

**48-58 Scollard Street and 1315-1325 Bay Street  
Zoning Amendment Application  
Final Report**

<b>Date:</b>	March 17, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	15 251277 STE 27 OZ

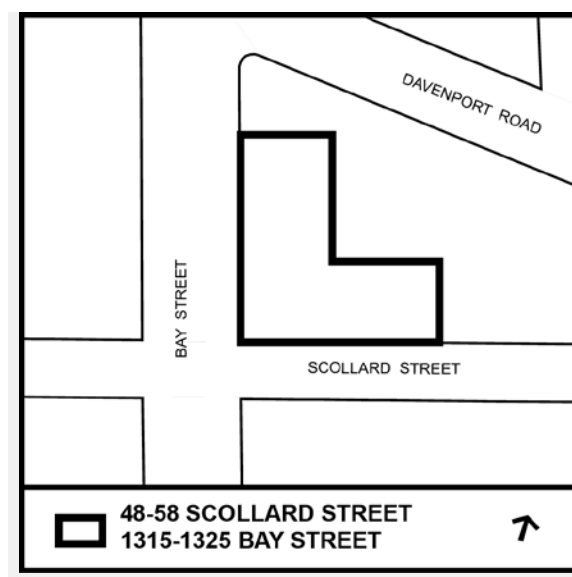
**SUMMARY**

This application proposes a 41-storey (147 metres, including 2-level mechanical penthouse) mixed-use building with commercial and retail uses on the first three floors and residential use above at 48-58 Scollard Street and 1315-1325 Bay Street. A total of 112 residential units, 126 vehicular parking spaces and 148 bicycle parking spaces are proposed. A privately owned publicly-accessible open space (POPS) is proposed at the northeast corner of Bay Street and Scollard Street.

The four designated heritage buildings at 54A-58 Scollard Street and 1315 Bay Street would be altered, moved and integrated into the development. The listed heritage building on the site at 54 Scollard Street would be demolished.

A separate report from Heritage Preservation Services dated January 10, 2017, recommends the proposed alterations and conservation strategy.

The proposal is consistent with relevant policies of the Official Plan, the Bloor-Yorkville/North Midtown Urban Design



Guidelines and the Yorkville – East of Bay Planning Framework. This report reviews and recommends approval of the application to amend the Zoning By-law.

## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 48-58 Scollard Street and 1315-1325 Bay Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated March 17, 2017 from the Director, Community Planning, Toronto & East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for 48-58 Scollard Street and 1315-1325 Bay Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to report dated March 17, 2017 from the Director, Community Planning, Toronto & East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$2,160,000.00 to be allocated towards local area park or streetscape improvements in consultation with the Ward Councillor.
    - ii. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$270,000.00 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the Ward Councillor.
    - iii. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$270,000.00 to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the Ward Councillor.

- iv. The above-noted cash contributions are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - v. In the event the cash contributions referred to in Recommendation 4(a) 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, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the property.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall provide and maintain a privately owned and publicly accessible open space (POPS) of 523 square metres at the northeast corner of Bay Street and Scollard Street with the specific location, configuration and design to be determined in the context of a site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006, as amended and as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor.
  - ii. The Owner shall provide 10 percent family sized units in the development, containing at least three bedrooms.
  - iii. Pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to:
- a. enter into a Heritage Easement Agreement with the City for the properties at 54A-58 Scollard Street and 1315 Bay Street to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor; and

- b. provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 54A-58 Scollard Street and 1315 Bay Street prepared by ERA Architects Inc., dated October 17, 2016, to the satisfaction of the Senior Manager, Heritage Preservation Services.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 19, 2016, Toronto and East York Community Council considered a Preliminary Report (December 11, 2015) from the Director, Community Planning, Toronto and East York District - Zoning Amendment Application at 48-58 Scollard Street and 1315-1325 Bay Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.37>

On July 12, 2016, City Council designated the properties at 54-58 Scollard Street and 1315 Bay Street under Part IV of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.29>

On March 9, 2017, City Council approved the alterations to the heritage properties at 54A-58 Scollard Street and 1315 Bay Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE22.22>

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes a new 41-storey (147 metres, including mechanical penthouse) mixed-use building with commercial and retail uses on the first three floors and residential use above. A privately owned publicly-accessible open space (POPS) is proposed at the northeast corner of Bay Street and Scollard Street.

The proposed development has three components: (1) a three-storey base building integrated with the relocated heritage buildings at the east end of the site, on Scollard Street; (2) a new 523 square metre POPS at the northeast corner of Scollard Street and Bay Street; and (3) a staggered-rectangular shaped tower with its wide face fronting the POPS and Bay Street.

The proposed low-rise base building on Scollard Street is linked to the tower and contains non-residential uses, amenity space, a rooftop garden, and the access point to a four-level underground parking garage and internal loading area.

The proposed tower is designed with three overlapping rectangles stepping back from the north and west property lines, with a 9-storey streetwall component set back 0.4 metres from the Bay Street property line (to provide for the required Bay Street right-of-way widening). Above the 9-storey streetwall building, the tower is set back 4 metres from the Bay Street property line and 1.5 metres from the north property line, up to the 28<sup>th</sup> storey. The tower then steps back 4.1 metres (from the west) and 6.2 metres (from the north) up to the 35<sup>th</sup> storey. The tower then steps back 4.1 metres further (from the west) and 6.2 metres (from the north) up to the 41<sup>st</sup> floor plus mechanical levels.

The proposed floor plate size decreases as the tower rises. The tower floor plate on floors 10-28 is 640 square metres, on floors 29-34 is 476 square metres, and on floor 36 and above is 312 square metres. The density of the proposed development is 10.3 times the area of the lot.

The proposed tower has a staggered setback from the Scollard Street property line of 11.0 metres to 18.7 metres, framing the POPS. The POPS proposes a 'pleached hedge' through the open space. A 'pleached hedge' is created by planting a series of trees in lines with their branches woven together.

The ground floor along Bay Street and the POPS will consist of retail uses, the residential lobby, and a drive court at the north end of the site off Bay Street. The second floor will consist of residential lobby and spaces supporting the retail uses. The third floor will be used as a restaurant with the fourth floor as indoor and outdoor amenity space for the residential component.

The existing sidewalks are approximately 6.0 metres wide along Bay Street and 3.0 metres wide along Scollard Street. The sidewalks are proposed to be widened with the introduction of the POPS along Bay Street and Scollard Street. Along the ground floor, the narrowest portion of the widened sidewalk (curb to building face) would be approximately 10 metres along Bay Street. The sidewalk width along Scollard Street will remain unchanged along the relocated heritage facades and be widened adjacent to the POPS.

The proposed building consists of 112 residential units. The residential unit breakdown is as follows:

Unit Type	Number of Units
<b>1-bedroom</b>	<b>65</b>
<b>2-bedroom</b>	<b>34</b>
<b>3+-bedroom</b>	<b>13</b>
<b>Total</b>	<b>112</b>

The application proposes that 10 percent of the total units will be secured as family size units containing at least three bedrooms.

A total of 1,255 square metres of indoor amenity space is proposed: 161 square metres on the second floor (resident business centre), 489 square metres on the fourth floor (lounge and entertainment area) and 605 square metres on the tenth floor (recreation area).

A total of 140 square metres of outdoor amenity space is proposed; on the fourth floor (60 square metres) and on the tenth floor (80 square metres) adjacent to the indoor amenity space. In addition to the residential outdoor amenity space, a 523 square metres POPS, and a 461 square metres third floor terrace to be shared by residential and commercial users, are proposed.

A total of 126 vehicular parking spaces (112 residential and 14 visitor spaces) are to be provided in a four-level underground parking garage accessed from Scollard Street. A total of 148 bicycle parking spaces are proposed, comprising 128 long term bicycle spaces on level P1 and 20 short term spaces at grade.

Servicing vehicles will access the site via Scollard Street to an enclosed Type 'G' loading space. All pick-up and drop-off vehicular activity is proposed via the drive court off of Bay Street.

One listed heritage building at 54 Scollard would be demolished, and four designated buildings at 54A-58 Scollard and 1315 Bay Street would be relocated approximately 25 metres east and integrated into the proposed development. The alterations consist of removing the existing addition at the rear of the designated buildings and integrating the remaining heritage structures into the base building. The proposal also includes lowering the floors and doors of the heritage buildings to accommodate accessibility requirements and rehabilitation of the designated row houses.

The proposed alteration and conservation plan of the heritage buildings on the site is detailed in a separate staff report from the Chief Planner and Executive Director, dated January 10, 2017.

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

- reduced height from 43 storeys (158 metres) to 41 storeys (147 metres);
- reduced density from 11.3 to 10.3 times the lot area;
- reduced residential and retail gross floor area; and,
- reduced parking spaces from 132 to 126.

## **Site and Surrounding Area**

The subject site is located on the northeast corner of Bay Street and Scollard Street. It is L-shaped, has an area of 2,074 square metres, and has 57 metres of frontage along Bay Street and 53 metres along Scollard Street.

The subject site includes the following properties:

Address	Description	Heritage Register
<b>48-50 Scollard St.</b>	1-storey stucco and glass building (former Four Seasons sales centre)	
<b>54 Scollard St.</b>	Vacant two storey frame and stucco dwelling	Listed
<b>54A Scollard St.</b>	Vacant three storey brick building	Designated
<b>56 Scollard St.</b>	Vacant two-and-a-half storey brick building	Designated
<b>58 Scollard St.</b>	Vacant two-and-a-half storey brick building	Designated
<b>1315 Bay St.</b>	Vacant three storey brick building	Designated
<b>1319-1325 Bay St.</b>	40-space commercial surface parking lot	

Uses and structures near the site include:

North: is a 10-storey mixed-use building (1331 Bay Street) at the southeast corner of Bay Street and Davenport Road. The building steps back at the 9<sup>th</sup> floor (height of 29.1 metres) and then steps again at the 10<sup>th</sup> floor (height of 31.1 metres) and then steps to the mechanical penthouse (height of 36.4 metres). There are corner balconies at 1331 Bay Street and a window-less façade facing the south property line, adjacent to the subject site. The 1331 Bay Street building wraps around the east property line of the subject site. There are windows and balconies facing southeast of the windowless façade.

