

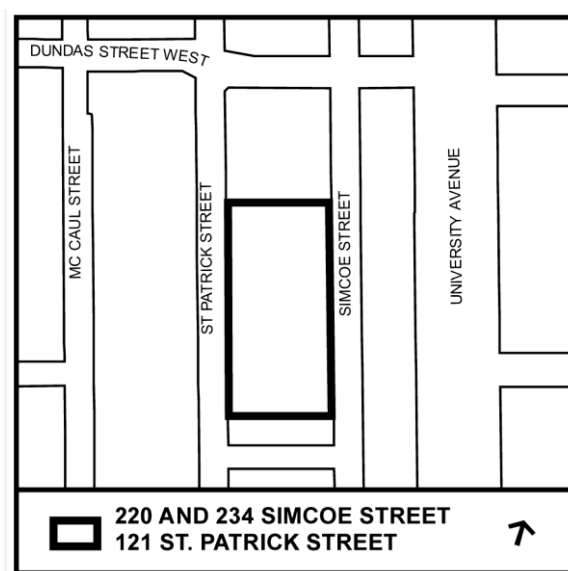
220 and 234 Simcoe Street and 121 St. Patrick Street - Zoning By-law Amendment Application – Final Report

Date:	March 22, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	15 218429 STE 20 OZ

SUMMARY

This application proposes a mixed-use development including residential, office and retail uses in three buildings: 39-storeys, 35-storeys and 17-storeys as well as, a public park and open space uses at 234 Simcoe Street, (a part of 220 Simcoe Street), and 121 St. Patrick Street. A total of 902 dwelling units are proposed as well as approximately 7,146 square metres of office and retail floor area. The total gross floor area of the proposed development is 73,063 square metres, representing a density of 10.83 times the area of the site.

The applicant has made a number of revisions to the proposal since the initial submission. Building heights have been revised with one building reduced in height from 54 to 39 storeys and a second building increased in height from 24 to 35 storeys. Overall the proposed gross floor area, density, and number of dwelling units have been reduced. A public park of 1,000 square metres is now proposed as well as a 500 square metre privately-owned publicly accessible open space (POPS). A Toronto Parking Authority parking lot is also proposed within the underground garage with a minimum of 75 parking spaces, and a maximum 125 parking spaces.



The proposal provides for a mix of residential, retail, office, parks and open space uses on the site consistent with the objectives for *Mixed Use Areas* in the Official Plan. The proposed development reinforces the existing and planned built form context within this area of the downtown. The proposed on-site public park and privately-owned publicly accessible open space will make a significant contribution to the public realm. Additionally, the proposal will provide Section 37 contributions towards space for a non-profit organization, the Toronto Foundation, community convening space, public art and affordable housing. This report reviews and recommends approval of the application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 220 and 234 Simcoe Street, and 121 St. Patrick Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 9 to the report (March 22, 2018), from the Acting Director, Community Planning, Toronto and East York District.
2. City Council amend Comprehensive Zoning By-law 569-2013, for the lands at 220 and 234 Simcoe Street, and 121 St. Patrick Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10 to the report (March 22, 2018), from the Acting Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary bills to City Council for enactment:
 - a. require the owner to address the outstanding items in relation to servicing, and pick-up and drop-off parking spaces as outlined in the memorandum from Engineering and Construction Services dated December 18, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - b. that Consent Application B0026/18 that proposes the severance of lands from 220 Simcoe Street to be added to the development site be approved by the Committee of Adjustment and such decision is final and binding;
 - c. the proposed sale of the Toronto Parking Authority lands at 121 St. Patrick Street, as recommended in the report from the Acting Director, Toronto Parking Authority dated February 16, 2018, be approved by City Council;
 - d. the owner of 234 Simcoe Street withdraw their appeal to Official Plan Amendment 231; and

- e. require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - i. The community benefits to be secured in the Section 37 Agreement as negotiated by the Ward Councillor are as follows:
 - A. A contribution of \$900,000 to be provided to the City prior to the issuance of the first above-grade building permit, for the following capital improvements:
 - 1. \$300,000 for the provision of new affordable housing in Ward 20 and/or for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20, payable by certified cheque to the Treasurer, City of Toronto;
 - 2. \$500,000 for public art on the lands, in consultation with OCAD University, to be secured by a letter of credit in the City's standard form. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and
 - 3. \$100,000 for improvements to the non-profit office space and community convening space in the development as outlined in recommendation 4.e.i.D. below, to be secured by a letter of credit in the City's standard form or payable by certified cheque to the Treasurer, City of Toronto, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor.
 - B. The required cash contributions pursuant to recommendation 4.e.i.A.1. to 3. inclusive are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
 - C. In the event the cash contributions in recommendation 4.e.i.A.1. to 3. inclusive have not been used for the intended purpose within five (5) years of the by-laws

coming into full force and effect, the cash contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands;

- D. The owner shall convey at no cost to the City, office and community space (the "Space") having a gross interior floor area of not less than 557 square metres within Building 2 of the development, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017 subject to the following:
1. specific Terms and Conditions regarding the Space will be outlined in a Term Sheet forming part of the Section 37 Agreement in addition to a separate Agreement of Purchase and Sale duly executed by the City and the applicant, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;
 2. the Space is proposed to be leased to a non-profit organization; the Toronto Foundation, with approximately 464 square metres proposed for use by the Toronto Foundation for its offices and the remaining approximately 93 square metres to be shared by the Toronto Foundation and the City's preapproved community groups for convening uses;
 3. should the Space not be occupied by the Toronto Foundation, the City will choose an alternate non-profit organization to occupy the Space to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor, including the on-going provision of the shared community space; and
 4. if an appropriate non-profit organization cannot be secured for the Space, the City will have the right to sell the Space with the funds redirected for another purpose(s), at the discretion of the Chief Planner and

Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.

E. The owner shall:

1. construct and maintain an area of not less than 500 square metres at grade for use by the general public as a privately-owned publicly accessible open space (POPS), extending through the site between St. Patrick Street and Simcoe Street in a location generally identified in the Zoning By-law Amendments, with the specific configuration and design of the POPS to be determined in the context of Site Plan Approval for the development to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor; and
 2. prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the *Condominium Act*, and registration of the first condominium on the site, except as otherwise agreed by the Chief Planner and Executive Director, City Planning Division, due to unforeseen delays (eg. weather), prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned publicly accessible open space set out in recommendation 4.e.i.E.1. with terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division.
- ii. The following matters are also recommended to be secured in a Section 37 Agreement as a legal convenience to support development, at the owner's expense:
- A. Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation

Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary; and

- B. The owner shall construct and convey to the City, an on-site parkland dedication having a minimum size of 1,000 square metres, situated at the southwest corner of the site, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and in accordance with the terms and conditions of parkland conveyance and construction as set out in the draft Zoning By-law Amendments in Attachments 9 and 10, to the report (March 22, 2018), from the Acting Director, Community Planning, Toronto and East York District.
5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of November 10, 2015, Toronto and East York Community Council (TEYCC) considered a Preliminary Report on the Zoning By-law Amendment application. TEYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site, that the notice area be extended in consultation with the Ward Councillor and that the applicant pay the City for the costs associated with extending the notice area.

The Preliminary Report is available on the City's website at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.37>

At its Board meeting of March 5, 2018, the Toronto Parking Authority (TPA) considered a Property Transaction/Parking Development Report from the Acting Director, Toronto Parking Authority in relation to a property transaction between the City and Lanterra 234 Simcoe Realty concerning the sale of the TPA parking lot at 121 St. Patrick Street except for a strata area sufficient to accommodate an underground parking garage for the TPA, which would provide a minimum of 75 parking spaces, up to a maximum of 125 parking space on the development lands. The TPA Board approved the submission of the joint Report to City Council. The report will be considered at the April 3, 2018 meeting of the Government Management Committee.

The Property Transaction/Parking Development Report is available at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PA8.3>

ISSUE BACKGROUND

Proposal

The application has been revised since the initial submission in September of 2015. Main revisions include:

- the addition of a small portion of 220 Simcoe Street to the site;
- a reduction in height of Building 1 from 54 to 39 storeys;
- an increase in the height of Building 2 from 24 to 35 storeys;
- a reduction in the number of dwelling units from 1,129 to 902;
- a reduction in the overall gross floor area and density from 12.69 to 10.83 times the area of the site;
- increased ground floor and tower setbacks; and
- provision of an on-site public park of 1,000 square metres.

A summary of the initial and revised proposals is in Table 1 below.

The revised application proposes a mixed-use development including retail, office and residential uses in three buildings. Overall the proposal includes 902 dwelling units comprised of 100 (11%) studio, 465 (52%) one-bedroom, 245 (27%) two-bedroom and 92 (10%) three-bedroom dwelling units. The total gross floor area of the proposed development is 73,063 square metres, representing a density of 10.83 times the area of the site. Attachments 1 – 6 provide the site plan, elevations and application data sheet for the proposal.

Building 1 is proposed to be 39 storeys and is situated in the northeast corner of the site adjacent to Simcoe Street. A total of 364 dwelling units and 491 square metres of retail space are proposed. The building design includes a 6-storey base building 23.5 metres high with a 33-storey tower above for a total height including mechanical penthouse of 128 metres. A tower floorplate of 770 square metres is proposed for this building. The tower is proposed to be setback 12.5 metres from the north property line and 3.0 metres from Simcoe Street.

Building 2 is proposed to be 35 storeys with residential, retail and office uses, and is situated in the southeast corner of the site along Simcoe Street. A total of 321 dwelling units, 595 square metres of retail floor area and 5,737 square metres of office floor area are proposed. A 5-storey base building 24 metres high is proposed with a 30-storey tower above for a total height including the mechanical penthouse of 118 metres. A tower floorplate of 770 square metres is proposed. The tower is proposed to be setback 10 to 12.5 metres from the south property line and 3.3 metres from Simcoe Street.

Building 3 is proposed to be 17 storeys with residential and retail uses, and is situated in the northwest portion of the site adjacent to St. Patrick Street. A total of 217 dwelling units and 323 square metres of retail space are proposed. The proposed building height is 65 metres including the mechanical penthouse. Proposed floorplate sizes range from 923 to 964 square metres. The building is connected to Building 1 from levels 7 to 11. The building extends to the north property line with a setback of 2 metres proposed from levels 7 to 11. A setback of one metre is proposed from the park to the south with a stepback of 2.5 metres proposed at level 12. A setback of 2.2 metres is proposed from St. Patrick Street for levels 7 to 11 and this is reduced to 1.5 metres at level 12 and above.

Proposed separation distances between buildings on site include:

- 25 metres between the towers on Building 1 and Building 2;
- 15 metres between the tower on Building 2 and Building 3; and
- 15 and 18 metres between the tower on Building 1 and Building 3.

Table 1 – Initial and Revised Proposals 220 and 234 Simcoe Street and 121 St. Patrick Street		
Statistics	Initial Submission September, 2015	Revised Submission September, 2017
Site Area	6,692 m ²	6,746 m ²
Height Storeys (m)*	54(168), 24(85), 17(56)	39(122), 35(112), 17(59)
Dwelling Units	1,129	902
Residential Gross Floor Area	71,448 m ²	65,917 m ²
Office Gross Floor Area	10,946 m ²	5,737 m ²
Retail Gross Floor Area	2,519 m ²	1,409 m ²
Total Gross Floor Area	84,913 m ²	73,063 m ²
Density – Floor Space Index	12.69 x lot area	10.83 x lot area
Indoor Amenity Space	2,393 m ²	1,899 m ²
Outdoor Amenity Space	3,168 m ²	1,852 m ²
On-Site Parkland	-	1,000 m ²
Parking Spaces	502	322
Bicycle Parking Spaces	718	946

* Height excluding mechanical penthouse

An underground parking garage with four levels and 322 parking spaces is proposed for residents (200), non-residential uses (37), car-share (4) and for a commercial parking garage (81). A minimum of 75 and up to 125 parking spaces are proposed to be operated by the Toronto Parking Authority. A total of 946 bicycle parking spaces are proposed within the parking garage, including 817 long-term resident spaces, 91 short-term resident spaces, 27 spaces for office uses and 11 spaces for retail uses. Access to loading and parking is proposed from two private driveways: a 7 metre wide driveway at the north edge of the site extending between Simcoe Street and St. Patrick Street servicing Buildings 1 and 3, and a 6 metre wide driveway at the south edge of the site from Simcoe Street servicing Building 2.

On-site public parkland of 1,000 square metres is proposed in the southwest corner of the site fronting along St. Patrick Street. A 12 metre wide pedestrian connection is proposed to extend diagonally through the site between Simcoe Street and St. Patrick Street. Retail uses are proposed to front along this mid-block connection with spill out areas for outdoor retailing and restaurant patios adjacent to the buildings. A privately-owned publicly accessible open space (POPS) approximately 4 metres wide is proposed within the pedestrian connection between the retail spillout zones, with areas of the proposed POPS widening to 15 metres along Simcoe Street and approximately 10 metres along St. Patrick Street adjacent to the proposed public park.

Proposed common residential amenity space includes 1,899 square metres of indoor amenity space and 1,852 square metres of outdoor amenity space. Amenity space is proposed to be shared between Buildings 1 and 3 with indoor and outdoor spaces proposed on the second level and on the rooftop of Building 3. Indoor and outdoor

amenity space is proposed on levels 5 and 6 in Building 2. Private balconies and terraces are also proposed for most dwelling units.

Additional site and development statistics are included in the application data sheet as Attachment 6.

Site and Surrounding Area

The site is located on the west side of Simcoe Street and extends through the full block west to St. Patrick Street. It is located south of Dundas Street West and north of Queen Street West. The site has approximately 90 metres of frontage along Simcoe Street, 93 metres of frontage along St. Patrick Street and a depth of approximately 79 metres. The site is 6,746 square metres in area, irregular in shape and generally flat.

The site includes three properties, the City-owned TPA lands at 121 St. Patrick Street currently occupied with a 36 space surface TPA parking lot; 234 Simcoe Street currently occupied by the three-storey Bank of Montreal Service Centre building; and a small portion of lands at 220 Simcoe Street that contains the 11-storey Bell Canada Utility building. The gross floor area of the existing office building at 234 Simcoe Street is 10,134 square metres.

Surrounding uses include:

North: Adjacent to the north are two 12-storey residential buildings owned by Toronto Community Housing. North of the residential buildings is the 3-storey Toronto Police Service 52 Division building. Farther north, on the north side of Dundas Street West is an 8-storey apartment building with an apartment neighbourhood to the north with buildings ranging from 10 to 15 storeys. There is a low rise residential neighbourhood to the northwest, west of McCaul Street and north of Dundas Street West. To the northeast along University Avenue are a number of taller buildings and recently approved developments. These include the 55-storey mixed-use building at the northwest corner of University Avenue and Dundas Street West at 480 University Avenue (File 12 236896 STE 20 OZ). A 55-storey mixed use development has also been approved on the northeast corner of Dundas Street West and University Avenue (File 13 123864 STE 27 OZ).

South: Adjacent to the south at 220 Simcoe Street is the 52 metre high Bell Canada Utility building. To the south, on the north side of Michael Sweet Avenue is a recently constructed 25-storey residential building. Farther south is the pedestrian mews extension of Simcoe Street, a four-storey parking garage, a mix of office buildings ranging from 12 to 16 storeys including the Canada Life Building at 190 Simcoe Street, and a 24-storey mixed-use building under construction at 219 Queen Street West.

West: Opposite the site on the west side of St. Patrick Street is a 16-storey residential building. The mixed-use development 'Village by the Grange' is also to the west with heights ranging from 10 to 12 storeys. Farther west are significant institutional and park uses, including OCAD University, the Art Gallery of Ontario and Grange Park.

East: Opposite the site on the east side of Simcoe Street is a 25-storey office building. To the north is a recently constructed 42-storey residential building at 426 University Avenue. Farther north at the southwest corner of Dundas Street West is a 20-storey office building with retail uses and a TTC subway entrance. Farther east are primarily office buildings along University Avenue ranging from 19 to 26 storeys.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters Council shall have regard to in making decisions under the *Planning Act*. The Provincial Policy Statement (PPS) (2014) provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environments;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open spaces; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and

infrastructure to reduce sprawl, cultivate a culture of conservation, and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green spaces that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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 site is located in the *Downtown* and is designated *Mixed Use Areas* in the Official Plan (Attachment 7).

Downtown Policies

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that: builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances the speciality retail and entertainment districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure,

concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling, improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area.

The Official Plan states that *Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the reurbanization strategy and the goals for *Downtown* is attracted to the area. While *Downtown* is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform.

Public Realm and Built Form Policies

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture, and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the Built Form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings; providing for adequate light and privacy; and adequately limiting any resulting shadowing and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the Built Form policies of Section 3.1 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Plan states that although tall buildings are desirable in the right places they do not belong everywhere and are only one form of intensification. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

The Housing policies of Section 3.2.1 support the provision of a full range of housing opportunities in the City and seek to stimulate the production of new private sector rental housing.

