

**16 York Street – Official Plan & Zoning By-law
Amendment Applications – Final Report**

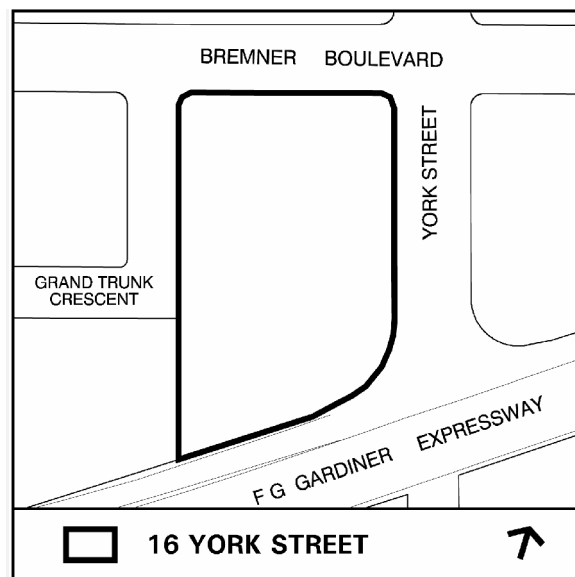
Date:	March 31, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	08 100769 STE 20 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 31-storey office building with a gross floor area of 74,106 square metres, retail area of 1,436 square metres, PATH of 808 square metres, a 65-storey residential condominium building with 687 dwelling units, and a 55-storey residential condominium building with 578 dwelling units. In total, the gross floor area proposed is 162,452 square metres (1,748,676 square feet), on the lands municipally known as 16 York Street.

The proposal adds residential use to lands within the Financial District and maintains the intent of the Official Plan for non-residential gross floor area. This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official

Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.

2. City Council amend Zoning By-law 168-93 (being a By-law to amend Zoning By-law 438-86) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
4. Authorize the City Solicitor to make changes to the Precinct B Precinct Agreement, including the Railway Lands Agreements, service agreements, and easement agreements as required to secure the matters set out in the recommendations.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into Section 16 of the City of Toronto Act agreement to secure the following facilities, services, and matters:
 - (a) provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
 - (b) provide and maintain prior to the condominium registration for Phase 1, between 15 York Street and the site a publicly accessible PATH walkway under York Street, which shall:
 - (1) be fully enclosed and weather protected;
 - (2) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and,
 - (3) be satisfactorily illuminated;
 - (c) provide and maintain prior to the condominium registration for Phase 1 within the site a publicly accessible PATH walkway (Galleria) or temporary PATH walkway to the satisfaction of the Chief Planner and Executive Director, connecting Grand Trunk Crescent and the proposed building at 25 Lower Simcoe Street to York Street, which shall:
 - (1) be fully enclosed and weather protected;
 - (2) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
 - (3) be satisfactorily illuminated;

- (d) provide knock-out panels at west wall abutting 25 Lower Simcoe Street, on east wall abutting York Street at Lake Shore Boulevard West, and on south wall abutting Lake Shore Boulevard West at York Street to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and enter into the Wayfinding Agreement, and to be detailed in an easement agreement;
- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard West;
- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, and Grand Trunk Crescent satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (h) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
 - (1) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;
 - (2) an engineered draining system which prevents soil saturation; and
 - (3) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual;
- (j) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated

enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Bremner Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (m) provide a connection to District Heating and Cooling satisfactory to the Chief Planner and Executive Director, City Planning;
- (n) provide prior to the Bills being introduced at City Council, \$500,000 for the reconstruction of Bremner Boulevard to Union Plaza design detail (York Street to Lake Shore Boulevard West);
- (o) provide prior to the issuance of the first above grade building permit, \$2,800,000 to the City to be allocated as follows:
 - (1) \$1,500,000 for Railway Lands Community Centre/Library/Park
 - (2) \$500,000 for Railway Lands public realm improvements elevated or at grade including approaches to the Railway Lands pedestrian bridge over the railway corridor
 - (3) \$500,000 for Railway Lands streetscaping including the Simcoe Street Pedestrian Promenade Plan
 - (4) \$300,000 for capital improvements to Affordable Housing in Ward 20 and/or to construction of Affordable Housing in Railway Lands
 - (5) require that the cash amounts identified in (1) to (4) be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- (p) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside linear walkway between the south wall and Lake Shore Boulevard West for the full length of the property, which shall:
 - (1) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (2) be satisfactorily illuminated;

- (q) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside courtyard abutting Grand Trunk Crescent, which shall:
 - (1) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (2) be satisfactorily illuminated;
- (r) provide and maintain prior to the condominium registration for Phase 1, a driveway and easement in favour of the owner of 25 Lower Simcoe Street to provide access to the loading area for the development;
- (s) build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on March 31, 2009, to the satisfaction of the Chief Planner and Executive Director;
- (t) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
- (u) that the owner be required to offer residential unit purchasers, who do not purchase a parking space, free membership or initiation fees to the Autosshare program to be provided in the building (or other car sharing program, such as Zipcar, as may be approved by the General Manager of Transportation), details of which are to be provided in the Transportation Demand Management Plan;
- (v) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
- (w) pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director, Technical Services;
- (x) a minimum of 360 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
- (y) a minimum of 80 *bicycle parking space - visitor* shall be provided and maintained on the *lot*;
- (z) *bicycle parking spaces - occupant* are provided and maintained on the ground floor, mezzanine floor, level P1, level P2 and the second floor;

- (aa) all bicycle *parking spaces - visitor* are provided and maintained on the ground level;
- (bb) *bicycle parking spaces - occupant* shall be common element and shall not be combined with storage lockers for residential units;
- (cc) a minimum of 10% of the *dwelling units* erected and used on the *lot* shall be 3-bedroom or larger *dwelling units*;
- (dd) an environmental easement in favour of CN and GO Transit is to be registered on title to all of the lands within 300 metres;
- (ee) satisfy any and all requirements related, but not limited to, vehicular access, parking (including car-share spaces), loading, traffic impacts, etc. as may be necessary to service the development, the details of which will be provided at a later date upon completion of the review of the revised drawings date stamped by City Planning staff as December 16, 2008;
- (ff) comply with the parking requirements, save and except that one car share parking space may be provided in lieu of ten resident parking spaces, such reduction to not exceed thirty resident parking spaces irrespective of the number of car share parking spaces provided, the requirements of which will be determined at a later date as indicated in condition (ee);
- (gg) as an alternative to condition (ff) above, provide acceptable documentation which demonstrates that the proposed parking supply will adequately accommodate the parking demand that will be generated by the project;
- (hh) provide a Letter of Credit in the amount of \$50,000 to cover the costs associated with the following measures, as deemed appropriate by the General Manager, Transportation Services:
 - (1) implementing mitigating measures such as changes to traffic regulations and installation of regulatory signage; and
 - (2) implementing the approved signal timing modifications and signal phasing adjustments identified at the Front Street West/Simcoe Street, Station Street/York Street, Station Street /Simcoe Street, York Street/University Street/Front Street West and York Street/Bremner Boulevard intersections, which are attributable, in part, to this development, if any; and
- (ii) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.

6. Authorize the City Solicitor to finalize and register a restrictive covenant on the lands to ensure that residential development does not occur on the non-residential portion of the site for a period of 50 years from December 31, 2008.
7. Authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1986, the Ontario Municipal Board approved the Part II Plan for the Railway Lands. The property was designated Block 9, Precinct B. In 1990, the City conducted a review of the 1985 Official Plan. Prior to 1991, the Railway Lands Secondary Plan provided for mixed-use development in this area and the Council of the day, after a thorough review of the 1985 Official Plan and Part II Plan, determined that residential development rights should be removed from these lands.

Other changes to the Part II Plan included modifications to provisions for density, height, community services and facilities and the environment. This part of the Railway Lands was envisioned as the extension of the Financial District, the City's and region's premier office centre, with Union Station situated at its heart.

In light of the land use program established for the Railway Lands East by the in-force former City of Toronto Plan, and in view of the need to reserve land for the future growth of the financial core, the new Official Plan reaffirmed that land use vision. A land development program comprising residential uses was not permitted by these plans.

A Precinct B Precinct Agreement was registered in 1992. The Railway Lands East Area A Zoning By-law 168-93 was deemed to have come into force pursuant to the Ontario Municipal Board Order dated October 25, 1994. In 1996 and 2002, City Council authorized amendments to the Precinct B Precinct Agreement.

In planning to accommodate approximately 540,000 jobs in the City over the next 30 years, it was anticipated that certain lands in the City would be reserved for employment uses in the new Official Plan. The extension of the Financial District in the Railway Lands East was a key component of those lands, and was reflected in staff's analysis for accommodating forecast job growth.

In addition to the regulatory background, additional relevant contextual issues include:

- (a) City Council approved the Union Station Master Plan in December 2004. The plan outlines the boundaries of the Union Station urban design study area as Simcoe Street, Wellington Street, Yonge Street and the Gardiner Expressway.

The property is located within this study area and has potential connections to the City's PATH system. The Union Station Master Plan is based on four Big Moves that include an integrated public realm that celebrates the Station's two key frontages, Front Street and Union Plaza, and advocates redefining both. A new south entrance, southern extensions of the PATH system, and the view corridor from the Financial District to the waterfront through Union Plaza were to be investigated as part of ongoing work related to the Master Plan study.

- (b) the Union Station District Plan was approved by City Council in 2006. The plan outlines the boundaries of the Union Station urban design study area as Simcoe Street/railway/Rees Street on the west, Harbour Street on the south, Yonge Street on the east and Wellington Street on the north.

The plan recommends significant landscape and pavement improvements to Union Plaza, Bremner Boulevard and Lake Shore Boulevard West.

- (c) The site abuts the Gardiner Expressway, which is currently being studied by the Toronto Waterfront Revitalization Corporation for ramp modification.

The property abuts the York Street Pedestrian Promenade Plan which was approved by City Council in 2007. The plan requires improvements such as the removal of the right turn channels and improved crosswalks at the north-west and north-east corners of York Street and Lake Shore Boulevard West.

At its meeting of March 3 and 4, 2008, City Council directed that:

- (a) a minimum of 10% of the total units to be 3-bedroom units or larger in order to make the development suitable for families with children;
- (b) a minimum required indoor and outdoor recreational space be suitable to attract families with children;
- (c) a PATH connection be constructed between 15 York Street (Maple Leaf Square) and Lower Simcoe Street via proposed buildings at 16 York Street and 25 Lower Simcoe Street; and
- (d) in consultation with the City Solicitor, to report back in the final report with respect to appropriate phasing of the mixed-use project, including the legal means available to the City to ensure that the office building be constructed.

ISSUE BACKGROUND

Proposal

The development proposal is for a mixed use development consisting of the following:

- a 31-storey, 145-metre high (plus 12.75 metre mechanical) office building with a typical floorplate of 2,676 square metres;
- two residential condominium point towers, 65 and 55 storeys, containing a total of 1,265 units;
- at-grade retail connected to the PATH system; and
- associated below grade parking.

The total gross floor area requested is 162,542 square metres which is 47,335 square metres (41%) greater than the 115,207 square metres of commercial development permitted on the property.

The proposed residential floor area would be 86,100 square metres which is 53% of the total gross floor area. The commercial area is proposed in the office building, PATH below and at-grade, and at-grade retail. The proposed non-residential floor area would be 76,351 square metres which is 47% of the total gross floor area. The non-residential floor area consists of:

- office, 74,106 square metres which is 45.6% of the total gross floor area; and
- retail, 1,437 square metres which is 0.9% of the total gross floor area; and
- PATH, 809 square metres which is 0.5% of the total gross floor area (and a portion of the PATH may be interpreted to be residential gross floor area).

The applicant proposes to construct 66% of the permitted 115,207 square metres of non-residential density on the property.

The one-storey podium would cover 59% of the site. Ground floor heights would vary from 12.5 metres in the office building to six metres in the residential buildings. The applicant intends to provide a green roof on the majority of the podium.

The 31-storey office tower would be located at the north end of the site. The proposed height is 157.7 metres consisting of 144.9 metres of office floors plus a 12.75-metre mechanical.

The 55-storey residential tower would be located at the southwest corner of the site. The proposed height of this tower is 186 metres consisting of 175 metres of residential floors plus a 11-metre mechanical. The 65-storey residential tower would be located at the southeast corner of the site. The proposed height of this tower is 216 metres consisting of 205 metres of residential floors plus a 11-metre mechanical. The ground floor would consist of a lobbies for the residential buildings and office building, a mid-block and east-west indoor galleria, and retail space with both exterior access and access from the indoor retail space. The galleria would have a height of six metres (plus a mezzanine of 4.5 metres) to 12.5 metres. The applicant proposes continuous weather protection around the

property primarily in the form of a canopy varying in height from 12.5 metres on the north side to 10.5 metres on the south side.

The proposed residential unit mix and average unit size would be as follows:

Unit Type	Number	Percent	Average Size (Phase 1 west - Phase 2 east)
Studio	116	9.2%	37.3 m ² , 401 ft ² - 51.2 m ² , 551 ft ²
1-bedroom	739	58.4%	51.1 m ² , 550 ft ² - 57.2 m ² , 616 ft ²
2-bedroom	283	22.4%	71.6 m ² , 770 ft ² - 78.3 m ² , 842 ft ²
3-bedroom	127	10%	113.8 m ² , 1,090 ft ² -101.3 m ² , 1,090 ft ²
Total	1,265	100%	

The applicant proposes 3,223 square metres of indoor residential amenity space and 412 square metres of outdoor residential amenity space whereas the by-law requires 2,530 square metres of both indoor and outdoor residential amenity space.

With respect to the two residential towers, the typical tower dimensions and floor area would be as follows:

Residential Tower	Approximate Dimensions	Gross Floor Area
West Tower, 55 storeys, Phase 1	22-24.6 metres by 26-28.2 metres (irregular)	780
East Tower, 65 storeys, phase 2	19.3-25.82 metres by 27.6-30.1 metres (irregular)	797

The proposed minimum distance separation between the two residential towers on site is 20 metres. The distance separation between the closest proposed residential tower (the east tower) to the proposed office tower is 20 metres. The proposed distance separation from all proposed towers on the property to other existing or proposed towers in Railway Lands East is at least 23 metres.

The applicant proposes a central landscaped urban plaza which would be surrounded by retail space, residential and office lobbies and PATH connections.

The loading area would contain six commercial spaces and one residential space.

The applicant proposes 930 parking spaces consisting of the following:

- 317 spaces for the office building
- 15 spaces for the retail
- 5 spaces for car share

- 593 residential parking spaces.

The access for the parking would be at Grand Trunk Crescent, south of Bremner Boulevard. The parking spaces would be located on four levels below grade. The applicant proposes 320 residential bicycle parking spaces below grade, 80 residential visitor bicycle parking spaces located on the ground floor, 80 spaces for the office and 6 spaces for retail uses. No employee showers are proposed.

The applicant requests that the development be connected into the PATH system via a tunnel under York Street to Maple Leaf Square, 15 York Street (which will be connected to the Air Canada Centre and Union Station). The applicant proposes an at-grade PATH connection to 25 Lower Simcoe Street

The total site density would be 14.3 times the lot area.

The applicant has submitted a Planning Rationale report prepared by Bousfields Inc. and an Economic Impact Analysis prepared by Altus Clayton. Both documents provide information on the applicant's rationale for permitting the conversion of commercial office gross floor area to residential gross floor area, and the overall increase in density.

The applicant requests flexibility in the phasing of the development so that the residential development could be constructed prior to the office building being constructed.

For a summary of the application please refer to Attachment 5: Application Data Sheet.

Site and Surrounding Area

The subject property is located in the Financial District and in the Railway Lands East (Block 9). The subject property is an irregular 11,353 square metre (2.8 acre) property located at the southwest corner of York Street and Bremner Boulevard. The property is occupied by a parking lot. The property accommodates bus parking for the Air Canada Centre. Vehicular access to the property is via a driveway on Grand Trunk Crescent. The property is flat.

Immediately surrounding the site are:

North: Bremner Boulevard, beyond which is Block 7 in the Railway Lands East, 18 York Street, which is zoned CR Block 7 and permits a 137-metre high mixed use development in two high-rise buildings; these sites are subject to an application for site plan approval for a 26-storey, 114-metre high, and 57,846 square metre office building on the east part (file 06 162121 STE 20 SA) and approved Official Plan and Zoning By-law amendments application for a 37-storey, 137-metre high, and 74,135 square metre hotel/residential development (file 100021 (TO ZBL 2000 0017), and beyond is the railway;

South: Lake Shore Boulevard West with the Gardiner Expressway overhead, beyond which is a vacant towing compound (130 Harbour Street) and a parking lot (120 Harbour Street) both of which are owned by the City of Toronto and zoned CR T3.0 C3.0 R0 which permits commercial development;

East: York Street, beyond which is Maple Leaf Square (15 York Street) which is a mixed use development under construction and will include two residential condominium towers, 54 and 50 storeys in height and 872 dwelling units, offices, retail, daycare, a hotel and grocery store (files 05 203571 STE 28 OZ and 05 203570 STE 28 SA); and

West: Grand Trunk Crescent, beyond which are Block 8 in the Railway Lands East, 185 Bremner Boulevard, which is a constructed mixed use development with two residential condominium towers, 35 storeys and 16 storeys and 634 dwelling units, and Block 10 in the Railway Lands East, 25 Lower Simcoe Street which is a proposed mixed use development with two residential condominium towers, 35 storeys and 16 storeys and 709 dwelling units (Application 06 160441 STE 20 SA).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and within the Financial District. The Plan designates the property as Mixed Use Areas. The lands adjacent to the subject site are designated Mixed Use Areas (north, east and west), and Regeneration Areas (south). The Plan contains development criteria that direct the form and quality of development in this area. The criteria direct that comfortable sunlight and wind conditions be achieved through the massing of new buildings, that parking, loading, amenities and other good site planning principles are complied with, and advantage is taken of nearby transit services.

The proposal has been reviewed for conformity with the Tall Buildings policies of the new Official Plan, which outline built form principles that are applied to the location and design of such buildings. They seek to ensure an appropriate relationship between adjacent buildings and to minimize negative impacts, while contributing to and reinforcing the overall City structure.