On the north side of Davenport Road are two recently-built apartment buildings. At 88 Davenport Road is the 25-storey "Florian" condominium building at 72.7 metres in height. To the east of the "Florian" is the 31-storey "The Yorkville" condominium building at the northwest corner of Davenport Road and McMurich Street (20 McMurich Street) with a height of 106.4 metres. To the west of the "Florian" is an application at 100 Davenport Road that was recently refused by the City and is under appeal to the Ontario Municipal Board, proposing a new 39-storey (137-metre) mixed-use building (File Nos. 15 262982 STE 27 OZ and 16 132256 STE 27 OZ).

South: of Scollard Street is the Four Seasons Hotel and Private Residence. The combined hotel and residential building located at the northeast corner of Yorkville Avenue and Bay Street is 52 storeys (204 metres including a 9-metre mechanical penthouse) with a base building of 35.9 metres on the south side of Scollard Street. 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 (94 metres including a 5-metre mechanical penthouse). Adjacent to the motor court is the 'Rose Garden' POPS.

East: is a 15-storey apartment building at 40 Scollard Street with a height of 43.3 metres plus a 6.7-metre mechanical penthouse (total height of 49 metres), which is linked to the Stone Church at 45 Davenport Road. Further east is the "Lotus" apartment building with a height of 54 metres to the top of the building.

West: of Bay Street is Jesse Ketchum Park, school and schoolyard. At the northwest corner of Bay Street and Scollard Street is a 4-storey commercial building (1300 Bay Street). West of that property is the Yorkville-Hazelton Heritage Conservation District.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

## **Official Plan**

The Official Plan designates the subject site as *Mixed Use Areas*, and locates it within the *Downtown and Central Waterfront* as shown on Map 2, the Urban Structure map of the Official Plan.

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. In *Mixed Use Areas*, developments will: 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.



Heritage policies are found under Section 3.1.5 of the Official Plan. The Official Plan states that significant heritage resources will be conserved by listing and designating properties of architectural and/or historic interest on the City's Heritage Register.

### **Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown Area**

Area Specific Policy 211 in 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*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the northern edge of the Downtown and provides for transition in density and scale.

The subject site is located north of the Bay Street Height Ridge. Height and density permissions within the Height Ridge generally diminish further from the Height Peak at Yonge and Bloor Streets to provide for a transition in scale. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. The subject site is also located within the Yonge-Yorkville Area of Special Identity, which states that development will be compatible with heritage buildings, protect views of the Fire Hall tower, and minimize shadow impacts on Stollery Park.

### **Heritage**

The properties at 54, 54A, 56, 58 Scollard Street and 1315 Bay Street were listed on the Inventory of Heritage Properties in 1974. On July 12, 2016, City Council designated the properties at 54A-58 Scollard Street and 1315 Bay Street under Part IV of the *Ontario Heritage Act* and on March 9, 2017, City Council approved the alterations to the heritage properties at 54A-58 Scollard Street and 1315 Bay Street. The site is adjacent to the Yorkville-Hazelton Heritage Conservation District, located west of Bay Street, on the north side of Scollard Street.

The application proposes to demolish the building at 54 Scollard Street. The remaining four townhouse buildings are proposed to be altered, moved and integrated into the development. The alteration will consist of removing the existing additions to the rear of the houses; adding an addition to accommodate elevator access and parking access; encroaching on the remaining heritage envelope for loading; lowering the floors and doors to accommodate equal access for people with disabilities; and reinstating the original character of the houses where possible.

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

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not

move a part of a *historic place* if its current location is a *character-defining element*.

- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements.
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
- Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes.
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.
- Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

The *Standards and Guidelines* also include several key definitions. Central to these is the definition of Conservation as all actions or processes aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.

### **Bloor –Yorkville/North Midtown Urban Design Guidelines**

The Bloor-Yorkville/North Midtown Urban Design Guidelines give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The main planning objectives of the 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 at the northern end of the Yonge-Yorkville Precinct and partially in the Bay Davenport Precinct.

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 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall buildings to ensure they fit within their context and minimize their local impacts.

This application 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). The Downtown Tall Building Guidelines identify where tall buildings belong in Downtown, and establish a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Buildings Guidelines also contain heritage principles and performance standards.

This site is located north of the Bay Street High Street as illustrated on Map 1 of the Downtown Guidelines. Specifically, the High Street ends at the south side of Scollard Street. The height range for the area on Bay Street, south of Scollard Street is 62 – 107 metres, as identified on Map 2 of the Guidelines. The High Streets Typologies Map (Map 3) identifies the Bay Street High Street (south of Scollard Street) as Tower-Base form. Map 4 identifies Bay Street, south of Scollard Street as Priority Retail Street, meaning 60 percent of the total building frontage should contain active retail uses.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Yorkville - East of Bay Planning Framework**

City Council adopted the Yorkville – East of Bay Planning Framework on August 25, 2014. The Framework applies to the area of Yorkville between Bay Street and Yonge Street, from Bloor Street to Davenport Road. The Framework is founded on a vision, goals and objectives for the pedestrian environment and connectivity, and for the location of tall buildings and their built form criteria.

The Planning Framework identifies two key mid-block pedestrian connections to be created by a series of parks, open spaces, linear parks and walkways. These north/south linear park and walkway systems are named by their defining features - Town Hall Walkway and Clock Tower Walkway.

The subject site is identified as Tall Building site No. 14 and the Framework calls for a POPS linked to the Clock Tower Walkway linear park system. The Framework is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE34.93>

## **TOcore**

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and 128 policy directions that will inform the development of the Downtown Secondary Plan. The accompanying staff report also provides updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Secondary Plan. A draft Secondary Plan will be presented to City Council in Q3 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings in Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metres in height.

The TOcore website is [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy**

On October 13, 2016 Toronto and East York Community Council and staff were directed to consider the Bloor-Yorkville/North Midtown: Planning Framework and Implementation Strategy during the evaluation of current and future development applications.

The Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy report (August 2015) was prepared by The Planning Partnership, Greenberg Consultants

Inc., ERA Architects., and Michael Spaziani Architect Inc., on behalf of the Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and Yonge Bay Bloor Business Association.

The report has two parts: an overview of the history, and current policy and development context; and, a policy framework and implementation strategies, and separate pedestrian realm network plan. The report organizes the Bloor-Yorkville/North Midtown area into 3 districts: the primary development districts; the corridor districts; and, the stable neighbourhood districts. Each district contains precincts, some of which are broken down into segments. Targeted planning policies are proposed for each district, precinct, and segment.

Planning staff have considered the Planning Framework and Implementation Strategy in the review of this application.

## **Zoning**

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the site.

Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c1.75; r3.0) SS1 (x1943) and (x1937) with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot. Under Zoning By-law 438-86, the property is zoned CR T3.0 C1.75 R3.0 with a height limit of 18 metres and a maximum density of 3.0 times the area of the lot. In both cases, the CR zoning category allows a broad range of residential and commercial uses.

## **Site Plan Control**

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan Control Application (No. 16 194873 27 SA), which is under review.

## **Reasons for Application**

The application proposes a mixed-use building with a height of 147 metres (including mechanical penthouse) and a density of 10.3 times the area of the lot. The maximum height and density permitted in the Zoning By-laws is 18 metres in height and 3.0 times the area of the lot. The proposal exceeds the maximum floor space index and height limit for the site. A Zoning By-law amendment is therefore required.

## **Community Consultation**

City Planning staff, in consultation with the Ward Councillor hosted a community consultation meeting on February 1, 2016 at 4 Avenue Road (Park Hyatt Hotel) to discuss the proposed 43-storey building (at that time). City Planning staff presented the policy framework and an overview of the application. The applicant provided further details with respect to the proposal and its planning rationale.

Following the presentations, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: Built Form, Public Realm and Transportation. During the break-out sessions, attendees raised concerns and made comments as follows:

Relating to Heritage:

- relocate the heritage building as a compromise to address the neighborhood need of quality public space
- retain the heritage buildings in-situ and relocate the proposed park
- retain heritage buildings, since they are important and reminiscent of the earlier characteristics of the area
- concerns over demolishing and moving heritage buildings
- development may improve the condition of the heritage buildings
- Scollard Street is a good fit for the heritage buildings

Relating to Transportation:

- reduce parking on-site and propose other solutions such as car sharing
- increase pedestrian crossing times at Bay Street/Davenport Road intersection
- concerns about increased traffic at the Bay Street/Davenport Road intersection and Scollard Street
- concerns about conflicts between pedestrians and traffic when leaving parking garage and the 'drop off' area
- need for a construction management plan
- current blockage due to taxis on Scollard Street
- concerns about u-turns onto driveway off of Bay Street

Relating to Wind Effects:

- mitigate wind effects of the proposal and the area in general
- concerns about exacerbating the existing wind conditions of the area
- concerns over legitimacy of wind studies, given conditions at the Four Seasons
- concerns over whistling noise caused by wind

Relating to Built Form and Public Realm:

- include a daycare facility in the building
- provide more opportunity for public input regarding programming of the POPS to alleviate concerns about noise pollution with open air concerts and other activities
- aesthetics of the hedge and landscaping is beautiful
- retail is not needed at grade
- the design of corner plaza opens up the pedestrian realm and animates the street
- make the proposed POPS public since open spaces should belong to the City
- keeping the POPS private is more likely to maintain the high quality of the space

- concerns that building will obstruct views to the north and south and increase shadow impacts
- concerns about separation from properties to the north
- introduce an apiary (bees) where food is grown

During the question-and-answer portion of the meeting, residents also asked questions, made comments and expressed concerns as follows:

- include wind protection design elements
- the proposal demonstrates sophisticated thinking showing evolution of design
- the general public amenity is impressive
- concerns regarding building height
- impact on 1331 Bay Street terraces
- consider the transition to 1331 Bay Street (as opposed to the Florian condominium)
- concerns with how the proposed building relates to other buildings
- concerns of views from the Four Seasons
- question regarding the timing of heritage designation, whether it would occur prior to, or in response to the application or as part of the application process
- concerns with the potential change in heritage value if the houses are relocated

## **Design Review Panel**

The project was presented to the City of Toronto Design Review Panel (DRP) on March 10, 2017.

The DRP commended the elegant stepped massing approach of the tower. The Panel appreciated the design team's consideration of sunlight, wind, sustainability and public realm. Several members acknowledged the strong material palette. One member noted the appropriate transition downward from Yonge and Bloor Streets. Several Panel members expressed the need for a base building to mitigate the scale of the tower on ground level.

