

# **TORONTO** STAFF REPORT

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January 14, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application to amend Section 19.35 of the Official Plan and Zoning By-law (By-law No. 168-93) respecting 18 York Street, Railway Lands East  
Marathon Properties Inc.  
Application No. 100021  
Trinity-Spadina, Ward 20

## Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and Zoning By-law to allow the construction of a hotel and office building to be located to the north of Bremner Boulevard between York and Simcoe Streets.

## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.
- (2) Amend the Zoning By-law [By-law 168-93 for the former City of Toronto] for the site substantially in accordance with the draft Zoning By-law



Amendment attached as Attachment No. 8.

- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.
- (4) Authorize the City Solicitor to make such changes as necessary to the Revised Precinct B Agreement, the Precinct R and Precinct C Agreements, and related agreements pertaining to the Railway Lands East, to implement the proposed changes to the Zoning By-law and the Official Plan.
- (5) Not pass any Bills in Council unless the owner can show by way of a registered agreement that the concerns identified by Canadian National Railway Properties Inc. have been resolved.
- (6) Advise the applicant that the following conditions may be imposed as a condition of the approval of a Site Plan Application:
  - (a) that any Agreements of Purchase and Sale or Lease of dwelling units shall have the following warning clause attached: “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way”;
  - (b) that the owner shall, through restrictive covenants to be registered on title and all Agreements of Purchase and Sale or Lease, provide notice to the public that any mitigation measures implemented are not to be tampered with or altered and further that the owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN;
  - (c) that the Central Waterfront Part II Plan proposes a portal/tunnel on Bremner Boulevard between Simcoe Street and York Street for the exclusive use of transit vehicles, and, as a result, traffic movements at the proposed driveways on Bremner Boulevard may be restricted to right-in/right-out turns in the future;
  - (d) that access to Simcoe Street, immediately to the south of the rail corridor may also be restricted to right turns in and out because of possible sightline limitations at this location;
  - (e) of the possible requirement to register rights-of-way on Block 7B in favour of Block 7A to provide service and vehicular access for the benefit of Block 7A;

- (f) that the owner shall be required to provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
- (g) that the owner shall be required to provide and maintain private garbage collection services for the hotel component of this development;
- (h) that the owner shall apply for revised municipal numbering to the Commissioner of Works and Emergency Services, prior to obtaining a building permit;
- (i) that the owner shall submit to and have approved by, the Commissioner of Works and Emergency Services, along with the Site Plan Application, a Noise Impact Statement in accordance with City Council's requirements and the Precinct 'B' Environmental Agreement;
- (j) that the owner shall have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
- (k) that the owner shall provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
- (l) that the owner shall submit, along with the Site Plan Application, for the review of the Commissioner of Works and Emergency Services:
  - (i) a servicing report prepared by a certified engineer, confirming that there is adequate capacity in the existing system for hotel uses (sewer and sanitary pumping station) and agree to pay for the upgrading of services, if required, to accommodate the development;
  - (ii) grading, servicing and drainage plans and a Stormwater Management Report;
- (m) that the owner shall satisfy any requirements that the railway companies, (Canadian National, Canadian Pacific and GO Transit) may have with respect to noise mitigation measures for this development;
- (n) that all work must be coordinated with the proposed extension of Simcoe Street south from Front Street West to connect to Lower Simcoe Street, the construction of which is scheduled to commence in the Spring of 2002, is expected to carry on until 2003 and will utilize the Simcoe Street right-of-way as the staging area

which will restrict the ability for work to occur on this block until the construction is complete;

- (o) that any utility relocations required to facilitate the development are to be done at no expense to the City and that sanitary servicing will not be available for the site until the pumping station is in operation;
- (p) that consideration of City refuse collection for the residential component will be assessed with the submission of the Site Plan Application and will be subject to the site meeting City standards;
- (q) that approval of the Commissioner of Works and Emergency Services must be obtained including any necessary construction permits for all proposed work within the abutting public right-of-way prior to the commencement of same;
- (r) that further comments will be provided with respect to parking, access and loading as part of the Site Plan review and approval process, and
- (s) that a Construction Management Report will be required to be submitted to the satisfaction of the Commissioner of Works and Emergency Services prior to any building permit detailing the measures to be undertaken to protect the adjacent City infrastructure during construction and that this may entail the costs of a peer review consultant.

