

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

Date:	April 18, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	07 114857 STE 28 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.

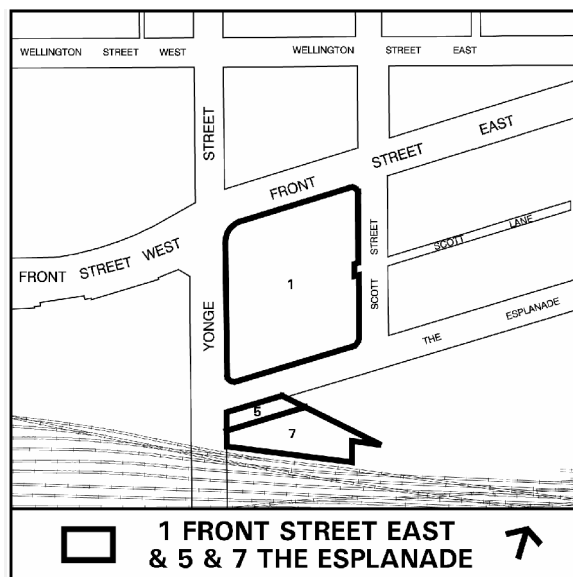
This application proposes a mixed use development consisting of an expansion of the Sony Centre cultural facility, to be called ArtsLab, and the addition of a 57-storey residential tower (total height from grade on The Esplanade) located at the southwest corner of the property (northwest corner of Yonge Street and The Esplanade). The majority of the existing heritage building would be retained. The property includes 1 Front Street East and 5-7 The Esplanade. The parking for the Sony Centre and the residential condominium is proposed below grade at 5-7 The Esplanade.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the former City of Toronto substantially in



- accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.
2. Prior to the submission of the Bill to City Council for enactment, the applicant be required to submit to the Executive Director of Technical Services for review and acceptance, a revised Functional Servicing Report that addresses odour control at the Scott Street Pumping Station.
 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
 4. Prior to the submission of the Bill to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following benefits:
 - a. a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 1 Front Street East, subject to the approved alternations, to the satisfaction of the Manager, Heritage Preservation Services;
 - b. a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services that includes: documentation through photographs of the as-found condition of the heritage structure as pertaining to the reasons for designation; detailed descriptions/specifications for the proposed heritage conservation work; a detailed landscape plan; an exterior lighting and signage plan; an estimate of costs for the implementation of the Conservation Plan; and the measures to be taken to protect the heritage resource during construction;
 - c. prior to the issuance of any building permit for 1 Front Street East, including a permit for demolition, excavation and /or shoring of the subject property;
 - (i) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the Conservation Plan;
 - (ii) provide building permit drawings to the satisfaction of the Manager, Heritage Preservation Services; and
 - d. prior to the release of the Letter of Credit;
 - (i) complete the heritage conservation work, satisfactory to the Manager, Heritage Preservation Services;

- e. provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site;
- f. provide and maintain between 5-7 The Esplanade and the site a publicly accessible under street level walkway (PATH) connection generally as shown on the Basement 02 Floor Plan prepared by Studio Daniel Libeskind and Page + Steele, 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.
- g. provide and maintain within the site a publicly accessible PATH walkway connecting the tunnel from 5-7 The Esplanade to the Sony Centre generally as shown on the Lower Ground Floor Plan prepared by Studio Daniel Libeskind and Page + Steele, which shall:
 - (i) 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
 - (ii) be satisfactorily illuminated.
- h. prior to the construction of any structure or building at 5-7 The Esplanade, provide a knock-out panel on The Esplanade side of Sony Centre site to accommodate the 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;
- i. pay all costs associated with the approved underground PATH tunnel connection to 5-7 The Esplanade;
- j. provide knock-out panels at the northwest corner of the site on the Front Street East wall and Yonge Street wall 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
- k. provide continuous weather protection with a minimum depth of 3 metres and a minimum height of 3 metres along Yonge Street;

- l. incorporate, in the construction of the building, exterior materials to be shown on the podium on 1:50 scale drawings along Front Street East, Yonge Street and The Esplanade with building materials labelled to the approval of the Chief Planner and Executive Director;
- m. provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- n. provide and maintain an irrigation system at the owner's expense 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, to the satisfaction of the General Manager, Technical Services;
- o. be required to build in conformity with a Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 16, 2008;
- p. 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.
- q. 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
- r. agree that no vehicular lay-by drop-off / pick-up facility will be provided along The Esplanade, Scott Street and Yonge Street frontages for the development project;
- s. provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;

- t. provide, prior to the issuance of the superstructure building permit, an indexed financial contribution to the City, to be determined through consultation between the applicant, staff and local Councillor to contribute to area improvements, which may include the Yonge Street Pedestrian Promenade Plan, heritage lighting in St. Lawrence Community Improvement Plan Area, public realm improvements in the St. Lawrence Community Improvement Area and/or a seniors centre to be provided at 70 The Esplanade;
 - u. require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
 - v. the residential parking requirement may be reduced by 10 spaces for each Autoshare parking space (or other provider of shared parking spaces as may be approved by the Executive Director of Technical Services) provided and maintained in the project;
 - w. 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;
 - x. pay all costs associated with the traffic control signal length extension at Yonge Street and Front Street East, as recommended in the December 2007 Traffic Impact Study prepared by IBI Group;
 - y. provide, if required by the accepted Functional Servicing Report for the design and installation of odour control measures at the Scott Street Pumping Station, at the owner's expense, to the satisfaction of the Executive Director of Technical Services; and
 - z. 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;
5. Authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.
 6. Prior to the submission of the Bill to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.

7. The owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council adopted urban design guidelines for the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines at its meeting of July 19, 20, 21 and July 26, 2005. The property is located in this study area. The guidelines set out planning and urban design objectives for enhancement of areas of special character and historic buildings and how they are viewed, and improvement and enhancement of public realm areas such as parks, plazas, and sidewalks.

Council identified the St. Lawrence Heritage Conservation District Study Area on September 28-30, 2005 for an area with similar boundaries to the Community Improvement Project Area (roughly bounded by Yonge Street, King Street East, George Street, and the railway tracks). The Study Area for the Heritage Conservation District has been termed “Phase 1”, as it is possible that other areas in the neighbourhood will be designated and studied in the future.

In April 2006, Council approved the Design Review Panel pilot project. The St. Lawrence area was included in the area subject to the panel’s review of development applications. The application is located in the St. Lawrence area.

City Council at its meeting on July 25, 26, and 27, 2006 approved the Business Plan of the Board of Directors of the Hummingbird Centre (now known as the Sony Centre) for its redevelopment, authorized the execution of the Umbrella Agreement and requested the preparation of the necessary plans and reports for the submission of rezoning and site plan applications under the Planning Act. Owner’s authorization for the submission of these applications by Castlepoint Realty Partners Limited is as set out in the Council minutes and executed Umbrella Agreement. The development proposal is the result of an extensive City Council competition for private partner proponents who are supported by an international design team and reflects Option A under the Umbrella Agreement. This option allows for the development of a new cultural component for the Sony Centre.

City Council adopted the new Community Improvement Plan policies for the St. Lawrence Neighbourhood Community Improvement Project Area at its meeting on January 29 and 30, 2008. The policies form a Public Realm Strategy for the southwest quadrant of the St. Lawrence Neighbourhood.

ISSUE BACKGROUND

Proposal

The applicant proposes to retain the majority of the existing Sony Centre in its current form. The existing building is a designated historic building. The application proposes the construction along the Yonge Street frontage of an ArtsLab cultural component with a gross floor area of 12,775 square metres. This cultural venue is intended to enhance the existing theatre which is to be retained as a heritage component. The ArtsLab would be 8 storeys.