To assist with the implementation of these policies, the City has completed a study, Design Criteria for Review of Tall Building Proposals. The study provides key urban design criteria that should be considered in the evaluation of tall building applications. Staff have reviewed the proposed development for compliance with the study. The applicant's team has prepared a master plan, as required for larger sites, which has been reviewed.

Compliance with other relevant policies of the new Official Plan including the environment and transportation have been addressed.

The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan/introduction.htm

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: www.toronto.ca/planning/urbdesign/index.htm

The Railway Lands East Secondary Plan designates the property Mixed Use Areas 'B' and limits development to commercial office development. However, the Plan allows for applications to amend the Plan and the zoning by-law to permit the conversion of non-residential gross floor area to residential floor area (Policy 10.6). Such applications are subject to the development strategy outlined in Policy 11.

Zoning

The site is governed by By-law No. 168-93, as amended, and is zoned CR Block 9. The by-law permits only a commercial office building containing a total building density of 10.14 times the lot area and a height of 130 metres. No residential density accrues to these lands.

The Zoning By-law implements the policies in the Official Plan as well as the location and massing of the buildings on the lot.

Site Plan Control

The property is subject to site plan control. An application for Site Plan Approval has not been submitted but will be required.

Reasons for Application

The applicant proposes residential use of the property which is not permitted by the Official Plan and Zoning By-law. The proposed building density of the development is 14.3 times the area of the lot exceeding the By-law permission of 10.1 times the area of the lot, reserved for commercial office development.

In addition, the proposed development includes one office building with a total height of 158 metres, two residential towers 186 metres and 216 metres in height whereas the By-law permits a maximum height of 130 metres plus mechanical.

Community Consultation

Community consultation meetings were held on April 15, 2008 and July 9, 2009. The following concerns were raised:

1. Grand Trunk Crescent already being over capacity with traffic and concerns about congestion at the intersection of Bremner Boulevard and Grand Trunk Crescent.
2. Request to have the office building driveway at Bremner Boulevard.
3. Concern about bus parking for the Air Canada Centre.
4. Desire to have the courtyard free from vehicles.
5. Request for information on the Bremner LRT environmental assessment process and construction schedule.
6. Request to have the green roof publicly accessible.
7. Concern about the three phases resulting in construction over many years.
8. Concern regarding shadow impact on the Roundhouse Park and Convention Centre parkland.
9. Desire to have a construction management plan to minimize impacts during construction.
10. Request to have the PATH route built with Phase 1.
11. Request to have PATH connections to Lower Simcoe Street through 25 Lower Simcoe Street and along York Street to Queens Quay West.
12. Request to have highly articulated buildings with high quality materials.
13. Request to have more wayfinding signage in the railway lands and Harbourfront.
14. Concern about how bird-friendly the design of the buildings would be.
15. Concern about community facilities such as daycare not being adequate.
16. Request that the residential buildings be family-friendly both in terms of unit size and design, and building amenities.

All of these items have been addressed in the comment section of the report.

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

Land Use

The applicant is requesting to add residential uses on lands within the Financial District designated Mixed Use. The Railway Lands East Secondary Plan designates the property

Mixed Use Areas 'B' and limits development to commercial office development. The Plan allows for applications to amend the Plan and the zoning by-law to permit the conversion of non-residential gross floor area to residential floor area (Policy 10.6). Such applications are subject to the development strategy outlined in Policy 11. The strategy includes requirements for a community services and facilities strategy. The strategy is discussed in another section of this report. Staff have reviewed this strategy and advise that municipal and community services are generally in place or are scheduled to be constructed to serve the development when occupied. Other development strategy information that is required includes a block concept plan and a pedestrian circulation plan that shows connections to other precincts. The site has locational attributes that make it appropriate for residential use such as proximity to transit, Roundhouse Park, the Railway Lands Community Park, daycares, schools, community centres and libraries.

The Secondary Plan policies require that employment uses be maintained in the vicinity of Union Station. Staff note that there is no need for any of the commercial density to be converted to residential density in order to meet the growth objectives of the Provincial Policy Statement for downtown Toronto or Official Plan policies. The applicant proposes to convert only a portion of the non-residential density to residential density, and is requesting additional residential density. The applicant proposes to construct 66% of the permitted 115,207 square metres of non-residential density on the property. This percentage is satisfactory to maintain the intent of the Official Plan.

Staff are concerned about the timing of the construction of the office building. While the applicant proposes to build the office building after the two residential towers, staff prefer that the office building be constructed prior to or concurrent with the residential towers. The applicant retained Altus Clayton to prepare the YorkCentre Economic Impact Analysis. This economic impact information provided by the consultant advises that the office tower will likely be constructed after residential construction and a local professional labour supply is established in the neighbourhood. The experience with the Maple Leaf Square mixed use development at 15 York Street substantiates this case. This development requested that residential uses to be added to the non-residential use permissions.

At its meeting of March 3 and 4, 2008, City Council directed that in consultation with the City Solicitor that Planning staff report back in the final report with respect to appropriate phasing of the mixed-use project, including the legal means available to the City to ensure that the office building be constructed.

The applicant proposes a restrictive covenant to ensure that for a period of fifty years from December 31, 2008, neither the owner(s) nor its successors and assigns will construct or use or permit to be constructed or used any part of the lands for any form of residential dwelling units (please refer to Attachment 6, Schedule 1, Restrictions and Covenants for the Benefit of the Dominant Lands). Legal staff advise that in the absence of compelling planning reasons to link the construction of the residential and non-residential portions of the site there is no generally recognized legal mechanism for the municipality to ensure the erection of the non-residential building. This is certainly true

in the absence of conditional zoning powers at this time under the Planning Act. It is noted that the applicant has not agreed to phasing restrictions involving the office building and advises that condominium sales permit the financing and construction start of the 55 storey west residential tower in 2009. Legal staff have reviewed the restrictive covenant and advise that while it may not be free from legal attack over time, it could most effectively be contained as a provision of the agreement under s. 16 of the City of Toronto Act which allows generally for agreements pertaining to the development of land in the Railway Lands

Provincial Policy Statement and Provincial Plans

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

Impact on Community Services and Facilities

A Community Services and Facilities Study was a complete application submission requirement. The study was prepared by Bousfields Inc. The purpose of the study is to assist in the identification of necessary levels of social infrastructure required to support health, safety and well being of local residents. Key facilities evaluated were publicly funded schools, child care facilities, libraries, parks, community centres and places of worship. The study provided information on proposed facilities such as a new branch of the Toronto public library either on Block 32 or 36 in the Railway Lands, and a new public elementary school, Catholic elementary school, community recreation centre, and City of Toronto daycare facility on Block 31 in the Railway Lands. The library is anticipated to be started by the end of 2009. The 3.2 hectare (8 acre) community park in the railway lands is to be completed by the end of 2009. Improvements to Roundhouse Park are currently being constructed.

The study concludes that the site is well served by public parks, recreation facilities, libraries, daycare, social services and emergency services. The study notes existing deficiencies in daycare space and library services in the immediate area, and the high use of the Harbourfront Community Centre.

With the provision of new community services and facilities as provided in Railway Lands Agreements, and planned new library, public school, Catholic school and City of Toronto recreation centre in the railway lands, the study summarizes that community services and facilities will be able to meet the demand for residents from the additional 1,265 units in the proposed development.

The study has been reviewed by Parks, Forestry and Recreation staff. They conclude that:

- the area is not well served by a variety of public parks and recreation facilities;
- the entire study area (except for the Islands) falls within Parkland Acquisition Priority Areas;
- there is only one publicly owned and publicly operated recreation centre (St. Lawrence), and one planned facility (Railway Lands) within the entire area; and

- the proposal is for a significant number of units, and will create a new population that will place pressure on parks and recreation facilities in an already under-serviced area.

They requested that the local Councillor and staff factor into discussions on community benefits area needs for parks and recreation facilities. These comments are addressed in the section of this report on Section 16 community benefits.

An amendment to the Railway Lands East Precinct Agreement was approved by City Council in 2006. The requirement for a further 15,000 square feet of community service space on one of the remaining development sites in Railway Lands East was deleted and replaced it with a series of benefits arising out of the 25 York Street office tower development. These benefits can be summarized as an enlarged Union Plaza, enhanced Union Station South Public Building, northerly view corridor secured through building setbacks and a \$1 million contribution for community services and facilities in the immediate area. Staff are planning on using this funding to construct a community facility at Union Station or other location in Railway Lands East.

Height

The major streets of the City's Financial District including Yonge Street, Bay Street, and York Street have traditionally been and continue to be the City's primary locations for tall, landmark buildings. Many of these buildings also exceed the permitted height limit of generally 137 metres.

The Railway Lands East Zoning By-law permits a building height of 130 metres. The proposed heights of 31 storeys (158 metres) for the office tower, 55 storeys (186 metres) and 65 storeys (216 metres) for the residential tower are generally in keeping with the height of other office and residential condominium proposals in or near the Financial District that have been before City Council such as the Ritz-Carleton at 230 Front Street (188 metres to the top of the residential floors), the Trump Tower at 333 Bay Street (276 metres to the top of the residential floors), 1 King Street West (176 metres to the top of the residential floors), Shangri-la at 180-188 University Avenue (214 metres to the top of the residential floors), 15 York Street (174 metres to the top of the residential floors), and Bay Adelaide Centre at 40 Adelaide Street west (180 metres to the top of the floors).

Near the site within the Financial District are taller towers such as the Royal Bank Plaza, South Tower at 200 Bay Street (175 metres) and BCE Place towers (195 metres and 255 metres). The Committee of Adjustment has approved residential development in the vicinity of the site with a maximum height of 53 storeys (162 metres) at 33 Bay Street. Within the Financial District, the lands to the northeast (25 York Street) are zoned for an office building with a height of 160 metres and the lands to the east of the Air Canada Centre at 45 Bay Street are zoned for an office building with a height of 161 metres. Staff are of the opinion that the height of the towers are in keeping with the heights of the buildings within the Financial District.

The applicant proposes a tower height transition such that the highest tower would be located closest to York Street. The western tower is proposed to be 55 storeys (186 metres) and the eastern tower is proposed to be 65 storeys (212 metres). Staff support the requested height transition on the property.

Site and Massing

The two towers are located on a two-storey podium which covers the majority of the site. The Design Criteria for Review of Tall Building Proposals were used to review the massing of the podium and towers. The applicant proposed podium setbacks consistent with the Railway Lands East zoning. The podium height of 16 metres would be less than the Air Canada Centre which is 45 metres and 15 York Street (abutting York Street which is 9 storeys and 36 metres). The podium height would be comparable to the five storey podium at 185 Bremner Boulevard (the abutting property to the west) which is 19 metres. Staff are satisfied with the resulting podium massing in this area.

With respect to the siting of the towers, the Design Criteria for Review of Tall Building Proposals require a distance separation ratio of 1:1:1 representing the width of the towers and width of the distance separation. Residents in the area south of the site have expressed concerns regarding the distance separation of the residential towers and the loss of view corridors. The applicant generally respects the 1:1:1 guideline as the towers average 23 by 27 metres in and the distance separation of the towers is at least 20 metres. The guidelines also recommend point towers with a maximum gross floor area of 743 square metres or less. Towers with a floorplate greater than this maximum should be highly articulated. The two towers are approximately 780 and 797 square metres in size and are highly articulated. The Railway Lands zoning permits office towers on the subject property, and to the west and north with much higher floorplates. Staff are satisfied with the proposed floorplate sizes as they are in keeping with the massing anticipated for Railway Lands East. A distance separation of 20 metres between towers is common in the Financial District.

The Design Criteria for Review of Tall Building Proposals also recommend a three-metre to five-metre stepback for a tower from a podium. The applicant does not propose stepbacks to meet this requirement for the office tower as there is no podium for the areas where the tower abutting Bremner Boulevard and York Street. To compensate for this the applicant is proposing minimum setbacks of 2.5 metres on Bremner Boulevard and 5.2 metres on York Street. This form of massing for an office building is common in the Financial District. The office building would have a stepback of 13 metres from the podium along Grand Trunk Crescent in order to break up the massing and provide a transition to the buildings at 185 Bremner Boulevard to the west. Staff are satisfied with the massing of the office tower.

With respect to the residential towers, the east tower is setback 9.1 metres from York Street. Within this area there is a podium area with a minimum depth of 2.7 metres. The west tower is setback 11.5 metres from the west property limit. Within this area there is a podium area with a minimum depth of 2.3 metres. The west tower is setback 10.3 metres

from the south property limit. Within this area there is a podium area with a minimum depth of 5.3 metres. The residential towers have a point tower massing, are highly articulated and have an irregular shape therefore staff are satisfied with the proposed massing of the towers.

The base for much of the York Street, Bremner Boulevard, Grand Trunk Crescent, and Lake Shore Boulevard West frontage would animate the streets with glass frontages, and retail, office, and residential related activities visible to the street.

Podium detail will be secured by the Section 16 agreement and by detailed podium drawings consisting of 1:50 plans to be submitted during the continuing site plan review.

Shadow Analysis

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis that demonstrates that as a result of the tall slender point tower buildings, there will be long narrow shadows that will pass quickly. The shadow study indicates that:

- there is already shadowing occurring on lands designated Parks (Roundhouse Park) from the existing developments in the area, but it would be gone by 10:30 a.m. on March 21 and September 21; and
- there would be incremental shadowing created by the proposed development on the lands designated Parks (Roundhouse Park), but it would only affect the northeast corner of Roundhouse Park and would be gone by 10:30 a.m. on March 21 and September 21.

Staff are satisfied with the level of shadowing on other nearby Financial District properties which are zoned for high-rise development. The point towers are positioned to minimize the shadow impact on the Roundhouse Park and Convention Centre open space.

Density

The applicant has asked for a density increase from 10.1 to 14.3 times the area of the lot. The density increase is supportable given the location of the property in the Financial District, and proximity to Union Station, three subway stations, and Lake Shore Boulevard West/Gardiner Expressway. The applicant proposes to construct 66% of the permitted 115,207 square metres of non-residential density on the property.

Wind Analysis

Railway Land East Secondary Plan policies requires that the location and form of building minimize adverse effects of wind on all exterior pedestrian areas. The applicant has commissioned a study of the wind conditions created by this proposal from their consultant. Staff have reviewed the study and are satisfied with the wind mitigation measures proposed.

Peer Review Panel of the Project

During the Development Review Process the applicant conducted a peer review panel session to comment on and improve their proposal. This panel session was voluntary.

The applicant invited:

Bruce Kuwabara, Kuwabara Payne McKenna Blumberg Architects, Toronto
Josh Chaiken, Kohn Pedersen Fox Architects, New York

The panel met on August 18, 2008. City planning staff was in attendance and chaired the proceedings. Staff outlined the discussion points and requested commentary from the participants on topics which included; the skyline image of the project, the design of the publicly accessible park /open space, the design of the podium “canopy” which included green roof design criteria and the York Street façade and street wall.

The project was well received by the peer review participants for its architectural qualities. Most of the discussion revolved around the ground plane and how the towers meet the street. Related to this were design suggestions for the new open space being created and how the buildings interface with this open space. In general the participants suggested breaking up the ground plane with architectural devices in order to increase the permeability of pedestrians through the block and into the proposed new open space. The panel discussed other issues of how the open space may be designed including suggestions for programming, landscape and the early involvement of public art.

In response to the peer review session the applicants have made several changes to their proposal in accordance to the suggestions made.

Number of Dwelling Units and Mix of Units

The number of dwelling units proposed is supportable given the Official Plan policies to encourage living downtown. When the Preliminary Report on this development application was approved by City Council staff was directed to ensure that a minimum of 10% of the total units to be 3-bedroom units or larger in order to make the development suitable for families with children. The applicant proposes that 10% of the dwelling units be three bedrooms. Discussions with developers marketing other residential condominiums in the vicinity of the development have verified the trend for larger units.

The applicant has been encouraged to provide additional larger units suitable for families. The housing mix will be secured in the Zoning By-law Amendment.

Private Amenity Space

The By-law requires two square metres of both indoor and outdoor amenity space for each residential unit contained within the project. For 1,265 units at total of 2,530 square metres should be provided. The applicant is proposing 3,223 square metres of indoor amenity space on the ground floor, mezzanine and second floor. The indoor amenity space is planned to attract families with children.

The outdoor amenity space is provided through 412 square metres of terraces on the second floor. There would also be an at-grade publicly assessable courtyard and south linear walkway. All of these spaces would be suitable for families with children. Staff are satisfied with the amount of private amenity space in light of publicly accessible open space being provided on the site.

Pedestrian Infrastructure

The Financial District has the highest concentration of pedestrians in Canada. The applicant proposes continuous weather protected pedestrian routes with a minimum clear depth of three metres around the site which implements Railway Lands East Secondary Plan policies. Canopies or colonnades are particularly important as they assist in improving experienced microclimate and wind conditions at the pedestrian level. Weather protection is a high priority given the new Official Plan policies to promote walking and to discourage automobile dependence.

The intersection of York Street and Lake Shore Boulevard West recently had the right turn channels on the northwest and north-east corners removed in accordance with the City Council approved Pedestrian Promenade Plan for York Street. Temporary asphalt pavement was installed. The Official Plan has policies to reduce automobile dependence and to improve streetscapes to promote walking. The Railway Lands East Secondary Plan and Railway Lands Agreements require improvements to remove the barrier effect of Lake Shore Boulevard. The Central Waterfront Secondary Plan includes York Street from Lake Ontario to the north side of Lake Shore Boulevard. York Street is designated as a Key Pedestrian Link and policies to improve the pedestrian conditions are included.

At community meetings, residents of Central Bayfront and Harbourfront have emphasized that the primary barrier to the waterfront is the pedestrian crossing of Lake Shore Boulevard and low quality streetscapes on north-south streets. The applicant proposes to improve streetscapes significantly by providing wide sidewalks along York Street and Bremner Boulevard, continuous weather protection, decorative pavement and irrigated street tree trenches. Landscaping and paving will be secured through Site Plan approval.

The Railway Lands Agreements require PATH connections between the subject property and 15 York Street to the east (under York Street) which is a mixed use development under construction. Also a PATH connection is required between the subject property and 18 York Street which is under construction for an office building. Staff have secured a knockout panel at 15 York Street anticipating the new PATH connection. A PATH connection under Bremner Boulevard to 18 York Street is not economically viable due to the proposed portal for a new LRT on Bremner Boulevard and servicing under the street. A connection could be made but at a level significantly below grade.

