



STAFF REPORT ACTION REQUIRED

480-494 Yonge Street and 3 Grosvenor Street – Zoning Amendment Application and Rental Housing Demolition Application – Final Report

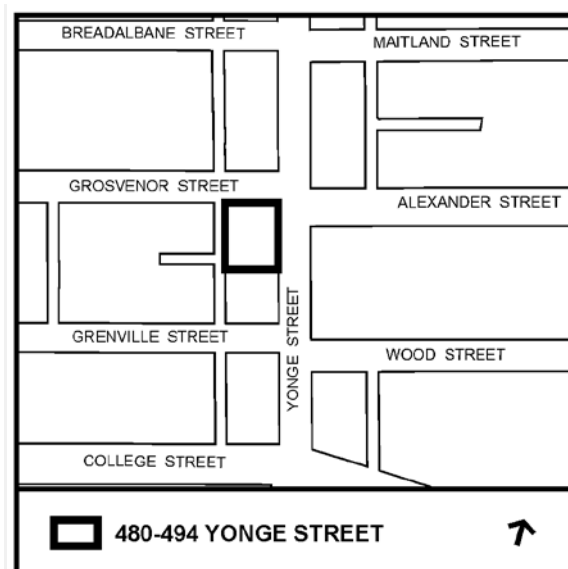
Date:	April 3, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	14 267350 STE 27 OZ and 14267359 STE 27 RH

SUMMARY

This rezoning application proposes to allow a 38-storey mixed-use building with 451 dwelling units and retail space on the ground and second floor at 480-494 Yonge Street. The Rental Housing Demolition Application proposes to demolish 26 existing rental dwelling units and replace them in the new building. The proposal also involves the preservation and restoration of the historic clock tower and the front portion of 480 Yonge Street, which are designated heritage buildings.

The proposed height and massing have been refined throughout the planning review process to adequately limit shadow impact on nearby parks, sufficiently preserve heritage resources and provide retail space that will complement the existing character of Yonge Street. Staff find that the proposed development fits within its existing and planned context.

This report reviews and recommends approval of the application to amend the Zoning By-law and the Rental Housing Demolition application under Municipal Code Chapter 667, subject to the conditions outlined in this report.



RECOMMENDATIONS

The City Planning Division recommends

1. City Council amend Zoning By-law 438-86, for the lands at 480-494 Yonge Street and 3 Grosvenor Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the report dated April 3, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 480-494 Yonge Street and 3 Grosvenor Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report dated April 3, 2017.
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, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act that is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, as follows:
 - a. The community benefits recommended to be secured are as follows:
 - i. \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Edward Street / Gould Street and University Avenue / Queen's Park.
 - ii. \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing in Ward 27.
 - iii. \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space in Ward 27.
 - iv. Public art with a minimum value of \$1,000,000 to be installed on the subject property in accordance with the City of Toronto Public Art Program.
 - v. \$100,000 to be allocated towards the expansion of Toronto Bike Share.
 - vi. The above-noted cash contributions are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date that the Section 37 Agreement is entered into until the date such payment is made to the City.

- vii. In the event the cash contributions described in items 4(i), (ii), (iii) and (v) above have not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- b. The following matters are also recommended to be secured in the Section 37 Agreement to support the development:
- i. The Owner agrees to limit balcony projections behind the clock tower in accordance with provision 2 in Schedule A of the draft Zoning Bylaw Amendments in Attachments 6 and 7 of this report.
 - ii. The Owner agrees that despite any height permissions, height exemptions, encroachments, or projections permitted by By-law 569-2013, By-law 438-86, or the site-specific zoning by-laws, no portion of the building may extend beyond the building envelope defined by the heavy lines on Diagram 3 of the proposed zoning by-law to amend By-law 569-2013 (see attachment 6) that would cause additional incremental shadow on the park at 11 Wellesley Street West beyond that illustrated in the Shadow Study in Schedule 2 of Attachment 5 of an Ontario Municipal Board decision issued on December 22, 2016 regarding Case No. PL131355.
 - iii. The Owner shall provide replacement rental dwelling units in accordance with the conditions listed in Recommendation 6a-i of this report dated April 3, 2017.
 - iv. Prior to the commencement of any excavation and shoring work, the Owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.
5. Before introducing the necessary Bills to City Council for enactment, require the applicant and/or Owner to:

- a. provide an updated Site Servicing & Stormwater Management Report and updated Hydrogeological Investigation Report to the satisfaction of the Executive Director of Engineering and Construction Services;
 - b. enter into a financially secured agreement for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Site Servicing & Stormwater Management Report accepted by the Executive Director of Engineering and Construction Services;
 - c. enter into a Heritage Easement Agreement with the City for the properties at 480 Yonge Street and 484 Yonge Street in accordance with the plans and drawings dated February 7, 2017, prepared by Architects Alliance, and on file with the Senior Manager, Heritage Preservation Services, and the Heritage Impact Assessment (HIA) and Addendum, prepared by ERA Architects Inc., dated February 10, 2017 and March 16, 2017, and in accordance with the Conservation Plan required in Recommendation 5d, as follows, all to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such Agreement to the satisfaction of the City Solicitor prior to the by-laws coming into full force and effect; and
 - d. provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment and Addendum for 480 Yonge Street and 484 Yonge Street prepared by ERA Architects Inc., dated February 10, 2017 and March 16, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - e. Provide a written undertaking to the City Solicitor that their site-specific appeals to the Ontario Municipal Board on the North Downtown Yonge Area Specific Policy No. 382 (OPA 183) and the Historic Yonge Heritage Conservation District (HCD) Plan will be withdrawn upon the site-specific zoning by-laws coming into force and effect and the City's issuance of the Notice of Approval Conditions related to the Site Plan Control application for the subject property, subject to any technical amendments to the by-laws that implement OPA 183 and the Historic Yonge HCD Plan that may be necessary to reflect the site-specific zoning by-law amendments and site plan approval.
6. That prior to final Site Plan approval for the proposed development for the properties located at 480 - 494 Yonge Street, the owner shall:
- a. provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.b.2 in the report of March 27, 2017 from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services;

- b. provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - c. provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
 - d. provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services; and
 - e. submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.
7. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the demolition of twenty-six (26) existing rental dwelling units located at 480-482 Yonge Street, 484-488 Yonge Street and 3 Grosvenor Street subject to the following conditions:
- a. the owner shall provide and maintain twenty-six (26) replacement rental dwelling units, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-bedroom and four (4) three-bedroom units on the subject site for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the owner shall provide at least eight (8) bachelor and seven (7) one-bedroom replacement rental dwelling units at affordable rents as well as five (5) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents for a period of at least (ten) 10 years;
 - c. the owner shall provide en-suite laundry facilities in all replacement rental dwelling units;
 - d. the owner shall provide at least three (3) vehicle parking spaces to tenants of the replacement rental dwelling units for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and, should any of the three (3) vehicle parking spaces not be required by any such tenants for any given month of the year, shall make the spaces available to residential visitors free of charge by request of a residential occupant, including tenants of the replacement rental dwelling units;
 - e. the owner shall provide at least fourteen (14) storage lockers to the tenants of the replacement rental dwelling units for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- f. the owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities, bicycle parking and visitor parking on the same terms and conditions as condominium residents;
 - g. the owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - h. the owner shall enter into and register on title one or more Agreement(s) to secure the conditions outlined in a, b, c, d, e, f and g above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
 - i. the owner shall enter into and register on title, a Section 118 Restriction under the *Land Titles Act*, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands, comprising the twenty-six (26) replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 agreement.
8. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Section 111 permit under Municipal Code Chapter 667 for the demolition of the twenty-six (26) existing rental dwelling units at 480-482 Yonge Street, 484-488 Yonge Street and 3 Grosvenor Street after all of the following has occurred:
- a. Satisfaction or securing of the conditions in Recommendation 6 above;
 - b. The site-specific Zoning By-law Amendments have come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;
 - d. The issuance of excavation and shoring permits for the approved structure on the site; and
 - e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendation 6 a, b, c, d, e, f and g and any other requirements of the Zoning-Bylaw Amendment.
9. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has given Preliminary Approval referred to in Recommendation 7.

10. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 7, which may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a. The owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. Should the owner fail to complete the new building within the time specified in condition a above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
11. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Final Report for the North Downtown Yonge Area-Specific Official Plan Policy 382 (Official Plan Amendment No. 183) was brought forward to the Toronto and East York Community Council (TEYCC) meeting held on September 10, 2013, and subsequently to the City Council meeting held on October 8-11, 2013. City Council adopted the area-specific Official Plan policy, adopted the North Downtown Yonge Urban Design Guidelines, directed staff to use the guidelines in the evaluation of all new and current development proposals where the guidelines apply, and directed staff to repeal area-specific Policy 155 and replace it with Policy 382 once it is in full force and effect.

A Preliminary Report for the proposed rezoning for 480-494 Yonge Street was brought forward to the Toronto and East York Community Council (TEYCC) meeting held on February 18, 2015. TEYCC provided direction to staff to schedule a community consultation meeting.

A Staff Report entitled "Intention to Designate under Part IV, Section 29 of the *Ontario Heritage Act* – 480 and 484 Yonge Street" was brought forward to the TEYCC meeting held on October 6, 2015, and subsequently to the City Council meeting on November 3 and 4, 2015.

City Council stated its intention to designate 480 and 484 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act*, authorized the City Solicitor to introduce the bill to designate the properties if there are no objections, directed the City Clerk to refer the designations to the Conservation Review Board if there are objections, and authorized the City Solicitor and

appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision. By-law No. 223-2016, which serves to designate 484 Yonge Street under Part IV of the Ontario Heritage Act, was enacted on March 10, 2016.

A Staff Report entitled "Designation of the Historic Yonge Street Heritage Conservation District under Part V of the *Ontario Heritage Act*" was brought forward to the TEYCC meeting held on February 23, 2016, and subsequently to the City Council meeting held on March 10, 2016, along with a Supplementary Report with the same title. City Council adopted the staff recommendations to designate the Heritage Conservation District Plan under Part V of the *Ontario Heritage Act* and include the property at 490 Yonge Street on the City's Heritage Registrar. By-law No. 235-2016, enacted and passed on March 10, 2016, serves to implement the Historic Yonge Street Heritage Conservation District and Plan.

ISSUE BACKGROUND

Proposal

The proposed mixed-use development consists of one 38-storey tower (131 metres including mechanical penthouse) and a base building with retail space on the ground floor and second floor. The tower contains 451 residential dwelling units, including 26 rental dwelling units to replace 26 existing rental dwelling units in the existing buildings to be demolished. The retail space has a total area of 2,133 square metres with 718 square metres on the ground floor, 196 square metres on a mezzanine level, and 1,219 square metres on the second floor. The ground floor retail space will be divided into at least three units, one of which will provide direct access to the second floor retail/commercial space, which may be divided into multiple units.

The proposed building incorporates the front portion of the existing three-storey heritage building at 480-482 Yonge Street and the existing heritage clock tower at 484-488 Yonge Street. The clock tower will be slightly repositioned by shifting it 0.9 metres east to provide greater separation between the clock tower and residential tower and to bring the base of the tower in line with the street wall to increase its prominence.

The residential lobby is accessed from Grosvenor Street. The residential dwellings comprise 8 bachelor units (2%), 121 one-bedroom units (27%), 62 one-bedroom plus den units (14%), 199 two-bedroom units (44%), 13 two-bedroom plus den units (3%) and 48 three-bedroom units (11%). All 26 replacement rental dwelling units will be located on the fourth and fifth floors and will consist of 8 bachelor units, 8 one-bedroom units, 4 one-bedroom plus den units, 2 two-bedroom units, and 4 three-bedroom units.

The base building provides a minimum 2.4-metre setback from Yonge Street in order to provide a minimum 6-metre wide sidewalk, with the exception of 480-482 Yonge Street, which is a heritage building that will remain in its current location with no setback. A portion of the elevation facing Yonge Street on both sides of the clock tower will have an increased setback of 3.0 metres in order to create a 0.6-metre indentation in the facade that reflects the historical context of the clock tower in relation to the adjacent buildings. Facing Grosvenor Street the building will have an average setback of approximately 0.26 metres in order to provide a 6-metre

wide sidewalk along Grosvenor Street. There is no rear setback from St. Luke Lane or side setback from the adjacent property to the south.

The tower has a floor plate that ranges from 1,067 square metres on floors 6 to 18 to 575 square metres on floors 37 and 38, with an overall average of 913 square metres. The tower has a setback from the property line along Yonge Street in the range of 10 to 11 metres, a 2-metre setback from the property line along Grosvenor Street, a 0.8 to 3-metre setback from St. Luke Lane, and no setback from the south property line. Above the 18th floor on the south side the tower steps back 10 metres. On the north side the tower has a 9.5-metre step-back above the 34th floor, an additional 2-metre step-back above the 36th floor, and a 4-metre setback above the 38th floor to the mechanical penthouse.

