

Part of 5–7 The Esplanade – Official Plan & Rezoning Applications - Final Report

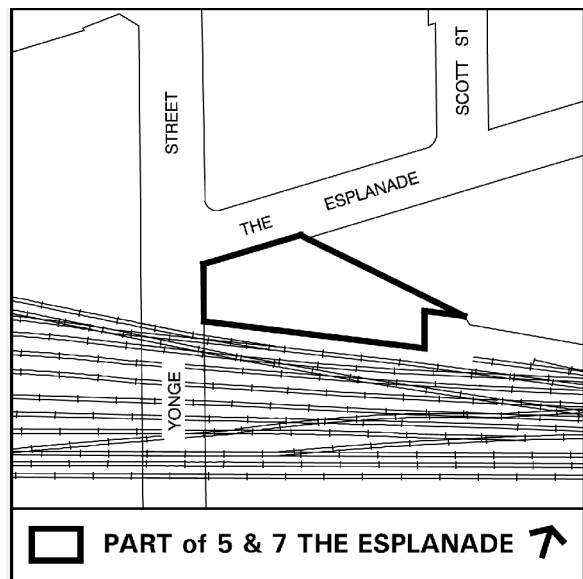
Date:	July 28, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	08-223450 STE 28 OZ (Zoning) and 08-231943 STE 28 OZ (OPA)

SUMMARY

This application was made on November 20, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes the development of a 32-storey residential tower on top of a 4-storey mixed-use podium for a total of 36-storeys and 271 dwelling units. The building height would be 112 metres and 118 metres to mechanical penthouse.

The 4-storey podium incorporates 4 levels of above grade parking for residents of the residential tower component at 5-7 the Esplanade. Previous approvals granted 6 levels of underground parking for the residents of the “L-Tower” residential condominium at 1 Front Street East (now 8 The Esplanade). A total of 523 parking spaces will be provided on site with 373 of those for use by the adjacent building proposed at 1 Front Street East (now 8 The Esplanade). The parking area would be accessed from The Esplanade, at the east end of the site abutting an existing driveway serving 2 Church Street, which is a Toronto Parking Authority (TPA) garage.



The floor space index for the residential and mixed-use component of this project, inclusive of the above grade parking podium, is approximately 11 times the area of the lot.

The proposed Official Plan and Rezoning applications are appropriate for the development of this site as it provides for residential mixed-use development on an underutilized site combining a surface parking lot with surplus lands formerly owned by GO Transit. The site is within the downtown core along Yonge Street and abutting the Financial District, and near Union Station and the Yonge/University subway line. There is already a mix of commercial and residential land uses along The Esplanade and the proposed 36-storey development is an appropriate and compatible land use.

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. 8. to the July 28, 2010 report from the Director of Community Planning, Toronto and East York District.
2. 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 to the July 28, 2010 report from the Director of Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, OPA 389 shall be adopted by City Council and be in-force.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following benefits:
 - a. prior to the issuance of above grade permits, provide a cash contribution of \$1,500,000.00, which is to be used for the following:
 - i. \$1,000,000.00 for PATH connections including, a pedestrian bridge over Yonge Street and a bridge to 2 Church Street, and/or the future signalization of Yonge Street and The Esplanade;

- ii. \$250,000.00 for streetscape improvements within the St. Lawrence Neighbourhood;
 - iii. \$50,000.00 for the North St. Lawrence Market redevelopment;
 - iv. \$100,000.00 for implementation of the Sherbourne Promenade Plan; and
 - v. \$100,000.00 for implementation of the Heritage Interpretation and Old Town Toronto Heritage Lighting Plans;
- b. require that the cash amounts identified in “a.” above shall be indexed annually 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;
 - c. provide and maintain public 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;

The following matters are to be secured as a legal convenience in the Section 37 Agreement:

- d. provide and maintain within the site a publicly accessible PATH walkway connection located within the podium from the west end of the podium adjacent to Yonge Street through the podium at the second level to the east end of the podium adjacent to the Toronto Parking Authority garage, generally as shown on the 2nd Floor Plan, drawing A3.2, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- e. provide and maintain within the site a publicly accessible PATH walkway connection from the second level within the podium from the west end of the podium down to the ground floor providing access to the street, generally as shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor

Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- f. provide knock-out panels along the second floor portion of the podium at the western most edge adjacent to Yonge Street and the eastern most edge adjacent to the Toronto Parking Authority lot to accommodate a potential future connection to the PATH system, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development;
- g. provide and maintain within the site publicly accessible Public Exhibition Space in conjunction with the PATH walkway connection located within the western edge of the podium on the second floor and ground floor, generally as shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- h. pay all costs associated with the PATH connection through the podium and the construction and maintenance of the Public Exhibition Space;
- i. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium along The Esplanade, Yonge Street and east elevation adjacent to 25 The Esplanade with building materials labelled to the satisfaction of the Chief Planner and Executive Director;
- j. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
- k. be required to build in conformity with the Toronto Green Standard Checklist as submitted by the applicant and date stamped received by January 6, 2009; and

1. enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council adopted 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.

In April 2006 Council approved the Design Review Panel pilot project which was made permanent in November 2009. The St. Lawrence area was included in the area subject to the panel's review of development applications and the application is located in the St. Lawrence area. The Design Review Panel assists Council in fulfilling Official Plan objectives by providing City staff with professional design advice on public and private development.

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.

In May 2008, Council approved a Final Report rezoning lands at 1 Front Street East and 5-7 the Esplanade (File no. 07-114857 STE 28 OZ). The rezoning was to permit a mixed use development consisting of an expansion of the Sony Centre cultural facility and the addition of a 57-storey residential condominium tower at 1 Front Street East. As part of the rezoning application, parking for the residential condominium was proposed off-site below grade at 5-7 the Esplanade. The amending By-law 860-2008 was enacted in July 2008.

An application at 5-7 the Esplanade for site plan approval was filed (File no. 07 274204 STE 28 SA) in October 2007. The application was for the 6 level below grade parking structure required for the residential condominium at 1 Front Street East and conceptual plans for the development of GO Transit head offices above grade. In March 2008 Castlepoint Realty and GO Transit formally filed a revised site plan application to include the GO Transit head office component.

In November 2008 staff received notification that the site plan application was being revised and also received the current rezoning application outlining a revised proposal for a residential development in place of the GO Transit offices. After discussions with staff the applicant was made aware that an application for Official Plan amendment was also

required. The Official Plan amendment application was subsequently submitted in December 2008.

The plans and drawings submitted in support of this application were prepared in phases. The phase 1 component illustrated 6 levels of below grade parking for the Sony Centre “L-Tower” residential condominium development and phase 2 illustrated a 4-storey podium plus, at that time, a 27-storey residential condominium component on the subject lands. On April 17, 2009 the applicant appealed the phase 1 component of the site plan application (File no. 07-274204 STE 28 SA) to the Ontario Municipal Board. The purpose of the appeal was to expedite the approval for the underground parking garage because the parking garage supplies off-site parking for the “L-Tower” development which was substantially more advanced in the planning process. There were concerns from the applicant regarding the timing of the approvals for the underground parking garage delaying the “L-Tower”.

On October 7, 2009 City staff attended a settlement hearing with the applicant at the Ontario Municipal Board in support of an agreed upon site plan for the 6-level underground garage plus surface level landscaping. The OMB issued an oral decision on October 14, 2009 approving the site plan in principle and withholding its final order until the applicant fulfills pre-approval conditions and enters into a site plan agreement. The applicant is currently working towards fulfilling conditions. As a recommendation of this report, staff is requesting that the Section 37 Agreement require that the applicant enter into a Site Plan Agreement. Eventually it is the applicant’s intent that the ongoing review of the site plan application illustrating the incorporated phase 1 and phase 2 developments will supersede and replace the site plan approved in principle at the OMB.

ISSUE BACKGROUND

Proposal

The application as submitted in November 2008 was to permit the development of 27-storey residential tower on top of a 4-storey mixed-use podium for a total of 31-storeys with a total height of 102.5 metres (97 metres plus 5.5 metres of mechanical penthouse) and 251 dwelling units. This proposal replaced an earlier proposal for GO Transit head offices that were originally envisioned for this site.

Through staff’s review of this proposal since originally submitted in November 2008, changes were made to alter elements such as: the podium articulation, tower shape, separation distances, driveway width, total floor area, height and number of units. As a result of discussions beginning in March/April 2010 with Planning staff, area residents and the local area Councillor, the applicant revised the proposal formally on May 27, 2010 to permit a 32-storey residential tower on top of a 4-storey mixed-use podium for a total of 36-storeys with 271 residential units and with a building height of 112 metres (118 metres to mechanical penthouse). An additional 5-storeys and height of 15.5 metres were added without changing the parking supply.

The proposal includes 6 levels of underground parking for the residents of the “L-Tower” residential condominium at 8 The Esplanade and a 4-storey podium which incorporates 4 levels of parking for residents of the residential component at 5-7 the Esplanade. A total of 523 parking spaces will be provided on site with 373 of those for use by the adjacent building proposed at 8 The Esplanade. The parking area would be accessed from The Esplanade, at the east end of the site abutting an existing driveway serving 2 Church Street, which is a Toronto Parking Authority (TPA) garage.

The 4-storey podium would cover the site in its entirety while the ground floor would contain such uses as a residential lobby, moving and loading areas, retail space and the ‘Public Exhibit Space’ on levels 1 and 2. The Public Exhibit Space is intended to be part of the pedestrian realm and accessible to the public throughout the day. The Exhibit Space is intended to promote public awareness of the heritage aspects of the St. Lawrence area. The south end of the podium acts as a crash wall between the railway lands and the subject property. The requirement for the crash wall has been secured through conditions of site plan approval during the phase 1 review that was before the OMB.

The second floor functions as a ‘pedestrian juncture’ as it includes a proposed City of Toronto PATH connection along the south edge of the podium parallel to the train tracks and a potential future bridge connection over Yonge Street to the GO Bus Terminal and Union Station entering 5-7 The Esplanade through the “Public Exhibit Space”. The initial proposal contemplated a bridge over The Esplanade to connect the Sony Centre “L-Tower” development to the 6-level underground garage. The bridge is no longer part of the proposal and has been replaced with a private underground tunnel connection at level P4. The podium also includes parking on all 4 above ground levels and includes 10 live/work units on levels 2 through 4. The live/work units are located at the front of the building facing The Esplanade therefore concealing any parking area. Amenity space is located indoors on levels 5, 6 and 7, which includes an outdoor landscaped roof on top of the 4-storey podium.

The 32-storey residential tower component has a floor plate of approximately 712 square metres (7,665 square feet) and contains a total of 271 residential dwelling units consisting of 20 1-bedroom, 139 1-bedroom plus den, 74 2-bedroom and 28 2-bedroom plus den units. The 10 live-work units within the podium would include 5 1-bedroom, 4 1-bedroom plus den and 1 2-bedroom units. The tower would be located a minimum distance of 27 metres (85 feet) from the existing 32-storey tower at 25/35 The Esplanade and 25 metres (82 feet) from the proposed “L-Tower” at 8 The Esplanade. The floor space index for the residential and mixed-use component of this project, exclusive of any parking, is approximately 8.15 times the area of the lot and approximately 11 times the area of the lot when including the podium parking.

