

Clause embodied in Report No. 2 of the Toronto South Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 1, 2 and 3, 2004.

2

**Draft By-laws - Official Plan Amendment and
Rezoning - 26, 32, 34 Isabella Street and
33 Charles Street East
(Toronto Centre-Rosedale, Ward 27)**

(City Council on March 1, 2 and 3, 2004, amended this Clause by adding the following:

“It is further recommended that the supplementary report dated February 26, 2004, from the Commissioner of Urban Development Services, containing the following recommendations, be adopted:

‘It is recommended that:

- (1) the City Solicitor secure the conditions noted in the Memorandum from the Commissioner of Works and Emergency Services, dated February 24, 2004, to the Commissioner of Urban Development Services, pertaining to environmental remediation of the site and provisions for service connections in the Section 37 Agreement;*
- (2) the By-law be further amended to include that a minimum requirement of 274 parking spaces will be owned by the residential building;*
- (3) a Traffic Demand Management Plan and a Shared Parking Management Plan be submitted by the applicant and approved by the Commissioner of Works and Emergency Services, prior to the issuance of Site Plan Approval; and*
- (4) Council deem the amendments to the draft By-law to be minor, and, therefore, determine, pursuant to Subsection 34(17) of the Planning Act, that no further notice to the public is required.’ ”)*

The Toronto South Community Council recommends that the report (January 23, 2004) from the Director, Community Planning, South District be adopted, subject to:

- (1) amending Section 1(1) of the Draft Official Plan Amendment attached to the report by substituting “46,550” with “47,050”;**
- (2) amending Section 1(2) of the Draft Official Plan Amendment attached to the report by substituting “13,500” with “14,000”;**

- (3) amending Map 18 of the Draft Official Plan Amendment attached to the report by substituting the numbers “26.61” and “26.62”;
- (4) amending Section 1(7) of the Draft Zoning By-law attached to the report by substituting “13,500” with “14,000”;
- (5) amending Section 1(12) of the Draft Zoning By-law attached to the report by substituting the following:

“Parking spaces for the residential uses on Parcel B shall be provided and maintained on Parcel A and Parcel B in accordance with the following:

- (a) 0.26 parking spaces for each bachelor dwelling unit;
- (b) 0.44 parking spaces for each one-bedroom dwelling unit;
- (c) 0.66 parking spaces for each two-bedroom dwelling unit;
- (d) 1.05 parking spaces for each three-bedroom dwelling unit.

Of which no more than 40 parking spaces are to be shared with the building to be erected and used on Parcel A during the day.”

- (6) adding a new Subsection 1(13) to the Draft Zoning By-law attached to the report as follows:

“Parking spaces for the non-residential uses on Parcel A shall be provided and maintained on Parcel A and Parcel B at a ratio of not less than 1.0 parking space for each 75 square metres of non-residential gross floor area, of which no more than 40 parking spaces are to be shared with the building to be erected and used on Parcel B during the evening.”
- (7) amending Plan 1 and Plan 2 of the Draft Zoning By-law attached to the report by substituting the numbers “26.61” and “26.62”;
- (8) amending Subsection 1(13)(a) of the Draft Zoning By-law attached to the report by substituting the number “7.5” with “8”;
- (9) amending Subsection 1(13)(b) of the Draft Zoning By-law attached to the report by substituting the number “600” with “604” and
- (10) adding the sentence “and the area of the mechanical penthouse extends the full area of the floor below” at the end of Section 1(13)(c) of the Draft Zoning By-law attached to the report;
- (11) amending the by-law schedules in accordance with the above.

The Toronto South Community Council reports having requested the Commissioner of Corporate Services to assist the Children’s Aid Society in its swing space management and temporary parking during the transition period.

The Toronto South Community Council further reports having held a statutory public meeting on February 17, 2004 and that notice was given in accordance with the Planning Act.

The Toronto South Community Council submits the report (January 23, 2004) from the Director, Community Planning, South District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 7-storey office building on Isabella Street and 43-storey residential building on Charles Street East. The buildings will be linked by an underground parking garage.

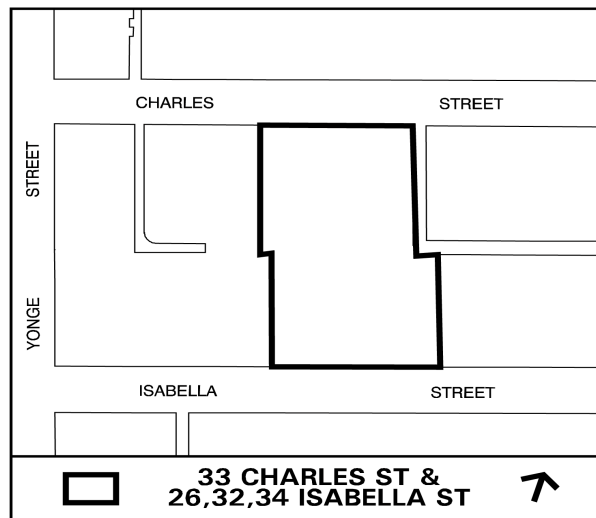
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9;
- (2) amend the new Official Plan for the City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 10;
- (3) amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 11;
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment, the new Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (5) authorize the Commissioner of Urban Development Services to report directly to Council regarding the comments that are to be received from the Commissioner of Public Works and Emergency Services;
- (6) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 agreement as described in this report;
- (7) before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Heritage Easement agreement for the property located at 34 Isabella Street; and



- (8) require the owner to provide and maintain an irrigation system, at the applicants expense, for the proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, and requirements to maintain in good order and operation.