The proposed development provides a total of 909 square metres of indoor amenity space (2.02 square metres per unit) and 489 square metres of outdoor amenity space (1.08 square metres per unit). The amenity space is primarily located on the third floor and covers the entire floor. The indoor space includes an exercise room, aerobics room, yoga room, billiards room, wet bar, media room, kitchen, lounge, dining room, change rooms, and a guest suite. The outdoor space is a large terrace that surrounds the indoor space on the east, north and west sides and includes a pool near the northeast corner of the building. A dog washing station and relief area will also be included in the building.

Vehicular access is from St. Luke Lane, which has a width of 7.32 metres for most of the site frontage and a planned width of 6.0 metres for the portion behind 480-482 Yonge Street once a 0.51-metre widening is conveyed to the City from the subject site. The loading area has two openings located near the centre of the frontage on St. Luke Lane. The ramp to the underground parking garage is located at the south end of the frontage on St. Luke Lane.

The loading area includes one Type 'B' space with a length of 11 metres and one Type 'G' space with a length of 13 metres. The Type 'G' space utilizes both openings onto St. Luke Lane in order to avoid the need for reversing into the lane.

A total of 117 parking spaces are located throughout five levels of underground parking with 82 spaces for residential occupants and 35 spaces for residential and commercial visitors, including 3 spaces available to occupants of the replacement rental dwelling units. On P1 there are 2 car-share parking spaces to be managed by a car-share service provider and available to the residential occupants. Visitor parking is located on P1, P2, and P3 and residential occupant parking is located on P3, P4, and P5.

There are a total of 474 bicycle parking spaces composed of 412 spaces for residential occupants, 46 spaces for residential visitors, 6 spaces for retail occupants, and 10 spaces for retail visitors. All bicycle parking is located on parking levels 1 and 2 (P1 and P2). The bicycle parking is accessed using either the ramp from St. Luke Lane or from the commercial entrance on Grosvenor Street that leads to an elevator dedicated to bicycle access.

The original rezoning application that was submitted by Kingsett Capital in December 2014 proposed a 45-storey tower. Through an OMB appeal process where Kingsett appealed the

policies of the North Downtown Yonge Area-Specific Policy (Official Plan Amendment No. 183), the City ultimately reached an agreement on a revised height and massing that would, among other built-form objectives, serve to adequately limit the shadow impact on Breadalbane Park, which is being expanded and renamed as Dr. Lillian McGregor Park, located one block north of the subject site.

In 2016, the property was sold to Cresford Developments who used the existing rezoning application to proceed with a revised development proposal for a 38-storey tower as per Kingsett's settlement with the City and as described above. The following chart summarizes the development statistics and provides a comparison to the original proposal submitted in December 2014.

	Original Proposal December 2014 (Kingsett)	Revised Proposal February 2017 (Cresford)
Site Area	1,829 square metres	1,829 square metres
Building Height (storeys) (excluding mechanical penthouse)	45 storeys	38 storeys
Building Height (metres) (including mechanical penthouse)	153 metres	131 metres
Tower Floor Plate (average)	784 square metres	913 square metres
Gross Floor Area (above grade)		
Residential	33,310 square metres	30,362 square metres
Non-Residential (above-grade)	2,217 square metres	2,133 square metres
Total	35,527 square metres	32,495 square metres
Floor Space Index (above grade)	19.4 (x lot area)	17.76 (x lot area)
Tower Setbacks:		
Tower face to the north property line	0 metres	2 metres
Tower face to the east property line	12 metres	10 metres
Tower face to the west property line	0 metres	0.8 metres
Tower face to the south property line	9.36 metres	0 metres (10 metres above 18th floor)
Number of Units	423	451
Proposed Vehicular Parking	131	117
Proposed Bicycle Parking	438	473
Interior Residential Amenity Space	894 square metres (2.1 sq.m. per unit)	909 square metres (2.02 sq.m. per unit)
Exterior Residential Amenity Space	485 sq.m. (1.14 sq.m. per unit)	489 sq.m. (1.08 sq.m. per unit)

Site and Surrounding Area

The subject site is located at the southwest corner of Yonge Street and Grosvenor Street, almost two blocks north of College Street. The property occupies the north half of the block bounded by Yonge Street, Grosvenor Street, St. Luke Lane and Grenville Street.

The site has an area of 1,829 square metres (0.18 hectares) with 47 metres of frontage on Yonge Street and 38 metres on Grosvenor Street. The site slopes very gently downwards from north to south. The site is occupied by four buildings that range from two to three storeys in height, as well as a substantially taller clock tower that was part of Old Fire Hall No. 3. The buildings on the site are currently occupied by ground floor commercial uses and primarily residential rental units above, described as follows:

- 480-482 Yonge Street: 3-storey mixed-use building with 2 rental dwelling units;
- 484-488 Yonge Street: 2-storey mixed-use building with 8 rental dwelling units;
- 490 Yonge Street: 2-storey commercial building;
- 492-494 Yonge Street and 3 Grosvenor Street: 3-storey mixed-use building with commercial uses on the ground floor and 16 rental dwelling units on the upper floors.

There are a total of 26 existing rental dwelling units, 21 of which have affordable or mid-range rents. At the time of application, the existing rental dwelling units had the following unit mix and rent classifications:

- 17 bachelor dwelling units: 15 with affordable rents and 2 with mid-range rents;
- 4 one-bedroom dwelling units: 3 with mid-range rents and 1 with high-end rents; and
- 5 two-bedroom dwelling units: 1 with mid-range rents and 4 with high-end rents.

The subject site was originally part of a 100-acre lot created in 1797 that was restructured in 1799 through a land exchange to create a 100-acre lot bounded by Yonge Street, College Street, Queen's Park and Bloor Street that was owned by John Elmsley, Chief Justice of Upper Canada. Elmsley's heir, Captain John Elmsley built a country house, Clover Hill, on the north half of the property in 1829. In 1837 Elmsley Villa was built just east of the subject site. In the 1850s the property was subdivided and Elmsley Villa was sold to Alexander Wood who further subdivided the property and Grosvenor Street was opened.

The first building on the subject site was a two-storey detached house at 480 Yonge Street built in 1864 that also served as an office and hotel. The house was modified by the 1930s with a third floor addition and the building still exists today. A fire hall originally known as Engine House No. 3 was constructed near the centre of the subject site in the early 1870s and included a clock tower that still stands today. The fire hall closed in 1929 and the two storey building was repurposed until its demolition in 1950 when it was replaced by the St. Charles Restaurant.

North of the fire hall there were three two-storey mixed-use buildings built in the 1870s that were demolished and replaced by the existing buildings in the 1950s.

The existing three-storey mixed-use building at 480 Yonge Street and the adjacent clock tower at 484 Yonge Street are heritage buildings designated under Part IV of the Ontario Heritage Act.

The surrounding uses are as follows:

South: Between the subject site and Grenville Street there is a row of one-storey commercial buildings along Yonge Street occupied by four eating establishments and one retail store. Further south on the south side of Grenville Street, a 60-storey mixed-use building with ground floor retail is under construction. South of the construction site, at the northwest corner of Yonge Street and College Street, is a 4-storey mixed-use heritage building known as Oddfellow's Hall.

East: On the east side of Yonge Street a hotel occupies the block between Alexander Street and Wood Street, which includes eating establishments on the ground floor, a 9-storey tower with hotel rooms directly across from the subject site, and a 16-storey tower with hotel rooms further south on the north side of Wood Street. The hotel property is proposed to be redeveloped for a mixed-use development that includes two residential towers with heights of 65-storeys and 45-storeys. The block on the north side of Alexander Street (501-521 Yonge Street) is under construction for a mixed-use development with ground floor retail and two residential towers with heights of 25 and 52 storeys. Further east along Alexander Street is the Buddies in Bad Times Theatre and Alexander Street Parkette.

North: North of Grosvenor Street along the west side of Yonge Street there is a row of low rise retail mixed-use buildings with ground floor retail uses that are primarily three-storeys in height. To the northwest on the north side of Grosvenor Street is Fire Station No. 314 and a three-storey YMCA building.

West: On the west side of St. Luke Lane there is a 20-storey government office building known as the George Drew Building that has a blank wall with no windows facing the subject property. To the southwest on the west side of St. Luke Lane is a 15-storey residential building known as the Peregrine Co-op.

The site is located in the Yonge Street Community Improvement Plan Area, the Downtown Yonge Business Improvement Area (BIA), and within the boundaries of the Bay Cloverhill Community Association.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources;

and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

The subject property is located within the *Downtown* as shown on Map 2 – Urban Structure. Map 18 – Land Use Plan shows the site and all adjacent lands are designated *Mixed Use Areas*, which "are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings" as stated in Policy 4.5(1). Yonge Street is a major street with an existing and planned right-of-way width of 20 metres as per Map 3. Map 4 indicates that Yonge Street is a higher order transit corridor with an existing subway line.

Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity. Policy 2.2.1(1) specifies a "minimum combined gross density target of 400 jobs and residents per hectare for Downtown, which delineates the urban growth centre for the purposes of the Growth Plan." New development is to build on "the strength of the Downtown as the premier employment centre in the GTA" as per Policy 2.2.1(1)(b).

General direction for built form is provided in Section 3.1.2, which includes policies stating that "new development will be located and organized to fit with its existing and/or planned context," will locate and organize vehicle parking, vehicular access and service areas to minimize their impact on adjacent streets and properties, will be massed and "designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring street and properties."

Section 3.1.3 provides further built form direction specifically applicable to tall buildings. The policy preamble states that "tall buildings come with larger civic responsibilities and obligations than other buildings." Policy 3.1.3(1) provides design requirements and considerations for the three components of a tall building, namely the base building, middle (shaft), and top.

Section 3.1.5 provides polices regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect. Policy 3.1.5(5) states that proposed development "on or *adjacent* to, a property on the Heritage Register will ensure

that the *integrity* of the heritage property's cultural heritage value and attributes will be retained." Policy 3.1.5(26) requires that "new construction on, or *adjacent* to, a property on the Heritage Register will be designed to *conserve* the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. Similarly, with regard to Heritage Conservation Districts (HCDs), Policy 3.1.5(32) states that the impact of new development within or *adjacent* to HCDs is to be "assessed to ensure that the *integrity* of the district's heritage values, attributes, and character are *conserved*."

The Official Plan policies address the need to preserve and increase the City's supply of rental and affordable housing. Section 3.2.1.6 of the Official Plan "provides that new development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- "at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation."

Criteria for new development in a *Mixed Use Area* are provided in Policy 4.5(2), which includes direction to:

- create a balance of uses that reduces automobile dependency;
- "provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*";
- "locate and mass new buildings to provide a transition between areas of different development intensity and scale";
- "locate and mass new buildings to frame the edge of streets" and "maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces";
- "provide an attractive, comfortable and safe pedestrian environment";
- provide "an adequate supply of parking for residents and visitors" and

- "provide indoor and outdoor recreation space for building residents."

Zoning

The site is zoned Commercial-Residential (CR T3.0 C2.0 R3.0) under By-law 438-86, with a height limit of 18 metres, a maximum density of 3.0 times the lot area, a maximum non-residential density of 2.0 times the lot area, and a maximum residential density of 3.0 times the lot area. The CR zone permits a wide range of residential and non-residential uses including apartment buildings, retail stores, offices and hotels. Attachment 3 shows the zoning for the site and the surrounding area. There is a requirement for an angular plane of 44 degrees to be measured at a height of 16 metres at the property line along Yonge Street.

Chapter 667 - Rental Demolition and Conversion By-Law

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing. Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Ontario Municipal Board (OMB).

On December 23, 2014, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Tall Building Design Guidelines

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

Official Plan Policy 5.3.2(1) states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies 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>.

Yonge Street is uniquely identified as a Special Character Street due to the recent studies that resulted in the North Downtown Yonge Area Specific Policy No. 382 and the Historic Yonge Street Heritage Conservation District Plan. The Special Character Street designation is intended to recognize that tall buildings may be appropriate if there is an appropriate lot configuration, context and an acceptable heritage preservation strategy. The guidelines specify that a minimum tower step-back of 20 metres from the existing street wall facing Yonge Street should be provided for a site that includes a heritage property. A suitable tower height is to be determined on a site-specific basis.

North Downtown Yonge Area Specific Policy 382 and North Downtown Yonge Street Urban Design Guidelines

City Council adopted the North Downtown Yonge Area Specific Policy 382 (Official Plan Amendment No. 183) and approved the final version of the North Downtown Yonge Urban Design Guidelines on October 8-9, 2013. The policy and guidelines apply to an area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The policy is under appeal to the Ontario Municipal Board (OMB) but is now partially in force as per OMB decisions issued on December 30, 2015, January 26, 2016, and December 22, 2106.

The OMB decisions modify certain aspects of the area-specific policy and bring many of the provisions into effect (the Phase 1 hearing), with the exception of heritage-related policies and certain policies that were the subject of a settlement hearing for which a decision and order are anticipated in the near future respecting some shadow impact policies, some policies regarding suitable development intensity and transition in height in some of the Character Areas. The OMB decision includes Minutes of Settlement that specifically deal with the subject site and includes a zoning map that specifies height and setback requirements largely based on an attached shadow study that addresses shadow impact on Breadalbane Park / Dr. Lillian

McGregor Park. The proposed tower is consistent with the zoning map in the Minutes of Settlement.

