

TORONTO STAFF REPORT

December 20, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Applications to amend the former City of Toronto Official Plan and Zoning By-law 438-86, as amended
Duration Investments (Hariri Pontarini Architects)
30 Mutual Street / 88 Queen Street East
03-035163 STE 27 OZ
Toronto Centre-Rosedale, Ward 27

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit the construction of a mixed-use development consisting of three 28-storey residential buildings, five to eight-storey residential buildings and commercial uses at grade.

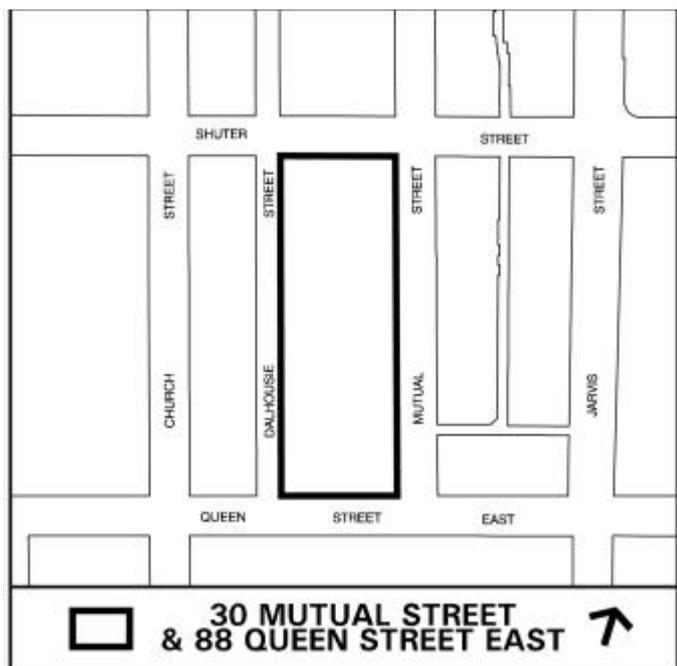
Financial Implications and Impact Statement:

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. 7;
- (2) 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. 8;

- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (4) endorse, in principle, an improvement plan for Shuter Street between Yonge Street and Jarvis Street, in keeping with the Shuter Street Design Initiative findings, and direct the Commissioners of Works and Emergency Services and Urban Development Services to report on an implementation strategy taking into account future capital funding, Section 37 funding and co-ordination with future developments in the area;
- (5) before introducing the necessary bills to City Council for enactment, require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Commissioner of Urban Development Services and the City Solicitor, such agreements to be registered against the title to the lands for the development to secure the following facilities, services, and matters:
 - (a) contributions in the amount of \$900,000 as directed by the Commissioner of Urban Development Services for local community improvement initiatives, including the establishment and/or the improvement of a community facility at 261 Jarvis Street, off-site streetscape improvements within the Shuter Street right-of-way, and other local community services or infrastructure;
 - (b) a public art contribution in accordance with the City of Toronto's public art program for a value of not less than one percent of the cost of construction of all buildings and structures on the lands;
 - (c) architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services;
 - (d) the payment of costs related to the improvements to the municipal lighting required to support this development, as directed by the Commissioner of Works and Emergency Services;
 - (e) the conveyance to the City, at nominal cost, a 0.6 metre wide strip of land to the full extent of the west side of the site for the widening of Dalhousie Street;
 - (f) improvement of the street rights-of-way abutting the site, including streetscaping and tree installation, as directed by the Commissioners of Urban Development Services, Works and Emergency Services and Economic Development, Culture and Tourism;

- (g) the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owners expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a backflow preventer, to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
- (h) public access to the pedestrian walkways extending the width of the site between Dalhousie and Mutual Streets, as directed by the Commissioner of Urban Development Services; and
- (i) the phasing of the development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services.

Background:

The history of development approvals for the site, which comprises the rectangular block bounded by Queen, Mutual, Shuter and Dalhousie Streets extends over approximately 25 years. The current underlying zoning for the area is CR, permitting densities up to four times coverage for residential uses and up to two times for commercial uses and heights up to 30 metres (approximately 10 storeys).

In 1979, there was a Central Area Plan settlement (By-law 742-79, as amended) for 30 Mutual Street and other permission in place for 88 Queen Street East, formerly the site of Cooke's Presbyterian Church. The total permitted density was 8.42 times the area of the lot on the combined sites. In 1992, site specific By-law 699-92 was adopted as a settlement to an appeal, which permitted 847 residential units and a total density, excluding recreation space, of 6.0 times the area of the lot for the combined sites. The by-law remains in force. It consisted of a predominantly residential, mixed-use development comprising three buildings with underground parking. Two buildings between 12 and 14 storeys in height and a third rising to a height of 22 storeys are permitted. The by-law prescribes a specific building form that would be primarily residential with some retail use at grade.

The currently proposed development is primarily residential with retail uses at grade on the Queen and Shuter Street frontages. The proposal consists of base, streetwall and tower elements and includes a mixture of high-rise, mid-rise and low-rise buildings, which reflect the downtown urban fabric. There are three residential towers, each at 28 storeys (79 metres, exclusive of mechanical penthouses). An eight-storey building (24.5 metres) fronts Queen Street East. Five-storey residential buildings face Mutual Street and six and eight-storey residential buildings face Dalhousie Street. There is a four-storey podium on the Shuter Street frontage, above which there are eight-storey buildings and the northern 28-storey building. The total density proposed is 9.0 times the area of the lot. The proposal includes 1,790 square metres of accessible at-grade public open space.