Also proposed is a residential condominium tower designed by Studio Daniel Libeskind, New York, in association with Page & Steele Architects, Toronto. The residential tower would be located at the northeast corner of Yonge Street and The Esplanade and would consist of the following:

- total of 57 storeys from grade on The Esplanade with a total height of 205 metres;
- a gross floor area of 39,814 square metres; and
- 496 apartments consisting of 332 1-bedroom units (67%), 159 2-bedroom units (32%) and 5 3-bedroom units (1%).

A total of 1,021 square metres of indoor amenity space is proposed. No outdoor amenity space is proposed.

Continuous weather projection in the form of a glazed canopy with a minimum depth of 3 metres is proposed for part of the frontage on Yonge Street and The Esplanade.

Bicycle parking is proposed as follows

1 Front Street East	160 residential spaces below grade on levels B2 and B3
5-7 The Esplanade	40 visitor parking spaces to serve the residential condominium on the ground floor and 20 commercial parking spaces to serve the Sony Centre on the ground floor

No on site parking is proposed at 1 Front Street East. A total of 322 parking spaces are proposed to be provided at 5-7 The Esplanade for the residential condominium (295 for residents and 27 for visitors). The applicant proposes to provide the residential condominium spaces on the P1 to P2 level of 5-7 The Esplanade and the residential visitor spaces on the P1 level at 5-7 The Esplanade. The site plan application for an office building at 5-7 also shows 156 spaces to serve both sites. In total, 5-7 The Esplanade would have 478 parking spaces or 532 parking spaces if City permission is given to close a portion of Scott Street and use it for the development at 5-7 The Esplanade.

Three new loading spaces are proposed for 1 Front Street East, consisting of one Type A, one Type B and one Type G. The existing loading spaces associated with the existing theatre uses will be retained.

The proposed density for 1 Front Street East is 6.24 times the area of the site.

Please see the Application Data Sheet in Attachment 8 for additional information on the proposal. Attachments 1-6 show the proposal's site plan and elevations.

Site and Surrounding Area

One Front Street East is bounded by Yonge Street, Front Street East, The Esplanade and Scott Street. The site is located within the Financial District and St. Lawrence neighbourhood.

Nos. 5-7 The Esplanade is bounded by Yonge Street, The Esplanade, the railway and closed portion of Scott Street. One Front Street East is located within the St. Lawrence neighbourhood.

Within the immediate context, the following uses surround the sites:

North: across Front Street East is an office building;

South: across The Esplanade to the southeast, a 33-storey residential condominium building, and further south is the Toronto Terminal Railways;

East: across Scott Street is the St. Lawrence Centre for the Performing Arts, and 40 The Esplanade which is under construction for the development of a mixed use building with residential condominium towers 32 storeys (west tower) and 16 storeys (east tower) in height.; and

West: across Yonge Street, is a Government of Canada office building and a GO bus terminal.

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. The application is considered to be efficient in terms of development pattern. The development provides for

high density residential use and optimizes the use of land near Union Station which is the busiest transportation facility in Canada. The area is well served by public infrastructure. The sites area well served by public transit including the Yonge-University subway line, King streetcar and several bus lines.

The proposal is consistent with the PPS and Growth Plan for the Greater Golden Horseshoe.

Official Plan

The sites are located within the Downtown and Central Waterfront, and 1 Front Street East is located in the Financial District on Map 6. The 1 Front Street East site is designated “Mixed Use Areas” on Map 18 - Land Use Plan in the Toronto Official Plan. This use permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The 5-7 The Esplanade site is designated “Utility Corridors ” on Map 18 - Land Use Plan in the Toronto Official Plan. Utility Corridors are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods. Uses include essential public services and public transit facilities.

Other important policies include those in the “Downtown”, “Public Realm”, “Heritage Resources”, “Parks and Open Space” and “Built Form” sections of the Plan. This includes the built form policies for tall buildings. To assist with the implementation of these policies, the City has prepared a study, Design Criteria for Review of Tall Building Proposals. The study provides key urban design criteria that should be brought to bear in the evaluation of tall building applications. The City has 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.

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

Zoning

The 1 Front Street East site is governed by Zoning By-law 438-86, as amended. The site is zoned CR T6.0 C6.0 R6.0 which permits a mix of residential and commercial uses to a maximum density of 6 times the area of the lot area, and a height limit of 46 metres. The Zoning By-law has angular planes for the Yonge Street (60 degrees measured 28 metres up from the sidewalk on the property line) and Front Street (44 degrees measured 16 metres up from the sidewalk on the property line) frontages.

The 5-7 The Esplanade site is governed by Zoning By-law 438-86, as amended. The site is zoned T (west portion fronting on Yonge Street and The Esplanade, 5 The Esplanade) which permits transportation uses, and CR T4.0 C4.0 R2.5 which permits a mix of

residential and commercial uses to a maximum density of 4 times the area of the lot area, and a height limit of 46 metres.

Other Considerations

The sites are located within the boundaries of the St. Lawrence Market Neighbourhood Business Improvement Area.

Site Plan Control

The proposed development is subject to Site Plan Approval. A Site Plan Approval application has been filed for 1 Front Street East (07 114846 STE 28 SA), and for 5-7 The Esplanade (07 274204 STE 28 SA).

Tree Preservation

The Official Plan calls for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent.

The application included a report on the trees located on the development site including the private open space on the west side of the building, and the abutting municipal rights-of-way. The City of Toronto Municipal Code regulates privately and publicly owned trees in the City. The intent is to preserve significant trees and to ensure a sustainable tree canopy and urban forest in Toronto. The existing tree population on the site and abutting streets provides environmental and aesthetic benefits to the neighbourhood. The protection of existing trees and the planting of large growing shade trees on both public and private lands should be an important objective for any proposal for the development site.

Reasons for Application

Amendments are required to Zoning By-law. The application for 1 Front Street East exceeds the density permission of 6 times the lot area and height permission of 46 metres as set out in the Zoning By-law 438-86, as amended. The proposed tower is above the angular planes established for Yonge Street and Front Street East in the Zoning By-law. Additional areas of non-compliance with the general zoning may be identified as the review of the application advances.

Community Consultation

An open house/information session was held on June 18, 2007 to allow the public to review the applicant's submission, and ask questions of City staff and the applicant. The meeting was attended by approximately 80 people. Issues raised included the following:

- multiple driveways, loading and layby proposed for The Esplanade resulting in a poor streetscape design;
- three loading areas being proposed instead of consolidating them;
- PATH connection to from BCE place through the site to The Esplanade being desirable;

- PATH between 5-7 The Esplanade and one Front Street East should be below grade and not above grade;
- The desire for the layby along The Esplanade to be removed;
- the poor condition of the sidewalk on Front Street East and driveway encroachment into the City right-of-way;
- the need to improve the streetscape along Scott Street;
- the need for continuous weather protection along The Esplanade and Yonge Street;
- the importance of implementing the gateway concept for St. Lawrence at The Esplanade and Yonge Street through the design of the building and landscaping;
- the desire to have green roofs on the top of the podium;
- the need to expand the bicycle parking in light of cycling infrastructure existing and proposed in the area; and
- the desire to signalize and add crosswalks that the intersection of Yonge Street and the Esplanade.

Given the complexity of the application, Working Group of community stakeholders was established as part of the community engagement process. The working group met four times and discussed the issues identified above. The Working Group thought that the site plan application should be addressing improvements to Front Street East such as the narrow sidewalk and abutting driveway that extends into the public right-of-way and to Scott Street such as improving the existing loading area.

Agency Circulation

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

COMMENTS

Land Use and Built Form

No. 1 Front Street East is designated Mixed Use Area on Map 18 – Land Use Plan (August 2007) of the Toronto Official Plan. It is anticipated that Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. Not all Mixed Use Areas will experience the same scale or intensity of development. The highest buildings and greatest intensity will typically occur Downtown. Development criteria in Mixed Use Areas are set out in Section 4.5 of the Official Plan and include the following:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;

- take advantage of nearby transit services;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

In addition to the Mixed Use Area development criteria and the desire to promote good design on its own merits; the Plan also emphasizes the manner in which the building and site fit within the context of the neighbourhood and City (Section 3.1.2 of the Official Plan). This is to be achieved in a number of ways including locating buildings parallel to the street with a consistent front yard set back, locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, and by providing ground floor uses that have view into and, where possible, access to adjacent streets, parks and open spaces.