The following table outlines key statistical changes to the proposed mixed-use residential development since first submitted.

Table 1 – Comparison of Proposal Changes			
	November 2008 - Original submission	January 2010 - Revisions	May 2010 – Revisions
Total Height -Tower -Podium	31-storeys 27-storeys 4-storeys	31-storeys 27-storeys 4-storeys	36-storeys 32-storeys 4-storeys
Tower Floor Plate	734 m ²	780 m ²	712 m ²
Total GFA -Non residential -Residential	20,455 m ² 772 m ² 19,683 m ²	23,093 m ² 950 m ² 22,143 m ²	23,587 m ² 950 m ² 22,637 m ²
Floor Space Index (with podium)	10.1	10.4	11.0
Indoor Amenity Area	520 m ²	551 m ²	832 m ²
Residential Units	259	251	271

Site and Surrounding Area

The development site is a relatively small portion of larger properties known municipally as 5-7 The Esplanade, which extend from Lower Jarvis Street to Yonge Street and Lakeshore Boulevard East to just north of the tracks and south of The Esplanade (see Attachment 6).

The subject development site is located at the southeast corner of Yonge Street and The Esplanade and has a site area of approximately 0.72 acres (0.29 hectares). The site for this development consists of an excavated portion of the existing railway embankment combined with the existing surface parking lot on site. Currently, there is an elevation difference of approximately 6 metres (20 feet) between the parking lot and the top of the embankment. The site has a frontage of 42 metres (138 feet) along The Esplanade and roughly 23.4 metres (77 feet) along Yonge Street, however because of the railway embankment and railway overpass, only about 6 metres (20 feet) of frontage is exposed along Yonge Street.

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

North: directly across The Esplanade at 1 Front Street East is the Sony Centre with approvals in place for an expansion and a 57 storey residential condominium component with a new address of 8 The Esplanade (File nos: 07 114857 STE 28 OZ and 07 274204 STE 28 SA);

South: immediately abutting the site to the south is the Toronto Terminal Railways and to the southeast there exists a City owned closed portion of Scott Street;

East: across Scott Street to the northeast is 40 The Esplanade which was recently completed development consisting of mixed use building with retail at grade and residential condominium towers 32 storeys (west tower) and 16 storeys (east tower) in height; and abutting to the immediate east is an access driveway to the Toronto Parking Authority Carpark 43 (2 Church Street) and 25/35 The Esplanade a 32-storey residential condominium building with retail at grade; and

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

Policies within section 3.1 of the Provincial Policy Statement look to protect the public health and safety. Long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to residents from natural or human-made hazards. As a result, development shall be directed away from area of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. 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 Growth Plan generally contains policies that direct a significant portion of population and employment growth to built-up areas through intensification. Key to the Plan is a reduction in auto dependence through the development of mixed-use, transit supportive, pedestrian friendly urban environments; and achieving higher densities and appropriate transition of built form to adjacent areas.

Official Plan

The site is located within the Downtown and Central Waterfront area on Map 2 – Urban Structure just outside of the Financial District boundaries. The site is also 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” and “Built Form” sections of the Plan. This includes the built form policies for tall buildings.

As part of the “Downtown” policies of the plan, the City has prepared a number of design guidelines to assist in interpreting and implementing its broad based policies on a more localized basis. In this case, design guidelines such as: the “Design Criteria for Review of Tall Building Proposals” provides key urban design criteria that should be brought to bear in the evaluation of tall building applications; and the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines” aim to improve the neighbourhood and ensure that development contributes to enhancing and improving the diverse and special character of the area.

The new City of Toronto’s Special Policy Areas and floodplain policies are still before the Ontario Municipal Board with a decision not yet determined. Development in the Special Policy Areas must be reviewed within the context of the former City of Toronto Official Plan policies. The subject site falls within the Lower Don Special Policy Area as shown on Appendix B – Map 1 of the former City of Toronto Official Plan and is subject to the relevant policies included in Section 2 – The Environment – Natural Hazard Protection and Flood Plans section.

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 site is governed by Zoning By-law 438-86, as amended. The site is zoned both T (south portion of site) within an ‘Industrial District’ which permits transportation uses, and zoned CR T4.0 C4.0 R2.5 (north portion fronting on Yonge Street and The Esplanade) within a ‘Mixed-Use Districts’ 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.

Site Plan Control

The development is subject to site plan control. The applicant submitted site plan control application 07 274204 STE 28 SA in October 2007 for review of the parking structure required for the residential condominium at 8 The Esplanade and for the development of GO Transit Head Offices. That site plan application has since been amended for the purposes of the current application and is under review.

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 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.

The applicant has submitted the City's standard "Arborist Report for Development Applications" form indicating that no trees exist on the subject development site but that there are 4 trees near the site that qualify for protection.

Reasons for Application

The 'Utility Corridors' designation does not permit any residential or mixed land uses such as live-work, retailing or commercial uses. An amendment to the Official Plan is required in order to permit the proposed uses.

The rear portion of the lands zoned "Industrial Districts T" does not permit any of the proposed land uses and in the case of the lands zoned "Mixed-Use Districts CR", both residential and commercial uses are permitted, however, not at the height and density being proposed. The permitted height and density at this location within the CR zone is 46 metres and 4 times the area of the lot. An amendment to the zoning by-law is required in order to permit the proposed uses at the 112 metre height and 11 times density being requested and to implement the necessary performance standards to regulate the new development.

Community Consultation

A community consultation meeting was held on June 1, 2009. There were approximately 80 members of the public that attended along with the Ward Councillor, City Planning staff and the applicant's development team. The proposal was presented to the community by the applicant's architect and landscape architect.

Residents raised questions about the public realm components of the development. They wanted to ensure for an appropriate pedestrian walkway and tree planting in front of the proposed development.

In relation to the public realm issues above, there was serious concern over the proposed vehicular access to the parking garage being located immediately adjacent to the Toronto Parking Authority (TPA) lot next door. People thought that this would create a negative and dangerous condition for pedestrians along the street when trying to cross the sidewalk in front of these two entrances with approximately 22 metres of pavement combined. Pedestrians would be forced to try and cross over 4-lanes of vehicular traffic and thought that this was contrary to the vision of The Esplanade as a pedestrian friendly street. Many believed that the entrance to the TPA lot and the proposed development should be combined into one entrance or another option would be to close the TPA entrance in this location and utilize the other two access points at the foot of Church Street and Market Street. To alleviate some of the pedestrian safety issues the applicant suggested "signalizing" the driveway entrance areas in some fashion to warn pedestrians and vehicles of one another.

There was a general concern about traffic in the area with cars speeding along The Esplanade and a desire by residents to make The Esplanade more pedestrian friendly. The addition of the proposed development, the L-Tower and The London (40 The Esplanade) developments would result in additional cars and traffic and have a negative impact on the pedestrian environment. Some thought speeds could be reduced by making The Esplanade one-way, by installing traffic calming measures such as raised intersections or by signaling the intersection of Yonge Street and The Esplanade. Residents wanted to know if the proposed development provided a sufficient vehicular parking supply to meet the demand of potential building residents and where the bicycle parking/storage would be located.

Neighbourhood residents wanted to know what the podium would look like and in particular the underground garage entrance area. Suggestions were made that the garage door should be integrated into the podium. The parking areas in the podium should be screened and not be visible from The Esplanade. Questions were raised regarding where the railway crash wall would be located, where vents were to be located because fumes from the underground and podium parking areas would need to be released, and a possibility to cut back the Yonge Street bridge.

Ensuring a PATH connection east and west through the proposed development site was a priority for a number of people, while some thought that including a PATH connection would remove pedestrians from The Esplanade and detract from the pedestrian environment. Questions with respect to the PATH connection included; how and at what level the PATH connection would be integrated within the development; how would the PATH connection be incorporated eastwards from the site towards the abutting TPA parking lot; would there be a pedestrian bridge over Yonge Street westward for pedestrians; and details of what these areas would look like.

There are many developments along The Esplanade and resident's questioned if there is enough service capacity to accommodate all the proposed new developments and residential units in the area, which include 5-7 The Esplanade, 40 The Esplanade (The London) and 8 The Esplanade (L-Tower). Suggestions were made that there should be larger units to accommodate more families. Residents were concerns about the length and timing of construction in the area between that of the approved "L-Tower" and the proposed new development.

During the review of this proposal, Community Planning met with area residents and received letters and e-mails regarding the proposal. Issues raised reflected those matters mentioned at the community consultation meeting above and included matters such as: the proposed height and density of the building being excessive; ensuring that the view of the 'flat iron' building (25 The Esplanade) is maintained; allowing for sufficient parkland in the area; and ensuring for appropriate urban design of the building at this gateway location within the St. Lawrence neighbourhood.

Community Planning and Urban Design staff attended an open house meeting on April 6, 2010 held by the applicant in consultation with the Councillor's Office to assist in

answering any questions from the community. The feedback from the community was generally positive with some residents complimenting the improvements made since the original submission. At this meeting the community commented and raised questions about matters such as: the proposed density in relation to other buildings in the area; vehicular access for the building next to the TPA entrance; wanted to ensure for a PATH connection; wanted The Esplanade to be pedestrian friendly and ability to cross to the west side of Yonge Street; wanted to make sure the building is environmentally friendly (LEED certification); commented on the design aspect of the “Fins” proposed on the roof of the building; wanted to ensure for public art, civic space at the “gateway” corner of The Esplanade; and design related discussions were had about a rectilinear building versus curved building at this location.

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

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement generally does not permit development and site alteration within floodplain areas, except that development and site alteration may be permitted in exceptional situations where a Special Policy Area (SPA) has been approved. The designation of a Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a Special Policy Area must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources.

It is recognized that the City of Toronto’s downtown core SPA is in a unique situation. Unlike other jurisdictions, the flood risk is to be eliminated in a portion of the Lower Don SPA when the Lower Don River West Flood Remedial Flood Protection Project (landform) has been fully constructed and the Toronto and Region Conservation Authority (TRCA) has deemed the landform complete. The landform is currently under construction and once finalized, certain lands in the downtown core, which include the subject site, would be removed from the floodplain. It is anticipated that the landform will be completed in 2011.

In order to allow the City to make planning decisions in this part of the Lower Don SPA in advance of the SPA removal, provincial staff are prepared to consider an interim policy regime for the City with respect to approvals regarding land use or policy changes. This interim regime is based on the City’s commitment not to issue building permits related to new development requiring Official Plan or Zoning By-law amendments to the current Official Plan and Zoning By-law, until the landform is deemed complete by the TRCA. This approach would require inserting a “holding” provision into the SPA policies within the Official Plan for the former City of Toronto such that zoning by-laws related to the new development are to be put on “hold” pursuant to Section 36 of the Planning Act. The lifting of the “hold” would only occur after the TRCA has deemed the

landform complete and functional from a floodplain management perspective. The Province is concerned that new, intensified development may occur in the area prior to completion of the flood protection works, thereby increasing the risk due to flooding.

