

**27-37 Yorkville Avenue and 26-32, 50 Cumberland Street
Official Plan and Zoning Amendment - Final Report**

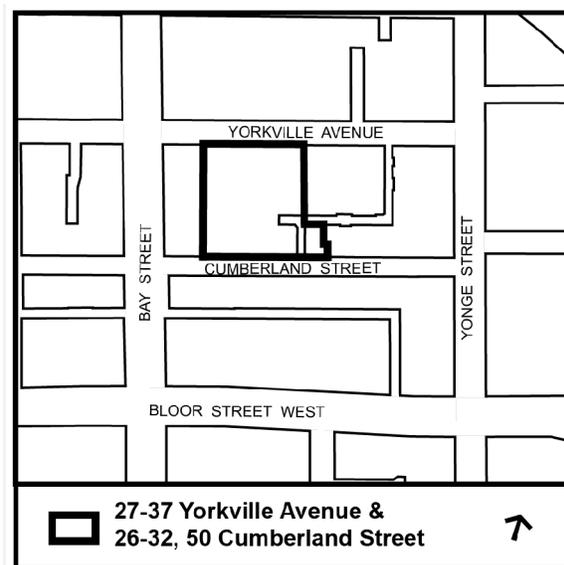
Date:	July 24, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 191650 STE 27 OZ and 14 173892 STE 27 OZ

SUMMARY

The applications propose to amend the Official Plan and Zoning By-law to permit two linked mixed use towers of 62 storeys (203 metres tall plus a 12-metre mechanical penthouse) on Yorkville Avenue and of 40 storeys (136.5 metres tall plus a 6.0-metre mechanical penthouse) on Cumberland Street with a 2, 7 and 10-storey base for the property at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street. An open space is proposed along the eastern edge of the property from Yorkville Avenue to Cumberland Street. A total of 1,100 residential units and 1,136 parking spaces are proposed (800 replacement Toronto Parking Authority spaces and 336 residential spaces).

The proposed development is consistent with all relevant policies of the Official Plan as well as the Bloor-Yorkville/North Midtown Urban Design Guidelines and includes two mid-block pedestrian connections, below-grade and at-grade through an open space.

This report reviews and recommends approval of the applications to amend the Zoning By-law and Official Plan. Two other staff reports relevant to the review of this application regarding the Yorkville – East of Bay Planning Framework and a development application at a site at 50 Bloor Street West, will also be before Toronto and East York Community Council at its August 12, 2014 meeting.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 12 to the report (July 24, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, as amended, for the lands at at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13 to the report (July 24, 2014) from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. Subject to further clarification prior to City Council, the community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution and/or equivalent value of \$11,500,000. Inclusive of the total value, a cash contribution of \$1,500,000 is to be paid within 30 days of the site specific zoning by-law coming into full force and effect. The total amount will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment. Such contribution will be used towards, but not limited to:
 - a. new or existing community and/or cultural space;
 - b. public art;
 - c. streetscape and park improvements in the local area; and,
 - d. new or existing affordable housing including capital repairs of Toronto Community Housing in Ward 27.
 - ii. In the event the cash contributions referred to above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The provision of a public park at grade (strata title) having a minimum size of 693 square metres and depth of not less than 1.524 metres, secured in the Section 37 Agreement as a means of legal convenience, on terms and conditions set out in Attachment No. 11 to report dated July 24, 2014; and,
 - ii. The public park in maintained by the owner at its expense in a manner satisfactory to the General Manager of Parks, Forestry and Recreation together with provisions for indemnification of the City to the satisfaction of the City Solicitor in connection with maintenance and the stratification.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to obtain approval to close the public lane extending northerly from Cumberland Street and a portion of the east/west lane.
6. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a revised Functional Servicing Report to the satisfaction of the Executive Director of Engineering and Construction Services.
7. City Council require the owner to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure is required to support this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council, on March 5, 6 and 7, 2012, approved a transaction between the Toronto Parking Authority (TPA) and MUC Properties Inc. involving a sale to MUC Properties Inc. of an interest in the City-owned lands declared surplus and located at 50 Cumberland Street / 37 Yorkville Avenue. The transaction requires that an 800-space public parking garage be built by the Purchaser at its sole cost in accordance with TPA's parking specification and the approved plans. Below is a link to this decision:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM11.13>

A preliminary staff report dated August 10, 2012 on the subject application was adopted at the September 11, 2012 Toronto and East York Community Council meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.52>

On October 2, 3 and 4, 2012 City Council directed City Planning to review the existing and planned built form context, pedestrian linkages, as well as other policies and guidelines for the area bounded by: Bloor Street to the south; Davenport Road to the north; Yonge Street to the east; and Bay Street to the west ('Yorkville- East of Bay') to establish appropriate heights for the areas outside of the Height Peak, Height Ridges and Low-rise areas in Site and Area Specific Official Plan Policy 211, and to bring forward any required Official Plan Amendments to a statutory public meeting after holding a community meeting.

On June 18, 2013, Toronto and East York Community Council directed staff to initiate consultation with local stakeholders on the review of 'Yorkville- East of Bay' in consultation with the Ward Councillor and report back with a draft policy recommendation in a Preliminary Report. The Yorkville – East of Bay Planning Study Update report is available here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE25.65>

A separate staff report dated July 24, 2014, to the August 12, 2014 meeting of the Toronto and East York Community Council on the draft Yorkville – East of Bay Planning Framework addresses both requests.

ISSUE BACKGROUND

Proposal

The applications propose to amend the Official Plan and Zoning By-law to permit two linked mixed use towers at 62 storeys (203 metres tall plus a 12-metre mechanical penthouse) fronting on Yorkville Avenue and at 40 storeys (136.5 metres tall plus a 6-metre mechanical penthouse) fronting on Cumberland Street and a 2, 7 and 10-storey base building. For more information see Attachment No. 1: Application Data Sheet.

The Yorkville tower is rectangular in shape with a north-south orientation and an articulated floor plate size of approximately 873 square metres, with no projecting balconies. The tower is set back 3.0 metres from the north property line; 10.0 and 11.5 metres from the east property line; 27.3 metres from the south property line; and, 38.9 metres from the west property line.

The Cumberland tower is rectangular in shape with a north-south orientation with an articulated floor plate size of approximately 750 square metres, with no projecting balconies. The tower is set back 2.0 metres from the base building (5.0 metres from the south property line); 10.0 and 11.5 metres from the west property line; 34.4 metres from the north property line; and, 38.9 metres from the east property line.

The 40-storey link portion will form part of the Yorkville tower and is approximately 78 square metres, with no projecting balconies.

The proposed base building is massed with setbacks at the second, seventh and tenth storeys. Retail uses are proposed on the ground and second floors, with parking on the third to seventh floors. Mechanical and storage areas are located on the eighth and ninth floors. The residential amenity and lobby areas are located on the tenth floor. Residential units are located along the

northern façade of the base building on the Yorkville Avenue frontage, from the third to the eighth floors, screening the internal parking area.

The ground floor is set back; 1.0 metre from the north property line; 0 metres from the west property line; 4.0 metres from the south property line; and 6.7 metres from the closest eastern property line. The second floor projects 1.0 m into the north and south setbacks. Above the second floor the building steps back 2.0 metres to the Cumberland tower façade and 3.0 metres to the remaining portion of the base building, creating a 2-storey street wall along Cumberland Street. On the Yorkville Avenue frontage, the base building steps back 1.0 metre from above the second floor and another 2.0 and 3.5 metres above the seventh floor.

The proposed 1,100 residential unit breakdown is as follows:

Unit Type	Base building	Yorkville Tower (incl. Link)	Cumberland Tower	Total
Studio	0	101	30	131
1-Bedroom	21	467	179	667
2-Bedroom +	8	175	119	302
Total	29	743	328	1100

The residential unit breakdown shown is not final. This chart was used to estimate the parking and amenity space requirements for the proposal. The draft zoning by-law requires a minimum of 10 percent of the total number of residential units to be 2-bedrooms or greater with an area no less than 79 square metres. The residential unit breakdown will be finalized during Site Plan Control.

A total of 2,200 square metres of indoor amenity space and 2,200 square metres of outdoor amenity space is proposed, on the tenth and eleventh floors. The proposal satisfies the Zoning By-law’s minimum requirement for indoor and outdoor amenity space, which is 2 square metres for each residential unit.

The proposed density (including above-grade parking) is 18.3 times the area of the lot. The application proposes 106,711 square metres of gross floor area: 82,350 square metres for residential uses; 7,223 square metres for retail; and 17,138 square metres for above-grade parking area. The residential and retail density is 15.3 times the area of the lot.

A new open space and mid-block pedestrian connection is proposed along the eastern edge of the property connecting Yorkville Avenue to Cumberland Street. The northern portion of the open space consists of a 6.7 metre wide walkway and the southern portion of the open space is a 15.3 metre wide parkette area. The existing City-owned laneway is proposed to be widened to 6.0 metres and relocated to the eastern edge of the subject site at Cumberland Street at no cost to the City.

There is an existing underground pedestrian connection under Cumberland Street, from Cumberland Terrace to the P1 level of the TPA parking garage. The connection will be retained so that pedestrians access to the parking garage, residential lobby, or north to Yorkville Avenue through the underground parking garage to the north TPA lobby.

Vehicular access to the loading area, TPA parking garage and residential parking garage is provided from the western edge of the base building at Yorkville Avenue and Cumberland Street. Three loading spaces are proposed consisting of two Type-B, and one Type-G space, accessed only from the Cumberland Street driveway.

A total of 1,136 parking spaces are proposed (800 replacement TPA spaces and 336 residential spaces). A 5-level below-grade parking garage contains 688 of the replacement TPA parking spaces. The remaining 112 replacement TPA parking spaces are to be provided on the third and fourth floors of the base building. The 336 residential parking spaces are located from the fourth to seventh floors. A total of 1,326 bicycle parking spaces are proposed, including 1,046 residential and 280 visitor and retail spaces located in the base building.

A 7,223 square metre retail space is proposed on the ground floor and second floors of the base building with entrances from Yorkville Avenue and Cumberland Street. The residential lobby entrance is proposed on the eastern edge of the ground floor level of the base building, with access from the pedestrian walkway. A sky lobby is located on the tenth floor of the base building, providing access to the elevators for the Yorkville and Cumberland towers.