At its meeting of March 3 and 4, 2008, City Council directed that a PATH connection be constructed between 15 York Street (Maple Leaf Square) and Lower Simcoe Street via proposed buildings at 16 York Street and 25 Lower Simcoe Street. The applicant has provided phasing plans which show a PATH connection under York Street with Phase 1 and connecting into Phase 2. The walkway crosses York Street on a diagonal which is not acceptable to Transportation Services as they require that it be at a 90 degree angle to the street to minimize the crossing distance. A temporary weather protected at-grade connection may be required through the temporary at-grade parking on Phase 2. Both applicants for 16 York Street and 25 Lower Simcoe Street are showing an at-grade PATH route abutting the south wall of the buildings. This proposal is acceptable and meets City Council's direction. Staff require that the PATH route under York Street and through the development to the west limit of Phase 1 be constructed prior to the registration of the Phase 1 condominium.

The applicant proposes a galleria through the development would become part of the PATH system. Six metre wide knockout panels are proposed at the P1 level at Lake Shore Boulevard West and York Street. This would permit the future construction of a PATH route under Lake Shore Boulevard West to connect to Harbourfront. A similar PATH knockout panel was provided at 15 York Street to facilitate further connections under Lake Shore Boulevard West to the south. These knock out panels to the south were requested by residents in the York Quay neighbourhood. They request that the option of a PATH connection be protected. The redevelopment of the provincially-owned lands at 90 Harbour Street may provide the opportunity to extend the PATH system to Queens Quay.

Staff recommend that the quality of the PATH connections be improved by way of skylights, openings to ground floor lobby areas, high quality and durable building materials, and retail lining the route. Openings to lobbies would improve natural surveillance and pedestrian safety.

PATH connections and knockout panels will be secured through the Section 16 community benefits.

Cycling Infrastructure

The site is well served by the Bay Street Clearway, Simcoe Street, Yonge Street, Queens Quay, Shuter Street and Sherbourne Street bicycle lanes. The Council approved Bike Plan designates Richmond Street, Adelaide Street, and Bremner Boulevard for bicycle

lanes. Bike lanes have been proposed for Lower Bay Street and a bike path on the north side of Lake Shore Boulevard.

The applicant proposes to provide more than the number of required 59 commercial bicycle parking spaces as 86 bike spaces are proposed. Commuter showers are not shown on the plans but will be required.

The applicant proposes double the amount of required bicycle parking for residents (360 spaces) and visitors (80 spaces). The bicycle parking for residents would be in secure rooms in the P2 and P1 levels and the bicycle parking for visitors would be on the ground floor.

In light of the proximity to cycling routes and the applicant's commitment to the City's Green Standard and LEED certification, staff are satisfied with the increased amount of bicycle parking.

Transit Infrastructure

The site is well served by three subway stations on the Yonge-University line, the Harbourfront LRT, Bay Street bus route, and King and Queen streetcar lines. The site is within a five minute walk of Union Station and the GO bus station. An LRT is proposed on Bremner Boulevard to serve development in the Railway Lands. Abutting the site, the LRT would be in a tunnel. The proposal does not have an impact on the options for the LRT route.

Traffic Impact, Access, Parking and Loading

The applicant has submitted a traffic study. The applicant proposes access driveways from Grand Trunk Boulevard. The applicant's traffic consultant has concluded that the project will not generate any significant change in traffic activity or have any undue adverse impact on the adjacent road system. Transportation Services staff concur with this conclusion.

With respect to local residents requesting to have the office building driveway at Bremner Boulevard, staff advise that this is not supportable given that access should be at local streets or laneways. An LRT is anticipated on Bremner Boulevard and turning movements at Grand Trunk will likely be restricted to right in and right out.

Residents requested to have the courtyard free from vehicles. The applicant proposes a drop off/pick up driveway on the west edge of the courtyard which will free most of the courtyard area up from vehicles.

Transportation Planning staff have evaluated the proposed driveways at 25 Lower Simcoe Street and 16 York Street which are all on Grand Trunk Crescent. They recommend that the site service driveways can be combined. This will allow the property owners to have more space for landscaping. The sidewalk around the southeast corner of

the Grand Trunk Crescent should be continuous with ramped curb to the driveway entrance location. The owner of 25 Lower Simcoe Street proposes to provide temporary loading dock access via a driveway on their property. After the completion of 16 York Street, the loading dock for 25 Lower Simcoe Street would be accessed via an easement and driveway on the property at 16 York Street. An additional landscaped area would then be provided at 25 Lower Simcoe Street between the building and the driveway. The owner of 16 York Street has agreed to this arrangement.

As this project generates a non-residential parking demand in excess of 75 parking spaces, the owner is required to submit, for the City's approval, a Transportation Demand Management (TDM) Plan which sets out measures to be taken in the design and construction of the project, as well as on-going strategies to reduce automobile use. The traffic consultant has included some measures in support of the use of non-auto modes of travel.

The applicant proposes to provide an auto share facility which would lower the required amount of residential parking. The Executive Director, Technical Services has indicated that the proposed provision of below grade parking spaces is acceptable. A total of 930 spaces are proposed. Reduced parking standards are proposed in the Zoning By-law to address auto sharing, proximity to transit, and information provided by the applicant regarding the purchase of parking spaces for residential units.

The proposed allocation of 76 residential visitor parking spaces in the commercial garage during the non-office hours in the final build-out is supported by staff.

Staff have reviewed the phasing plan with respect to parking. The Phase 1 residential parking supply is satisfactory. The proposed allocation of resident spaces between Phase 1 plus Phase 2 is 598 spaces. Staff estimate that the combined parking demand for Phase 1 plus Phase 2 would be 520 spaces plus 5 car share. Staff recommend that 72 of the 598 residential parking spaces be reserved for residential visitors before the completion of the office building in phase 3. Once the commercial garage has been constructed, the "visitor" spaces would be surplus, and could be made available for sale to residents. Clarification from the owner as to how visitor parking will be accommodated during construction of the office building is required. Staff recommend that 60 spaces for residential visitors during non-office hours be provided when the office building is completed.

Further clarification as to the method of separating the office and residential parking will be provided prior to Site Plan Approval.

The Executive Director, Technical Services has advised that the loading space supply is acceptable. Bus parking for the Air Canada Centre which is currently provided at 16 York Street. Air Canada Centre staff have secured bus parking at 15 York Street in the underground area.

The TTC has advised that the proposal does not have an impact on the Bremner LRT alignment options.

District Heating and Cooling

The applicant has assessed the potential to connect to District Heating and Cooling as required by the Railway Lands agreements. The applicant has agreed to connect to the system. This commitment will be secured in the Section 16 Agreement.

Landscaping

The applicant has submitted a Landscape Plan. The Plan will be reviewed to ensure that it implements the recommendations in the Union Station District Plan. A linear walkway system has been developed on the north side of Lake Shore Boulevard between Yonge Street and Bathurst Street. The applicant has shown a linear walkway and landscaped open space along the south limit of the property. Staff recommend that the walkway be subject to an easement to permit public access 24 hours a day.

Regarding the local community requests for the green roof to be publicly accessible, the applicant advises that the roof would lose its sustainability element if it was accessible to residents or the public.

Staff require that all street trees be in continuous irrigated trenches and have a minimum soil depth of one metre. Landscape details will be addressed at the time of site plan review.

Phasing

The applicant intends to construct the development in three phases as follows:

	Phase 1	Phase 2	Phase 3
Location	West	East	North
Type	Residential	Residential	Office
Height	55 storey, 186 m	65 storey, 216 m	31 storey, 158 m
Apartments	578	687	0
Parking	467, 5 autoshare	131, 598 total	304

Staff recommend a Section 16 clause to ensure the appropriate phasing of the development which includes parking supply below grade and at grade during the construction of each phase.

Servicing

The applicant has satisfied Technical Services that the existing City infrastructure has adequate capacity to support the development proposal. Additional requirements will be secured in the Site Plan Agreement, including a site servicing plan, grading plan, and

stormwater management report for review and acceptance by the Executive Director of Technical 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 lands which are the subject of this application are shown on the map as being in an area with less than 300 people. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007 but is exempt from the parks levy requirement under Chapter 165-2 of the former City of Toronto Municipal Code, which remains in full force and effect.

Toronto Green Standard

The Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development. The Green Standard Checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 31 performance targets related to air, energy, water, solid waste, and ecology. Some of the targets to be met include the following:

- bicycle parking exceeding city standards
- PATH connections
- green roof designed to meet the City's performance criteria with at least 50% coverage of the roof. The rest of the available roof space must be covered with light coloured roofing materials;
- 45% of indoor low-emitting materials;
- 25% improvement over the model National Energy Code for Buildings;
- native trees, shrubs and groundcover planted on at least 30% of the site area (excluding the building footprint); and
- 70% of developer-supplied appliances will be Energy Star compliant.

The applicant has been advised on the Bird-Friendly Development Guidelines and is taking this into account in the design of the buildings.

Section 16 Community Benefits

Priorities identified for community benefits by the community, local councillor and Community Services and Facilities Study include: the railway lands community centre, library and park; public realm/streetscaping improvements; PATH; publicly accessible open space; and affordable housing in Ward 20 such as Blocks 32 and 36 in the railway lands. Staff recommend that benefits be paid at the first above grade building permit, except \$500,000 for Bremner Boulevard streetscaping which is to be paid prior to Bills being introduced at Council. The owner will be required to enter into a City of Toronto Act Section 16 agreement to secure the following facilities, services and matters:

- (a) provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;

- (b) provide and maintain prior to the condominium registration for Phase 1, between 15 York Street and the site a publicly accessible PATH walkway under York Street, which shall:
 - (1) be fully enclosed and weather protected;
 - (2) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and,
 - (3) be satisfactorily illuminated;

- (c) provide and maintain prior to the condominium registration for Phase 1 within the site a publicly accessible PATH walkway (Galleria) or temporary PATH walkway to the satisfaction of the Chief Planner and Executive Director, connecting Grand Trunk Crescent and the proposed building at 25 Lower Simcoe Street to York Street, which shall:
 - (1) be fully enclosed and weather protected;
 - (2) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
 - (3) be satisfactorily illuminated;

- (d) provide knock-out panels at west wall abutting 25 Lower Simcoe Street, on east wall abutting York Street at Lake Shore Boulevard West, and on south wall abutting Lake Shore Boulevard West at York Street to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and enter into the Wayfinding Agreement, and to be detailed in an easement agreement;

- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard West;

- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, and Grand Trunk Crescent satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (h) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways,

satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;

- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
 - (1) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;
 - (2) an engineered draining system which prevents soil saturation; and
 - (3) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual;
- (j) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Bremner Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (m) provide a connection to District Heating and Cooling satisfactory to the Chief Planner and Executive Director, City Planning;
- (n) provide prior to the Bills being introduced at City Council, \$500,000 for the reconstruction of Bremner Boulevard to Union Plaza design detail (York Street to Lake Shore Boulevard West);
- (o) provide prior to the issuance of the first above grade building permit, \$2,800,000 to the City to be allocated as follows:
 - (1) \$1,500,000 for Railway Lands Community Centre/Library/Park
 - (2) \$500,000 for Railway Lands public realm improvements elevated or at grade including approaches to the Railway Lands pedestrian bridge over the railway corridor
 - (3) \$500,000 for Railway Lands streetscaping including the Simcoe Street Pedestrian Promenade Plan
 - (4) \$300,000 for capital improvements to Affordable Housing in Ward 20 and/or to construction of Affordable Housing in Railway Lands
 - (5) require that the cash amounts identified in (1) to (4) be indexed in accordance with the Non-Residential Construction Price Index for the

Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;

- (p) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside linear walkway between the south wall and Lake Shore Boulevard West for the full length of the property, which shall:
 - (1) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (2) be satisfactorily illuminated;
- (q) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside courtyard abutting Grand Trunk Crescent, which shall:
 - (1) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (2) be satisfactorily illuminated;
- (r) provide and maintain prior to the condominium registration for Phase 1, a driveway and easement in favour of the owner of 25 Lower Simcoe Street to provide access to the loading area for the development;
- (s) build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on March 31, 2009, to the satisfaction of the Chief Planner and Executive Director;
- (t) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
- (u) that the owner be required to offer residential unit purchasers, who do not purchase a parking space, free membership or initiation fees to the Autosshare program to be provided in the building (or other car sharing program, such as Zipcar, as may be approved by the General Manager of Transportation), details of which are to be provided in the Transportation Demand Management Plan;
- (v) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
- (w) pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director, Technical Services;

- (x) a minimum of 360 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
- (y) a minimum of 80 *bicycle parking space - visitor* shall be provided and maintained on the *lot*;
- (z) *bicycle parking spaces - occupant* are provided and maintained on the ground floor, mezzanine floor, level P1, level P2 and the second floor;
- (aa) all *bicycle parking spaces - visitor* are provided and maintained on the ground level;
- (bb) *bicycle parking spaces - occupant* shall be common element and shall not be combined with storage lockers for residential units;
- (cc) a minimum of 10% of the *dwelling units* erected and used on the *lot* shall be 3-bedroom or larger *dwelling units*;
- (dd) an environmental easement in favour of CN and GO Transit is to be registered on title to all of the lands within 300 metres;
- (ee) satisfy any and all requirements related, but not limited to, vehicular access, parking (including car-share spaces), loading, traffic impacts, etc. as may be necessary to service the development, the details of which will be provided at a later date upon completion of the review of the revised drawings date stamped by City Planning staff as December 16, 2008;
- (ff) comply with the parking requirements, save and except that one car share parking space may be provided in lieu of ten resident parking spaces, such reduction to not exceed thirty resident parking spaces irrespective of the number of car share parking spaces provided, the requirements of which will be determined at a later date as indicated in condition (ee);
- (gg) as an alternative to condition (ff) above, provide acceptable documentation which demonstrates that the proposed parking supply will adequately accommodate the parking demand that will be generated by the project;
- (hh) provide a Letter of Credit in the amount of \$50,000 to cover the costs associated with the following measures, as deemed appropriate by the General Manager, Transportation Services:
 - (1) implementing mitigating measures such as changes to traffic regulations and installation of regulatory signage; and
 - (2) implementing the approved signal timing modifications and signal phasing adjustments identified at the Front Street West/Simcoe Street, Station

Street/York Street, Station Street /Simcoe Street, York Street/University Street/Front Street West and York Street/Bremner Boulevard intersections, which are attributable, in part, to this development, if any; and

- (ii) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.

Development Charges

It is estimated that the development charges for this project will be \$15,132,459. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Al Rezoski, Acting Manager, Downtown Section

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SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

(p:\2009\Cluster B\pln\Teycc3938328042) - tm

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

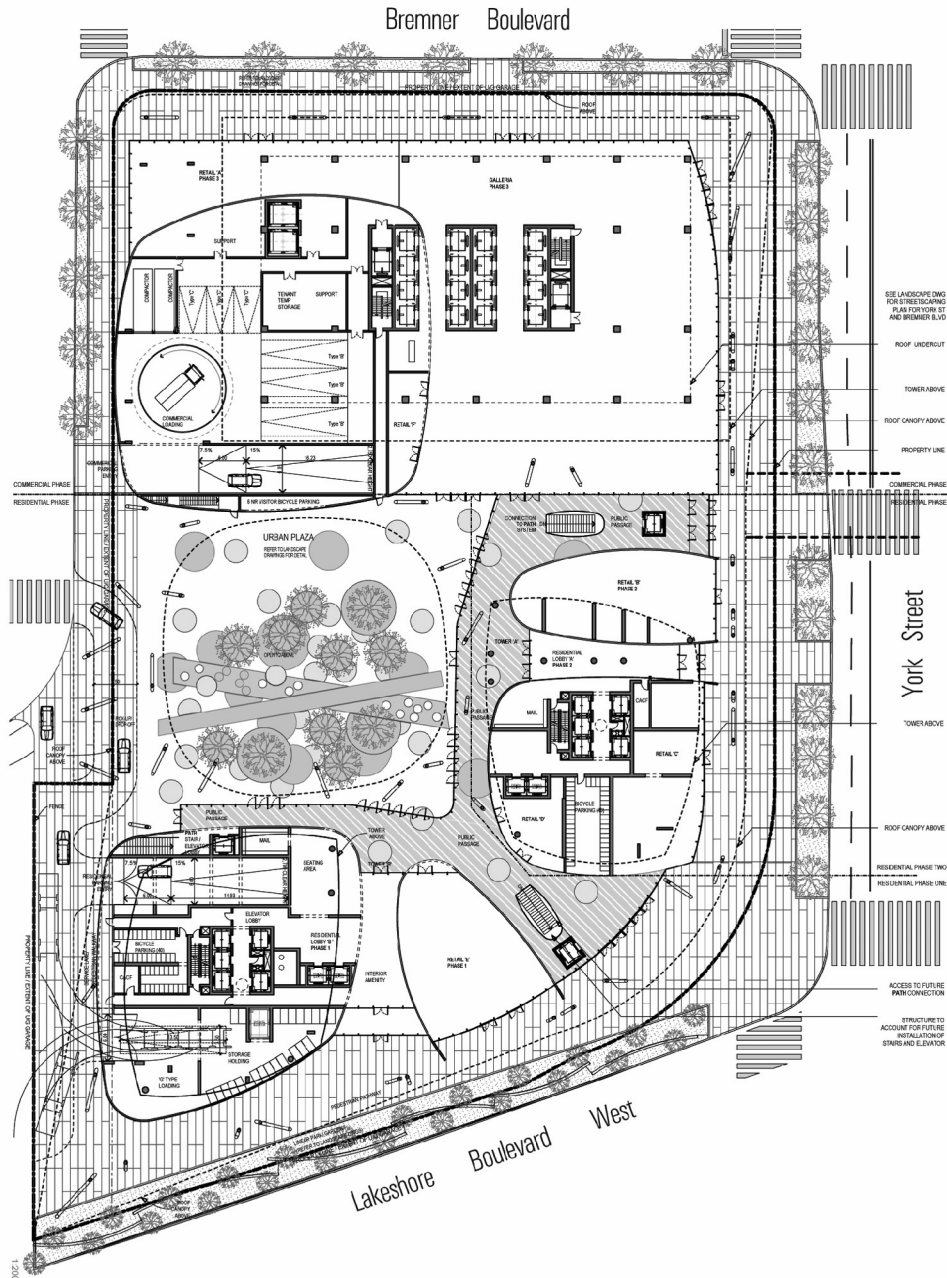
Attachment 5: Application Data Sheet

Attachment 6: Schedule 1 – Restrictions and Covenants for the Benefit of the Dominant Lands