The Panel expressed a concern regarding the increased shadows on Jesse Ketchum Park and daycare open spaces.

The Panel was divided on the proposed relocation of the heritage buildings. Half the members raised concerns such as the loss of authenticity of the heritage buildings and the lack of rationale for the move. Other members felt the move would better locate heritage buildings and further support the public realm goals of the project. However, members in support highlighted the need for a better relationship between the heritage buildings and the proposed building height, massing, and stepping.

The Panel commended the project's public realm ambitions, with some members raising the following issues regarding POPS: traffic noise, the relationship between the building scale and POPS, the reliance on landscaping of the proposed 'pleached hedge' to create positive space; and potential for programming. Regarding the proposed 'pleached hedge',

panel members advised: extending hedge planting; using different species in front of heritage buildings to allow better views; increasing the height of the hedge to 6-8 metres rather than 3 metres as proposed; using linden species; developing a snow removal strategy as well as a maintenance strategy.

### **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the 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), as discussed further in this report.

The PPS states (Policy 4.7) that the municipal official plan is "the most important vehicle for implementation" of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans".

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

The PPS (Policy 2.6) provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved. The proposal conserves built heritage resources and the significant heritage attributes of the property.

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 the Zoning By-laws. The development 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 as anticipated in the Official Plan for *Mixed Use Areas*. The Draft Site Specific Zoning By-laws accommodate a mix of uses.



## **Site Organization / Yorkville – East of Bay Area**

The site organization is acceptable. The tower proposal is appropriately massed and situated along Bay Street within the Yorkville – East of Bay area to fit within the urban structure for Yorkville, while minimizing potential impacts and improving pedestrian access and amenity.

The Bloor-Yorkville/North Midtown Urban Design Guidelines state that mid-block pedestrian connections 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. A new POPS is located at the southwest corner of the site, along Scollard Street and Bay Street. The open space improves the pedestrian amenity and is an integral part of the Clock Tower Walkway which links Bloor Street to Davenport Road and Bay Street.

The proposed vehicular access to the underground parking garage is proposed on Scollard Street, with a drop off area accessed from Bay Street. While all vehicular access is typically required off the lower order street (Scollard Street), in response to local concerns regarding taxi queuing and drop-off activity on Scollard Street, the drop-off location on Bay Street to the north of the POPS is acceptable.

## **Height and Density**

SASP 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 the local policies and guidelines for these areas is to direct the tallest buildings to the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition 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 located north of the Bay Street Height Ridge as identified in SASP 211 and the Urban Design Guidelines. The height of the tower (147 metres) falls below an angular plane drawn from the top of the Four Seasons Hotel tower (204 metres) to the top of the tower (106 metres) on the north side of Davenport Road at 32 Davenport Road, known as the Yorkville Condominiums, in response to the transition and stepping down in height from Bloor Street northward as called for in SASP 211.

The proposed height and density is acceptable as it fits within the existing and planned context in the Yorkville – East of Bay area while minimizing the impacts relating to the height, such as shadow impacts. The overall density of 10.3 times the area of the lot is less than the recent approvals within the Bay Street Height Ridge area.

## **Tower Placement and Separation**

The proposed 41-storey tower is south of and immediately adjacent to the 10-storey mixed use building at 1331 Bay Street. The building at 1331 Bay Street is built with a blank wall at its south property line and has south facing windows and terraces east of the southern boundary between the two properties. The building then steps down to 3 storeys and is set back 3.0 metres from its west property line adjacent to the subject site.

The proposed tower terraces down, from 41 storeys to 35 storeys to 28 storeys to a 9-storey streetwall. At the north and east portions of the base building, immediately adjacent to the property at 1331 Yonge Street, there is a 3-storey base building.

The proposed 3-storey base building would be built to the north and east property lines relative to the 1331 Bay Street mixed-use building. The north elevation of the proposed tower is a blank wall facing the 10-storey blank wall at 1331 Yonge Street. This party wall-like condition is appropriate. The articulated tower is then set back from 1.5 to 13.9 metres to its north property line and from 2.5 to 10.6 metres to its closest east property line.

The proposed tower exceeds the tall building tower separation distance of 25 metres from all other existing towers. The proposed tower is approximately: 36 metres from 40 Scollard Street; 58.3 metres from the Four Seasons tower south of Scollard Street; and 50 metres from the Florian tower on the north side of Davenport Road.

## **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 should address key urban design considerations in the Official Plan, including the built form policies, and site design and general fit within the existing and planned context, while providing a usable publicly accessible open space.

### **Base Building**

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 proposed base conforms to the Official Plan and responds to the existing base condition along Bay Street and Scollard Street. The 9-storey streetwall along Bay Street responds to the 10-storey building at 1331 Yonge Street and the podium building at the Four Seasons on the south side of Scollard Street.

The relocated heritage buildings are of an appropriate scale and fit within the residential setting along Scollard Street.

### **Middle Portion of Tower**

Planning staff are satisfied with the middle portion 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.

Section 3.2.1 of the Tall Building Guidelines states that the tower floor plate should be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies. Planning staff are satisfied with the proposed tower floor plate of 640 square metres (on floors 10-28); 476 square metres (on floors 29-34), and 312 square metres (on floor 36 and up). No projecting balconies are proposed.

### **Top of the Tower**

An appropriate design for the top of a tall building is influenced by many factors, which may include location, height, built form composition, architectural expression, and overall 'fit' within the existing context of the city skyline.

The top of the proposed tower is appropriate. The top is a simple design, which suits the overall architecture of the tower and fits within the Yorkville skyline. The 2-level mechanical penthouse is well designed and integrated into the overall design and massing of the tower.

### **Shadow Impacts**

The shadow impact resulting from the proposed tower 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 No. 2 states that new buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM. and 2:00 PM on September 21<sup>st</sup>. It also states that new buildings should be designed and located 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 West of Bay Street and Davenport Road as Shadow Sensitive Areas. This area includes Jesse Ketchum Park/Schoolyard and the Yorkville Triangle neighbourhood.

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

Planning staff have assessed the application in terms of the incremental impact resulting from the proposed 41-storey tower, particularly given its location and proximity to Jesse Ketchum Park. 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, the shadow cast from the proposed tower is generally in line with the shadow cast by the tower at 1 Yorkville Avenue (currently under construction). This proposal's shadow, however, will extend further and into the Yorkville Triangle neighbourhood at Hazelton Avenue, north of Berryman Street.

By 10:18 AM on September/March 21, the proposal casts a shadow over a portion of Jesse Ketchum Park; the schoolyard between the school building and Bay Street; a portion of the Daycare playground; and, over houses in the low-rise residential neighbourhood, on the south side of Berryman Street. At this time and date the shadow from the proposed tower has the greatest impact on sensitive land uses.

The proposed tower massing is designed and articulated specifically to minimize the shadow impact at 10:18 AM on September/March 21. The shadow study demonstrates that by setting the tower further from Bay Street at the south end of the site and terracing the tower down to the north, the shadow impact from the proposed tower is reduced by 36% compared to a typical rectangular tower with a floor plate of 750 square metres fronting onto Bay Street.

In the afternoon, the shadow crosses Bay Street with very limited net new shadow impacts as the shadow falls in line with existing shadows from 1331 Bay Street, 88 Davenport Road, 32 Davenport Road and 15 McMurrich Street. The net new shadow is limited to the rooftops of adjacent buildings.

## **Wind**

Given the existing wind conditions to the south at the Four Seasons Hotel and Private Residence, Planning staff have required a detailed assessment of potential wind impacts of the application. Staff have accepted at this stage the findings from the Pedestrian Level Wind Study (dated November 11, 2015) prepared by Gradient Wind Engineering Inc., based on wind tunnel testing. However, further assessment will take place as part of the Site Plan Control Process. This assessment may result in wind mitigation measures along Bay Street including additional landscaping and canopies integrated with the tower design.

The applicant's wind study measured wind impacts at 56 sensor locations (42 at ground level) including surrounding sidewalks and walkways, transit stops, building access points, the future POPS at the northeast corner of Bay Street and Scollard Street, and Jesse Ketchum Park. Wind conditions were also measured over all low roof terraces, and higher-level terraces on the proposed building.

The applicant's study concludes that wind conditions at all grade-level pedestrian-sensitive areas within and surrounding the development site will be acceptable for the intended pedestrian uses on a seasonal and annual basis. As well, within the context of typical weather patterns, which exclude anomalous localized storm events such as

tornadoes and downbursts, no areas at grade were found to experience conditions too windy for walking, or that could be considered unsafe. The study finds that the sidewalks along Bay Street and Scollard Street will experience wind conditions suitable for walking, or better, throughout the year.

The applicant's study finds that the POPS will experience wind comfort suitable for sitting throughout the summer months, provided that the planned landscaping elements are installed. For seating comfort during the shoulder seasons of spring and autumn, additional localized wind mitigation would be needed. Without the proposed landscaped features, the conditions in the POPS become windier, and are unsuitable for sitting over much of the space. During the remaining seasons, conditions are suitable only for standing or walking without the landscape features.

Within Jesse Ketchum Park to the northwest of the site, wind conditions were found to be comfortable for sitting during the spring, summer, and autumn seasons, and for standing during the winter. The study finds this appropriate for a public park.

Regarding the base building terraces, wind conditions at the west side and northeast side of the building will be suitable for sitting throughout the year. For the terrace north of the heritage building roof, conditions will be comfortable for sitting during the summer. The study details a potential mitigation strategy to extend seating comfort on terraces at other points during the year.

As areas surrounding the subject site are known to experience periods of strong winds, a limited existing conditions test was performed to evaluate the influence of the proposed development on existing wind comfort. A comparison of wind conditions surrounding the development site before and after the introduction of the proposed building indicates that the proposed building will have a generally neutral influence on pedestrian wind conditions.

At the fountain feature at the Four Seasons Hotel and Private Residence to the south of the subject site, the existing wind speeds are suitable only for standing during the summer, and for walking during the remaining seasonal periods, with unsafe conditions occurring for 0.09% of the time (slightly below the maximum allowable limit of 0.10%) during the winter months. If the proposed building on the subject site is constructed, the applicant's study finds that the proposed building would improve wind conditions at the fountain location, becoming suitable for sitting during the summer, for standing during the spring and autumn, and for walking during the winter.