The current proposal incorporates numerous revisions from the original application summarized below:

- site area increased from 5,475 to 5,839 square metres (by including 26-32 Cumberland Street);
- gross floor area reduced from 91,689 square metres to 89,573 square metres;
- vehicular access points reduced from three entrances plus a loading zone to two curb cuts;
- height of the Yorkville tower reduced from 69 to 62-storeys (from 237.8 to 215.0 metres, inclusive of the mechanical penthouse);
- height of Cumberland tower reduced from 55 to 40-storeys (from 182.5 to 142.5 metres, inclusive of the mechanical penthouse);
- orientation of the towers shifted from east-west to north-south;
- 40-storey link added between the two towers;
- floor plate of Yorkville tower increased from 750 to 873 square metres;
- residential units reduced from 1,166 to 1,100 units;
- indoor amenity space area decreased from 2,332 to 2,200 square metres;
- outdoor amenity space area decreased from 2,332 to 2,200 square metres;
- base building height reduced from 11-storeys to 2, 7 and 10-storeys;
- ground floor, third and seventh floor setback from the north lot line has increased from 0 metres to 1.0 metres, and to 3.0 and 4.5 metres above the seventh floor;
- ground floor setback from the south lot line increased from 3.6 to 4.05 metres and decreased at the second floor from 3.6 to 3.05 metres and increased above the second floor from 3.6 to 6.0 metres;
- base building setback from the east lot line increased from 0 metres to 6.7 metres;
- residential units added to wrap third to eighth floors of the base building along Yorkville Avenue;

- pedestrian-only open space, including a 6.7 metre wide walkway and a 8.8 metre wide parkette added along the eastern lot line;
- projecting balconies replaced with recessed balconies; and,
- The public laneway located next to 26-28 Cumberland Street proposed to be widened and relocated along the eastern lot line.

Site and Surrounding Area

The site consists of 3 properties: a two-storey retail building located at 27 Yorkville Avenue; a six-storey Toronto Parking Authority structure containing 1,036 parking spaces with a four-storey office component fronting onto Cumberland Street; and a 2-storey building at 26-32 Cumberland Street.

The 5,838.7 square metre site is relatively flat from Yorkville Avenue to Cumberland Street. The site has a frontage of approximately 70.5 metres along Yorkville Avenue and 86.2 metres along Cumberland Street. Along Cumberland Street, a portion of the site appears to extend onto the roadway.

A public lane runs north from Cumberland Street through the site to the rear of the property at 27 Yorkville Avenue where it then runs west and east. To the west, the laneway terminates after approximately 13 metres. Going east, before Yonge Street the laneway turns north to Yorkville Avenue.

Uses and structures near the site include:

North: of Yorkville Avenue is the Four Seasons Hotel and Private Residence. The combined hotel and residential building located at the north east corner of Yorkville Avenue and Bay Street is 52 storeys tall (204 metres including a 9-metre mechanical penthouse). East of the 52-storey tower is a motor court with a mosaic paving feature and a fountain sculpture. The second Four Seasons residential tower is 26 storeys tall (94 metres including a 5-metre mechanical penthouse). Adjacent to the motor court is an open space, known as the 'Rose Garden' with a public art feature. East of the open space are two heritage buildings: the Yorkville Fire Hall; and the Yorkville Library. East of the library is Town Hall Square, a public park, and a 36-storey (117.4 metres including an 8.5-metre mechanical penthouse) mixed use building at 18 Yorkville Avenue.

East: along Cumberland Street is a row of two and three-storey commercial buildings. Along Yorkville Avenue are commercial buildings ranging in heights of one, three and nine storeys.

South: of Cumberland Street is 'Cumberland Terrace' (2 Bloor Street West), on an L-shaped parcel extending north from the northwest corner of Yonge and Bloor and west along the south side of Cumberland Street to Bay Street. An existing 34-storey office tower is located at the northwest corner of Yonge and Bloor Streets. A low-rise concrete building that spans the south side of Cumberland from Bay to Yonge Street, contains an internalized retail mall and some office/commercial uses. A below-grade retail concourse

connects the 2 Bloor Street West site to the TPA parking garage on the north side of Cumberland Street.

An OMB approved site specific zoning by-law (OMB File No. PL100851) for 2 Bloor Street West permits: a 102.9 metre tower including a 6.3 metre mechanical penthouse at Yonge Street; and, a mid-block Cumberland Street tower at 170 metres, including a 10 metre mechanical penthouse. The by-law also permits a 24.4 metre high base building including grade-related commercial space, four levels of above-grade parking and 'rooftop villas' at the southeast corner of Bay and Cumberland Streets (stepped back atop the podium from Cumberland Street with an overall height of 30.6 metres). The owner presented a revised built form proposal for the site to the City's Design Review Panel on March 18, 2014, showing the proposed mid-block tower shifted further west and a reduced base building height, but has not submitted an application to date for the revised proposal.

West: west of the site are two commercial buildings. The building at the northeast corner of Bay Street and Cumberland Street (1235 Bay Street) is 10 storeys tall, with no setbacks. The building at the southeast corner of Bay Street and Yorkville Avenue (1255 Bay Street) is nine storeys tall, with an arcade along its two frontages and no setbacks above.

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. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates it within *the Downtown and Central Waterfront* shown on Map 2 of the Official Plan's Urban Structure map. As part of the Official Plan's growth strategy, the *Downtown* is identified as an area of intensification where growth in employment and residential uses is encouraged.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower

scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Staff have reviewed this application for compliance with these criteria and all other relevant policies of the Official Plan. To review all sections of the Toronto Official Plan refer to the City's Website at: www.toronto.ca/planning/official_plan/introduction.htm

Area Specific Policy 211 (Bloor Yorkville / North Midtown Area)

Area Specific Policy 211 of the Official Plan recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Mixed Use Areas*, Areas of Special Identity and open space provided by parks and ravines. The Area forms the north edge of the *Downtown* and provides for transition in density and scale.

The site is within the Area of Special Identity called Yonge-Yorkville. In this area, development will be compatible with the heritage buildings, protect views of the Fire hall tower, and minimize shadow impacts on Stollery Park. As well, new development will be contextually appropriate to the area's individual settings and development patterns through building height, massing, setbacks, rooflines and architectural expression as well as vehicle access and loading.

Area Specific Policy 225 (Lands North and South of Bloor Street Between Park Road and Avenue Road)

Area Specific Policy 225 of the Official Plan encourages pedestrian walkways, at or below grade, and new parks, illustrated on the map within the Policy. At this site, the map shows a proposed pedestrian route that runs north-south from Cumberland Street to Yorkville Avenue. The proposed pedestrian route is to join the existing underground pedestrian mall system (PATH) south of Cumberland Street.

Zoning

The site is zoned CR T3.0 C1.75 R3.0 with a density limit of 3 times the area of the lot. The CR zoning category allows for a broad range of residential and commercial uses.

The site has two height limits. The area currently occupied by the TPA parking structure (37 Yorkville Avenue and 50 Cumberland Street) has a height limit of 30 metres and the properties at 27 Yorkville Avenue, and 26-32 Cumberland Street have a height limit of 18 metres.

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines approved by Council in 2004 seek to improve the physical quality of the area and ensure that new development respects its special character.

The main planning objectives of these local Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Yonge -Yorkville Precinct. In this precinct, the height, massing and appearance of new buildings near the historic Fire Hall and library on Yorkville Avenue shall complement and enhance these buildings. New development should also create pedestrian connections linking Cumberland Street, Yorkville Avenue, Scollard Street and Davenport Road.

The Bloor-Yorkville/North Midtown Urban Design Guidelines are available on the City's website at: <http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

Tall Building Design Guidelines

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

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City-Building, Policy 1) 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 proposal. The Downtown Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The subject property is located on Cumberland Street, which is identified as a Secondary High Street on Map 1 of the Guidelines, meaning the height range would be generally one-third lower than the High Street that run parallel to it (shown on Map 2 of the Guidelines). Thus, the

Guidelines generally call for a height range of 51 metres to 91 metres on Cumberland Street. This portion of Cumberland Street is identified as Tower - Podium Form or a Residential Landscaped Setback Form on Map 3 and both Cumberland Street and Yorkville Avenue are identified as Retail Streets on Map 4.

Yorkville – East of Bay Planning Framework

The Yorkville – East of Bay Planning Framework is addressed in a separate report (dated July 24, 2014) to the August 12, 2014 Toronto and East York Community Council.

The Planning Framework applies to the area of Yorkville located east of Bay Street and west of Yonge Street, between Bloor Street and Davenport Road. It represents a comprehensive review of aspects of existing policy to provide better guidance for future change. The Framework is founded on a vision, goals and objectives for the pedestrian environment and connectivity, and the location of tall buildings and their built form criteria.

The Planning Framework identifies two key mid-block pedestrian connections created by a series of parks, open spaces, linear parks and walkways. The two mid-block pedestrian systems are named by their defining features - Town Hall Walkway and Clock Tower Walkway. The Planning Framework also identifies the built form criteria for existing, approved, proposed and possible future tall building sites.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control has not been made to date. The applicant will be required to present its proposal at the Design Review Panel once the application is submitted.

Reasons for Application

The application proposes towers of 62-storey (203 metres tall plus a 12-metre mechanical penthouse) and 40-storey (136.5 metres tall plus a 6-metre mechanical penthouse) building. The overall density proposed is 18.3 times the area of the lot, whereas the existing maximum permitted density is 3 times the area of the lot. The overall proposed height also exceeds the 30 and 18 metre height limit on the site. A Zoning By-law amendment is therefore required.

An Official Plan Amendment is required because the proposed 215 metre height of the development exceeds the anticipated height for the site, falling outside of the Height Peak and Height Ridge of the Official Plan Area Specific Policy 211.

Community Consultation

On October 29, 2012, a community meeting was held at the Stone Church at 45 Davenport Road. The original application was presented, along with another application for a site at 50 Bloor Street West. Approximately 90 members of the public attended the community consultation meeting.

The attendees asked questions and expressed a number of comments, issues and concerns, including: the height and density of the towers; the height and size of the base building; the above grade parking relating to the size and design of the base building; the size of the

development relative to the width of the cross streets; the cumulative shadow impacts of the proposals; the number of vehicular access points to the property; the traffic generated as a result of the proposed development; the lack of open space; the interim lack of parking during the reconstruction of the TPA parking garage; and the collective impacts of all of the proposals in the Yorkville – East of Bay area.

On July 3, 2013, an urban design workshop was held with the architects and urban design consultants representing the applications in the Yorkville – East of Bay area. Several other City Divisions were represented at the workshop, including Transportation Services and Parks, Forestry and Recreation. Community associations at the design workshop included the ABC Residents Association, the Bloor-Yorkville BIA, and the Greater Yorkville Residents Association. The outcome of the visioning exercise was a Workshop Summary Document which identified a vision for the area including new open spaces, mid-block connections and vehicular access routes for the applications under review.

The summary document is available at:

http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/E/east_bay_summary_document.pdf

On October 30, 2013 Planning staff held a Community Consultation Meeting at the Stone Church to present the vision resulting from the July 3, 2013 urban design workshop and to provide an update on the applications in the study area, including this proposal.