Parks and Open Space Policies

The Official Plan recognizes that as Toronto grows and changes the parks and open space system will need to expand. The policies of Section 3.2.3 of the Official Plan seek to strengthen Toronto's Green Space System by actions such as: adding new parks and amenities, particularly in growth areas, designing high quality parks and their amenities to promote user comfort, safety, accessibility and year round use, and to enhance the experience of the place. The Official Plan sets out the criteria for the location and configuration of lands to be conveyed for parkland, which should:

- be free of encumbrances unless approved by Council;
- be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park;
- be of usable shape, topography and size that reflects its intended use;
- be consolidated or linked with an existing or proposed park, green space or natural heritage system where possible; and
- meet applicable Provincial soil regulations and/or guidelines for residential/parkland use.

Toronto's Economic Health Policies

To support and strengthen Toronto's economy the growth management strategy for the City identifies areas for both growth in jobs and population. This includes the *Downtown* with policies aimed to create opportunities for development to accommodate diverse business ventures, to meet the changing economic conditions of the future and create a vibrant city.

Official Plan Amendment 231 (OPA 231) introduced additional policies to achieve this aim. Section 3.1.5 provides that a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the *Downtown and Central Waterfront*, the *Centres*, and within walking distance of existing and approved and funded subway, light rapid transit, and GO stations in other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas*. Section 3.5.1.3 promotes a balanced growth of jobs and housing across the City to maintain a complete community, reduce the need for long distance commuting and lessen regional road congestion, and increase the proportion of travel by transit walking and cycling. Section 3.5.1.4 provides that programs and incentives will be established to grow employment and investments including programs and incentives directed to office development.

Mixed Use Areas Policies

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 are permitted within the *Mixed Use Areas* designations. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Section 4.5.2 includes criteria for development in *Mixed Use Areas* to ensure, among other matters, that the location and massing for new buildings achieves transitions between areas of different development intensity and scale, frames the edges of streets and parks with good proportion and maintains sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; and have access to schools, parks and community centres as well as libraries and childcare. Development should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

The Official Plan is available on the City's website at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/chapters-1-5/>

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 6, 2016, City Council adopted Official Plan Amendment No. 352 (OPA 352) – Downtown Tall Building Setback Area. 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 the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. While OPA 352 and the By-laws are under appeal, these amendments represent Council's position with respect to proposals seeking to introduce a tall building into the urban context.

Official Plan Amendment 231 – Office Replacement Policies

Official Plan Amendment No. 231 (OPA 231), adopted by City Council December 18, 2013, received approval by the Ministry of Municipal Affairs and Housing on July 9, 2014 and, is in large part, under appeal before the Ontario Municipal Board. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the *Downtown*, *Central Waterfront* and *Centres*, and all other *Mixed Use Areas*,

Regeneration Areas and *Employment Areas*, and also contains new policies with respect to office replacement in transit-rich areas. In particular, Policy 3.5.1 (2a) currently in force and effect requires:

- "2. A multi-faceted approach to economic development in Toronto will be pursued that:
- (a) Stimulates transit-oriented office growth in the *Downtown* and *Central Waterfront*, the *Centres* and within walking distance of existing and approved and funded subway, light rapid transit and GO stations in other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas*".

Additionally, Policy 3.5.1 (6) requires that new office development will be promoted in *Mixed Use Areas* and *Regeneration Areas* in the *Downtown*, *Central Waterfront* and *Centres* and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO Station. Policy 3.5.1 (9) requires the provision of office space on any site containing 1,000 square metres or more of office space, where residential development is proposed. Policy 3.5.1 (6) and (9) are both currently under appeal.

Zoning

The site is zoned Mixed-Use (CR) in Zoning By-law 569-2013 (Attachment 8), and in former City of Toronto Zoning By-law 438-86. A wide range of retail and commercial as well as residential uses including apartments are permitted on the site. A maximum overall density of 4 times the area of the lot is permitted. For commercial uses the maximum density permitted is 2 times the area of the lot and for residential uses the maximum density permitted is 3.5 times the area of the lot. The maximum building height permitted is 37 metres.

Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan Approval application has not been submitted.

City-Wide Tall Building Design Guidelines

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

Policy 1 in the Official Plan's Section 5.3.2, Implementation Plans and Strategies for City-Building, states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3,

The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The City-wide Tall Building Design Guidelines are available on the City's website at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

The site is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals.

The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

TOcore

TOcore: Planning Downtown is an inter-divisional initiative, led by City Planning, which is updating the planning framework for Downtown and developing a series of five infrastructure related strategies to implement the plan. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

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 study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be found on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>.

Growing-Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing-Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing-Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing-Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing-Up Draft Urban Design Guidelines were considered in the review of this proposal.

The Council decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

Reasons for Application

A Zoning By-law amendment is required as the existing zoning permits a maximum building height of 37 metres and the proposed buildings would have heights of 122, 112 and 59 metres (excluding mechanical penthouses). As well a maximum overall density of 4 times the area of the site is permitted and a density of 10.83 times the area of the site is proposed. A Zoning By-law Amendment is also required to establish development standards such as parking and loading requirements, building setbacks and required amenity space for the proposed development.

Community Consultation

Community consultation meetings were held on December 11, 2015, and May 17, 2017. City Planning staff, the Ward Councillor and approximately 35 residents attended the first meeting. Main issues raised at the first meeting included: proposed building heights and density; concerns that the proposed 54-storey building would set a negative precedent and that the 17-storey building was too tall for the width of St. Patrick Street; potential wind and shadow impacts; impacts on views from existing buildings in the area; concerns related to traffic impacts, particularly at the intersection of St. Patrick Street and Dundas

Street West; the lack of rental units, and tower setbacks and facing distances with existing towers in the area. Some participants commented that the design was very positive and supported the proposed mid-block walkway. Others felt additional open space was needed on the site and expressed concern that existing trees would be impacted by the development.

City Planning staff, the Ward Councillor and approximately 30 residents attended the second meeting. At this meeting a revised proposal was presented that included 39, 36 and 17 storey buildings, as well as on-site public parkland of 1,000 square metres. Main issues identified included: the height and density of the development; the proposed reduction in office space; potential traffic impacts; shadow and wind impacts; impacts on adjacent properties from outdoor amenity space activities, and the impacts on views from existing buildings in the area. Tower setbacks and facing distances with existing buildings in the area were also identified as concerns. Residents were supportive of the proposed on-site public parkland.

A petition with 209 signatures in opposition to the proposal has also been received. Main issues identified in the petition include: the proposed heights; fit and transition to existing buildings in the area; separation distances and setbacks between existing and proposed buildings; wind and shadow impacts; impacts on sky views, privacy and daylighting for nearby buildings; traffic impacts; proposed parking, and impacts on heritage properties in the area.

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

Staff continued discussion with the applicant following the Preliminary Report considered by TEYCC in February 2015 and community consultation to address the issues identified in the report and from community feedback. A revised proposal was submitted in September 2017 and has been reviewed by City staff and agencies. Main changes to the proposal include:

- a reduction in the height of Building 1 from 54 to 39 storeys;
- an increase in the height of Building 2 from 24 to 35 storeys;
- a reduction in the proposed density;
- the introduction of a public park on the site;
- an increase in the size of the proposed POPS on site;
- increased building setbacks at grade to create widened sidewalk zones; and

- design changes to the base building and tower elements with increased setbacks from property lines and along streets.

An overview of the revisions and staff comments are provided below.

Provincial Policy Statement and Provincial Plans

The PPS provides direction on matters of provincial interest related to land use planning and development. Key policy objectives include; building strong healthy communities, wise use and management of resources and protecting public health and safety. The PPS promotes new development through intensification in keeping with municipal Official Plans, where such intensification recognizes the development's local context. Section 1.1.1 provides that healthy liveable and safe communities are sustained by among other actions; promoting an appropriate range and mix of residential, employment, institutional, recreational, parks and open space and other uses to meet long-term needs. The application proposes a mix of uses including residential, employment, and parks and open space uses in keeping with the objectives of the PPS that support healthy, liveable and safe communities, and provides for a built form that fits within the local context consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) designates this site within the Downtown Urban Growth Centre. The Growth Plan recognizes urban growth centres as areas for development to accommodate intensification, to provide for a range of housing options, and to provide for an appropriate transition of built form to adjacent areas. The Growth Plan also supports the achievement of complete communities, and an attractive and vibrant public realm including public open spaces. This application accommodates intensification, provides an acceptable transition of built form to adjacent areas, and provides for public parkland and open space supporting the complete community and public realm objectives of the Growth Plan. The proposal conforms with the Growth Plan.

Land Use

The proposed residential, retail, office, and park and open space uses are permitted uses within the *Mixed Use Areas* designation and zoning for the site.

On-Site Public Parkland

The Parks and Open Space policies of the Official Plan recognize the need for new parks and amenities within the City, particularly in growth areas such as the *Downtown*. Parks staff have requested on-site parkland dedication and the application proposes 1,000 square metres of parkland to be located in the southwest corner of the site fronting on St. Patrick Street. The parkland dedication exceeds the parkland requirements of the *Planning Act*, by approximately 400 square metres and represents a significant public realm contribution from the development.

Non-Profit Office Space and Community Convening Space

The applicant has agreed to convey approximately 557 square metres of space within Building 2 to the City as a Section 37 benefit. This space is proposed to be leased to a non-profit organization, the Toronto Foundation, with 464 square metres to be used as office space by the Toronto Foundation and the remaining 93 square metres to be shared by the Toronto Foundation and community groups for convening space. The applicant has agreed to provide an additional \$100,000 in S37 contributions for improvements for the space. The space will be secured in the Section 37 Agreement with terms and conditions for the agreement of purchase and sale to the satisfaction of Real Estate Services in consultation with City Planning and the City Solicitor.

Height and Density

The original submission proposed three buildings with heights of 54, 24 and 17 storeys. The overall gross floor area proposed in the initial submission was 84,913 square metres representing a density of 12.69 times the area of the site. City Planning staff considered the proposed 54-storey building and the overall density of the development to be inconsistent with the planning framework for the site. The revised submission includes a reduction in the height of Building 1 to 39 storeys (122 metres), and an increase in the height of Building 2 from 24 to 35 storeys (112 metres). The overall gross floor area has been reduced and is now proposed to be 73,063 square metres representing a density of 10.83 times the site area.

The Built Form policies of the Official Plan provide that new development should fit harmoniously within its existing and/or planned context, and limit its impact on neighbourhood streets, parks, open spaces and properties. The *Mixed Use Areas* policies of the Official Plan provide that the location and massing for new buildings should achieve transitions between areas of different development intensity and scale.

There are a range of building heights and typologies within this area of the downtown. Heights ranging from 2 to 55 storeys are found in tall buildings, mid-rise and lower scale commercial and house form buildings in close proximity to the development site. The development site is generally situated in an area of transition between areas of differing development intensity and scale.

In general the sites to the east and north along University Avenue are areas of higher scale and intensity of development within this area. Developments north and east of the site include 480 and 481 University Avenue, both with heights of 55 storeys, and the 42-storey building at 426 University Avenue (RCMI), opposite a portion of the site. Sites to the south along Queen Street West, east along McCaul Street and north of Dundas Street West are characterized with lower scale buildings including the Village by the Grange, OCADU, the Art Gallery of Ontario (AGO) and the low-rise neighbourhood on the north side of Dundas Street West north the AGO. There are also taller buildings to the south of the site including the 25-storey building at 210 Simcoe Street and the 24-storey building under construction at 219 Queen Street West. Many of the existing buildings situated along St. Patrick Street near the site have forms characteristic of mid-rise buildings, but

with building heights that exceed the width of the street more characteristic of tall buildings.

City Planning staff consider the proposed building heights and density appropriate for this site. The development provides for a transition between areas of higher scale and intensity along University Avenue to the east of the site to areas of lower intensity and scale generally to the west, northwest and south of the site consistent with the Official Plan. The two taller buildings are proposed on the east side of the site along Simcoe Street, with a transition in building height achieved within the site to the 17-storey building proposed along St. Patrick Street.

The proposed 17-storey building is similar to existing buildings adjacent to the north, south and opposite the site on the west side of St. Patrick Street, with a proposed height (59 metres). City Planning staff are satisfied that the proposed building along St. Patrick Street fits appropriately within the context of existing buildings along this street, consistent with the Official Plan.

Design Review Panel

The City's Design Review Panel (DRP) considers large scale development proposals within the growth areas throughout the City including within the *Downtown*. The application was considered by the DRP on two occasions, the first on January 14, 2016 and again on February 9, 2017.

At the first meeting the DRP considered the initial proposal and commended the mix of uses proposed and the articulation of the buildings. Panel members expressed concern with the proposed density, separation distances, sunlight access and open space contribution in the proposal. Panel members recommended increased setbacks and separation between towers, and that a lower height be considered along Simcoe Street. Some members suggested that the proposed building along St. Patrick Street should be lowered. Members noted that the proposed uses along the mews were a positive aspect of the proposal to animate the space, but noted that the area would be in shadow and recommended that more open space be provided with the building terraced back to provide more opportunity for light to reach into the space. All members felt that a park on site was needed and suggested this be located in the southwest corner of the site.

At the second meeting of the DRP, the panel considered a revised proposal that included a reduction in the height of Building 1 from 54 to 39 storeys, an increase in the height of Building 2 from 24 to 36 storeys, a reduction in the size of Building 3, an on-site public park of 1,000 square metres and an enlarged POPS extending diagonally through the site. The DRP commended the mix of proposed uses and supported a number of the revisions to the proposed heights and massing of the buildings, the location and character of the public park, and the POPS proposed to extend through the block. Panel members recommended further consideration of the separation distances between Buildings 1 and 3, the height of Building 3, and further improvements to the ground plane.

Tall Building Design Guidelines

The site is of sufficient size to accommodate three buildings including the proposed towers in a manner that is consistent with the Tall Building Design Guidelines, intended to ensure that tall buildings fit within their context and minimize their local impacts. The building massing, including the base buildings and towers, reinforce the built form and public realm objectives of the Official Plan, and Tall Building Design Guidelines in relation to tower placement, building setbacks, sidewalk zones and tower floorplates. These issues are discussed in more detail below.

Tower Placement

The Tall Building Design Guidelines recommend that towers be placed away from streets, parks, open spaces and neighbouring properties to reduce visual and physical impacts of the tower, and allow the base building to be the primary defining element for the site and adjacent public realm. OPA 352 and the associated Zoning By-law amendments provide for minimum tower setbacks of 12.5 metres from property lines other than streets, 3 metres along streets, and 12.5 metres to the centre line of streets.

In the initial submission, tower setbacks along Simcoe Street of 0.2 metres and 2.0 metres were proposed for Buildings 1 and 2 respectively. As well, a tower setback of 7.5 to 10 metres was proposed from the south property line for Building 2, which has a jog of about 2 metres along this property boundary. In the revised submission the tower setbacks along Simcoe Street have been increased with a 3.0 metre setback proposed for Building 1 and a 3.3 metre setback proposed for Building 2. Simcoe Street is approximately 18.3 metre wide and the proposed tower setbacks would result in a setback of 12.1 and 12.4 metres from the centreline of the street for Buildings 1 and 2, respectively, which are slightly less than the minimum setback of 12.5 metres provided for in OPA 352 and the associated Zoning By-law amendments. In the revised development, the setback for Building 2 from the irregular south property line is proposed to be increased from 7.5 to 10 metres to 10 and 12.5 metres.

The overall effect of the proposed setbacks on massing will reinforce the base building as the primary defining element for the site and the adjacent streets, and reduce the visual and physical impacts of the towers above. City Planning staff are satisfied that the setbacks proposed will result in a building massing consistent with the objectives of OPA 352 and associated Zoning By-law amendments, and the Tall Building Design Guidelines.

In the initial submission, Building 3 was proposed to extend the full length of the site along St. Patrick Street with no setback proposed from the street. A setback of 5 metres was proposed from the north and south property lines at level 6 with the setback reduced to 3 metres at level 13. In the revised submission, a public park is now proposed in the southwest corner of the site fronting on St. Patrick Street. As a result, the size of Building 3 has been significantly reduced, and is now proposed to occupy approximately 65 percent of the frontage along St. Patrick Street. Setbacks of 2.2 metres are proposed at level 7 along St. Patrick Street, with this reduced to 1.5 metres at level 12. The building is proposed to extend to the north property line with a setback of 2.9 metres

from levels 7 to 11, reduced to a setback of 1.0 metre at level 12. A setback of 1 metre is proposed from the new park boundary to the south with the setback increased to 3.5 metres at level 12.

As noted above, the proposed development is similar in massing and height to existing buildings along St. Patrick Street. The design of the proposed development incorporates a series of setbacks and elements with cut out sections within the upper portions of the building mass. City Planning staff are satisfied that the setbacks and other design features proposed will result in a building massing that will reinforce the base building as the defining element along St. Patrick in a manner that is consistent with existing developments along this street. The recommended zoning by-law amendments include the setbacks noted above.