City Council at its meeting of July 5-7, 2010 endorsed the “Lower Don Lands Official Plan Amendment and Keating Channel Precinct West Zoning By-law” Directions Report dated June 18, 2010. The report outlined a process for the comprehensive removal of the SPA for the Lower Don and included draft Official Plan Amendment No.388 and 389 to the former City of Toronto Official Plan. OPA Amendment No. 389 allows City Council to enact amending zoning by-laws pursuant to Sections 34 and 36 of the Planning Act to permit holding provisions in which development is not permitted until the landform is complete. A holding provision has been incorporated in the draft zoning by-law (Attachment 9) to ensure that no development occurs until the landform is complete.

The City has submitted the materials required for the removal of the SPA to the Province for review and comment. Staff from the TRCA and the City are continuing to meet and consult with staff from the Ministries of Natural Resources and Municipal Affairs and Housing to secure provincial approval of the Council endorsed OPAs in time for the August 17, 2010 community council meeting.

The proposed development of this site is consistent with the Provincial Policy Statement. It contributes to the efficient use of land and infrastructure within the downtown core by establishing a basis to develop this site that is available for growth. The proposal incorporates a hold that would eliminate any risk of flooding as development would not occur until the area is removed from the floodplain through the completion of the landform in the West Don Lands.

The proposed development is supportive of Growth Plan policies that direct growth to built-up areas promoting intensification, reduction in auto dependence through the development of mixed-use, transit supportive, pedestrian friendly urban environments; and achieving higher densities and appropriate transition of built form to adjacent areas. The site is located within the Downtown Urban Growth Centre where intensification should occur in close proximity to Union Station providing convenient access to transit.

Land Use

The subject land was previously owned by Metrolinx (GO Transit) and was declared as surplus to GO Transit’s needs and sold to the developer in December 2009. GO Transit does not have a public process for declaring lands surplus. Proposals for sale of lands and development of GO Transit lands are reviewed internally by staff, senior management, the redevelopment subcommittee of the GO Board and then the GO Transit Board of Directors for approval. The parcel is a relatively small portion of excess land at the periphery of the rail corridor and GO Transit has confirmed on numerous occasions is no longer required by GO Transit.

The site for this development consists of the existing surface parking lot combined with an excavated portion of the railway embankment. Approximately 2,400 square metres of

“T” zoned land would be added to approximately 500 square metres of land already zoned “CR” which currently permits the mix of uses contemplated by this proposal. The mixed-use development is proposed on a site within the Downtown and Central Waterfront area and is located minutes away by foot from Union Station and the Yonge-University subway line. Existing land uses in the immediate area already include similar type of high-rise mixed-use buildings such as 25 The Esplanade, 40 The Esplanade and the recently approved “L-Tower” at 8 The Esplanade. The proposed mixed-use residential building is an appropriate use and form of intensification at the subject location. Re-designating this portion of land from “Utility Corridors” to “Mixed-Use Areas” would allow for the proposed development and be in keeping with the already existing “Mixed-Use” designation along The Esplanade.

Density, Height, Massing

The development site is located adjacent to the City’s Financial District and within the downtown core which is where the development of tall buildings is appropriate. Generally, buildings with greater heights and densities are permitted west of the development site within the Financial District with heights and densities decreasing in magnitude east of Yonge Street within the St. Lawrence Neighbourhood. The development site is a corner property with frontage along both Yonge Street and The Esplanade.

The proposed building’s height of 36-storeys and 112 metres and density at 11 times the lot area is appropriate and is in keeping with that of existing buildings and recently approved buildings within the immediate area. The recently approved, but not yet build, “L-Tower” building at 8 The Esplanade is 57-storeys with a height of 205 metres and a density of approximately 6.3 times the area of the Sony Centre lot. “The London” at 40 The Esplanade which was recently completed has a height 32-storeys at 94 metres and a density of 11.5 times the area of the lot. Other developments in the area include: 25 The Esplanade immediately east of the proposed development site with a height of 32-storeys, 97 metres (102 metres to mechanical penthouse) and 16 times density; and 18 Yonge Street at 39-storeys, 118 metres and approximately 13.5 times density. Staff is of the opinion that the height and density of the project is in keeping with the heights and densities of buildings in the surrounding area.

The Design Criteria for Review of Tall Building Proposals, the St. Lawrence Urban Design Guidelines, and input from the City of Toronto’s Design Review Panel on two separate occasions of April 23, 2009 and November 17, 2009 have been used to assist in the urban design review of this application. The tower is located on top of a 4-storey podium which occupies the entire site with no setback to The Esplanade which is in line with the adjacent building at 25 The Esplanade. In general, the base of the building should be at a height and scale which respect the street proportion with design criteria recommending a minimum base building height of 11 metres or 3-storeys. The Esplanade has a row-of-way width of approximately 20 metres and Yonge Street has a right-of-way width of 23 metres. The proposed 4-storey podium has a height of 15.5 metres which is in keeping with design criteria.

The tower has setbacks from the podium edge of both The Esplanade and Yonge Street. Design guidelines recommend a tower setback of a minimum of 5 metres. Due to the atypical configuration of the lot and the desire to maximize building tower separation distances from 25 The Esplanade and 8 The Esplanade, the tower at 5-7 The Esplanade has been situated right at the western most edge of the podium. This allows for appropriate minimum tower separation distances of 25 metres from 25 The Esplanade and 27 metres from 8 The Esplanade. The building is also massed to frame the two streets it fronts on. The Yonge Street setback, excluding the design arches, is a minimum 5 metres transitioning down to approximately 2.5 metres southward towards the bridge. The setback of the tower from the podium along The Esplanade is a minimum of 1.2 metres for a length of approximately 8 metres and then increases beyond 5 metres as it follows the curvature of the tower. Staff are of the opinion that the setbacks are appropriate.

Design criteria recommend point towers with maximum residential floor plate areas of 743 square metres (8,000 square feet) or less and/or a highly articulated form. The floor plate of the proposal has varied through it's review changing from 734 square metres to 780 square metres and now the current proposal which has reduced the floor plate to 712 square metres. The reduction of the tower floor plate and introduction of the curvilinear element along The Esplanade has allowed for a greater separation distance between the tower at 25 The Esplanade and the proposed tower, has created a slimmer more elegant tower and has increased the visibility to and view from the 'nose' portion of 25 The Esplanade. The proposed tower at 5-7 The Esplanade does not completely screen the view of 25 The Esplanade when looking east along The Esplanade from the intersection of Yonge Street and The Esplanade.

The base of the proposed podium along The Esplanade together with the live-work units, Public Exhibit Space entrance, retail, streetscaping, will work, in conjunction with the entrance to the "L-Tower" at 8 The Esplanade across the street, to contribute to animating the street and public realm at this important gateway corner within the St. Lawrence neighbourhood. The details of the podium will be reviewed and secured through the site plan process. As part of the Section 37 agreement and site plan review, staff are requesting 1:50 elevation details of the podium to review the applicant's choice of building materials for the podium and in particular the east side of the podium adjacent to the lower levels of 25 The Esplanade. Staff want to ensure that lights from vehicles in the parking garage do not impact residents of 25 The Esplanade and that this area is appropriately screened. Parking within the portion of the podium fronting along The Esplanade will be screened by live-work units.

Staff are of the opinion that the massing and design of the building implements City design criteria and is appropriate development for this key location within the St. Lawrence Neighbourhood.

Shadow and Wind Analysis

The Official Plan includes policy direction that tall buildings must minimize their negative impacts of shadows on adjacent public spaces including streets, parks and open

spaces and similarly, policies requiring new development to be massed to fit harmoniously into existing and/or planned context, limiting its impact by adequately limiting resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

The applicant has submitted a shadow impact study and staff are satisfied with the level of shadowing that would occur on other nearby Financial District and St. Lawrence Neighbourhood properties. Much of the shadowing that would occur from the proposed development is captured within shadows that would already be occurring from that of 8, 25 and 40 Esplanade with some additional shadowing that is acceptable.

There were concerns raised from residents that the proposed building would shadow rooftop amenity area at 25 The Esplanade. Shadow studies submitted by the applicant illustrate that shadowing of the rooftop amenity area would not occur at 25 The Esplanade until approximately 5:18 pm in the evening during September 21st and March 21st. By 6:18 pm in the evening the shadow from the proposed development would almost completely pass the rooftop amenity area at 25 The Esplanade and the amenity area would be shadowed by its own building at that time. The initial 36-storey version of the proposal had an architectural design feature “fins” on top of the roof that caused some minor additional shadowing on the amenity area of 25 The Esplanade. That architectural feature was beyond the height of the mechanical penthouse. The applicant has revised the proposal to reduce the height of the “fins” which are now level with the mechanical penthouse.

The proposed 36-storey building is a point tower with a slim floor plate allowing for shadows to pass quickly minimizing impacts. Shadowing from the proposed development would not impact Berczy Park on September 21st and March 21st and staff are satisfied with the shadow analysis. Urban Design staff has also reviewed and accepted the applicant’s submitted wind study and are satisfied that the proposed building would not result in uncomfortable wind conditions.

Traffic Impact, Access, Parking and Loading

The applicant has submitted a Traffic Impact Study. Access to the site is proposed via a driveway from The Esplanade. The applicant’s traffic consultant has concluded that the traffic volumes that will be generated by the project can be accommodated on the surrounding road system. Transportation Services concur with this conclusion.

The proposed access driveway at The Esplanade is separate from and adjacent to the Toronto Parking Authority access (see Attachment 2). The community’s preferred solution would have been to combine the accesses points for the proposed development and the TPA into one single access. The TPA had indicated that their access is owned by a 3rd party and they have a right-of-way over this access but that they do not have the legal authority to grant right-of-way to others over those lands. Both the applicant and the TPA were not in favour of combining and sharing access. Further to the settlement hearing on October 7, 2009 in support of an agreed upon site plan for the 6-level underground garage, the decision from the OMB established access to the 6-level

underground parking garage to serve the Sony Centre and the current proposal builds the podium and tower around that access location. Prior to settling at the OMB, staff worked with the applicant in order to address community concerns with respect to having the TPA entrance adjacent to the entrance for the proposed new building.

There were concerns regarding safety, pedestrian comfort and overall appearance of having two access points next to one another. The original proposal illustrated a continuous paved curb-cut at the sidewalk of approximately 22 metres. In order to resolve this issue, throughout the review of this proposal staff has worked with the applicant by revising the access. The current proposal has been revised by: reducing the width of the entrance to 5-7 The Esplanade from 7 metres to 6 metres; shifting the access to the west closer to Yonge Street; and due to the shifting of the entrance towards Yonge Street and a proposed reduction of the TPA entrance flared driveway within the public right-of-way, the driveways have been separated by a proposed 5 metre wide pedestrian island in between. The garage door to the parking area has also been recessed 0.6 metres from the face of the podium in order to minimize visual impact. Transportation Services staff have reviewed the proposal and are satisfied that the proposed driveway configuration is appropriate from a functional and safety standpoint. Similarly, Urban Design staff have reviewed the proposal and are satisfied with the changes from a design point of view and will continue to work with the applicant to improve the public realm through the site plan process.