Site Description

The site, which occupies an entire city block and is approximately 0.9 hectares in size, has been a surface parking lot for approximately 20 years. Previously, there was a church on a portion of the site. Surrounding uses are as follows:

North: Older three to four-storey buildings, some vacant land and taller residential buildings north of Shuter Street towards Dundas Street East.

South: Four to six-storey historic commercial buildings.

East: Two to three-storey commercial buildings and a 10-storey residential building.

West: Two to three-storey buildings with a mix of non-residential uses and a 28-storey building under construction.

Former City of Toronto Official Plan

The former (in force) City of Toronto Part I Official Plan designates the site as a High Density Mixed Commercial Area 'A'. This designation permits both commercial and residential buildings with retail uses at grade, and allows for consideration of development up to six times the area of the lot. Section 13.12 of the Plan states that High Density Mixed Commercial Residential Areas are built up with tall, high-density commercial and residential buildings. Furthermore, High Density Mixed Commercial Residential Areas should be developed to help realize the housing intensification objectives of the Official Plan. The intent of the Plan is to ensure compatibility with local conditions, and achieve physical form objectives while realizing housing intensification.

New City of Toronto Official Plan

At its meeting of November 26, 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. The first pre-hearing on the new Plan was held on April 19 and 20, 2004, the second pre-hearing was held on September 14, 2004, and the third was held on December 8 and 9, 2004.

Once the Plan comes into full force and effect, it will designate the subject site as a Mixed Use Area. Mixed Use Areas permit a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, and the new Plan requires that development advances the principles and criteria in Section 4.5.2, which sets out Development Criteria in Mixed Use Areas. Specifically, these criteria seek to ensure that the built form and massing of a new development provide a transition to lower scale areas and minimize potential shadow impacts on adjacent neighbourhoods. The proposal has

been reviewed for its advancement of the principles and criteria of the Mixed Use Areas designation.

The site is also located within the Downtown and Central Waterfront area, the policies for which are described in Section 2.2.1. These policies promote residential intensification in Mixed Use Areas of the Downtown. This proposal has also been reviewed for its advancement of the principles and criteria of the Tall Buildings policies (Section 3.1.3).

An amendment to the new Plan will not be required.

Zoning

A site-specific by-law was passed in 1992 (699-92) that permits residential uses including retail at grade up to 6.0 times coverage. The height limit ranges from 34 to 57 metres.

Site Plan Control

No site plan application has been received. Site plan approval is expected to be undertaken in phases, likely by another owner and/or developer.

Reasons for the Application

The application has been made because the current Official Plan designation and Zoning By-law do not permit the height and densities being requested by the owner.

Community Consultation

A community consultation meeting was held on November 26, 2003 at Metropolitan United Church. The concerns related to loss of the parking lot, construction impacts, and traffic. Subsequent to this, presentations were given at meetings of the Toronto East Downtown Neighbourhood Alliance (TEDNA) on February 5, 2004, and September 2, 2004. TEDNA is generally supportive of the proposal. Specific issues regarding the massing of the proposed development were identified by staff of St. Michael's Cathedral and Concert Properties Limited, the developers of the site at 167 Church Street, immediately to the west. Concert Properties was concerned that the proposed location of the centre tower on the site was too close to their new building, resulting in a facing condition that was less than desired. St. Michael's Cathedral was concerned about the shadow impacts of the development on the Cathedral, especially during morning services, when the chancel window on the east side of the building is an important source of natural light. These concerns, which are discussed further below, have been resolved by adjusting the location of the centre tower southward.

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:

Shuter Street Design Initiative

The Shuter Street Design Charette was held in March, 2003. The design charette was the second phase of a three-phase design initiative organised by the Urban Design/City Planning Division of City of Toronto Urban Development Services (UDS). The two main goals of the design charette were to create a coherent neighbourhood urban design and streetscape plan and to study, re-examine or fine-tune individual development proposals in light of the proposed neighbourhood urban design and streetscape plan. Four major projects were examined: Concert Properties, at 167 Church Street, currently under construction; Metropolitan United Church, for which the Zoning By-law amendment has been adopted and site plan approval is pending; the Salvation Army Harbour Light Centre at 148 Jarvis Street, for which site plan approval is pending, and the site at 30 Mutual Street/88 Queen Street East, the subject of this report.

A key finding of the charette was the need to strengthen connections between major public spaces and improve Shuter Street. This is to be achieved by a combination of building setbacks, reinforced space at corners, tree planting, a special precinct along Shuter Street between Bond and Church Street and widened sidewalks. A recommendation is included in this report for endorsement in principle of an improvement plan for Shuter Street and for Works and Emergency Services and Urban Development Services to report on implementation in conjunction with the future capital budget plan.

Design concepts arising out of the charette specific to the subject site included the following:

- (a) divide the block into three smaller sub-blocks with the introduction of east-west lanes and pedestrian walkways, and help to define the public realm with a street wall;
- (b) reinforce Dalhousie and Mutual Streets by lining them with street-related buildings or townhouses;
- (c) mitigate the impact of the tall towers with the lower street-related buildings, which would have residential, amenity, and commercial uses, where appropriate; and
- (d) enhance the pedestrian movement through the site by introducing north-south pedestrian mews or courtyards.