Ground Floor Building Setbacks and Sidewalk Zones

The Tall Building Design Guidelines recommend that along the primary public frontages of a tall building site, that a sidewalk zone at least 6 metres wide be secured to provide sufficient space for pedestrians, street furniture, trees, utilities and commercial uses. This also provides spaces for bicycle parking, spill out areas for retail uses such as cafes, public art installations and other valuable street activities and amenities.

The Guidelines identify that this sidewalk zone may be entirely public or a combination of public and private property. To achieve an appropriate sidewalk width, the base of a tall building may need to be set back farther from the property line than the distance prescribed in the Zoning By-law.

In the original submission the development was proposed to extend to the lot lines on both Simcoe Street and St. Patrick Street resulting in sidewalks zones of approximately 5.2 metres along Simcoe Street and 5 metres along St. Patrick Street. In the revised submission ground floor building setbacks from 0.3 to 0.5 metres are proposed along Simcoe Street resulting in a sidewalk zone of 6 metres along this street. Ground floor building setbacks of 0.75 to 2.8 metres are proposed along St. Patrick Street resulting in a sidewalk zone of 6 to 7.5 metres. In the area of the proposed mid-block connection along both Simcoe Street and St. Patrick Street, much wider sidewalk zones will be achieved. City Planning staff consider the proposed revisions to the ground floor building setbacks as positive changes to the proposal. The recommended zoning by-law amendments will secure the ground floor building setbacks.

Tower Floorplate Size and Tower Separation

The Tall Building Design Guidelines recommend the use of smaller tower floorplates, of 750 square metres or less, above appropriately scaled base buildings that are separated to allow sunlight and sky view between towers. When tall buildings are constructed too close together they result in unacceptable shadowing on surrounding streets, parks, open spaces and properties; diminished sky view for pedestrians; heightened street level wind effect; loss of privacy for residents and limited interior daylighting. To minimize impacts, the Guidelines recommend that the towers of tall buildings be separated a minimum distance of 25 metres.

In the original submission the tower floorplates were proposed to be approximately 798 square metres for Building 1 and ranged from 688 to 748 square metres for Building 2. A 20-metre separation distance was proposed between these two towers. The floorplate for Building 3 was proposed to range from 1,167 to 1,277 square metres. Building 3 extended the full length of the site and was proposed to be separated 15 metres from Building 1 and 14.5 metres from Building 2.

In the revised submission tower floorplates of 770 square metres are proposed for Buildings 1 and 2, and a separation distance of 25 metres is proposed between these two towers. Tower floorplates ranging from approximately 952 to 963 square metres are proposed for Building 3. Building 3 is now proposed to be connected to Building 1 from levels 7 to 11, with a separation distance of 15 metres proposed below, and 18 metres above the connection. With the introduction of a public park on the site, Building 3 is now proposed to be offset from Building 2 with the closest portion of the tower on Building 2 separated 15 metres from Building 3. Although the tower floorplates for Buildings 1 and 2 slightly exceed the Guidelines, the separation between towers has been increased to 25 metres between the two towers consistent with the Guidelines. The floorplate has been reduced for Building 3, a connection between Buildings 1 and 3 has been introduced, and setbacks for the upper floors increased to 18 metres. Building 3 is proposed to be offset from Building 2 minimizing impacts on skyview and privacy between buildings. City Planning staff are satisfied with the proposed floorplate for Building 3 and proposed separation distances between Building 3 and Buildings 1 and 2.

At the community meeting and in written submissions some residents expressed concerns with the proposed separation distance between Building 1 and the existing 42-storey building at 426 University Avenue (RCMI) opposite a portion of the site on the east side of Simcoe Street. Concerns also included potential impacts on sky view and privacy for the existing building. The existing building at 426 University Avenue is situated opposite the north portion of the development site (TPA parking lot) and the adjacent 13-storey TCH building. This 42-storey building is not setback from the south property line or from Simcoe Street, and a result does not meet the recommended setbacks of the Tall Building Design Guidelines. Its inability to provide appropriate setbacks on its own site was one of the reasons City Planning had recommended refusal of the development.

In contrast, the proposed tower for Building 1 is oriented east to west on the site and is proposed to be setback 12.5 metres from the north property line and 3 metres from Simcoe Street. The tower is narrower along the Simcoe Street frontage with two units on each level facing the street. Simcoe Street is approximately 18.3 metres wide. As a result, the proposed tower will be offset from the existing building at 426 University Avenue with a separation distance of approximately 21.3 metres. Although the separation distance of 25 metres will not be achieved, City Planning staff are satisfied that impacts on privacy and sky view will be minimized due to the design of the proposed tower, and its orientation and placement on the site. The separation distances noted above are recommended to be included in the draft zoning by-law amendments.

Office Replacement

OPA 231's office replacement policy, which is currently under appeal, requires 100% office space replacement. The site is located within 500 metres of the University-Spadina subway line and approximately 100 metres from the St. Patrick Subway Station and approximately 350 metres from the Osgoode Subway Station. A portion of the site is currently occupied with a three-storey office building with an overall floor area of 10,134 square metres.

The application proposes 5,737 square metres of office space reflecting 57% of the existing office floor area on the site. Of this, 557 square metres is proposed to be conveyed to the City as a Section 37 benefit for office space for a non-profit organization, the Toronto Foundation, and convening space for community groups. In addition to the office floor area, retail space of 1,409 square metres is proposed resulting in 7,146 square metres of non-residential uses proposed overall.

Staff have worked with the applicant to make improvements to the proposal including reducing the overall density of the development, while balancing City Council's direction to retain office space. City Planning staff are satisfied with the office replacement proposed including the provision of office space for a non-profit organization and community convening space as community benefits. The recommended zoning by-law amendments include minimum requirements for office space.

Shadow Impacts

The Public Realm and Built Form policies of the Official Plan provide that new development limit its impact on neighbouring streets, parks and open spaces and properties. The *Mixed Use Areas* policies of the Official Plan also provide that new buildings should be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

A Shadow Study was submitted with the application and this has been reviewed by City Planning staff. The Shadow Study indicates that shadows exclusive to the development will extend into the rear yards of properties within the *Neighbourhood* north of Dundas Street West in the early morning at the spring and fall equinoxes, moving off of the neighbourhood by 10:18 a.m.. The Study indicates that shadows will not impact Grange Park, or the new park proposed on the site. City Planning staff consider the shadow impacts from the proposed development acceptable.

Wind Study

A Preliminary Pedestrian Wind Assessment and Addendum have been submitted and these have been reviewed by staff. The Assessment and Addendum indicate that the buildings include several design features that are positive for wind control, including the irregular building facades, proposed base building heights, balconies and floorplates. The Assessment indicates that suitable wind conditions are expected along sidewalks, at main building entrances and on the outdoor amenity terraces.

The Addendum indicates that portions of the proposed park closest to the southwest corner of Building 3 will realize windy conditions from time to time, however, they will not be significant and will not likely detract from the functionality of the park. The Assessment recommends that a more detailed quantitative microclimatic analysis be undertaken through the more detailed design work for the park. Staff are satisfied with the results of the wind assessment and recommend that more a detailed wind assessment be undertaken through the Site Plan Approval process and park design with mitigation measures as necessary secured as a part of the development's Site Plan Approval.

Amenity Space

The Built Form policies of the Official Plan provide that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The former City of Toronto Zoning By-law 438-86 requires that this be comprised of a minimum of 2 square metres each of indoor and outdoor amenity space. Zoning By-law 569-1013 requires a minimum of 4 square metres of amenity space per unit and permits a minimum of 40 square metres of outdoor amenity space. The Growing-Up Guidelines promote the inclusion of amenity spaces within tall buildings that support a variety of age groups and activities including children and youth.

The application proposes 1,899 square metres of indoor amenity space (2 square metres per unit) and 1,852 square metres of outdoor amenity space (2 square metres per unit). These are consistent with current Zoning-By-law requirements. City Planning staff are satisfied that the amount of proposed indoor and outdoor amenity space will meet the needs of residents within the building consistent with objectives of the Official Plan. Staff are recommending the inclusion of screening and other landscape elements within the proposed outdoor amenity spaces on level 2 of Buildings 1 and 3 and the rooftop of Building 3, to minimize potential impacts on adjacent and nearby properties. City Planning staff are also recommending that the future design of the amenity spaces throughout the proposed development incorporate both indoor and outdoor areas for children and youth, in keeping with the Growing-Up Guidelines. Facilities for dogs are also recommended. These will be secured through the Site Plan Approval process.

Servicing

A Functional Servicing Report and Geohydrology Assessment were submitted with the application and have been reviewed by Engineering and Construction Services staff. Staff advised that additional information is required in relation to locations for fire hydrants, water service for fire protection, storm water system design, storm sewer and sanitary sewer capacity, groundwater flow rates, construction dewatering and proposed private water drainage system. The applicant has submitted additional information and this is currently under review. As a result, City Planning staff are recommending that should Council approve the Zoning By-law Amendment application, that the applicant address outstanding items related to servicing outlined in the memo from Engineering and Construction Services dated December 18, 2017, to the satisfaction of Engineering and Construction Services, before introducing the necessary Bills for enactment.

Transportation Considerations

An Urban Transportation Considerations Report and Addendum were submitted with the application. These have been reviewed by Transportation Services staff and the proposed site accesses, parking within the underground garage including the TPA parking lot, as well as loading are considered acceptable. Outstanding issues are discussed in more detail below.

Pick-up and Drop-off Spaces

On-site pick-up and drop-off spaces are proposed along the north driveway to service Buildings 1 and 3, and along the south driveway to service Building 2. Transportation Services staff have concerns with the proposed pick-up and drop-off area for Building 2, as vehicles using the area would block access to the loading area. Transportation Services staff recommend that a lay-by be introduced along the south driveway to accommodate the pick-up and drop-off requirements for this building while maintaining the current driveway width required for loading vehicles. City Planning staff are recommending that this item be addressed in association with the outstanding servicing issues noted above before introducing the necessary Bills for enactment.

Intersection of St. Patrick Street and Dundas Street West

The applicant's Urban Transportation Consideration Report advised that the unsignalized intersection of Dundas Street West and St Patrick Street meets traffic signal warrants under existing and future conditions, and recommends that signalization be considered. The TTC has concerns that signalization in this location would have a detrimental impact on TTC streetcar operations, and do not support the installation of a signal at this intersection. At the community meetings a number of residents identified traffic within the area as an issue of concern including the intersection of St. Patrick Street and Dundas Street West. Transportation Services staff have advised that they are currently reviewing the recommendations to signalize the intersection. Given the broader area wide impacts it would be appropriate to undertake additional analysis in concert with TTC of the potential impacts of signalization at this intersection.

Privately-Owned Publicly Accessible Open Space (POPS)

A 12 metre wide pedestrian connection is proposed to extend diagonally through the site between Simcoe Street and St. Patrick Street. Retail uses are proposed to front along this mid-block connection with spill out areas for outdoor retailing and patios adjacent to the buildings. Privately-owned publicly accessible open space (POPS) approximately 4 metres wide is proposed within the pedestrian connection, situated between the retail spill out zones, with areas of the proposed POPS widening to 15 metres along Simcoe Street and approximately 10 metres along St. Patrick Street adjacent to the proposed public park.

City Planning staff consider the proposed POPS a positive element of the proposal. It will introduce a mid-block pedestrian connection between Simcoe Street and St. Patrick Street in this area where blocks are long and existing east to west connections limited. The proposal for retail uses along the mid-block connection will provide opportunity for spill out uses adjacent to the POPS animating the space. The proposed widened areas of

the POPS along Simcoe Street, St. Patrick Street and adjacent to the proposed park will provide opportunity for significant public realm enhancements. City Planning staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Approval process.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

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 12,027 square metres or 198% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 622 square metres. The applicant is required to satisfy the parkland dedication requirement through an on-site dedication.

The applicant has agreed to provide a 1,000 square metre on-site public park, situated in the southwest corner of the site. The proposed dedication will provide for public parkland in a high growth area of the City consistent with the objectives of the Official Plan. The location and configuration of the proposed park meets the criteria for new parkland as outlined in the Official Plan. The park will have over 30 metres of frontage along St. Patrick Street, making it highly visible and accessible. It is proposed to be unencumbered and this as well as its configuration provides opportunities for a range of activities and amenities. The proposed location in the southwest corner of the site reduces shadow impacts adding to the year round usability of the new park. Conditions of the proposed parkland conveyance are included in the draft zoning by-law amendments in Attachments 9 and 10 to this report.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The recommended site specific zoning by-laws will secure performance measures for cycling infrastructure. Applicable performance measures for the following Tier 1 development features will be secured through the Site Plan Approval process: Storage

and Collection of Recycling and Organic Waste, Stormwater Management and Bird Friendly Design.

Section 37

Section 37 of the *Planning Act* enables the approval authority to authorize increases in height and/or density, over and above that permitted by the Zoning By-law, in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing, parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements, and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including an appropriate geographic relationship and addressing any planning issues associated with the development. The community benefits to be secured in the Section 37 Agreement as negotiated by the Ward Councillor are as follows:

1. A contribution of \$900,000 to be provided to the City, prior to the issuance of the first above-grade building permit, for the following capital improvements:
 - A. \$300,000 for the provision of new affordable housing in Ward 20 and/or for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20, payable by certified cheque to the Treasurer, City of Toronto;
 - B. \$500,000 for public art on the lands, in consultation with OCAD University, to be secured by a letter of credit in the City's standard form. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and
 - C. \$100,000 for improvements to the non-profit office space and community convening space in the development as outlined in Clause 4 below, to be secured by a letter of credit in the City's standard form or payable by certified cheque to the Treasurer, City of Toronto, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor.
2. The required cash contributions pursuant to Clause 1. A to C. inclusive above, are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made;
3. In the event the cash contributions in Clause 1. A to C. inclusive above, have not been used for the intended purpose within five (5) years of the by-laws coming into full force and effect, the cash contributions may be

redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands;

4. The owner shall convey at no cost to the City, office and community space (the "Space") having a gross interior floor area of not less than 557 square metres within Building 2 of the development, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017, subject to the following:

- A. specific Terms and Conditions regarding the Space will be outlined in a Term Sheet forming part of the Section 37 Agreement in addition to a separate Agreement of Purchase and Sale duly executed by the City and the applicant, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;
- B. the Space is proposed to be leased to a non-profit organization; the Toronto Foundation, with approximately 464 square metres proposed for use by the Toronto Foundation for its offices and the remaining approximately 93 square metres to be shared by the Toronto Foundation and the City's preapproved community groups for convening uses;
- C. should the Space not be occupied by the Toronto Foundation, the City will choose an alternate non-profit organization to occupy the Space to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor, including the on-going provision of the shared community space; and
- D. if an appropriate non-profit organization cannot be secured for the Space, the City will have the right to sell the Space with the funds redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.

5. The owner shall:

- A. construct and maintain an area of not less than 500 square metres at grade for use by the general public as a privately-owned publicly accessible open space (POPS), extending through the site between St.

Patrick Street and Simcoe Street in a location generally identified in the Zoning By-law Amendments, with the specific configuration and design of POPS to be determined in the context of Site Plan Approval for the development to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor; and

- B. prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the *Condominium Act*, and registration of the first condominium on the site, except as otherwise agreed by the Chief Planner and Executive Director, City Planning Division, due to unforeseen delays (eg. weather), prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately-owned publicly accessible open space set out in Clause 5.A. above with terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division.

The following matters are also recommended to be secured in a Section 37 Agreement as a legal convenience to support development, at the owner's expense:

1. Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary; and
2. The owner shall construct and convey to the City, an on-site parkland dedication having a minimum size of 1,000 square metres, situated at the southwest corner of the site, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and in accordance with the terms and conditions of parkland conveyance and construction as set out in the draft Zoning By-law Amendments in Attachments 9 and 10 to this report.

Conclusions

City Planning recommends that Council approve the Zoning By-law Amendment application. The proposal for a mixed-use development in three buildings 39, 35 and 17 storeys includes on-site public parkland dedication as well as privately-owned publicly accessible open space that will contribute to the public realm and open space network within the downtown. The proposed building design reinforces the existing and planned built form context within this area of the downtown. Section 37 contributions including non-profit office space and community convening space will be secured in a Section 37 Agreement. The recommended Zoning By-law Amendments are included in Attachments 9 and 10 to this report.