The area-specific policy provides direction on how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. The site is within the "Yonge Street Character Area" which is characterized by a strong heritage fabric, predominately low-rise main street building typology with a prevailing street wall height of 2-4 storeys, narrow retail frontages and shallow lot depths.

The policies are available at:

<http://www.toronto.ca/legdocs/bylaws/2013/law1507.pdf>

The urban design guidelines are available at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-61187.pdf>

Historic Yonge Street Heritage Conservation District (HCD) Plan

On March 10, 2016, City Council enacted By-law 235-2016 that designates the Historic Yonge Street Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act. The designation applies to almost all properties fronting onto Yonge Street between Bloor Street and College/Carlton Street. The Bylaw also adopts the "Historic Yonge Street Heritage Conservation District Plan" dated January 2016. Currently the District Plan is under appeal to the Ontario Municipal Board and not in force.

The subject site includes two contributing properties that are intended to be conserved: a three-storey building at 480-482 Yonge Street and the clock tower property at 484-488 Yonge Street. A two-storey building at 490 Yonge Street was individually listed on the City's heritage register in 2016. 492-494 Yonge Street and 3 Grosvenor Street, located at the north end of the site at the corner of Yonge Street and Grosvenor Street, is a non-contributing property that may be demolished.

The HCD Plan requires additions to a contributing property to have a minimum 10-metre step-back from the existing front wall facing Yonge Street and be designed to fit within a 75-degree angular plane measured from the top of the existing street wall. The redevelopment of a non-contributing property should have a streetwall height in the range of 3 to 4 storeys. Above a height of 12 metres, the development should also provide a minimum 10-metre step-back from the street line and be within a 75-degree angular plane measured from a height of 12 metres at the street line.

TOcore: Planning Toronto's Downtown

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

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building

vision and policies of the Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

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

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

Site Plan Control

A Site Plan application was submitted in November 2016 and is currently under review. Staff have received direction to bring forward a staff report on the Site Plan to Toronto and East York Community Council for their consideration once staff are satisfied with the plans and are in a position to issue Notice of Approval Conditions.

Reasons for Application

The proposal requires an amendment to the Zoning By-law to allow a substantial increase in density and height, penetration of the angular plane, a reduction in the minimum parking requirements, a reduction in the minimum outdoor amenity space and other non-conformities with the development standards.

The application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units is required as the subject lands contain six or more residential dwelling units, of which at least one is rental.

Community Consultation

A community consultation meeting was held on April 21, 2015, at the YMCA at 20 Grosvenor Street and was attended by approximately 32 people. The original proposal for a 45-storey tower was presented. The community raised concerns that the development proposal was: too tall; too dense; would cause significant shadow impact on the surrounding streets and parks; had an insufficient number of parking spaces that would impact on-street parking for visitors; would contribute to traffic congestion; and was not in keeping with the character of Yonge Street.

Suggested revisions included: the provision of a pedestrian walkway along St. Luke Lane; wider sidewalks; introducing more plantings and an underground bioswale on Yonge Street and/or Grosvenor Street; using materials in the base building that are in keeping with the character of

Yonge Street; making the tower architecture more distinct; providing patio space; providing weather protection; adding pedestrian lighting; and providing more three-bedroom units.

A Site Plan Working Group, which also helped inform the evaluation of the rezoning application, was established in December 2016 and met three times with city staff and the applicant from January to March 2017. The Working Group included representatives from the Bay Cloverhill Community Association, the Church Wellesley Neighbourhood Association, and the Downtown Yonge Business Improvement Area. The Working Group helped inform the provisions of the proposed rezoning with respect to their advice that reinforced the need to provide 6-metre wide sidewalks, provide multiple ground floor retail units and increase the visibility and prominence of the clock tower.

Tenant Consultation Meeting

On March 19, 2017, City Planning hosted a Tenant Consultation Meeting as required under the City's Rental Housing Demolition and Conversion By-law to review the City's housing policies, discuss the applicant's replacement rental proposal and outline the components of a typical Tenant Relocation and Assistance Plan. This meeting concluded with a question and answer period during which tenants asked questions about the proposed tenant relocation and assistance plan and the replacement rental dwelling units. This meeting was attended by approximately 25 tenants, City Planning staff and the applicant.

Tenants raised concerns about being able to afford comparable alternative accommodations in the neighbourhood and felt that they may have to move out of the area or city to find affordable accommodations. Tenants were also concerned that the size and features of the replacement rental dwelling units did not accurately reflect their existing rental units, most notably the ceiling height in the replacement units would not be as high as some of the existing units.

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

This section provides an overview of planning considerations used in the evaluation of the proposed rezoning. The comments draw on input from City and agency staff, the community and local stakeholders, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). "the Official Plan is the most important vehicle for implementation" of the PPS as stated in Policy 4.7 and zoning by-laws are also important for implementing the PPS as per Policy 4.8. The proposal is consistent with the Official Plan framework set out for the North Downtown Yonge area.

The proposed heritage preservation strategy satisfies PPS Policy 2.6.1 that requires *significant built heritage resources* to be conserved. Properties designated under Part IV of the Act or included on the City's Heritage Register comprise *significant built heritage resources*.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Tall Building Design Guidelines

The Tall Building Design Guidelines have been applied to the proposed development as a means to help interpret and quantify the tall building policies provided in Section 3.1.3 of the Official Plan. The proposed development meets the overall intent of the guidelines, which are discussed subsequently in this report under the headings "Density, Height, Massing" and "Streetscape."

Land Use

The proposed mix of commercial and residential uses is suitable for the subject property and is consistent with the *Mixed Use Areas* designation in the Official Plan. The ground floor retail space will be divided into multiple units in order to complement the existing character of small scale retail uses along Yonge Street. The second floor commercial space may be used by either a single retail/commercial tenant or divided into multiple commercial uses, which will contribute to Yonge Street as a local destination for shopping and services.

Density, Height, Massing

The proposed height fits within its existing and planned context that includes an adjacent 20-storey office building at 15 Grosvenor Street, a new 50-storey tower one block south at 15 Grenville Street, a 60-storey tower under construction also one block south at 460 Yonge Street, and two towers under construction at the northeast corner of Yonge Street and Grosvenor Street with heights of 52 and 25 storeys.

The proposed height is consistent with the direction in the North Downtown Yonge Area Specific Policy (Official Plan Amendment (OPA) No. 183) that provides for tall buildings in the Yonge Street Character Area that are within the Height Peak Area located on the block north of College/Carlton Street or in the Height Transition Area that spans the block from Grenville Street to Grosvenor Street. The proposed 38-storey tower, located in the Height Transition Area, provides a suitable height transition between the 50 and 60-storey towers located on the south side of Grenville Street and the lower buildings along Yonge Street north of Grosvenor Street. The height is also within the 45-storey height limit for a Height Transition Area as specified in Policy 5.3.8 of the area-specific policy.

The height of the proposed base building, which ranges from 7.2 metres to 12.5 metres in height, largely reflects the height of the existing on-site buildings. It will contribute to a consistent street wall along Yonge Street as required by Policy 5.3.1 in OPA 183. The base building height is generally consistent with Tall Building Design Guidelines that specify a height in the range of 10.5 metres to 16 metres. The portion of the streetwall with a height of only 7.2 metres is located on both sides of the clock tower in order to preserve the form and architecture of the clock tower, which justifies the deviation from the guidelines.

The proposed tower provides a 10-metre setback from the Yonge Street property line that will serve to maintain the prominence of the on-site heritage buildings and the historic low-rise street wall along Yonge Street. On Grosvenor Street, the tower setback is 2.0 metres, which will help define the base building street wall. The tower is set back from St. Luke Lane in the range of 0.8 to 3.0 metres to help define the base building and to provide a minimum tower separation of approximately 11 metres from the existing 20-storey office building on the west side of the lane, which is acceptable in this instance given that the office building does not have any windows facing the subject site. The tower setbacks allow the base building to be the primary defining element for the site and adjacent public realm with respect to the intent of Section 3.2.2 in the Tall Building Design Guidelines that addresses tower placement.

The south side of the tower abuts the south lot line from floors 3 to 18 and then steps back 10 metres. The tower placement is appropriate because a review of the development potential of the adjacent lands to the south determined the adjacent lands are not suitable for a tall building because they are not large enough to allow for a feasible tower that provides the necessary tower setbacks from Yonge Street, Grenville Street and the subject site. As there are no south-facing windows below the 18th floor, the wall will require architectural detail that will be secured through the Site Plan Control process.

The shape and location of the tower floor plate have been organized to minimize shadow impacts and negative wind conditions on surrounding streets and parks as per Section 3.2.1 of the Tall Building Design Guidelines. The average tower floor plate area of 913 square metres exceeds the guideline for a maximum floor plate area of 750 square metres. The size of the tower floor plate is acceptable in this instance as it is the result of a detailed analysis of shadow impact on nearby parks and open spaces that demonstrated the proposed tower floor plate was the best option to mitigate shadow impact.

The top of the tower has three step-backs on the north side from the 34th floor, 36th floor and 38th floor that primarily serve to limit shadow impact on parks as described in the following section. The step-backs also help create a distinct top to the tower that will contribute to the character of the city skyline.

Sun, Shadow, Wind

The proposed height and massing have been analyzed and refined throughout the rezoning review process with a priority to minimize shadow impact on nearby parks and open spaces, particularly Breadalbane Park located between Breadalbane Street and Wellesley Street West, which is being substantially expanded, renamed as Dr. Lillian McGregor Park, and will be the largest park in the vicinity. Through the OMB appeal process for OPA 183 by the previous owner of the site, Kingsett Capital, an agreement was reached between the City and the applicant with respect to a suitable height and massing that would adequately limit shadow impact on the park, which is reflected in the current development.

A quantitative Pedestrian Level Wind Study has been completed that finds the proposed development will not cause any area in the vicinity of the subject site to experience excessively windy conditions or conditions that could be considered unsafe. Generally, the surrounding sidewalks will experience wind conditions suitable for walking, the building entrances will have

wind conditions suitable for standing, and the proposed patio space on Grosvenor Street and the third floor outdoor amenity space will have conditions suitable for sitting.

Streetscape

The proposed development will serve to improve the streetscapes along Yonge Street, Grosvenor Street and St. Luke Lane. On Yonge Street the building will be set back to provide a minimum 6-metre wide sidewalk, with the exception of the portion of the sidewalk in front of 480 Yonge Street where the front portion of the building will remain in its current location to preserve its historical context. Policy 5.3.3 in the OPA 183 requires new buildings to provide for a minimum 6-metre wide sidewalk and Section 4.2 of the Tall Building Design Guidelines specifies a minimum 6-metre wide sidewalk along primary street frontage.

The clock tower will be marginally repositioned by moving it 0.9 metres east to bring it in line with the street wall and the base of the clock tower will be extended down to street level, which will increase its prominence and reinforce the clock tower as a landmark. The retail frontage will be divided into multiple bays with widths of approximately 9 metres to correspond with the historical storefront width of 480 Yonge Street. Approximately five retail entrances will be located along the Yonge Street frontage, with spacing ranging from approximately 3 to 9 metres, which is consistent with the Tall Building Design Guidelines that specifies multiple entrances spaced at an average of 7-10 metres in order to promote street animation. The entrance spacing is reasonably close to the guideline for 5-metre retail frontages for properties in the Yonge Street Character Area as per the North Downtown Yonge Urban Design Guidelines.

On Grosvenor Street the building setback will also provide for a 6-metre wide sidewalk with three new street trees. There will also be opportunity for patio space associated with the ground floor retail space and other street furniture or landscaping features. St. Luke Lane will be resurfaced with brick and include a delineated pedestrian walkway on the west side of the lane to provide a pedestrian route that is not interrupted by the vehicular openings for the loading and parking areas. The building façade facing St. Luke Lane is proposed to have LED accent lighting to help animate the lane.

Heritage

The on-site designated heritage properties that include a three-storey building at 480 Yonge Street and a clock tower at 484 Yonge Street will be integrated into the proposed development. A Heritage Easement Agreement is required to be entered into for these two heritage properties prior to the bills to implement the proposed rezoning are enacted.

At 480 Yonge Street, the front portion of the existing 3-storey building will remain in situ and be integrated into the retail space in the base building. The storefront and its interior, which have been heavily altered over time, will be rehabilitated based upon the 1910s design. In order to emphasize the three-dimensional expression of scale, mass and form of the heritage structures along Yonge Street, the tower portion of the development will be stepped back 10 metres from the existing street wall. Within this 10 metre step back, the base building will be integrated into the heritage facade and will be no higher than the heritage building.

At 484 Yonge Street, during excavation and construction activities, the clock tower will be relocated either at the site or nearby. Following completion of underground levels and ground floor slab, the clock tower stone plinth will be reconstructed and the clock tower relocated 0.9 metres east of its current location. The tower will be repaired and restored as required based on a detailed conditions assessment and archival documentation. The 0.9-metre repositioning will help the clock tower appear as stand-alone structure by increasing the separation between the clock tower and the new residential tower. Balconies will not be permitted behind the clock tower to further contribute to the separation. The interior of the clock tower is proposed to be an open space that extends from the ground to the top of the tower with an art feature that relates to its heritage.