## **Heritage**

Heritage Preservation Services (HPS) Staff has reviewed the proposed development with respect to the designated heritage properties at 54A - 58 Scollard Street and 1315 Bay Street and is satisfied the proposal meets the intent of the *Planning Act*, the Official Plan's heritage policies and the Standards and Guidelines for the Conservation of Historic Places in Canada.

Four heritage row houses are proposed to be relocated 25 metres eastward on the site from the Bay Street frontage, to provide for a POPS at the corner of Bay Street and Scollard Street. Due to the 11.3 metre tower setback from Scollard Street, the west elevation of the heritage properties will be visible from Bay Street and the individual forms of the buildings will be readily perceived from the Scollard Street frontage. The one heritage building proposed to be demolished at 54 Scollard Street was included on the City's Heritage Register in 1974 and contains a single detached house form building dating to 1875. Although it meets Ontario Regulation 9/06 as a residential building from the period prior to the annexation of Yorkville by the City of Toronto, the degree of the alterations to the property have affected its integrity and reduced its ability to effectively communicate its cultural heritage value.

The proposed alteration retains the houses to a depth of approximately 9 metres from the front façade at the west end and approximately 6 metres at the east end of the contiguous row houses.

To emphasize the retained heritage buildings, the proposed tower is positioned west of the heritage properties. No additional building mass is proposed above the roofline of the heritage buildings. The design of the proposed tower is consistent with the City's Heritage Policies 3.1.5.5 and 3.1.5.26 as the location, massing, and design of the tower will mitigate for the visual impact of the proposal.

On balance, HPS Staff support the proposed retention and relocation strategy as it meets the intent of Policy 3.1.5.27 since the scale, form and mass of the heritage structures will be conserved. The retention and relocation strategy is also aligned with Policy 3.1.5.4 and Standard 3 of the Standards and Guidelines for the Conservation of Historic Places in Canada as it minimizes the amount of intervention that the applicant will be required to make to the historic place.

### **Traffic Impact, Access, Parking**

The traffic impact of the proposal is acceptable. The applicant's transportation consultant, (BA Group Limited) prepared an Urban Transportation Considerations Report (dated November 2015 and updated July 2016). The report estimates that the proposed redevelopment will generate approximately 30 and 35 two-way trips during the AM and PM peak hours, respectively. The study concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services Staff has reviewed the traffic study and agree with the study's conclusion.

### **Roadways and Laneways**

A road widening of 0.44 metres is required across the entire 1319 and 1325 Bay Street frontages to satisfy the Official Plan requirement of a 27 metre wide right-of-way for Bay Street. A widening is not required at 1315 Bay Street. No additional land is required to satisfy the requirement of the Official Plan for Scollard Street. The above noted widening along Bay Street has been identified on the design drawings and is acceptable.

### **Driveway Access and Site Circulation**

Vehicular access to the site will be provided via two site driveways. The main site driveway is proposed on Scollard Street, which operates one-way westbound and will provide access to the internal loading facilities and the underground parking garage. A secondary driveway on Bay Street will be limited to right-in/right-out movements and will provide access to a drive court for pick-up/drop-off activity.

The proposed driveway on Bay Street is located in proximity to an existing TTC bus stop, which would need to be relocated to accommodate the site driveway. Based on feedback received from TTC Staff, the existing northbound bus stop on Bay Street at Davenport Road should remain in its current location. This stop location was given careful consideration during the re-design of the Davenport Road and Bay Street intersection. It is positioned before the radius at Davenport Road on a straight section of roadway as close as possible to the intersection in order to provide close crossing opportunities for pedestrians and discourage jay walking. This is especially important given the location of the Jesse Ketchum School located on the west side of Bay Street.

Currently, no resolution has been reached regarding the potential conflict between the TTC bus stop location and the proposed driveway. Further review is required as part of the Site Plan Control process.

### **Parking**

The application proposes a parking ratio of 1 parking space per residential unit. Transportation Services Staff has reviewed the documentation provided by BA Group and finds the provision of 126 parking spaces on the site, consisting of 112 resident spaces and 14 non-resident spaces, is acceptable.

### **Loading**

The proposed one Type-G loading space is acceptable. The manoeuvring diagrams have been reviewed and this proposal qualifies for bulk lift compacted garbage, recycling and organic collection services provided by Solid Waste Management for the residential component. The non-residential commercial component of this development is ineligible for City of Toronto collection. The owner must store, transport and make arrangements for collection of all waste materials separately from the residential component. Collection of waste from the commercial sector of this site will be in accordance with Chapter 841, Solid Waste of the Municipal Code.

### **Servicing**

Engineering and Construction Services Staff is currently reviewing a Functional Servicing & Stormwater Report (February 2017) provided by Cole Engineering. A comprehensive stormwater management report and site servicing and grading plans will be required and secured through the Site Plan Control Process.

## **Streetscape / POPS**

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. SASP 211

states that pedestrian activity is a vital component of the Bloor-Yorkville/North Midtown Area. 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 Built Form objectives in the Yorkville – East of Bay Planning Framework for this site call for a POPS which is linked with the Clock Tower Walkway system with seating. The application proposes a 523 square metres POPS at the northeast corner Bay Street and Scollard Street with frontages on both streets. The POPS expands the public realm along the sidewalks; includes fixed benches, landscape features, public plaza and some space for outdoor cafes; and features high quality materials and landscape design, which will be an new amenity for this block consistent with the Yorkville-East of Bay Planning Framework. These features including the 'pleached hedge' will be further developed and secured through the Site Plan Control Process.

## **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 subject lands are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people, the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, per Chapter 415, Article III of the Toronto Municipal Code.

The application is to permit a 41-storey mixed use building with 114 residential units and 1,642 square metres of non-residential gross floor area.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,493 square metres or 78 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent of the development site is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 194 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.



## **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*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. This proposal meets the minimum density threshold for a Section 37 contribution.

The community benefits to be secured in the Section 37 agreement are as set out in Recommendation 4 of this report.

## **CONTACT**

Oren Tamir, Senior Planner

Tel. No. (416) 392-7349

E-mail: Oren.Tamir@toronto.ca

## **SIGNATURE**

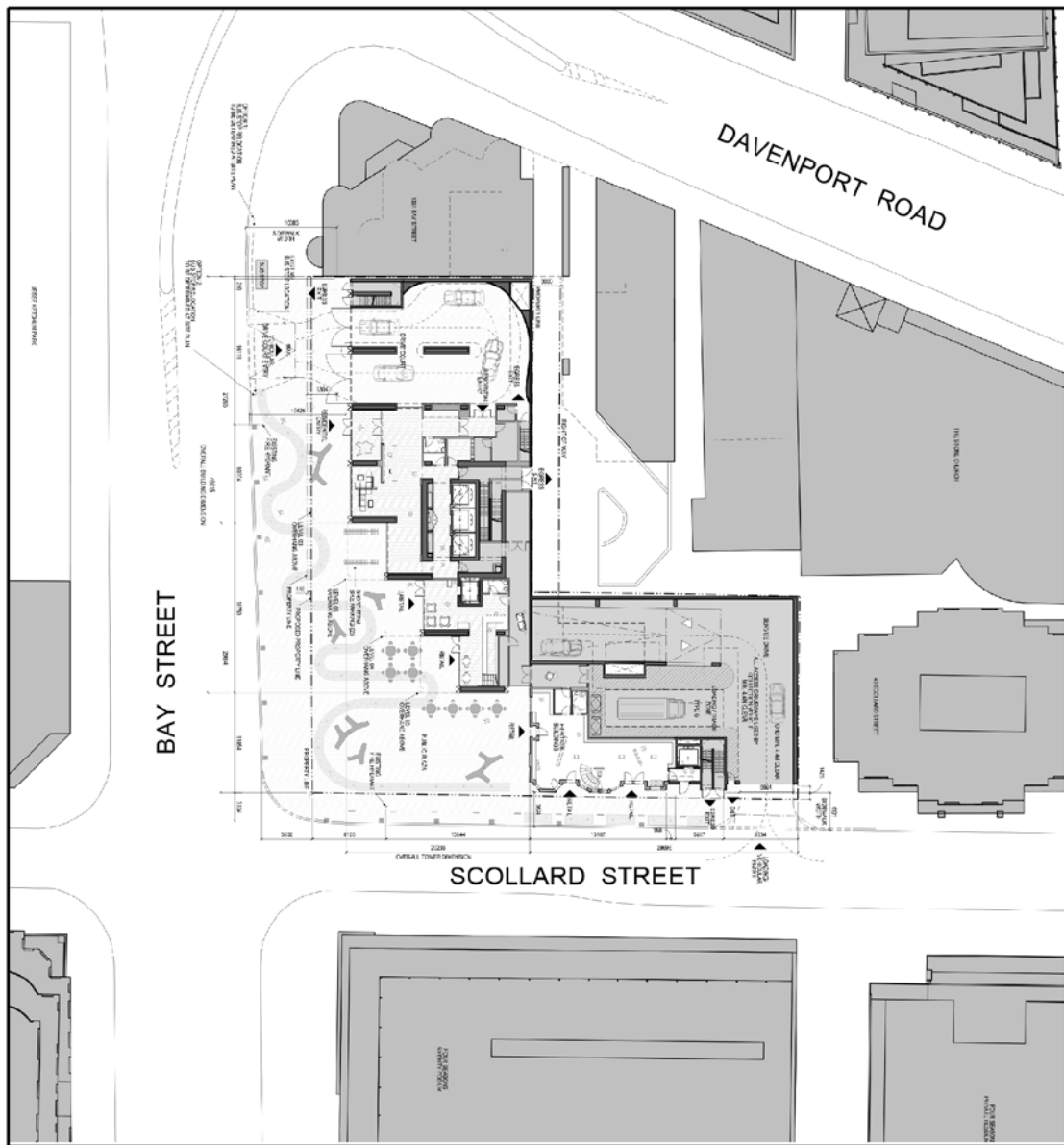
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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Attachment 1: Site Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: North Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: South Elevation  
Attachment 7: Zoning Map  
Attachment 8: Application Data Sheet  
Attachment 9: Draft Zoning By-law Amendment (438-86)  
Attachment 10: Draft Zoning By-law Amendment (569-2013)