The proposed mixed use building is in keeping with the Mixed Use Areas designation.

The density of the development is 6.24 times the lot area which is in keeping with other sites in the Financial District and on the edge of St. Lawrence.

Heritage

The existing Sony Centre is a landmark building situated at a gateway location within the City. The development proposal acknowledges the importance of this site with a new architectural symbol, the Daniel Libeskind tower. Wrapping itself around the southwestern portion of the heritage building, it is intended that the old and new building appear as one unified form. However, to maintain the legibility of the heritage structure, it is proposed the tower read as a fluid and translucent form in contrast to the heavy and opaque material nature of the existing building. In addition, the massing of the tower is located on the south end of the site protecting the original views of the heritage building.

The new cultural facility will be housed in a podium stretching along the western edge of the site animating the Yonge Street side of the project. The podium extends an armature that wraps the existing fly tower at the southern portion of the site along The Esplanade. The residential entrance will also be located off The Esplanade bringing a much-needed face to the south elevation.

Dunington-Grubb, the designers of the original landscaping of the former O'Keefe Centre were a historically important and renowned practice. The Conservation Strategy, prepared by E.R.A. Architects Inc. for this project, identifies "restoration and maintenance of the heritage landscaping" as an objective of the new development, and specifically identifies restoration of the east garden as a means of implementing this objective. This would include the replacement of plant material, and the repair of the hard landscaping. The new landscaping proposal illustrated in the Conservation Strategy

document, produced by Claude Cormier Architectes Paysagistes Inc., pays homage to the original plan. As the proposed development displaces the terraced garden on the west side of the site, what will remain of the original landscape scheme (on the east side of the building), is proposed to be restored. Staff will be requiring a detailed landscape plan to be submitted as part of the Conservation Plan for this project to ensure this objective is achieved. In addition, the Conservation Plan will provide the following: a record of the building in its current state; the means of protecting the heritage building during construction; specifications for the conservation work required; a cost estimate for the implementation of the Conservation Plan; and an exterior lighting and signage plan.

The proposed development retains the heritage building in total, including the canopy over the drop-off area, the auditorium and lobby area and the York Wilson mural. Staff consider this, and the completion of necessary restoration work to the exterior of the building, as important assets of the project. Exterior restoration includes but is not limited to the repair of damaged or cracked limestone panels, of the granite clad retaining walls, and of the steel soffit on the covered walkway.

While the type of use proposed for heritage properties is not legislated under the provisions of the Ontario Heritage Act, staff strongly support the development of the “City Centre” component over the option for commercial /retail use of this facility (Option B) in the Umbrella Agreement.

Staff is recommending that as a condition of approval, the Board of Directors of the Sony Centre for the Performing Arts and Castlepoint Reality Partners Limited enter into a tri-party HEA with the City to ensure the protection and maintenance of the heritage resource now and into the future.

Reasons for Heritage Designation

Staff is requiring as a condition of approval, that the property at 1 Front Street East be designated under Part IV of the Ontario Heritage Act.

The property at 1 Front Street East is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for designation prescribed by the Province of Ontario. The heritage attributes of the O’Keefe Centre relate to its design, associative and contextual value as an important example of Modern architecture that is linked to the cultural development of Toronto.

The reasons for designation are intended to be posted on the City of Toronto’s web site and served on the owner of the property and the Ontario Heritage Trust according to the provisions of the Ontario Heritage Act. The reasons for designation include a statement of the cultural heritage value of the property with a description of its heritage attributes.

Height and Massing

The major streets of the City’s Financial District including Yonge, Bay, and York Streets 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 proposed height in the application 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 West (188 metres to the top of the residential floors), the Trump Tower at 333 Bay Street (269 metres), 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), and Bay Adelaide Centre at 40 Adelaide Street West (218 metres).

The Committee of Adjustment has approved residential development in the vicinity of the site with a maximum height of 50 storeys (149 metres) at 33 Bay Street. Within the Financial District, the lands to the west (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 tower is in keeping with the heights of the buildings within the Financial District.

The tower is located on an 8 to 9-storey podium which extends along Yonge Street and The Esplanade. The majority of the heritage building on the site would be preserved. The Design Criteria for Review of Tall Building Proposals were used to review the massing of the podium and tower. The applicant proposes a 1 metre wide setback along Yonge Street. Most buildings in the Financial District have a zero setback to Yonge Street. The applicant proposes a 2.5 to 3.5 metre wide setback along The Esplanade. Most buildings in St. Lawrence have a zero setback to The Esplanade. The design criteria recommend a 1:1 relationship between the podium and street width. Yonge Street and Front Street have abutting street right-of-ways of 30 metres and Scott Street and The Esplanade have abutting street right-of-ways of 20 metres. The podium form is very sculptural and varies in height. The maximum podium height along Yonge Street is 32 metres and 34 metres along The Esplanade. The podium is broken up by a notch at The Esplanade and Yonge Street, cut out along Yonge Street, fly tower screen, and aluminium mullion appliqué along Yonge Street. The bottom of the podium along Yonge Street varies in height and provides a weather protected plaza. Staff are of the opinion that the podium design implements the design criteria for tall buildings.

The tower does not have a setback along Yonge Street and The Esplanade. The Design Criteria recommend a 3 to 5 metre setback for a tall tower or a high degree of building articulation. Staff are of the opinion that the high level of articulation helps to break up the massing of the building and is satisfactory.

With respect to the siting of the tower, the design criteria require a distance separation of 25 metres between tall towers. The applicant respects this guideline as the distance separation between 25 The Esplanade and the west tower of 40 The Esplanade which is under construction is more than 30 metres.

The design criteria also recommend point towers with a maximum gross floor area of 743 square metres or less and/or a highly articulated form. The tower is highly sculptured and has an average floorplate of 800 square metres. Staff are satisfied with the floorplate size and amount of articulation.

St. Lawrence Neighbourhood Focused Area Urban Design Guidelines recommend that angular planes on Yonge Street and Front Street be met. The Zoning By-law has angular planes for the Yonge Street (60 degrees measured 28 metres up from the sidewalk on the property line) and Front Street (44 degrees measured 16 metres up from the sidewalk on the property line) frontages. For a majority of the frontages the angular plane is met but not for the tower. Staff are satisfied that the intent of the By-law is maintained.

The base for much of the Yonge Street and The Esplanade frontage would animate the streets with glass frontages, and retail, office, residential related activities visible to the street.

Podium detail will be secured by the Section 37 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 new 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 and staff are satisfied with the level of shadowing on other nearby Financial District properties which are zoned for high-rise development. The protection of Berczy Park from shadow is a high priority for staff and the St. Lawrence community. The applicant has demonstrated through shadow plans that there will be no new shadow on the park during the times required.

Density

The applicant has asked for a density increase from 6 to 6.24 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, two subway stations, and Lake Shore Boulevard/Gardiner Expressway.

Wind Analysis

Official 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. Should any detrimental conditions be identified, the applicant has agreed to resolve them and if necessary revise the drawings prior to Site Plan Approval.

Tenure, Number of Dwelling Units and Mix of Units

The residential units are proposed as condominium, The number of dwelling units proposed is supportable given the Official Plan policies to encourage living downtown.

The applicant proposes that 33% of the dwelling units be two bedrooms or larger. The development would likely attract families given the proximity of the Air Canada Centre, Rogers Centre, Berczy and Harbourfront parks, Union Plaza accessible open space, PATH connections, Union Station, daycare centres, City Hall library, shopping, transit and entertainment. 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 in order to attract more families to the Financial District. 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. The applicant is proposing to exceed the indoor requirement. No outdoor amenity space is being proposed. The outdoor amenity space may be provided through the provision of accessible landscaped areas located on podium roof. Staff are continuing to work with the applicant on this issue and will secure outdoor amenity space through the Site Plan Approval application review process.