Background:

Proposal

The Children's Aid Society of Toronto (CAST) and Cresford Development Inc. are proposing a mixed commercial-residential project. A seven-storey office building will front on Isabella Street and will become the new head office for the CAST. This new building will centralize the existing services and functions that currently operate out of a number of different sites across the city, and will include a daycare. A 43-storey tower on Charles Street East will serve as the residential portion of the project. The underground garages for the office and residential buildings would be connected at the first level to allow for shared parking between the two buildings.

The development will retain the heritage building located at 34 Isabella Street, listed in the City of Toronto's Inventory of Heritage Properties. Upon completion of the new CAST office building, the heritage building will be conveyed to the Canadian Lesbian and Gay Archives. This would allow the CAST to use the heritage building while the new office building is constructed.

Site and Surrounding Area

One two-storey and two three-storey buildings, and surface parking lots currently occupy the site. It is comprised of four properties, 33 Charles Street East, and 26, 32 and 34 Isabella Street. The CAST owns all four properties. The site is two blocks from the intersection of Yonge and Bloor Streets. The surrounding area consists of a mix of uses, densities and heights in both heritage and more recently constructed buildings. Surrounding uses are as follows:

North: a five-storey parking facility, a four-storey heritage house, two vacant lots which have been approved for an 18-storey residential building and a nine-storey building used by the YMCA.

East: a public lane, a three-storey heritage building fronting on Isabella Street, and an eight-storey office building.

South: a three-storey heritage building and a 27-storey residential apartment building.

West: George Hislop Park, a 12-storey hotel and beyond, the retail buildings fronting onto Yonge Street.

Official Plan

The northern half of the site is designated as Medium Density Mixed Commercial-Residential (MDMCR) and the southern half is designated as a High Density Residential (HDR) area in the Part I Official Plan (former City of Toronto).

The MDMCR area allows for primarily residential uses up to a density of 4.0 times the area of the lot, and the HDR area allows for residential uses up to 3.0 times the area of the lot.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set.

Once the Plan comes into full force and effect, it will designate the northern half of the site as Mixed Use and the southern half as an Apartment Neighbourhood. This application will redesignate the entire site as Mixed Use. The Plan contains development criteria that directs the form and quality of new development in Mixed Use areas and the proposal is compliant with the criteria and conforms with the intent of the new Plan.

Zoning

The property is zoned R3 Z2.0 with a height limit of 30 metres.

Site Plan Control

The proposed development is subject to Site Plan Control. An application is expected in the near future.

Tree Preservation

There are 26 existing trees on the site that will be affected by this application. Comments from the Commissioner of Economic Development, Culture and Tourism regarding the trees on private property noted that 4 of the trees do not require a permit to remove them and 7 of the trees qualify for protection, and permits will be required for injury or destruction of these trees. All trees on City property must be protected, although Urban Forestry will discuss the removal of tree T2 with the applicant. More detail with respect to the planting and irrigation of new trees in the City boulevard and the protection of existing trees will be part of the Site Plan Approval process.

Reasons for the Application

The density allowed on this site is 4.0 and 3.0 times the area of the lot for the north and south halves respectively. The proposal calls for an overall density of 8.58 times the area of the lot, exceeding what is permitted. The proposal also calls for a height of 138 metres (including

mechanical) for the residential building and 39 metres for the office building (including mechanical). Both buildings exceed the height limit of 30 metres in this area.

The office building portion of the development is proposed to front on Isabella Street, on the half of the site designated as a High Density Residence area in the in-force City of Toronto Official Plan. Therefore, the office use is not permitted on this portion of the site. Additionally, the new Official Plan for the City of Toronto designates the northern half of the site as Mixed Use and the southern half as an Apartment Neighbourhood. The entire site will be designated as Mixed Use to comply with the policies in the new Official Plan.

Community Consultation

A community consultation meeting was held on December 3, 2004. In attendance was Councillor Kyle Rae, the applicant, staff from the CAST, planning staff, consultants for the applicant and approximately 30 members of the public. Many comments from those that attended the meeting were positive, both about the project itself and the community benefits that would result. However, there were some concerns that were raised at the community meeting and they included:

- the adequacy of the number of parking spaces being provided;
- the amount of traffic the development may generate;
- the concern that this development has not been looked at in context with all the other development going on in the area;
- the proposed number of daycare spaces;
- the footprint and massing of the office building; and
- the way the the residential tower will fit into the character of the neighbourhood.