Attachment 7: Draft Official Plan Amendment

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

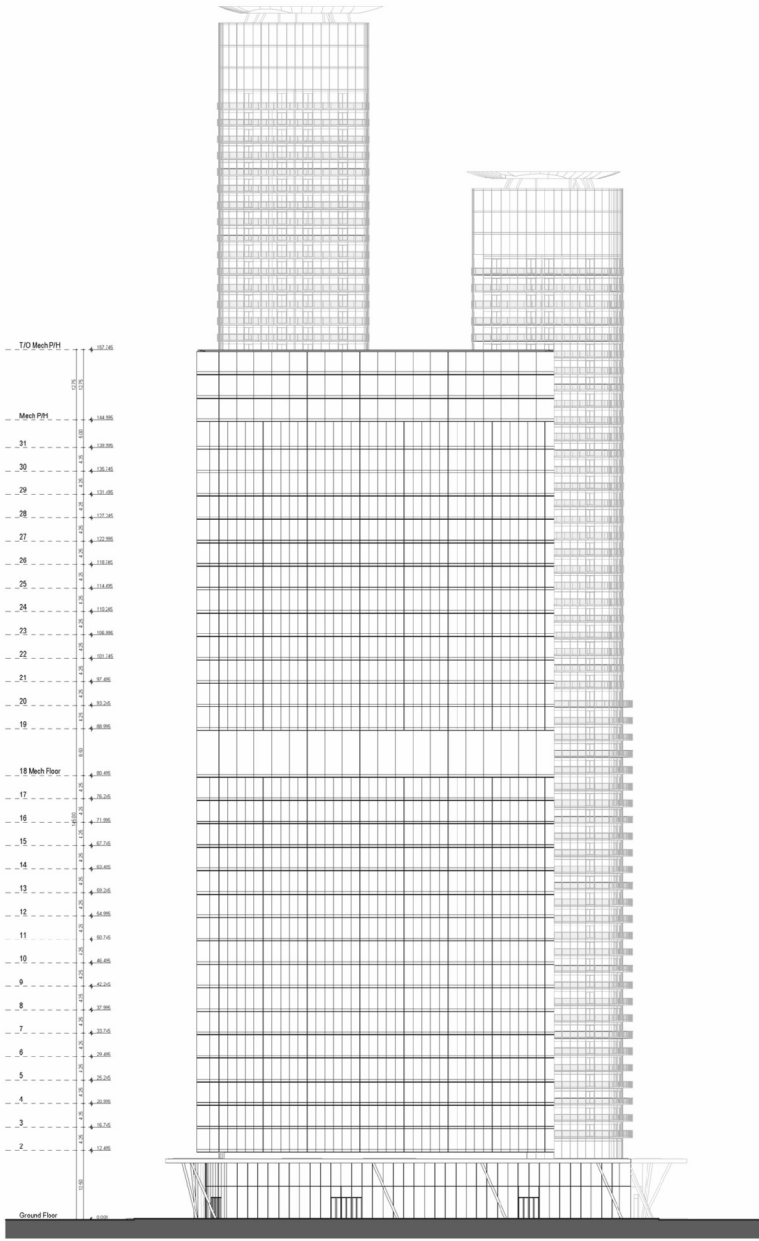
Not to Scale 

04/01/09

16 York Street

File # 08_100769

Attachment 2a: North Elevation



North Elevation

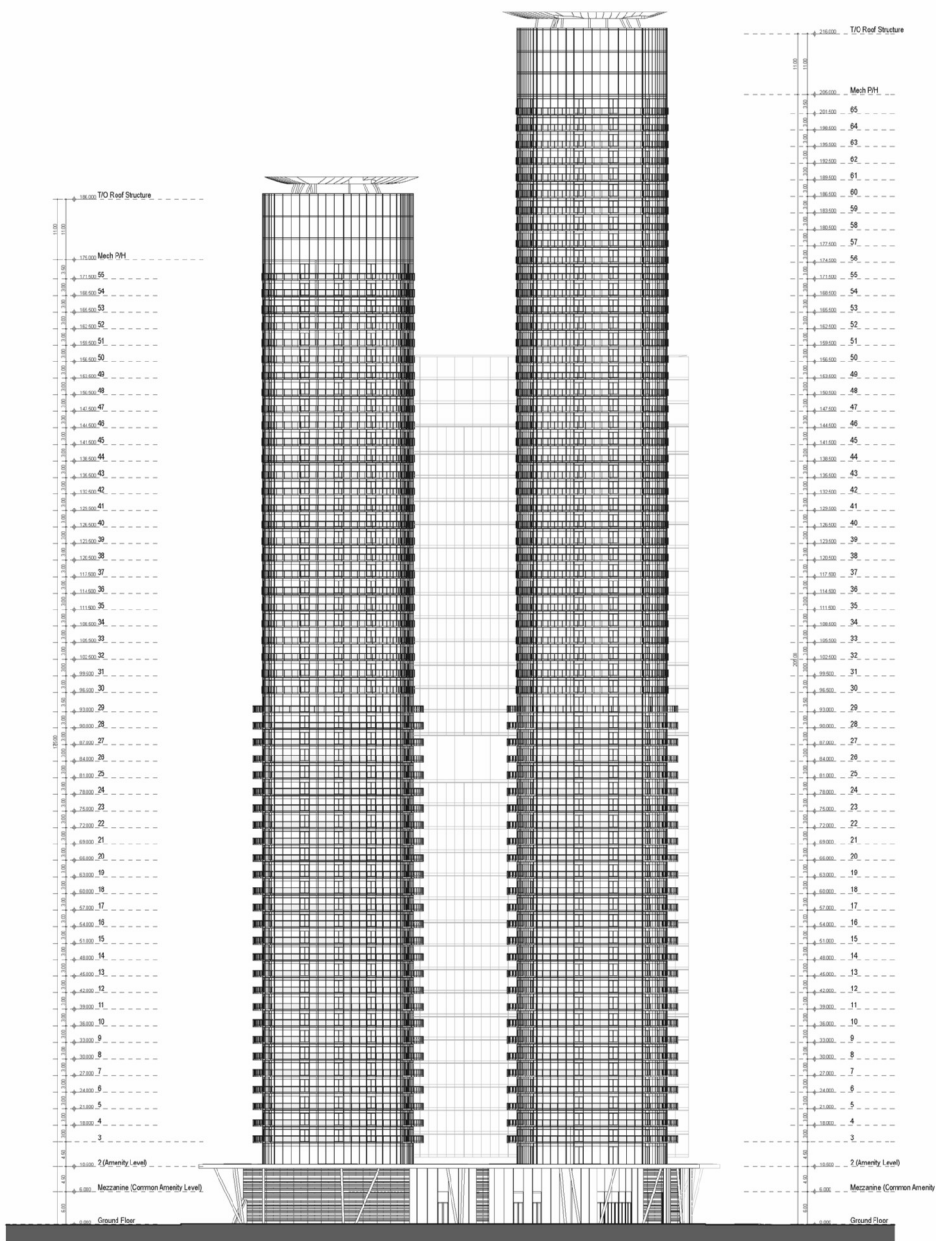
Applicant's Submitted Drawing

Not to Scale
04/01/09

16 York Street

File # 08_100769

Attachment 2b: South Elevation



South Elevation

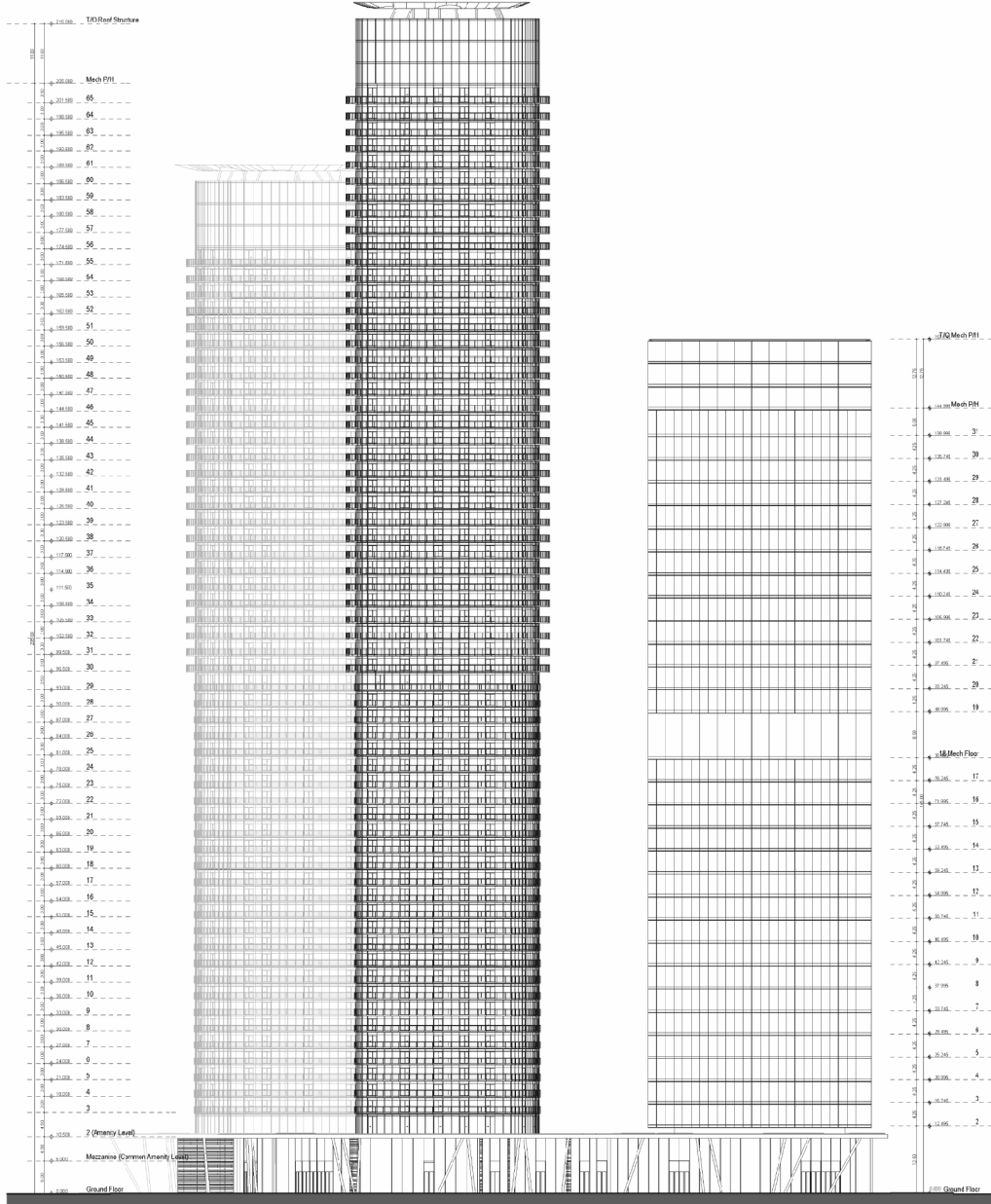
Applicant's Submitted Drawing

Not to Scale
04/01/09

16 York Street

File # 08_100769

Attachment 2c: East Elevation



East Elevation

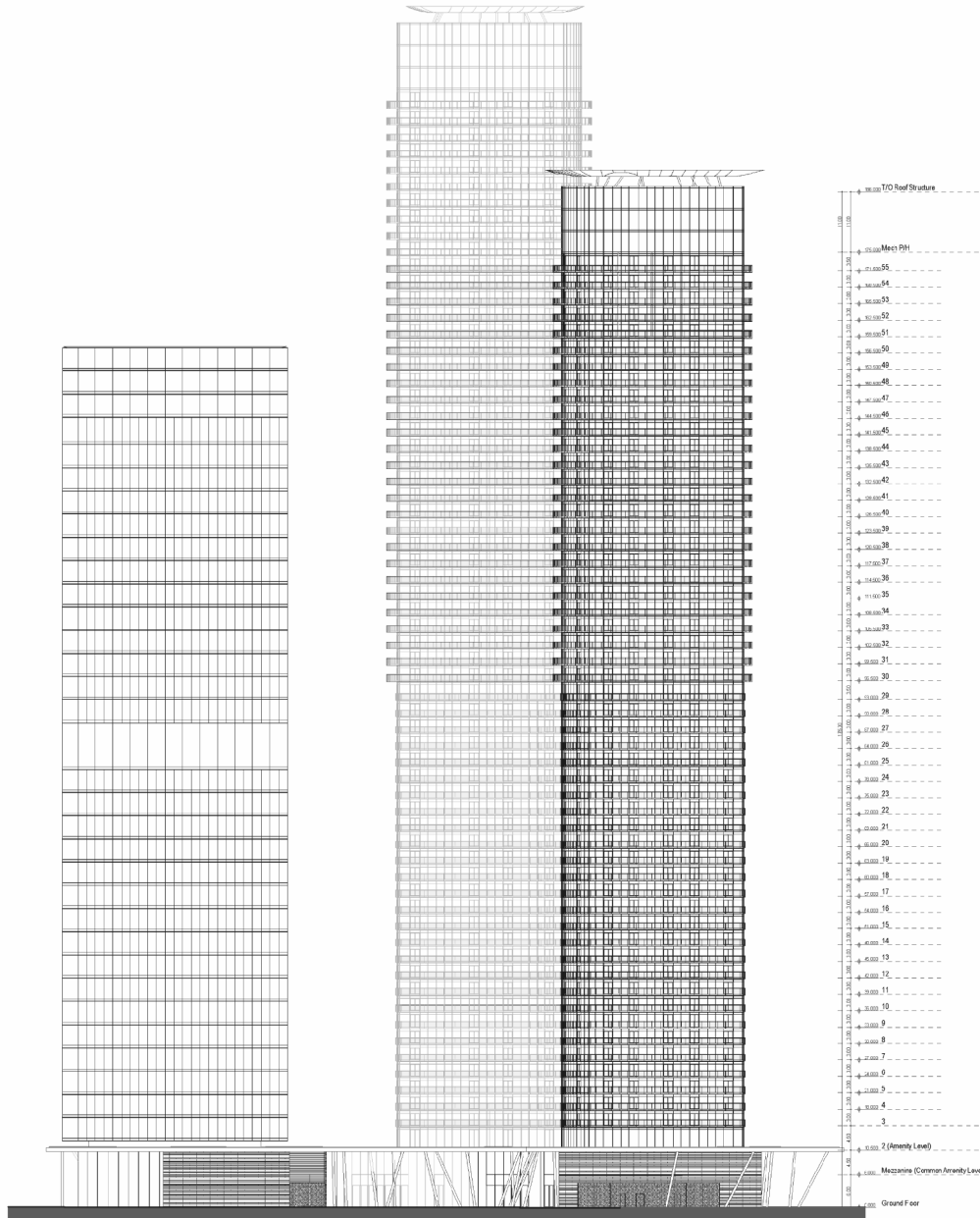
Applicant's Submitted Drawing

Not to Scale
04/01/09

16 York Street

File # 08_100769

Attachment 2d: West Elevation



West Elevation

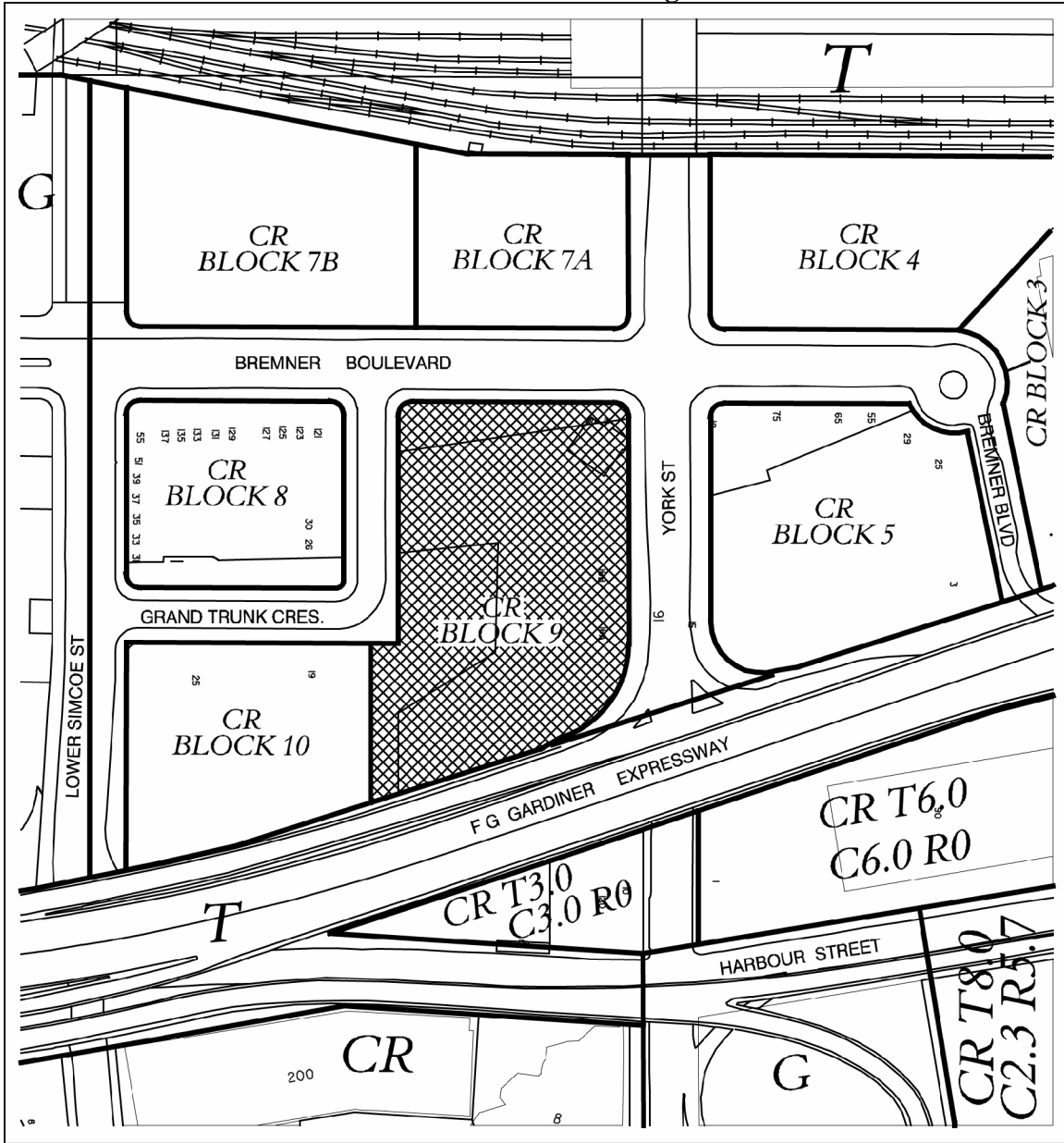
Applicant's Submitted Drawing

Not to Scale
04/01/09

16 York Street

File # 08_100769

Attachment 3: Zoning



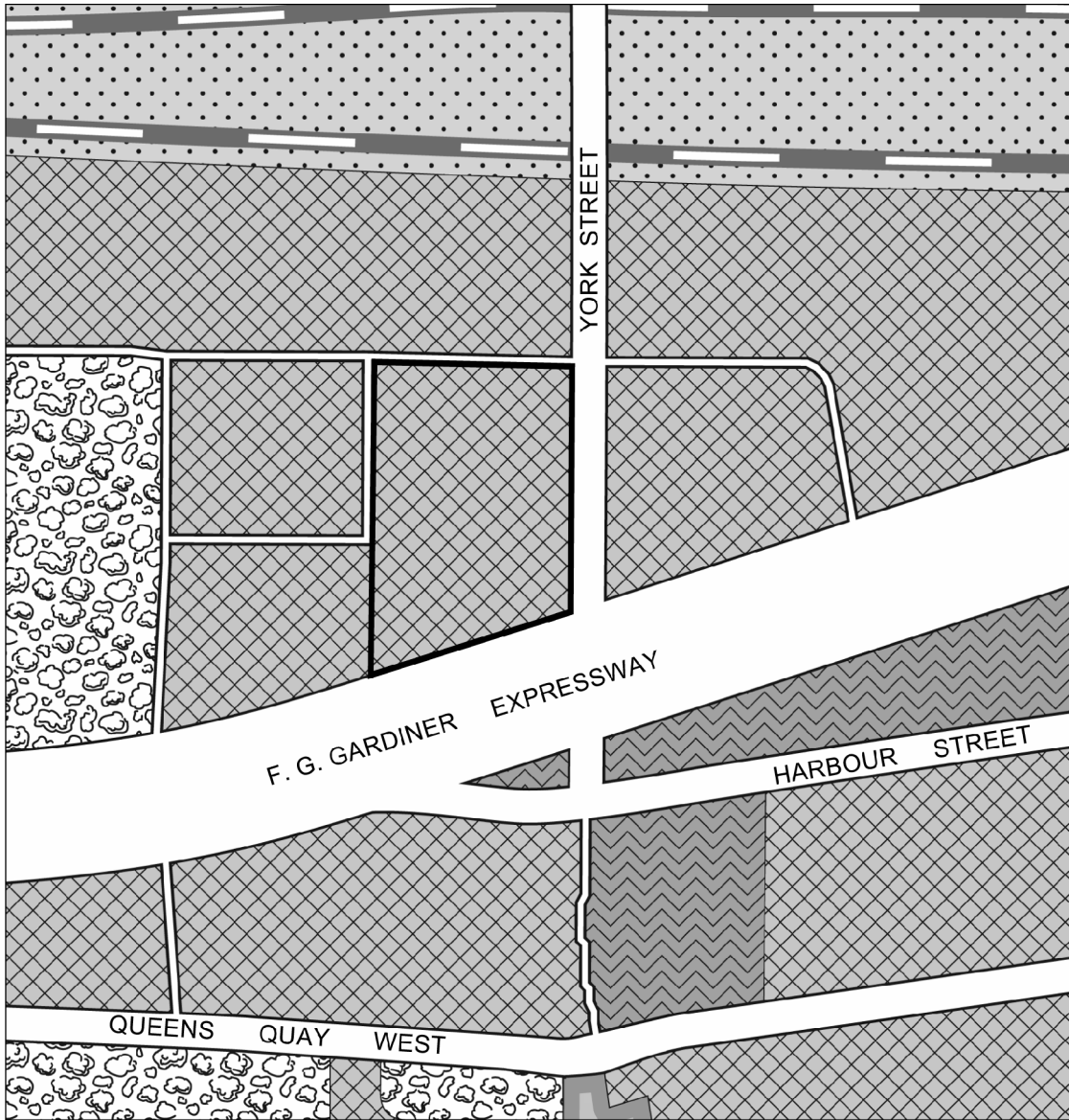
16 York Street
File # 08_100769

- G Parks District
- CR Mixed-Use District
- T Industrial District
- (h) Holding District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 01/09/08 - EM

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

16 York Street

File # 07_100769



↑
 Not to Scale
 01/09/08

Attachment 5: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 08 100769 STE 20 OZ
 Details: OPA & Rezoning, Standard Application Date: January 4, 2008

Municipal Address: 16 York Street
 Location Description: Block bounded by York Street, Bremner Boulevard, Grand Trunk Crescent and Lake Shore Boulevard West/Gardiner Expressway
 Project Description: Proposed 65-storey condominium building with 687 dwelling units, a 55-storey condominium building (578 dwelling units) & a 31-storey office building.

Applicant:	Agent:	Architect:	Owner:
AIRD & BERLIS, LLP Brookfield Place, Suite 1800, Box 754 181 Bay Street Toronto, ON M5J 2T9		ARCHITECTS ALLIANCE 205-317 Adelaide Street West Toronto, ON M5V 1P9	BLOCK 9A DEVELOPMENTS LTD. 20 Queen Street West, Suite 500 Toronto, ON M5B 1V5

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	168-93, 95-0506
Zoning:	CR BLOCK 9	Historical Status:	N
Height Limit (m):	130	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	11353	Height:	Storeys:	65
Frontage (m):	84.51		Metres:	222 with mechanical
Depth (m):	146.3			
Total Ground Floor Area (sq. m):	6698			Total
Total Residential GFA (sq. m):	86100		Parking Spaces:	930
Total Non-Residential GFA (sq. m):	76351		Loading Docks	7
Total GFA (sq. m):	162452			
Lot Coverage Ratio (%):	59			
Floor Space Index:	14.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Studio:	116
1 Bedroom:	739
2 Bedroom:	283
3 + Bedroom:	127
Total Units:	1265

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	86100		0
Retail GFA (sq. m):	1437		0
Office GFA (sq. m):	74106		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	809 (PATH)		0

CONTACT: **PLANNER NAME:** **Al Rezoski, Acting Manager - Downtown Section**
TELEPHONE: **(416) 392-0481** arezosk@toronot.ca

Attachment 6:

SCHEDULE 1

RESTRICTIONS AND COVENANTS FOR THE BENEFIT OF THE DOMINANT LANDS

To the intent that the burden of the within covenants and restrictions shall run with and bind title to the lands more particularly described in Schedule “A” hereto (the “Servient Lands”) and every part thereof and recognizing that these covenants and restrictions are for the benefit of the lands of the City of Toronto (the “City”), more particularly described in Schedule “B” hereto (the “Dominant Lands”), and all portions thereof, Block 9A Developments Limited (“9A Developments”) covenants and agrees on behalf of itself and its successors and assigns, with the City and its successors and assigns, that 9A Developments will observe and comply with the covenants and restrictions hereinafter set out and agrees that nothing will be erected or placed or done in the Servient Lands or any part thereof in breach of or violation of or contrary to the fair meaning of the covenants and restrictions herein set out:

1. For a period of fifty (50) years from December 31, 2008, neither 9A Developments nor its successors and assigns will construct or use or permit to be constructed or used any part of the Servient Lands for any form of residential dwelling units.
2. Neither the Servient Lands nor any part thereof shall be sold or transferred by 9A Developments unless the purchaser or transferee has been entered into an agreement with the City assuming the covenants set forth herein, which agreement shall be duly executed by the purchaser or transferee and delivered to the City prior to the sale or transfer.

Provided always that notwithstanding anything herein contained, the City and its successors and assigns shall have the power by instrument in writing from time to time to waive the whole or any part of the foregoing covenants and restrictions in their application to any particular part of the Servient Lands, without notice to or without consent of the owner of any such part.

The City shall at any time following the occupancy of a non-residential building having a gross floor area of no less than 74,106 square metres of NR-GFA constructed upon the Servient Lands, upon request of 9A Developments or the owner of the Servient Lands from time to time, execute and register a release of this instrument and the covenants and restrictions contained herein without cost to 9A Developments.

SCHEDULE “A”

(Servient Lands)

Insert legal description of that part of Block 9A to be covered by Restrictive Covenant. A Reference Plan will need to be prepared.

PART OF BLOCKS C, D & E, PLAN 536E; PART OF LAKE STREET, PLAN 536E, CLOSED BY BYLAW 10950 REG. AS NO. 4725ES; PART OF PARCEL 14, PLAN 153E; PART OF BLOCK 1, PLAN 657E, DESIGNATED AS PART _____ ON PLAN 66R_____. CITY OF TORONTO.

SCHEDULE “B”

(Dominant Lands)

Bremner Boulevard being legally described as follows:

FIRSTLY: PT LAKE ST PL 536E TORONTO AS AMENDED BY PL 642E CLOSED BY ES4725; PT BLK C PL 536E TOR PT 3, 6 & 7, 64R15015 & PT 10, 64R14473 KNOWN AS BREMNER BLVD FORMERLY ESPLANADE W; SECONDLY: PT BLK C PL 536E TORONTO; PT PCL 14 PL 153E TORONTO; PT BLK 1 PL 657E TORONTO; PT BLK E PL 536E TORONTO PT 2 & 5, 64R15015 & PT 23 TO 26, 64R13323; S/T CA739938, CA739937; S/T CA475184; CITY OF TORONTO

York Street being legally described as follows:

FIRSTLY: YORK ST PL 153E TORONTO; YORK ST PL TOWN OF YORK TORONTO; LT 6, 26 PL 12164 TORONTO; BLK XB PL 536E TORONTO EXCEPT LT 6 PL 12164; PT LT 4 PL 12164 TORONTO PT 27, 64R16698; S/T & T/W CA684829; PT BLK 1 PL 657E TORONTO PT 4, 63R424; PT BLK 1 PL 655E TORONTO PT 2, 63R432; PT THE PUBLIC WALK ALONG THE TOP OF THE BANK ON THE S/S FRONT ST W KNOWN AS WALKS AND GARDENS PL 5A TORONTO PT 3, 63R2406; S/T CT505204; SECONDLY: PT BLK B PL 536E TORONTO; PT LAKE ST PL 536E TORONTO AS AMENDED BY PL 642E CLOSED BY ES15237 PT 1, 2, 13, 16, 43, 49, 51, 52, 53, 210 64R14994; BEING YORK ST BTN FRONT ST W & FREDERICK G. GARDINER EXPRESSWAY; S/T CA739937, CA739935, CA739938, CA739936; S/T CA441771; CITY OF TORONTO

Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Report _____, Clause _____,
adopted by City of Toronto Council on _____, 2009
Enacted by Council: _____, 2009

CITY OF TORONTO

BY-LAW No. _____-2009

To adopt Amendment No. _____ to the Official Plan of the City of Toronto in order to implement a site-specific amendment affecting the lands bounded by York Street, Bremner Boulevard, Grand Trunk Crescent and Lake Shore Boulevard West.

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

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