Pedestrian Infrastructure

The applicant proposes continuous weather protected pedestrian routes with a minimum clear depth of 3 metres along most of the Yonge Street frontage and some of The Esplanade frontage which implements Official 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 Financial District has a high concentration of pedestrians. Wide and clear sidewalks are a key component of the City Council approved Yonge Street Pedestrian Promenade plan. The applicant proposes a minimum 4 metre wide clear sidewalk along Yonge Street. This would be achieved by removing all Victorian streetlight standards and lighting the street and sidewalk via wall and canopy mounted lights. This proposal has been approved by the St. Lawrence Market Neighbourhood BIA which owns the existing Victorian streetlights abutting the site. The proposal also requires the approval of Toronto Hydro. Staff will secure sidewalk improvements through the Site Plan Approval application process.

Staff and the community are concerned about the proposed 4 metre wide sidewalk on Yonge Street. The sidewalk is within the Lower Yonge Street Pedestrian Promenade Plan area which establishes a minimum clear sidewalk plus pedestrian amenities. The applicant was asked to prepare a traffic assessment to evaluate the potential to remove one lane of traffic on Yonge Street and widen the sidewalk. All options for eliminating a lane were not supported by the traffic consultant and Transportation Services staff.

The applicant proposes a vehicular lay-by drop-off/pick-up facility or the development along The Esplanade. Official Plan policies encourage pedestrian priority and discourage

vehicular lay-bys. From an urban design perspective, vehicular lay-by drop-off/pick-up facilities are detrimental to the pedestrian realm. Transportation Services staff have reviewed alternatives for fulfilling the need for drop-off/pick up functions. They have no objection to the layby. The layby as proposed would reduce the width of the sidewalk on The Esplanade to 2.5 metres. City Planning staff agree with the community that a layby should not be permitted on The Esplanade. With the layby removed, a continuous sidewalk of at least 5 metres in width can be provided.

The driveway on Front Street East extends into the road right-of-way and results in a narrow sidewalk. Staff will seek improvements to this streetscape through the Site Plan Approval application review process.

The existing PATH system in the vicinity ends at BCE Place and GO bus terminal. Staff have identified key PATH expansion routes. Staff would like to secure a new PATH connection from the GO bus terminal along the north side of the railway to the Toronto Parking Authority garage east of 5-7 The Esplanade. The applicant proposes either a below grade tunnel or above grade bridge over The Esplanade to connect the Sony Centre/residential condominium to 5-7 The Esplanade. Staff do not support the above grade option as it is counter to the urban design guidelines for St. Lawrence. The recommended tunnel connection would be paid for by the applicant and is dependant on a building being constructed at 5-7 The Esplanade.

The PATH tunnel require the applicant to enter into a license agreement for the underground tunnel encroachment. All costs associated with the relocation of any underground utilities, which are required to facilitate the underground tunnel connection, must be paid by the applicant. The applicant will also be responsible for all ongoing maintenance associated with the approved underground tunnel encroachment.

The PATH tunnel shown connecting this project to the parking structure on the south side of The Esplanade at the P2 level will conflict with a large diameter sewer on The Esplanade. The design should be revised to accommodate the existing public utilities on The Esplanade.

The community would like other PATH connections to be protected. There is a desire to connect BCE Place to 5-7 The Esplanade through the lower level of the Sony Centre and tunnel under Front Street East and The Esplanade. The applicant considers this connection to be cost prohibitive given the TTC subway tunnel under Front Street East, and too problematic for the expansion of the Sony Centre. To protect for a future PATH connection, staff recommend a knockout panel at the northwest corner of the building.

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 37 community benefits.

Cycling Infrastructure

The applicant proposes to provide the minimum number of required residential bicycle parking spaces in accordance with the zoning. No commercial bicycle parking spaces are proposed. The applicant proposes 160 bicycle parking for residents and 40 spaces for visitors. The bicycle parking for residents would be in secure rooms in the B2 and B3 levels. The site is well served by the Bay Street Clearway, Queens Quay, and Shuter Street and Sherbourne Street bicycle lanes. The Council approved Bike Plan designates Richmond Street, Adelaide Street, Simcoe Street and Bremner Boulevard for bicycle lanes. Bike lanes have been proposed for Lower Bay Street and Lower Yonge Street, and a bike path on the north side of Lake Shore Boulevard. In light of the proximity to cycling routes and the applicant's commitment to LEED certification and the Green Development Standards, staff are not satisfied with the amount of bicycle parking. Staff recommend that a minimum of 400 residential bicycle parking spaces be secured in the Zoning By-law. Staff recommend that this bicycle parking be weather protected and not be combined with storage lockers.

Transit Infrastructure

The site is well served by two subway stations on the Yonge-University line, the Harbourfront LRT, The Esplanade, Yonge Street and Bay Street bus routes, 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 and Queens Quay East to serve development in the area

Traffic Impact, Access, Parking and Loading

The applicant has submitted a Traffic Study. The applicant proposes access driveways from Yonge Street and The Esplanade. 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 and require a minor adjustment to the traffic light cycle at Yonge Street and Front Street East.

The St. Lawrence Community Improvement Plan shows the intersection of Yonge Street and The Esplanade as being signalized. The signization of the intersection is not recommended by Technical Services staff. In view of some of the additional road operating impacts/constraints that were identified by the applicant's traffic consultant, namely, the westbound right movement at the unsignalized intersection of Yonge Street and The Esplanade and the southbound and northbound movements at the unsignalized intersection of Scott Street and Front Street East, City staff will monitor the traffic operations at these locations and implement any further traffic control measures should these impacts materialize.

The Executive Director, Technical Services has indicated that the proposed provision of below grade parking spaces at 5-7 The Esplanade for the residential use at 1 Front Street

East is acceptable. A total of 333 spaces are proposed of which 27 would be for visitors to the residential condominium. Condominium parking guidelines are not being recommended because of the proximity to transit. Technical Services staff support no parking being provided for the non-residential uses given the Financial District location of the site and availability of nearby off-site public parking facilities.

Staff are reviewing a Site Plan Approval application for 5-7 The Esplanade (07 274204 STE 28 SA). The property is owned by GO Transit. The proposal includes a 19-storey office building and below and above grade parking. Building staff have advised that the proposed development will require a separate rezoning application. To date the rezoning application has not been submitted. The building massing and parking layout will be reviewed through a separate public process for the rezoning application.

Further clarification as to the method of separating the office, residential and visitor parking at 5-7 The Esplanade will be provided prior to Site Plan Approval.

The proposal include access to the site via an inbound and outbound driveway at The Esplanade and the existing driveway off Yonge Street. The existing driveway off Scott Street, which is currently used by the existing theatre, would be improved. The Executive Director, Technical Services has advised that the driveway locations, loading space supply and location is acceptable. From an urban design perspective the proposed driveway and landscaping layout on The Esplanade is not satisfactory. Continuous sidewalks must be provided across all site access driveways. Staff will seek improvements to the streetscape through the Site Plan Approval process.

Access to the new Type A and Type B loading spaces will be provided off of The Esplanade. These loading spaces will be primarily used by the existing and proposed non-residential uses since they can accommodate larger trucks. Given the design and orientation of these loading spaces, large vehicles will be required to exit the site in a backward motion onto The Esplanade. Furthermore, access to one of these loading spaces may be difficult during times when the other loading space is occupied. While these conditions are not ideal, they will be accepted in this particular instance given the site constraints associated with retaining the existing theatre use. However, as recommended by the applicant's traffic consultant in the updated December 2007 updated traffic study, the acceptance of the proposed loading spaces will be subject to the submission of a Loading Dock Management Plan for review and approval of the General Manager of Transportation Services.