Height, Massing, Light, View and Privacy

The proposed tower heights of 79 metres (excluding mechanical penthouses), or 28 stories, are higher than the zoned height limit of 57 metres (excluding mechanical penthouses) for this site. In the opinion of planning staff, the impact of the proposal on this area is not substantially greater than what could be developed as-of-right. Extensive consultation was undertaken with the applicant, which resulted in several revisions to the plans and building heights and massing that was appropriate to the mixed context of the area. The revisions resulted in a downward transition in height from the downtown financial district to the west, mitigated shadow impacts and allowed for light penetration. The on-site separation distance between the three towers is 13 metres at the closest point and the towers are offset. A key change that occurred as a result of the review of this application was a reduction in the proposed height from 112.7 metres (excluding mechanical penthouses) or 40 storeys to 79 metres or 28 storeys and a reduction in the proposed density from 9.8 times the area of the lot.

Several sites in the area have been developed to heights in the range of 80 to 110 metres. The tallest buildings in the immediate vicinity are the residential apartment building, currently under construction, at 167 Church Street (78.2 metres) and the residential tower approved on the site of Metropolitan United Church (107 metres). The towers proposed for the subject site respond to the context by providing an important transition in built form from the tall buildings in the central core and the prevailing character of lower rise (10 storeys or less) development to the east.

The residential towers proposed for the site are “point towers.” Point towers are those with small floorplates that result in thin buildings which may reduce impact on light and views. In this case, the proposed floor plates are 670 to 770 square metres on the upper floors, smaller than towers that have typically been built and approved in Toronto in recent years. A key difference in the massing between the approved building envelopes and the proposed envelopes is the change from low, bulky forms to tall, slender forms. The maximum floor plate sizes are secured through schedules defining the building envelopes attached to the draft zoning by-law.

An important benefit of this proposal is the opportunity to enhance the streetscape in the area, especially the Shuter Street frontage, which was the subject of the Shuter Street Design Initiative, and provide on-site green space. The proposed development also largely maintains a three metre wide setback along Mutual Street, an amenity that extends north on Mutual Street to Gould Street. Dalhousie Street is scheduled to be widened, and a setback of one metre will be secured from the widened right-of-way. There will be terraces at the fourth and fifth floors fronting Queen, Shuter, Mutual and Dalhousie Streets except for certain aspects of the point towers which touch the ground on Mutual Street. The podium height on Shuter Street is four storeys. Street and terrace set-backs of at least one metre, and three metres along a portion of Mutual Street, will be provided and secured through the by-law schedules. All of the setbacks at grade and podium step backs work together to improve the public realm and reduce the impact of the development.

Planning staff are satisfied that the proposed built form is appropriate for the area. While the buildings are taller than other buildings in close proximity, the proposed heights are not incompatible with the character of the area and achieve the important objective of transition. Generally, the small floor plates of the proposed towers will reduce shadow impacts and maintain views in the area and reduce the sense of building mass. The street level pedestrian realm is appropriately addressed. Shadow and wind impacts are discussed more specifically below.

Shadow

The applicant has submitted shadow studies of the proposal, to illustrate the shadows that would be created by the proposed buildings at different times of the year and different times of the day. In reviewing these, staff took into account the specific impacts on the public realm, Moss Park, Metropolitan United Church and St. Michael's Cathedral. In response to concerns raised by St. Michael's Cathedral, detailed studies were done for the early morning period, a time of sensitivity for them due to shadowing of the chancel window on the east side of the church. This window is an important source of natural light during morning services. The detailed studies showed the progression of incremental shadows cast by the proposed development in 30 minute intervals from 7:00 AM to 10:00 AM on March 21 and September 21. The shadow studies indicate that, given the slender shape of the towers, the shadows move across rapidly, thereby reducing the impact. In order to secure this reduced impact, the by-law schedules will tightly define the building envelopes.

Wind

Generally, the massing of the proposal with podium level setbacks and articulated tower massing has been designed to mitigate wind impacts. The applicant will undertake a wind study prior to applying for Site Plan Approval, which will assess the impact on the comfort level of pedestrians and recommend further mitigation measures. These measures will be secured through the Site Plan Approval process.

Pedestrian Access and Circulation

The proposed development includes sidewalks and widened streetscapes around the site which have adequate widths to accommodate the anticipated pedestrian volumes in the area. Two mid-block pedestrian connections linking Mutual and Dalhousie Streets are also included. The approved development on the site provides only one mid-block pedestrian connection.

Vehicular Access, Traffic Impacts and Parking

Two east-west driveways are proposed. Access to the underground garage will be provided by two ramps leading from the driveways into the garage. Vehicular access

points will be minimized and consolidated in order to reduce disruption to pedestrian and traffic movements.

Works and Emergency Services staff have reviewed the Traffic Impact Study (TIS) prepared by BA Group and subsequent addenda to the study and have advised that the site-generated traffic can be reasonably accommodated by the area road system. WES staff note, however, that post development traffic operations in the area will be monitored and, should the need arise, turn prohibitions may be implemented.

The applicant has proposed a total of 889 parking spaces on five underground parking levels; of this, 72 spaces will be designated for visitor use and 817 spaces will be designated for resident use. This satisfies the minimum Zoning By-law requirement in terms of overall supply, which, after detailed review of the TIS, Works and Emergency Services staff have agreed to support. A future site plan application will need to detail an acceptable location and access for loading spaces.

The number of bicycle parking spaces provided is 275, which exceeds the requirements of the Zoning By-law by 75 spaces. Opportunities to increase this number during the site plan review process will be explored. The majority of the bicycle parking will be provided in convenient locations on the first parking level.

