

**1 Front Street East, 5-7 The Esplanade Rezoning  
Application – Supplementary Report**

<b>Date:</b>	May 27, 2008
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	07 114857 STE 28 OZ (p:\2008\Cluster B\pln\cc15358544020.doc)

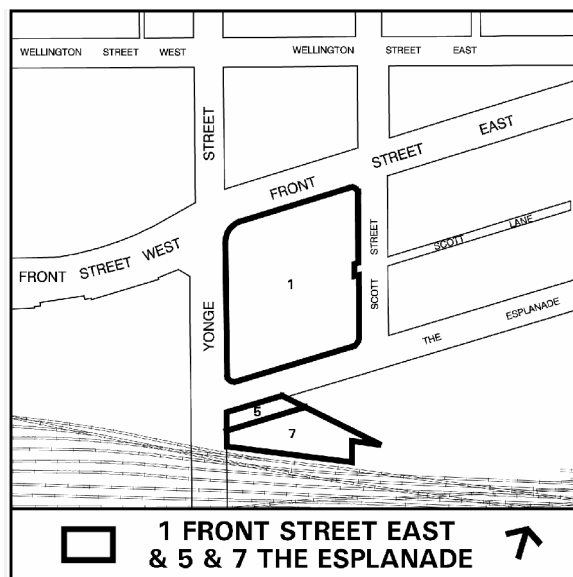
**SUMMARY**

The purpose of this report is to provide comments on correspondence submitted by the applicant to the May 6, 2008 Toronto and East York Community Council meeting regarding the Final Report dated April 18, 2008.

**RECOMMENDATIONS**

**The City Planning Division recommends that City Council:**

1. Adopt the recommendations of the Final Report, dated April 18, 2008, save and except for:
  - a. delete recommendation 2., no longer requiring a revised Functional Servicing Report to address odour control at the Scott Street Pumping Station, prior to the submission of the Bill in Council;
  - b. delete recommendation 4. a. and replace it with “ if required by the City



Solicitor in consultations with the Manager, Heritage Preservation Services, a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 1 Front Street East, subject to the approved alternations, to the satisfaction of the Manager, Heritage Preservation Services, and that the draft by-law be revised if necessary;”;

- c. delete recommendation 4. k. and replace with “provide continuous weather protection with a minimum depth of 2.6 metres and a minimum height of 3 metres along Yonge Street;”;
  - d. delete recommendation 4. s. and replace with “provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning subject to wind and feasibility studies, satisfactory to the Chief Planner and Executive Director;”;
  - e. delete recommendation 6., no longer requiring the applicant to enter into a Site Plan Agreement, prior to the submission of the Bill in Council.
2. Amend the recommendations of the report of Heritage Preservation Services staff, dated March 31, 2008, to comply with the recommendations of this Supplementary Report and the Final Planning Report dated April 18, 2008;
  3. Amend the previously recommended Zoning By-law amendment to require a minimum of 300 bicycle parking spaces for the residential units and that the spaces be provided at 1 Front Street East and/or 5-7 The Esplanade; and
  4. Determine that no further Notice be given.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

Toronto and East York Community Council requested a Supplementary Report addressing comments from the applicant received at its May 6, 2008 meeting.

### **ISSUE BACKGROUND**

The applicant submitted a letter dated May 5, 2008 requesting changes to the recommendations. The applicant has concerns regarding the process and timing as envisioned by the recommendations in the Final Report dated April 18, 2008.

### **COMMENTS**

Staff recommendations contained in the Final Report dated April 15, 2008 require the execution of an Agreement pursuant to Section 37 of the Planning Act, execution of a Site Plan Agreement pursuant to Section 41 of the Planning Act, and approval of a revised Functional Servicing Report that addresses odour control at the Scott Street

pumping station before Council consider enacting the Zoning By-law amendment. Appendix 1 – Section 37 Provisions in the draft zoning requires that prior to the enactment of the Zoning By-law amendment, that the owner enter into a Heritage Easement Agreement and provide a detailed Conservation Plan. Also, prior to the issuance of any building permit, including a permit for demolition, excavation, and /or shoring of the subject property, the owner shall provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the Conservation Plan.