The application was before the City's Design Review Panel (DRP) on March 7, 2013 and March 18, 2014. At the second meeting, the Panel commented on the 4 proposals in Yorkville- East of Bay collectively: 50 Bloor Street West; 2 Bloor Street West; 27-37 Yorkville Avenue and 26-50 Cumberland Street; and, 836-850 Yonge Street and 1-9A Yorkville Avenue. The Panel expressed support for the north-south connection to the Fire Hall Clock Tower, but had concerns with the height and scale of the base building and the amount of separation and blockage of sky views by the proposed towers. Since the DRP meeting, the applicant reduced the scale of the base building, increased step backs above the second floor on the south elevation to maintain the retail scale of Cumberland Street, added a step back above the seventh floor to maintain the scale of Yorkville Avenue's streetwall. In addition, the applicant revised the typical floor plate configuration creating a linked tower that will create better sky views and reduce the width of the towers on both Yorkville Avenue and Cumberland Street.

The minutes of the DRP meeting are available at:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%20Minutes%20March%202014.pdf>

On March 18, 2014, following the second DRP meeting, the local Councillor chaired a community stakeholder meeting where the ABC Residents Association, Asquith Collier Residents Association, Bloor-Yonge BIA and Greater Yorkville Residents Association provided feedback on the presentations from the DRP meeting.

On April 3, 2014 Planning staff met with representatives of the Asquith Collier community to discuss the emerging vision for Yorkville -East of Bay and each of the development applications.

On May 7, 2014 Planning staff met with community stakeholders from the ABC Residents Association, Asquith Collier Residents Association, Bloor-Yonge BIA and Greater Yorkville Residents Association to update them on the applications in the Yorkville - East of Bay area. The stakeholders provided comments to Staff on the latest proposals by the applicants.

On June 9, 2014 Planning staff presented the most current proposals by applicants in the Yorkville – East of Bay area to the Asquith Collier neighbourhood at the invitation of its Asquith Collier Residents Association.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses have been used to assist in evaluating the application and to formulate appropriate Official Plan Amendment and Site Specific Zoning By-law standards.

COMMENTS

Planning staff reviewed this application comprehensively and in the context of the Yorkville – East of Bay policy review. Staff are recommending Official Plan and Zoning By-law amendments for the site that represent good planning.

The applicant participated in the Yorkville – East of Bay design workshops and addressed concerns raised by the local community, Design Review Panel and Planning staff through the development review process, including but not limited to: reducing the heights of the proposed towers, revising the orientation and massing of the towers, relocating parking below-grade, increasing the site size to provide public open space and articulating the base building to fit within the Cumberland Street and Yorkville Avenue streetscapes.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS 2014). It provides additional density within a settlement area through intensification and redevelopment to accommodate an appropriate range and mix of land uses (Policy 1.1.2). The intensification will meet appropriate development standards (Policy 1.1.3.4), discussed further in this report.

In regard to efficient use of infrastructure and transportation systems, the proposal, located near the intersection of the Bloor and Yonge subway lines, promotes a land use pattern, density and mix of uses that limit vehicle trips and support the use of transit and active transportation (Policy 1.6.7.4).

This proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It represents new growth in a built-up area that will ensure and maximize the viability of existing and planned infrastructure (Policy 2.2.2).

Land Use

Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. These uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the CR district in Zoning By-law 438-86, as amended. The Official Plan states that development in *Mixed Use Areas* will 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. In addition, the Tall Buildings Guidelines identify Cumberland Street and Yorkville Avenue as priority retail streets and the Urban Design Guidelines identify Cumberland Street and Yorkville Avenue as Highly Animated Streets where the primary use is retail and commercial uses.

The TPA commercial parking garage use is a significant amenity for the local resident and business community, visitors, and shoppers. The reduced number of commercial parking spaces will continue to support the needs of the Bloor Yorkville Area.

The Draft Site Specific Zoning By-law accommodates a mix of uses.

Site Organization / Yorkville – East of Bay area

The site organization is acceptable. The proposal includes two linked towers, a municipal parking garage with 800 parking spaces and a public open space creating a mid-block pedestrian connection. The two linked towers sit on top of a 2, 7 and 10-storey base building. The base building has been massed to provide a two-storey street edge on Cumberland Street, with a well-designed screening of the above grade parking. On Yorkville Avenue, the above grade parking is set behind residential units which face Yorkville Avenue and the ‘Rose Garden’ on the north side of the street.

The linked rectangular towers at 62 and 40 storeys are perpendicular to the street. Orienting the towers on their narrowest face (22 metres) minimizes the visual impact and massing on Yorkville Avenue and Cumberland Street. Planning staff have assessed the views from several public open spaces, including Jesse Ketchum Schoolyard and the Village of Yorkville Park to ensure that the massing of the linked towers fit within the existing and planned context for the Yorkville – East of Bay area. The tower positioning and proposed height limit minimizes incremental shadow impacts on Jesse Ketchum Park/Schoolyard and the low rise residential neighbourhood east of Yonge Street (discussed in more detail in the Shadow section of this report).

A new public open space is located on the east portion of the site. The open space improves the pedestrian amenity in the area providing an outdoor pedestrian-only mid-block connection from Cumberland Street to Yorkville Avenue. This is in keeping with the objectives of the Yorkville – East of Bay Planning Framework. The mid-block connection forms an integral part of the Clock Tower Walkway which links Bloor Street to Davenport Road.

The Urban Design Guidelines state that mid-block pedestrian connections and courtyards are one of the urban design factors which contribute to Bloor-Yorkville’s success. This unique quality and network of pedestrian paths and courtyards should be continued as new developments are proposed in the area. The Official Plan states that mid-block connections will be designed to complement and extend the role of the street as the main place for pedestrian activity.

The open space will create a new view corridor to the fire hall clock tower on the north side of Yorkville Avenue and will provide a landscaped parkette area which meets objectives related to pedestrian networks, open spaces and courtyards in the Official Plan, local Urban Design Guidelines and the Yorkville – East of Bay Planning Framework as the Clock Tower Walkway.

The underground pedestrian system also connects to this site from Cumberland Terrace, under Cumberland Street into the P1 level (TPA parking garage) of this proposal. The underground pedestrian connection gives pedestrians access to the residential lobby, TPA lobbies and the retail uses on the ground floor.

The proposal is appropriately massed and set within the Yorkville – East of Bay area to fit within the urban structure for Yorkville, while minimizing potential impacts and improving pedestrian access and comfort.

Height and Density

The Official Plan Area Specific Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of these local policies and guidelines is to direct the tallest buildings around the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition in scale from the Height Peak with lesser height and physical scale than the Height Peak, and in a form compatible with adjacent areas.

The subject site is not located in the Height Peak, Height Ridge or Low-Rise Areas as identified in Official Plan Policy 211 and in the Urban Design Guidelines. An Official Plan Amendment is required because the proposed height exceeds the anticipated height for the site because the Yorkville tower (215 metres) is taller than the tallest building in the Height Ridge (204 metres).

The site is adjacent to the Height Peak, adjacent to the Bay Street Height Ridges and near the Yonge Street Height Ridge. The height of the tower is lower than the most recent approval in the Height Peak at 1 Bloor Street East. The zoned height at 1 Bloor Street East is 290 metres and the expected constructed height is 254 metres. The proposed Yorkville tower (215 metres) falls below a plane drawn from either the approved or constructed heights at 1 Bloor Street East to the newly built Four Seasons hotel (204 metres) at Bay Street and Yorkville Avenue.

The density is 18.3 times the area of the lot including the proposed above grade parking (or 15.3 times the area of the lot if the above grade parking were excluded). The proposed density is consistent with recently approved site specific zoning by-laws outside of the Height Peak area.

The height and density is acceptable as it fits with the existing and planned context while minimizing the impacts relating to the height, such as shadow impacts.

Massing

Tall buildings should be designed to consist of three parts carefully integrated into a single whole, including a base building, middle and top. Tall buildings proposed should address key urban design considerations in the Official Plan, including the built form policies, site design and

general fit within the existing and planned context, while providing a usable publicly accessible open space.

Base Building

The proposed base conforms to the Official Plan and responds to the direction in the Bloor-Yorkville/North Midtown Urban Design Guidelines. The proposed 2, 7 and 10-storey base building fits within the existing and planned street wall along Cumberland Street and Yorkville Avenue.

The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses. The loading and vehicle parking areas are located underground or within the building mass and not visible from Cumberland Street or Yorkville Avenue. Main building entrances are to be located in areas that are clearly visible and directly accessible from the sidewalk.

The ground floor uses of the base building include a residential entrance for both towers via the proposed open space. Through site plan control the residential entrance may be relocated to front onto Cumberland Street (or Yorkville Avenue) to comply with requirements from Parks and Fire Services staff. Retail uses and the TPA lobbies on Cumberland Street and Yorkville Avenue occupy the remaining frontages. The base is designed with active, grade-related uses along Cumberland Street, Yorkville Avenue and the pedestrian walkway.

The local Urban Design Guidelines call for a low-rise built form at the street edge. The street wall should reinforce the pedestrian scale of the existing street wall heights of the surrounding buildings, which is generally no more than 3 storeys.

On Cumberland Street the base building steps back 3 metres above the second floor to create a strong 2-storey (13.5 metre) expression at the base, which is the approximate width of the right-of-way. The Cumberland tower (22 metres wide) will be set back 2 metres above the 2-storey base to distinguish between the upper floors of the base building and tower. The upper portion of the base building consists of parking with a well-designed façade screening any view of the parking area.

On Yorkville Avenue the base building steps back 1 metre above the second floor to the seventh floor. Above the seventh floor the tower is set back another 2 metres. The remainder of the base building is set back 3.5 metres above the seventh floor to distinguish the base from the tower. The more prominent 2 and 7-storey façade to the Yorkville Avenue frontage is acceptable because of the greater separation between buildings on Yorkville Avenue and the existing character of nine-storey buildings at the property line. The Yorkville façade will be lined with residential units above the second floor animating the street wall.

The width of the Yorkville Avenue right-of-way is approximately 15.5 metres and of the Cumberland Street right-of-way is approximately 12.5 metres. The applicant proposes to convey a 3.05 metre wide strip along the Cumberland Street frontage to increase the right-of-way to approximately 15.5 metres. The ground floor level is set back 1 metre from the existing property line along Yorkville Avenue and 1 metre from the future property line along Cumberland Street.

The proposal calls for a widened sidewalk along Yorkville Avenue of 4.8 metres, and widened sidewalk along Cumberland Street ranging between 4.76 metres and 5.68 metres. While the Tall Buildings Guidelines call for a minimum sidewalk dimension of 6 metres, Planning staff are satisfied with the proposed sidewalk widths as the objective is to design Cumberland Street and Yorkville Avenue as pedestrian friendly rights-of-way by blending the sidewalk and roadway materials. These details will be finalized during the Site Plan Control process.