The site is well served by transit as it is located in proximity a streetcar stop and is within a 10-minute walk of the Yonge Street subway. It is also within walking and cycling distance of the downtown core.

Amenity Space

The proposal includes 2,330 square metres of indoor amenity space for the residents of the buildings. This amount meets the requirements of the Zoning By-law.

Outdoor amenity space comprising 2,207 square metres is proposed, both at-grade and on roof terraces, and is less than the Zoning By-law requirement of 2,330 square metres. The proposed outdoor amenity area utilizes all practical space at grade level and on the roof of the buildings. Additional space would require either a substantially reduced building footprint, or utilization of space on top of the proposed towers, which may not be of a high quality. Given the difficulty of providing high-quality space on the roofs of the towers, staff are satisfied that the amount of proposed outdoor amenity space is sufficient.

Servicing

The applicant has provided a site servicing report to Works and Emergency Services staff to determine the sanitary flow, water supply, and storm drainage demand resulting from the development. This report is currently under review by Works and Emergency Services staff.

Density

The density proposed for the site is 9.0 times the area of the lot, which represents an increase from 6.0 times the area of the lot, excluding recreational space, currently permitted under the site-specific Zoning By-law (699-92). With shared recreational space and enclosed balcony space included, the approved density is 6.8 times the area of the lot.

The proposed density is above what is typical in the immediate area, though there are examples of development of similar density in this area of the City, namely at 167 Church Street, which has a density of 10.5 times coverage.

This development and others under construction or pending, will assist with the regeneration of this section of the east downtown, replaces a surface parking lot in the downtown core, and supports retail development in the area.

As discussed above, the proposed height and massing of the development are acceptable and in some ways advantageous. The massing responds to the context both on Queen Street East and on Shuter Street and meets guidelines for light, views and privacy. One measurable impact of the proposed height and density, shadow, has been found to be reasonable. The site is able to physically accommodate the proposed development.

Community Benefits

A package of community benefits contributes to the planning merits of the proposal and implements Official Plan objectives related to well-managed and balanced growth. To adequately support intensification, the downtown requires renewal of community services and reinvestment in the public realm in order to address the quality of life objectives of the new Official Plan. As such, the applicant has agreed to provide the following local benefits in exchange for increases in height and density, pursuant to Section 37 of the Planning Act:

- (a) \$900,000 toward local community improvement initiatives, including the establishment and/or the improvement of a community facility at 261 Jarvis Street, off-site streetscape improvements within the Shuter Street right-of-way, and other local community services or infrastructure;
- (b) review and approval of architectural design and exterior material of the proposed building; and
- (c) a public art contribution of a value not less than one percent of the gross construction costs of the development.

Improvements at 261 Jarvis Street may be undertaken by the City or the owner (Toronto Community Housing Corporation), in conjunction with a community service tenant in that building. In addition, matters relating to street trees and irrigation, public access

across the site, traffic operational changes, street lighting and the timing of financial contributions will be secured in a Section 37 Agreement. The current site-specific by-law does not secure any local benefits.

Conclusions:

Staff recommend approval of Official Plan and Zoning By-law amendments to permit development of mixed-use buildings with three residential point towers of 28-storeys in height and residential buildings of five to eight storeys in height. The massing is an improvement on that approved in the existing site-specific by-law, is a better mix of building forms and will partially implement the Shuter Street Design Initiative. It provides for an improved frontage on Queen Street East, and an improved location and amount of landscaped open space, and outdoor amenity space. Overall, the built form, due to its reduced bulk, will have less impact on the neighbourhood. The proposal is consistent with planning objectives and will not have undue impacts on adjacent properties and public spaces. A modification to the new Official Plan is not required. The applicant has agreed to provide a package of community benefits in exchange for increases in height and density under Section 37 of the Planning Act.

Contact:

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Gary Wright
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Axonometric Views
Attachment 5: Official Plan
Attachment 6: Zoning
Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Zoning By-law Amendment

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	03 035163 STE 27 OZ
Details	Rezoning, Standard	Application Date:	May 22, 2003

Municipal Address: 30 MUTUAL ST, Toronto ON
 Location Description: 30 MUTUAL ST **GRID S2714
 Project Description: Mixed use development. Three 28-storey residential towers and 5 to 8-storey residential buildings combined with retail and commercial uses at grade.

Applicant:	Agent:	Architect:	Owner:
IBI Group, Ann Martin	IBI Group, Ann Martin	Hariri Pontarini Architects, David Pontarini	Duration Investments

PLANNING CONTROLS

Official Plan Designation:	HDMCRA 'A'	Site Specific Provision:	699-92; 333-02
Zoning:	CR T5.0 C2.0 R5.0; CR T5.0 C0.5 R5.0	Historical Status:	N
Height Limit (m):	46	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9952	Height:	Storeys:	28
Frontage (m):	58.5		Metres:	79 (excl. M.P.) 84.5 (inc. M.P.)
Depth (m):	171			
Total Ground Floor Area (sq. m):	5176			Total
Total Residential GFA (sq. m):	88610		Parking Spaces:	909
Total Non-Residential GFA (sq. m):	1762		Loading Docks	5
Total GFA (sq. m):	90372			
Lot Coverage Ratio (%):	51.7			
Floor Space Index:	9.0			