The property at 490 Yonge Street has been listed but staff agrees with the findings of the Heritage Impact Assessment that the property has diminished heritage value due to numerous alterations that have significantly altered its early 20th century design. The property does not effectively communicate its heritage value at the street frontage and therefore does not need to be retained.

A new retail base building will surround the clock tower structure on the north, west and south sides. The height of the base building is limited to 1.5 storeys surrounding the clock tower in order to help the clock tower appear as a stand-alone structure. In order to reference the historic setback of the clock tower relative to the adjacent buildings to the north that have since been demolished, the façade of the retail base on both sides of the clock tower will have an additional 0.6-metre setback compared to the north end of the new base building retail façade.

The Historic Yonge Heritage Conservation District (HCD) Plan identifies numerous individual heritage resources adjacent to the subject site along Yonge Street. The HCD Plan will not be in full force and effect until the OMB appeals on the Plan have been resolved. While not determinative at this time, the proposed development has been reviewed in the context of the HCD Plan in accordance with Official Plan Policy 3.1.5(33) that addresses HCDs. The proposed development will not have a negative heritage impact on adjacent heritage properties identified in the HCD Plan.

The proposed heritage preservation strategy meets the Official Plan heritage policies in Section 3.1.5 as the scale, form, and mass of the heritage structures will be conserved. Further details and comments on the heritage preservation strategy are provided in the staff report entitled "Alterations to Designated Heritage Properties and Authority to Enter into a Heritage Easement Agreement 480 - 494 Yonge Street" dated March 27, 2017, that is being brought forward to the Toronto Preservation Board meeting on April 20, 2017.

Prior to the introduction of the bills for the related Zoning By-law Amendment, recommendation no. 5d in this report requires the applicant to submit a Conservation Plan for the properties at 480 and 484 Yonge Street to the satisfaction of Heritage Preservation Services. A Conservation Plan is a detailed technical report describing how the approved conservation strategy in the Heritage Impact Statement will be implemented. The contents of this plan should include detailed documentation of the properties' existing condition, a description of the approved conservation strategy, a detailed scope of work with plans and drawings and cost estimates, a construction

monitoring strategy that addresses the heritage attributes, and the adjacent heritage property, and recommendations for both short term and long term maintenance.

Traffic Impact, Access, Parking

The proposed vehicular access is suitably located on St. Luke Lane, which provides two-way access to Grosvenor Street and Grenville Street. Transportation Services finds the projected traffic impacts to be acceptable and is satisfied with the proposed provision of parking and loading spaces.

Servicing

The Site Servicing and Stormwater Management Report has been reviewed by Development Engineering. They are generally satisfied with the findings with respect to water demands and sewer capacity, however minor revisions to the report are required before it is acceptable to Development Engineering.

With regard for groundwater conditions, Toronto Water has reviewed the Hydrogeological Investigation Report and have advised that a revised report is required to propose a treatment system to address minor exceedances in City standards for groundwater quality as the current groundwater conditions show there are exceedances of certain parameters. A revised report is also required to confirm methods for groundwater drainage both during construction and post-construction.

Recommendation no. 5a in this report recommends that the bills to implement the proposed rezoning be held until a revised Site Servicing and Stormwater Management Report and Hydrogeological Investigation Report is provided to the satisfaction of the Executive Director of Engineering and Construction Services.

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 subject site is in an area with 0 to 0.42 hectares of local parkland per 1,000 people, which represents the lowest quintile of parkland provision per person in the city. 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 6,013 m² or 353% 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 173 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This was an agreed approach as part of the settlement between the applicant and the City of Toronto as part of the OMB appeal on the North Downtown Yonge Area Specific Policy by Kingsett Capital, the former owner of the subject site.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Given the current rise in dog population in the downtown area, especially within condominium towers, the proposed on-site dog amenities that include a dog relief station within the building will help to alleviate some of the pressure on the existing neighbourhood parks.

Tenure

The proposed residential tenure is 26 rental dwelling units and 425 condominium units.

Rental Housing

The existing mixed-use buildings at 480-482 and 484-488 Yonge Street and 3 Grosvenor Street contain a total of 26 rental dwelling units (17 bachelor, 4 one-bedroom and 5 two-bedroom units). The applicant proposes to demolish all 26 existing rental dwelling units.

Throughout the site, the size and type of the existing rental dwelling units varies from small bachelor units at 3 Grosvenor Street (364 square feet to 436 square feet) to large two-bedroom units located at 484-488 Yonge Street (up to 1,226 square feet). According to the rent rolls provided by the applicant, rents for the existing units also vary as many of the 16 bachelor units located at 3 Grosvenor Street are paying well below average market rents for the City of Toronto by unit type; whereas, the units located at 484-488 Yonge Street are paying well above average market rents.

Replacement Rental Dwelling Units

The applicant proposes to provide and maintain 26 replacement rental dwelling units, comprising of 8 bachelor, 12 one-bedroom, 2 two-bedroom and 4 three-bedroom dwelling units, on the fourth and fifth floors of the new building. These replacement units would have a slightly different unit mix than the existing units as several bachelor units would be replaced with one-bedroom units and some two-bedroom units would be replaced by three-bedroom units. The average unit size and total gross floor area of the proposed replacement rental dwelling units will be approximately 16% larger than the existing rental dwelling units.

As noted during the site visit and through discussion with tenants, a number of the existing rental dwelling units at 484-488 Yonge Street have approximately 16 to 18 foot high ceilings. Some tenants living within these units have argued that the replacement rental dwelling units should reflect the volume of their existing unit, not just the floor area. Staff have consistently interpreted the unit size requirement under Official Plan Policy 3.2.1.6 b (i) to be limited to floor area and not volume. In many ways, the features of the replacement rental dwelling units are often dependent on the proposed built form and characteristics of the new building.

All replacement rental dwelling units would be provided with en-suite laundry facilities, a balcony and open concept layouts. Tenants of the replacement rental units would have access to bicycle parking and all indoor and outdoor amenities on the same terms and conditions as condominium residents. The applicant has also proposed to provide 14 storage lockers and 3 vehicle parking spaces for the replacement rental dwelling units.

The Section 37 and Section 111 agreements would secure all details regarding the rental replacement, rents, minimum unit sizes and future tenants' access to all facilities and amenities.

Tenure and Rents for the New and Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the 26 replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing buildings contained 15 affordable, 6 mid-range and 5 high-end rental dwelling units. The applicant has agreed to secure the rents for the 15 affordable and 6 mid-range replacement rental units for at least 10 years. However, as mentioned above, the proposed unit mix within each rent classification would be slightly different than that of the existing rental dwelling units.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance which would be to the satisfaction of the Chief Planner and secured through the Section 37 and Section 111 Agreement with the City.

This Tenant Relocation and Assistance Plan would assist this particularly diverse group of tenants find and maintain alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, tenants would:

- receive at least 5 months' notice of the date that they must vacate their rental unit;
- have the right to return to one of the replacement rental units in the new building at similar rents to their existing rental unit, with rent protected for up to 20 years;
- receive compensation equal to 3 month's rent, pursuant to *the Residential Tenancies Act*;
- receive a move-out moving allowance and, if they decide to exercise their right-to-return to a replacement rental dwelling unit in the new building, a move-back moving allowance;
- receive either a "Rent-gap Payment" or additional compensation based on length of tenure:
 - o A Rent-gap payment would be provided to tenants paying below average market rent by unit type for the City of Toronto as determined by the Canadian Mortgage and Housing Corporation. The Rent-Gap Payment would be the difference between a tenant's current rent and the approximate average market rent by unit type from the date that the tenant provides vacant

possession and until the replacement rental dwelling units are made ready for occupancy;

- Additional compensation would be provided to tenants paying above average market rent. The amount of compensation provided to such tenants would be based on their length of tenure; and
- receive Special Needs compensation if they are over the age of 65 or have a limitation which makes moving difficult.

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 typically required to meet Tier 1 of the TGS. The site-specific zoning by-law will secure performance measures for the following Tier 1 development features: automobile infrastructure, cycling infrastructure, storage and collection of recycling and organic waste. Regarding cycling infrastructure, whereas Tier 1 requires all short-term visitor parking to be located at grade or on parking level 1 (P1), the proposed rezoning will allow some residential visitor bicycle parking on P2 because a dedicated elevator is being provided for visitors with bicycles, which is accessed from Grosvenor Street using the commercial entrance near the lobby entrance. The proposed rezoning also includes an exception to not require a shower and change facility for the long-term bicycle parking spaces for the commercial uses because only five such bicycle parking spaces are required and the Tier 1 requirement would not apply if the requirement was for less than five spaces.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following community benefits:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Gould Street / Edward Street and Queen's Park / University Avenue, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- b. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the Ward Councillor.
- c. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the Ward Councillor.
- d. The owner will provide public art on the **lot** in accordance with the City of Toronto Public Art Program to a minimum value of \$1,000,000. Prior to the issuance of the first above-grade building permit, the owner shall prepare a public art plan detailing the design and construction of any public art installations on the **lot**, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. The public art plan shall be approved by City Council prior to the issuance of the first above-grade building permit or, in the alternative, prior to the first above-grade building permit, the owner will donate the public art contribution of \$1,000,000 towards the City's capital budget for public art programs.
- e. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$100,000 to be allocated towards the expansion of Toronto Bike Share.
- f. The above-noted cash contributions and public art requirement are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- g. In the event the cash contributions described in items 1(a), (b), (c) and (e) above have not been used for the intended purpose within three (3) years of the date of the issuance of the above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

The following matters are also required to be secured in the Zoning By-law Amendments and in the Section 37 Agreement to support the development:

- 2. The Owner agrees to limit balcony projections behind the clock tower in accordance with provision 2 in Schedule A of the draft Zoning Bylaw Amendments in Attachments 6 and 7 of this report.

3. The Owner agrees that despite any height permissions, height exemptions, encroachments, or projections permitted by the existing or proposed by-laws, no portion of the building may extend beyond the building envelope defined by the heavy lines on Diagram 3 of the proposed zoning by-law (see Attachment 6) that would cause additional incremental shadow on Breadalbane Park / Dr. Lillian McGregor Park beyond that illustrated in the Shadow Study in Schedule 2 of Attachment 5 of an Ontario Municipal Board decision issued on December 22, 2016, regarding the North Downtown Yonge Area Specific Policy No. 382 (OPA 183).
4. Replacement rental dwelling units shall be provided by the Owner in accordance with the following conditions:
 - a. the Owner shall provide and maintain twenty-six (26) replacement rental dwelling units, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-bedroom and four (4) three-bedroom units on the subject site for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the Owner shall provide at least eight (8) bachelor and seven (7) one-bedroom replacement rental dwelling units at affordable rents as well as five (5) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten (10) years;
 - c. the Owner shall provide en-suite laundry facilities in all replacement rental dwelling units;
 - d. the Owner shall provide at least three (3) vehicle parking spaces to tenants of the replacement rental dwelling units and, should any of the three (3) vehicle parking spaces not be required by any such tenants for any given month of the year, shall make the spaces available to residential visitors free of charge by request of a residential occupant, including tenants of the replacement rental dwelling units;
 - e. the Owner shall provide at least fourteen (14) storage lockers to the tenants of the replacement rental dwelling units;
 - f. the Owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities, bicycle parking and visitor parking on the same terms and conditions as condominium residents; and
 - g. the Owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. Prior to the commencement of any excavation and shoring work, the Owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the

Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction.

CONCLUSION

The proposed development sufficiently addresses the existing and planned context, will complement the character of the area, and is consistent with the in-force heritage policies in the Official Plan and Provincial Policy Statement. Overall the proposed rezoning is appropriate for the subject property and is in the public interest.

The proposed demolition of the 26 existing rental dwelling units located at 480-482 and 484-488 Yonge Street and 3 Grosvenor Street is acceptable considering the rental replacement provisions set out in the recommendations in this report.