Middle Portion of Tower

Planning staff are satisfied with the shaft of the proposed tower. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

The north and taller tower (Yorkville Avenue) has a floor plate of 853 square metres and the south tower (Cumberland Street) has a floor plate of 750 square metres. Both towers have their narrowest face fronting the street, which is 22 metres for both buildings. The positioning of the linked towers perpendicular to the street minimizes the massing and view of the towers and provides a high degree of articulation when viewed from all directions. The bulk and massing of the towers will be restricted with no projecting balconies.

Top of the Tower

The proposed tops of the two building seamlessly integrate with the overall design of the towers. The tops will be designed in glass to work together with the building corners to frame the inset balconies. Planning staff are satisfied with the envelope illustrated in the draft zoning by-law to accommodate the proposed massing of the mechanical penthouses.

Tower Separation

The two towers are linked and offset to minimize privacy impacts on the site and to create more open space between the proposed linked towers and their surroundings. Planning staff are satisfied with the linked design and the tower separation.

The north tower is set back: 3 metres from Yorkville Avenue; 10.0 and 11.5 metres from the east property line; and 38.5 and 40 metres from the west property line. The south tower is set back; approximately 3 metres from the base building and 5 metres from Cumberland Street; 10.0 and 11.5 metres from the west property line; and over 55 metres from the east property line.

The intent of the 12.5-metre setback standard is to preserve the opportunity to provide a 25-metre separation distance between towers. While the proposal exceeds that standard for the majority of the project, it falls short at the west face of the south tower and the east face of the north tower by 1 metre. With respect to the north tower, the Yorkville - East of Bay Planning Framework envisions an expanded open space to the east of the walkway and achieving the 25-metre minimum tower separation to any future tall building to the east on Yorkville Avenue. With respect to the south tower, the property to the west on Cumberland Street cannot accommodate a tower once the 12.5 metre tower setback standard is applied to that site.

Shadow

The shadow impact resulting from the proposed application is acceptable. The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

The Tall Buildings Design Guidelines - Supplementary Design Guideline #2 states that new buildings should be located and designed not to cast any new net shadow on parks 12:00 PM and 2:00 PM on September 21st. It also states that new buildings should be designed and located so as to best mitigate all new net shadowing on Jesse Ketchum Park/Schoolyard and Ramsden Park in the Bloor-Yorkville/North Midtown Area.

The Urban Design Guidelines identify Shadow Sensitive Areas. East of Yonge Street, the lands that are designated *Neighbourhoods* in the Asquith Collier Precinct, on Collier Street, Park Road and Asquith Avenue, are identified as shadow sensitive areas. West of Bay Street, a portion of the Village of Yorkville and Yorkville Triangle, including the lands designated *Neighbourhoods* along Hazelton Avenue and Scollard Street, the Village of Yorkville Park and Jesse Ketchum Park, are identified as shadow sensitive areas. To the north, the Fire Hall Clock Tower, Library and Town Hall Square Park on the north side of Yorkville Avenue, and Frank Stollery Parkette on the north side of Scollard Street, are identified as shadow sensitive areas.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Planning staff have assessed this application in terms of the incremental impact resulting from the new 62-storey north tower, 40-storey south tower, 40-storey link and the 2, 7 and 10-storey base building. Planning staff are satisfied that the proposed development adequately limits shadow on the *Neighbourhoods*, shadow sensitive areas, publicly accessible parks, open spaces and natural areas.

On September/March 21, at 9:18 AM an incremental shadow is cast over the front and rear yards of houses on Hazelton Avenue and Scollard Street. A minor incremental shadow also falls on the south west corner of the Jesse Ketchum Schoolyard.

The Yorkville tower will fall in line with the shadow cast by the Four Seasons Hotel/Residential tower at 10:18 AM on September 21st. The Cumberland tower height was reduced from the original application to eliminate shadow impact on the Jesse Ketchum Schoolyard at the same date and time. By 11:18 AM, there is no incremental shadow on Jesse Ketchum Schoolyard, or daycare area. There is some shadow cast west of Bay Street on the hard-surface area of the school lands.

On September/March 21, at 12:18 PM the incremental shadow is cast over the *Mixed Use Areas* to the north. As the shadow moves through the afternoon, a shadow is cast over the Frank Stollery Parkette at 2:18 PM. By 3:18 PM, the incremental shadow is off the Parkette. A minimal increase is shown over the Fire Hall Clock Tower, Library and Town Hall Square Park

on the north side of Yorkville between 1:18 PM and 3:18 PM. By 4:18 PM, shadows are cast on a corner of the Town Hall Square Park and by 5:18 pm the incremental shadow is off the park.

On September/March 21, at 5:18 PM the incremental shadow is cast over the lands that are designated *Neighbourhoods* in the Asquith Collier Precinct. By 6:18 PM the incremental shadow is off of the Asquith Collier Precinct.

On June 21, when the sun is at its highest point, there are no incremental shadows on the low-rise neighbourhood to the west, Jesse Ketchum Park, Frank Stollery Parkette or the Asquith Collier Precinct at any point during the day. Between 12:18 PM and 3:18 PM the incremental shadows on the Fire Hall clock tower, library and Town Hall Square Park are minimized, with only a thin portion on the southeast corner of the park at 3:18 PM and no shadows at or after 4:18 PM.

Wind

Planning staff are satisfied with the wind condition resulting from the proposed development, subject to further assessment during the Site Plan Control process for additional mitigation strategies, which may include wind screens, awnings and landscaping.

The applicant submitted a Pedestrian Wind Conditions Letter of Opinion, dated June 12, 2012 prepared by RWDI Consulting Engineers and Scientists, based on the initial design for the application. The applicant also submitted a Consultation on Pedestrian Wind Conditions Report, dated June 25, 2014 prepared by RWDI Consulting Engineers and Scientists, providing further analysis on the original and current proposals in the Yorkville – East of Bay area.

Its findings show that the "wind conditions at grade were comfortable for pedestrians during the summer and at most locations during the winter." It is anticipated that the modifications made to the building through the review process including the reorientation of the tower floor plates and the reduced building height "will show similar or slightly better results" than shown in the report.

The findings also show that the only "uncomfortable" rating is during the winter at the northeast corner of the intersection of Yorkville Avenue and Bay Street, which is present in both the existing and proposed configurations. There are no unsafe conditions identified in the report. The report notes that the wind speed was reduced from 23 km/h for the existing configuration to 21 km/h for the proposed configuration, concluding that since this is "an overall reduction in wind speed", these wind conditions are considered to be appropriate.

Traffic Impact, Access, Parking

The traffic impact of the proposal is acceptable. The applicant's transportation consultant, (BA Group) prepared a study, titled Urban Transportation Considerations Update, March 2014. The study estimates that the proposed redevelopment will generate approximately 415 and 500 two-way trips during the AM and PM peak hours, respectively. The existing Toronto Parking Authority (TPA) parking garage at the site generates a total of 280 and 365 two-way trips during

the AM and PM peak hours, respectively. Including the existing trips generated by the site, there will be a net increase of approximately 135 two-way vehicular trips during the AM and PM peak hours, as a result of the redevelopment of the site. The consultant concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Traffic Planning staff have reviewed the traffic study and agree with the consultant’s conclusion.

Roadways

The owner is required to: pay all costs associated with the closing of the existing lane over the areas identified as the open space and building mass; provide a 3.05-metre conveyance for the widening on Cumberland Street; provide a 0.87 metre widening for the remainder of the east/west public lane; and transfer to the City a new 6.0 metre-wide public lane outlet to Cumberland Street. These areas are identified on Attachment No. 10.

Monitoring Driveways and Intersection Queuing

Staff recommend that the intersection at Bay Street and Yorkville be monitored in relation to the proposed Yorkville Avenue driveway post-occupancy to ensure there are no issues with queuing and if necessary mitigation measures may be taken at that time. As well, the consultant's report identified various movements at the Park Road/ Rosedale Valley Road intersection at the request of the local community. The consultant estimates that they are relatively minor (in the range of 10 or fewer vehicles per hour during peak periods).

Parking

The application proposes a total of 1,136 parking spaces on the site, both above and below grade. The total parking supply includes the 800 parking spaces in a municipal parking garage to replace the existing 1,036 parking garage on site. In addition to the 800 parking spaces, 336 residential parking spaces are proposed, the the general zoning by-law requires 649 parking spaces (a shortfall of 313 residential spaces). The general zoning by-law also requires 72 parking spaces for the proposed retail, and no parking is proposed exclusively for the retail uses.

Traffic Planning staff are satisfied that the proposed 800 commercial parking spaces located within the Toronto Parking Authority (TPA) parking lot can be used on a shared basis by residential visitors, retail visitors and commercial parking users. However, the residential parking supply must conform to the following minimum ratios:

Unit Type	Spaces per Unit
Bachelor	0.30
1-bedroom	0.50
2-bedroom	0.75
3+ bedroom	1.20

The TPA reviewed the commercial parking garage proposal and find it acceptable for their purposes. The TPA will report to City Council in the first quarter of 2015, presenting an alternative parking strategy to mitigate the loss of parking during replacement of the existing parking garage. The TPA find that through the signage and management of existing

underutilized parking in the area and the 200 parking space expansion at the Charles and Hayden parking garage, there is capacity sustain the parking demand for the area.

Loading

The application proposes one Type-G, and two Type-B loading spaces in accordance with the Zoning By-law. The loading facility is accessed off Cumberland Street and not visible from the public realm. This is acceptable to Staff.

In coordination with any future Site Plan Application, staff will require detailed turning manoeuvre diagrams with respect to the proposed loading arrangement. Adjustments may be required to the loading facility, on-street parking regulations, and possibly pavement widening.

Servicing

Engineering and Construction Services staff reviewed a revised Functional Servicing Report (FSR) submitted with the application. Staff is not satisfied with the FSR in its current form. Planning staff have provided the recommendation that Council a revised FSR be submitted to the satisfaction of the Executive Director of Engineering and Construction Services, prior to introducing the necessary Bills to City Council. The owner is required to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

Streetscape

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets. Area Specific Policy 211 states that pedestrian activity is a vital component of the Bloor-Yorkville/North Midtown Area and the amenity of public sidewalks and views to open space and parks will be maintained and enhanced with high quality, coordinated streetscape. Views through and to significant sites can also assist in encouraging and directing greater pedestrian movement in all areas.

The proposed development satisfies the Official Plan policies by locating the loading and service areas in the interior of the site, with one vehicular access point along Yorkville Avenue and one vehicular access point along Cumberland Street, providing for a safe, pedestrian friendly streetscape.