## Attachment 1: Site Plan



### Site Plan

48-58 Scollard Street and 1315-1325 Bay Street

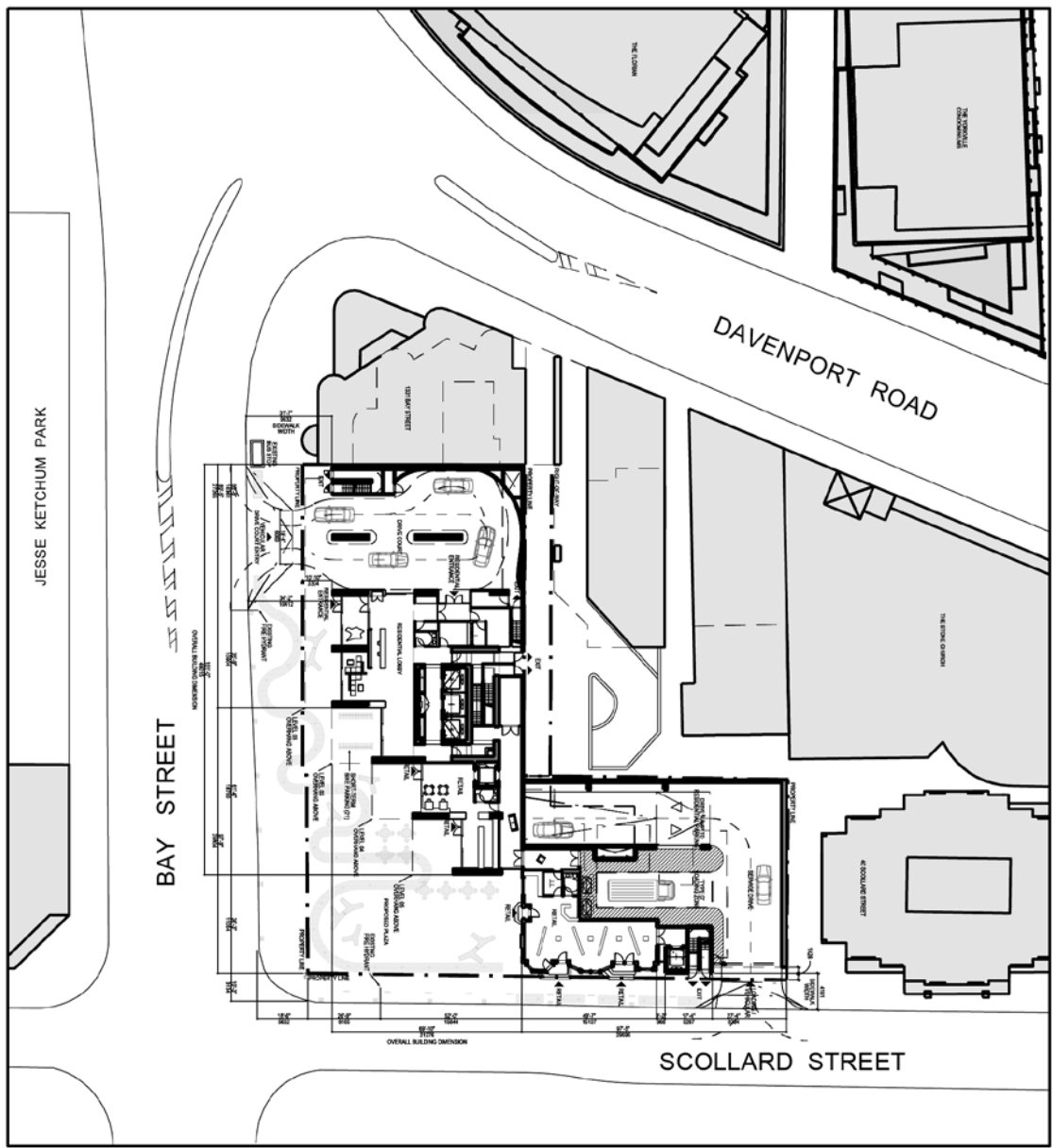
Applicant's Submitted Drawing

Not to Scale  
01/03/2017



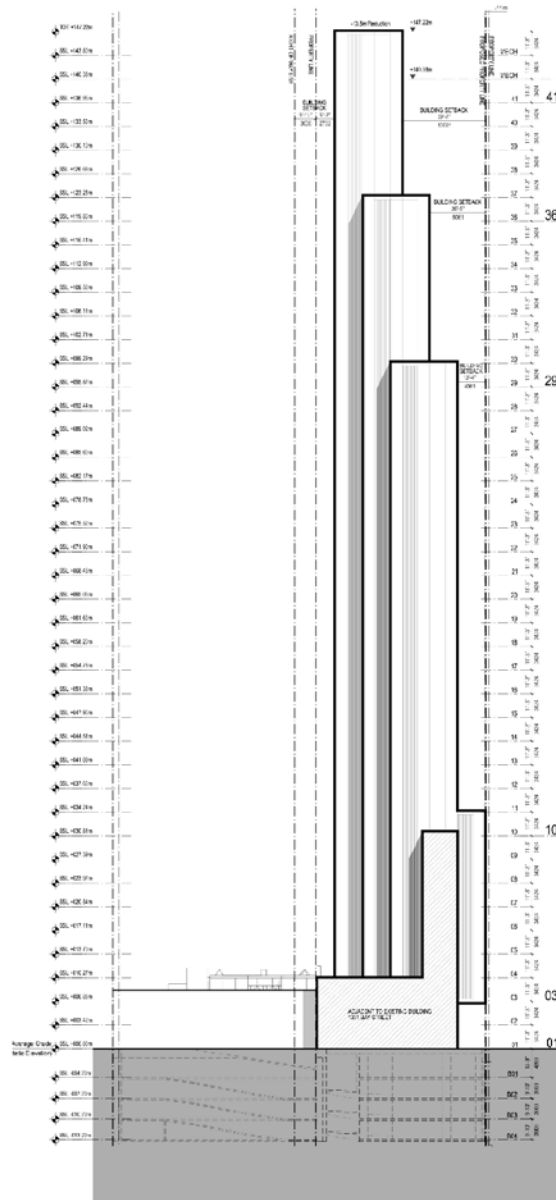
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Attachment 2: Ground Floor Plan



**Ground Floor Plan** **48-58 Scollard Street and 1315-1325 Bay Street**  
Applicant's Submitted Drawing  
Not to Scale   
11/23/2015 File # 15\_251277\_STE 27 0Z

## Attachment 3: North Elevation



### North Elevation

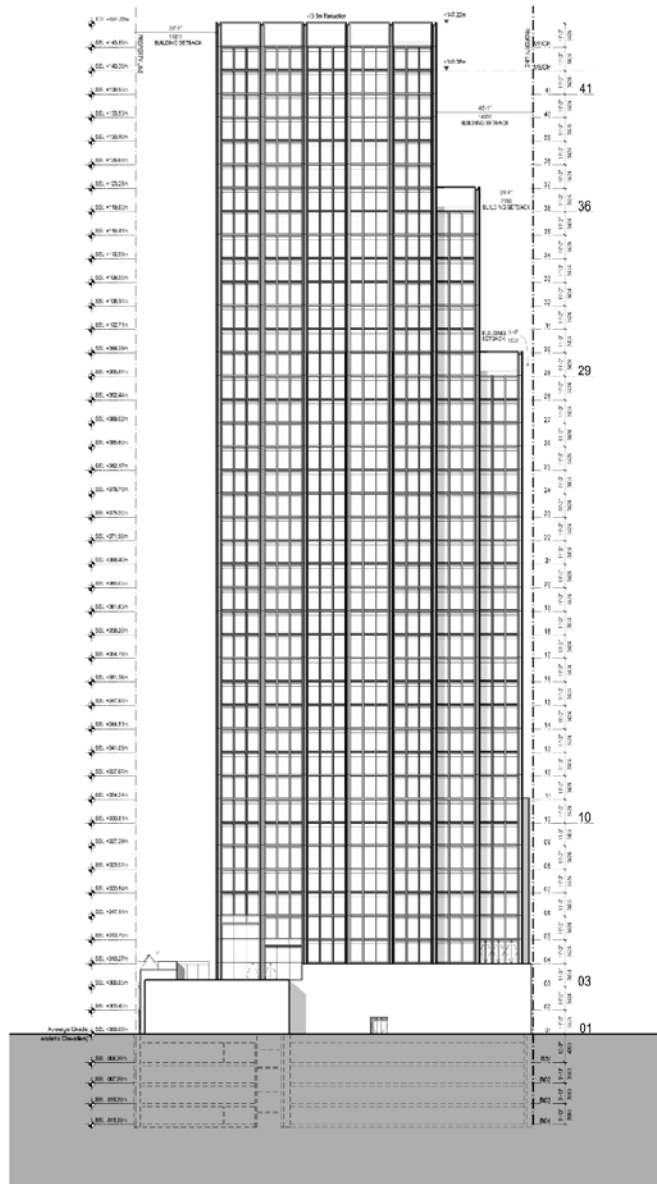
Applicant's Submitted Drawing

Not to Scale  
01/03/2017

### 48-58 Scollard Street and 1315-1325 Bay Street

File # 15\_251277\_STE 27 OZ

## Attachment 4: East Elevation



### East Elevation

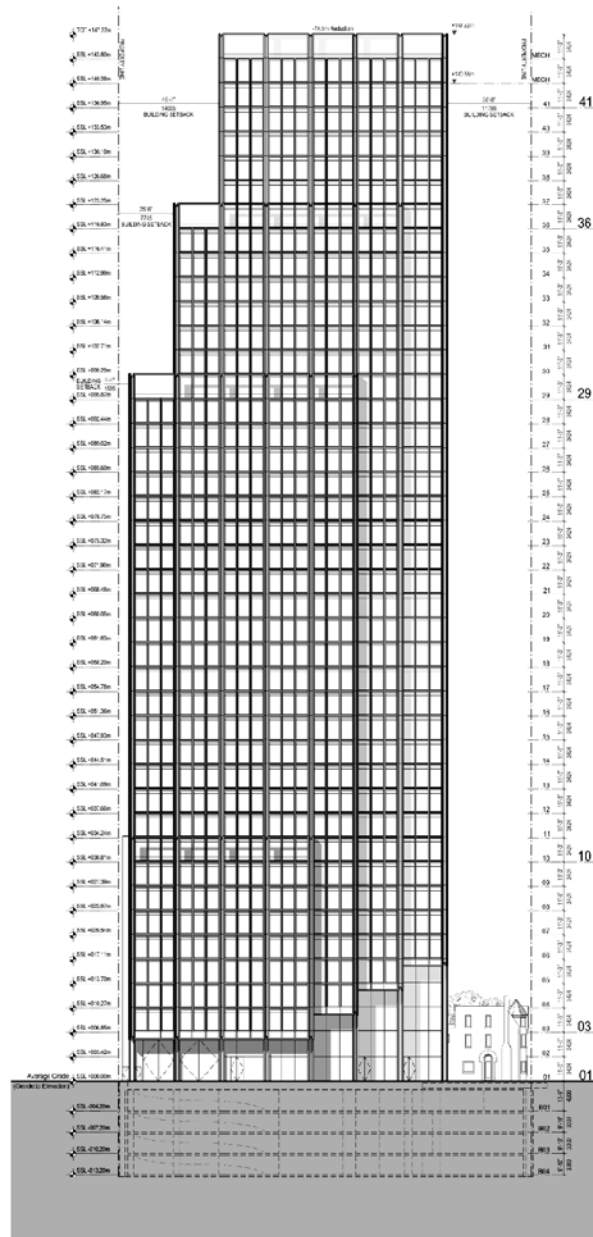
48-58 Scollard Street and 1315-1325 Bay Street