Planning staff have also received a number of emails and phone calls that detail the concerns of nearby residents. Concerns raised include:

- the height and shadow cast by the residential building; and
- the loss of light, view and privacy for residents in nearby apartment buildings.

These issues are addressed in the discussion below.

Agency Circulation

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

Comments:

Land Use and Density

The subject sites are located just east of Yonge Street between Isabella Street and Charles Street East. The in-force City of Toronto Official Plan designates the areas as Medium Density Mixed

Commercial-Residential (MDMCR) and High Density Residential (HDR). The proposal calls for a high density residential building and a medium density commercial building, which is generally the character of called for in the Official Plan. Although many comments about the proposal were received from the public, land use was not raised as a concern.

Planning staff looked at the development criteria for Mixed Use areas in the new Official Plan and staff believe that this development is consistent with many of the policies outlined in the Plan. Along with compliance with other policies, this development balances residential and institutional land uses, while reducing automobile dependency, the development minimizes shadow impacts on the adjacent neighbourhood, the location and mass of the buildings frame the edges of both Isabella and Charles Street East, the location takes advantage of nearby transit services and both indoor and outdoor recreational space is provided for the residential building.

The densities in the area range from under 1 times coverage to over 6 times coverage. The proposed development at 8.58 times the area of the lot is supportable given the proximity to Yonge Street and the subway line, and taking into consideration the impacts of the proposal and compliance with Official Plan policy as discussed further below.

Height

Building heights in the surrounding area range at the upper level between 205 metres (55 storeys) to 73 metres (27 storeys). The subject site is located in a transitional area between the high density, tall building intersection of Yonge and Bloor and the lower density, mid-height area to the southeast. The proximity to the subway, the overall context and the compliance with a range of policies aimed at high quality design and intensification, support a tall building at this location.

Massing and Shadow

The massing of both buildings was considered and the plans were altered throughout the approvals process to ensure that the scale and massing of the buildings is appropriate and that any negative impacts are minimized.

The residential tower has a 3-storey podium that reflects the scale of Charles Street East and the tower is set back from the edge of the podium to give the podium a pedestrian scale. The tower is articulated with the upper floors having a smaller floor plate than those at the lower floors. Floors 4-37 will have a floorplate of no more than 790 square metres and floors 38-43 will have a floorplate of no more than 600 square metres. A small floor plate ensures that the shadows cast by the new tower will be narrow, and will therefore have less impact. The slender tower also mitigates the impact on views around the tower from adjacent properties to the surrounding area.

Parking Access, Traffic Impact and Loading

The parking for the development will be contained within an underground parking garage situated below the entire site. Entrances and exits will be on both Charles Street East and Isabella Street. The Commissioner of Works and Emergency Services has reviewed the location

of the parking entrances and is satisfied that they are acceptable. A more detailed review will be undertaken as part of the Site Plan Review process.

The Traffic Impact study that was reviewed by the Commissioner of Works and Emergency Services dated July 3, 2003 concluded that the existing road network would be sufficient to handle the full build out of the site and that no road improvements are required. The Commissioner concurs with the conclusions of the traffic study.

The loading for the project is to be located off the public lane that runs south from Charles Street East, just east of the subject site. The loading requirements of the By-law are met for both the residential building and the office building. The Commissioner of Works and Emergency Services has commented that the estimated loading demand generated by the two buildings will be satisfied with the proposed servicing and loading spaces.

Number and Configuration of Parking Spaces

The applicant had initially applied for a total of 478 parking spaces, 298 for the residential building and 180 for the office building. The Commissioner of Works and Emergency Services has commented that the proposed number of spaces proposed for the office building, 180, satisfies the estimated Zoning By-law requirement on the basis that the office building will function as a government office building. However, the Commissioner also commented that the July 3, 2003 Traffic Impact Study did not provide sufficient information for staff to ascertain if the reduced standard for the residential building is acceptable. The current position of the Commissioner of Works and Emergency Services is that until the applicant submits more detailed information outlining the parking supply for similar developments in the area, the applicant must provide parking at the following standard condominium ratios:

Bachelor Units	0.3 spaces per unit
1-Bedroom Units	0.7 spaces per unit
2-Bedroom Units	1.0 spaces per unit
3+-Bedroom Units	1.2 spaces per unit
Visitors	0.06 spaces per unit

In response to the comments from the Commissioner, a supplementary parking study was completed in December 2003 by iTrans Consulting to support the position of the applicant that a reduced parking standard should be applied to this development given its proximity to the subway among other considerations. The applicant proposes a total of 454 parking spaces, 180 of which will be owned by the CAST and 274 of which will be owned by the residential building owner. A unique feature proposed by the applicant is that 80 of the spaces will be used by both buildings. During the day the 80 spaces will be used by the CAST, and during the evening the spaces will be used by the residential building for visitor parking.