Commitment to LEED Certification and Toronto Green Development Standard

The applicant has indicated an interest in making the buildings LEED certifiable. The applicant has included a green roof on the podium. Measures which may be taken include PATH connection(s), additional bicycle parking, bicycle and car share programs, collection and reuse of rain water, energy efficient windows, lights and appliances, recycled and low fume emitting building materials, and floor plan layouts which encourage reliance on natural lighting.

The Green Development Standard contains 27 basic performance targets by which development may be measured to determine its effective relative sustainability in Toronto (plus an additional 7 which are conditionally applicable). The GDS has a further 28 performance targets that enhance a development's sustainability factor. The GDS checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 31 basic performance targets and achieve 8 enhanced targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- bicycle parking that meets or exceeds 0.75 spaces per dwelling unit (residential)
- where the developer is supplying appliances, 70% are Energy Star compliant
- green roof installed with at least 50% coverage of the roof. The rest of the available roof space will be covered with light coloured roofing materials.

Landscaping

The applicant has submitted a Landscape Plan. The Plan does not fully implement the recommendations in the urban design guidelines for St. Lawrence. 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 Approval application review.

Phasing

The applicant intends to construct the entire development in one phase. Staff recommend a Section 37 clause to ensure the appropriate phasing of the development if the applicant chooses to phase the development.

Section 37

Although there is a minor density increase from 6 to 6.24, the Planning Act permits a Section 37 community contribution based on a height increase. The as-of-right zoning permits 46 metres (approximately 15 storeys) and the applicant proposes 205 metres (measured from The Esplanade, 57 storeys). Staff and the Ward Councillor are continuing discussions with the applicant for community benefits to be secured in the Section 37 agreement: The applicant will be paying approximately \$1,000,000 for the historic preservation and enhancement of the Sony Centre. Affordable housing is being provided at a cost of approximately \$500,000. Other items being considered for Section 37 community benefits are:

- local streetscape improvements in the St. Lawrence Community Improvement Plan area including:
 - closing Scott Street between Front Street East and Scott Lane and creating a cultural plaza connecting the Sony Centre to the St. Lawrence Centre
 - enhancements to the Yonge Street Pedestrian Promenade Plan including improvements to the railway underpass south of Front Street

- heritage building lighting in the St. Lawrence Community Improvement Plan area
- furnishing a seniors centre proposed at 70 The Esplanade.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. a green roof for the podium and other items contained in the Green Development Standards checklist
2. podium detail and construction materials indicated on the 1:50 elevations
3. continuous weather protection along Yonge Street.

Development Charges

It is estimated that the development charges for this project will be \$2,501,556. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Al Rezoski, Senior Planner, Downtown Section

Tel. No. (416) 392-0481

Fax No. (416) 392-1330

E-mail: arezosk@toronto.ca

SIGNATURE

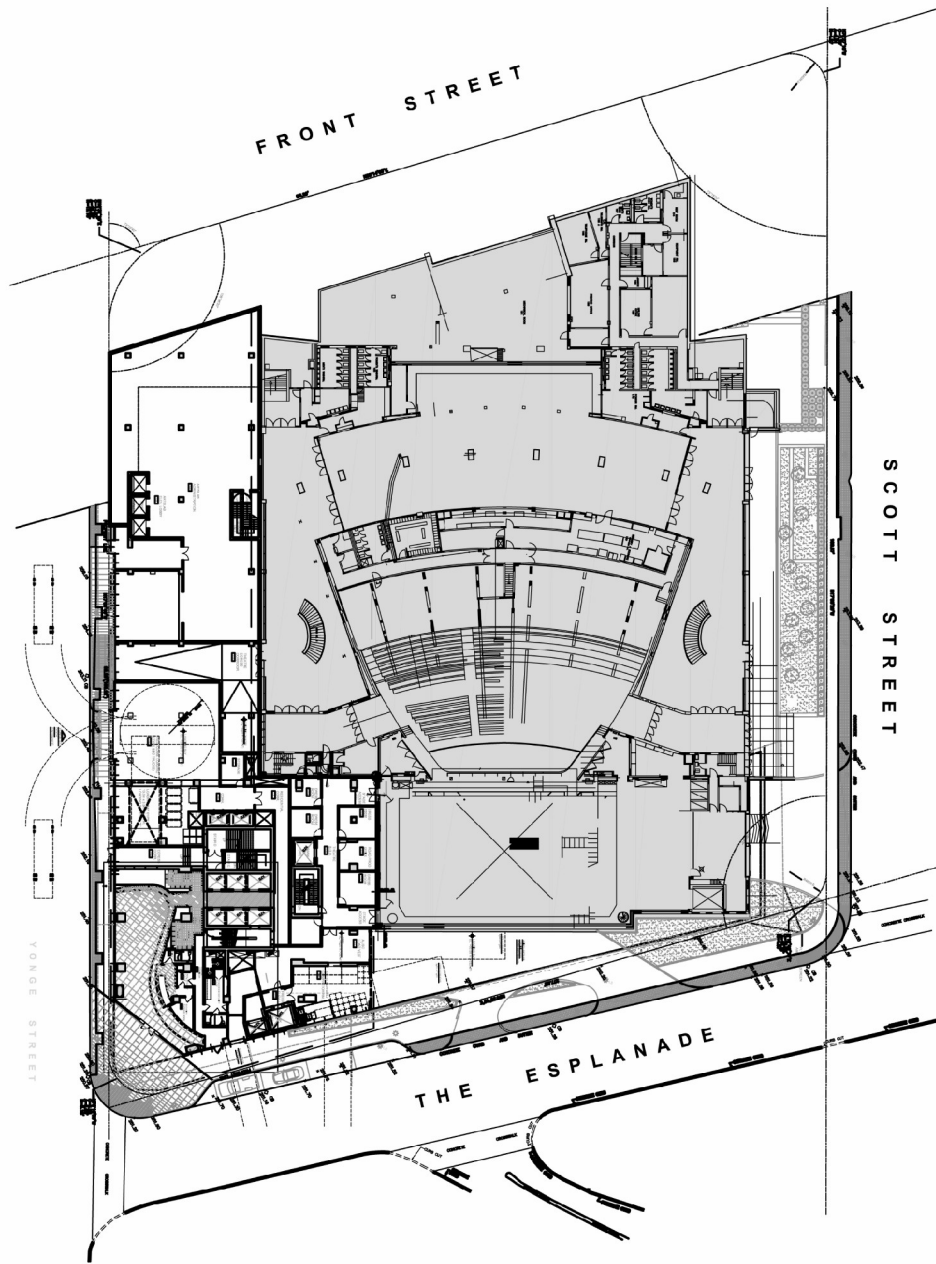
Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan (Lower Ground)
- Attachment 2: Site Plan (Upper Ground)
- Attachment 3: North Elevation (Front Street East)
- Attachment 4: South Elevation (The Esplanade)
- Attachment 5: East Elevation (Scott Street)
- Attachment 6: West Elevation (Yonge Street)
- Attachment 7: Zoning Extract
- Attachment 8: Application Data Sheet
- Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan (Lower Ground)



Site Plan (Lower Ground)