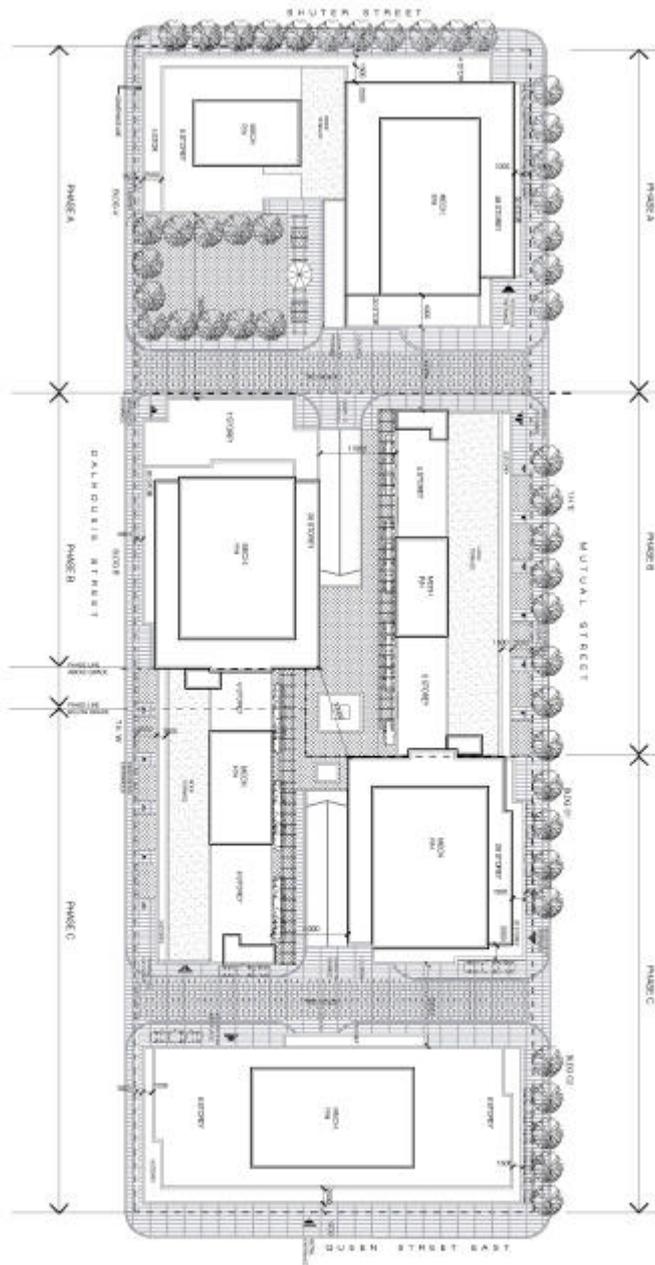
DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	206
1 Bedroom:	721
2 Bedroom:	238
3 + Bedroom:	0
Total Units:	1165

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	88610	0
Retail GFA (sq. m):	1762	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Michael Cole, Planner
	TELEPHONE:	(416) 392-0420