Applicant's Submitted Drawing

Not to Scale  
01/03/2017

File # 15\_251277\_STE 27 02

## Attachment 5: West Elevation



### West Elevation

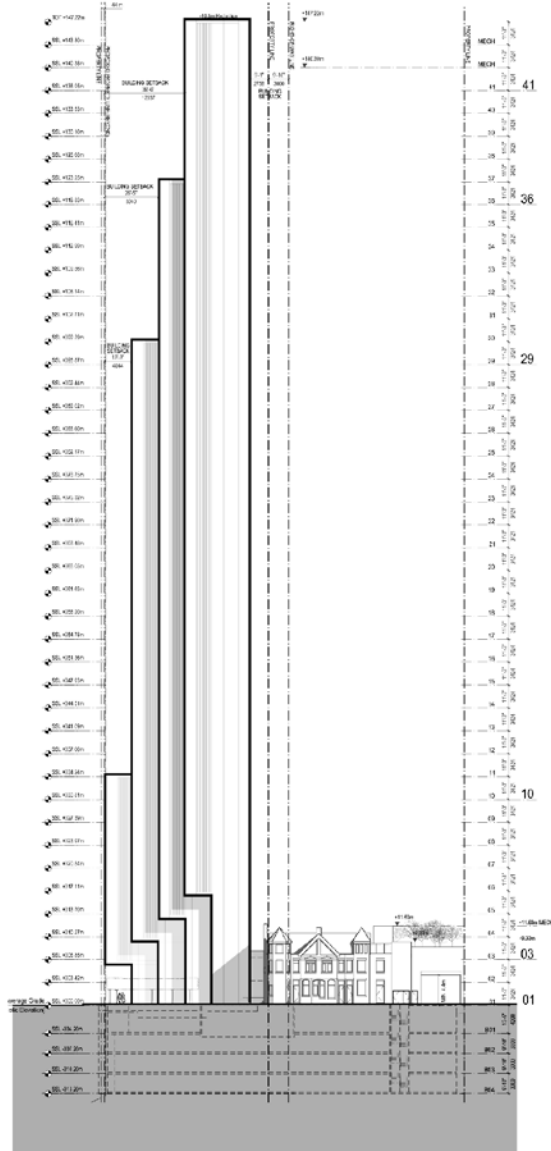
### 48-58 Scollard Street and 1315-1325 Bay Street

Applicant's Submitted Drawing

Not to Scale  
01/03/2017

File # 15\_251277\_STE 27 02

## Attachment 6: South Elevation



### South Elevation

48-58 Scollard Street and 1315-1325 Bay Street

Applicant's Submitted Drawing

Not to Scale  
01/03/2017

File # 15\_251277\_STE 27 OZ

The map displays the following zoning districts and their associated codes and densities:

- R (d2.0) (x856)**: Residential Single-Family, Density 2.0, Setback 856.
- CR 4.0 (c1.75; r4.0) SS1 (x2403)**: Community Residential, Density 4.0, Setback 2403, Single-Sided Setback (SS1).
- R3 Z1.0**: Residential Single-Family, Density 3.0, Setback 1.0.
- G**: General.
- CR T2.0 C2.0 R2.0**: Community Residential, Density 2.0, Setback 2.0, Residential Single-Family, Density 2.0, Setback 2.0.
- R3 Z2.0**: Residential Single-Family, Density 3.0, Setback 2.0.
- OR**: Office Residential.
- CR 3.0 (c1.75; r3.0) SS1 (x1943)**: Community Residential, Density 3.0, Setback 1.75, Residential Single-Family, Density 3.0, Setback 1.943, Single-Sided Setback (SS1).
- CR 2.0 (c1.5; r2.0) SS1 (x2349)**: Community Residential, Density 2.0, Setback 1.5, Residential Single-Family, Density 2.0, Setback 1.5, Single-Sided Setback (SS1).
- CR 3.0 (c2.5; r3.0) SS1 (x2203)**: Community Residential, Density 3.0, Setback 2.5, Residential Single-Family, Density 3.0, Setback 2.203, Single-Sided Setback (SS1).
- CR 3.0 (c2.5; r3.0) SS1 (x2015)**: Community Residential, Density 3.0, Setback 2.5, Residential Single-Family, Density 3.0, Setback 2.015, Single-Sided Setback (SS1).
- CR 2.0 (c1.5; r2.0) SS1 (x1464)**: Community Residential, Density 2.0, Setback 1.5, Residential Single-Family, Density 2.0, Setback 1.464, Single-Sided Setback (SS1).
- CR 3.0 (c2.5; r3.0) SS1 (x1209)**: Community Residential, Density 3.0, Setback 2.5, Residential Single-Family, Density 3.0, Setback 1.209, Single-Sided Setback (SS1).
- CR 3.0 (c1.75; r3.0) SS1 (x1937)**: Community Residential, Density 3.0, Setback 1.75, Residential Single-Family, Density 3.0, Setback 1.937, Single-Sided Setback (SS1).
- CR 3.0 (c1.75; r3.0) SS1 (x2206)**: Community Residential, Density 3.0, Setback 1.75, Residential Single-Family, Density 3.0, Setback 2.206, Single-Sided Setback (SS1).
- CR 3.0 (c2.5; r3.0) SS1 (x2206)**: Community Residential, Density 3.0, Setback 2.5, Residential Single-Family, Density 3.0, Setback 2.206, Single-Sided Setback (SS1).

Streets shown include DAVENPORT ROAD, BLACKMORE ST, BAY STREET, and SCOLLARD STREET.



## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 251277 STE 27 OZ
		Application Date:	November 13, 2015
Municipal Address:	48-58 Scollard St & 1315-1325 Bay St		
Location Description:	PLAN 179 LOTS 78 TO 79 AND PT LOT 80 R 4687 PART 1 **GRID S2703		
Project Description:	41-storey (147 metres) mixed-use building containing 112 residential units and 132 parking spaces, ground floor commercial/retail space, and a privately owned and publicly-accessible open space at the northeast corner of Bay St. and Scollard St.		
<b>Applicant:</b>	<b>Design Architect</b>	<b>Architect of Record</b>	<b>Owner:</b>
Ron Carinci	Foster + Partners	RAW Design	BRL Realty Limited

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211
Zoning:	CR 3.0 (c1.75; r3.0) SS1 (x1943)	Historical Status:	4 designated and 1 listed buildings
Height Limit (m):	18	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	2,074	Height:	Storeys:	41
Frontage (m):	58		Metres:	147
Depth (m):	22			
Total Ground Floor Area (sq. m):	732			<b>Total</b>
Total Residential GFA (sq. m):	19,711		Parking Spaces:	126
Total Non-Residential GFA (sq. m):	1,642		Loading Docks	1
Total GFA (sq. m):	21,353			
Lot Coverage Ratio (%):	26.8			
Floor Space Index:	10.3			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	65
2 Bedroom:	34
3 + Bedroom:	13
Total Units:	112

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	19,711	0
Retail GFA (sq. m):	1,642	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER:</b>	<b>Oren Tamir, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-7349</b>
	<b>EMAIL:</b>	<b>Oren.Tamir@toronto.ca</b>

**Attachment 9: Draft Zoning By-law Amendment (438-86)**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. XXXX-2017**

**To amend Zoning By-law No. 438-86, as amended, with respect to lands known as 48-58 Scollard Street and 1315-1325 Bay Street.**

Whereas authority is given to Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; and

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

Whereas Council of the City of Toronto, at its meeting on ~, 2017, determined to amend Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2017 as 48-58 Scollard Street and 1315-1325 Bay Street;

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law;

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

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the “City”); and

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definitions of *amenity space*, *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade* and *height* and Sections 4(2)(a), 4(5)(b) and (i), 4(8), 4(10)(c), 4(12), 4(17), 4(17)(b), 8(3) Part I 1-3, 8(3) Part II 1, 8(3) Part III, 8(3) Part XI(2) and 12(2)380 of By-law No. 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection and use of a *mixed-use building* which may contain *dwelling units* and non-residential uses, including uses *accessory* thereto, on the lands municipally known as 48-58 Scollard Street and 1315-1325 Bay Street (hereinafter referred to as the *lot*) provided that:
  - (a) the *lot* comprises the lands delineated by dashed lines on Map 1 attached to and forming part of this By-law;
  - (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 21,250 square metres, subject to the following:
    - (i) the *residential gross floor area* of buildings and structures shall not exceed 19,500 square metres; and
    - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,750 square metres;
  - (c) no portion of the building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - (i) despite 4(c), lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, privacy screens, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, underground garage ramps and accessory structures, guardrails, chimneys, vents, flues, stacks and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, and art installations may extend

beyond the heavy lines shown on the attached Map 2 by no more than 1 metre;