1 Front Street East

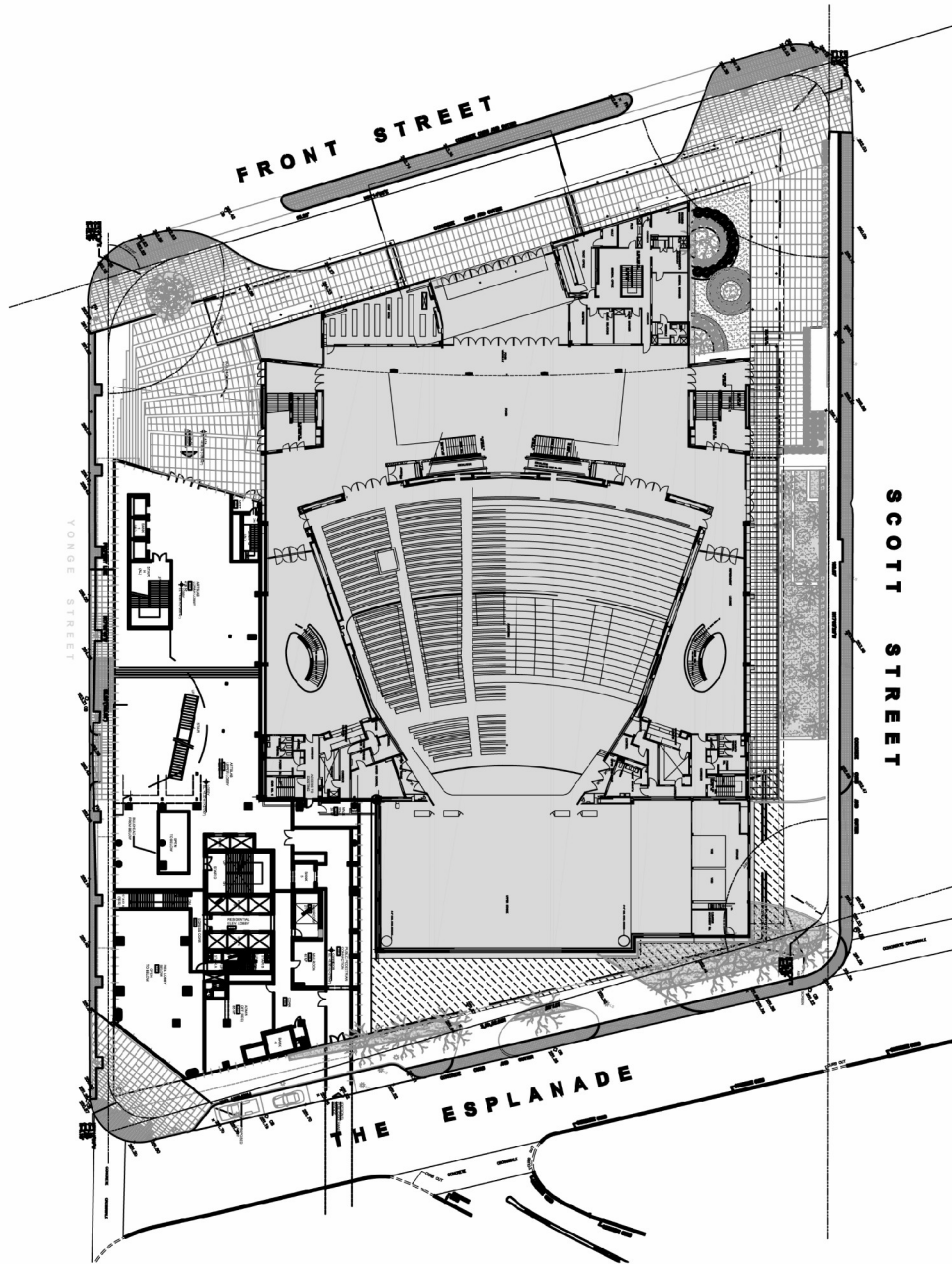
Applicant's Submitted Drawing

Not to Scale
04/09/03



File # 07_114857

Attachment 2: Site Plan (Upper Ground)



Site Plan (Upper Ground)

1 Front Street East

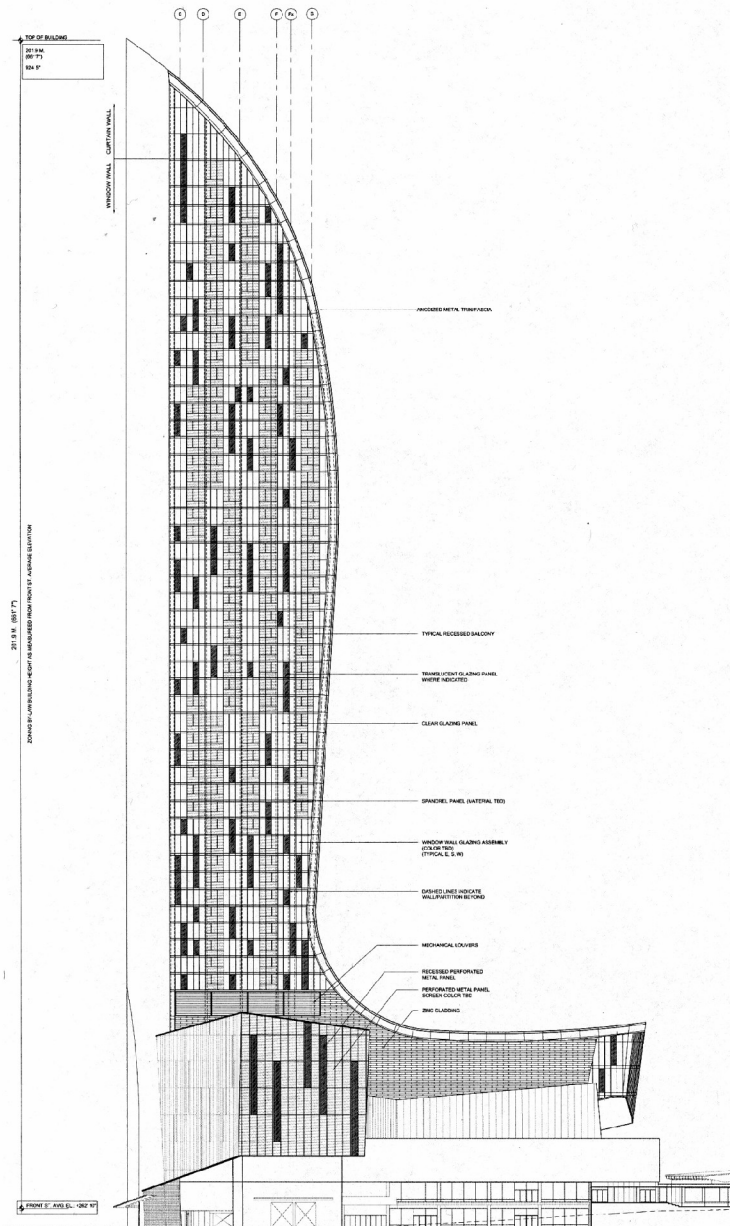
Applicant's Submitted Drawing

Not to Scale
04/09/03



File # 07_114857

Attachment 5: East Elevation (Scott Street)