CONTACT

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E-mail: thomas.rees@toronto.ca

Jeremy Kloet, Senior Planner
Tel. No. 416-392-7863
E-mail: jeremy.kloet@toronto.ca

SIGNATURE

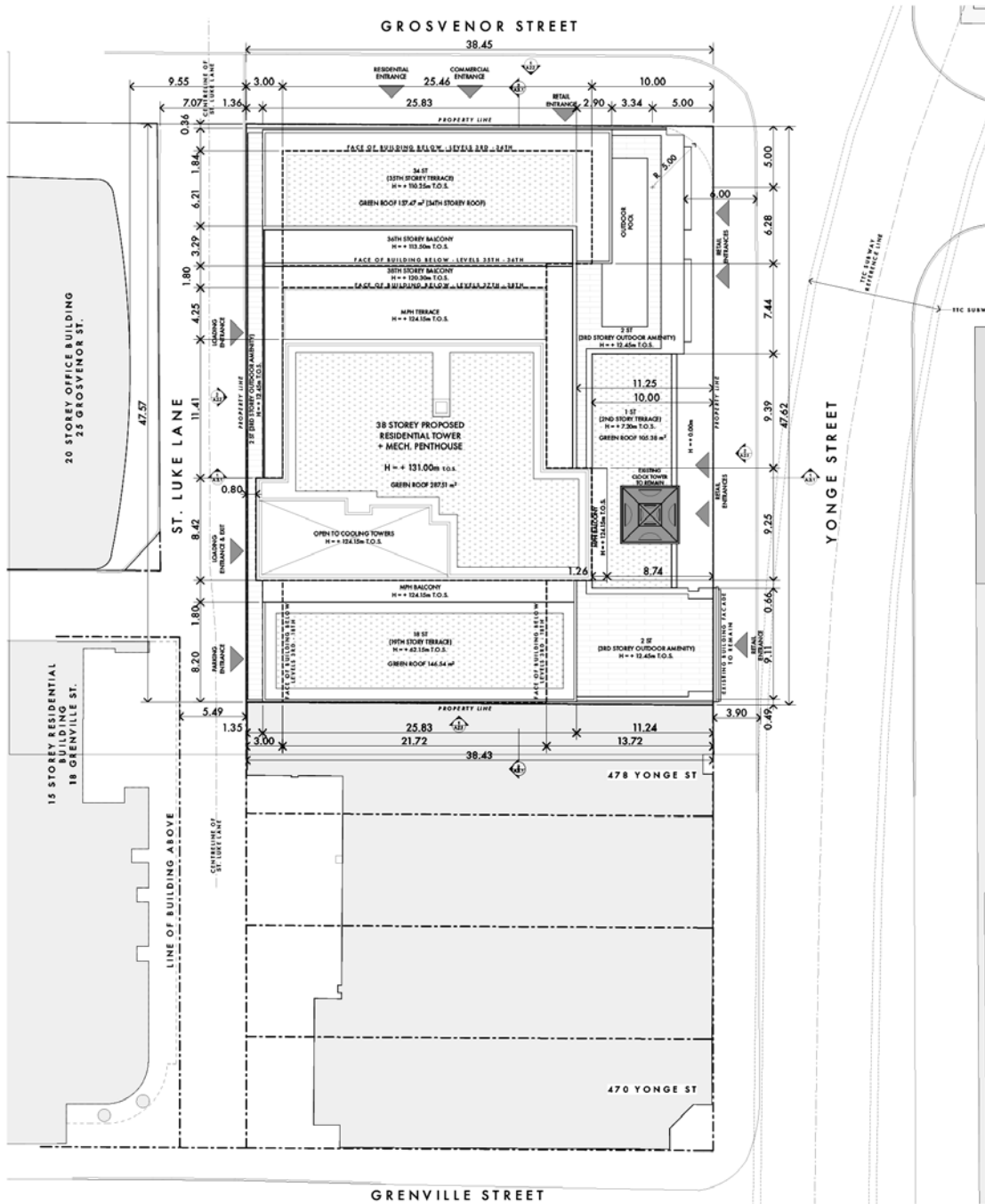
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a-d: Elevations
Attachment 3: Rendering
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment to Bylaw 569-2013
Attachment 7: Draft Zoning By-law Amendment to Bylaw 438-86