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

1. The attached Amendment No. 76 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this _____ day of _____, 2009.

AMENDMENT NO. 76 TO THE OFFICIAL PLAN

LANDS BOUNDED BY YORK STREET, BREMNER BOULEVARD, GRAND TRUNK CRESCENT AND LAKE SHORE BOULEVARD WEST

The following Text constitutes Amendment No. 76 to the City of Toronto Official Plan (being an amendment to the provisions of the Railway Lands East Secondary Plan). The section headed “Purpose and Location” is explanatory only, and shall not constitute part of this amendment.

PURPOSE AND LOCATION:

The proposed amendment is to permit residential uses on the lands bounded by York Street, Bremner Boulevard, Grand Trunk Crescent and Lake Shore Boulevard West. This amendment implements City Council direction of April 29 and 30, 2009 regarding these properties.

OFFICIAL PLAN AMENDMENT:

Chapter 6, Section 17, Railway Lands East Secondary Plan of the Official Plan of the City of Toronto is amended as follows:

1. Section 10.3.1 is deleted and replaced with the following:

“10.3.1 On land designated Mixed Use Areas “A”, “C”, “E”, “F”, and “H” zoning by-laws may be passed to permit buildings containing only non-residential uses.”
and

2. a new Section 10.3.9 is added as follows:

“10.3.9 On lands designated Mixed Use Area “B” zoning by-laws may be passed to permit buildings containing non-residential and residential uses.”

Attachment 8: Draft Zoning By-law Amendment

Authority Toronto and East York Community Council Report _____, Clause _____, adopted by City of Toronto Council on _____, 2009 Enacted by Council: _____, 2009

CITY OF TORONTO

BY-LAW NO. _____ - 2009

To amend By-law No. 168-93 of the former City of Toronto, being the Railway Lands East Area A Zoning By-law, as amended, with respect to the lands bounded by York Street, Bremner Boulevard, Grand Trunk Crescent and Lake Shore Boulevard West (16 York Street, Block 9 Railway Lands East).

WHEREAS authority is given to Council by Section 16 of the *City of Toronto Act*, as amended, to pass this By-law;

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

WHEREAS the Toronto and East York Community Council conducted a public meeting on April 21, 2009 under Section 34 of the *Planning Act* regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on _____, 2009, determined to amend Zoning By-law No. 168-93, as amended, of the former City of Toronto;

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

1. Pursuant to Section 16 of the *City of Toronto Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City as the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 17 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 16 of the *City of Toronto Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a

- precondition to the issuance of a building permit, the *owner* may not erect or use such building until the owner has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 168-93, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Railway Lands East Area A,” shall continue to apply to the lands comprising *block 9*.
 4. The Maps appended to By-law No. 168-93 of the former City of Toronto, as amended, are further amended as follows:
 - a. Alternate Map 3, as amended, is further amended, as it applies to *block 9* in accordance with Map 2 attached hereto and forming part of this by-law;
 - b. Alternate Map 4, as amended, is further amended, as it applies to *block 9* in accordance with Map 3 attached hereto and forming part of this by-law;
 - c. Alternate Map 5, as amended, is further amended, as it applies to *block 9* in accordance with Map 4 attached hereto and forming part of this by-law;
 - d. Alternate Map 6, as amended, is further amended, as it applies to *block 9* in accordance with Map 5 attached hereto and forming part of this by-law;
 - e. Alternate Map 10, as amended, is further amended, as it applies to *block 9* in accordance with Map 6 attached hereto and forming part of this by-law;
 - f. Alternate Map 11, as amended, is further amended, as it applies to *block 9* in accordance with Map 7 attached hereto and forming part of this by-law;
 - g. Alternate Height Map 50G-323, as amended, is further amended, as it applies to *block 9* in accordance with Map 8 attached hereto and forming part of this by-law;
 - h. Alternate Map 20 and Alternate Map 21 attached hereto and forming part of this by-law are added as maps 9 and 10;
 5. Section 2(1) – DEFINITIONS, of the said By-law No. 168-93, as amended, is further amended by adding the following definitions:

“*parcel one*”, “*parcel two*” and “*parcel three*” shall mean those lands on *block 9* respectively designated and shown as PARCEL ONE, PARCEL TWO and PARCEL THREE on Alternate Map 21 and “parcel” shall mean any one of *parcel one*, *parcel two* or *parcel three*;

6. Section 6(4) – EXCEPTIONS TO PERMITTED USES AND RESTRICTIONS ON USE, of the said By-law No. 168-93, as amended, is further amended by replacing the word “and” between the numbers “17” and “18” in Section 6(4)8.(1)(a) with a comma, and adding a comma and the words “20 and 21” after the number “18” in said Section.
7. Section 6(4)8.(2) PART I – DENSITY 1. MAXIMUM FLOOR AREA: MIXED USE, NON-RESIDENTIAL AND RESIDENTIAL BUILDINGS, of the said By-law No. 168-93, as amended, is further amended with respect to *block 9* as follows:

COLUMN A BLOCK	COLUMN B MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
<i>block 9, parcel one</i>	275	38,957	39,232
<i>block 9, parcel two</i>	755	47,144	47,899
<i>block 9, parcel three</i>	74,513	0	74,513

8. Regulation (b) of Section 6(4)8.(2) PART I DENSITY 3. EXCEPTION: BLOCKS 2A, 4, 5, 7A AND 9 – STREET RELATED RETAIL AND SERVICE USES of the said By-law No. 168-93, as amended, is further amended by replacing the period at the end of paragraph (b) with a semicolon and adding the following after the semicolon:

“and except on *block 9*, in which case, paragraph (a) shall not apply provided *street-related retail and service uses* occupy at least 40 per cent of the length of the building face as shown by the heavy line marked on Alternate Map 10.”

9. Section 6(4)8.(3) PART II HEIGHT LIMITS – BUILDINGS AND STRUCTURES – EXCEPTION, of the said By-law No. 168-93, as amended, is further amended by adding a new section as follows:

“6. None of the provisions of Section 4(3)(a) shall apply to prevent within *block 9* the erection or use of:

- i. any stair tower, elevator shaft, dynamic damper, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of a building or any fence wall or structure enclosing such elements provided that the maximum *height* of the top of such elements or enclosure is no higher than the sum of 5 metres plus the *height* limit otherwise applicable;
- (ii) any structure, located on the roof of such building, used for outside or open air recreation, safety or wind protection purposes, provided that:
 - A. the maximum *height* of the top of such structure is no higher than the sum of 5 metres plus the *height* limit otherwise applicable;
 - B. such structure may be located adjacent to an outside wall or any vertical projection of such wall; and
 - C. such structure does not enclose space so as to constitute any form of penthouse or other rooms or rooms; and
- (iii) any architectural design element located on the roof of such building provided that:
 - A. the maximum *height* of the top of such structure is no higher than the sum of 10 metres plus the *height* limit otherwise applicable; and
 - B. such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.”