CONTACT

Susan McAlpine, Senior Planner
Tel. No. (416) 392-7622
E-mail: susan.mcalpine@toronto.ca

SIGNATURE

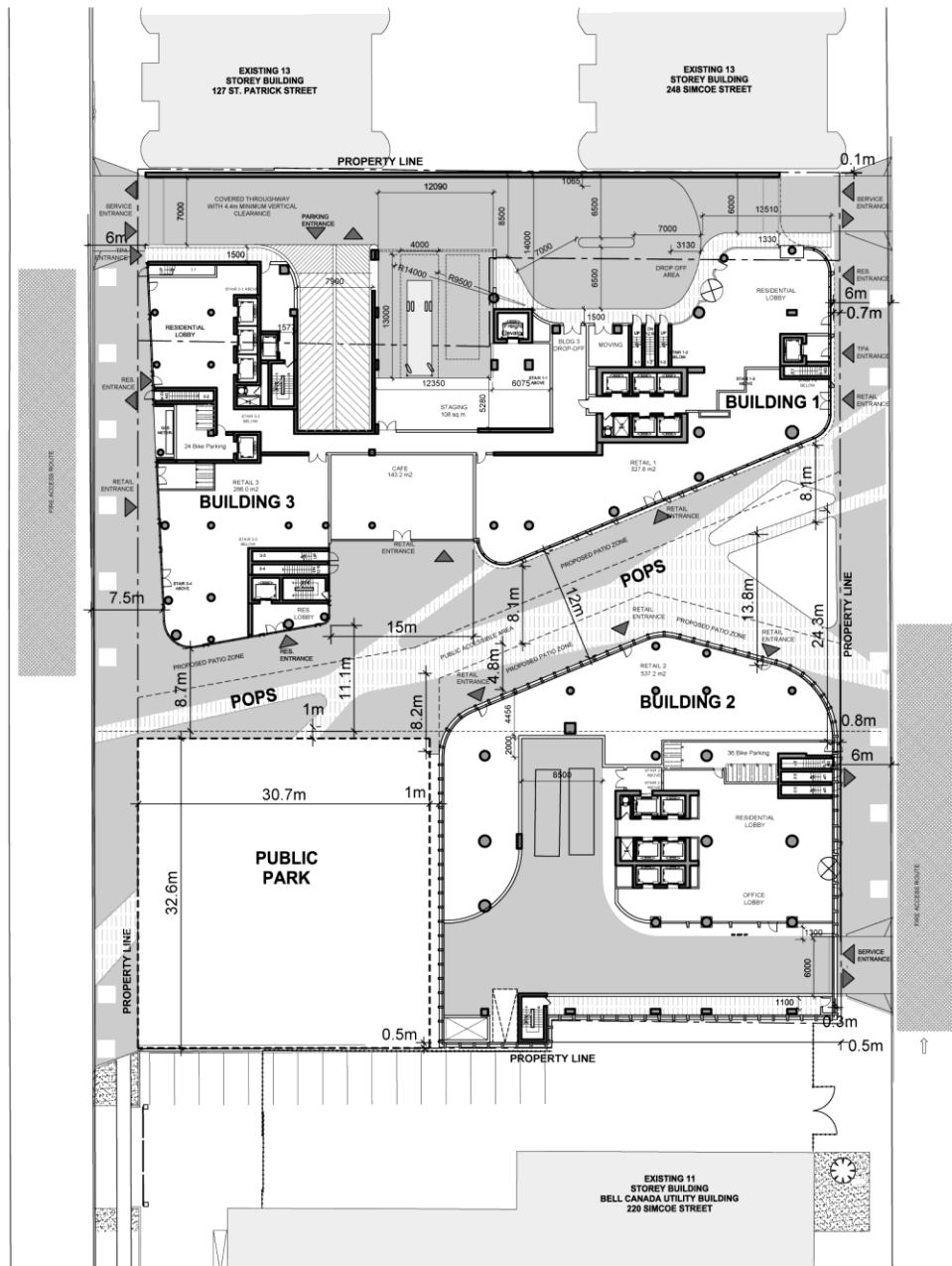
Lynda H Macdonald
Acting Director, Community Planning
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC6777062002\doc) – lm

ATTACHMENTS

Attachment 1: Ground Floor Plan/Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Application Data Sheet
Attachment 7: Official Plan – Land Use
Attachment 8: Existing Zoning – By-law 569-2013
Attachment 9: Draft Zoning By-law Amendment 438-86
Attachment 10: Draft Zoning By-law Amendment 569-2013