East Elevation

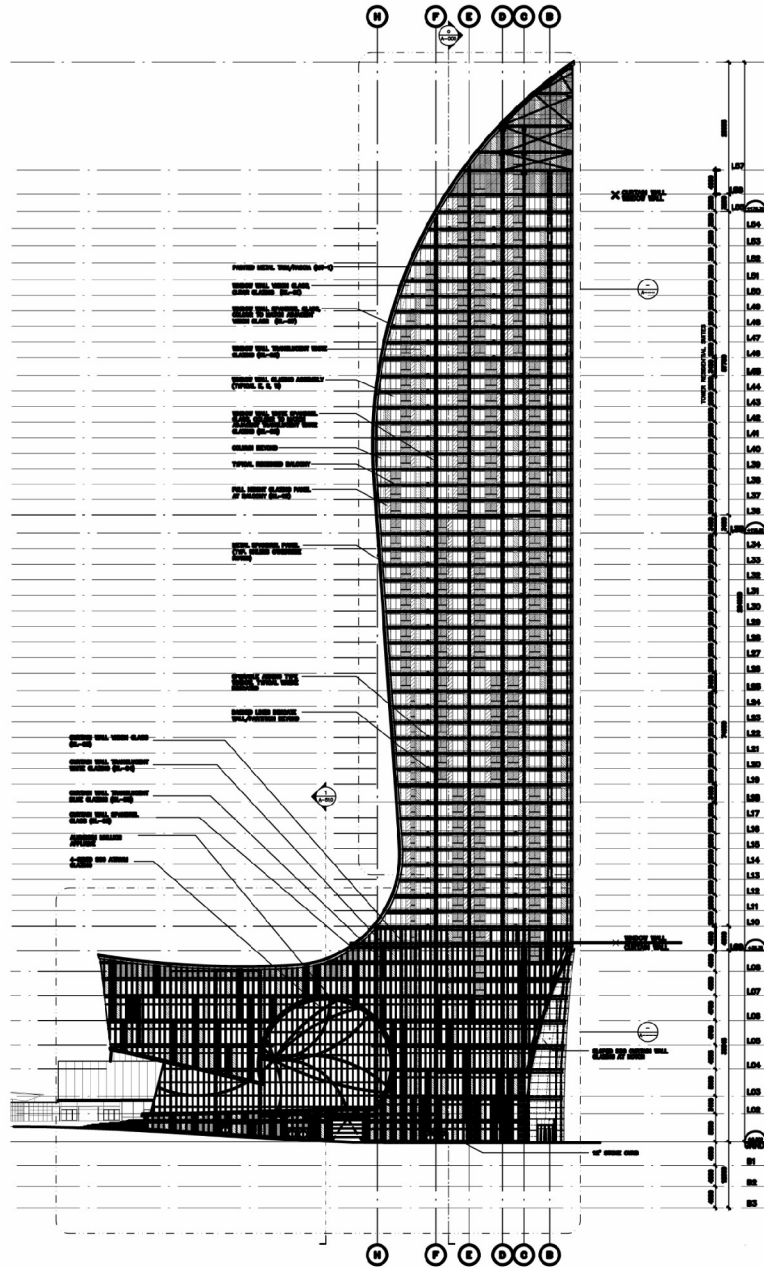
Applicant's Submitted Drawing

Not to Scale
03/13/07

1 Front Street East

File # 07_114857

Attachment 6: West Elevation (Yonge Street)



West Elevation

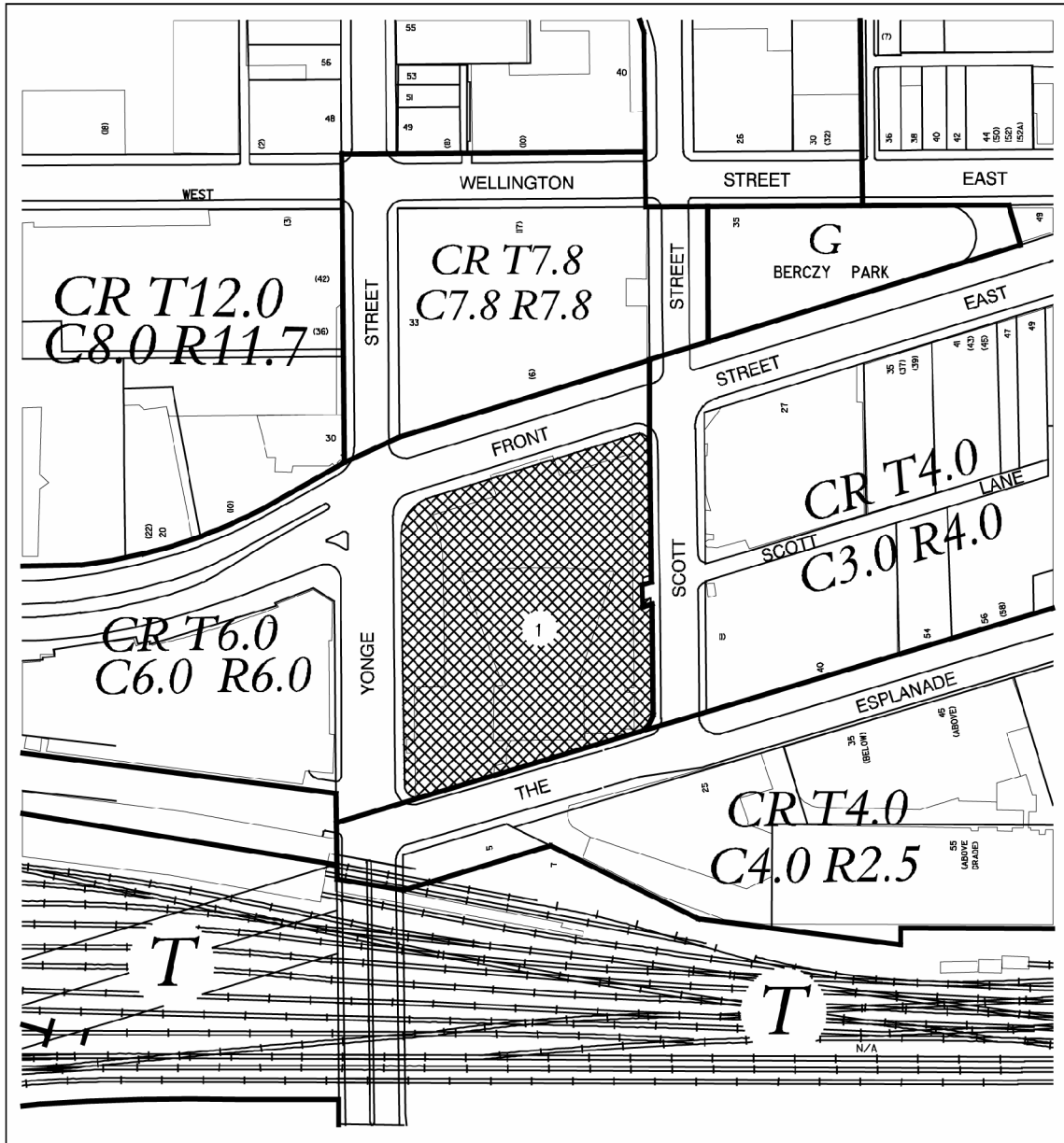
1 Front Street East

Applicant's Submitted Drawing

Not to Scale
04/09/03

File # 07_114857

Attachment 7: Zoning Extract



TORONTO City Planning
Division
Zoning

1 Front Street East
File # 07_114857

- G Parks District
- CR Mixed-Use District
- T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/13/07 - DR

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	07 114857 STE 28 OZ
Details	Rezoning, Standard	Application Date:	March 9, 2007

Municipal Address: 1 Front Street East, Toronto

Location Description: Block of land bounded by Yonge Street, Front Street East, The Esplanade and Scott Street

Project Description: Development of a 57- storey residential condominium building and ArtsLab cultural component.

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis Barrister & Solicitors		Studio Daniel Libeskind, New York, and Page & Steele Architects, Toronto	The Board of Management for the Hummingbird Centre for the Performing Arts

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Financial District	Site Specific Provision:	
Zoning:	CR T6.0 C6.0 R6.0	Historical Status:	Y
Height Limit (m):	46	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9905	Height:	Storeys:	57
Frontage (m):	80.07		Metres:	205
Depth (m):	99.4			
Total Ground Floor Area (sq. m):	7108			Total
Total Residential GFA (sq. m):	39814		Parking Spaces:	333 (off site)
Total Non-Residential GFA (sq. m):	22065		Loading Docks	3 + existing
Total GFA (sq. m):	61879			
Lot Coverage Ratio (%):	71.8			
Floor Space Index:	6.24			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	332
2 Bedroom:	159
3 + Bedroom:	5
Total Units:	496

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	39814	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	22065	0

CONTACT: PLANNER NAME: Al Rezoski, Senior Planner – Downtown Section
TELEPHONE/EMAIL: (416) 392-0481, arezosk@toronto.ca

Attachment 9: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Report No. ●, Clause No. ●,
as adopted by City of Toronto Council on ●, 2008
Enacted by Council: ~, 2008

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

To amend General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 1 Front Street East, and 5 and 7 The Esplanade