This revised submission by the applicant, for a total of 454 parking spaces, with 80 shared between the two buildings was submitted to the Commissioner on January 5, 2004 and is still under review by the Commissioner. A further report submitted directly to City Council will be required to conclude this matter.

Site Servicing

The applicant has submitted a site servicing review to the Commissioner of Public Works and Emergency Services that will identify upgrades and infrastructure improvements where necessary.

Amenity and Streetscape

The residential portion of the development will include 600 square metres of outdoor and 750 square metres of indoor amenity space for the residents of the building and outdoor space has been provided for the daycare in the CAST building.

The application proposes to enhance the existing streetscape by adding trees along the sidewalk in front of both the residential and office buildings. The height of the podium on the residential building has been configured to give a pedestrian scale to the development and additional landscaping at the front of the building will improve the existing streetscape along Charles Street. The reconstruction and improvement of all sidewalks will be detailed at the Site Plan Approval stage.

Heritage

The building located at 34 Isabella Street was listed in the City's Inventory of Heritage Properties on April 16th, 2002. The Commissioner of Economic Development, Culture and Tourism commented that it is an early example of a surviving house form on Isabella Street, many of which have been removed, and it is a good example of Italianate styling featuring embellished roof detailing. As a requirement of the Section 37 Agreement, the owner will enter into and register a Heritage Easement Agreement for the building. Upon completion and occupancy of the new CAST office building, the heritage house will be conveyed to the Canadian Lesbian and Gay Archives.

Section 37

A package of community benefits contribute to the planning merit of the proposal and implement Official Plan objectives related to balanced and well managed growth. The applicant has agreed to the following benefits in exchange for increases in height and density.

- (a) A portion of the construction costs for the new office building for the Children's Aid Society of Toronto will be covered by the development of the residential portion of the proposal.
- (b) The conveyance of the historic building at 34 Isabella to the Canadian Lesbian and Gay Archives.
- (c) The provision of a Heritage Easement Agreement for the heritage building at 34 Isabella Street.
- (d) The provision of an accessible public meeting space in the new office building.

- (e) The provision of a daycare in the new office building.

These and other matters, such as streetscape improvements, will be secured in a Section 37 agreement executed and registered on title prior to the introduction of bills in Council.

Conclusions:

The proposed development at 26, 32, and 34 Isabella and 33 Charles Street East allows for benefit to both the Children's Aid Society of Toronto and the greater community, without negatively impacting adjacent properties and the neighbourhood as a whole. This proposal allows the CAST to build a new building that will be able to accommodate their existing and expected future needs, with additional benefits to the community, such as the new home for the Canadian Lesbian and Gay archives and a new daycare. The proposed development is consistent with the intent of the in force Official Plan and the new City of Toronto Official Plan in terms of built form, type of development, minimization of negative impacts and the policy of intensification. Planning staff therefore recommend approval of this application.

Contact:

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(Copies of attachments, referred to in the foregoing report, were distributed to all Members of Council with the February 17, 2004 agenda of the Toronto South Community Council, and a copy is also on file in the office of the City Clerk.)

Attachment 9:

Draft Official Plan Amendment
City of Toronto

By-law No. _____ - 2004

To amend the Official Plan of the former City of Toronto, in respect of lands known as 33 Charles Street East, 26 Isabella Street, 32 Isabella Street and 34 Isabella Street.

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. _____

Schedule "A"