The applicant requests that the Zoning By-law amendment be enacted at the May 26 and 27, 2008 City Council meeting in order to meet the revised timelines outlined in the Umbrella Agreement for the Sony Centre as amended. The applicant requests that the requirements for execution of the Site Plan Agreement, the Heritage Easement Agreement, the Conservation Plan and revised Functional Servicing Report be included in the Section 37 Agreement so that the Zoning By-law amendment can be enacted at the May 26 and 27, 2008 City Council meeting. They also request a notice of site plan conditions. The applicant requests that the Section 37 requirements be modified so that the owner can obtain demolition permits for the accessory mechanical buildings and structures on the site upon enactment of the proposed Zoning By-law amendment, permit subject to the provisions of the Section 37 Agreement which would be allowed to include phasing of construction.

The applicant does not agree to the draft zoning by-law provisions for 400 bicycle parking spaces, the requirement for a green roof, and prohibition of a vehicular lay-by drop off/pick up facility on the north side of The Esplanade east of Yonge Street. Also, the applicant objects to the provision of a publicly accessible underground (PATH) connection. Regarding public art, the applicant position is that it is the Sony Centre improvement itself.

The applicant is of the opinion that the resolution of the lay-by be left to the Site Plan Approval process. The applicant suggests that 200 bicycle parking spaces are sufficient.

The applicant requests that the minimum depth of weather Protection along Yonge Street be 2.5 metres instead of 3 metres.

### **Requirements to be Fulfilled Prior to the Introduction of the Bill**

Staff do not support the applicant's request that the Zoning By-law amendment be enacted at the May 26 and 27, 2008 City Council. Staff can support the applicant's request that the requirements for execution of the Site Plan Agreement and revised Functional Servicing Report be delayed to after the Bill being introduced. The securing of the Heritage Easement Agreement, if required, and the Conservation Plan are still to be secured in the Section 37 Agreement prior to the introduction of the Bill.

Staff do not support the applicant's request that the Section 37 requirements be modified so that the owner can obtain demolition permits for the accessory mechanical buildings and structures on the site upon enactment of the proposed Zoning By-law amendment.

## **Bicycle Parking**

Planning staff now agree with the applicant that the provision of 400 bicycle parking spaces for the residential component would be difficult to achieve at 1 Front Street East. The applicant has indicated that a minimum of 250 and a maximum of 300 bicycle parking spaces are feasible. Staff believe that there is sufficient space at 5-7 The Esplanade to accommodate additional bicycle parking spaces. Staff can support the Zoning By-law amendment requiring a minimum of 300 bicycle parking spaces being provided for residential units at 1 Front Street East and/or 5-7 The Esplanade. Staff will endeavour to increase the amount of bicycle parking at the time of Site Plan Approval application review.

## **Vehicular Lay-by on The Esplanade**

Staff continue to recommend prohibition of the vehicular lay-by on The Esplanade.

## **Weather Protection along Yonge Street**

The depth of the continuous weather protection on Yonge Street is dependant on the widening of the sidewalk. Toronto and East York Community Council recommended that the sidewalk on Yonge Street be widened to a minimum of 6 metres. Weather protection can be a minimum of 0.5 metres from the curb. Without the sidewalk being widened, the applicant advises that the maximum depth of the weather protection could be 2.65 metres. Staff are willing to reduce the requirement from 3 metres to 2.65 metres.

## **PATH**

The applicant has indicated that the below grade PATH connection that is supported by planning staff is not desirable. The applicant requests flexibility in the Zoning By-law amendment to permit an above grade or below grade PATH connection. The applicant proposes to submit more detailed plans for the design of the above grade PATH connection. However, staff do not support an above grade PATH option as Official Plan policy and St. Lawrence Focused Area Urban Design Guidelines discourage this type of PATH connection.

The applicant does not support providing knockout panels at the northwest corner of the site at Front Street East and Yonge Street. The applicant has indicated that the programming of the below grade space does not permit a public PATH connection. Staff are interested in keeping long term options open for the expansion of the PATH system and therefore continue to support the knockout panel requirement.

## **Green Roof**

The applicant is concerned about the feasibility of the green roof and requests that condition 4. s. relating to the requirement for a green roof be subject to wind and feasibility studies. Staff can support this request.

## **Section 37 Community Benefits**

The applicant requests resolution of the financial contribution for Section 37 community benefit items. Staff are continuing discussions with the local Councillor and the applicant and have not reached resolution of the amounts.

### **CONTACT**

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### **SIGNATURE**

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Gary Wright, Chief Planner and Executive Director  
City Planning Division