10. Section 6(4)8.(4) PART III – SETBACKS, 2. REQUIRED SETBACKS, of the said By-law No. 168-93, as amended, is deleted and replaced with the following:

“2. REQUIRED SETBACKS

No person shall erect or use a building or structure or a part thereof, except within a building envelope line defined by the distances:

- (a) shown on Alternate Map 3 for the portion of the building or structure between *grade* and *elevation* 96 metres with the exception of:
 - (i) *block 3*, the required setback for which shall only apply at *grade*;

- (ii) *block 5*, the required setback for which shall apply between *grade* and *elevation* 113.5 metres; and
 - (iii) *block 9*, the required setback for which shall apply between *grade* and *elevation* 93.5 metres, except that between *elevation* 84 metres and *elevation* 93.5 metres no setbacks shall be required;
 - (b) shown on Alternate Map 4, Alternate Map 18 and Alternate Map 20 for the portion of the building or structure between *elevation* 96 metres and the *height* limit specified on Alternate Height Map 50G-323, or on Alternate Map 12 with the exception of:
 - (i) *block 5*, the required setbacks for which shall apply between *elevation* 113.5 metres and the *height* limits specified on Alternate Map 18; and
 - (ii) *block 9*, the required setbacks for which shall apply between *elevation* 93.5 metres and the *height* limits specified on Alternate Map 20.”
11. Regulation (i) of Section 6(4)8.(4) PART III – SETBACKS 3. EXCEPTIONS: BUILD TO LINES, BLOCKS 2A, 2B, 3, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended to delete the reference to *block 9*.
12. Section 6(4)8.(4) PART III – SETBACKS 3. EXCEPTIONS: BUILD TO LINES, BLOCKS 2A, 2B, 3, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended by replacing regulation (iii) with the following regulations (iii) and (iv):
- “(iii) notwithstanding regulation (ii), in the case of *block 9*, there is an area of the exterior face of such building or structure from *grade* to *elevation* 86.5 metres built within 1.2 metres of either side of the line identified as the Build To Line on Alternate Map 6 which area is equal to at least 60 percent of the area determined by the length of such Build To Line and the vertical distance between *grade* and *elevation* 86.5 metres, provided that:
 - A. in the case of *block 9*, the Build To Lines shown on Alternate Map 6 shall not apply to that portion of a building on *block 9* subject to a Build To Zone as identified by the hatched area on Alternate Map 5;
 - (iv) in the case of *block 5* and *block 9*, there is an area of the exterior face of the main floor of such building or structure built within the Build To Zone as identified by the hatched area on Alternate Map 5, which area is equal to at least 90 percent of the area determined by the length of such Build To Zone and the vertical distance

between *grade* and the height of the main floor of the building within the Build To Zone.”

13. Section 6(4)8.(4) PART III – SETBACKS, 4. EXCEPTIONS: SETBACK LINES, BLOCKS 2A, 2B, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended by deleting the period and adding a semicolon at the end of regulation (b)(ii) and adding a new Regulation (c) as follows:
 - “(c) notwithstanding regulations (a) and (b), in the case of *block 9* no setback shall be required between *elevation 86.5 metres* and *elevation 93.5 metres* and a decorative architectural design element located on the roof of a building may project up to 6.0 metres beyond the minimum building setback line identified on Alternate Map 4 provided that such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.”

14. Regulation (c) of Section 6(4)8.(4) PART III – SETBACKS, 8. EXCEPTION: PERMITTED PROJECTIONS INTO REQUIRED SETBACK AREA is deleted and replaced with the following:
 - “(c) in addition to the exceptions permitted in regulation (b) above, in the case of *block 5* and *block 9*, vents, street furniture, *bicycle parking spaces*, structures for weather protection and landscape elements, including trellises and planters, are also permitted within a required Setback Area from *grade* to a *height* of 4.0 metres.”

15. Section 6(4)8.(4) PART III – SETBACKS 9. COLONNADE AND CANOPY REQUIREMENTS of the said By-law No. 168-93 is amended by replacing the period at the end of regulation D. with “; and”, and adding the following:
 - “E. and notwithstanding the foregoing, in the case of *block 9* the following standards shall apply:
 - (i) a canopy or colonnade shall have a minimum vertical clearance of 3.0 metres and a maximum vertical clearance of 17.5 metres to the underside of the canopy or colonnade;
 - (ii) a canopy or colonnade shall cover an area with a minimum horizontal clear depth of 3.0 metres;
 - (iii) up to a maximum of 15 percent of the length of a canopy or colonnade on any one building or structure may exceed the maximum vertical clearance required by regulation E.(i) above; and

(iv) the provisions of Section 6(3) PART II 8.(a)(iv) shall not apply to *block 9*.”

16. Section 6(4)8.(5) PART IV – EXCEPTIONS of the said By-law No. 168-93, is amended to add the following sections:

“8. BLOCK 9

(a) A minimum of 10% of the *dwelling units* on *block 9* shall contain at least three bedrooms.

(b) In the case of *block 9*:

(i) the provisions of Section 6(3) PART III(2) shall not apply;

(ii) no person shall erect a *residential building* or a *mixed-use building* on *block 9* unless *residential amenity space* is provided in accordance with the following table. For the purpose of this regulation, *residential amenity space* shall mean a common area or areas on *block 9* which are provided for the exclusive use of residents for recreational or social purposes.

Type of <i>Residential Amenity Space Required</i>	Minimum Amount of <i>Residential Amenity Space Required</i>
indoor <i>residential amenity space</i> in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;	not less than 2.5 square metres of <i>residential amenity space</i> for each dwelling unit
<i>residential amenity space</i> located outdoors	not less than 0.32 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> , of which at least 40 square metres is to be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i>

(c) Notwithstanding Section 6(4)7(2), any commercial space located on the main floor of a building on *parcel three* shall have a combined width of not less than 40% of the building frontage on Bremner Boulevard and any commercial space located on the main floor of a building on *parcel two* shall have a combined width of not less than 60% of the building frontage on York Street.

- (d) Notwithstanding Section 2(1) “*non-residential gross floor area*” in the case of *block 9*, no portion of any building or structure erected and used on *block 9* for pedestrian access between *streets*, parks, public spaces, *common outdoor space* or TTC facilities, or between any such spaces and a similar walkway in another building or structure shall be deemed to include any *non-residential gross floor area*, provided such areas are no narrower than 4.5 metres inclusive of columns.
- (e) Notwithstanding Section 4(5)(b), (f) and (h), in the case of *block 9*, *parking spaces* shall be provided in accordance with the following minimum standards:
- (i) a minimum of 411 *parking spaces*, including 5 *autoshare parking spaces*, shall be provided on *parcel one* for the exclusive use of residents of the *dwelling units* on *parcel one* and *parcel two*;
 - (ii) a minimum of 127 *parking spaces* shall be provided on *parcel two* for the exclusive use of residents of the *dwelling units* on *parcel one* and *parcel two*;
 - (iii) upon occupancy of a *mixed use building* on *parcel one*, and prior to the issuance of a building permit for a *mixed-use building* on *parcel two* or a *non-residential building*, other than a *sales presentation centre*, on *parcel three*, a minimum of 125 *parking spaces* shall be provided in a surface parking lot on *block 9* for the exclusive use of visitors to the *dwelling units* in *parcel one*;
 - (iv) following occupancy of a *mixed-use building* on *parcel one*, and following the issuance of a building permit for a *mixed-use building* on *parcel two*, but prior to occupancy of a *mixed-use building* on *parcel two* or the issuance of a building permit for a *non-residential building*, other than a *sales presentation centre*, on *parcel three*, a minimum of 70 *parking spaces* shall be provided in a surface parking lot on *parcel three* for the exclusive use of the *sales presentation centre* and visitors to the *dwelling units* in *parcel one*;
 - (v) upon occupancy of the *mixed-use buildings* on *phase one* and *phase two*, a minimum of 130 *parking spaces* shall be provided in a surface parking lot on *parcel three* for the exclusive use of visitors to the *dwelling units* on *parcel one* and *parcel two*;
 - (vi) during construction of a *non-residential building* on *parcel three*, no visitor parking shall be required for the *dwelling units* on *parcel one* and *parcel two*, except that upon occupancy of a *mixed-use building* on *parcel one*, a minimum of 60 *parking spaces*, in addition to the *parking spaces* required by sub-paragraph (i) above,

shall be provided below *grade* on *parcel one* for the exclusive use of visitors to the *mixed use buildings* on *parcel one* and *parcel two*, and upon the provision of the 332 *parking spaces* on *parcel three* referred to in sub-paragraph (vii) below, the 60 *parking spaces* required by this sub-paragraph may be provided for the use of residents of or visitors to the *mixed use buildings* on *parcel one* or *parcel two* or the *non-residential building* on *parcel three*; and

- (vii) a minimum of 332 *parking spaces* shall be provided in a *non-residential building*, excluding a *sales presentation centre*, constructed on *parcel three* for the use of the *non-residential building* and visitors to the *dwelling units* in the buildings on *parcel one* and *parcel two*.
- (f) Notwithstanding Section 4(6)(b), in the case of *block 9* one *loading space – type G* shall be provided on *parcel one* to serve the *mixed-use buildings* on *parcel one* and *parcel two* and three *loading spaces – type B* and three *loading spaces – type C* shall be provided on *parcel three* to serve a *non-residential building* other than a *sales presentation centre* on *parcel three*;
- (g) In addition to the permitted uses identified in Section 6(1), a *sales presentation centre* shall be permitted on *block 9*, and none of the other provisions of this By-law save and except as to parking shall apply to such use;
- (h) Notwithstanding Section 2(1) “*grade*”, “*lot*”, “*parking space*” and “*street-related retail and service uses*”, for the purposes of *block 9*
 - (i) “*auto-share*” shall mean the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit auto-sharing organization and where such organization may require that use of automobiles to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the auto-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (ii) “*auto-share parking space*” shall mean a *parking space* that is reserved and actively used for *auto-share* purposes;
 - (iii) “*grade*” shall mean 77.75 metres Canadian Geodetic Datum;
 - (iv) “*lot*” shall mean the lands comprised of *parcel one*, *parcel two* and *parcel three*;
 - (v) “*parking space*” shall mean an unobstructed area at least 5.6 metres in length and at least 2.6 metres in width and that is readily

accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 6.0 metres;

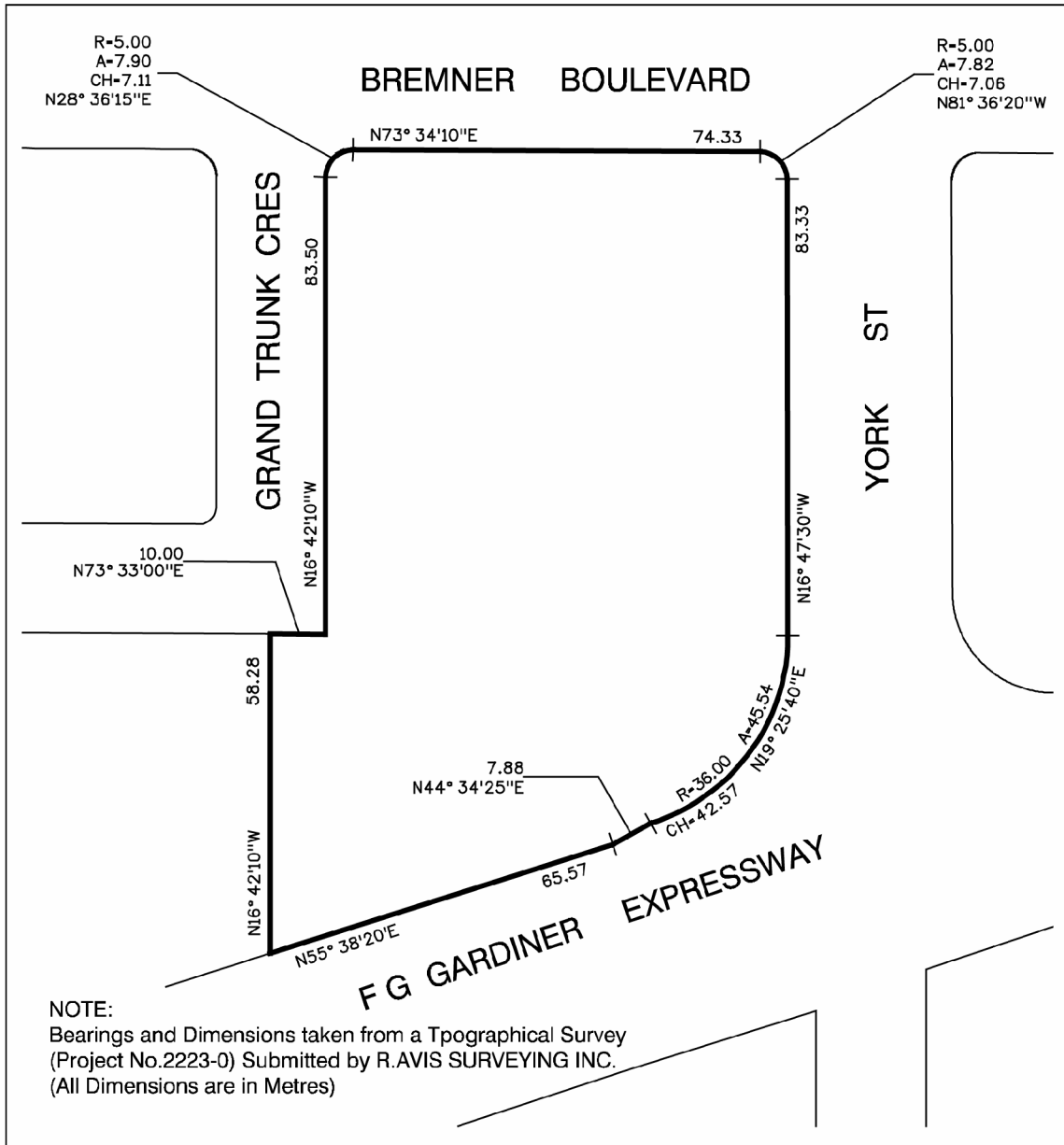
(vi) “*sales presentation centre*” shall mean an office provided for the marketing, leasing or selling of *dwelling units* or non-residential floor space located or to be located on the *lot*; and

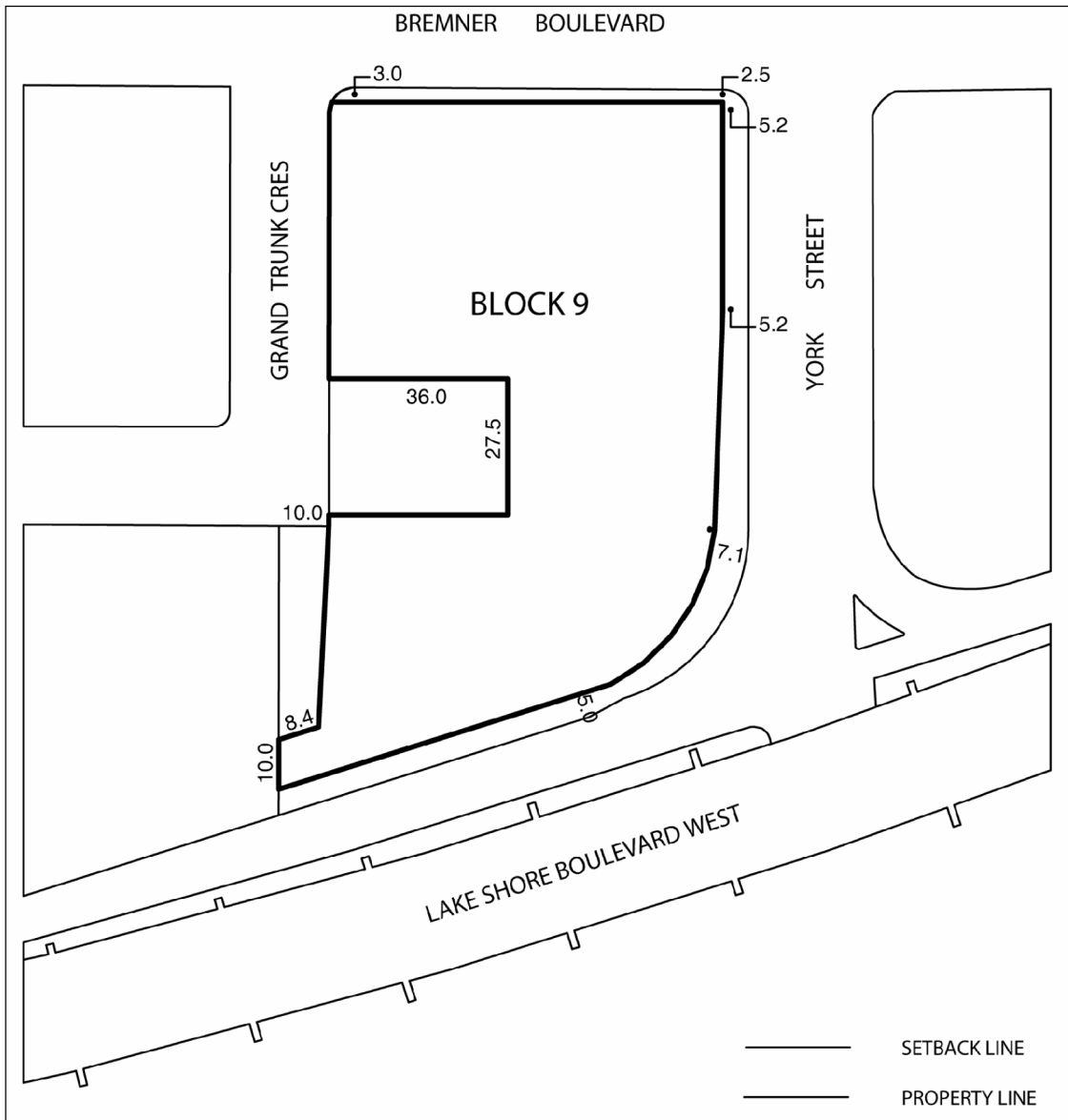
(vii) “*street-related retail and service uses*” shall be as defined in Section 2(1) except that in subsection 2(1)(a) the maximum distance referred to shall be increased from 5 metres to 8 metres.