Attachment 1: Ground Floor Plan/Site Plan



Ground Floor Plan / Site Plan

Applicant's Submitted Drawing

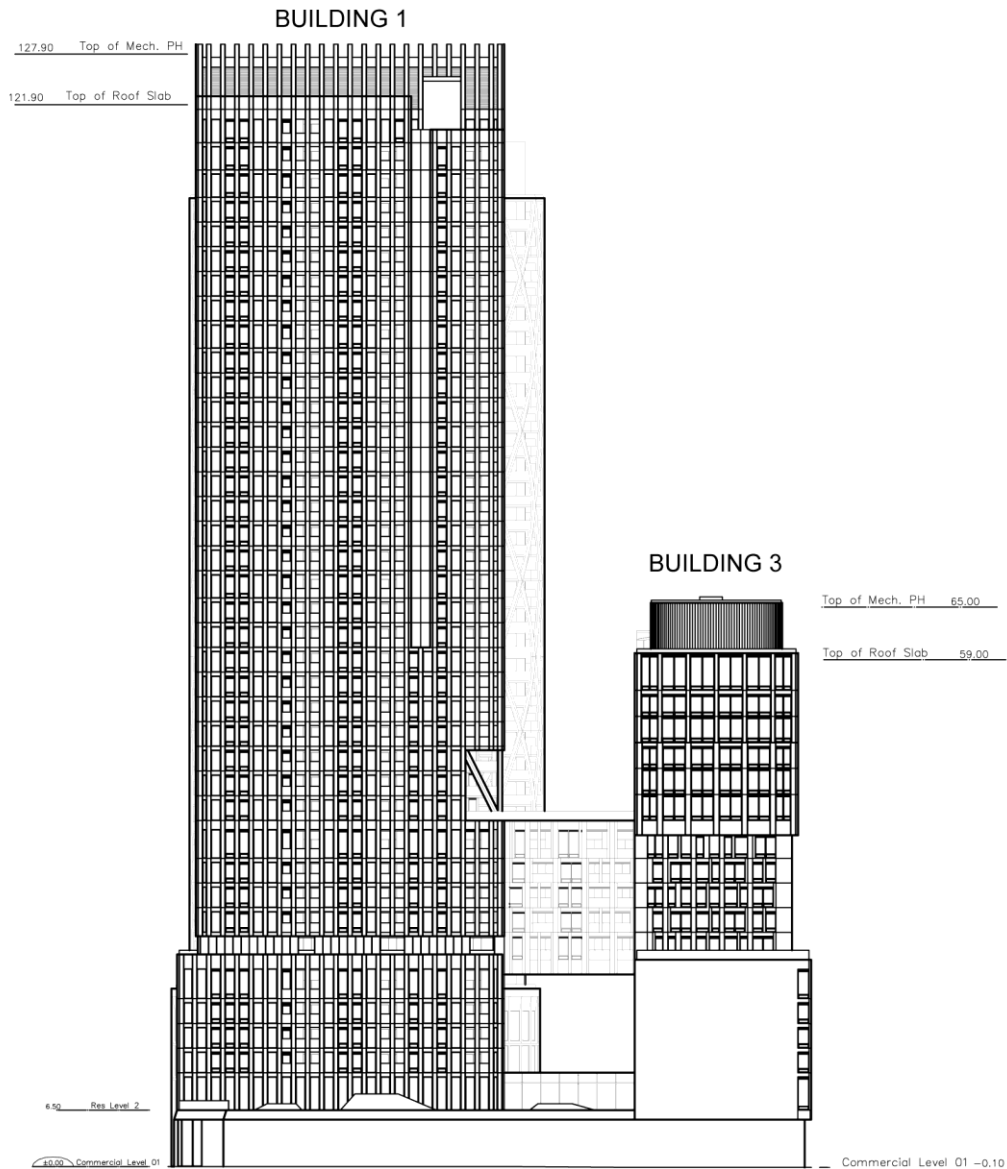
Not to Scale
02/27/2018



220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

Attachment 2: North Elevation



North Elevation

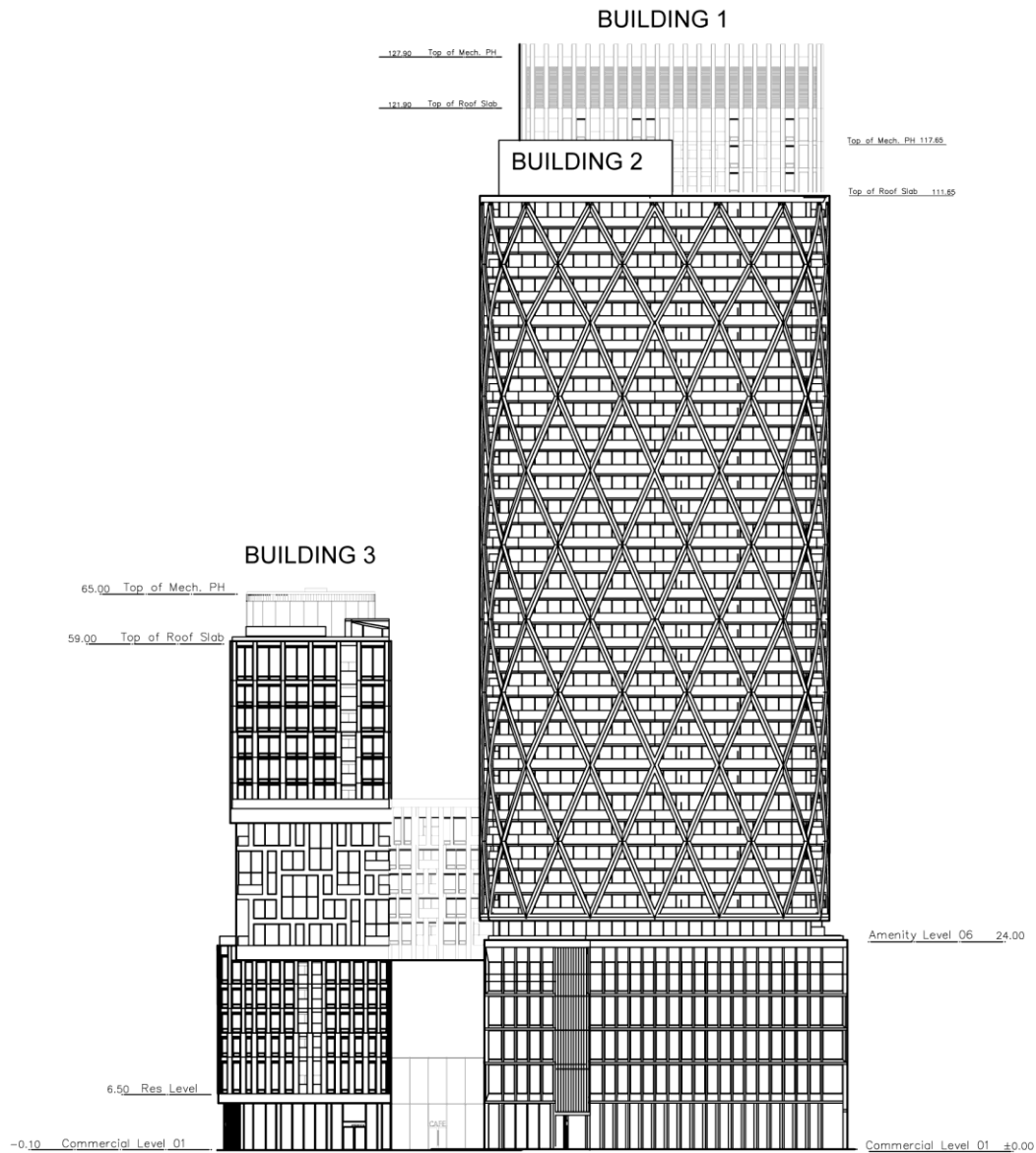
Applicant's Submitted Drawing

Not to Scale
02/27/2018

220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

Attachment 3: South Elevation



South Elevation

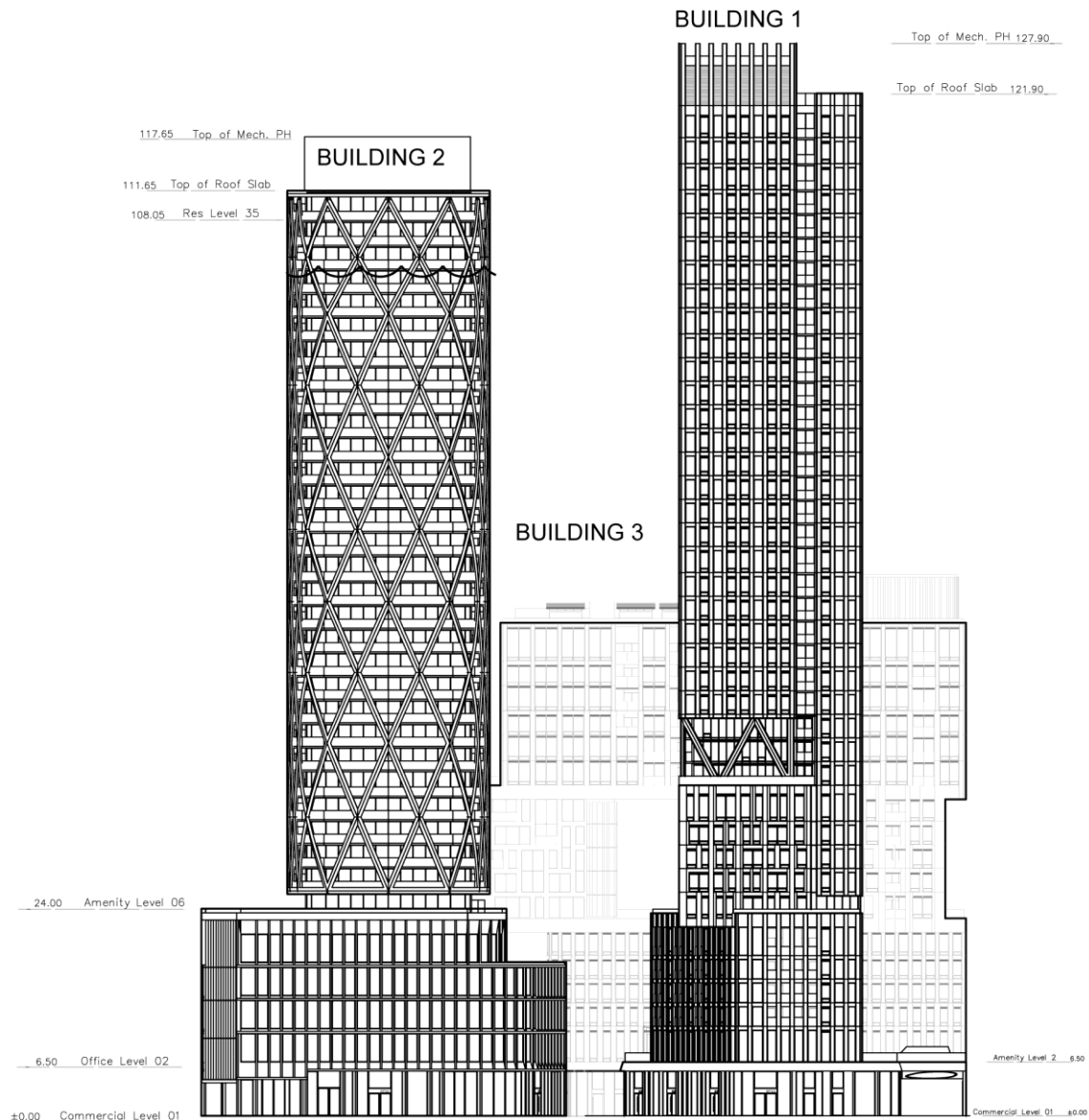
Applicant's Submitted Drawing

Not to Scale
02/27/2018

220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

Attachment 4: East Elevation



East Elevation

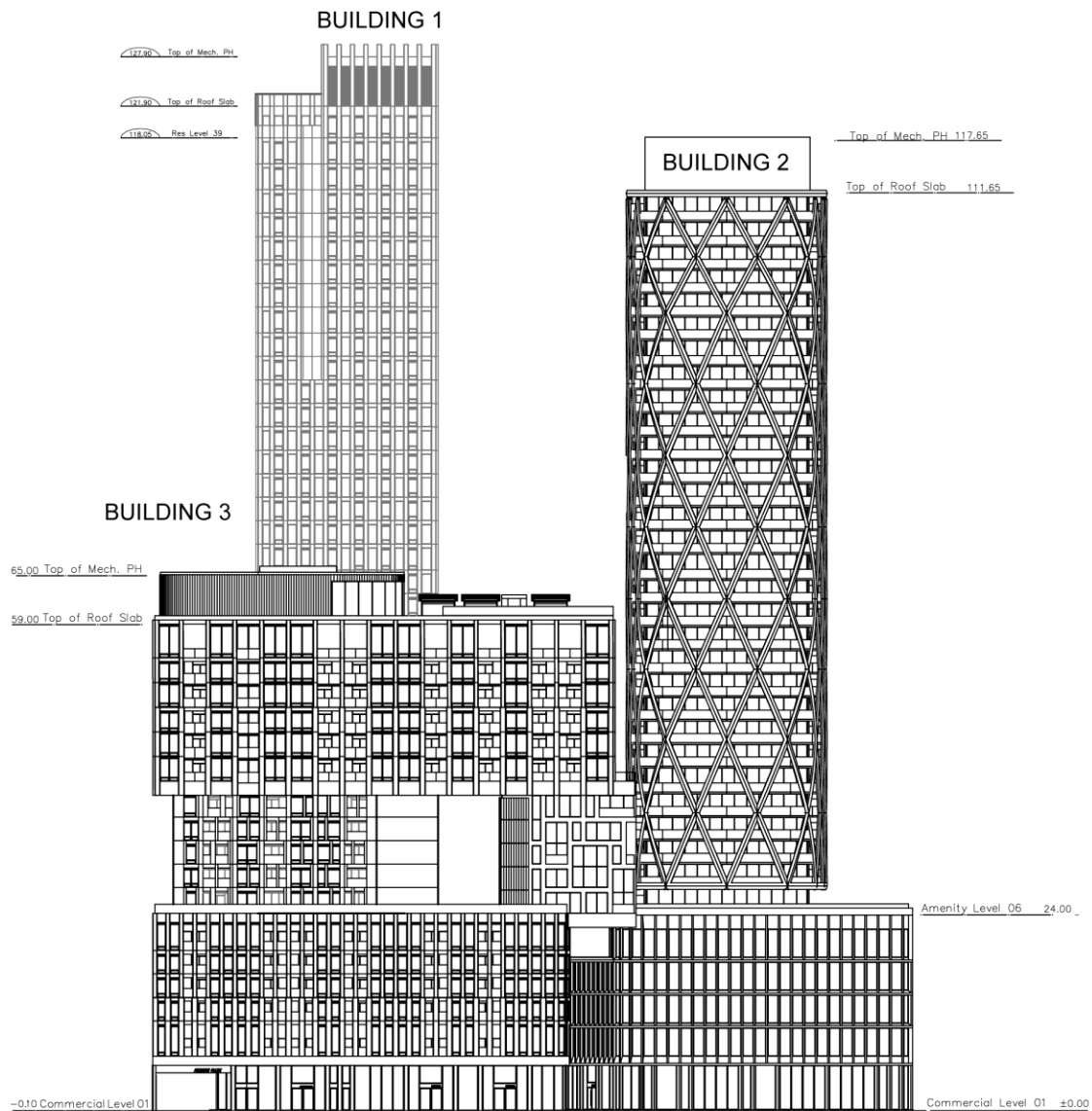
Applicant's Submitted Drawing

Not to Scale
02/27/2018

220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

Attachment 5: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
02/27/2018

220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	15 218429 STE 20 OZ
Details	Rezoning, Standard	Application Date:	September 9, 2015
Municipal Address:	220 and 234 Simcoe Street and 121 St. Patrick Street		
Location Description:	Plan 1 49 55 Lots 15 to 17 Pt Lots 14 & 18 W Simcoe St. Lot 14 Pt Lots 13, 16 & 17 E St. Patrick St. Plan 320E Lots 1 to 6 RP 66R2712 **GRID S2011		
Project Description:	Mixed-use development with residential, retail, and offices uses consisting of 3 buildings, 39 storeys, 35 storeys & 17 storeys. 902 dwelling units & a total gross floor area of 73,063 m ² . Public parkland of 1,000 m ² .		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis LLP 181 Bay St, Suite 1800 Toronto, ON M5J 2T9		Hariri Pontarini 602 King St. W Toronto, ON M5V 1M6	Lanterra 234 Simcoe Realty Limited 2811 Dufferin St. Toronto, ON M6B 3R9

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 4.0 (c2.0; r3.5) SS1 (x2374)	Historical Status:	
Height Limit (m): 37		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6,746	Height:	Storeys:	39, 35 & 17
Frontage (m):	90 & 93		Metres:	168.3, 85.4, 56.4
Depth (m):	79			
Total Ground Floor Area (sq. m):	4,065			Total
Total Residential GFA (sq. m):	65,917		Parking Spaces:	322
Total Non-Residential GFA (sq. m):	7,146		Loading Docks	5
Total GFA (sq. m):	73,063			
Lot Coverage Ratio (%):	60			
Floor Space Index:	10.83			

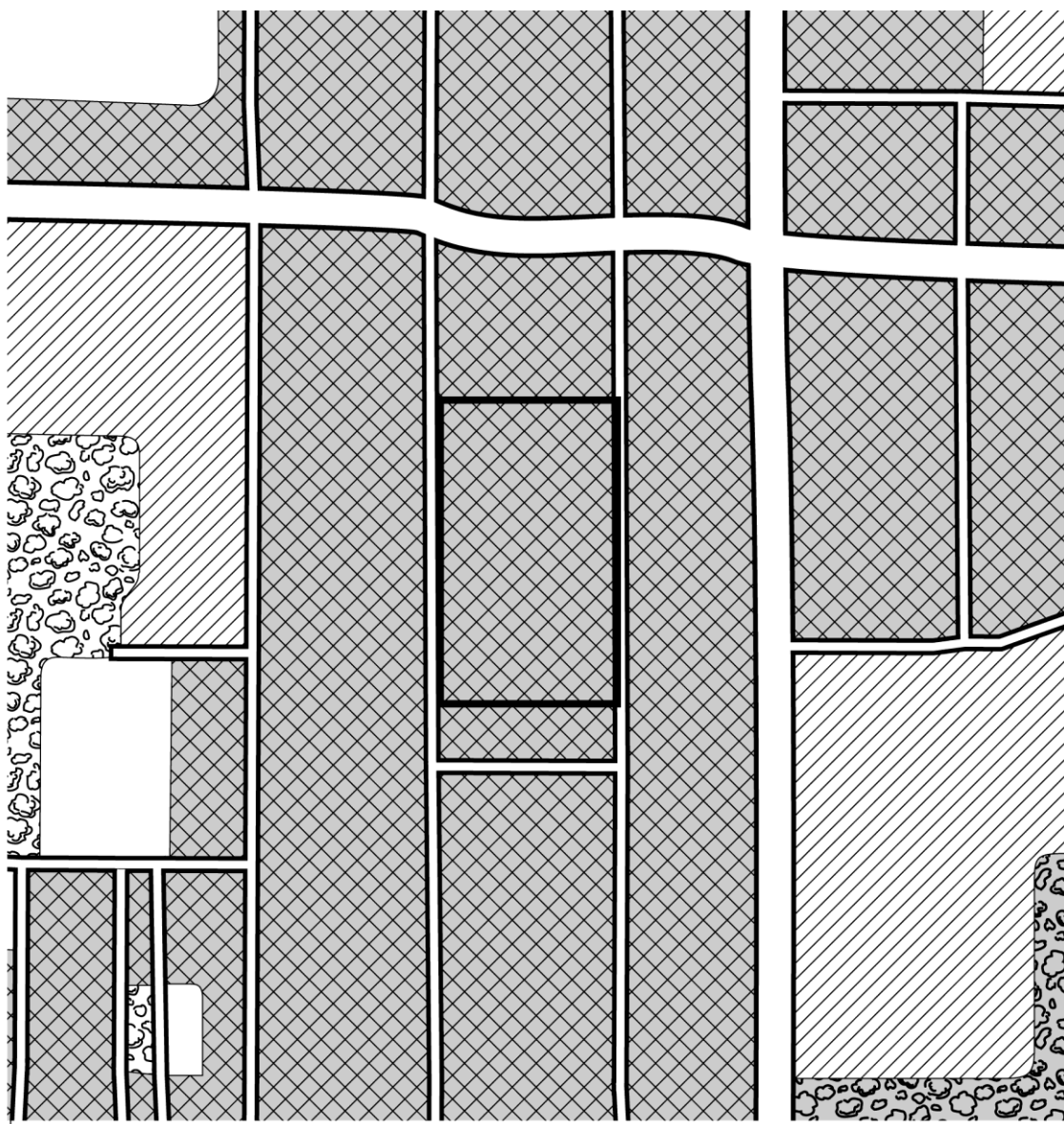
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	65,917	0
Studio:	100 (11%)	Retail GFA (sq. m):	1,409	0
1 Bedroom:	465 (52%)	Office GFA (sq. m):	5,737	0
2 Bedroom:	245 (27%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	92 (10%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	902			







CONTACT: PLANNER NAME: Susan McAlpine, Senior Planner
TELEPHONE: (416) 392-7662 email: susan.mcalpine@toronto.ca

Attachment 7: Official Plan: Land Use



Toronto City Planning
Official Plan

220 and 234 Simcoe Street
121 St. Patrick Street
File # 15_218429 STE 20 0Z

	Site Location		Parks		Institutional Areas
	Neighbourhoods		Other Open Space Areas		
	Mixed Use Areas				

↑
Not to Scale
02/27/2018

The map displays the following parcels and their zoning details:

- Parcel 1 (Top Left):** CR 4.0 (c2.0; r3.5) SS1 (x2398)
- Parcel 2 (Top Center):** CR 4.0 (c2.0; r3.5) SS1 (x2132)
- Parcel 3 (Top Right):** CR T7.8 C4.5 R7.8
- Parcel 4 (Middle Left):** CR 2.5 (c2.0; r2.0) SS2 (x2484)
- Parcel 5 (Middle Left):** CR T4.0 C2.0 R3.5
- Parcel 6 (Middle Center):** CR 4.0 (c2.0; r3.5) SS1 (x2374)
- Parcel 7 (Middle Right):** CR 7.8 (c4.5; r4.8) SS1 (x2490)
- Parcel 8 (Middle Right):** CR T4.0 C2.0 R3.5
- Parcel 9 (Bottom Left):** CR 4.0 (c2.0; r3.5) SS1 (x2342)
- Parcel 10 (Bottom Center):** CR T4.0 C2.0 R3.5
- Parcel 11 (Bottom Center):** CR 4.0 (c2.0; r3.5) SS1 (x2374)
- Parcel 12 (Bottom Right):** CR 7.8 (c4.5; r4.8) SS1 (x2262)
- Parcel 13 (Bottom Right):** CR T7.8 C4.5 R7.8
- Parcel 14 (Far Right):** CR 7.8 (c4.5; r7.8) SS1 (x2323)
- Parcel 15 (Far Right):** CR 7.8 (c4.5; r7.8) SS1 (x2309)

Streets shown include DUNDAS STREET WEST, Mc CAUL STREET, ST PATRICK STREET, SIMCOE STREET, UNIVERSITY AVENUE, and ARMOURY STREET.

220 and 234 Simcoe Street
121 St. Patrick Street
File # 15 218429 STE 20 0Z



R	Residential	CR	Commercial Residential
		I	Institutional



Staff report for action – Final Report – 220 and 234 Simcoe Street and 121 St. Patrick Street 41
V.05/13

Attachment 9: Draft Zoning By-law Amendment 438-86

BY-LAW No. ____-2018

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in 2017 as 234 Simcoe Street, 121 St. Patrick Street and part of 220 Simcoe 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*; and

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

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

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

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted in this By-law are permitted beyond that otherwise permitted on the lands shown on Map 1 attached to and forming part of this By-law in return for the provision by the *owner*, at the *owner's* expense of the facilities, services and matters set out in Appendix 1 of this By-law 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.
2. Where Appendix 1 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 same.

3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
4. District Map 50H-313 contained in Appendix "A" of *By-law 438-86*, "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended by:
 - a) redesignating to G the lands identified as G and as outlined by heavy lines on Map 1 attached to and forming part of this By-law.
5. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space*, *grade*, *height*, *lot*, *non-residential gross floor area* and *residential gross floor area*, and Sections 4(2)(a), 4(5)(b) and (h), 4(8)(b), 4 (12), 4(13), 8(3) Part I 1, 2 and 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 8(3) Part XI 2(ii), 12(2) 132 and Section 12(2)380 of the aforementioned *Zoning By-law No. 438-86*, as amended, shall apply to prevent the erection or use of a *mixed-use building*, *commercial parking garage*, *car-share parking spaces* and uses accessory to the foregoing uses on the *lot*, provided that:
 - a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law, except for the lands designated as G on Map 1 attached to and forming part of this By-law;
 - b) notwithstanding Section 4(17) of *By-law 438-86*, as amended, up to a maximum of 5 of the total parking spaces required by subsections j)i. and j)iii. below, may have the following minimum dimensions: 2.6 metres width, 5.2 metres length, and 2.0 metres height;
 - c) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 73,200 square metres of which:
 - i. the total *residential gross floor area* shall not exceed 66,100 square metres; and
 - ii. a minimum *non-residential gross floor area* of 7,100 square metres shall be provided, of which a minimum of 5,700 square metres shall be used for office purposes.
 - d) a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot* in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
 - e) a minimum of 2 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*, a minimum of 40

square metres of which shall be in a location adjoining or directly accessible from a portion of the indoor *residential amenity space*;

- f) no portion of any building or structure erected on the *lot* above *grade* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law with the exception of the following:
 - i. balconies and terraces to a maximum horizontal projection of 2.8 metres beyond the heavy lines;
 - ii. canopies including support structures, awnings, building cornices, window washing equipment, lighting fixtures, covered walkways, privacy screens, planters, trellises, eaves, window sills, guards, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, ramps associated with an underground parking garage, bicycle parking facilities, ornamental and architectural features, landscape features, street furniture and art installations; and
 - iii. structures, elements and enclosures permitted by subsection g) below;
- g) no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the letter "H" identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. structures, elements, and enclosures permitted by subsection f) above;
 - ii. the erection or use of structures on any roof used for outdoor *residential amenity space* or open air recreation, maintenance, safety, wind protection purposes, vestibules providing access to outdoor amenity or recreation space, pool deck, pool equipment, mechanical equipment associated with pools, pool access stairs, partitions dividing outdoor recreation areas, provided such projections are limited to a maximum vertical projection of 4.5 metres above the permitted building *heights* shown on Map 2 attached to and forming part of this By-law; and
 - iii. the erection or use of structures on the roof used for green roof purposes, roof assembly, air intakes, vents and ventilating equipments, chimney stacks, exhaust flues, parapets, elevator overruns and garbage chute overruns and elements associated with green energy and renewable energy facilities, provided such projections are limited to a maximum of 2.0 metres above the permitted building *heights* shown on Map 2 attached to and forming part of this By-law; and
 - iv. lightning rods and window washing equipment provided such projections are limited to a maximum of 6.0 metres above the permitted

building *heights* shown on Map 2 attached to forming part of this By-law;

- h) notwithstanding subsections f) and g) above, within the hatched areas shown on Map 3 attached to and forming part of this By-law, no part of any building shall be located between finished ground level and a minimum of 4.5 metres above finished ground level other than signage, lighting, canopies, structural supports and design features;
- i) at least ten percent (10%) of all *dwelling units* shall have three or more bedrooms;
- j) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. a minimum of 0.22 *parking spaces* per *dwelling unit*;
 - ii. a minimum of 75 *parking spaces* in a *commercial parking garage* on the *lot*;
 - iii. a minimum of 37 *parking spaces* for the residential and/or non-residential uses on the *lot*; and
 - iv. 4 of the required *parking spaces* shall be *car-share parking spaces*;
- k) notwithstanding Section 4(17) of *By-law No. 438-86*, *parking spaces* in a *commercial parking garage* may have minimum dimensions of 2.6 metres in width, 5.2 metres in length and 2.0 metres in height provided they are accessed by a drive aisle having a minimum width of 7.0 metres measured at the entrance to the *parking space*;
- l) a minimum of one *loading space type G* and three *loading spaces – type B* shall be provided and maintained on the *lot*;
- m) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 0.9 *bicycle parking spaces-occupant* per *dwelling unit*;
 - ii. a minimum of 0.1 *bicycle parking spaces-visitor* per *dwelling unit* for visitors to the residential uses on the *lot*;
 - iii. a minimum of 0.2 *bicycle parking spaces-occupant* per 100 square metres of *non-residential gross floor area*, to be used by occupants of the non-residential uses on the *lot*; and

- iv. a minimum of 3 *bicycle parking spaces-visitor* plus 0.3 *bicycle parking spaces-visitor* for every 100 square metres of *non-residential gross floor area* for visitors or patrons of non-residential uses on the *lot*;
 - n) required *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be provided within a *bicycle stacker*;
 - o) a *privately-owned publicly accessible open space* with a minimum area of 500 square metres shall be provided on the ground level generally as shown within the shaded area on Map 3 attached to and forming part of this By-law;
6. None of the provisions of *By-law 438-86*, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot*.
7. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in *By-law 438-86*, as amended, with the exception of the following:

“bicycle parking space” means an area used for parking or storing of bicycles having the following minimum dimensions:

- a) where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical clearance from the ground of at least 1.9 metres;
- b) where the bicycles are to be parked in a vertical position on a wall, structure or mechanical device, has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres and a minimum horizontal clearance from the wall of 1.2 metres; and
- c) where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 2.4 metres for each *bicycle parking spaces*;

“bicycle stacker” means a device where a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;

“car-share” means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may require that the use of cars is reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

“car-share parking space” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

“*grade*” means 93.65 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);

“*height*” means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;

“*lot*” means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

“*non-residential gross floor area*” and “*residential gross floor area*” shall be as defined in *By-law No. 438-86* except that the following areas will also be excluded from gross floor area:

- a) *bicycle parking spaces* and bicycle stackers located above or below *grade*;
- b) areas used as a *commercial parking garage* and uses *accessory* thereto;
- c) indoor *residential amenity space* required by this By-law;
- d) shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
- e) elevator shafts;
- f) garbage shafts;
- g) mechanical penthouse; and
- i) exit stairwells in the building;

“*privately-owned publicly accessible open space*” means a space on the *lot* situated at ground level generally within the shaded area shown on Map 3, attached to and forming part of this By-law, that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses; and

“*temporary sales office*” means a building or structure used exclusively for the sale and/or leasing of *dwelling units or non-residential gross floor area* to be erected on the *lot*.

8. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

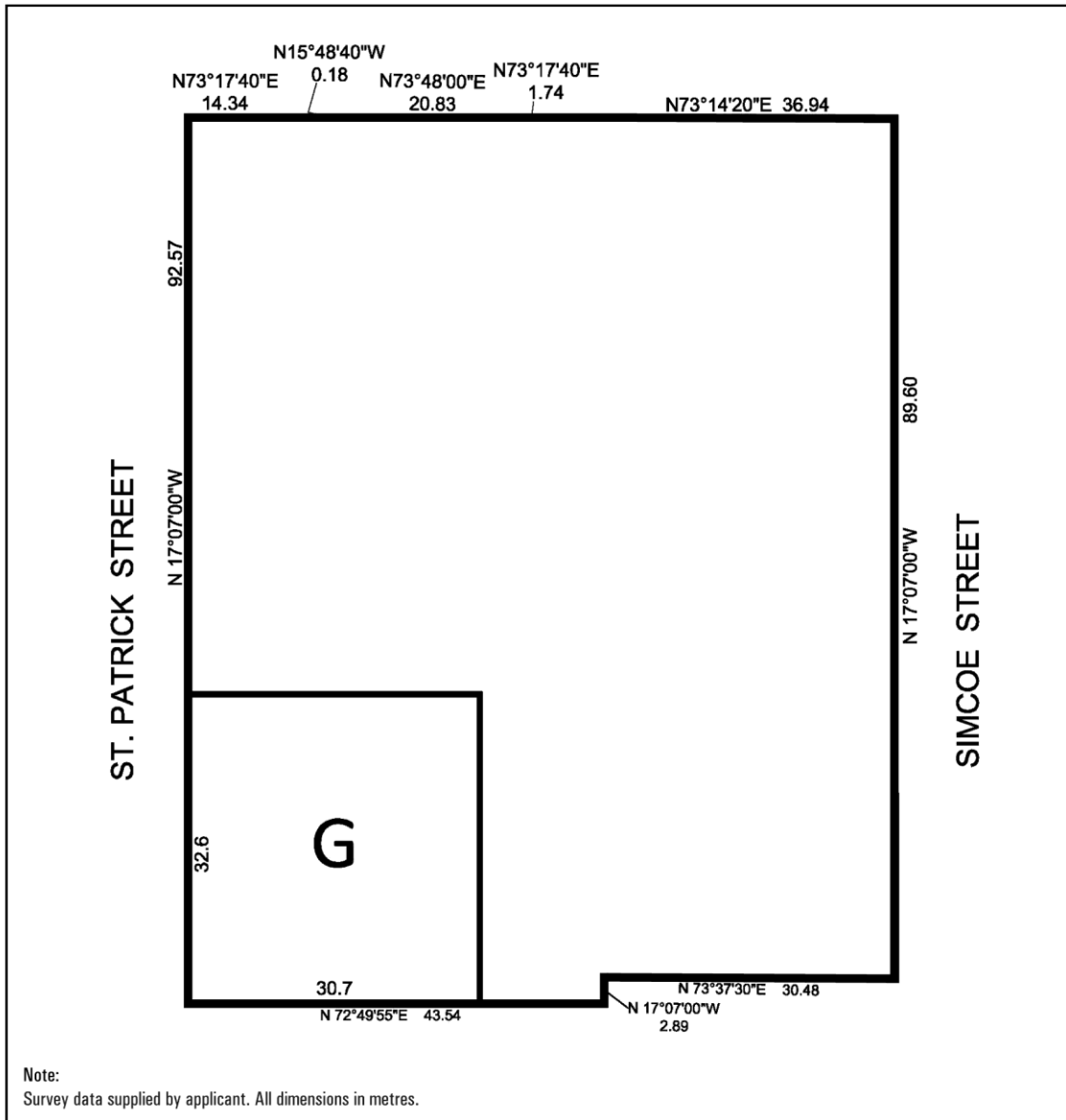
- b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 9. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

Enacted and passed on _____, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

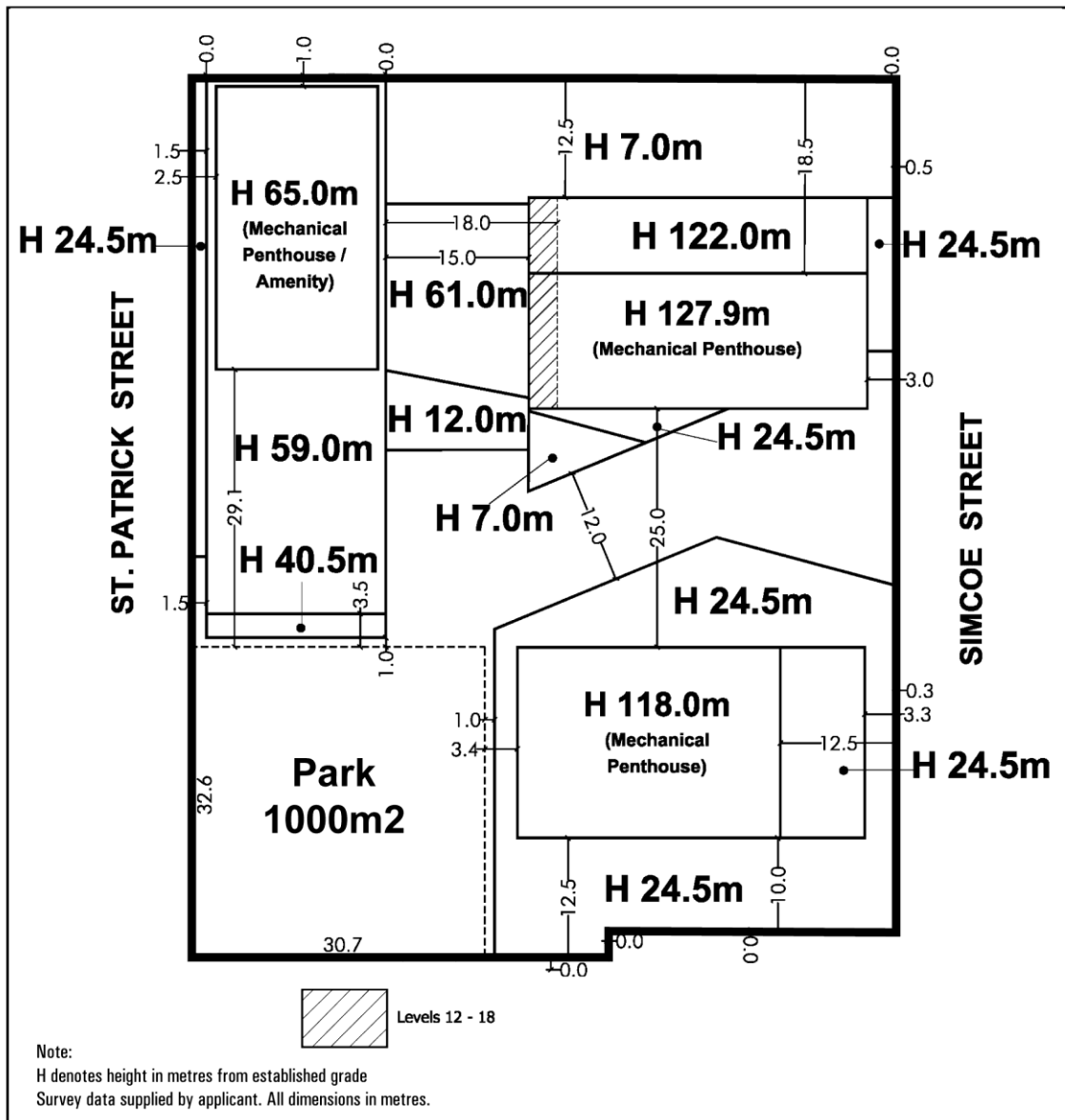
(Seal of the City)



Toronto
Map 1

220 and 234 Simcoe Street
121 St. Patrick Street
File # 15 218429 STE 20 02

City of Toronto By-Law 438-86
Not to Scale
03/14/2018

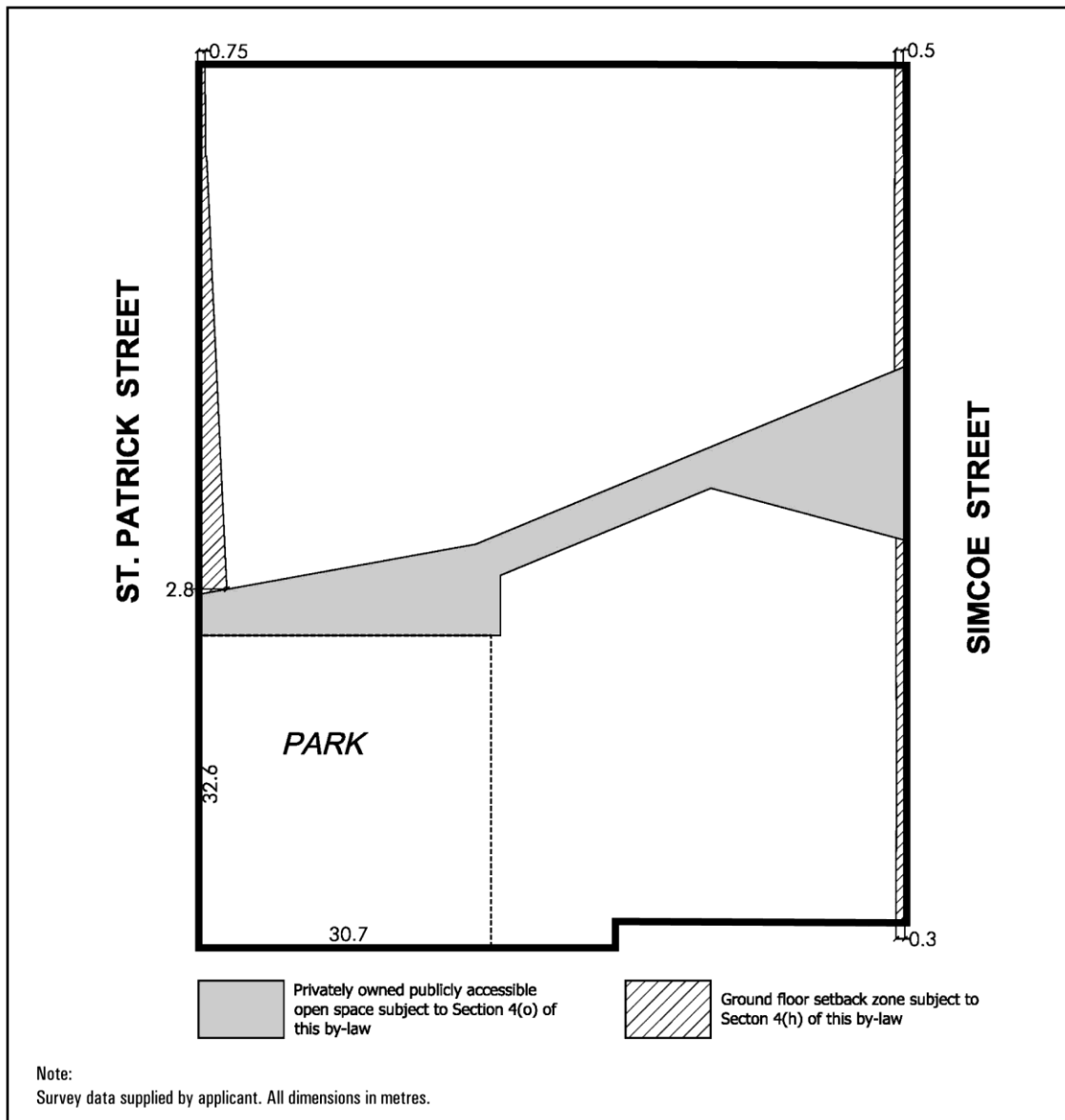


Toronto
Map 2

**220 and 234 Simcoe Street
121 St. Patrick Street**

File # 15 218429 STE 20 02

City of Toronto By-Law 438-86
Not to Scale
03/14/2018



Toronto
Map 3

**220 and 234 Simcoe Street
121 St. Patrick Street**

File # 15 218429 STE 20 02

City of Toronto By-Law 438-86
Not to Scale
03/08/2018

APPENDIX 1

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 *lot*, and secured in an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

Financial Contribution

- (1) Prior to the issuance of the first above-grade building permit, unless otherwise specified, the owner shall make a financial contribution in the amount of nine hundred thousand dollars (\$900,000 CAN) to be provided to the City for the following capital improvements, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor as follows:
 - A. \$300,000 for the provision of new affordable housing in Ward 20 and/or for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20, payable by certified cheque to the Treasurer, City of Toronto;
 - B. \$500,000 for public art on the lands, in consultation with OCAD University, to be secured by a letter of credit in the City's standard form. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and
 - C. \$100,000 for improvements to the non-profit office space and community convening space in the development as outlined in Clause (4) of this Appendix, to be secured by a letter of credit in the City's standard form, or payable by certified cheque to the Treasurer, City of Toronto, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made.

- (2) In the event the financial contributions referred to in Clause (1) of this Appendix have not been used for the intended purpose within five (5) years of the By-laws coming into full force and effect, the financial contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the

purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the *lot*.

Privately-Owned Publicly Accessible Open Space

- (3) Prior to the earlier of one (1) year following any non-residential or residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, and registration of a condominium on the *lot*, except as otherwise agreed by the Chief Planner and Executive Director, City Planning Division, due to unforeseen delays (eg. weather), the owner shall:
 - A. Construct and maintain an area of not less than 500 square metres at grade for use by the general public as *privately-owned publicly accessible open space* extending diagonally through the site and adjacent to St. Patrick Street and Simcoe Street in a location generally as shown on Map 3, with the specific configuration and design of the *privately-owned publicly accessible open space* to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - B. Prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the *privately-owned publicly accessible open space*, on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division.

Non-Profit Office Space and Community Convening Space

- (4) The owner shall convey at no cost to the City, office and community space (the "Space") having a gross interior floor area of not less than 557 square metres within Building 2 of the development, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017 subject to the following:
 - A. Specific Terms and Conditions regarding the Space will be outlined in a Term Sheet forming part of the Section 37 Agreement in addition to a separate Agreement of Purchase and Sale duly executed by the City and the applicant, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;
 - B. The Space is proposed to be leased to a non-profit organization; the Toronto Foundation, with approximately 464 square metres proposed for use by the Toronto Foundation for its offices and the remaining

approximately 93 square metres to be shared by the Toronto Foundation and the City's preapproved community groups for convening uses;

- C. Should the Space not be occupied by the Toronto Foundation, the City will choose an alternate non-profit organization to occupy the Space to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor, including the on-going provision of the shared community space; and
- D. If an appropriate non-profit organization cannot be secured for the Space, the City will have the right to sell the Space with the funds redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Parkland

- (5) The owner shall convey to the City for nominal consideration, a public park having a minimum size of approximately 1,000 square metres, with such conveyance deemed to fully satisfy the parkland contribution requirements for the development as currently proposed, and in accordance with the following and on terms and conditions as are set out in the Section 37 Agreement:
 - A. Prior to the issuance of the first above-grade building permit, the owner shall enter into an agreement of purchase and sale with the City for the on-site parkland dedication for nominal consideration, and register a Section 118 of the *Land Titles Act* restriction on title, with the form of the agreement of purchase and sale and the Section 118 restriction secured in the Section 37 Agreement.
 - B. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
 - C. The owner is required to convey the parkland to the City no later than two (2) years following the issuance of the first above-grade building permit for the development, except for a demolition permit.
 - D. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City

Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.