Cumberland Street and Yorkville Avenue are identified as Priority Retail Streets in the Tall Buildings Guidelines, where at least 60 percent of the frontage should be glazed and transparent. The layout of the ground floor level of the proposal has been designed to maximize the amount of retail frontage along Yorkville Avenue and Cumberland Street, by providing access to the residential lobby from the open space area and allowing for a high percentage of glazing along both Priority Retail Streets.

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The Urban Design Guidelines identify a range of opportunities to improve and expand the public network of parks, open spaces, pedestrian links, forecourts, courtyards, and the quality of the pedestrian environment along the existing road network. In addition, the Bloor-Yorkville/North Midtown Urban Design Guidelines identify the character type of both Cumberland Street and Yorkville Avenue as a 'Primary Pedestrian Street' where development shall be sensitive to pedestrian comfort and visual interests. Pre-eminent considerations include reinforcing the human scale, pedestrian priority and a vibrant street life including sidewalk cafes and 'spill-out' retail activities.

The second floor projects 1 metre beyond the ground floor along both Yorkville Avenue and Cumberland Street to provide a permanent weather protection for the comfort of pedestrians.

Planning staff are satisfied that the proposed interface with the pedestrian realm, including the open space area, widened sidewalks and retail glazing. Final landscaping details and streetscape treatments will be coordinated with other development applications along Cumberland Street and secured through Site Plan Control.

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 subject to this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle 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 1,100 residential units and 7,223 square metres of non-residential uses and a net site area of 5,837.7 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 1.46 hectares or 270% 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 (which excludes the TPA parking lot).

The total parkland dedication requirement is 551 square metres. The applicant proposes to satisfy the parkland dedication requirement by providing a 583.5 square metre strata land conveyance on the east portion of the development site as a public park. The proposal, however, calls for a total public park of 693 square metres, which includes a portion of the existing public lane to be closed. This provision will be secured through a Section 37 Agreement.

The proposed parkland would be situated above the below-grade Toronto Parking Authority garage and consist of a linear park connecting Yorkville Avenue to Cumberland Street and a public square fronting on Cumberland Street (as illustrated in Attachment No.9). Parks staff have identified some concerns with the current size and configuration of the proposed walkway and square. However, the proposed size is planned to increase as additional lands are added through redevelopment of adjacent properties. The Yorkville – East of Bay Planning Framework

identifies the opportunity to expand the size of the proposed public walkway and square into a central park in the heart of the Yorkville – East of Bay area, located along the Clock Tower Walkway.

Parks staff are not in support of the location of the residential entrance through the proposed park parcel. The relocation of the main residential lobby will be addressed through Site Plan Control review.

In accordance with Official Plan requirements, as contained in Section 3.2.3 Policy 8(a), acceptance of encumbered parkland would require Council approval. Should Council approve the proposed encumbered parkland dedication through adoption of this report, Park, Forestry and Recreation would require specific conditions (set out in Attachment No. 11) to be secured in an agreement and any shortfall in the value of the strata land conveyance, from that of the required parkland dedication requirement, would be required as a cash-in-lieu payment.

If Council does not support the applicant's proposal for an encumbered parkland dedication, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu and the open space should be secured as a Privately Owned Publicly-Accessible Space (POPS) with easements for public access and use. If required, the amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

City Council has adopted the two-tiered Toronto Green Standard (TGS), 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.

The applicant has indicated they will pursue Tier 2 of the TGS during the building permit phase of the project, which includes possible refunds against the Development Charges payable for the development, including: minimum energy performance – 35 percent efficiency improvement over MNECB; water efficiency – 30 percent reduction in residential water usage, 50 percent reduction in potable water for irrigation; light pollution – pedestrian specific lighting, retail lighting reductions between 11PM and 5AM; use of recycled materials – minimum 15 percent by material value; and construction and demolition waste management targets – minimum 75 percent diversion from landfill.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The applicant has agreed to provide an indexed contribution and/or equivalent value of \$11,500,000, as detailed in the recommendations in this report. Prior to City Council, further clarification will be provided for the timing and proportion of the total contribution attributed to each of the specified community benefits.

CONTACT

Oren Tamir, Senior Planner
Tel. No. (416) 392-7349
Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

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

(P:\2014\Cluster B\pln\TEYCC\19487022038.doc) - vc

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan (Ground Floor Plan)
Attachment 3: North Elevations
Attachment 4: South Elevations
Attachment 5: East Elevations
Attachment 6: West Elevations
Attachment 7: Zoning Map
Attachment 8: Official Plan Map
Attachment 9: Open Space Map
Attachment 10: Land Acquisition and Conveyance Map
Attachment 11: Parkland Conditions
Attachment 12: Draft Official Plan Amendment
Attachment 13: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type	Rezoning / Official Plan Amendment	Application Number:	12 191650 STE 27 OZ 14 173892 STE 27 OZ
		Application Date:	June 12, 2012 / June 13, 2014

Municipal Address: 27 - 37 Yorkville Avenue, 26-32, 50 Cumberland Street

Project Description: Two linked mixed use towers of 62 storeys (203 metres tall plus a 12-metre mechanical penthouse) on Yorkville Avenue and of 40 storeys (136.5 metres tall plus a 6.0-metre mechanical penthouse) on Cumberland Street including a 2, 7 and 10-storey base with frontages on both Yorkville Avenue and Cumberland Street for the property at 27-37 Yorkville Avenue and 26-32, 50 Cumberland Street. An open space is proposed along the eastern edge of the property connecting from Yorkville Avenue to Cumberland Street. A total of 1,136 parking spaces are proposed (800 replacement Toronto Parking Authority (TPA) spaces and 336 residential spaces).

Applicant:	Architect:	Owner:
Sherman Brown Dryer Karol (C/O Adam Brown)	Wallman Architects Ltd.	City of Toronto (TPA) / MK 37 Yorkville Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OP 211, 225
Zoning:	CR T7.8 C4.5 R7.8	Historical Status:	N/A
Height Limit (m):	30 / 18 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

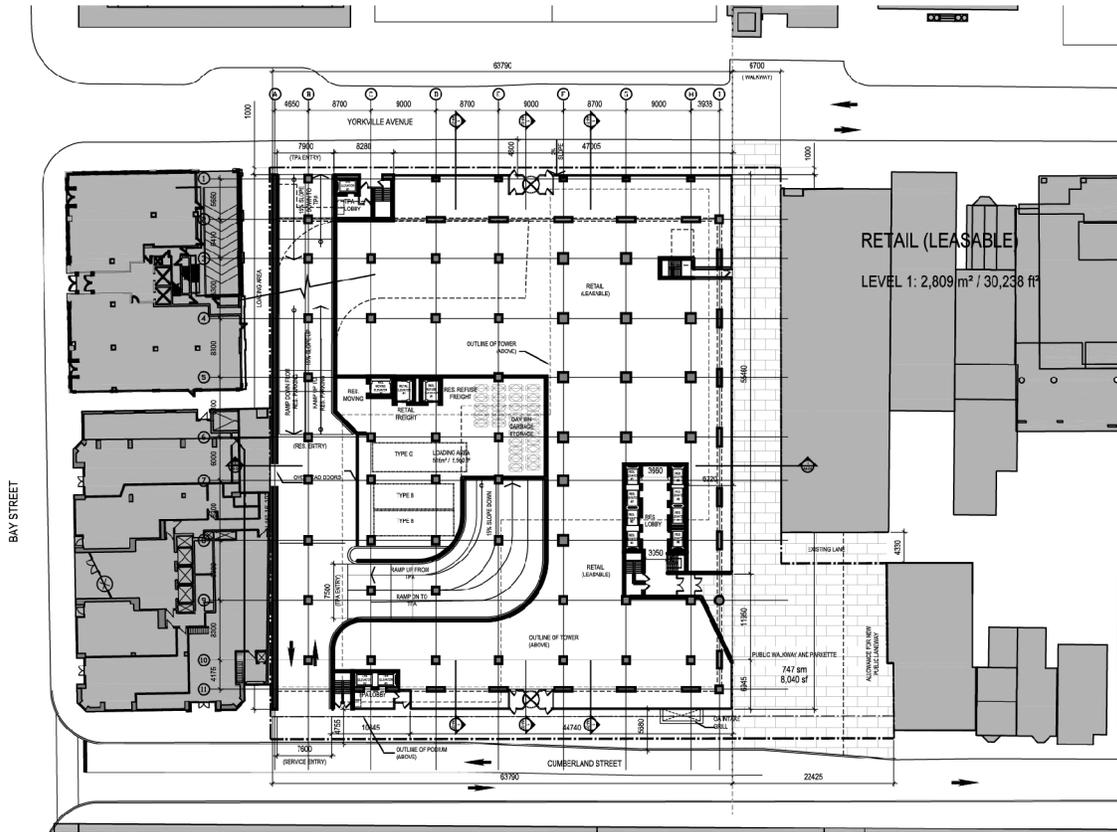
Site Area (sq. m):	5,838.7	Height:	Storeys:	62 and 40
Frontage (m):	70.5 Yorkville 86.2 Cumberland		Metres:	215 and 142.5
Depth (m):	140			
Total Above Grade Parking (sq. m):	17,138		Total	
Total Residential GFA (sq. m):	82,350		Parking Spaces:	1,136
Total Non-Residential GFA (sq. m):	7,223 (Retail)		Loading Docks	3
Total GFA (sq. m):	106,711			
Floor Space Index:	18.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	82,350	0
Bachelor:	131	Retail GFA (sq. m):	7,223	0
1 Bedroom:	667	Office GFA (sq. m):	0	0
2 Bedroom:	302	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Parking GFA (sq. m):	17,138	25,867
Total Units:	1,100			

Attachment 2: Site Plan (Ground Floor Plan)