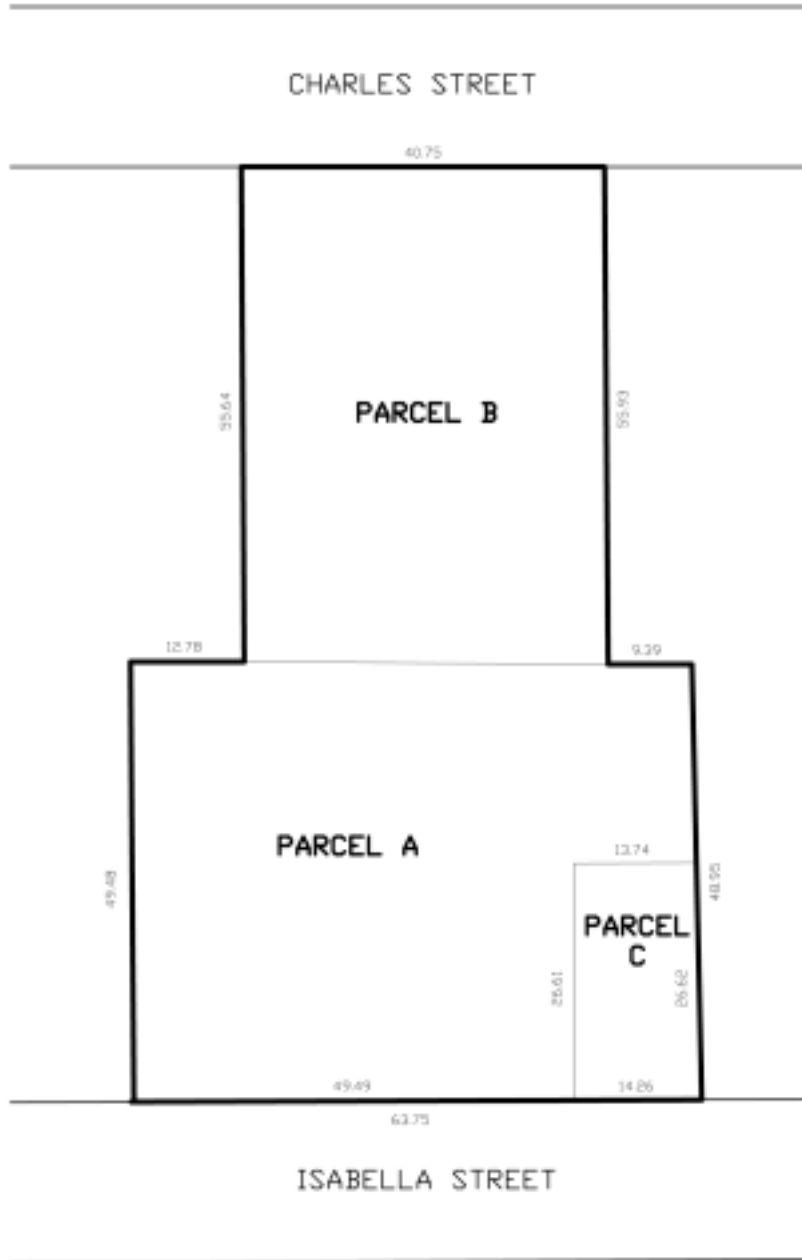
1. Section 18 of the Official Plan of the former City of Toronto is amended by adding the following Section 18._____ and Map 18._____ as follows:

18. ____ Lands known as 33 Charles Street East, 26 Isabella Street, 32 Isabella Street and 34 Isabella Street

Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands shown as Parcel A, Parcel B and Parcel C on Map 18._____ to permit the erection and use of one or more *mixed use buildings* and accessory uses thereto and the retention of an existing house form building for *institutional* use, provided that:

- (1) the aggregate *residential and non-residential gross floor area* permitted on the lands does not exceed 46,550 square metres;
- (2) the *non-residential gross floor area* permitted on Parcel A does not exceed 13,500 square metres;
- (3) the *residential gross floor area* permitted on Parcel B does not exceed 32,700 square metres;
- (4) the *non-residential gross floor area* permitted on Parcel C does not exceed 350 square metres;
- (5) the *owner* of the *lot* is required, pursuant to Section 37(3) of the *Planning Act* to enter into an agreement with the City to secure the following facilities, services and matters:
 - (a) build a new office building for the Children's Aid Society of Toronto, the cost of which is partially funded by proceeds from the sale and development of Parcel B;
 - (b) conserve and maintain portions of the building located on Parcel C and enter into an agreement under Section 37 of the *Ontario Heritage Act* with the City;
 - (c) convey Parcel C to the Canadian Lesbian and Gay Archives for a nominal amount upon completion of construction and occupancy of the building on Parcel A;
 - (d) use reasonable commercial efforts to obtain approval and funding from the Province of Ontario to operate a daycare centre in the building to be erected and used on Parcel A; and,
 - (e) provide access to a meeting room in the building to be erected and used on Parcel A to local community groups, subject to availability.

MAP 18



Attachment 10

Draft Official Plan Amendment
City of Toronto

By-law No. ____ - 2004

To amend the Official Plan of the City of Toronto, in respect of lands known as
33 Charles Street East, 26 Isabella Street, 32 Isabella Street and 34 Isabella Street.

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

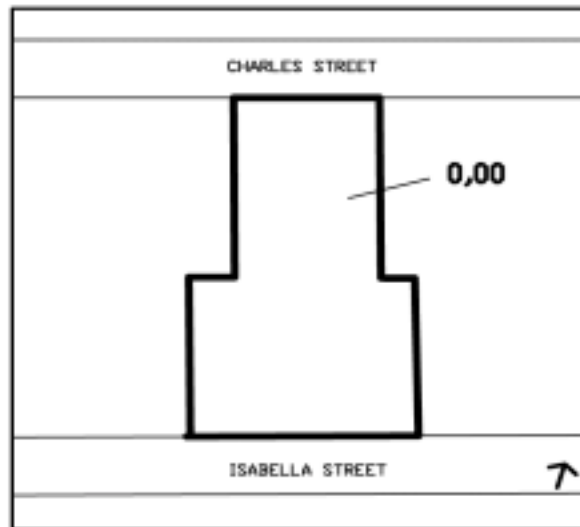
1. The text and map annexed hereto as Schedule “A” are hereby adopted as an amendment to the Official Plan of the City of Toronto.
2. This is Official Plan Amendment No. _____

Schedule “A”

1. Chapter 7 of the Official Plan of the City of Toronto is amended by adding the following Section ____ as follows:

“ ____ 33 Charles Street East, 26 Isabella Street, 32 Isabella Street and 34 Isabella Street

- (a) The site is designated *Mixed Use Area*.