In order to address area resident concern over traffic operations along The Esplanade and as part of staff's review of the development proposal for 1 Front Street East (now 8 The Esplanade), the local Ward Councillor introduced a motion at City Council's meeting on May 6, 2008. The motion requested Transportation Services report back on implementation of a number of transportation initiatives in the area, which included a signalized intersection at Yonge Street and The Esplanade. As part of Section 37 community benefits associated with this application, staff are securing funds that may be used for a pedestrian bridge over Yonge Street, a bridge to the TPA parking garage and/or the signalization of Yonge Street and The Esplanade.

Parking proposed for this project will be used to satisfy the parking requirements for the development of 5-7 The Esplanade and the development of the premises known as 8 The Esplanade ("L-Tower"). By-law number 860-2008 which is already in effect permits parking for 8 The Esplanade below grade at 5-7 The Esplanade.

The required parking for 8 The Esplanade is 373 (338 resident + 35 visitor) spaces and 373 (358 resident + 15 visitor) spaces are being provided on site. Parking for 5-7 The Esplanade requires 161 spaces plus an additional 16 visitor parking spaces. The number of spaces being proposed is a total of 144 for use by residents only. There will be 6 car-share spaces provided and any visitor parking spaces are to be accommodated with the adjacent Toronto Parking Authority lot, or possibly, other off-street public parking lots in the area. Based on the information provided by the applicant's transportation consultant, sufficient reserve capacity exists within the TPA parking garage to accommodate visitor parking demand that will be generated by both projects. Additional parking spaces may

also be available to accommodate the visitor parking demand for both projects at other public parking lots in the area. All proposed car-share parking spaces will be located within the ground floor parking level. Appropriate provisions have been incorporated into the draft zoning by-law to secure this requirement. Transportation Services staff are satisfied that the proposed parking supply is acceptable.

The project provides the necessary loading spaces required to service this development. The loading spaces are accessed via the same vehicular entrance as discussed in the previous section. Any loading necessary for garbage or residents moving into or leaving the building would occur internal to the building on the ground floor within the podium. Loading trucks would not be required to load or back onto The Esplanade.

On balance, the proposed development works well to address matters related to traffic, access, parking and loading. Furthermore, the site is situated in an area adequately supplied by transit infrastructure. The site is well served by the Yonge-University subway line, the Harbourfront LRT, bus service on The Esplanade, Yonge Street and Bay Street, and the King and Queen streetcar lines. The site is also within minutes walk to Union Station and directly across Yonge Street is a GO bus station.

Pedestrian Infrastructure

The applicant is proposing canopies along The Esplanade as weather protection for pedestrians, and for those entering/exiting the building, the public exhibit area and any potential PATH connections. The canopies along The Esplanade will assist in implementing Official Plan policies as they assist in improving the pedestrian experience from a microclimate and wind conditions perspective at the pedestrian level. Weather protection is a high priority given Official Plan policies to promote walking and discourage automobile dependence.

The Esplanade is part of the Walks and Gardens pedestrian route. Continuous weather protection along The Esplanade is a requirement of Urban Design Guidelines for the St. Lawrence Focused Area. The applicant has advised that the proposed canopies along The Esplanade are 1.8 metres wide by 2.7 metres high and are not continuous along the street frontages. The City Council approved Yonge Street Pedestrian Promenade requires continuous weather protection for new buildings fronting on Yonge Street between Front Street and Queens Quay.

Staff recommend continuous canopies along The Esplanade and Yonge Street. Staff recommend that they be at least 3 metres wide by 3 metres in height. Staff will continue to work with the applicant to secure details with respect to the canopies through the site plan process and have included provisions within the draft zoning by-law regarding dimensions (Attachment 9).

The applicant has submitted a landscaping plan for the public right-of-way in front of the proposed building that illustrates boulevard tree planting with a sidewalk width of 4 metres along the western edge of the site which tapers down to 3.1 metres along the eastern edge of the site towards the TPA access. This exceeds City Technical Services

staff requested minimum 2.1 metre wide pedestrian clearway. Staff will work with the applicant to ensure that through the site plan process that the proposed tree planting and continuous sidewalk across the entire frontage of the development are secured. The applicant has also submitted for review and acceptance a landscape plan that include concrete pavers at the gateway intersection of Yonge Street and The Esplanade and mirroring treatments of granite pavers in front of the building entrances for 8 The Esplanade and 5-7 The Esplanade.

The required parking for 8 The Esplanade (“L-Tower”) has been provided within 6-levels of below grade parking at 5-7 The Esplanade. In order to allow residents of the “L-Tower” convenient access to their parking area across the street, a private underground pedestrian tunnel is proposed. This tunnel would be for the exclusive use of residents from the “L-Tower” and would connect from underground level-3 of the “L-Tower” to underground level P4 at 5-7 The Esplanade. This tunnel replaces a previous proposal that incorporated a publicly accessible PATH bridge over The Esplanade.

The developer is also proposing to provide and maintain within the site a publicly accessible PATH walkway connection. The connection would be located on level 2 and run along the entire length of the podium’s south end from Yonge Street through to the east end of the podium adjacent to the TPA garage. The intent of this PATH connection is to connect to the TPA garage and through the TPA garage ultimately providing access at the base of Market Street. The TPA has advised that they are willing to receive a PATH connection into the parking garage, however are concerned with where pedestrians would be received into their building raising safety concerns resulting from vehicular and pedestrian conflicts. The TPA indicated that they would review their parking garage configuration and assess a PATH connection’s impact. Located in between the TPA garage and the subject site at their south end is a closed portion of the Scott Street road allowance. Any PATH connection from the subject lands to the TPA garage would have to occur over this parcel. It was suggested that the applicant include this parcel as part of their development site, however, through consultation with City Facility and Real Estate staff, it was determined that a surface level easement exists in favour of GO Transit to access their property. A likely scenario would include connecting these two properties via a bridge. Such a bridge could be paid for from Section 37 community benefit funding, the TPA budget or a combination of both.

Staff have recommended that the PATH connection through 5-7 The Esplanade be secured through a Section 37 agreement as detailed in this report. This would allow staff to ensure that the potential for a future PATH connection through this development site would remain to eventually connect the west side of Yonge Street through to potentially Market Street. A future connection over Yonge Street, as a bridge over Yonge Street and/or the future signalization of Yonge Street and The Esplanade, has been secured via a Section 37 financial contribution in order to more efficiently move pedestrians across Yonge Street.

Cycling Infrastructure

The applicant is proposing to provide the maximum number of 200 bicycle parking spaces as permitted within the by-law.

Tenure, Number of Dwelling Units and Mix of Units

The residential units are proposed as condominium and the 271 dwelling units proposed is supportable given the Official Plan policies to encourage living downtown. The applicant proposes that approximately 38% of the dwelling units be two bedrooms or larger. The developer has also included flexibility in the floor plans to convert 10% of the units into 3-bedroom units if there is a market demand.

Private Amenity Space

The By-law required two square metres of both indoor and outdoor amenity space for each residential unit contained within the project and therefore 542 square metres for each would be required for 271 dwelling units. The applicant is proposing to exceed both these requirements by providing for 832 square metres of indoor amenity area on 3 levels within floors 5 through 7. There would be a total of 1,796 square metres of outdoor amenity area in the form of a landscaped roof garden on top of the fourth floor podium which includes a rooftop pool.

Commitment to LEED Certification and Toronto Green Standard

The applicant has indicated an interest in making the building LEED certifiable and is exploring that possibility. The development includes a number of environmental initiatives such as a roof top garden on the podium, PATH connections, car share program, energy efficient windows, lights and appliances, recycled building materials, and floor plan layouts which encourage reliance on natural lighting.

On October 27, 2009 City Council adopted the revised Toronto Green Standard (TGS) which contains basic performance targets by which development may be measured to determine its effective relative sustainability in Toronto. Tier 1 performance measures of the TGS are required for Zoning By-law Amendment, Site Plan Control and Subdivision applications submitted on or after January 31, 2010. Prior to this date submission of the TGS was on a voluntary basis. The applicant voluntarily submitted the Toronto Green Standard. The TGS checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed a number of basic performance targets and some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop;
- dedicated parking spaces for carpooling or car sharing;
- where the developer is supplying appliances, all appliances meet efficiency standards;
- when using recycled materials, at least 7.5% of project's materials (based on value) are comprised of recycled content;
- bird friendly development guidelines are adhered to; and

- 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.

Items listed in the Toronto Green Standard Checklist will be secured through the Section 37 agreement.

Landscaping

The applicant has submitted a landscape plans for the public right-of-way and for the roof top garden on the podium. The landscaping plans do not fully implement the recommendations in the urban design guidelines for St. Lawrence and Urban Forestry's tree planting guidelines. At the time of preparation of this report the applicant submitted revised plans for review and comment. These plans are currently being circulated to relevant departments for further comment. Landscape details will be finalized and addressed through site plan application review.

Phasing

The applicant originally submitted plans and drawings indicating a phased development. Phase 1 would include construction of the 6-level below grade parking garage at 5-7 The Esplanade to serve the "L-Tower" development at 8 The Esplanade (Sony Centre) and Phase 2 would include the 4-storey podium plus residential tower component above grade at 5-7 The Esplanade. The applicant's intention to phase the development was in anticipation of constructing the underground parking garage with the proposed "L-Tower" development simultaneously.

The zoning approval for the "L-Tower" and associated parking garage were granted by City Council May 26 and 27, 2008 and were further along in the planning process as the applications for review of the Official Plan and Zoning By-law amendment for 5-7 The Esplanade were submitted at a later date (November 2008). Phasing the development would allow for the applicant to proceed with the "L-Tower" and underground parking garage without having approvals for 5-7 The Esplanade delay construction.

The OMB issued an oral decision on October 14, 2009 approving the site plan for the 6-level underground garage in principle and withholding its final order until the applicant fulfills pre-approval conditions and enters into a site plan agreement. Once these conditions are satisfied the applicant would be able to obtain a final order and final site plan approval to construct the underground structure. The applicant has advised that their intention is to begin construction on the "L-Tower" and underground parking for the "L-Tower" at 5-7 The Esplanade and then anticipate building both the tower components for the "L-Tower" and 5-7 The Esplanade at the same time in order to achieve a shorter construction period and minimize any disruption within the community.

Servicing

Technical Services staff has reviewed and accepted the Functional Servicing and Stormwater Management reports submitted by the applicant, plus addendum to those reports with respect to the additional residential units as a result of the increase in height.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provisions of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 271 residential units on a total site area of 0.2920 hectares (2,920 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.3613 hectares (3,613 m²). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.0292 hectares (292 m²).

The non-residential component of the development is less than 1,000 m² and is therefore exempt from the parkland dedication requirement under section 165-7 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as on-site parkland dedication requirement of 0.0292 hectares (292 m²) would not be of a useable size and the site would be fully encumbered with below grade parking. The actual amount of cash-in-lieu will be determined at the time of issuance of the building permit.