Site Plan

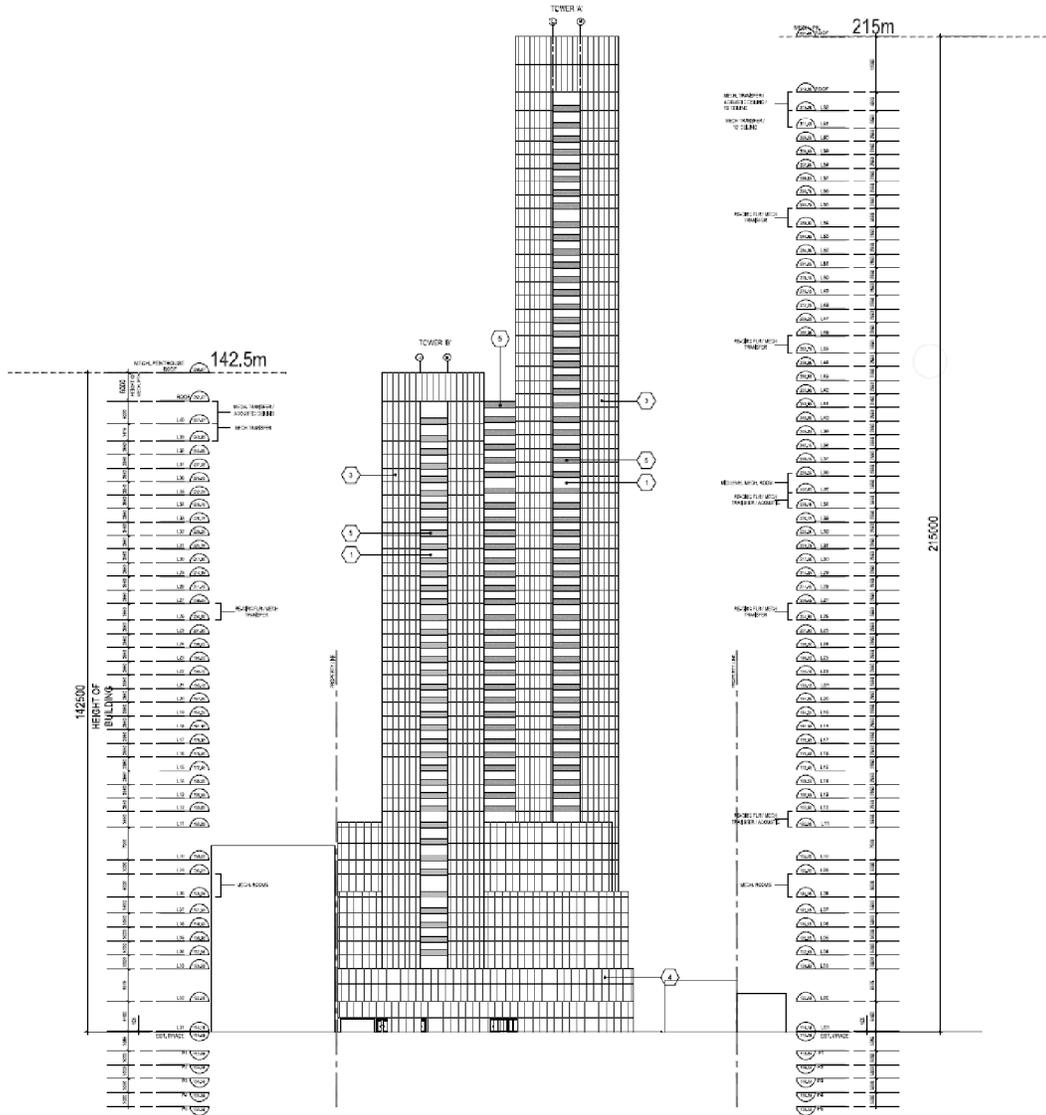
27-37 Yorkville Avenue & 26-32, 50 Cumberland Street

Applicant's Submitted Drawing

Not to Scale 04/30/2014

File # 12_191650_STE0Z,14_173892_STE 27 0Z

Attachment 4: South Elevation



South Elevation

Elevations

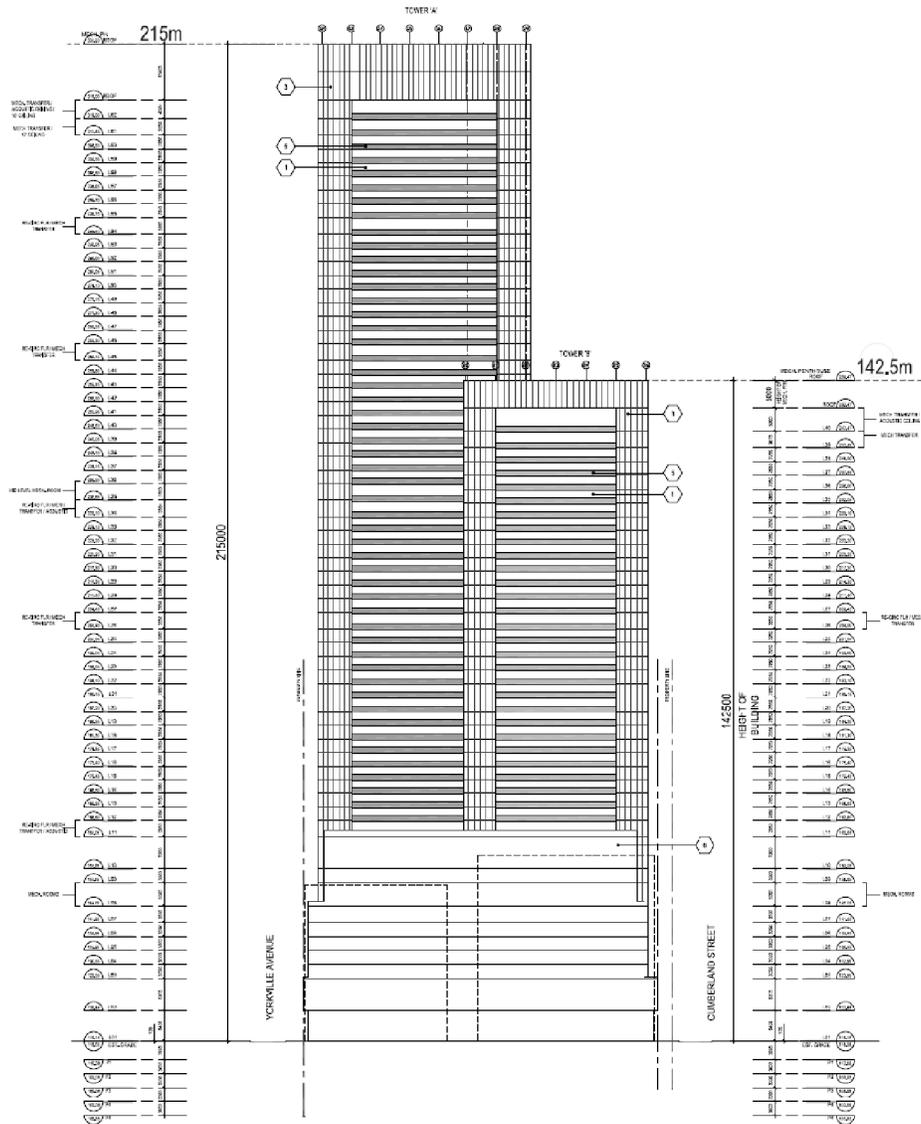
27-37 Yorkville Avenue & 26-32, 50 Cumberland Street

Applicant's Submitted Drawing

Not to Scale
07/14/2014

File # 12_191650_STE0Z,14_173892_STE 27 0Z

Attachment 6: West Elevation



West Elevation

Elevations

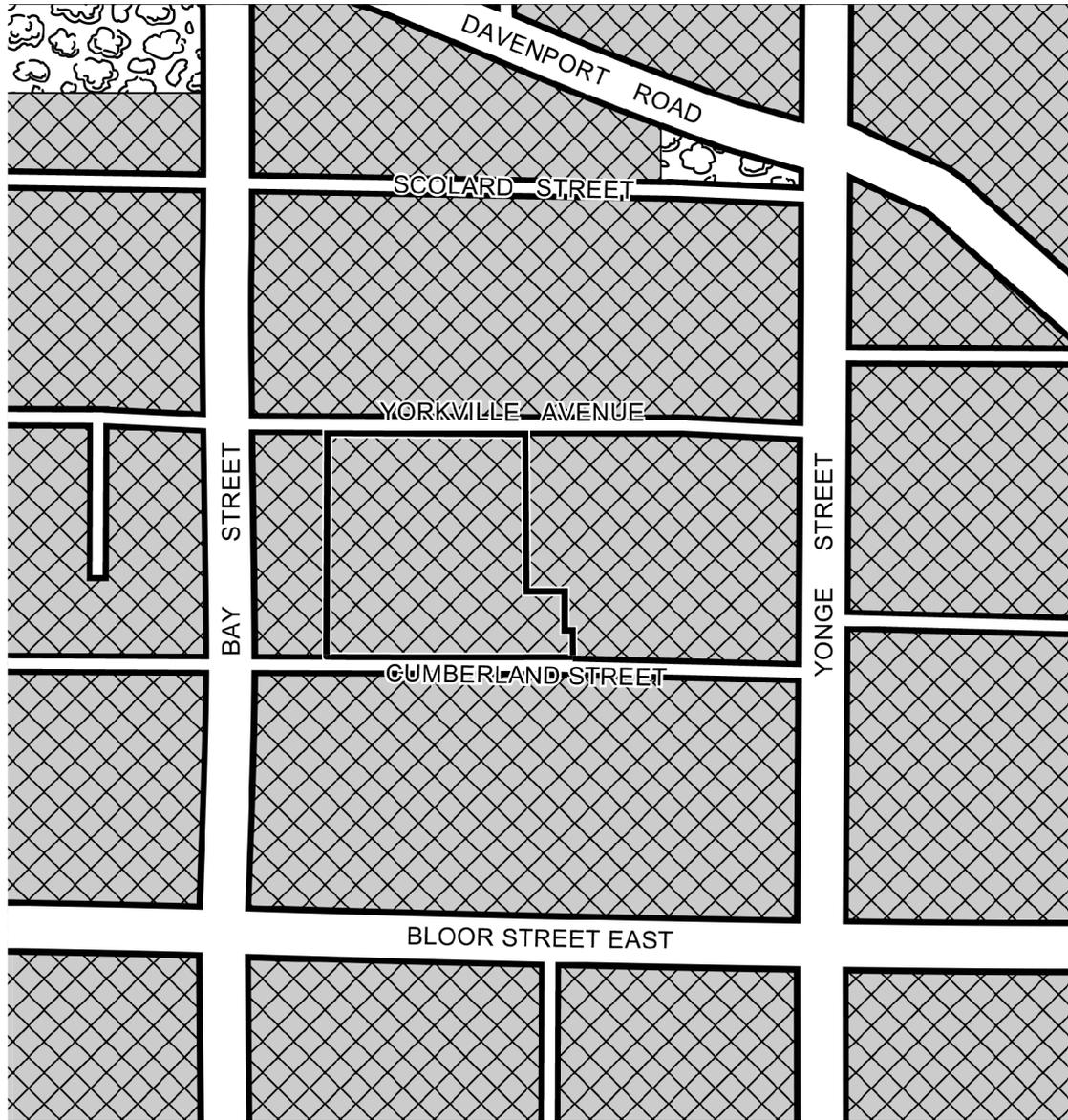
27-37 Yorkville Avenue & 26-32, 50 Cumberland Street