Attachment 1: Site Plan



Site Plan

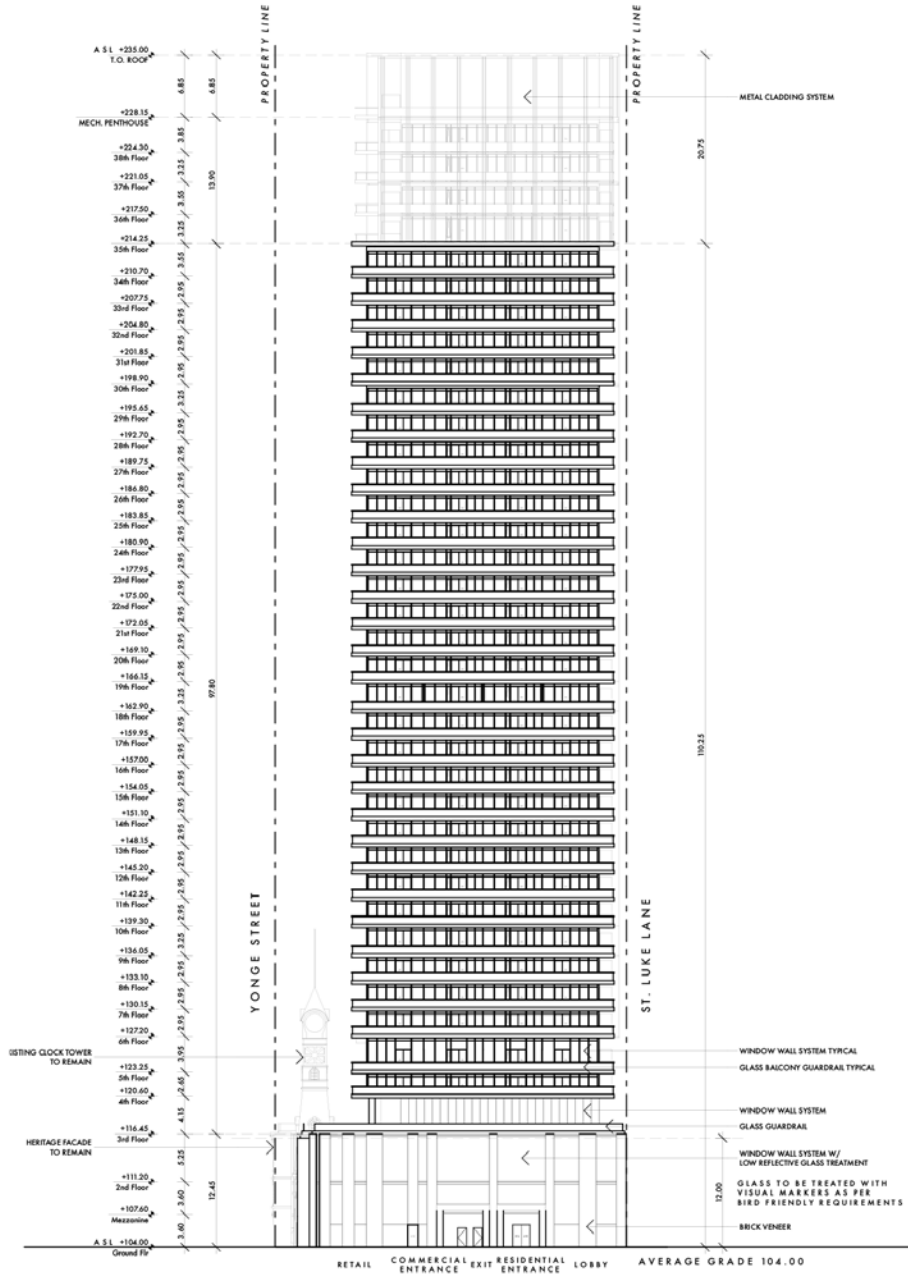
480-494 Yonge Street

Applicant's Submitted Drawing

Not to Scale 

File # 14 267350 STE 27 0Z

Attachment 2a: North Elevation



North Elevation

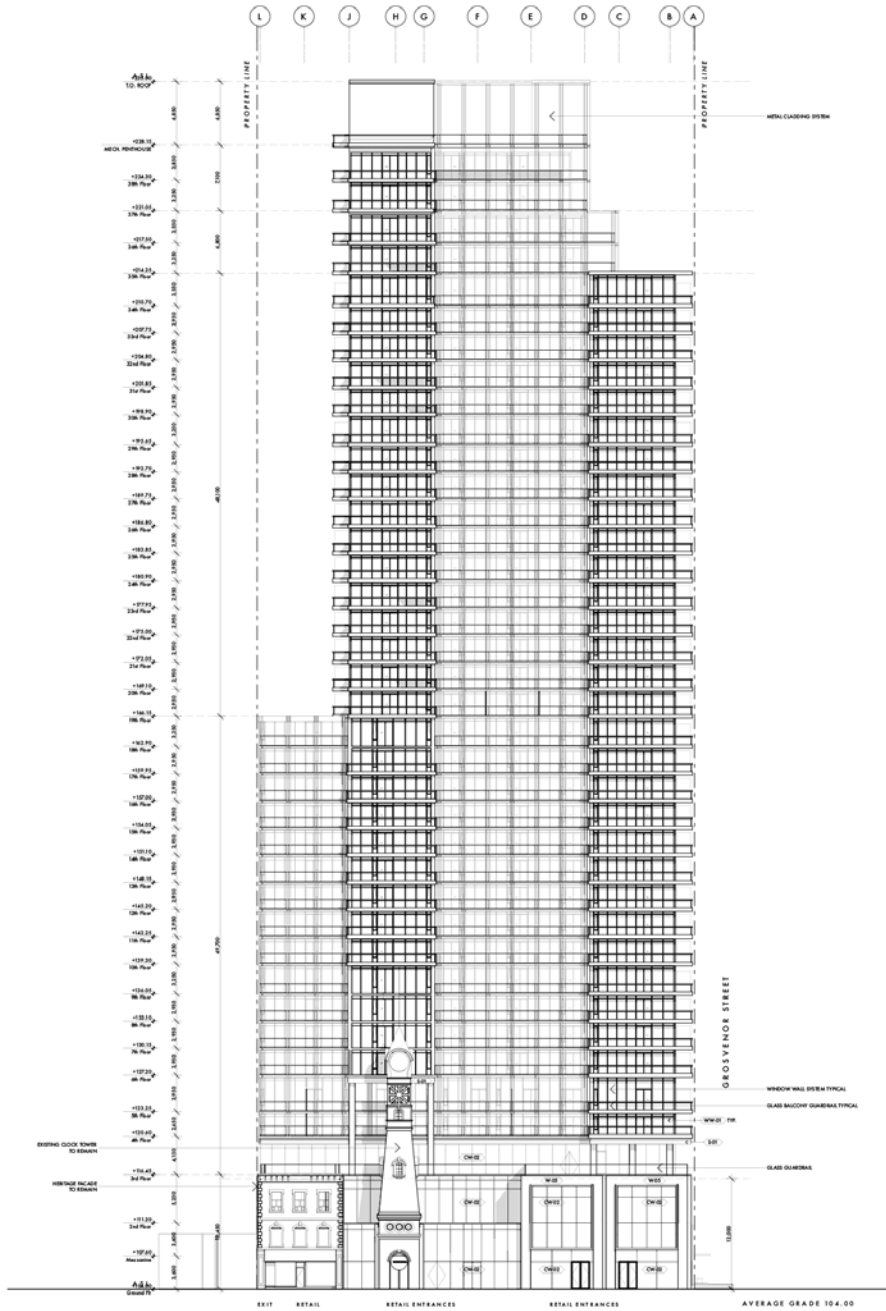
Applicant's Submitted Drawing

Not to Scale
04/03/2017

480-494 Yonge Street

File # 14 267350 STE 27 0Z

Attachment 2b: East Elevation



East Elevation

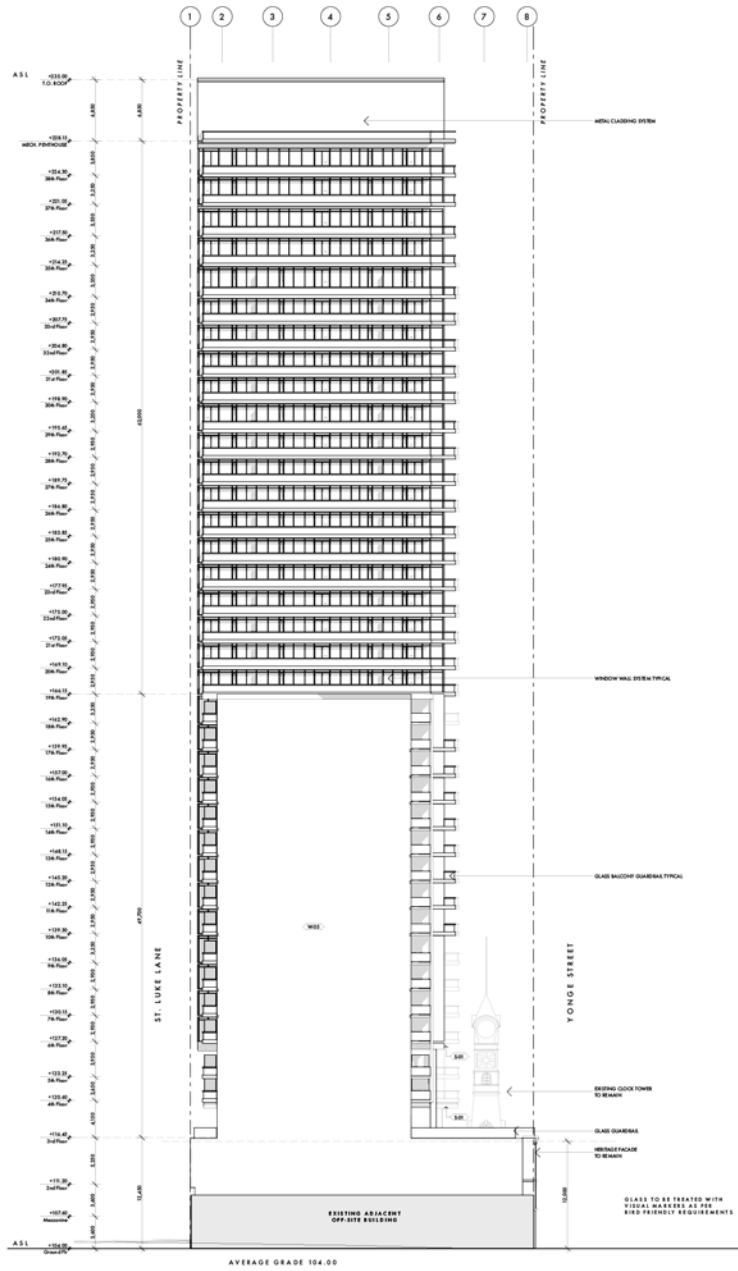
Applicant's Submitted Drawing

Not to Scale
04/03/2017

480-494 Yonge Street

File # 14 267350 STE 27 OZ

Attachment 2c: South Elevation



South Elevation

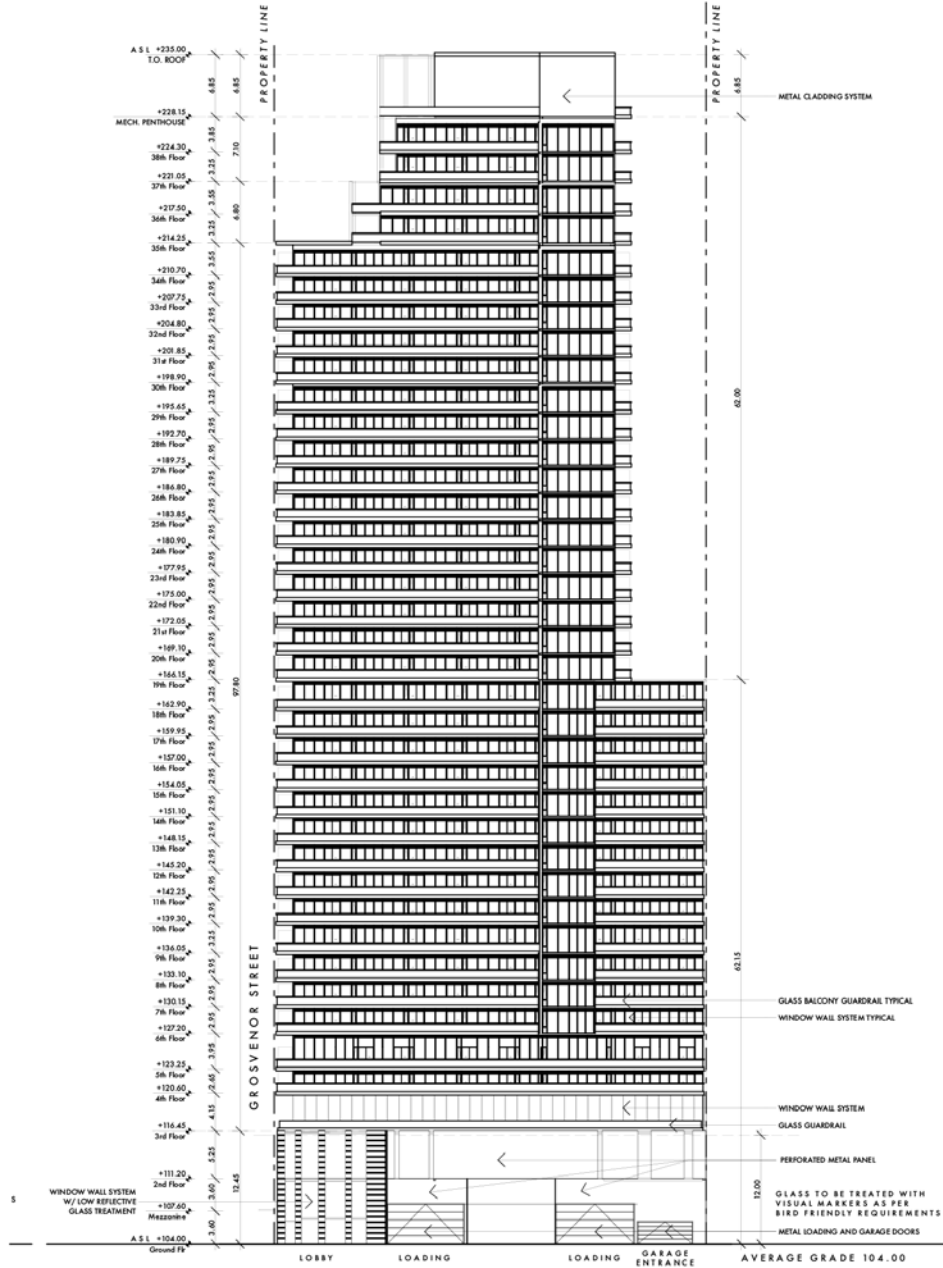
Applicant's Submitted Drawing

Not to Scale
04/03/2017

480-494 Yonge Street

File # 14 267350 STE 27 OZ

Attachment 2d: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
04/03/2017

480-494 Yonge Street

File # 14 267350 STE 27 0Z

Attachment 3: Rendering



3D Model

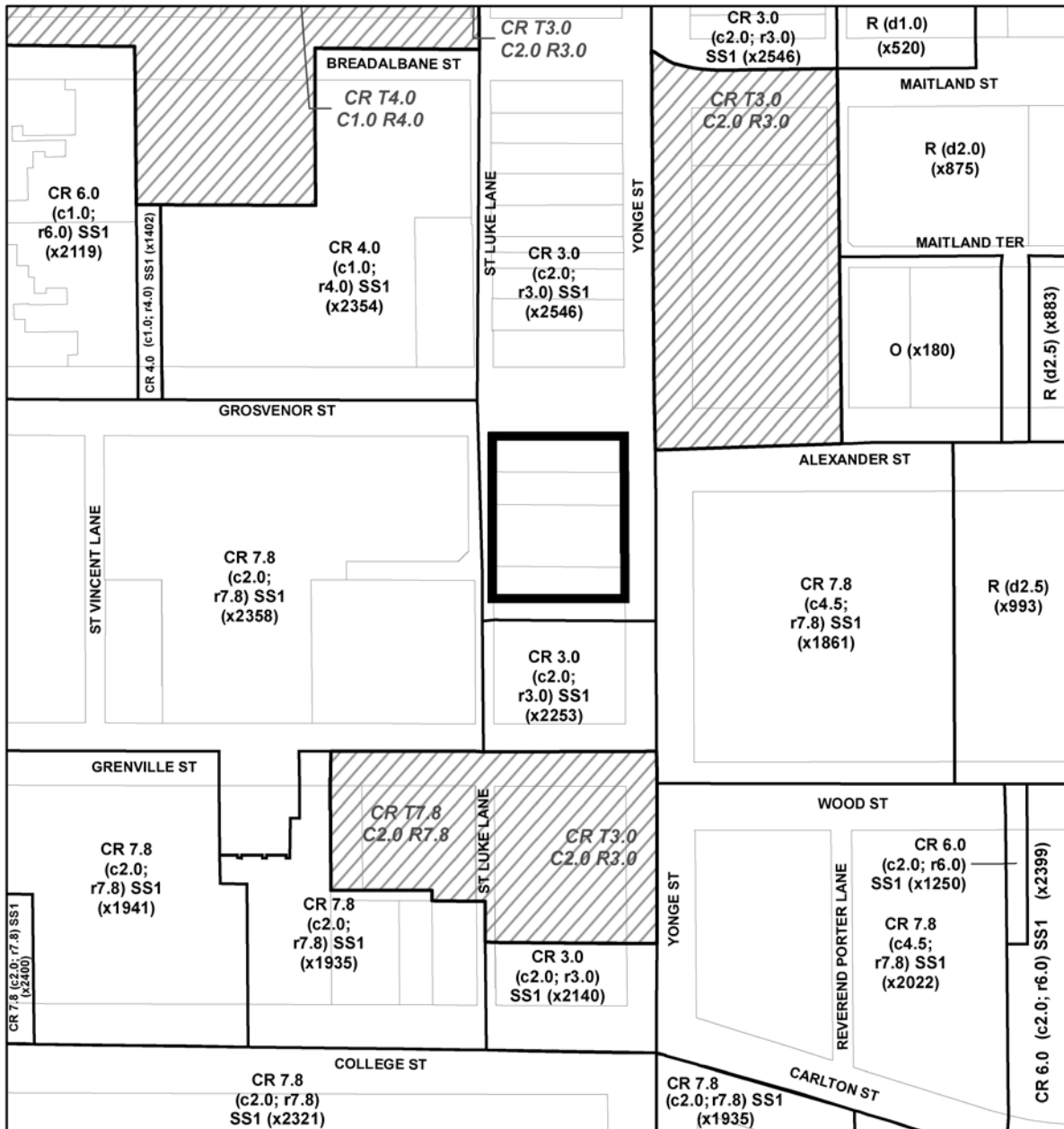
Applicant's Submitted Drawing

Not to Scale
04/03/2017

480-494 Yonge Street

File # 14 267350 STE 27 0Z

Attachment 4: Zoning



Zoning By-law 569-2013

480-494 Yonge Street

File # 14 267350 STE 27 02

Location of Application

See Former City of Toronto Bylaw No. 438-86

R Residential O Open Space
CR Commercial Residential

CR Mixed-Use District



Not to Scale
Extracted: 01/13/2015

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	14 267350 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 23, 2014
Municipal Address:	480-494 YONGE STREET AND 3 GROSVENOR STREET		
Location Description:	PLAN 159 PT LOT 10 **GRID S2709		
Project Description:	The rezoning application proposes to redevelop the site and build a new mixed-use 38-storey (131 metre including mechanical penthouse) with 2,133.2 sq. metres of commercial uses in a two-storey base building and residential uses on the upper floors. The existing clock tower will be maintained and incorporated into the redevelopment. There are a total of 451 residential units including 425 condominium units and 26 rental units.		

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS		architectsAlliance	2425775 ONTARIO INC (Cresford Developments)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OPA 183
Zoning:	CR 3.0	Historical Status:	Designated
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1829.5	Height:	Storeys:	38
Frontage (m):	47.4		Metres:	124.15
Depth (m):	38.4			
Total Ground Floor Area (sq. m):	1712.9			Total
Total Residential GFA (sq. m):	30362		Parking Spaces:	117
Total Non-Residential GFA (sq. m):	2133.2		Loading Docks	2
Total GFA (sq. m):	32495.2			
Lot Coverage Ratio (%):	93.6			
Floor Space Index:	17.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	30362	0
Bachelor:	8	Retail GFA (sq. m):	2133.2	0
1 Bedroom:	183	Office GFA (sq. m):	0	0
2 Bedroom:	212	Industrial GFA (sq. m):	0	0
3 + Bedroom:	48	Institutional/Other GFA (sq. m):	0	0
Total Units:	451			

CONTACT:	PLANNER NAME:	Thomas Rees, Planner
	TELEPHONE:	416-392-1791

Attachment 6: Draft Zoning By-law Amendment to Bylaw 569-2013

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

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

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 480, 482, 484, 486, 490, 492 and 494 Yonge Street and 3 Grosvenor Street.

Whereas Council of the City of Toronto has the authority pursuant to 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 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 increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; 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, the 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

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

The Council of the City of Toronto enacts:

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

By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.0; r3.0) SS1 (x#####), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number ### so that it reads:

Exception CR ###

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 480, 482, 484, 486, 488, 490 and 494 Yonge Street and 3 Grosvenor Street, if the requirements of Section 5 and Schedule A of By-law XXXX-2017 are complied with, then buildings or structures may be constructed in compliance with regulations (B) to (R) below;
- (B) Despite Regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the distance between Canadian Geodetic Datum elevation of 104 metres and the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.10.40.10(1) and 40.10.40.10(5), and subject to item 3 in Schedule A of By-law XXXX-2017, the maximum height of a **building** or **structure** is specified in metres by the numbers following "HT" and specified in **storeys** by the numbers preceding "ST" in the locations shown on Diagram 3 of By-law XXXX-2017;
- (D) Despite the definition of **storey** in Chapter 800, a mezzanine level is part of the ground level **storey** for the purposes of identifying the maximum number of **storeys** as specified on Diagram 3 of By-law XXXX-2017 and for identifying the maximum area of tower floor plates as described in (G) below;
- (E) Despite Regulation 40.10.40.40(1), the **gross floor area** as reduced in accordance with Regulation 40.5.40.40(3), must not exceed the following:
 - (i) the total **gross floor area** must not exceed 34,300 square metres;
 - (ii) the **gross floor area** of residential uses must not exceed 31,700 square metres; and
 - (iii) the **gross floor area** of non-residential uses must not exceed 2,600 square metres;