Section 37 Community Benefits

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the Planning Act. The proposed density on site, including the 4-storey above grade parking garage, is approximately 11 times the area of the lot. The as-of-right zoning permits a maximum combined residential and commercial density of 4 times the lot area only on the "CR" (mixed-use residential-commercial) zoned portion of lands (approximately 500 square metres) fronting on The Esplanade. The remaining "T" (industrial) zone does not have any density permissions. Similarly, the height permission on the CR zoned lands is 46 metres while the proposed height is 112 metres (118 with mechanical). Community Planning staff in consultation with the Ward Councillor and applicant have agreed upon a \$1,500,000.00 Section 37 contribution to be used within the community.

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

1. Prior to the release of above grade permits, provide a cash contribution of \$1,500,000.00, which is to be used for the following:

- a. \$1,000,000.00 for PATH connections including, a pedestrian bridge over Yonge Street and a bridge to 2 Church Street, and/or the future signalization of Yonge Street and The Esplanade;
 - b. \$250,000.00 for streetscape improvements within the St. Lawrence Neighbourhood;
 - c. \$50,000.00 for the North St. Lawrence Market redevelopment;
 - d. \$100,000.00 for implementation of the Sherbourne Promenade Plan; and
 - e. \$100,000.00 for implementation of the Heritage Interpretation and Old Town Toronto Heritage Lighting Plans.
2. Require that the cash amounts identified in “1.” above shall be indexed annually 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.
 3. Provide and maintain public 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;

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

1. provide and maintain within the site a publicly accessible PATH walkway connection located within the podium from the west end of the podium adjacent to Yonge Street through the podium at the second level to the east end of the podium adjacent to the TPA garage, generally as shown on the 2nd Floor Plan, drawing A3.2, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and an Easement Agreement.
2. provide and maintain within the site a publicly accessible PATH walkway connection from the second level within the podium from the west end of the podium down to the ground floor providing access to the street, generally as

- shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and an Easement Agreement
3. Provide knock-out panels along the second floor portion of the podium at the western most edge adjacent to Yonge Street and the eastern most edge adjacent to the TPA lot to accommodate a potential future connection to the PATH system, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development;
4. provide and maintain within the site publicly accessible Public Exhibition Space in conjunction with the PATH walkway connection located within the western edge of the podium on the second floor and ground floor, generally as shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and an Easement Agreement
5. Pay all costs associated with the PATH connection through the podium and the construction and maintenance of the Public Exhibition Space;
6. As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium along The Esplanade, Yonge Street and east elevation adjacent to 25 The Esplanade with building materials labelled to the satisfaction of the Chief Planner and Executive Director;
7. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
8. Be required to build in conformity with the Toronto Green Standard Checklist as submitted by the applicant and date stamped received by January 6, 2009; and

9. Enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Development Charges

It is estimated that the development charges for this project will be \$1,604,885.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning is supportive of the proposed development and the required Official Plan Amendment and Zoning By-law amendment. The proposal represents an appropriate redevelopment of an existing vacant lot on Yonge Street abutting the Financial District that is sufficiently large enough to accommodate additional density and height. The building has been located and massed to be compatible with the adjacent buildings and to mitigate negative impacts on sky views, shadow and wind.

CONTACT

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Fax No. 416-395-7155
E-mail: jandree@toronto.ca

SIGNATURE

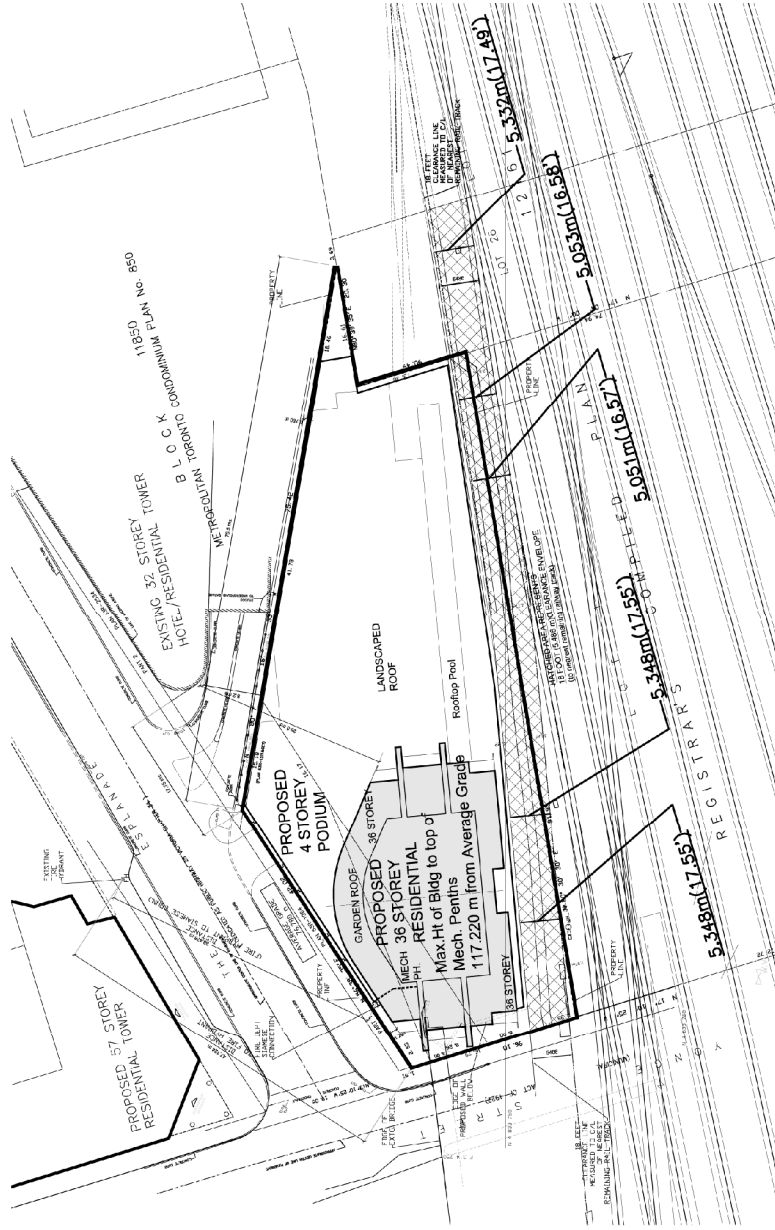
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Ground Floor Plan
- Attachment 3: North and South Elevations
- Attachment 4: East and West Elevations
- Attachment 5: Official Plan
- Attachment 6: Zoning
- Attachment 7: Application Data Sheet
- Attachment 8: Draft Official Plan Amendment
- Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