Applicant's Submitted Drawing

Not to Scale
07/14/2014

File # 12_191650_STE07,14_173892_STE 27 02

Attachment 8: Official Plan Map



TORONTO City Planning
Official Plan

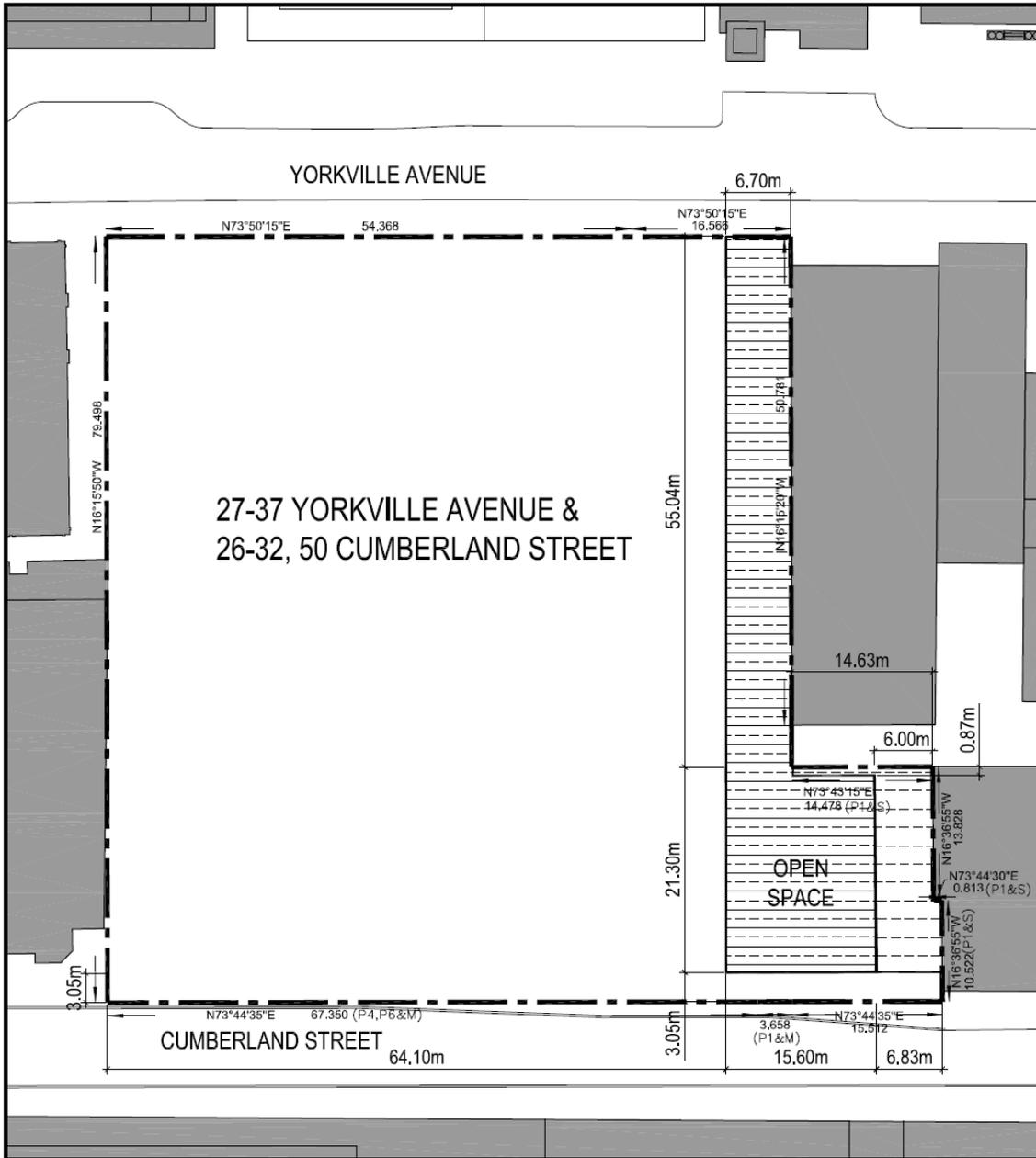
27-37 Yorkville Avenue & 26-32, 50 Cumberland Street

File # 12_191650_STE22 0Z, 14_173892_STE 27 0Z

- | | |
|---|--|
|  Site Location |  Parks & Open Space Areas |
|  Mixed Use Areas |  Parks |


 Not to Scale
 07/14/2014

Attachment 9: Open Space Map

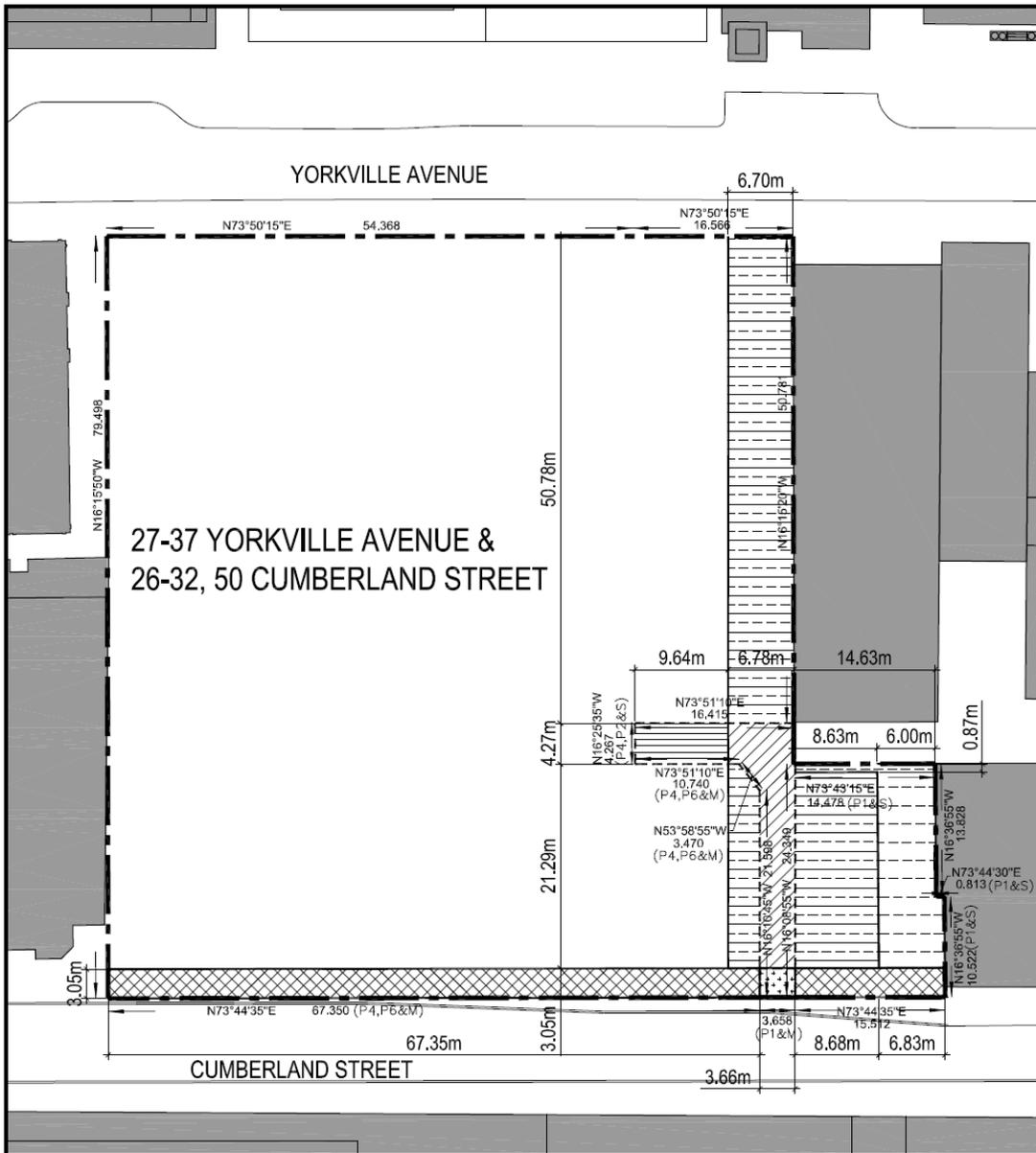


Open Space

- Subject Site
- Open Space,
Area = 693.45 sm
- Proposed New Lane and Lane
Widening, Area = 141.25 sm



Attachment 10: Open Space and Public Right-of-Way



Open Space and Public Right-of-Way

- | | | |
|---|---|--|
|  Subject Site |  Existing Lane Over Open Space, Area = 109.85 sm |  To be Conveyed for Right-of-Way Widening, Area = 252.71 sm |
|  City Owned Lands Forming Right-of-Way, Area = 11.16 sm |  Proposed New Lane and Lane Widening, Area = 141.25 sm | |
|  Extent of Footprint Over Existing Lane, Area = 41.07 sm |  Open Space, Area = 583.54 sm | |



Attachment 11: Parkland Conditions

1. That the Owner convey the parkland as depicted in Attachment No. 10 in the amount of 591 m². Any shortfall in the parkland dedication as a result of the encumbrance will be required to be paid in cash-in-lieu prior to the issuance of the first above grade building permit.
2. Prior to Site Plan approval, the Owner is required to remove any points of entry and exit from the building, that require access through the proposed parklands.
3. Prior to the issuance of the first above grade building permit the Owner is required to convey the parkland to the City to the satisfaction of the City Solicitor.
4. Prior to conveyance of the parkland the Owner is required to enter into an agreement, to the satisfaction of the City Legal Division, that would fully indemnify the City from any future claims for damage to the abutting structures of the development resulting from the strata parkland. The agreement would also require that the Owner or their successors be responsible for the costs to re-instate the park should it be disrupted in order to complete repairs to the below grade parking structure at any time in the future.
5. Prior to the conveyance of the parkland, the Owner agrees to pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication.
6. The strata land to be conveyed as parkland shall be free and clear, above grade and below grade down to 1.524 m, of all physical obstructions and easements, encumbrances and encroachments, including surface easements and no penetrations are permitted through the strata conveyance lands. The specified 1.524 m below grade should also be of topsoil capable of supporting tree and plant growth, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
7. The remainder of the land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface easements and no penetrations are permitted through the strata conveyance lands, unless otherwise approved by the General Manager, Parks, Forestry and Recreation.
8. Prior to conveyance of the parkland, the Owner shall be responsible for an environmental site assessment of the Parkland and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the Parkland will meet all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites. A qualified environmental consultant acceptable to the Executive Director of Engineering and Construction Services shall prepare the environmental site assessment. Prior to transferring the Parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the "Peer Reviewer"), and the transfer of the Parkland shall be conditional upon the Peer Reviewer concurring with

the Owner's environmental consultant that the Parkland meets all applicable laws, regulations and guidelines for public park purposes.