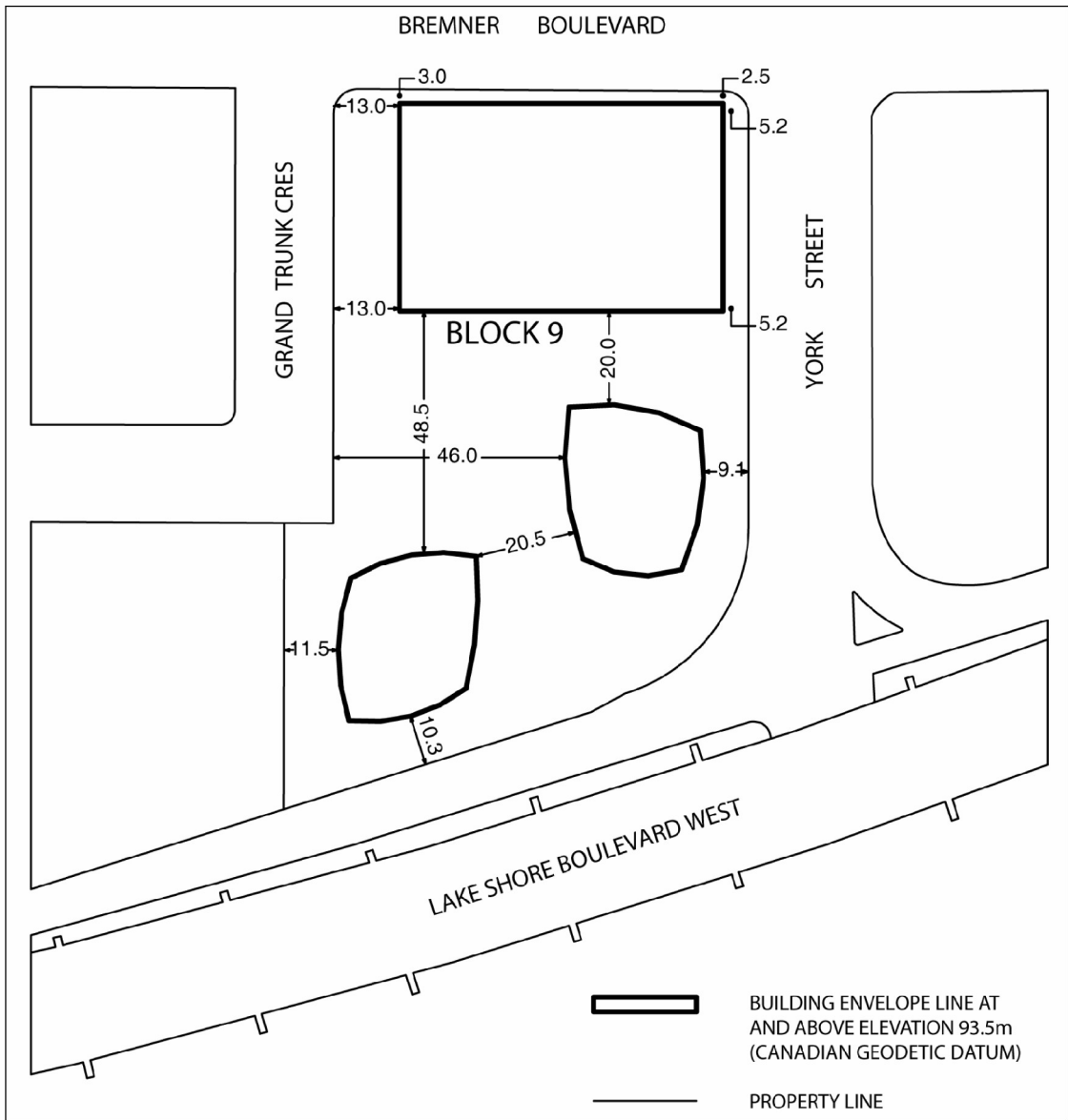
(i) None of the provisions of this by-law, including Section 6(4)8.(6) PART V – PHASING – BUILD TO ZONES 1.(b), shall apply to prevent development on *block 9* proceeding in separate phases on *parcel one*, *parcel two* and *parcel three* respectively. The build to line, build to zone, colonnade and canopy and *street-related retail and service use* requirements of this By-law shall not be applied to a building on a *parcel* for which an above-grade building permit has not been issued.

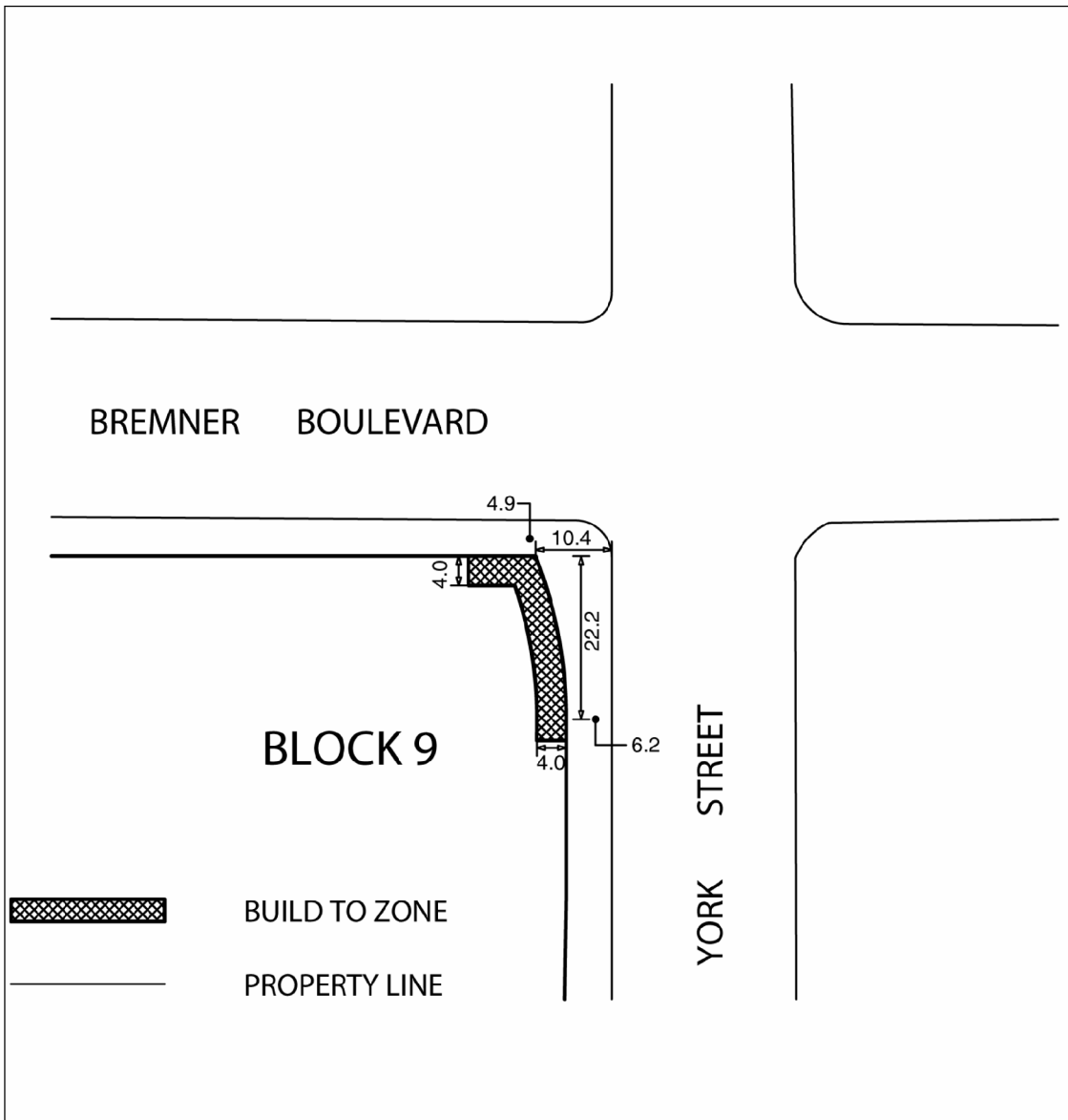
17. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 16 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

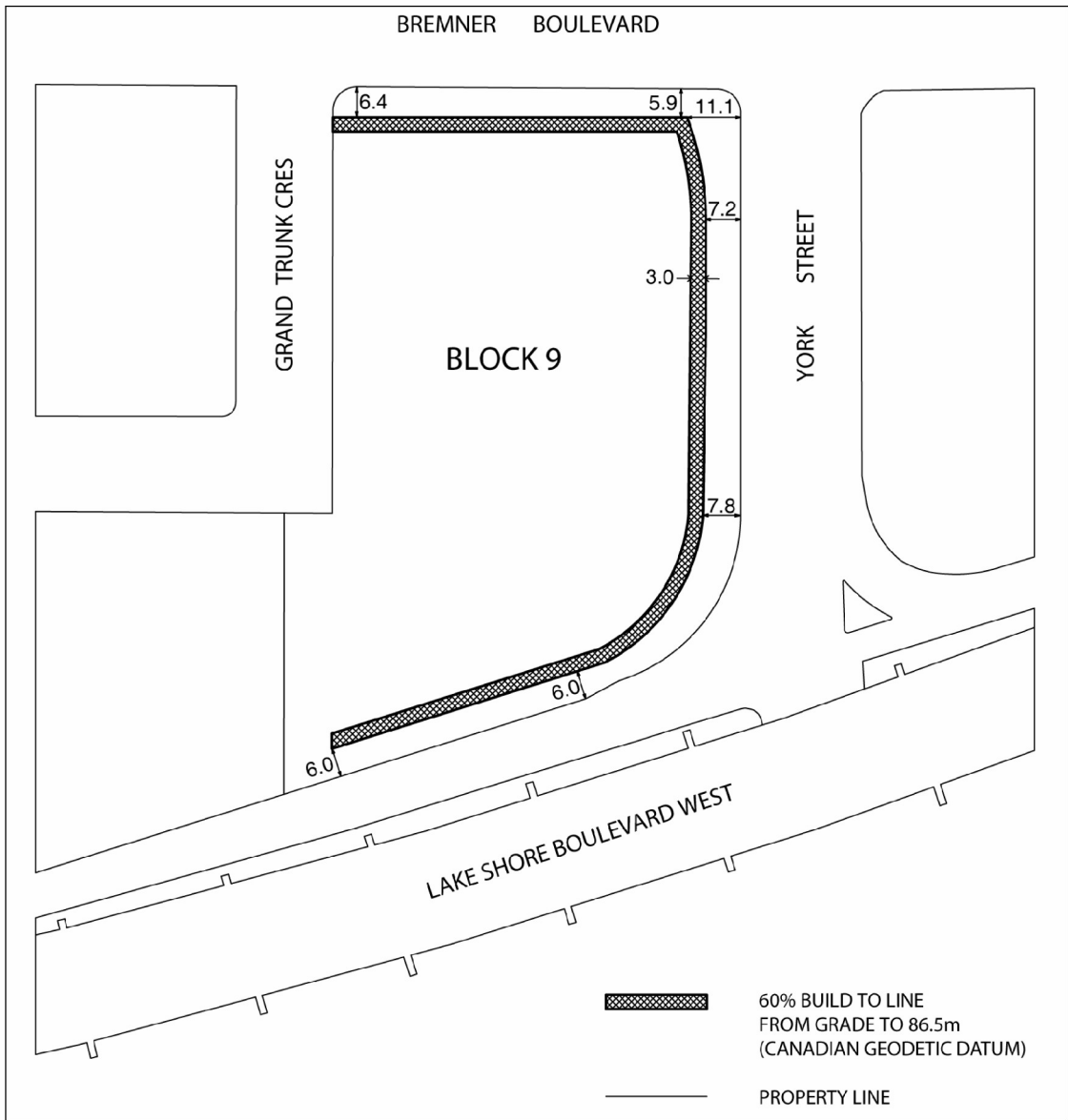
ENACTED AND PASSED THIS _____ day of _____, 2009.