- E. Prior to conveying the parkland to the City, the owner must:
- i. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - ii. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering and Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - iii. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - iv. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering and Construction Services for peer review and concurrence, which states:

In the opinion of the Qualified Person:

- a. it is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

- b. to the extent that the opinion in 5.E.iv.a. is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - v. Land to be conveyed to the City meets either:
 - a. the applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or
 - b. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
 - vi. The Qualified Person's statement, referenced in 5.E.iv. above, will include a Reliance Letter that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering and Construction Services.
 - vii. For conveyance of lands requiring a Record of Site Condition:
 - a. file the Record of Site Condition on the Ontario Environmental Site Registry; and
 - b. submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, Engineering and Construction Services.
- F. The owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:
 - i. demolition, removal and disposal of all existing materials, buildings and foundations;

- ii. grading inclusive of topsoil supply and placement, minimum of 150 mm;
 - iii. sod #1 nursery grade or equivalent value of other approved park development;
 - iv. fencing to City standard (where deemed necessary);
 - v. all necessary drainage systems including connections to municipal services;
 - vi. electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro meters and chambers;
 - vii. street trees along all public road allowances, which abut future City owned parkland; and
 - viii. standard park sign (separate certified cheque required)
- G. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- H. Prior to the issuance of the first above-grade building permit, except for a demolition permit, the owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- I. Prior to issuance of the first above-grade building permit, except for a demolition permit, the owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
- J. The construction of the Base Park Improvements to the park block shall be completed within three (3) years after the issuance of the first above-grade building permit, except for a demolition permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.
- K. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Occupation Permit from Parks, Forestry and Recreation's Park

Supervisor for that Ward. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

- L. Prior to conveyance of the parkland the owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.
- M. Prior to conveyance of the parkland, the owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Engineer and Executive Director, Engineering and Construction Services.
- N. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.
- O. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above-grade building permit, except for a demolition permit.
- P. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc.. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.

- Q. Prior to the issuance of the first above-grade building permit, except for a demolition permit, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, Parks, Forestry and Recreation.
- R. The construction of Above Park Improvements to the park block shall be completed within three (3) years after the issuance of the first above-grade building permit, except for a demolition permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.
- S. Should the owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Occupation Permit from Parks, Forestry and Recreation's Park Supervisor for that Ward. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
- T. The owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
- U. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- V. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically

on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.

- W. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation.
- X. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless an agreement, other than a Park Occupation Permit, has been obtained from the Manager of Business Services – Joanna Sweitlik, (416) 392-8578. The agreement, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.
- Y. The owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The owner will be required to provide an RSC after the staging period, prior to conveyance. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.
- Z. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992*.
- AA. Parks, Forestry and Recreation staff advises that the applicant must design the building to achieve Ontario Building Code setbacks related to fire separation on their own site on the portions of the building that abut the park. Prior to the issuance of any above-grade building permit, except for a demolition permit, the applicant will be required to demonstrate adequately that the

Ontario Building Code requirements have been achieved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(6) Construction Management Plan

Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary.

Attachment 10: Draft Zoning By-law Amendment 569-2013

CITY OF TORONTO

BY-LAW No. XXXX-2018

**To amend Zoning By-law No. 569-2013, as amended,
with respect to lands municipally known as 220 Simcoe Street, 234 Simcoe Street,
and 121 St. Patrick Street**

WHEREAS Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, C. P.13, as amended; 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 the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

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

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

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

WHEREAS the increase in the height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the lands and the City of Toronto; and

The Council of the City of Toronto enacts:

The lands subject to this By-law are outlined in heavy black lines on Diagram 1 attached to this By-law.

The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

Zoning By-law No. 569-2013, as amended, is further amended, by amending the zone label on the Zoning By-law Map in Section 900.10 respecting the lands outlined by heavy black lines to CR4.0. (c2.0; r3.5) SS1 (x139), CR 4.0 (c2.0; r3.5) SS1 (x2374), and O as shown on Diagram 2 attached to this By-law.

Zoning By-law No. 569-2013 as amended is further amended by adding Article 900.11.10 Exception Number (139) so that it reads:

Exception CR (x139)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 234 Simcoe Street, 121 St. Patrick Street and part of 220 Simcoe Street, if the requirements in Section 6 and Schedule A of By-law xxx-2018 [Clerks to supply by-law #] are complied with, none of the provisions of Regulations 40.10.40.10(1) and 40.10.40.40(1), apply to prevent the erection of use of **buildings** or **structures** permitted in compliance with (B) to (X) below;
- (B) Regulation 40.10.20.100(17) with respect to the maximum size for retail service uses does not apply;
- (C) Despite regulation 200.5.1.10(2)(A)(i) up to a maximum of 5 of the total parking spaces required by Regulation (L)(i) and (iii) above, may have the following minimum length dimension:
 - (i) length of 5.2 metres
- (D) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the **height** of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 93.65 metres and the highest point of the **building** or **structure**;
- (E) Despite Regulations 40.5.40.10(1), (2), (4), (5), (6), and (7), and 40.10.40.10(1), the **height** of any **building** or **structure** must not exceed those **heights** in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of By-law xxx-2018 [Clerks to supply by-law ##] excluding:
 - (i) **structures**, elements and enclosures permitted by regulation (F) below;
 - (ii) the erection or use of **structures** on the roof used for outdoor residential amenity space or open air recreation, maintenance, safety or wind protection purposes, vestibules providing access to outdoor amenity or recreation space, pool deck, pool equipment, mechanical equipment associated with pools, pool access stairs, partitions dividing

outdoor recreation areas, provided such projections are limited to a maximum vertical projection of 4.5 metres above the permitted **building heights** shown on Diagram 3 of By-law xxx-2018 [Clerks to supply by-law ##];

- (iii) the erection or use of **structures** on the roof used for green roof purposes, roof assembly, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues, parapets, elevator overruns and garbage chute facilities provided such projections are limited to a maximum vertical projection of 2.0 metres above the permitted **building heights** shown on Diagram 3 of By-law xxx-2018 [Clerks to supply by-law ##]; and
 - (iv) lightning rods and window washing equipment provided such projections are limited to a maximum vertical projection of 6.0 metres above the permitted **building heights** shown on Diagram 3 of By-law xxx-2018 [Clerks to supply by-law ##];
- (F) Despite Clause 40.10.40.60 and Regulations 5.10.40.70(1), 40.5.40.60(1), and 40.10.40.70(1), all portions of a **building** or **structure** above grade must be located within the areas delineated by heavy lines on Diagram 4 of By-law xxx-2018 [Clerks to supply by-law ##], with the exception of:
- (i) balconies and terraces to a maximum horizontal project of 2.8 metres;
 - (ii) canopies including support structures, awnings, building cornices, window washing equipment, lighting fixtures, covered walkways, privacy screens, planters, trellises, eaves, window sills, guards, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, ramps associated with an underground parking garage, bicycle parking facilities, ornamental and architectural features, landscape features, street furniture and art installations; and
 - (iii) structures, elements and enclosures permitted by regulation (E) above;
- (G) Despite Regulations (E) and (F) above, within the hatched areas shown on Diagram 3 of By-law xxx-2018 [Clerks to supply by-law ##] no part of any **building** may be located between finished ground level and a minimum of 4.5 metres above finished ground level other than signage, lighting, canopies, structural supports and design features;
- (H) Despite Regulation 40.10.40.40(1) the total **gross floor area** of all **buildings** and **structures** must not exceed 71,300 square metres of which:
- (i) the total residential **gross floor area** must not exceed 64,200 square metres;

- (ii) a minimum non-residential **gross floor area** of 7,000 square metres must be provided; and
 - (iii) a minimum of 5,600 square metres of the **gross floor area** required in (ii) above, must be provided for office uses;
- (I) Despite Regulations 40.5.40.40(3) and (4), the **gross floor area** of a **mixed use building** is further reduced by the area in a **building** used for:
 - (i) parking at the ground level;
- (J) A minimum of ten percent (10%) of all **dwelling units** must have three or more bedrooms;
- (K) Despite Regulation 40.10.40.50(1):
 - (i) the required indoor **amenity space** must be provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** must be provided of which at least 40 square metres must be in a location adjoining or directly accessible from the indoor **amenity space**;
- (L) Despite Regulation 200.5.10.1 **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.22 **parking spaces** per **dwelling unit** for residents of the **mixed-use building**;
 - (ii) a minimum of 75 **parking spaces** for **public parking**;
 - (iii) a minimum of 37 **parking spaces** for residential or non-residential uses other than **public parking**; and
 - (iv) 4 of the required **parking spaces** must be **car-share parking spaces**;
- (M) For each **car-share parking space** provided, the minimum number of **parking spaces** for residents required pursuant to regulation (L)(i) above may be reduced by one (1) **parking space**, up to a maximum of four (4) **parking spaces**;
- (N) For the purpose of this Exception:
 - (i) "**car-share**" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may

require that the use of cars be reserved in advance, charge fees based on time and/or kilometres drives, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and

- (ii) "**car-share parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes.
- (O) Despite Regulations 230.5.1.10 (9)(A)(iii) and 230.5.1.10 (9)(B)(iii), long term **bicycle parking spaces** may be located as follows:
 - (i) on levels of the **building** below-ground; and
 - (ii) all such **bicycle parking spaces** located below-ground must be accessible via an elevator to the ground floor;
- (P) Despite clauses 40.10.90.1, and 220.5.10.1, and regulation 220.5.1(2), a minimum of one Type "G" **loading space** and three Type "B" **loading spaces** must be provided and maintained on the **lot**;
- (Q) In addition to the permitted uses identified in section 40.10.20. of By-law 569-2013, **public parking**, and **car-share** parking, shall also be permitted on the **lot**;
- (R) Despite Regulation 200.5.1.10(2) **parking spaces** for **public parking** may have minimum dimensions of 2.6 metres in width, 5.2 metres in length and 2.0 metres in height provided they are accessed by a **drive aisle** having a minimum width of 7.0 metres measured at the entrance to the **parking space**;
- (S) For the purpose of the Exception:
 - (i) "**privately-owned publicly accessible open space**" means a space on the **lot** situated a ground level generally within the shaded area shown on Diagram 4 of By-law xxx-2018 [Clerks to supply by-law ##] that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses;
 - (ii) **privately-owned publicly accessible open space** with a minimum area of 500 square metres shall be provided on the ground level generally as shown within the shaded area on Diagram 4 of By-law xxx-2018 [Clerks to supply by-law ##];
- (T) Regulation 230.40.1.20(2), with respect to the location of "short-term" **bicycle parking spaces** relative to the **building** entrance, does not apply;
- (U) Section 600.10 with respect to tall **building** setbacks, does not apply;

- (V) Regulation 40.10.90.40(3), with respect to access to a loading through a main wall that faces a street does not apply.
- (W) Regulation 40.10.100.10(1)(C), with respect the number of vehicle accesses, does not apply.
- (X) Regulation 40.10.40.50(2), with respect to **amenity space** for non-residential uses does not apply.

Prevailing By-laws and Prevailing Sections (None apply)

- 5. Zoning By-law 569-2013, as amended, is further amended, by amending Regulation 900.11.10(2374)(H) under the heading 'Prevailing By-laws and Prevailing Section' so that it reads:

(H) On 220 Simcoe Street, Section 11(1) of former City of Toronto By-law 438-86; and

- 6. Section 37 Provisions

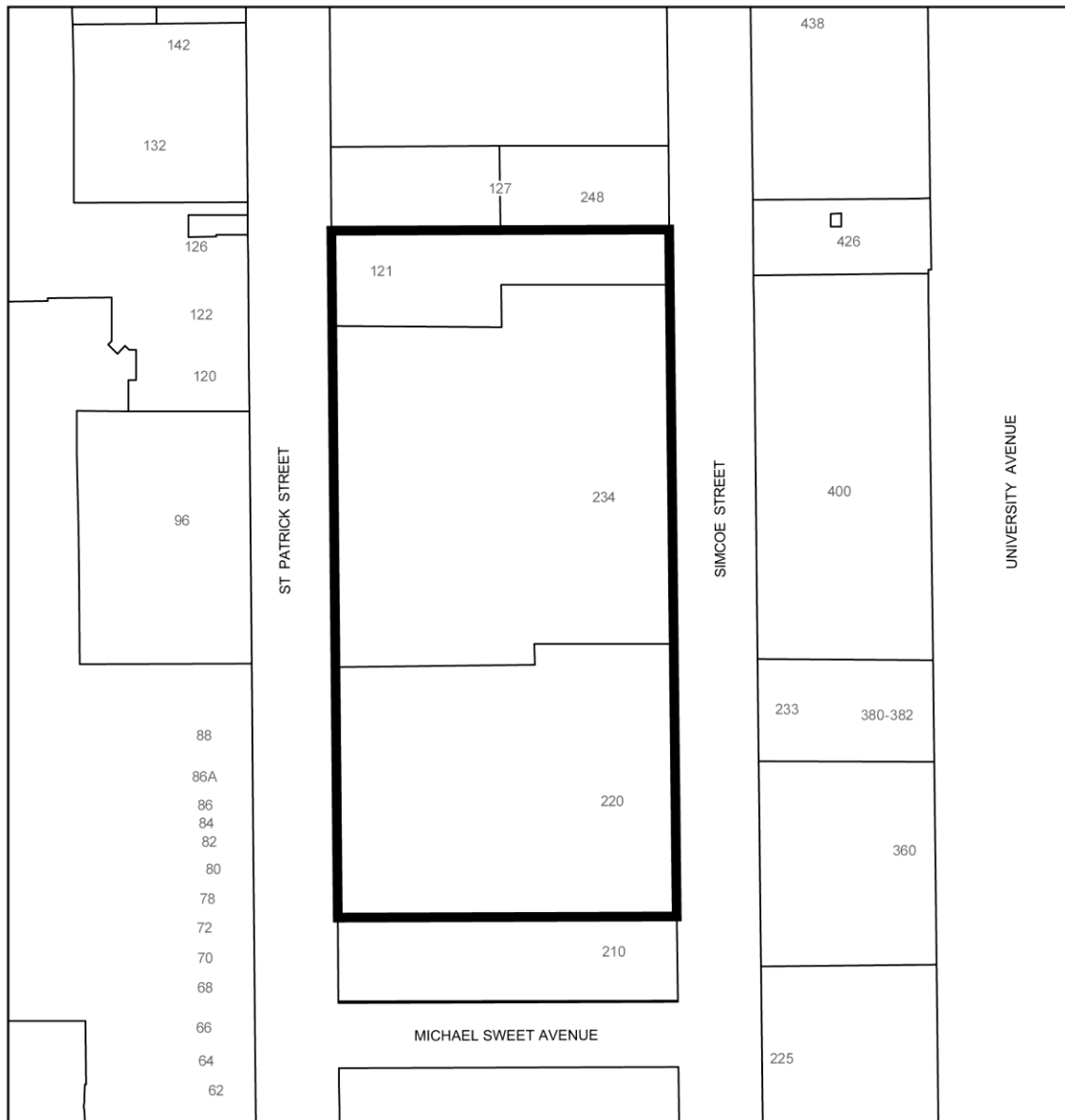
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as CR (x139) on Diagram 2 attached to this By-law, in return for the provision by the owner, 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; and
- (C) The owner must 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 the provisions of Schedule A of this By-law are satisfied.

Enacted and passed on xxxx, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss
City Clerk

(Seal of the City)