Attachment 11

Draft Zoning By-law

City of Toronto

By-Law No. _____ - 2004

To amend By-law No. 438-86 of the former City of Toronto, as amended with respect to lands known municipally in the year 2004 as 33 Charles Street East and Nos. 26, 32 and 34 Isabella Street.

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

1. None of the provisions of Section 2(1) with respect to the definitions of *grade* and *lot* and of Sections 4(2)(a), 4(5), 4(12), 6(1)(a), 6(3)PART I 1, 6(3) PART II 2, 3, 4, 5 and 6, 6(3) PART III 1(a), 1(b), 3(a) and 3(c) and 6(3) PART IX 1(a) and 1(b), of By-law No. 438-86 being, “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use on the *lot* of one or more buildings or structures containing *residential gross floor area* or *non-residential gross floor area*, provided:
 - (1) the *lot* comprises those lands delineated by a heavy line and consisting of *Parcels A, B and C*, all as shown on Plan 1, attached hereto;
 - (2) no building or structure on *Parcel A* may be erected or used for any purpose other than an *office, retail and service shops, a charitable institution, non-profit institution, day nursery* and uses *accessory* thereto;
 - (3) the *retail and service shops* use will not exceed 300 square metres of space on the ground floor of the building or structure on *Parcel A*;
 - (4) no building or structure on *Parcel B* may be erected or used for any purpose other than a residential *apartment building* and uses *accessory* thereto;
 - (5) none of the provisions of Subsection 1(2) and 1(3) of this By-law shall apply to prevent the sharing of pedestrian and vehicular access, vehicular parking, loading and services between the buildings or structures to be erected and used on *Parcels A and B*;
 - (6) no building or structure on *Parcel C* may be erected or used for any purpose other than premises of a *charitable institution, non-profit institution* and uses *accessory* thereto;

- (7) the *non-residential gross floor area* erected or used on *Parcel A* does not exceed 13,500 square metres;
- (8) the *residential gross floor area* erected or used on *Parcel B* does not exceed 32,700 square metres;
- (9) the *non-residential gross floor area* erected or used on *Parcel C* does not exceed 350 square metres;
- (10) no person shall erect or use a building containing 20 or more *dwelling units* on *Parcel B* unless *residential amenity space* is provided in accordance with the following table:

<u>TYPE OF RESIDENTIAL AMENITY SPACE REQUIRED</u>	<u>AMOUNT OF RESIDENTIAL AMENITY SPACE REQUIRED</u>
<i>residential amenity space</i> located indoors:	1.45 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:	1.25 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>

- (11) a minimum of 600 square metres of *residential amenity space* located outdoors and 750 square metres of *residential amenity space* located indoors will be provided;
- (12) *parking spaces* for the residential uses on *Parcel B* shall be provided and maintained on *Parcel A* and *Parcel B* in accordance with the following:
 - (a) 0.3 *parking spaces* for each bachelor *dwelling unit*;
 - (b) 0.7 *parking spaces* for each one-bedroom *dwelling unit*;
 - (c) 1.0 *parking spaces* for each two-bedroom *dwelling unit*;
 - (d) 1.2 *parking spaces* for each three-bedroom *dwelling unit*; and
 - (e) 0.06 visitor *parking spaces* for each *dwelling unit*;
- (13) no person shall erect or use a building or structure, on a *lot* having a greater *height* in metres, including mechanical penthouses, than the *height* limit specified by the numbers following the symbol “H” shown on Plan 2, provided that:
 - (a) the height of the mechanical penthouse for the building to be erected and used on *Parcel A* does not exceed 7.5 metres, and that the aggregate horizontal area of the mechanical penthouse does not exceed 20 percent of the area of the main roof of the building;

- (b) all floors above the fourth floor on the building to be erected and used on *Parcel B* do not exceed 790 square metres in area, except the top six floors of the building, which shall not exceed 600 square metres in area;
 - (c) the height of the mechanical penthouse for the building to be erected and used on *Parcel B* does not exceed 6 metres;
- (14) subject to Section 1(14) of this by-law, no person shall erect or use a building or structure on a *lot* having a greater *height* in metres that the *height* limit specified by the numbers following the symbol “H” shown on Plan 2, but this paragraph does not prevent the erection or use of:
- (a) an architectural feature located on the roof of the building to be erected and used on *Parcel B* provided that the height of the architectural feature does not exceed 2 metres;
- (15) no portion of the buildings above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, with the exception of:
- (a) an entrance canopy located on the north face of the building to be erected and used on *Parcel B* provided that the canopy does not project greater than 5 metres from the wall to which it is attached;
 - (b) an architectural feature located on the roof of the building to be erected and used on *Parcel B* provided that the architectural feature does not project greater than 7 metres from the wall to which it is attached; and,
 - (c) any other canopies, parapets, cornices, balustrades, underground garage ramps and associated ramp structures, stairs, stair enclosures, ornamental elements, fences, landscape features, eaves, guard-rails, retaining walls, patios, decks, surface driveways and wheel chair ramps which may extend beyond the heavy lines shown on Plan 2;
- (16) the *owner* of the *lot* is required, pursuant to Section 37(3) of the *Planning Act* to enter into an agreement with the City to secure the following facilities, services and matters:
- (f) build a new office building for the Children’s Aid Society of Toronto, the cost of which is partially funded by proceeds from the sale and development of *Parcel B*;
 - (g) conserve and maintain portions of the building located on *Parcel C* and enter into an agreement under Section 37 of the *Ontario Heritage Act* with the City;