- (F) Non-residential uses are subject to the following conditions:
- (i) the non-residential **gross floor area** on the ground level storey must be divided into a minimum of 3 non-residential units, one of which must provide direct access to the non-residential space located on the second storey; and
 - (ii) the maximum area of a non-residential unit located on the ground level is 450 square metres;
- (G) The maximum area of the tower floor plate as measured from the exterior of the **main wall** on each storey is as follows:
- (i) storeys 4-5: 1,021 square metres;
 - (ii) storeys 6-18: 1,068 square metres;
 - (iii) storeys 19-34: 855 square metres;
 - (iv) storeys 35-36: 615 square metres;
 - (v) storeys 37-38: 576 square metres; and
 - (vi) mechanical penthouse: 483 square metres;
- (H) The total number of **dwelling units** must not exceed 451, of which:
- (i) at least forty percent (40%) must have two bedrooms or two bedroom plus den; and
 - (ii) at least ten percent (10%) must have three bedrooms;
- (I) Despite Regulations 40.10.40.70.(1)(A), 40.10.40.70.(1)(B) and 600.10.10(1), **building setbacks** from the **lot lines** must be in accordance with the limits of the **building** as shown on Diagram 3 of By-law **XXXXX**-2017, subject to the following:
- (i) Despite Regulations 40.10.40.60(1) and (5), and subject to items 2 and 3 in Schedule A of By-law **XXXXX**-2017, balconies, including any attached architectural framing, may project beyond the heavy lines shown on Diagram 3 of By-law **XXXXX**-2017 to a maximum of 2.48 metres; and
 - (ii) Despite Regulations 40.10.40.60(1) and (5) and despite 4(I)(i) above, and subject to items 2 and 3 in Schedule A of By-law **XXXXX**-2017, balconies, including any attached architectural framing, located on the north side on storeys 35 and 36 may project beyond the heavy lines shown on Diagram 3 of By-law **XXXXX**-2017 to a maximum of 3.6 metres;

- (J) Despite Regulation 150.100.30(2), an **eating establishment** with an **interior floor area** greater than 1,000 square metres is permitted on the **lot**.
- (K) Despite Regulation 40.10.40.50(1), the amount of **amenity space** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor residential **amenity space** per **dwelling unit**; and
 - (ii) a minimum of 1.08 square metres of outdoor **amenity space** per **dwelling unit**.
- (L) Despite Regulation 40.10.100.10(C), a maximum of three **vehicle** accesses are permitted.
- (M) Despite Clauses and Regulations 200.5.10.1, 200.5.10.1(1), 200.15.1.5 and 200.15.10.(1), **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 82 **parking spaces** for residents of the **dwelling units**, of which 2 **parking spaces** may be used for car-share; and
 - (ii) a minimum of 35 **parking spaces** for residents of rental **dwelling units**, visitors to the **dwelling units**, non-residential visitors and non-residential occupants, and may be located in a **public parking** area;
- (N) Despite Articles and Regulations 200.15.1, 200.15.10 and 200.15.10.(1), a minimum of 3 accessible **parking spaces** must be provided and maintained on the **lot**, each with the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.9 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (O) Despite Regulations 220.5.10.1.(2) and 220.5.10.1.(3), **loading spaces** must be provided and maintained on the **lot** to serve both residential uses and non-residential uses in accordance with the following:
- (i) a minimum of one **loading space – Type G**; and
 - (ii) a minimum of one **loading space – Type B**;
- (P) Despite Regulations 230.5.10.1(1), 230.5.1.10(9)(B) and 230.40.1.20(2), **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:

- (i) a minimum of 412 long-term **bicycle parking spaces** for occupants of the **dwelling units**;
 - (ii) a minimum of 46 short-term **bicycle parking spaces** for residential visitors;
 - (iii) a minimum of 5 long-term **bicycle parking spaces** for occupants of the non-residential uses;
 - (iv) a minimum of 10 short-term **bicycle parking spaces** for visitors to the non-residential uses;
 - (v) the required **bicycle parking spaces** for occupants of the **dwelling units** must be located on parking level 1 (P1) or parking level 2 (P2) with a maximum of 125 **bicycle parking spaces** on P2;
 - (vi) the required **bicycle parking spaces** for occupants of the non-residential uses must be located on parking level 1 (P1) or parking level 2 (P2); and
 - (vii) the required **bicycle parking spaces** for both residential visitors and visitors to the non-residential uses must be located on parking level 1 (P1), parking level 2 (P2) or at ground level and if located on parking level 2 (P2), **bicycle parking spaces** must be directly accessible by elevator;
- (Q) Despite Regulation 230.5.1.10.(7)(B), shower and change room facilities are not required.

Prevailing By-laws and Prevailing Sections:

- (R) Section 12(2) 259 of City of Toronto By-Law 438-86.

5. Section 37 Provisions

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

Enacted and passed on month <*>, 2017.

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

- 1. 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/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:**
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Gould Street / Edward Street and Queen's Park / University Avenue, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - b. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the Ward Councillor.
 - c. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the Ward Councillor.
 - d. The owner will provide public art on the **lot** in accordance with the City of Toronto Public Art Program to a minimum value of \$1,000,000. Prior to the issuance of the first above-grade building permit, the owner shall prepare a public art plan detailing the design and construction of any public art installations on the **lot**, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. The public art plan shall be approved by City Council prior to the issuance of the first above-grade building permit or, in the alternative, prior to the first above-grade building permit, the owner will donate the public art contribution of \$1,000,000 towards the City's capital budget for public art programs.
 - e. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$100,000 to be allocated towards the expansion of Toronto Bike Share.

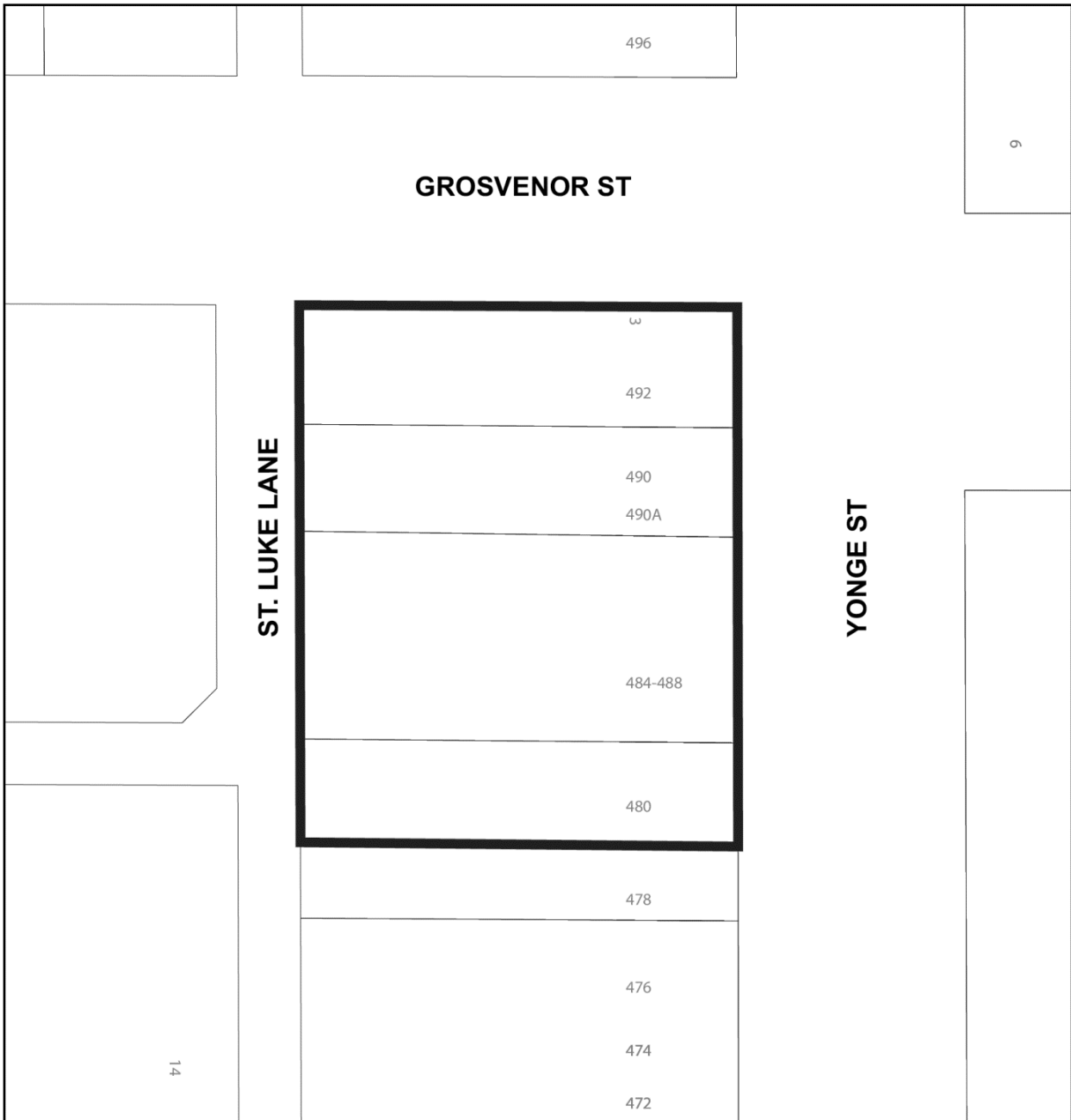
- f. The above-noted cash contributions and public art requirement are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- g. In the event the cash contributions described in items 1(a), (b), (c) and (e) above have not been used for the intended purpose within three (3) years of the date of the issuance of the above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

The following matters are also required to be secured in the Section 37 Agreement to support development:

5. Despite any other provisions of By-law **XXXX**-2017, balcony projections must be limited as follows:
 - a. On storeys 4 and 5, residential dwelling units located within a horizontal distance of 6.12 metres from the planned location of the clock tower, which is 0.9 metres east of its original location, must not have balconies that project beyond the exterior east wall of the 6th storey.
 - b. On storeys 6, 7, 8 and 9, residential dwelling units located behind the clock tower within a horizontal distance of 4 metres from the planned location of the clock tower, which is 0.9 metres east of its original location, must not have any balcony that projects beyond 150mm from the exterior east wall of the building.
6. The Owner agrees that despite any height permissions, height exemptions, encroachments, or projections permitted by By-law 569-2013, By-law 438-86, or By-law **XXXX**-2017, no portion of the building may extend beyond the building envelope defined by the heavy lines on Diagram 3 of By-law **XXXX**-2017 that would cause additional incremental shadow on the park at 11 Wellesley Street West beyond that illustrated in the Shadow Study in Schedule 2 of Attachment 5 of an Ontario Municipal Board decision issued on December 22, 2016 regarding Case No. PL131355.
7. Replacement rental dwelling units shall be provided by the Owner in accordance with the following conditions:
 - a. the Owner shall provide and maintain twenty-six (26) replacement rental dwelling units, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-bedroom and four (4) three-bedroom units on the subject site for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to

the satisfaction of the Chief Planner and Executive Director, City Planning Division;


- b. the Owner shall provide at least eight (8) bachelor and seven (7) one-bedroom replacement rental dwelling units at affordable rents as well as five (5) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten (10) years;
 - c. the Owner shall provide en-suite laundry facilities in all replacement rental dwelling units;
 - d. the Owner shall provide at least three (3) vehicle parking spaces to tenants of the replacement rental dwelling units located in the **public parking** area for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and, should any of the three (3) vehicle parking spaces not be required by any such tenants for any given month of the year, shall make the spaces available to residential visitors free of charge by request of a residential occupant, including tenants of the replacement rental dwelling units, through issuance of a parking validation voucher;
 - e. the Owner shall provide at least fourteen (14) storage lockers to the tenants of the replacement rental dwelling units, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that each have a minimum depth of 1200mm, a minimum width of 900mm, and a minimum height of 750mm;
 - f. the Owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities, bicycle parking and visitor parking on the same terms and conditions as condominium residents and other residents of the building; and
 - g. the Owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
8. Prior to the commencement of any excavation and shoring work, the Owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.