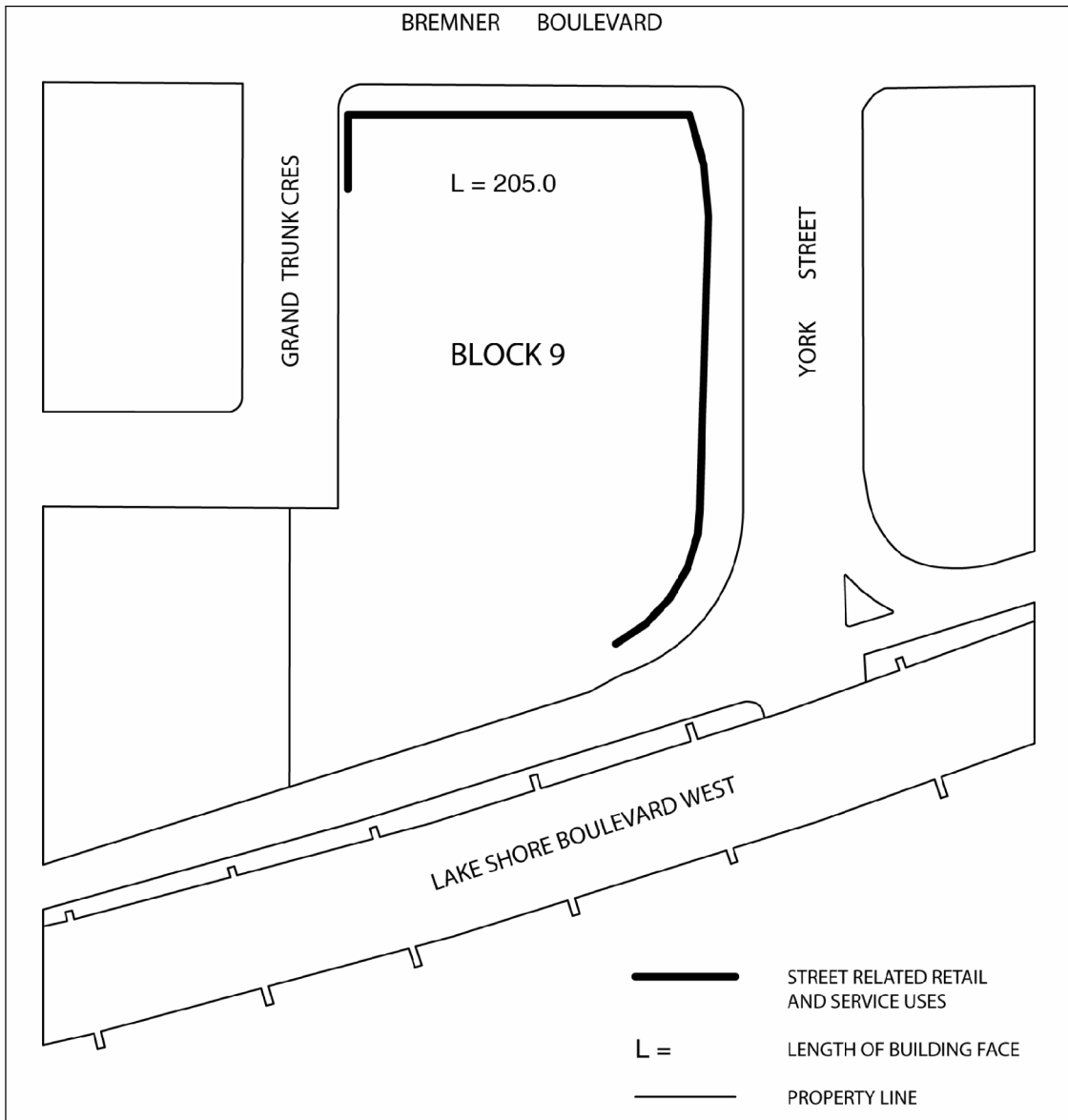


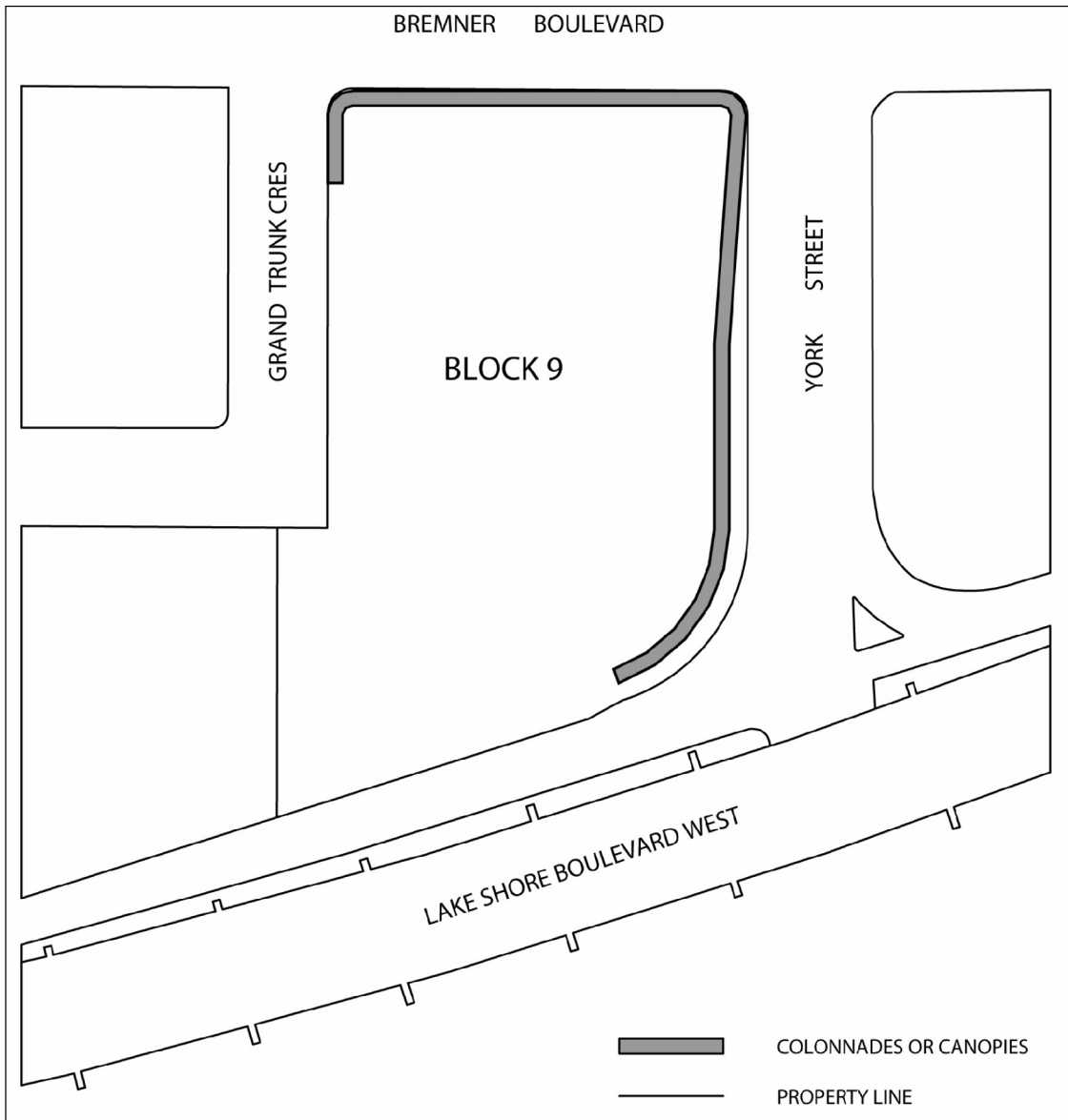


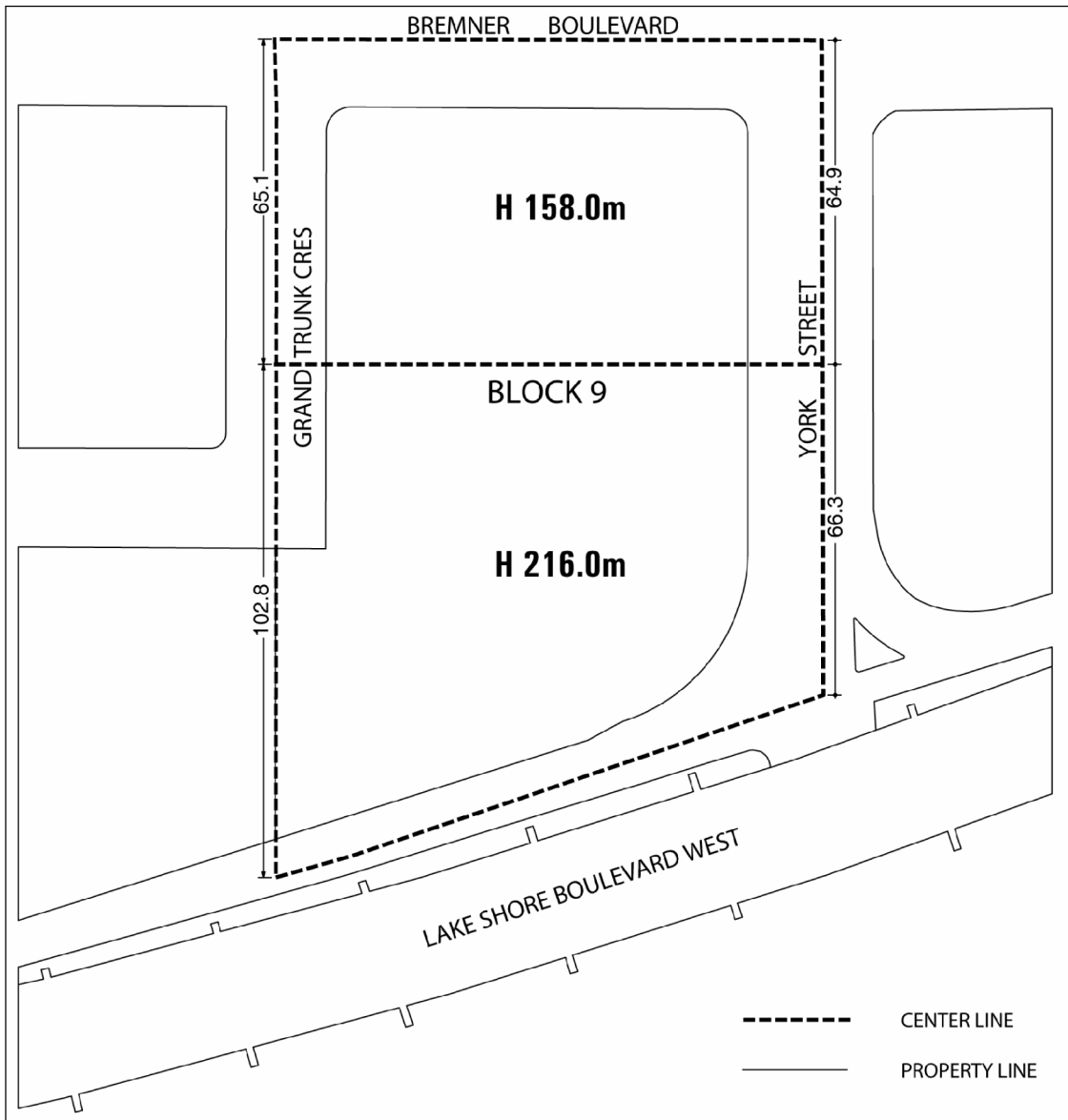


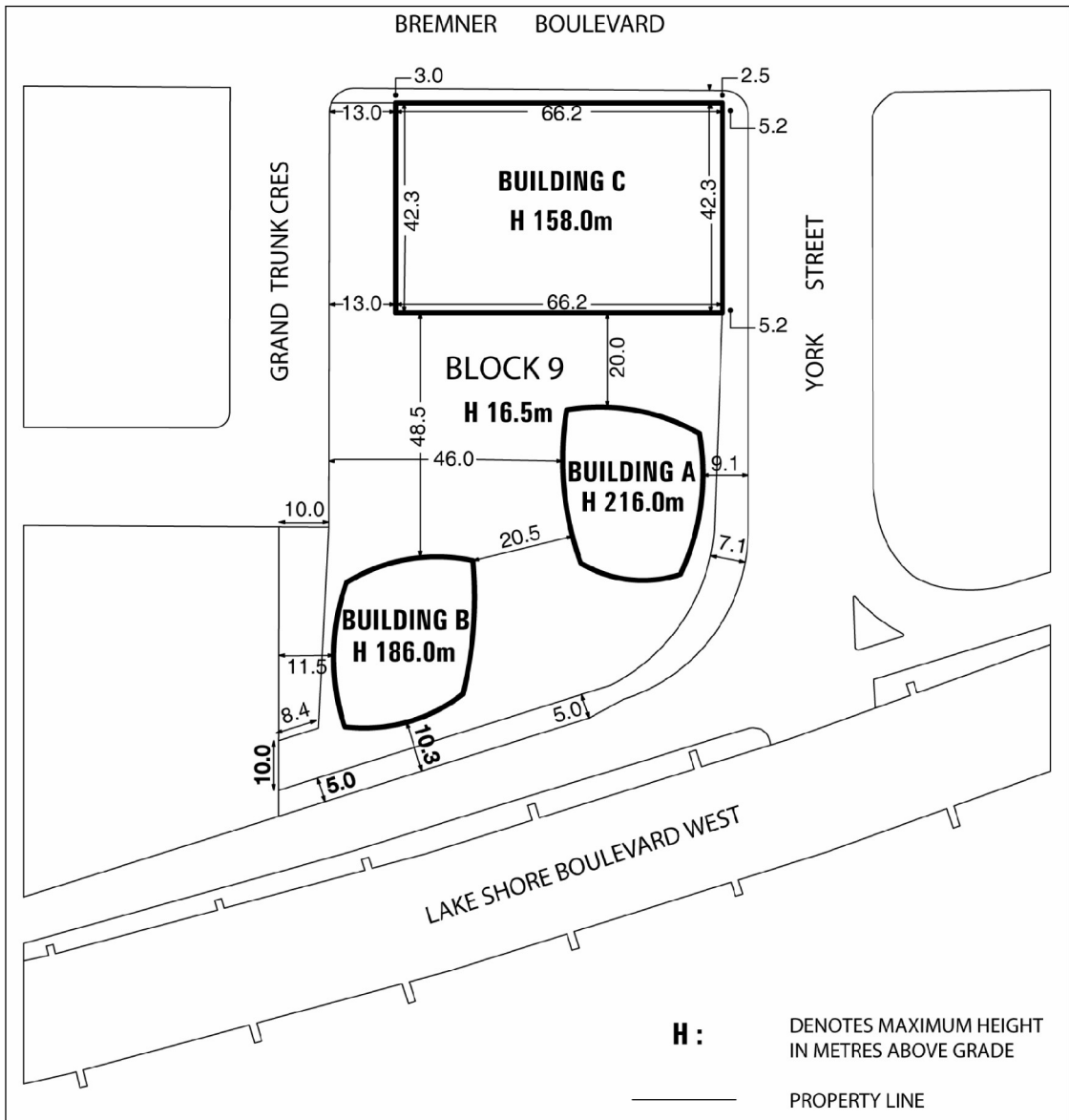


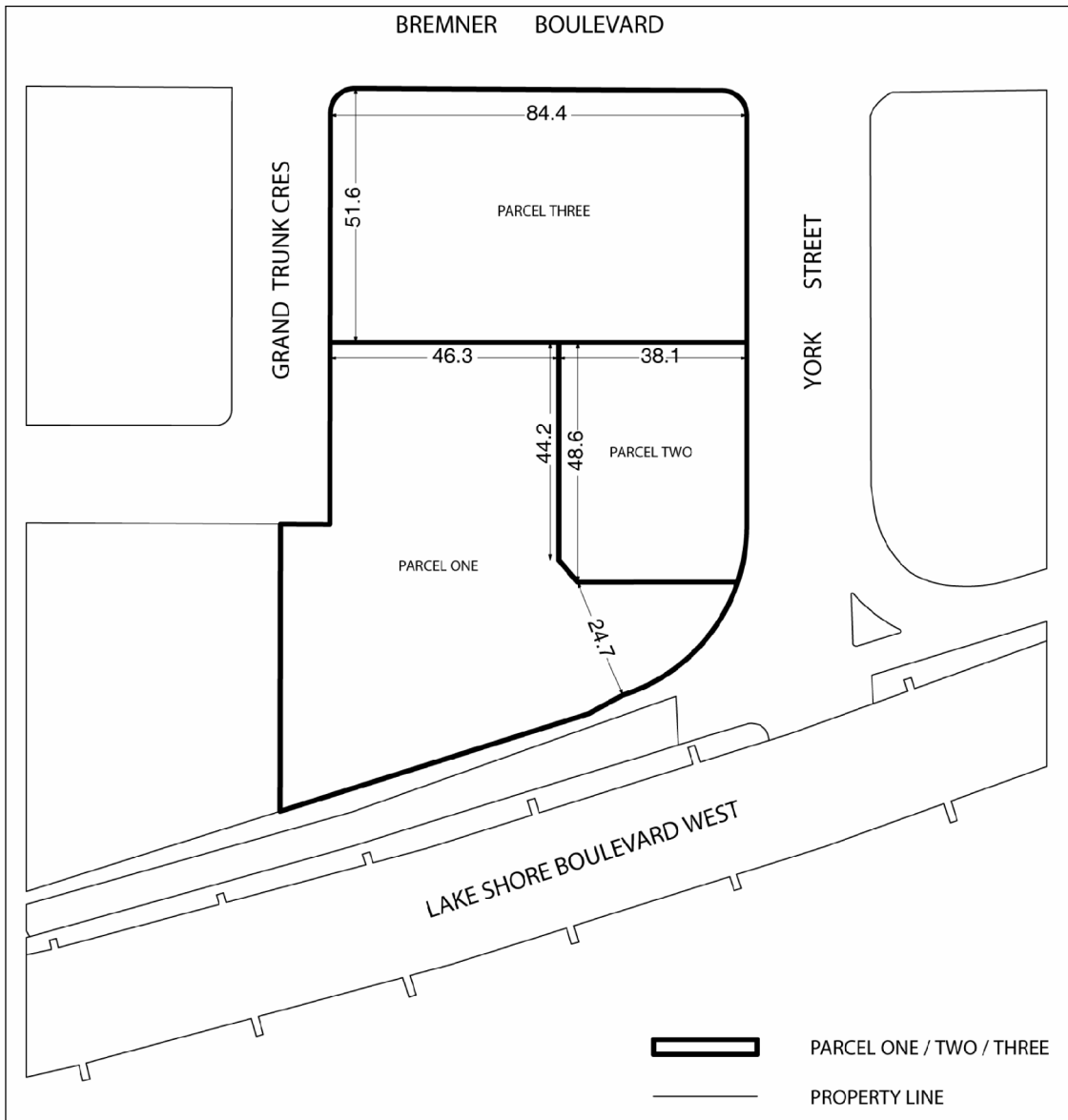












APPENDIX 1
Section 16 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 16 of the *City of Toronto Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges or levies, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The community benefits recommended to be secured in the Section 16 agreement are as follows:

- (a) provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first building permit;
- (b) provide and maintain prior to the condominium registration for Phase 1, between 15 York Street and the site a publicly accessible PATH walkway under York Street, which shall:
 - (i) be fully enclosed and weather protected;
 - (ii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and,
 - (iii) be satisfactorily illuminated;
- (c) provide and maintain prior to the condominium registration for Phase 1 within the site a publicly accessible PATH walkway (Galleria) or temporary PATH walkway to the satisfaction of the Chief Planner and Executive Director, connecting Grand Trunk Crescent and the proposed building at 25 Lower Simcoe Street to York Street, which shall:
 - (i) be fully enclosed and weather protected;
 - (ii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
 - (iii) be satisfactorily illuminated;
- (d) provide knock-out panels at west wall abutting 25 Lower Simcoe Street, on east wall abutting York Street at Lake Shore Boulevard West, and on south wall abutting Lake Shore Boulevard West at York Street to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and enter into the Wayfinding Agreement, and to be detailed in an easement agreement;

- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard West;
- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, and Grand Trunk Crescent satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (h) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
 - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;
 - (ii) an engineered draining system which prevents soil saturation; and
 - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual;
- (j) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Bremner Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (m) provide a connection to District Heating and Cooling satisfactory to the Chief Planner and Executive Director, City Planning;

- (n) provide prior to the Bills being introduced at City Council, \$500,000 for the reconstruction of Bremner Boulevard to Union Plaza design detail (York Street to Lake Shore Boulevard West);
- (o) provide prior to the issuance of the first above grade building permit, \$2,800,000 to the City to be allocated as follows:
 - (1) \$1,500,000 for Railway Lands Community Centre/Library/Park
 - (2) \$500,000 for Railway Lands public realm improvements elevated or at grade including approaches to the Railway Lands pedestrian bridge over the railway corridor
 - (3) \$500,000 for Railway Lands streetscaping including the Simcoe Street Pedestrian Promenade Plan
 - (4) \$300,000 for capital improvements to Affordable Housing in Ward 20 and/or to construction of Affordable Housing in Railway Lands
 - (5) require that the cash amounts identified in (1) to (4) be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- (p) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside linear walkway between the south wall and Lake Shore Boulevard West for the full length of the property, which shall:
 - (i) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (ii) be satisfactorily illuminated;
- (q) provide and maintain prior to the condominium registration for Phase 1, a publicly accessible outside courtyard abutting Grand Trunk Crescent, which shall:
 - (i) remain open and accessible to the public 24 hours, 365 days a year; and,
 - (ii) be satisfactorily illuminated;
- (r) provide and maintain prior to the condominium registration for Phase 1, a driveway and easement in favour of the owner of 25 Lower Simcoe Street to provide access to the loading area for the development;
- (s) build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on March 31, 2009, to the satisfaction of the Chief Planner and Executive Director;

- (t) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
- (u) that the owner be required to offer residential unit purchasers, who do not purchase a parking space, free membership or initiation fees to the Autoshare program to be provided in the building (or other car sharing program, such as Zipcar, as may be approved by the General Manager of Transportation), details of which are to be provided in the Transportation Demand Management Plan;
- (v) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
- (w) pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director, Technical Services;
- (x) a minimum of 360 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
- (y) a minimum of 80 *bicycle parking space - visitor* shall be provided and maintained on the *lot*;
- (z) *bicycle parking spaces - occupant* are provided and maintained on the ground floor, mezzanine floor, level P1, level P2 and the second floor;
- (aa) all *bicycle parking spaces - visitor* are provided and maintained on the ground level;
- (bb) *bicycle parking spaces - occupant* shall be common element and shall not be combined with storage lockers for residential units;
- (cc) a minimum of 10% of the *dwelling units* erected and used on the *lot* shall be 3-bedroom or larger *dwelling units*;
- (dd) an environmental easement in favour of CN and GO Transit is to be registered on title to all of the lands within 300 metres;
- (ee) satisfy any and all requirements related, but not limited to, vehicular access, parking (including car-share spaces), loading, traffic impacts, etc. as may be necessary to service the development, the details of which will be provided at a later date upon completion of the review of the revised drawings date stamped by City Planning staff as December 16, 2008;

- (ff) comply with the parking requirements, save and except that one car share parking space may be provided in lieu of ten resident parking spaces, such reduction to not exceed thirty resident parking spaces irrespective of the number of car share parking spaces provided, the requirements of which will be determined at a later date as indicated in condition (ee);
- (gg) as an alternative to condition (ff) above, provide acceptable documentation which demonstrates that the proposed parking supply will adequately accommodate the parking demand that will be generated by the project;
- (hh) provide a Letter of Credit in the amount of \$50,000 to cover the costs associated with the following measures, as deemed appropriate by the General Manager, Transportation Services:
 - (1) implementing mitigating measures such as changes to traffic regulations and installation of regulatory signage; and
 - (2) implementing the approved signal timing modifications and signal phasing adjustments identified at the Front Street West/Simcoe Street, Station Street/York Street, Station Street /Simcoe Street, York Street/University Street/Front Street West and York Street/Bremner Boulevard intersections, which are attributable, in part, to this development, if any; and
- (hh) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.