- (h) convey *Parcel C* to the Canadian Lesbian and Gay Archives for a nominal amount upon completion of construction and occupancy of the building on *Parcel A*;
- (i) use reasonable commercial efforts to obtain approval and funding from the Province of Ontario to operate a daycare centre in the building to be erected and used on *Parcel A*; and,
- (j) provide access to a meeting room in the building to be erected and used on *Parcel A* to local community groups, subject to availability.

2. For the purpose of this By-law:

- (1) "*Parcel A*", "*Parcel B*" and "*Parcel C*" mean the areas identified as "*Parcel A*", "*Parcel B*" and "*Parcel C*" on Plan 1;
- (2) "*grade*" shall mean:
 - (a) 112.46 metres Canadian Geodetic Datum for *Parcel A* on Plan 1 and *Parcel A* on Plan 2;
 - (b) 114.80 metres Canadian Geodetic Datum for *Parcel B* on Plan 1 and *Parcel B* on Plan 2; and
 - (c) 112.86 metres Canadian Geodetic Datum for *Parcel C* on Plan 1 and *Parcel C* on Plan 2;
- (3) "*lot*" comprises those lands delineated by a heavy line and consisting of *Parcels A, B and C* as shown on the attached Plan 1. *Parcels A, B and C* shall be deemed to be one *lot* regardless of whether or not two or more buildings or structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this By-law comes into force;
- (4) each other word or expression which is italicized in the By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

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

The Toronto South Community Council reports, having also had before it during consideration of the foregoing matter, a communication (February 16, 2004) from Kathryn Yudin and a copy is on file in the office of the City Clerk.

The following persons appeared before the Toronto South Community Council:

- Bruce Rivers, Children's Aid Society of Toronto;
- Michael Rosenberg;
- Gordon Davies, Canadian Lesbian and Gay Archives;
- Paul Gallagher, Children's Aid Society of Toronto;
- Ray Bacquie, iTrans Consulting Inc.;
- Valerie Hartling, President, CUPE Local 2316; and
- Frank Lewinberg, Urban Strategies Inc.

(City Council at its meeting on March 1, 2 and 3, 2004, had before it, during consideration of the foregoing Clause, the following report (February 26, 2004) from the Commissioner of Urban Development Services:

Purpose:

To report on the comments from the Commissioner of Works and Emergency Services regarding this application and to clarify the community benefits secured pursuant to Section 37.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that:

- (1) the City Solicitor secure the conditions noted in the Memorandum from the Commissioner of Works and Emergency Services, dated February 24, 2004 to the Commissioner of Urban Development Services, pertaining to environmental remediation of the site and provisions for service connections in the Section 37 Agreement;*
- (2) the By-law be further amended to include that a minimum requirement of 274 parking spaces will be owned by the residential building;*

- (3) *a Traffic Demand Management Plan and a Shared Parking Management Plan be submitted by the applicant and approved by the Commissioner of Works and Emergency Services, prior to the issuance of Site Plan Approval; and*
- (4) *Council deem the amendments to the draft By-law to be minor, and, therefore, determine pursuant to Subsection 34(17) of the Planning Act, that no further notice to the public is required.*

Background:

On February 17, 2004, Toronto South Community Council adopted the Planning staff Final Report on this application and further authorized staff to report directly to City Council on additional comments expected from the Commissioner of Works and Emergency Services.

The Public Meeting notice for this application was issued before the STAR comment deadlines had elapsed. Planning staff had anticipated that the applicant's supplementary parking study would have resolved the issues to the satisfaction of the Commissioner of Works and Emergency Services prior to the Public Meeting. However, the final Works and Emergency Services comments were not available at that time. Works and Emergency Services staff have now completed their review.

Agency Comments

A full review has been completed and there are no outstanding issues pertaining to the adoption of the Zoning By-law other than parking as outlined below. The standard conditions pertaining to environmental remediation of the site and the provision for service connections will be secured by the Section 37 agreement.