- (d) the *height* of any building, structure or portion thereof shall not exceed those *heights* as indicated by the H symbol on Map 2, provided this does not prevent:
  - (i) the erection or use of the structures, elements and enclosures permitted by Section 4(c) of this By-law as well as garbage chutes and roofs, provided the height does not exceed 1.5 metres;
  - (ii) lightning rods;
  - (iii) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.6 metres above the height limits shown on Map 2; and,
  - (iv) mechanical equipment such as, but not limited to, elevator and associated overrun, heating or cooling towers/heating or cooling tower stacks, makeup air units, emergency generator, lighting fixtures, ornamental elements, trellises, wind mitigation features and walls, penthouse or structures enclosing mechanical equipment provided the maximum vertical projection of such elements is no higher than 7.0 metres above the height limits shown on Map 2;
- (e) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) A minimum of 0.3 *parking spaces* per bachelor *dwelling unit*;
  - (ii) A minimum of 0.5 *parking spaces* per 1-bedroom *dwelling unit*;
  - (iii) A minimum of 0.8 *parking spaces* per 2-bedroom *dwelling unit*;
  - (iv) A minimum of 1.0 *parking spaces* per 3+bedroom *dwelling unit*;
  - (v) A minimum of 0.1 *parking spaces* per *dwelling unit* for visitors;
  - (vi) A maximum of 1.0 *parking spaces* per *dwelling unit* for the residential use;
  - (vii) no *parking spaces* are required for the non-residential uses;

- (viii) If the calculation of parking spaces results in a number containing a fraction, the number is rounded down to the nearest whole number, but there may not be less than a requirement of one parking space;
- (f) despite (e), a maximum of 5 *parking spaces* shall be permitted with a minimum length of 5.4 metres and minimum width of 2.5 metres;
- (g) despite (e), *parking spaces* accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres must have a minimum width of 2.9 metres, with the exception of 2 *parking spaces*, which may have a minimum width of 2.6 metres;
- (h) one *loading space - type "G"* shall be provided and maintained on the *lot*;
- (i) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) *bicycle parking spaces – occupant* may or may not be parked in a secured room;
  - (ii) *bicycle parking spaces – occupant* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in horizontal positions;
  - (iii) *bicycle parking spaces – occupant* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.1 metres when parked in horizontal positions in a bicycle stacker;
  - (iv) *bicycle parking spaces – occupant* must have a minimum length of 1.0 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked vertical positions;
  - (v) *bicycle parking space – visitor* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in horizontal positions;
  - (vi) *bicycle parking space – visitor* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.1 metres when parked in horizontal positions in a bicycle stacker;
  - (vii) *bicycle parking space – visitor* must have a minimum length of 1.0 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in vertical positions;
- (j) *amenity space* shall be provided and maintained on the *lot* in accordance with the following:

- (i) A minimum of 2 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided;
- (ii) A minimum of 1 square metre per *dwelling unit* of outdoor *residential amenity space* shall be provided.

## Definitions

5. For the purposes of this By-law:
  - (a) "*grade*" means 116.75 metres Canadian Geodetic Datum;
  - (b) each other word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
6. None of the provisions of Section 12(2)380 or By-law 1106-2016 of the former City of Toronto By-law No. 438-86, as amended, shall apply to the *lot*.
7. 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.
8. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *lot*.

Enacted and passed on month ##, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## **Appendix 1: Community Benefits Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:


*Community benefits and matters of legal convenience will be inserted.*



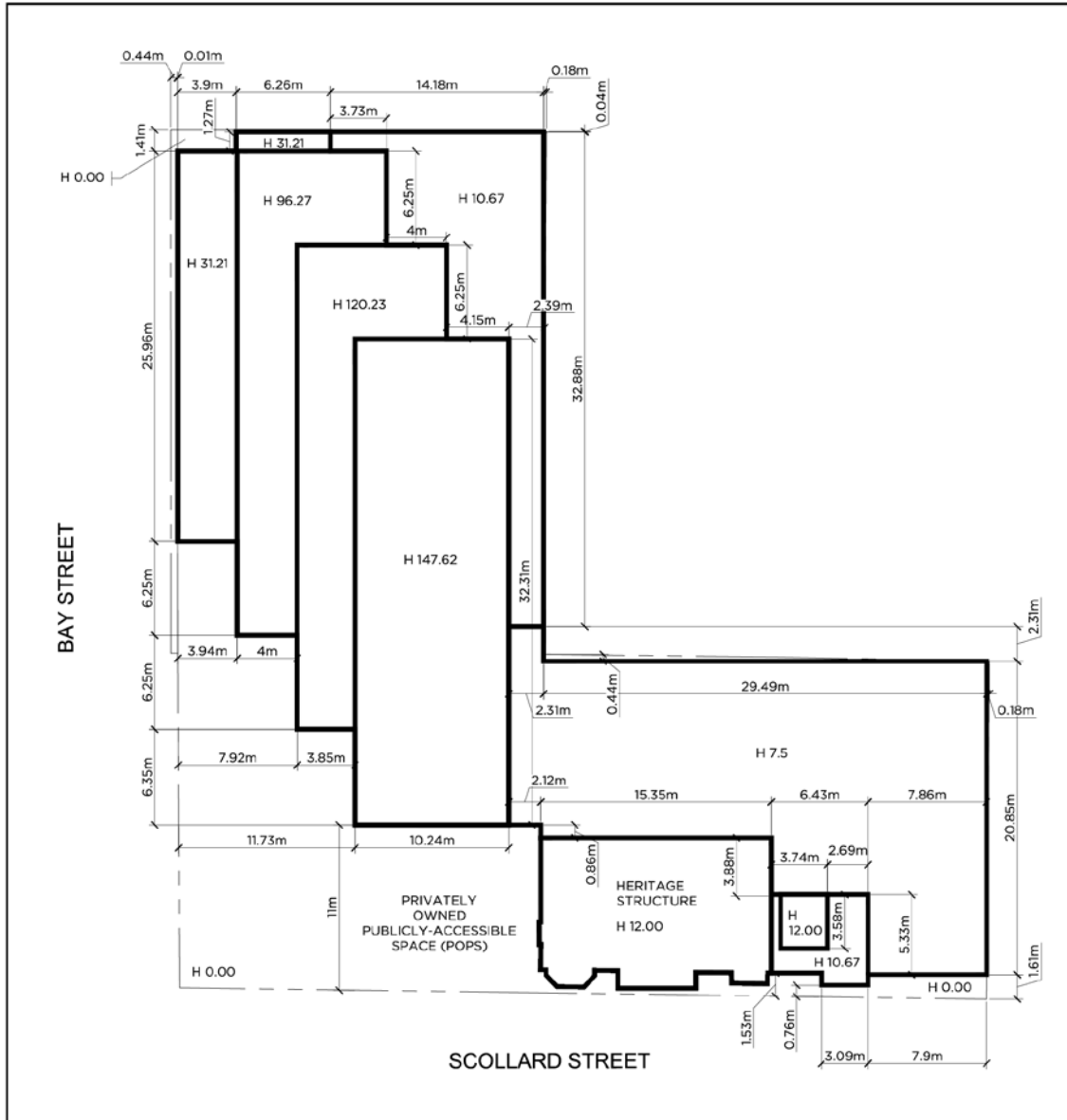
 **Toronto**  
Map 1

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 02

  
City of Toronto By-Law 438-86  
Not to Scale  
3/8/2017





**Toronto**  
Map 2

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 02

City of Toronto By-Law 438-86  
Not to Scale  
3/8/2017

## **Attachment 10: Draft Zoning By-law Amendment (569-2013)**

### **BY- LAW No. XXX-2017**

**To amend the City of Toronto By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2017 as 48-58 Scollard Street and 1315-1325 Bay Street.**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

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

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

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

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

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by the heavy lines to CR 3.0 (c1.75; r3.0) SS1 (x103) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 103 so that it reads:

### **Exception CR (103)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

#### Site Specific Provisions:

- (A) On 48-58 Scollard Street and 1315-1325 Bay Street, if the requirements of Section 5 and Schedule A of By-law XXX-2017 are complied with, none of the provisions of Sections 40.5.1.10(3) and (4), 40.10.20.100(21), 40.10.40.1(1) and (2), 40.10.40.40(1), 40.10.40.40(2), 40.10.100.10(1), 150.100, 200.5.1.10.(12)(C) and 600.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with regulations (B) to (N) below;
- (B) Despite regulation 5.10.40.70(1) and 600.10.10, a **building** or **structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law XXX-2017;
- (C) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 116.75 metres in the year 2017;
- (D) Despite regulations 40.5.40.10(3)-(6) and 40.10.40.10(1) and (5), no portion of any **building** may exceed the **height** in metres specified by the numbers following the symbol H on Diagram 3 of By-law XXX-2017, with the exception of the following:
  - i. lighting fixtures, window washing equipment, parapets, privacy screens, safety railings, guardrails, chimneys, vents, flues, stacks and exhaust stacks, and ornamental or architectural features may extend a maximum of 1.0 metres above the heights shown on the attached Diagram 3 of By-law XXX-2017;

- ii. **building** elements or **structures** used for **green roof** technology or alternative roofing system may extend a maximum of 0.6 metres above the heights shown on Diagram 3 of By-law XXX-2017;
  - iii. mechanical equipment such as, but not limited to, elevator and associated overrun, heating or cooling towers/heating or cooling tower stacks, air units, emergency generator and enclosed mechanical equipment may extend a maximum of 7.0 metres above the heights shown on Diagram 3 of By-law XXX-2017;
- (E) Despite clause 40.10.40.60 and regulation 40.10.40.70(1), no portion of any **building** or **structure** above-grade may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law XXX-2017, with the exception of:
- i. lighting fixtures, cornices, sills, eaves, canopies, stairs, covered stairs or stair enclosures, awnings, underground garage ramps and ancillary **structures**, retaining walls, wheelchair ramps, ornamental or architectural features, and structures and elements related to **outdoor patios** may extend a maximum of 1.0 metres beyond the heavy lines shown on Diagram 3 of By-law XXX-2017;
- (F) The maximum permitted **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law XXX-2017, must not exceed 21,750 square metres, of which:
- i. residential uses must not exceed 20,000 square metres;
  - ii. non-residential uses must not exceed 1,750 square metres; and
- (G) Despite regulation 40.10.20.100(17), the maximum permitted **interior floor area** of all **retail services** must not exceed 550 square metres;
- (H) Despite clause 40.10.40.50(1) and (40.10.40.50(2) **amenity space** shall be provided in accordance with the following minimum amounts:
- i. At least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
  - ii. A least 1.0 square metres for each **dwelling unit** is outdoor **amenity space**, provided:
    - a. An outdoor Privately Owned Publicly-Accessible Space (POPS) of at least 523 square metres is provided on the **lot**; and