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, with respect to the lands known municipally as 1 Front Street East, and 5 and 7 The Esplanade,

AND WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting in accordance with the *Planning Act* regarding the proposed Zoning By-law amendment,

AND 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 Council of the City of Toronto, at its meeting on XX, 2008, determined to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended,

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* Pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s)

- requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the *site*.
 4. None of the provisions of Section 2 – Definitions with respect to the definition of “*grade*”, “*height*”, “*lot*”, and Sections 4(2)(a), 4(5), 4(12),4(13), 4(16), 8(3) Part I, 1, 2 and 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1.(a), 12(2)260, and 12(2)276 of Zoning By-law 438-86, 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 various areas of the City of Toronto, as amended, shall apply to prevent the erection and use of a *mixed use building* on the lands shown on Plan 1 attached to and forming part of this by-law provided that:
 - a. the *lot* comprises the lands outlined in heavy lines on Plan 1 attached to and forming part of this By-law;
 - b. no above grade portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, attached to and forming part of this By-law;
 - c. the *height* of any building or structure or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No 438-86, as amended, does not exceed the heights in metres shown on Plan 2 attached to and forming part of this by-law;
 - d. the *residential gross floor area* erected or used shall not exceed 39,814 square metres;
 - e. the *non-residential gross floor area* retained, erected or used shall not exceed 22,513 square metres;
 - f. *residential amenity space* located indoors shall not be less than 1,021 square metres;
 - g. *residential amenity space* located outdoors shall not be required;
 - h. *common outdoor space* shall not be required;

- i. residential *parking spaces* and residential *visitor parking spaces* may be located below grade at premises known municipally in the year 2008 as 5 & 7 The Esplanade;
- j. no *parking spaces* shall be required for non-residential uses;
- k. *bicycle parking spaces-visitor* and *bicycle parking spaces-occupant* may be located on the *lot* or on the premises known municipally as 5 & 7 The Esplanade;
- l. a minimum of 400 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
- m. 0.09 *bicycle parking space - visitor* for each *dwelling* unit, or fraction thereof equal to or greater than 0.5 shall be provided and maintained on the ground level at 5-7 The Esplanade;
- n. *bicycle parking spaces - occupant* are provided and maintained on the lower ground floor, upper ground floor, level B1, B2, or at 5-7 The Esplanade at ground floor, P1 or the second floor;
- o. *bicycle parking spaces - occupant* shall not be combined with storage lockers for residential units;
- p. notwithstanding any partition, subdivision or severance of the *lot* in effect or granted in the future the provisions of the zoning by-law shall continue to apply to the whole of the *lot* as though no partition, subdivision or severance had occurred;
- q. prior to the issuance of the *concrete superstructure permit*, the owner of the lot will enter into an Agreement with the City pursuant to Section 37 of the Planning Act to secure the facilities, services and matters required and register such agreement against the title to the lands as a first charge;
- r. a minimum of 32% of the *dwelling units* erected and used on the *lot* shall be 2-bedroom or larger *dwelling units*.
- s. For the purposes of this by-law:
 - i. “*concrete superstructure permit*” means the first building for the above ground concrete structure of the development as detailed on structural consultants drawings approved by the City;

- ii. “*grade*” means _____ Canadian Geodetic Datum CGD as measured from The Esplanade¹;
 - iii. “*height*” means the height above “*grade*” as is defined herein, and as shown on Plan 2 for the various components of the building;
 - iv. Each word or expression that that is italicized in the By-law herein shall have the same meaning as such word or expression as defined in By-law 438-86, as amended, unless otherwise defined herein.
- b. None of the provisions of 4(5), 8(1)(F)(a), 8(1)(F)(b), 9(1)(f), 9(3) Part I 2 of Zoning By-law 438-86, 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 various areas of the City of Toronto, as amended, shall apply to prevent the erection and use of a below grade residential *parking spaces* accessory to the lands described on Plan 1 at 5-7 The Esplanade.

ENACTED AND PASSED this day of , A.D. 2008.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

¹ The City Surveyor and the Architects should confirm the established grade and the measured height to the highest point of the roof

Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) prior to the introduction of the Bill in Council, the owner shall enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 1 Front Street East, subject to the approved alternations, to the satisfaction of the Manager, Heritage Preservation Services;
- (b) prior to the introduction of the Bill in Council, the owner shall provide a detailed Conservation Plan, prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services that includes: documentation through photographs of the as-found condition of the heritage structure as pertaining to the reasons for designation; detailed descriptions/specifications for the proposed heritage conservation work; a detailed landscape plan; an exterior lighting and signage plan; an estimate of costs for the implementation of the Conservation Plan; and the measures to be taken to protect the heritage resource during construction;
- (c) prior to the issuance of any building permit for 1 Front Street East, including a permit for demolition, excavation and /or shoring of the subject property, the owner shall:
 - (i) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the Conservation Plan;
 - (ii) provide building permit drawings to the satisfaction of the Manager, Heritage Preservation Services; and
- (d) prior to the release of the Letter of Credit, the owner shall:
 - (i) complete the heritage conservation work, satisfactory to the Manager, Heritage Preservation Services;
- (e) provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value

not less than one percent of the gross construction costs of all buildings and structures to be erected on the site;

- (f) provide and maintain between 5-7 The Esplanade and the site a publicly accessible under street level walkway (PATH) connection generally as shown on the Basement 02 Floor Plan prepared by Studio Daniel Libeskind and Page + Steele, 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.
- (g) provide and maintain within the site a publicly accessible PATH walkway connecting the tunnel from 5-7 The Esplanade to the Sony Centre generally as shown on the Lower Ground Floor Plan prepared by Studio Daniel Libeskind and Page + Steele, which shall:
 - (i) 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
 - (ii) be satisfactorily illuminated.
- (h) prior to the construction of any structure or building at 5-7 The Esplanade, provide a knock-out panel on The Esplanade side of the Sony Centre site to accommodate the 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;
- (i) pay all costs associated with the approved underground PATH tunnel connection to 5-7 The Esplanade;
- (j) provide knock-out panels at the northwest corner of the site on the Front Street East wall and Yonge Street wall 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;
- (k) provide continuous weather protection with a minimum depth of 3 metres and a minimum height of 3 metres along Yonge Street;

- (l) incorporate, in the construction of the building, exterior materials to be shown on the podium on 1:50 scale drawings along Front Street East, Yonge Street and The Esplanade with building materials labelled to the approval of the Chief Planner and Executive Director;
- (m) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (n) provide and maintain an irrigation system at the owner's expense 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, to the satisfaction of the General Manager, Technical Services;
- (o) be required to build in conformity with a Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 16, 2008;
- (p) 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.
- (q) 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
- (r) agree that no vehicular lay-by drop-off / pick-up facility will be provided along The Esplanade, Scott Street and Yonge Street frontages for the development project;
- (s) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (t) provide, prior to the issuance of the first Superstructure building permit, an indexed financial contribution to the City, to be determined through consultation between the applicant, staff and local Councillor to contribute to area improvements which may include the Yonge Street Pedestrian Promenade Plan, heritage lighting in St. Lawrence Community Improvement Plan Area, public realm improvements in the St. Lawrence Community Improvement Area and/or a seniors centre to be provided at 70 The Esplanade;
- (u) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (v) the residential parking requirement may be reduced by 10 spaces for each Autosshare parking space (or other provider of shared parking spaces as may be approved by the Executive Director of Technical Services) provided and maintained in the project;
- (w) 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;
- (x) pay all costs associated with the traffic control signal length extension at Yonge Street and Front Street East, as recommended in the December 2007 Traffic Impact Study prepared by IBI Group;
- (y) provide, if required by the accepted Functional Servicing Report, for the design and installation of odour control measures at the Scott Street Pumping Station, at the owner's expense, to the satisfaction of the Executive Director of Technical Services; and
- (z) 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.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