Parking

(a) *Proposed by the Applicant*

The applicant has proposed a total of 454 parking spaces, 180 of which would be owned by the Children's Aid Society of Toronto and 274 of which would be owned by the residential building owner. The applicant has further proposed that 40 of the 274 residential parking spaces be shared with the Children's Aid Society during business hours. This effectively reduces the residential daytime parking supply to 234 spaces and increases the daytime office parking supply to 220 spaces. The spaces would be available for use by the residential building at night.

(b) *Comments from the Commissioner of Works and Emergency Services*

The comments from the Commissioner of Works and Emergency Services, dated February 24, 2004, recommend that the following parking ratios be required:

- 0.3 spaces for bachelor unit*
- 0.5 spaces for one-bedroom unit*
- 0.75 spaces for 2-bedroom unit*
- 1.2 spaces for 3 or more bedroom unit*

The parking ratios, contained in the comments from the Commissioner of Works and Emergency Services, are consistent with the Downtown Parking and Loading requirements of the Zoning By-law and would require a total of 284 parking spaces for the residential component of this project.

The requirements for the office building portion of the application are for a minimum of 164 spaces and a maximum of 189 spaces. The provision of 180 parking spaces for the office component is acceptable to the Commissioner of Works and Emergency Services.

The Commissioner of Works and Emergency Services agrees with the applicant's submission that no visitor parking is required given the location of the proposal.

The shared parking arrangement as proposed by the applicant is unacceptable to the Commissioner of Works and Emergency Services. Forty of the required residential parking spaces will not be permanently available, effectively reducing the dedicated supply to 234 spaces.

The policies of the former City of Toronto require that a Transportation Demand Management Plan (TDMP) is required to be submitted by an applicant when a development proposal includes more than 75 non-residential parking spaces. The applicant has not yet submitted the TDMP for review and approval by the Commissioner of Works and Emergency Services. Approval is to be received prior to the introduction of any Bills in Council.

(c) Decision of the Toronto South Community Council

On February 17, 2004 the Toronto South Community Council amended the draft Zoning By-law attached to the Staff Report with respect to the provision of parking. The amendments revised the parking space ratios and provided for 40 parking spaces to be shared between the residential and office uses.

The ratios adopted were:

- 0.26 spaces for bachelor unit*
- 0.44 spaces for one-bedroom unit*
- 0.66 spaces for 2-bedroom unit*
- 1.05 spaces for 3 or more bedroom unit*

While the applicant intends to provide 274 residential spaces, the ratios adopted by Community Council only require the provision of 250 spaces. The applicant has agreed that a minimum of 274 residential spaces should be required and will be provided regardless of how many spaces are required based on of the adopted ratios.

The Works and Emergency Services recommendations differ from the Community Council decision in three respects:

- (a) *the applicant has agreed to provide 274 residential parking spaces whereas Works and Emergency Services requires 284 spaces based on the currently proposed number and mix of units;*
- (b) *the Commissioner of Works and Emergency Services is of the view that the allowance of 40 shared spaces effectively reduces the number of residential parking spaces to 234 spaces during the day and allows the office portion of the site to exceed the maximum allowed parking under the Zoning By-law; and*
- (c) *the Commissioner of Works and Emergency Services requires that the applicant is to submit the Transportation Demand Management Plan (TDMP) for review and approval prior to the introduction of any Bills in Council.*

A further minor amendment to the Zoning By-law is recommended which is consistent with Community Council's direction. The draft By-law should contain a minimum requirement for 274 residential spaces.

It is also recommended that the applicant submit the TDMP for review and approval by the Commissioner of Works and Emergency Services before the issuance of Site Plan Approval instead of prior to the introduction of the Bills. It is staff's understanding that the applicant has been made aware of this requirement and is in discussion with staff to finalize the matter. Given Community Council's direction to permit shared parking, it is appropriate that the applicant be required to submit a Shared Parking Management Plan prior to the issuance of Site Plan Approval to provide the City with the operational details of the parking arrangement.

It should be noted that the draft zoning by-law includes provisions for minor architectural encroachments to the south and west of the site. These encroachments will not be permitted without review and approval by the Commissioner of Works and Emergency Services and may require that an encroachment agreement be authorized by City Council at a later date.

Comments Clarifying the Section 37 Benefits

The Final Report adopted by Toronto South Community Council includes a range of benefits secured pursuant to Section 37 of the Planning Act. Included is the provision of daycare. It has been clarified by the applicant that the provision of daycare is subject to funding for both capital costs and the subsidization of spaces. The applicant is seeking funding for a period of 10 years.

Staff had taken into account that the daycare is subject to funding during the Section 37 negotiations and believe that the even if the daycare does not receive funding, the benefits to the community are substantial.

Contact:

Lynda Macdonald, Planning Manager

Tel: (416) 392-7618; Fax: (416) 392-1330; Email: lmacdon1@toronto.ca)

(City Council also had before it, during consideration of the foregoing Clause, a communication (February 11, 2004) from Mary A. McConville, Executive Director, Catholic Children's Aid Society of Toronto.)