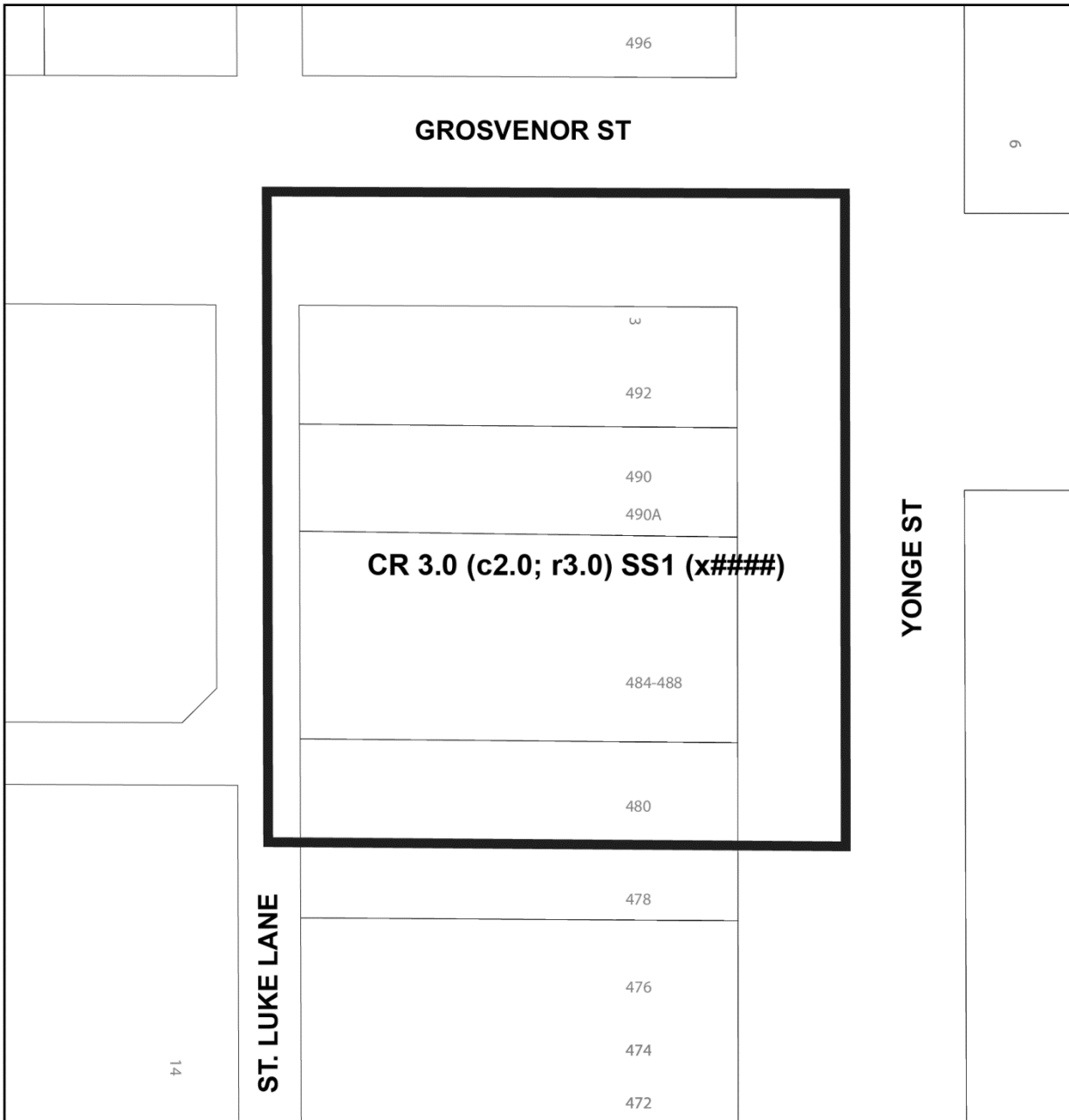


 **TORONTO**
Diagram 1

480-494 Yonge Street

File # 14 267350 STE 27 0Z


City of Toronto By-Law 569-2013
Not to Scale
04/03/2017



 **TORONTO**
Diagram 2

480-494 Yonge Street

File # 14 267350 STE 27 0Z


City of Toronto By-Law 569-2013
Not to Scale
04/03/2017

Attachment 7: Draft Zoning By-law Amendment to Bylaw 438-86

Authority: Toronto and East York Community Council Item _____, as adopted by City of Toronto Council on _____, 2017

**CITY OF TORONTO
BY-LAW No. XXXX-2017**

To amend the general Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 480, 482, 484, 486, 488, 490, 492 and 494 Yonge Street and 3 Grosvenor Street

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

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

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

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

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

Whereas the increase in the height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Schedule A of this By-law, the provisions of

which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and registered on title to the *lot*.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Schedule A of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 4(2)(a), 4(5)(b), 4(8)(b), 4(10)(a), 4(12), 4(13), 4(14)(a) 8(3) Part I 1, 2 & 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2)132, 12(2)259 and 12(2)260 and 12(2)380 of By-law No. 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection or use of a *mixed-use building* which may contain *dwelling units* and non-residential uses including a parking garage and a *commercial parking garage below grade* on the *lot* provided that:
 - a. The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. The combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 36,000 square metres;
 - c. The *residential gross floor area* shall not exceed 31,700 square metres;
 - d. The *non-residential gross floor area* shall not exceed 4,300 square meters and the portion of the *non-residential gross floor area* located at or above grade shall not exceed 2,600 square metres;
 - e. The maximum area of the tower floor plate as measured from the exterior of the main wall on each storey is as follows:
 - i. storeys 4-5: 1,021 square metres
 - ii. storeys 6-18: 1,068 square metres
 - iii. storeys 19-34: 855 square metres
 - iv. storeys 35-36: 615 square metres
 - v. storeys 37-38: 576 square metres

- vi. mechanical penthouse: 483 square metres
- f. No portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
- i. canopies, awnings and building cornices and parapets are permitted outside the heavy line shown on Map 2;
 - ii. balconies, including any attached architectural framing, may project a maximum distance of 2.48 metres beyond the heavy line shown on Map 2, subject to items 2 and 3 in Schedule A;
 - iii. despite 4(f)(ii) above, balconies, including any attached architectural framing, located on the north side of floors 35 and 36 may project a maximum distance of 3.6 metres beyond the heavy line shown on Map 2, subject to items 2 and 3 in Schedule A; and
 - iv. lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and green roof elements, wind mitigation and public art features which may extend beyond the heavy lines shown on Map 2, subject to item 3 in Schedule A;
- g. The *height* of any building or structure, including the mechanical penthouse, or portion thereof above *grade* shall not exceed those *heights* as specified in metres by the numbers following "HT" in the locations shown on Map 2;
- h. The total number of storeys shall not exceed the number of storeys specified by the numbers preceding "ST" in the locations shown on Map 2;
- i. For the purposes of identifying the maximum number of storeys as specified on Map 2 and the maximum tower floor plate as specified in 4e, the mezzanine level is part of the ground level storey;
- j. The preceding section 4(f) of this By-law does not apply to prevent the erection or use above the said *height* limits of the following: minor projections including architectural elements permitted in the preceding section 4(e) and 4(f), and screens, fences, parapets, antennae, cooling towers and pools and structures related to pools;
- k. The total number of *dwelling units* shall not exceed 451, of which:
- i. at least forty percent (40%) shall have two bedrooms or two bedroom plus den; and

- ii. at least ten percent (10%) shall have three bedrooms;
- l. Non-residential uses are subject to the following conditions:
 - i. the only non-residential uses permitted below-grade are *commercial parking garage* and *private commercial garage*;
 - ii. the *non-residential gross floor area* on the ground level storey must be divided into a minimum of 3 non-residential units, one of which must provide direct access to the non-residential space located on the second storey; and
 - iii. the maximum area of a non-residential unit located on the ground floor is 450 square metres;
 - m. A minimum of one *loading space – type G* and one *loading space – type B* shall be provided on the *lot*;
 - n. *Parking spaces* shall be provided and maintained in a below grade parking garage, which may include a *commercial parking garage* and/or *private commercial garage*, within the *lot* in accordance with the following minimum and maximum amounts:
 - i. a minimum of 82 *parking spaces* for residents of the *dwelling units*, of which 2 *parking spaces* may be *car-share parking spaces* used for the practice of *car-share*; and
 - ii. a minimum of 35 *parking spaces* for residents of rental *dwelling units*, visitors to the *dwelling units*, and non-residential uses;
 - o. A minimum of 3 accessible *parking spaces* must be provide, each with the following minimum dimensions:
 - i. length of 5.6 metres;
 - ii. width of 3.9 metres; and
 - iii. vertical clearance of 2.1 metres;
 - p. *Bicycle parking spaces* shall be provided and maintained within the *lot* in accordance with the following minimum and maximum requirements:
 - i. a minimum of 412 *bicycle parking spaces – occupant* for the residential occupants;
 - ii. a minimum of 46 *bicycle parking spaces – visitor* for residential visitors;

- iii. a minimum of 15 *bicycle parking spaces* for the non-residential uses including both non-residential occupants and non-residential visitors;
 - iv. the following minimum dimensions shall apply to “*bicycle parking spaces – occupant*” and “*bicycle parking spaces – visitor*”:
 - 1. vertical clearance: 1.2 metres;
 - 2. length – for horizontal bike space 1.8 metres; and
 - 3. length – for vertical bike space 1.2 metres;
 - v. the required *bicycle parking spaces – occupant* and the required *bicycle parking spaces* for the non-residential uses must be located on parking level 1 (P1) or parking level 2 (P2) with a maximum of 125 *bicycle parking spaces – occupant* located on P2; and
 - vi. the required *bicycle parking spaces – visitor* must be located on parking level 1 (P1), parking level 2 (P2) or at ground level and if located on parking level 2 (P2), *bicycle parking spaces – visitor* must be directly accessible by elevator;
- q. *Residential amenity space* shall be provided and maintained on the lot for the use of all residents in accordance with the following:
- i. A minimum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit*; and
 - ii. A minimum of 1.08 square metres of outdoor *residential amenity space* for each *dwelling unit*.
5. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- a. “*car share*” means the practice where a number of people share the use of one more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- b. "*car-share parking space*" means a parking space that is reserved and actively used for car-sharing;
 - c. "*grade*" means an average grade of 104.00 metres Canadian Geodetic Datum;
 - d. "*height*" means the vertical distance between *grade* and the highest point of the building roof shown on Map 2;
7. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- 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.

Enacted and passed on _____2017.

[name]
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule A
Section 37 Provisions

1. 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/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act as follows, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

- a. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$4,600,000 to be allocated towards local area park, streetscape improvements and/or public art in association with such streetscape improvements, within an area bounded by Wellesley Street, Church Street, Gould Street / Edward Street and Queen's Park / University Avenue, in consultation with the Ward Councillor, in compliance with the Streetscape Manual or to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- b. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the Ward Councillor.
- c. Prior to the issuance of the first above-grade building permit, the owner shall pay an indexed cash contribution to the City in the amount of \$1,000,000 to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the Ward Councillor.
- d. The owner will provide public art on the **lot** in accordance with the City of Toronto Public Art Program to a minimum value of \$1,000,000. Prior to the issuance of the first above-grade building permit, the owner shall prepare a public art plan detailing the design and construction of any public art installations on the **lot**, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor. The public art plan shall be approved by City Council prior to the issuance of the first above-grade building permit or, in the alternative, prior to the first above-grade building permit, the owner will donate the public art contribution of \$1,000,000 towards the City's capital budget for public art programs.
- e. Prior to the issuance of the first above-grade building permit, the owner shall provide an indexed cash contribution to the City in the amount of \$100,000 to be allocated towards the expansion of Toronto Bike Share.
- f. The above-noted cash contributions and public art requirement are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building

Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- g. In the event the cash contributions described in items 1(a), (b), (c) and (e) above have not been used for the intended purpose within three (3) years of the date of the issuance of the above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

The following matters are also required to be secured in the Section 37 Agreement to support development:

- 2. Despite any other provisions of By-law **XXXX**-2017, balcony projections must be limited as follows:
 - a. On storeys 4 and 5, residential dwelling units located within a horizontal distance of 6.12 metres from the planned location of the clock tower, which is 0.9 metres east of its original location, must not have balconies that project beyond the exterior east wall of the 6th storey.
 - b. On storeys 6, 7, 8 and 9, residential dwelling units located behind the clock tower within a horizontal distance of 4 metres from the planned location of the clock tower, which is 0.9 metres east of its original location, must not have any balcony that projects beyond 150mm from the exterior east wall of the building.
- 3. The Owner agrees that despite any height permissions, height exemptions, encroachments, or projections permitted by By-law 569-2013, By-law 438-86, or By-law **XXXX**-2017, no portion of the building may extend beyond the building envelope defined by the heavy lines on Diagram 3 of By-law **XXXX**-2017 that would cause additional incremental shadow on the park at 11 Wellesley Street West beyond that illustrated in the Shadow Study in Schedule 2 of Attachment 5 of an Ontario Municipal Board decision issued on December 22, 2016 regarding Case No. PL131355.
- 4. Replacement rental dwelling units shall be provided by the Owner in accordance with the following conditions:
 - a. the Owner shall provide and maintain twenty-six (26) replacement rental dwelling units, comprised of eight (8) bachelor, twelve (12) one-bedroom, two (2) two-bedroom and four (4) three-bedroom units on the subject site for a period of at least twenty (20) years, as generally shown on the plans submitted to the City Planning Division dated February 7, 2017. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;


- b. the Owner shall provide at least eight (8) bachelor and seven (7) one-bedroom replacement rental dwelling units at affordable rents as well as five (5) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten (10) years;
 - c. the Owner shall provide en-suite laundry facilities in all replacement rental dwelling units;
 - d. the Owner shall provide at least three (3) vehicle parking spaces to tenants of the replacement rental dwelling units located in the **public parking** area for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and, should any of the three (3) vehicle parking spaces not be required by any such tenants for any given month of the year, shall make the spaces available to residential visitors free of charge by request of a residential occupant, including tenants of the replacement rental dwelling units, through issuance of a parking validation voucher;
 - e. the Owner shall provide at least fourteen (14) storage lockers to the tenants of the replacement rental dwelling units, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that each have a minimum depth of 1200mm, a minimum width of 900mm, and a minimum height of 750mm;
 - f. the Owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities, bicycle parking and visitor parking on the same terms and conditions as condominium residents and other residents of the building; and
 - g. the Owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. Prior to the commencement of any excavation and shoring work, the Owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.



 **TORONTO**
Map 1

480-494 Yonge Street

File # 14 267350 STE 27 0Z


 City of Toronto By-Law 438-86
 Not to Scale
 04/03/2017