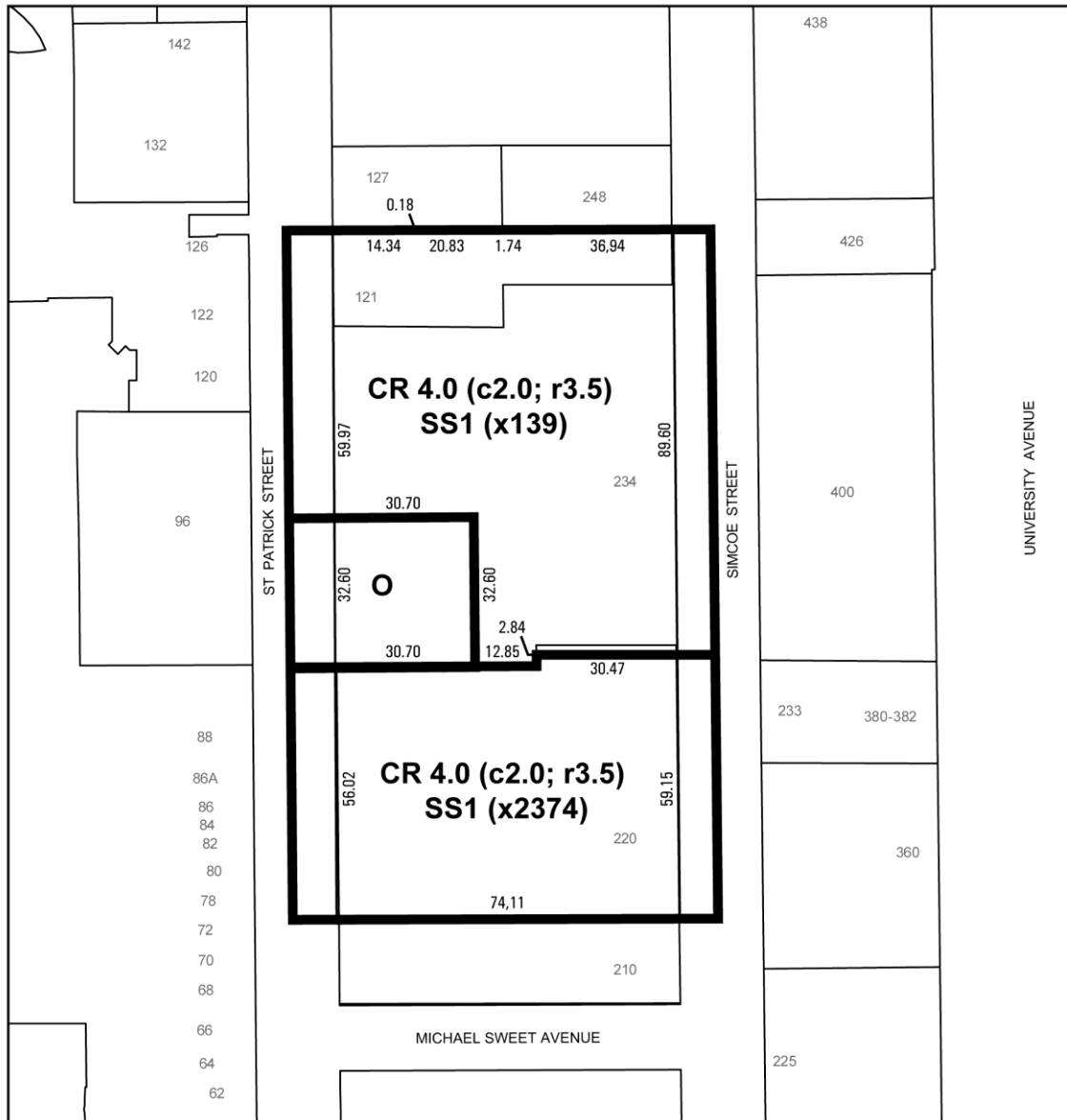
Toronto
Diagram 1

**220 and 234 Simcoe Street
121 St. Patrick Street**

File # 15 218429 STE 20 02



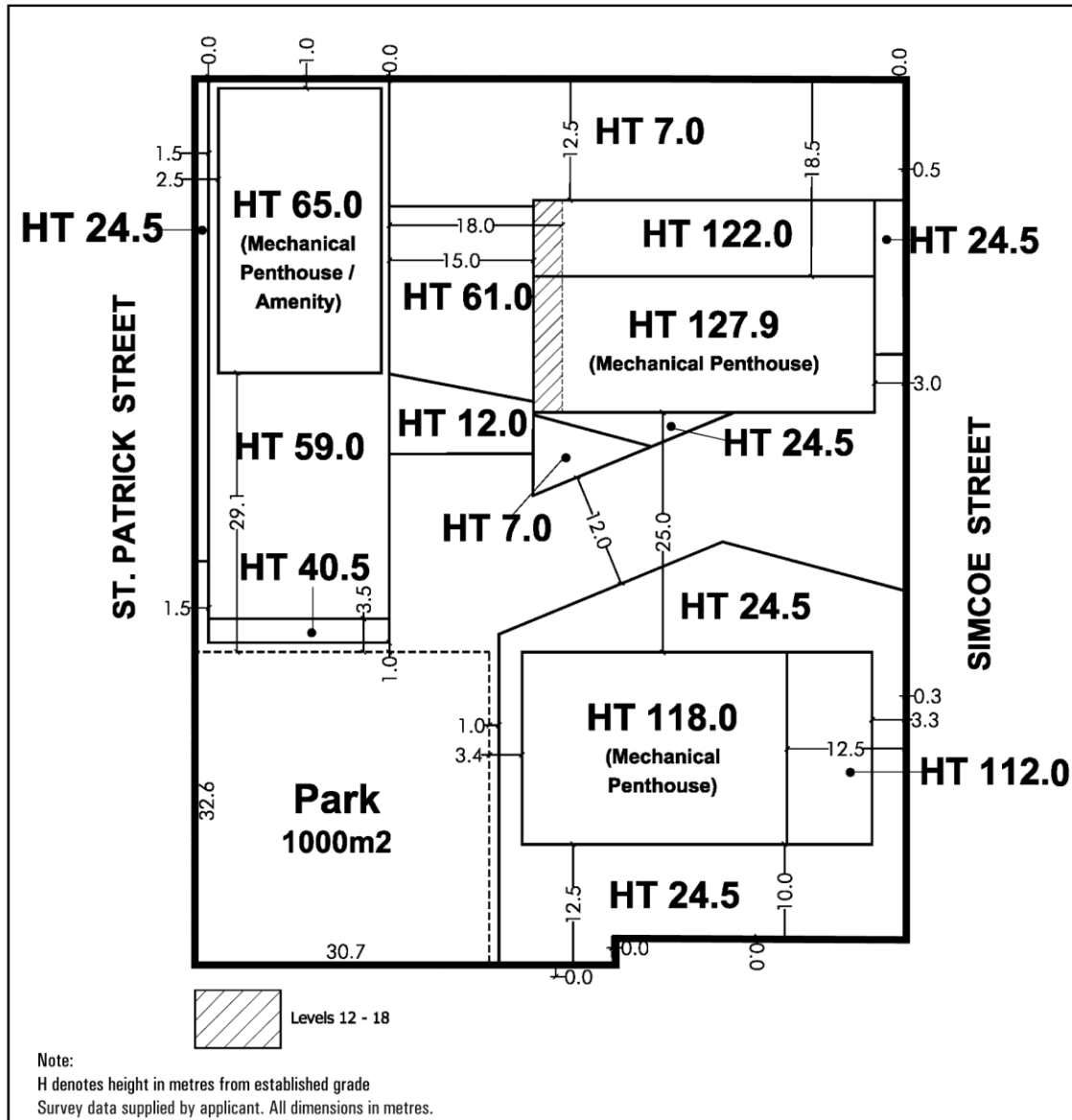
City of Toronto By-Law 569-2013
Not to Scale
3/14/2018



Toronto
Diagram 2

**220 and 234 Simcoe Street
121 St. Patrick Street**
File # 15 218429 STE 20 0Z

City of Toronto By-Law 569-2013
Not to Scale
3/14/2018

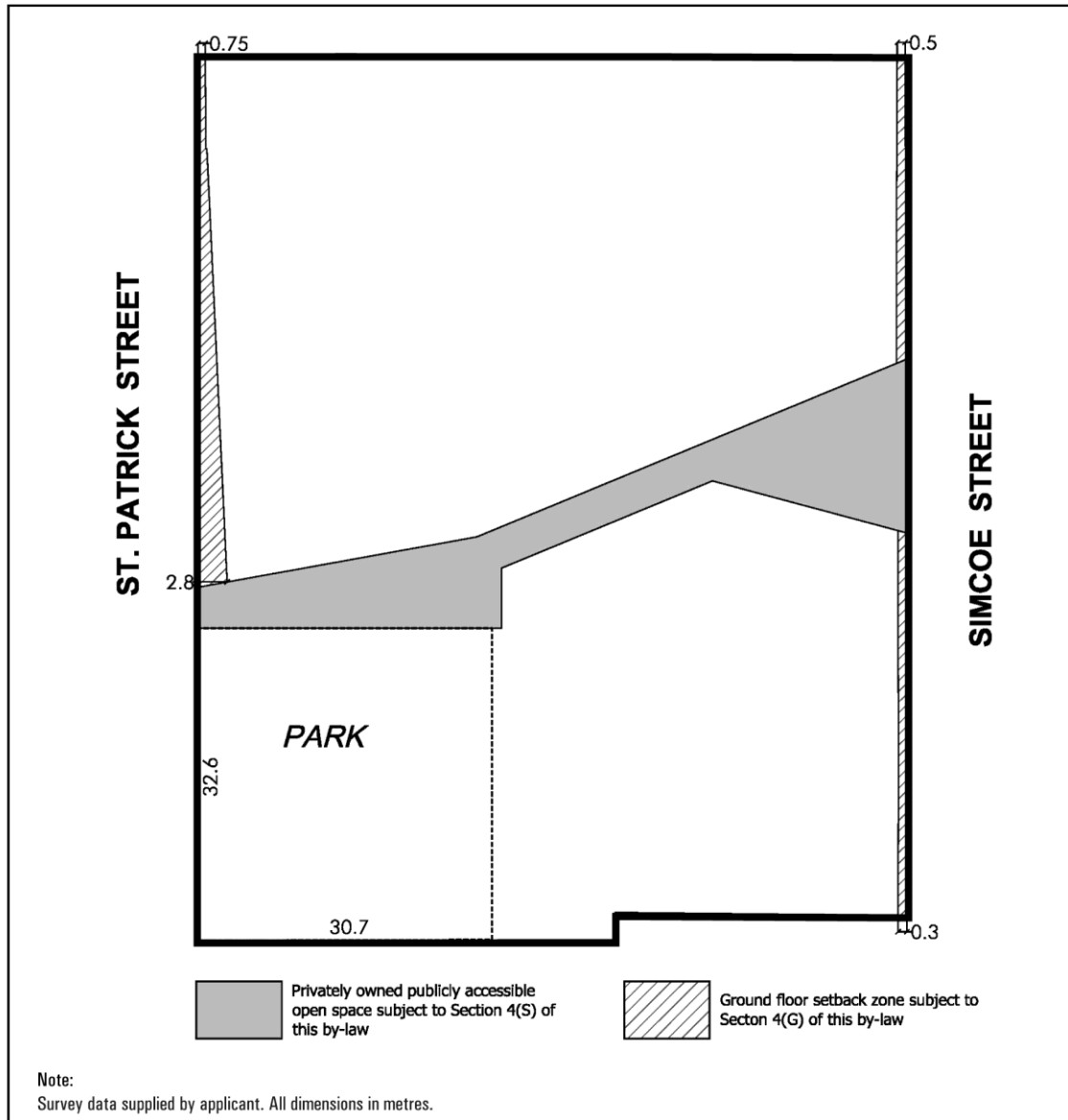


Toronto
Diagram 3

220 and 234 Simcoe Street
121 St. Patrick Street

File # 15 218429 STE 20 02

City of Toronto By-Law 569-2013
Not to Scale
03/14/2018



Toronto
Diagram 4

**220 and 234 Simcoe Street
121 St. Patrick Street**

File # 15 218429 STE 20 02

City of Toronto By-Law 569-2013
Not to Scale
03/14/2018

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 shown as CR (x139) on Diagram 2 of this By-law, and secured in an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

Financial Contribution

- (1) Prior to the issuance of the first above-grade building permit, unless otherwise specified, the owner shall make a financial contribution in the amount of nine hundred thousand dollars (\$900,000 CAN) to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto, and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor as follows:
 - A. \$300,000 for the provision of new affordable housing in Ward 20 and/or for capital repairs for the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 20, payable by certified cheque to the Treasurer, City of Toronto;
 - B. \$500,000 for public art on the lands, in consultation with OCAD University, to be secured by a letter of credit in the City's standard form. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and
 - C. \$100,000 for improvements to the non-profit office space and community convening space in the development as outlined in Clause (4) of this Schedule, to be secured by a letter of credit in the City's standard form or payable by certified cheque to the Treasurer, City of Toronto, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the day the payment is made.

- (2) In the event the financial contributions referred to in Clause (1) of this Schedule have not been used for the intended purpose within five (5) years of the By-laws

coming into full force and effect, the financial contributions may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the **lot**.

Privately-Owned Publicly Accessible Open Space

- (3) Prior to the earlier of one (1) year following any non-residential or residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, and registration of a condominium on the **lot**, except as otherwise agreed by the Chief Planner and Executive Director, City Planning Division, due to unforeseen delays (eg. weather), the owner shall:
 - A. Construct and maintain an area of not less than 500 square metres at grade for use by the general public as **privately-owned publicly accessible open space** extending diagonally through the site and adjacent to St. Patrick Street and Simcoe Street in a location generally as shown on Diagram 4, with the specific configuration and design of the **privately-owned publicly accessible open space** to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor; and
 - B. Prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the **privately-owned publicly accessible open space**, on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division.

Non-Profit Office Space and Community Convening Space

- (4) The owner shall convey at no cost to the City, office and community space (the "Space") having a gross interior floor area of not less than 557 square metres within Building 2 of the development, as shown generally on the Site Plan drawing A202, prepared by Hariri Pontarini Architects, dated September 1, 2017, revision 3 dated September 20, 2017 subject to the following:
 - A. Specific Terms and Conditions regarding the Space will be outlined in a Term Sheet forming part of the Section 37 Agreement in addition to a separate Agreement of Purchase and Sale duly executed by the City and the applicant, to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;

- B. The Space is proposed to be leased to a non-profit organization; the Toronto Foundation, with approximately 464 square metres proposed for use by the Toronto Foundation for its offices and the remaining approximately 93 square metres to be shared by the Toronto Foundation and the City's preapproved community groups for convening uses;
- C. Should the Space not be occupied by the Toronto Foundation, the City will choose an alternate non-profit organization to occupy the Space to the satisfaction of the Director of Real Estate in consultation with the Acting Director, Community Planning, Toronto and East York District and the City Solicitor, including the on-going provision of the shared community space; and
- D. If an appropriate non-profit organization cannot be secured for the Space, the City will have the right to sell the Space with the funds redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Parkland

- (5) The owner shall convey to the City for nominal consideration, a public park having a minimum size of approximately 1,000 square metres, with such conveyance deemed to fully satisfy the parkland contribution requirements for the development as currently proposed, and in accordance with the following and on terms and conditions as are set out in the Section 37 Agreement.
 - A. Prior to the issuance of the first above-grade building permit, the owner shall enter into an agreement of purchase and sale with the City for the on-site parkland dedication for nominal consideration, and register a Section 118 of the *Land Titles Act* restriction on title, with the form of the agreement of purchase and sale and the Section 118 restriction secured in the Section 37 Agreement.
 - B. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
 - C. The owner is required to convey the parkland to the City no later than two (2) years following the issuance of the first above-grade building permit for the development except for a demolition permit.

- D. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
- E. Prior to conveying the parkland to the City, the owner must:
- i. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - ii. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering and Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - iii. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - iv. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering and Construction Services for peer review and concurrence, which states:

In the opinion of the Qualified Person:

- a. it is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has

migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

- b. to the extent that the opinion in 5.E.iv.a. is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - v. Land to be conveyed to the City meets either:
 - a. the applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or
 - b. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
 - vi. The Qualified Person's statement, referenced in 5.E.iv. above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director Engineering and Construction Services.
 - vii. For conveyance of lands requiring a Record of Site Condition:
 - a. file the Record of Site Condition on the Ontario Environmental Site Registry; and
 - b. submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, Engineering and Construction Services.
- F. The owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:

- i. demolition, removal and disposal of all existing materials, buildings and foundations;
 - ii. grading inclusive of topsoil supply and placement, minimum of 150 mm;
 - iii. sod #1 nursery grade or equivalent value of other approved park development;
 - iv. fencing to City standard (where deemed necessary);
 - v. all necessary drainage systems including connections to municipal services;
 - vi. electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro meters and chambers;
 - vii. street trees along all public road allowances, which abut future City owned parkland; and
 - viii. standard park sign (separate certified cheque required)
- G. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- H. Prior to the issuance of the first above-grade building permit, except for a demolition permit, the owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- I. Prior to issuance of the first above-grade building permit, except for a demolition permit, the owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
- J. The construction of the Base Park Improvements to the park block shall be completed within three (3) years after the issuance of the first above-grade building permit, except for a demolition permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.

- K. Should the owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Occupation Permit from Parks, Forestry and Recreation's Park Supervisor for that Ward. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
- L. Prior to conveyance of the parkland the owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.
- M. Prior to conveyance of the parkland, the owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry and Recreation and the Chief Engineer and Executive Director, Engineering and Construction Services.
- N. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.
- O. The owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a letter of credit equal to 120% of the Parks and Recreation Development Charges payable for the development. The design, cost estimate and ultimately the letter of credit will be required prior to the issuance of the first above-grade building permit, except for a demolition permit.
- P. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc.. Final design and

programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.

- Q. Prior to the issuance of the first above-grade building permit, except for a demolition permit, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park improvements for review and approval by the General Manager, Parks, Forestry and Recreation.
- R. The construction of Above Park Improvements to the park block shall be completed within three (3) years after the issuance of the first above-grade building permit, except for a demolition permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry and Recreation when determining a revised delivery date for the park block.
- S. Should the owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain a Park Occupation Permit from Parks, Forestry and Recreation's Park Supervisor for that Ward. The Park Occupation Permit will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.
- T. The owner, upon satisfactory completion of the construction and installation of the Base and Above Base Park Improvements shall be required to guarantee such work and associated materials. The owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
- U. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- V. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of “as built” plans shall be provided electronically on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
- W. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation.
- X. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless an agreement, other than a Park Occupation Permit, has been obtained from the Manager of Business Services – Joanna Sweitlik, (416) 392-8578. The agreement, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the ward in consultation with the Ward Councillor.
- Y. The owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The owner will be required to provide an RSC after the staging period, prior to conveyance. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.
- Z. Prior to the transfer of fee simple of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992*.
- AA. Parks, Forestry and Recreation staff advises that the applicant must design the building to achieve Ontario Building Code setbacks related to fire separation

on their own site on the portions of the building that abut the park. Prior to the issuance of any above-grade building permit, except for a demolition permit, the applicant will be required to demonstrate adequately that the Ontario Building Code requirements have been achieved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(6) Construction Management Plan

Prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to, details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information and any other matters deemed necessary.