- b. A publicly accessible outdoor area of at least 461 square metres be provided on the **lot**.
- (I) A maximum of 7 **parking spaces** are not required to comply with the minimum **parking space** dimensions in regulation 200.5.1.10(2), of which:
  - i. A maximum of 5 **parking spaces** may have a minimum length of 5.4 metres and minimum width of 2.5 metres;
  - ii. a maximum of 2 **parking spaces** may have a minimum width of 2.6 metres if accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres ; and
- (J) Despite regulations 200.5.1.10(2)(b) and 200.5.10.1(7), the number of residential **parking spaces** provided may be greater than the maximum permitted in By-law 569-2013;
- (K) Despite Section 200.5.1(3), a 47 metre portion of the **drive aisle** on levels B2, B3 and B4 will be 5.5 in width;
- (L) Despite regulation 40.10.90.40(3) and clause 220.5.10.1:
  - i. a minimum of one Type G **loading space** is required;
  - ii. no **loading space** is required for non-residential uses; and
- (M) Despite clause 230.5.1.10(4):
  - i. horizontal **bicycle parking spaces** may have the following minimum dimensions: length of 1.8 metres, width of 0.4 metres and height of 1.9 metres;
  - ii. horizontal **bicycle parking spaces** that are provided in a bicycle stacker may have the following minimum dimensions: length of 1.8 metres, width of 0.4 metres and height of 1.1 metres;
  - iii. vertical **bicycle parking spaces** may have the following minimum dimensions: length of 1.0 metres, width of 0.4 metres and height of 1.9 metres; and

Prevailing By-laws and Prevailing Sections (None Apply)

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A of this By-law are satisfied.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

JOHN TORY  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Schedule A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

*Community benefits and matters of legal convenience will be inserted.*



**Toronto**  
Diagram 1

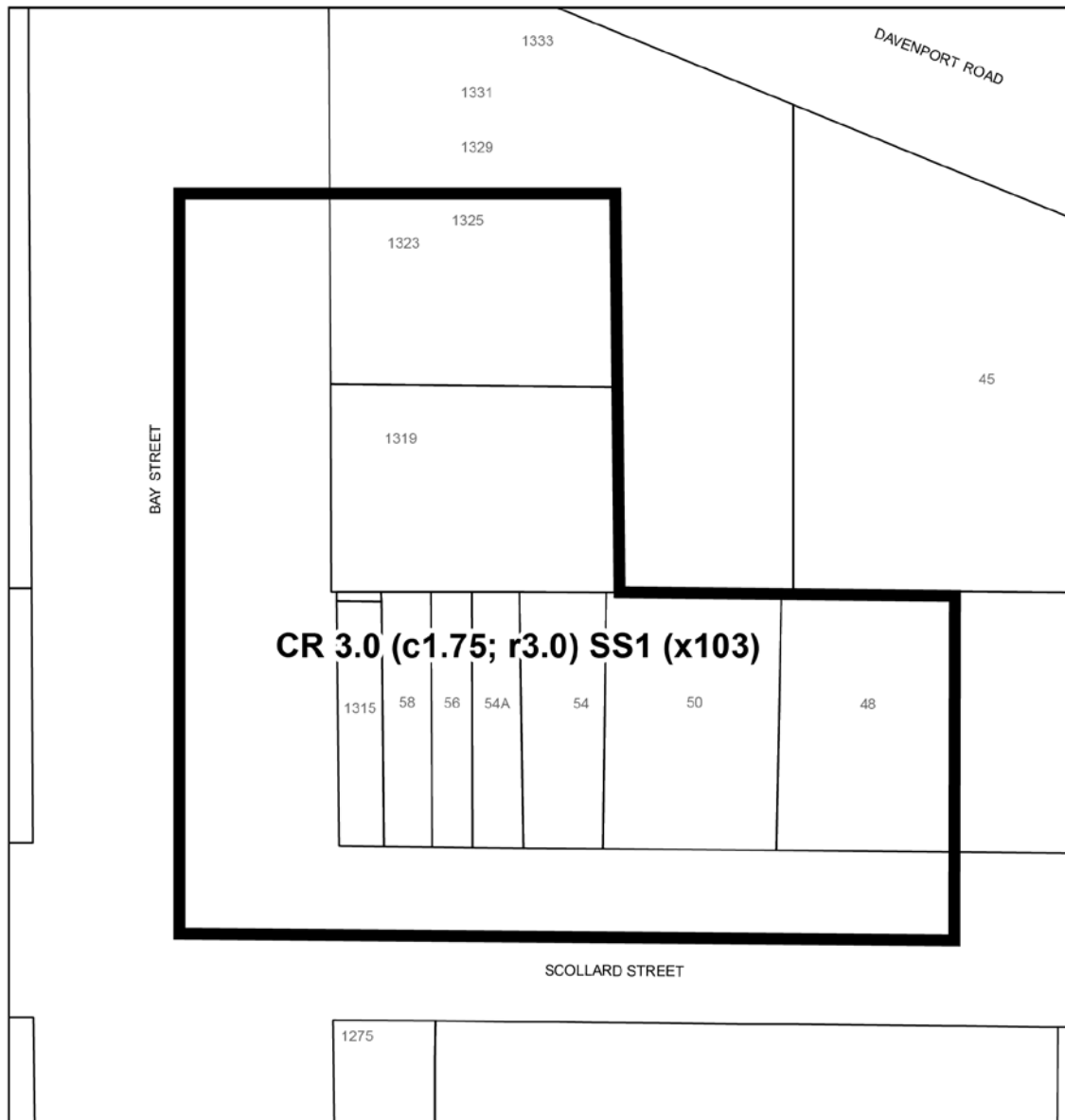
**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 02

City of Toronto By-Law 569-2013  
Not to Scale  
3/8/2017







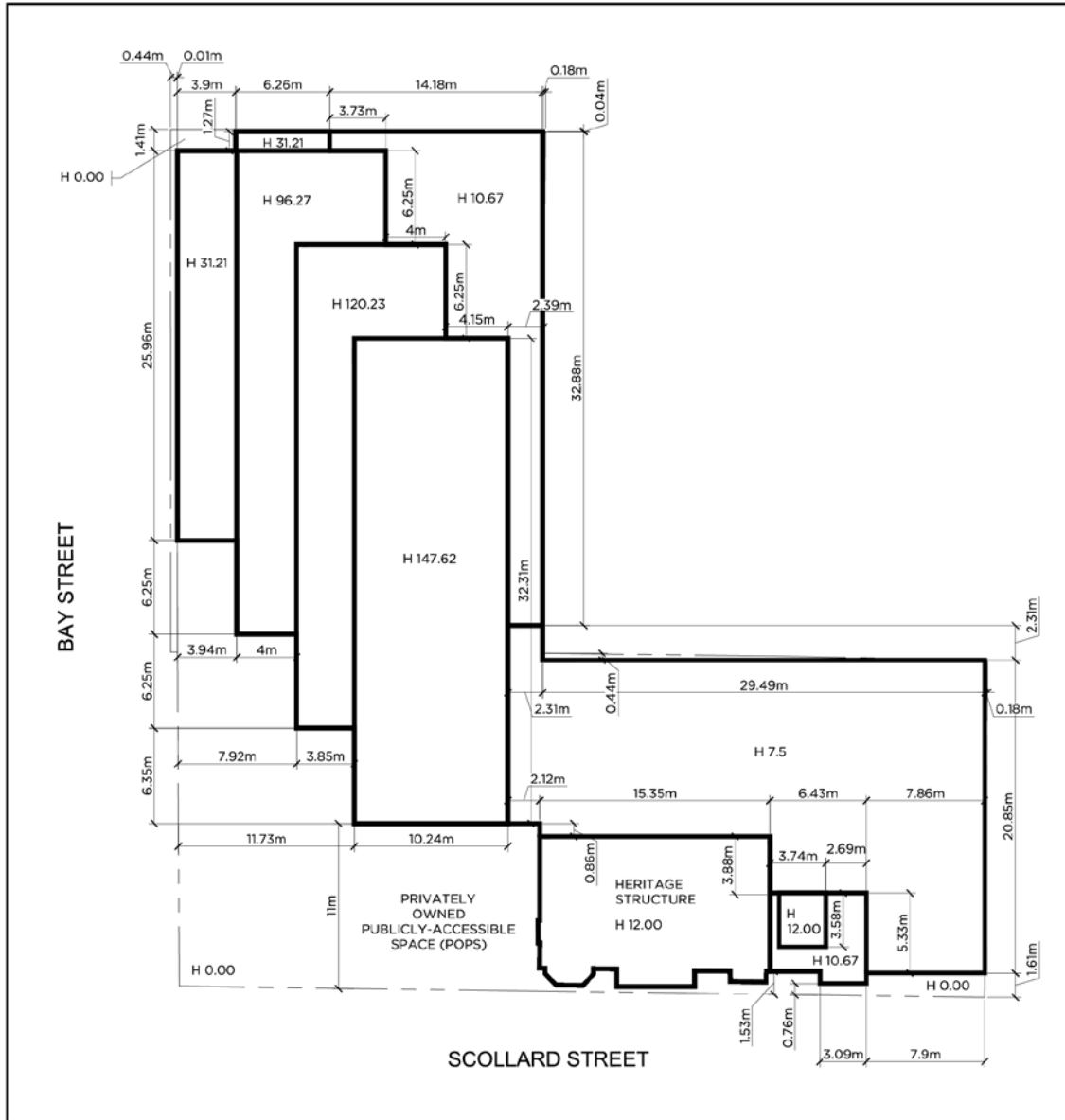
**Toronto**  
Diagram 2

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 OZ

City of Toronto By-Law 569-2013  
Not to Scale  
3/13/2017





**Toronto**  
Diagram 3

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 02

City of Toronto By-Law 569-2013  
Not to Scale  
3/8/2017