SITE/ROOF PLAN - LANDSCAPE CONCEPT

Site Plan

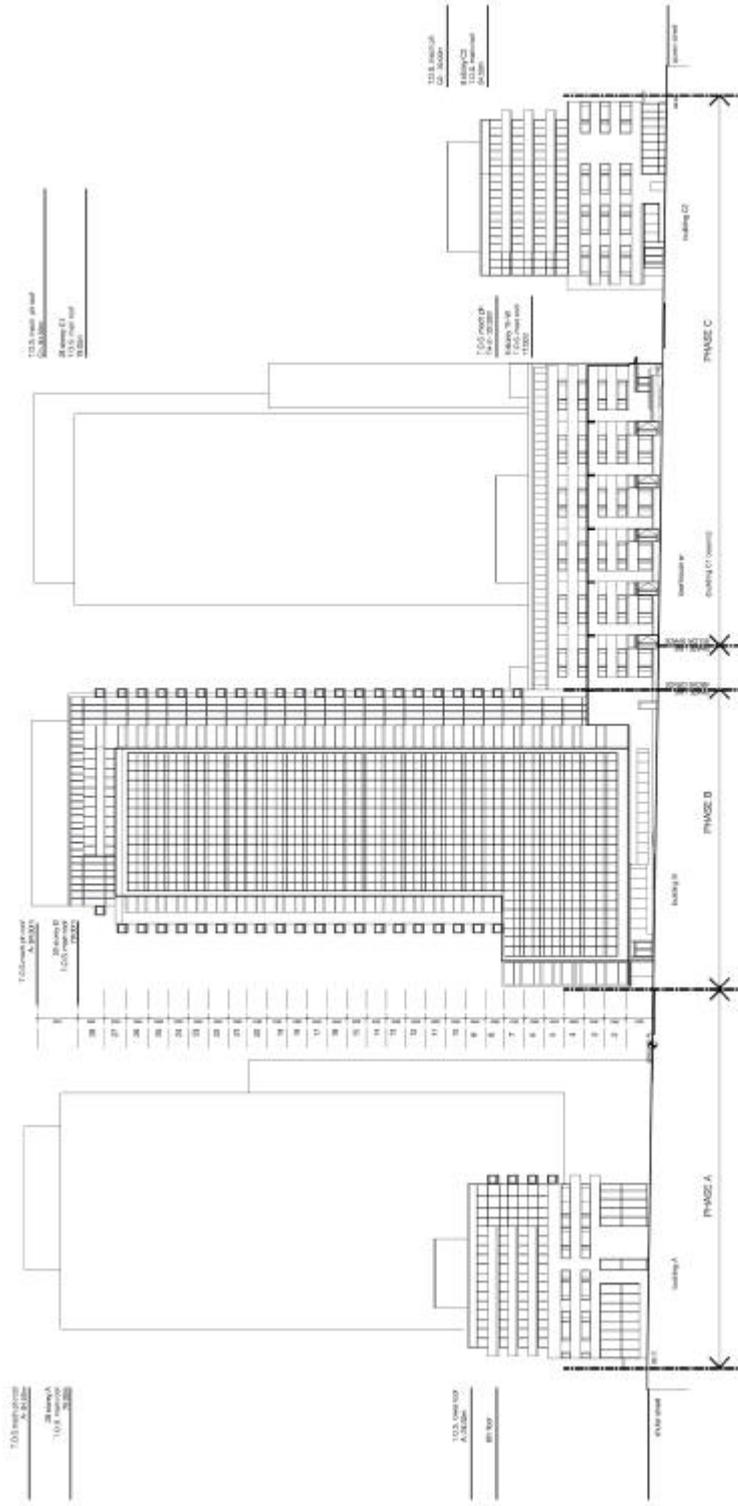
Applicant's Submitted Drawing

Not to Scale
11/26/04



30 Mutual Street & 88 Queen Street East

File # 03_036163



WEST (DALHOUSIE STREET) ELEVATION

Elevations

Applicant's Submitted Drawing

Not to Scale
11/26/04

File # D3_035163



View From Dalhousie/Queen Street

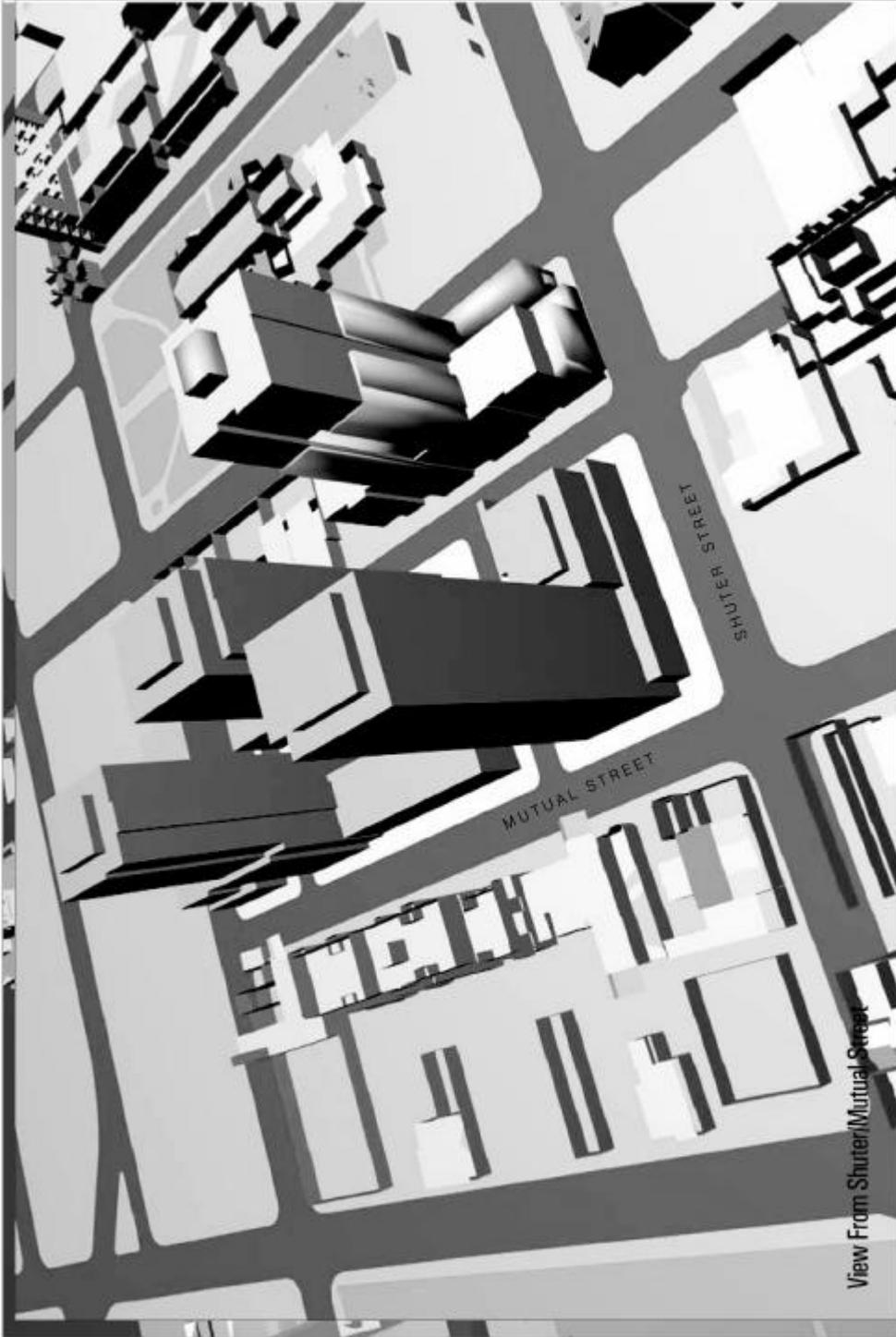
Axonometric

Applicant's Submitted Drawing

Not to Scale
11/26/04

30 Mutual Street & 88 Queen Street East

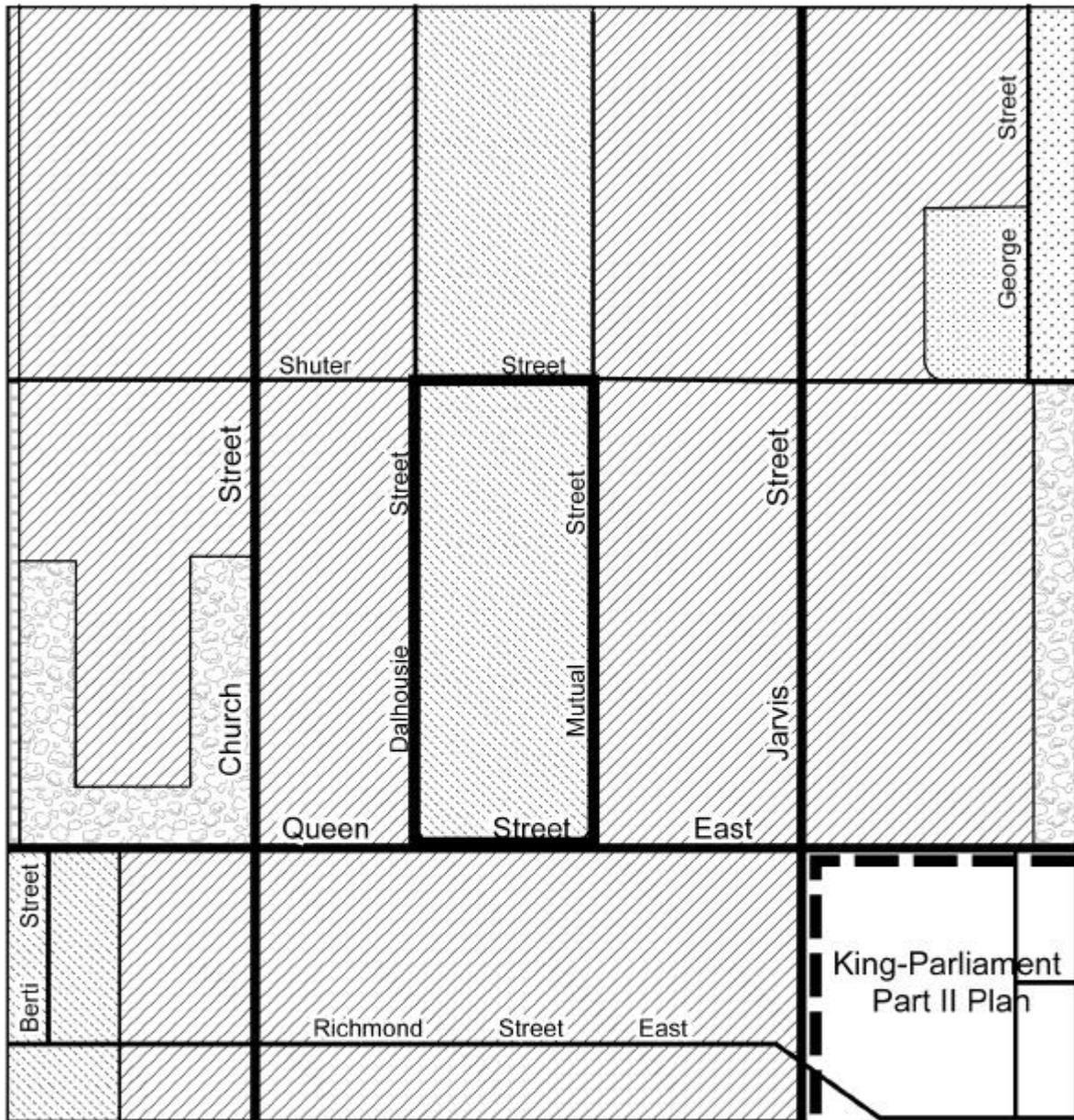
File # D3_035163



Axonometric
Applicant's Submitted Drawing

Not to Scale
11/26/04

File # 03_035163



TORONTO Urban Development Services
Official Plan

30 Mutual Street & 88 Queen Street East

File # 03_035163

- | | | |
|--------------------------------|---|------------|
| Site | Medium Density Mixed Commercial-Residential Areas | Open Space |
| Medium Density Residence Areas | High Density Mixed Commercial-Residential Areas 'A' | |
| High Density Residence Areas | Hospital Areas | |

↑
 Not to Scale
 11/26/04

Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Report No. xx, Clause No. xx,
as adopted by City of Toronto Council on xx xx, xx and xx, 2005
Enacted by Council: xx xx, 2005

CITY OF TORONTO

Bill No. xxx

BY-LAW No. xxx-2005

**To adopt an amendment to the Official Plan for the former City of Toronto
respecting the lands known municipally in the year 2005 as
30 Mutual Street and 88 Queen Street East**

WHEREAS the Council of the City of Toronto has an application made to it for a proposed Official Plan Amendment respecting the lands municipally known in the year 2005 as 30 Mutual Street and 88 Queen Street East; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 17 of the Planning Act, R.S.O. 1990, c. P.13, as amended ("Planning Act"), regarding the proposed Official Plan Amendment; and

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 amendments to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 330.