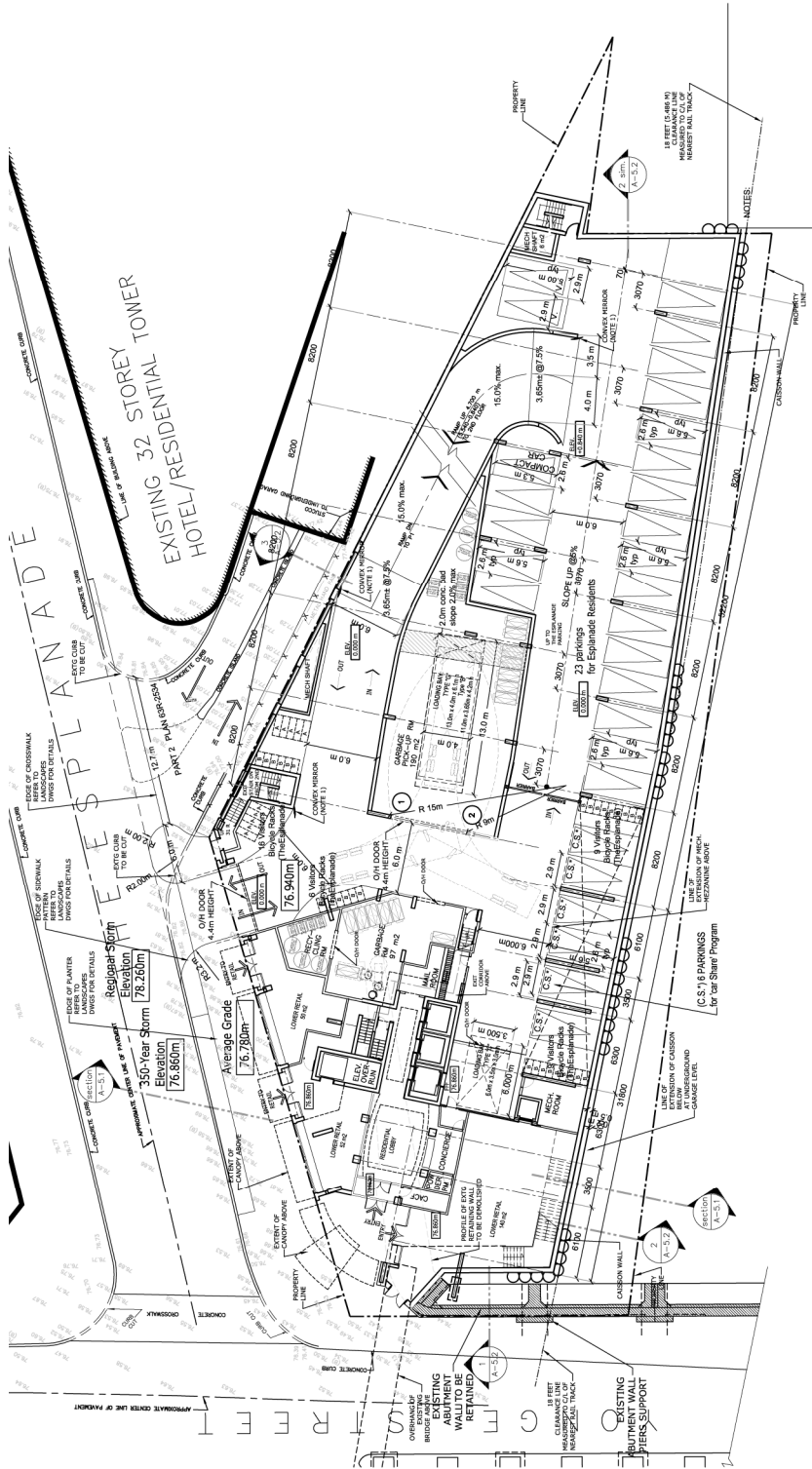
Applicant's Submitted Drawing

Not to Scale
07/09/2010

5-7 The Esplanade

File # 08_231943 and 08_223450

Attachment 2: Ground Floor Plan



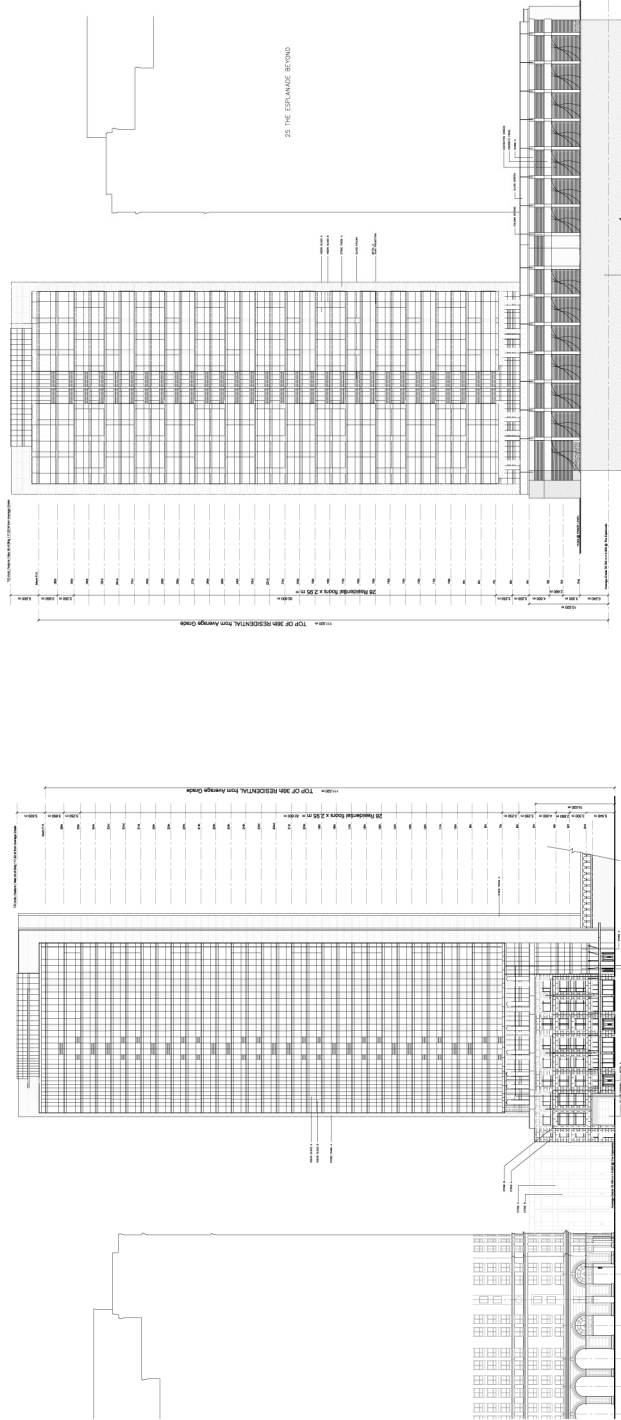
5-7 The Esplanade

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 07/08/2010

File # 08_231943 and 08_223450

Attachment 3: North and South Elevations



South Elevation

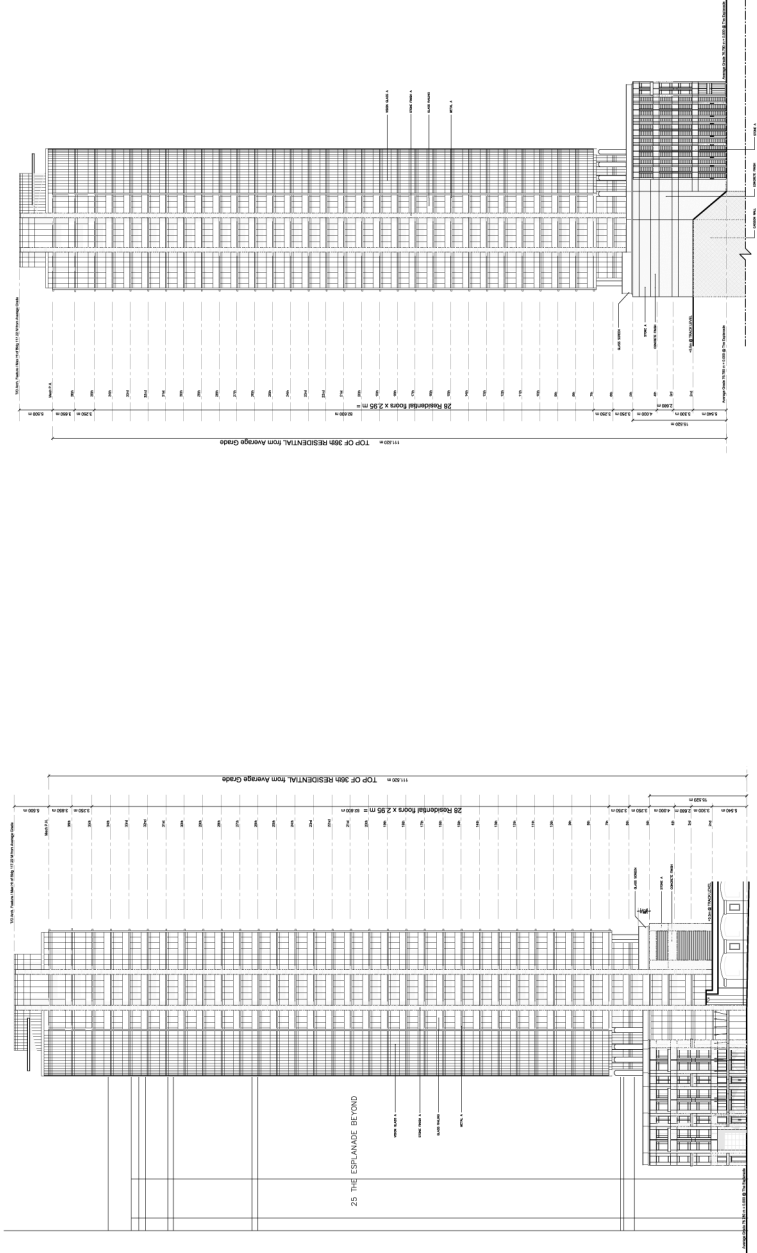
North Elevation

5-7 The Esplanade

Elevations
Applicant's Submitted Drawing
Not to Scale
07/08/2010

File # 08_231943 and 08_223450

Attachment 4: East and West Elevations



East Elevation

West Elevation

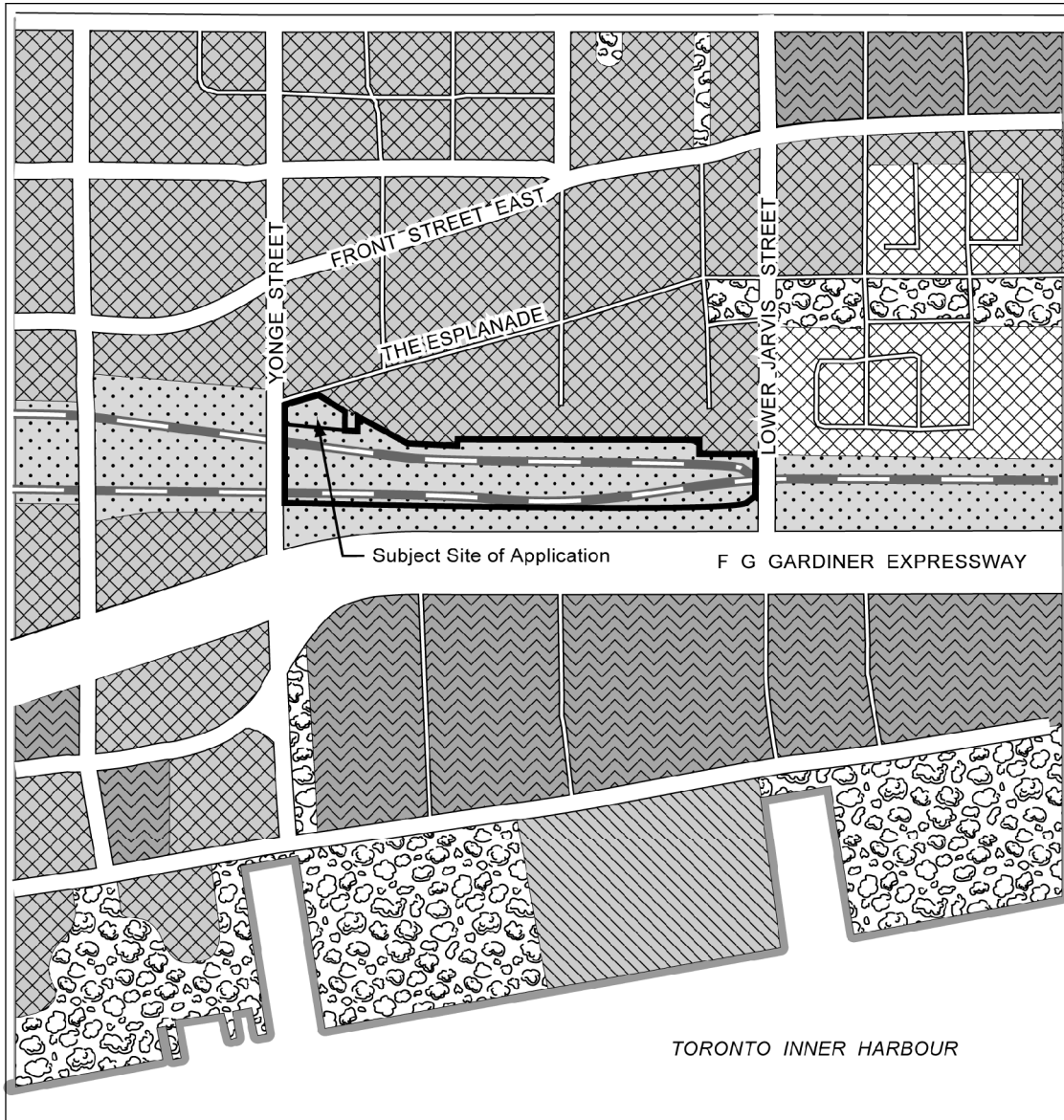
5-7 The Esplanade

Elevations
Applicant's Submitted Drawing

Not to Scale
07/08/2010

File # 08_231943 and 08_2234450

Attachment 5: Official Plan



Toronto City Planning
Official Plan

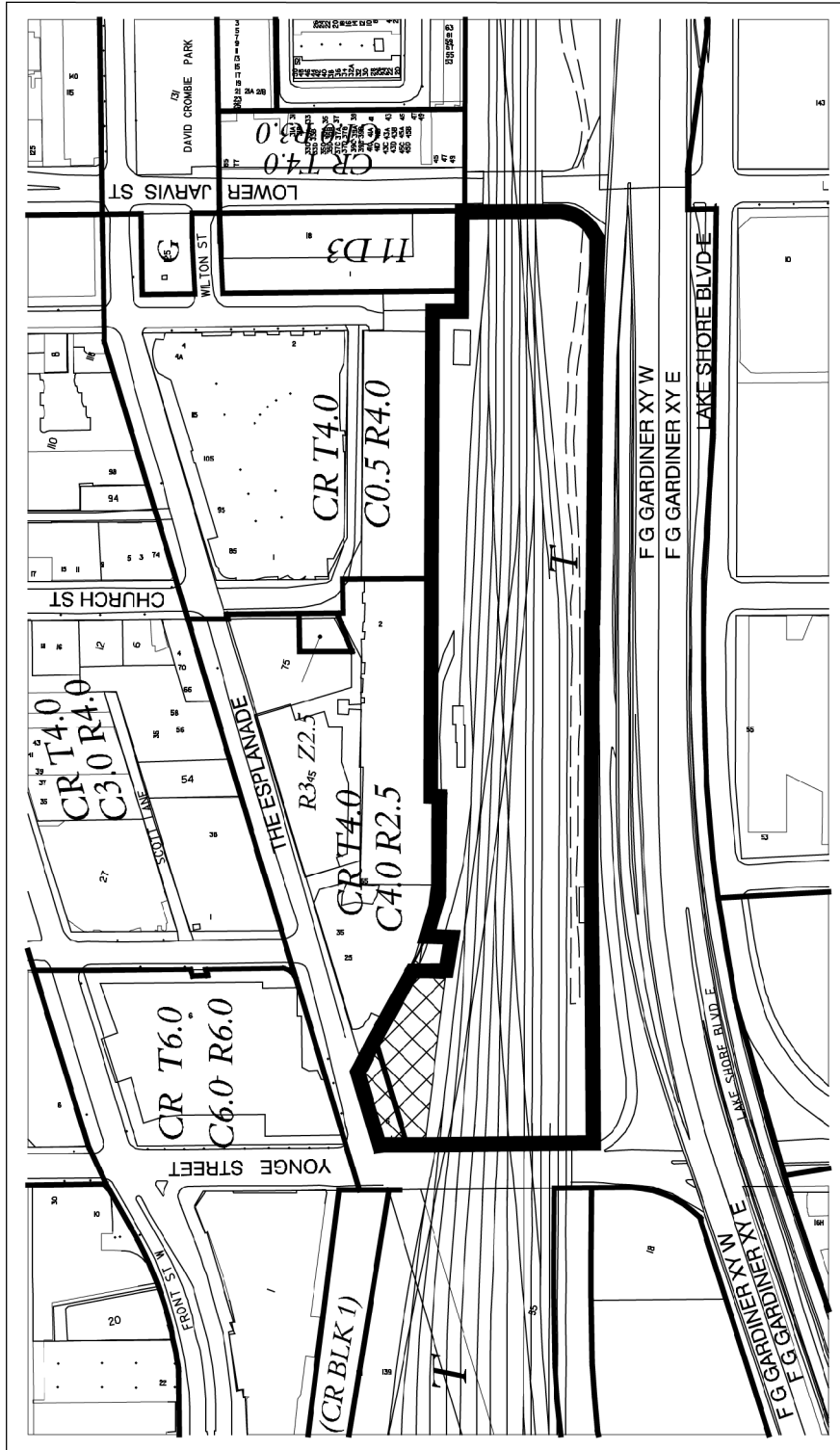
5 & 7 The Esplanade

File #'s 08_223450_ & 08_231943



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 Not to Scale
 02/12/09



Attachment 6: Zoning



Toronto City Planning
Context Map

5 & 7 The Esplanade

File #'s 08_223450 and 08_231943

- CR Mixed-Use District
 - T Industrial District
 - (h) Holding District
-
-  5 & 7 The Esplanade
 -  Part of 5 & 7 The Esplanade Subject of this Application



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 02/12/09 -NRS

Attachment 7: Application Data Sheet

Application Type	OPA and Rezoning	Application Number:	08-231943 STE 28 OZ (OPA) 08- 223450 STE 28 OZ (ZBA)
Details	OPA, Rezoning, Standard	Application Date:	November 20, 2008
Municipal Address:	Part of 5-7 THE ESPLANADE		
Location Description:	**GRID S2812		
Project Description:	The proposal is for the development of a 36-storey building consisting of a 4-storey mixed-use podium and a 32-storey 271 unit residential tower. A total of 523 parking spaces will be provided on site (373 for use by 8 The Esplanade and 144 by 5-7 The Esplanade). Parking will be accommodated within 6 underground levels and within the podium. The parking area would be accessed from The Esplanade.		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis, 181 Bay Street, Suite 1800, Box 754 Toronto, ON M5J2T9		Page+Steele Architects Planners 95 St. Clair W, Suite 200 Toronto, ON M4V1N6	Ferncastle, (The Esplanade) Inc. c/o 56 The Esplanade, Suite 308 Toronto, ON, M5E 1A7

PLANNING CONTROLS

Official Plan Designation:		Site Specific Provision:	677-76, 576-76, 24-77, 478-78, 889-78, 145-83, 860-08
Zoning:	CR T4.0 C4.0 R2.5, T	Historical Status:	N
Height Limit (m):	46, 23	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2920.2	Height:	Storeys	36
Frontage (m):	42		Metres:	111.75 (117.25 w/mechanical)
Depth (m):	23			
Total Ground Floor Area (sq. m):	2441			Total
Total Residential GFA (sq. m):	21,108		Parking Spaces:	523
Total Non-Residential GFA (sq. m):	950		Loading Docks	2
Total GFA (sq. m):	23,794			
Lot Coverage Ratio (%):	83.59			
Floor Space Index:	11 (with podium parking)			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	168, 62%
2 Bedroom:	103, 38%
3 + Bedroom:	0
Total Units:	271

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	21,108	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	950	0

CONTACT: **PLANNER NAME:** **John Andreevski, Senior Planner, jandree@toronto.ca**
TELEPHONE: **416-395-7097**

Attachment 8: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010

Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2010, as
5-7 The Esplanade**

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

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. 138 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