9. Prior to conveyance of the parkland, the Owner at its expense, will be responsible for base park construction and installation of the Parkland. The base park improvements include the following:
 - (i) grading (inclusive of topsoil supply and placement, minimum of 150 mm);
 - (ii) sodding, #1 nursery grade or equivalent value of other approved park development;
 - (iii) fencing (where deemed necessary) to the satisfaction of Parks, Forestry and Recreation;
 - (iv) all necessary drainage systems including connections to the municipal services as required;
 - (v) electrical and water connections, minimum 50mm to street line including backflow preventers, shut-off valves, water and hydro chambers;
 - (vi) street trees along all public road allowances abutting City-owned parkland;
 - (vii) standard park sign (separate certified cheque required); and
 - (viii) demolition, removal and disposal of all existing materials, buildings and foundations.

All mechanical elements of the base park construction are to be designed and installed so that they function independently of the underlying property and that operational controls are accessible other than through private property or will be accessible by a service easement that is acceptable to the General Manager of Parks, Forestry and Recreation.

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

10. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry & Recreation and the Executive Director of Engineering and Construction Services.
11. The Owner must provide documentation from a qualified environmental engineer that any fill and topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.
12. Prior to the issuance of the first above grade building permit, the Owner is required to submit a design and cost estimate for the Above Base Park Improvements and a budget to the satisfaction and approval of the General Manager, Parks, Forestry and Recreation.
13. The total cost to complete the Above Base Park Improvements is to be determined and secured as part of the Section 37 benefits.

14. The Owner acknowledges that they shall not be entitled to any development charge credit for their costs to design and construct the Base Park or Above Base Park Improvements.
15. 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 for the Above Base and Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with base park improvements.
16. Prior to the construction of the park, the Owner shall provide a full construction package for park development including but not limited to grading, layout, utility, details, specifications, tender documents etc. to be approved by the General Manager, Parks, Forestry and Recreation.
17. The Owner, upon satisfactory completion of the construction and installation of the Base and Above Base 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.
18. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that:
 - a. There are no outstanding claims against the remaining park security;
 - b. The City has undertaken a lien search at the owner's expense to determine no liens have been registered against the parkland. The Owner will be required to provide a certified cheque in the amount of \$1,000 to undertake this. Any unused funds will be returned to the Owner;
 - c. The Owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;
 - d. All deficiencies have been rectified; and
 - e. 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.
19. 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 be 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

20. The Owner shall convey by way of strata title the public park to the City and implement the required base park and above-base park improvements prior to registration of the first condominium on the Site to the satisfaction of the General Manager of Parks, Forestry and Recreation, subject to securing any outstanding improvement items related to seasonality by letter of credit;
21. The Owner is required to enter into a Parks Maintenance Agreement with the City outlining the parkland maintenance responsibilities.
22. Prior to Site Plan approval, the owner will be required to provide information to the appropriate staff in Parks, Forestry and Recreation as to whether or not they are subject to a Limiting Distance Agreement. If they require entering into a Limiting Distance Agreement, the City may require compensation for the affected area.
23. The Owner is required to contact the Parks, Forestry and Recreation Division if the occupation of any adjacent City owned parkland, for construction staging or works associated with this development, is required. If approved, the Owner would be required to enter into a Park Occupation Permit with Parks, Forestry and Recreation Division. The permit would outline the details of the park occupancy, restoration and any associated fees. The terms of the Park Occupation Permit shall be to the satisfaction of Parks, Forestry and Recreation.

Attachment 12: Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW NO. XXX-2014

To adopt Amendment No. XXX to the Official Plan for the City of Toronto respecting the lands known municipally as 27-37 Yorkville Avenue & 26-50 Cumberland Street

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

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

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

1. The attached Amendment No. 276 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this (#) day of (month), A.D. 2014.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 276

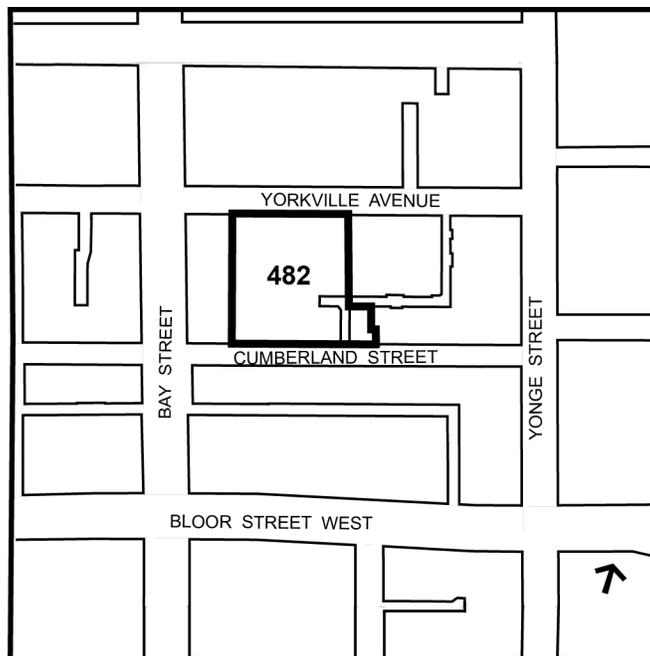
LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS 27-37 YORKVILLE AVENUE & 26-50 CUMBERLAND STREET

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 482 for the lands known municipally in 2014 as 27-37 Yorkville Avenue & 26-50 Cumberland Street as follows:

482. 27-37 Yorkville Avenue & 26-50 Cumberland Street

- (a) A maximum of two linked towers is permitted. The maximum height of the north tower is 215 metres and the maximum height of the south tower is 142.5 metres.



2. Chapter 7, Map 34, Site and Area Specific Policies, is amended to add the lands known municipally in 2014 as 27-37 Yorkville Avenue & 26-50 Cumberland Street shown on the map above as Site and Area Specific Policy No. 482.

Attachment 13: Draft Zoning By-law Amendment

BY-LAW No. XXX – 2014

To amend the General Zoning By-law No. 438-86, as amended, for the former City of Toronto with respect to the lands known as 27-37 Yorkville Avenue, and 26-32, 50 Cumberland Street

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

1. None of the provisions of Sections 2 with respect to “*lot*”, “*grade*”, and “*parking space*” and Sections 4(2), 4(5), 4(10)(a), 4(14), 4(16), 4(17), 8(3)Part I, 8(3)Part II(1)(a), 8(3)Part III(1)(a), 8(3) Part IV(1), 12(2)132, 12(2)259 and 12(2)304, 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 of a *mixed use building* on the *lot* which may contain *residential gross floor area*, *non-residential gross floor area* including a *commercial parking garage*, and uses *accessory* thereto, provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 132,610 square metres, of which 106,720 is located above grade and 25,880 is below grade, including:
 - (i) the *residential gross floor area* does not exceed 94,550 square metres, inclusive of a maximum of 12,200 square metres of *residential gross floor area* in a *parking garage* located at or above *grade*; and
 - (ii) the *non-residential gross floor area* does not exceed 38,060 square metres, inclusive of a maximum of 4,950 square metres of *non-residential gross floor area* in a *commercial parking garage* located at or above *grade* and 25,880 square metres of *non-residential gross floor area* in a *commercial parking garage* located below *grade*;
 - (c) a minimum of 10 percent of the total number of *dwelling units* constructed on the *lot* shall have a minimum area of 79.0 square metres and shall contain at least two bedrooms;
 - (d) the maximum tower floor plate sizes are as follows:
 - (i) north tower – 873 square metres of *residential gross floor area*
 - (ii) south tower – 750 square metres of *residential gross floor area*

- (iii) link building – 78.2 square metres of *residential gross floor area*
- (e) no portion of any *building* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (f) the *height* of any *building* or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Map 2;
- (g) notwithstanding Section 1(e) and 1(f) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the *heights* shown on Map 2:
 - (i) awnings, balustrades, canopies, cornices, door swings, eaves, fences, guardrails, landscape features, lighting fixtures, ornamental elements, trellises, railings, stairs, stair enclosures, wheel chair ramps, vents, window sills, window washing equipment, underground garage ramps and their associated structures; and
 - (ii) parapets and screens to a maximum of 1.2 metres beyond the heavy lines of the building envelopes and the *heights* shown on Map 2;
- (h) parking shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) 0.3 *residential parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.5 *residential parking spaces* for each one bedroom *dwelling unit*;
 - (iii) 0.75 *residential parking spaces* for each two bedroom *dwelling unit*;
 - (iv) 1.2 *residential parking spaces* for each three or more bedroom *dwelling unit*;
 - (v) A total of 800 *commercial parking spaces* shall be provided in a *commercial parking garage*, inclusive of:
 - A. 0.06 *commercial parking spaces* for each *dwelling unit* for residential visitors on a non-exclusive basis; and
 - B. 1 *commercial parking space* for each 100 square meters of *non-residential gross floor area* used for retail and commercial purposes on a non-exclusive basis. For the purposes of this subsection, *non-residential gross floor area* contained within a *parking garage* and *commercial parking garage* does not require *commercial parking spaces*.
- (i) at least 60 percent of the aggregate length of *frontages* of the *lot* abutting Yorkville Avenue and Cumberland Street, including public parks and open

spaces, shall be provided as one or more of the uses listed in sections 8(1)(f)(b)(i), (ii) and (iv) of By-law No. 438-86.

2. None of the provisions of By-law No. 438-86 shall apply to prevent a “*Temporary Sales Office and Temporary Construction Office*” on the *lot* as of the date of the passing of this By-law.
3. For the purposes of this By-law:
 - (a) “*commercial parking space*” means an area, accessed by a one-way or two way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and shall have the following dimensions:
 - length 5.2 metres;
 - height 2.0 metres;
 - width 2.6 metres;
 - (b) “*lot*” means those lands outlined on Map 1 attached hereto;
 - (c) “*grade*” means 116.07 metres Canadian Geodetic Datum;
 - (d) “*residential parking space*” means an area, accessed by a one-way or two way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and shall have the following dimensions:
 - length 5.6 metres;
 - height 2.0 metres;
 - width 2.6 metres; or
 - (e) “*Temporary Sales Office and Temporary Construction Office*” shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the administration and management of construction activity related to construction on the *lot*;
 - (f) Every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86, as amended.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

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

Appendix 1: Community Benefits

Subject to further clarification prior to City Council, the community benefits are as follows:

1. An indexed cash contribution and/or equivalent value of \$11,500,000. Inclusive of the total value, a cash contribution of \$1,500,000 is to be paid within 30 days of the site specific zoning by-law coming into full force and effect. The total amount will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment. Such contribution will be used towards, but not limited to:
 - a. new or existing community and/or cultural space;
 - b. public art;
 - c. local area streetscape and park improvements;
 - d. new or existing affordable housing including capital repairs of Toronto Community Housing in Ward 27; and
 - e. any other community benefit as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

2. In the event the cash contributions referred to above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