ENACTED AND PASSED this xx day of xx, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.656 and the attached Map 18.656;

“18.656 Lands municipally known in the year 2005 as 30 Mutual Street and 88 Queen Street East.

See Map 18.656 at the end of this Section.

- (1) Notwithstanding any other provision of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.656, to permit the erection and use of mixed-use buildings and residential buildings having a maximum gross floor area of 90,372 square metres, provided that:
 - (a) the *residential gross floor area* of such buildings does not exceed 88,610 square metres; and
 - (b) the *non-residential gross floor area* of such buildings does not exceed 1,762 square metres;
- (2) Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to secure the facilities, services and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3) In return for the residential densities and height permissions granted by a by-law designating the lands for residential and other uses, including any by-law described in Section 1 hereof, the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:

- (a) The owner agrees to pay \$900,000.00 to the City as a contribution towards the following community improvement initiatives:
 - (i) The establishment and/or the improvement of a community facility at 261 Jarvis Street;
 - (ii) Off-site streetscape improvements within the Shuter Street right-of-way; and
 - (iii) Other local community services or infrastructure;
- (b) The owner agrees to make a public art contribution of a value not less than one percent (1%) of the gross construction costs of the development, in compliance with the City's public art program;
- (c) The owner agrees to architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and
- (d) The owner enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands, and register such agreement against title to the lands."

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Report No. xx, Clause No. xx,
as adopted by City of Toronto Council on xx xx, xx and xx, 2005
Enacted by Council: xx xx, 2005

CITY OF TORONTO

Bill No. xxx

BY-LAW No. xxx-2005

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2005 as 30 Mutual Street and 88 Queen Street East

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2005 as 30 Mutual Street and 88 Queen Street East; and

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the By-law; and

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

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

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

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

1. None of the provisions of Section 2 with respect to the definition of “grade”, “height” or “lot” and Sections 4(2)(a), 4(12), 8(3) PART II 1(a)(ii), 8(3) PART III 1(a) and 12(1) 388 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of

mixed-use buildings and *residential buildings* on the lands shown on Map 1 attached to and forming part of this By-law, provided that:

- (a) the *lot* comprises not less than the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
- (b) no above *grade* portion of any building is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 3, attached to and forming part of this By-law, except for the following:
 - (i) canopies, covered walkways, ramps for underground parking garages, stairs, landscaped decks, patios, terraces, ornamental elements, parapets, eaves, window sills, guardrails, service driveways and wheelchair ramps; and
 - (ii) open balconies to a maximum horizontal projection of 1.8 metres;
- (c) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as shown on Map 3, attached to and forming part of this By-law;
- (d) the *height* of any stair tower, elevator shaft, parapet, fan, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements, shall not exceed the sum of 5.0 metres and the applicable *height* limit;
- (e) the aggregate of the *residential gross floor area* and the *non-residential gross floor area* erected or used on the *lot* does not exceed 90,372 square metres, of which:
 - (i) the *residential gross floor area* does not exceed 88,610 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 1,762 square metres;
- (f) a minimum of 2,330 square metres of indoor *residential amenity space* shall be provided;
- (g) a minimum of 2,207 square metres of outdoor *residential amenity space* shall be provided in a location adjoining or accessible by stairs from a portion of the indoor *residential amenity space*;
- (h) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) 0.30 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.70 *parking spaces* for each *one bedroom dwelling unit*;
 - (iii) 1.00 *parking spaces* for each *two bedroom dwelling unit*;
 - (iv) 1.20 *parking spaces* for each *three bedroom dwelling unit*; and
 - (v) 0.06 *parking spaces* for visitors for every *dwelling unit*;
- (i) a minimum of 275 *bicycle parking spaces* are provided and maintained on the *lot*; and

(j) at least three *loading spaces – type G* and at least one *loading space – type B* shall be provided and maintained on the *lot*;

2. For the purposes of this By-law:

(a) “*grade*” means 89.07 metres Canadian Geodetic Datum for *Parcel A*, 88.80 metres Canadian Geodetic Datum for *Parcel B* and 87.80 metres Canadian Geodetic Datum for *Parcel C*;

(b) “*height*” means the vertical distance between *grade* and the top of slab for any building, structure or element;

(c) “*lot*” means the lands collectively comprising *Parcel A*, *Parcel B* and *Parcel C*;

(d) “*Parcel A*”, “*Parcel B*” and “*Parcel C*” means the area at or above *grade* identified as *Parcel A*, *Parcel B* and *Parcel C* on Map 2; and

(e) each word or expression that is italicized in the By-law herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

3. Notwithstanding Sections 1 and 2, the *heights* and density of development permitted by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of all the following facilities, services and matters to the City of Toronto, namely:

(a) the owner agrees to pay \$900,000.00 to the City as a contribution towards the following community improvement initiatives:

(i) the establishment and/or the improvement of a community facility at 261 Jarvis Street;

(ii) off-site streetscape improvements within the Shuter Street right-of-way; and

(iii) other local community services or infrastructure;

(b) the owner agrees to make a public art contribution of a value not less than one percent (1%) of the gross construction costs of the development, in compliance with the City’s public art program;

(c) the owner agrees to architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services;

(d) the owner enters into an agreement with the City pursuant to Section 37 of the Planning Act to secure all the facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands, and register such agreement against title to the lands.

4. Notwithstanding any 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 had occurred.
5. By-law No. 699-92 of the former City of Toronto is repealed upon the coming into force of the balance of this By-law.

ENACTED AND PASSED this xx day of xx, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)