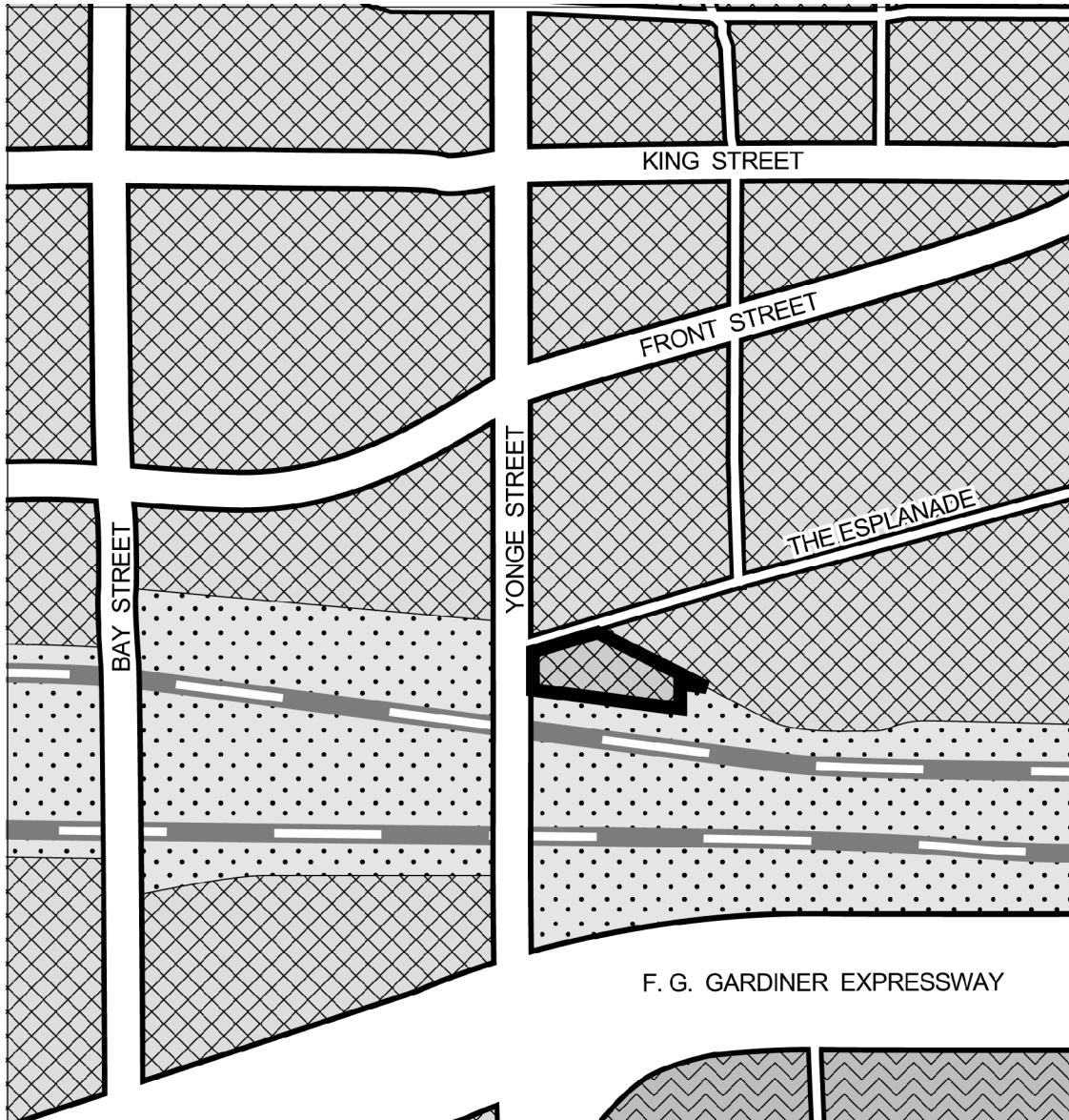
(Corporate Seal)

AMENDMENT NO. 138 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2010 AS
5-7 THE ESPLANADE

The Official Plan of the City of Toronto is amended as follows:

1. Map 18, Land Use Plan, is amended by re-designating the lands known municipally as 5-7 The Esplanade from *Utility Corridors* to *Mixed Use Areas*, as shown on the attached Schedule A.

Schedule A






 **TORONTO** City Planning

Official Plan Amendment #138

Revisions to Land Use Map 18 to Redesignate lands from Utility Corridors to Mixed Use Areas

5-7 The Esplanade

File # 08_231943 and 08_223450

-  Site Location
-  Mixed Use Areas
-  Utility Corridors
-  Regeneration Areas



Not to Scale
07/13/2010

Attachment 9: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**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
5-7 The Esplanade**

WHEREAS authority is given to Council by Section 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law with respect to the lands municipally known as 5 – 7 The Esplanade; 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. 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 *lot* 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 *lot* Pursuant to Section 37 of the *Planning 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. 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 *lot*.
4. In addition, none of the provisions of this By-law or of Zoning By-law No. 438-86, as amended by By-law 860-2008, shall apply to prevent the erection and use

- of below *grade residential parking spaces, bicycle-parking spaces-visitor and bicycle-parking spaces occupant* which are accessory to the *lot* comprising the lands municipally known as 8 The Esplanade in the year 2010 or the obligations pursuant to Section 37 of the *Planning Act* set out in By-law 860-2008 with respect to this permission on the *lot*.
5. Pursuant to Section 36 of the *Planning Act*, development shall not be permitted on the subject lands until the West Don Lands flood protection landform is complete and that written confirmation has been provided by the Toronto and Region Conservation Authority to the City of Toronto, the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources that the completed flood protection landform is fully functional.
- (a) District Map 51G-321 Appendix ‘A’ is hereby amended as shown on the attached Map 1.
 - (b) Notwithstanding any holding provision, except as otherwise permitted in Clause 4 above, a 6-level below grade parking garage and associated above grade landscaped roof shall be permitted for the purpose of serving 8 The Esplanade (previously known as 1 Front Street East).
6. None of the provisions of Sections 2 – Definitions with respect to the definition of “*grade*”, “*height*”, “*lot*”, and Sections 4(2)(a), 4(5), 4(12), 4(13), 4(17), 8(3) Part I, 1, 2, and 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 9(1)(f), 9(3) Part I, and 13 of Zoning By-law No. 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 *lot* shown on Map 1 attached to and forming part of this by-law provided that:
- (a) the *lot* comprises the lands outlined in heavy lines on Map 1 attached hereto 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 Map 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 Map 2 attached to and forming part of this by-law;
 - (d) minimum required yard setbacks on the lot for the building or structures or portion thereof shall not be less than the distance in metres shown on Map 2 attached to and forming part of this by-law;

