Total
Total Residential GFA (sq. m):	35,073		Parking Spaces:	192
Total Non-Residential GFA (sq. m):	3,386		Loading Docks	2
Total GFA (sq. m):	38,459			
Lot Coverage Ratio (%):	56			
Floor Space Index:	12.2			

DWELLING UNITS

Tenure Type:	Condo, Freehold
Rooms:	0
Bachelor:	49 (12%)
1 Bedroom/1 Bedroom + den:	234 (56%)
2 Bedroom/2 Bedroom + den:	107 (25%)
3 + Bedroom:	30 (7%)
Total Units:	420

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		34,688	385
Retail GFA (sq. m):		1,268	0
Office GFA (sq. m):		2,118	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

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