- (e) no portion of a residential tower portion of the *mixed use building* located above a building height of four (4) storeys, shall be located closer than 18 metres from the east property line as shown on Map 2 attached to and forming part of this by-law;
- (f) the *residential gross floor area* erected or used shall not exceed 29,430 square metres, of which a maximum 22,637 square metres may be used for residential uses and a maximum of 6,793 square metres may be used as a *parking garage* at or above grade;
- (g) a minimum of one hundred and forty-four (144) residential *parking spaces* serving the residential uses erected on the lot shall be provided at *grade* or in an above *grade parking garage*, which *parking garage* facility comprises part of the *mixed use building*, provided that an additional six (6) *car share parking spaces* are provided on the ground floor at *grade*;
- (h) *non-residential gross floor area* erected or used for any permitted *non-residential use* shall not exceed 950 square metres of which not less than 539 square metres shall be erected and used as a City of Toronto *PATH* and used as *Public Heritage Exhibit Space* and 411 square metres used as *street-related retail and service uses*;
- (i) *residential amenity space* located outdoors shall be located on the roof of a four storey podium having a minimum area of 1,796 square metres and provided it is in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (j) *residential amenity space* located indoors shall not be less than 832 square metres;
- (k) a maximum of 290 square metres of indoor *residential amenity space*, may include up to two (2) guest suites comprised of a bedroom, bathroom and wet sink kitchenette as a permitted *accessory use*;
- (l) no residential *visitor parking spaces* shall be required;
- (m) no *parking spaces* shall be required for 950 square metres of *non-residential uses*;
- (n) a maximum of twenty (20) *parking spaces* may have lengths of 5.3 metres; in all other respects and for all other *parking spaces*, the *parking spaces* provided shall comply with the size of *parking space* stall dimension provisions of Zoning By-law 438-86 as amended;
- (o) a maximum of twenty (20) *parking spaces* having a length of 5.3 metres, and complying with all other respects of the by-law regarding *parking spaces*, may be included in the calculation for total required parking;

- (p) a minimum of 200 *bicycle parking spaces* - shall be provided and maintained on the *lot* for residents and visitors of 5-7 The Esplanade in addition to any requirement for 8 The Esplanade (formerly 1 Front Street East), of which, a minimum of 160 *bicycle parking spaces - occupant* shall be provided and a minimum of 40 *bicycle parking space - visitor* shall be provided;
 - (q) *bicycle parking spaces - occupant* shall not be combined with storage lockers for residential units;
 - (r) the maximum number of *dwelling units* erected or used on such lands does not exceed 271, of which, a maximum 10 *dwelling units* located within the 4-storey podium fronting along The Esplanade, may be *live-work units*;
 - (s) 10 percent of the units shall be built as convertible units that may initially contain fewer than three bedrooms, provided that such units retain the ability to be converted to contain three or more bedrooms through relatively minor changes to internal wall configurations;
 - (t) a minimum of 35% of the *dwelling units* erected and used on the *lot* shall be 2-bedroom or larger *dwelling units*;
 - (u) provide continuous weather protection with a minimum depth of 3.0 metres and a minimum height of 3.0 metres along The Esplanade and Yonge Street;
 - (v) the minimum floor to ceiling height of the ground floor shall be 5 metres;
7. For the purposes of this by-law:
- (a) “*car share*” means the practice where a number of people share the use of one or more cars that are owned and operated by a profit or non-profit Car Sharing organization and to use a Car Share vehicle, a person must meet the membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and include the use of cars on an hourly basis. The Car Share Parking spaces provided shall be for the use of at least the residents and other occupants of the lot;
 - (b) *car share parking space* is a parking space exclusively reserved and signed for a car used only for Car Share;
 - (c) “*grade*” means 76.78 metres Canadian Geodetic Datum, CGD, as measured from The Esplanade;
 - (d) “*height*” means the height above *grade* as defined herein, and as shown on Map 2 for the various components of the *mixed use building*;

- (e) “*lot*” means the lands shown outlined in heavy lines on Map 1 attached to this By-law;
- (f) “*owner*” means the owner and/or lessee of the *lot* or any portion of the *lot* but shall not include Metrolinx, the Metrolinx GO Transit Division or the Greater Toronto Transit Authority;
- (g) “*PATH*” shall mean the above grade, at grade and below grade walkway system as it exists from time to time but which at the date of this By-law connects the buildings in the downtown core of the City of Toronto, from the Toronto Coach Terminal (North) to the Air Canada Centre (South) and from Metro Hall (West) to the Cambridge Suites Hotel (East), and which passes through and/or near the property of the *owner*.
- (h) “*Public Heritage Exhibit Space* “ shall mean a publicly accessible portion of a building used for community activities including, but not limited to, arts, crafts, social, charitable and educational activities, and for the display and exhibition of items including, but not limited to, art work, archives, books, historical documents and other items to promote public awareness and the history of the St. Lawrence Neighbourhood, but shall not be used for commercial purposes.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

APPENDIX 1

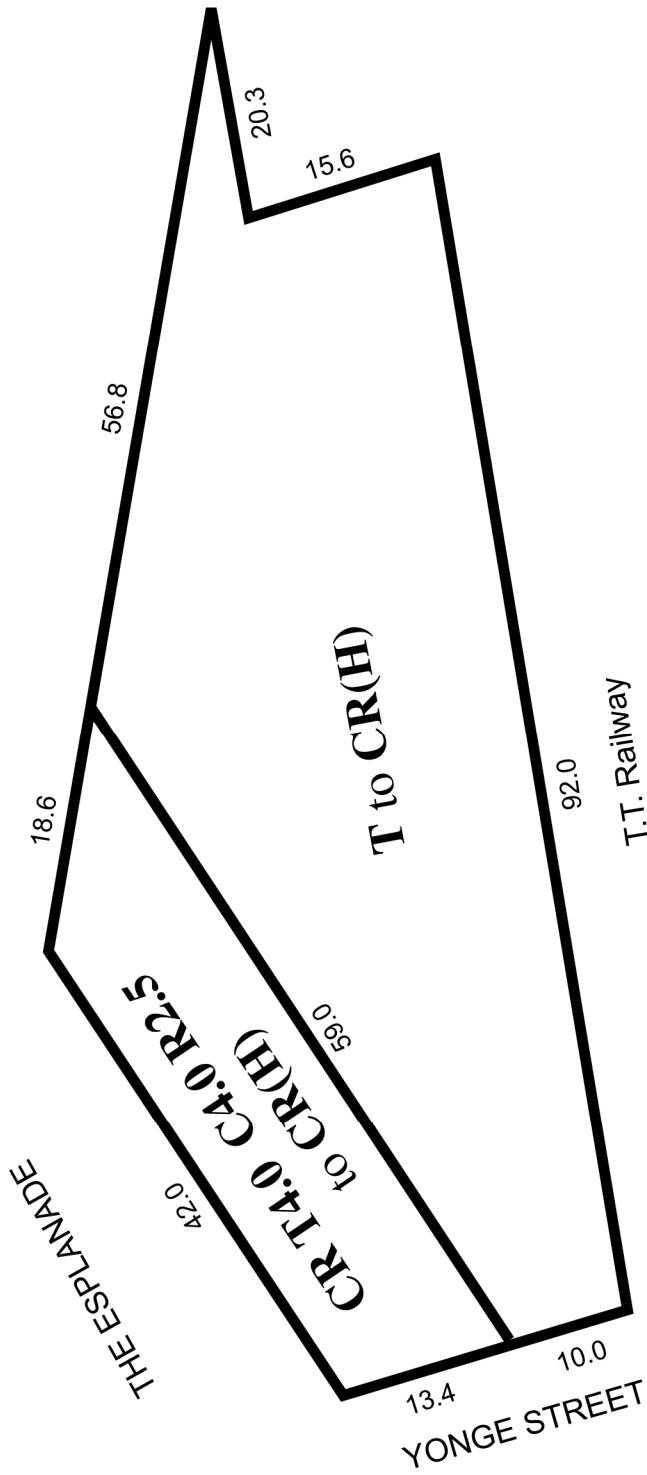
SECTION 37 PROVISIONS

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 release of above grade permits, provide a cash contribution of \$1,500,000.00, which is to be used for the following:
 - i. \$1,000,000.00 for PATH connections including, a pedestrian bridge over Yonge Street and a bridge to 2 Church Street, and/or the future signalization of Yonge Street and The Esplanade;
 - ii. \$250,000.00 for streetscape improvements within the St. Lawrence Neighbourhood;
 - iii. \$50,000.00 for the North St. Lawrence Market redevelopment;
 - iv. \$100,000.00 for implementation of the Sherbourne Promenade Plan;
 - v. \$100,000.00 for implementation of the Heritage Interpretation and Old Town Toronto Heritage Lighting Plans.
- (b) Require that the cash amounts identified in “(a)” above shall be indexed annually 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;
- (c) Provide and maintain public 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;
- (d) Provide and maintain within the site a publicly accessible PATH walkway connection located within the podium from the west end of the podium adjacent to Yonge Street through the podium at the second level to the east end of the podium adjacent to the TPA garage, generally as shown on the 2nd Floor Plan, drawing A3.2, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- (e) Provide and maintain within the site a publicly accessible PATH walkway connection from the second level within the podium from the west end of the podium down to the ground floor providing access to the street, generally as shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- (f) Provide knock-out panels along the second floor portion of the podium at the western most edge adjacent to Yonge Street and the eastern most edge adjacent to the TPA lot to accommodate a potential future connection to the PATH system, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development;
- (g) Provide and maintain within the site publicly accessible Public Exhibition Space in conjunction with the PATH walkway connection located within the western edge of the podium on the second floor and ground floor, generally as shown on the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 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;
 - ii. be satisfactorily illuminated; and
 - iii. enter into a Wayfinding Agreement and Easement Agreement;
- (h) Pay all costs associated with the PATH connection through the podium and the construction and maintenance of the *Public Exhibition Space*;

- (i) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium along The Esplanade, Yonge Street and east elevation adjacent to 25 The Esplanade with building materials labelled to the satisfaction of the Chief Planner and Executive Director;
- (j) the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
- (k) Be required to build in conformity with the Toronto Green Standard Checklist as submitted by the applicant and date stamped received by January 6, 2009; and
- (l) Enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.



NOTE:
All dimensions are in metres

5-7 The Esplanade

File # 08_231943 and 08_223450

Toronto City Planning
Map 1
Not to Scale
07/26/2010