Background:

Proposal

The proponent is proposing to build a mixed-use hotel/residential building, or alternatively only a hotel on the site, while maintaining permission to build an office building on the eastern portion of the site. This building on Block 7B (the western portion of the lands) would contain a total of gross floor area of 74,134sq. m. at an overall density of 9.76 (see Application Data Sheet). There currently is no building proposed for the eastern portion of the site to the west of York Street. The proponent is currently allowed to develop an aggregate gross floor area of 132,197 sq. m on both portions of the site and this overall gross floor area would be maintained. On the western portion of the site (Block 7B) the proposed building would have the following statistics:

Hotel use only	Combined Residential/Hotel use
74,134 sq. m	74,134 sq. m
800 rooms	400 rooms
300 parking spaces	525 one-bedroom units
35 floors - 98 m above grade	300 parking spaces
	35 floors - 98 m above grade

## Site History

The current development proposal would be the first private development, excluding the Air Canada Centre, within the larger area known as the Railway Lands East. The Official Plan Part II permits predominantly residential uses, although it contemplated that due to the location of the site adjacent to the Metro Toronto Convention Centre, a hotel and convention centre use might be permitted. The Part II Plan set out some minimal conditions for the development of hotel uses if an amendment to the By-law were requested.

## Site and Surrounding Area

The site, which is vacant, is generally rectangular and is approximately 13,134 sq. m (3.2 acres) in size. The property is located about 9 m below the elevation of the rail corridor to the north. The lands to the south of the site and to the east of York Street also are vacant. The Metro Toronto Convention Centre is located to the west of Lower Simcoe Street and the site. Work is currently being completed on the design for the tunnel to allow for the extension of Simcoe Street south from Front Street to connect to Lower Simcoe Street.

## Official Plan

The Railway Lands East Part II Official Plan designates the site as the “South Downtown High Density Mixed Commercial-Residential District D” allowing predominantly residential uses on the western portion of the lands and commercial uses on the eastern portion of the site abutting York Street. Section 10.6.9 of the Plan, however, allows for applications to amend the By-law to permit hotel and convention centre uses. Such amendments are to be permitted if satisfactory servicing arrangements are provided, the Simcoe Street tunnel has been or will be constructed, appropriate height and massing of the building are achieved, and the proposal provides a suitable separation of car and truck activity from the pedestrian realm. The Parks and Open Space Map D of the Part II Official Plan designates a portion of the lands for publicly accessible open space purposes. The current proposal provides a smaller open space than the Part II Official Plan proposed.

## Zoning By-law

By-law 168-93 allows the construction of an overall residential and non-residential gross floor area of 132,197 sq. m. within Blocks 7A and B. However, this density is allocated to each portion of the site on the basis of a different lot configuration than is currently proposed. In addition, the applicant is proposing that the western portion of the Block accommodate a hotel as part or all of the development of this Block. The By-law is also specific about details defining the building envelope, the setbacks and angular planes applicable to the design of the building. In addition the By-law defines the location of publicly accessible open space through the setback restrictions.

In addition to the proposed change in use to allow the construction of a hotel, the application for the amendments to the By-law also included a request for a reduction to the loading requirements for the proposed hotel. As the submission material did not support this request with appropriate

documentation and after discussion with the applicant's staff, I am prepared to recommend the changes to the use provisions of the By-law without the requested reduction in the loading requirements.

#### Site Plan Control

Although the current rezoning application is quite specific about details of the proposal, the applicant has not yet filed an application for Site Plan approval. This will be required prior to the proponent being able to proceed with the development. At that point in time, it would be appropriate to impose the conditions proposed by the Medical Officer of Health and any other conditions which may be proposed by other officials at the time. The Commissioner of Works and Emergency Services has, however, identified a number of such conditions and these are noted in my recommendations.

#### Reasons for Application

The proposal to develop a hotel use within Block 7B requires a rezoning. In addition, changes to the By-law of the nature proposed would also require amendments to various Precinct Agreements applying to lands within the Railway Lands East. It is requested that the line dividing the two portions of land in Block 7 be moved, that the amount of development permitted on each Block be modified (while maintaining the overall amount of permitted development within Blocks 7A and 7B), and that the building envelope be modified to accommodate the proposed hotel or hotel/residential use. Other specific changes to the By-law are required to permit the construction of the proposed hotel, including revisions to the angular plane requirements. These changes generally can be seen to comply with the policies outlined by the Official Plan and will lead to a satisfactory development.

#### Community Consultation

A community consultation meeting was held on July 17, 2001. No members of the public attended the meeting or provided comments on the proposal.

#### Agency Circulation

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

#### Comments:

#### Official Plan and Zoning By-law Issues

The proposed land use meets the criteria set out in Section 19.35, Subsection 10.6.9 of the Official Plan respecting the development of a hotel. The criteria defined in this Subsection require the provision of satisfactory servicing arrangements, including an assessment of opportunities for comprehensive servicing arrangements in conjunction with adjacent Blocks

with a view to reducing and sharing of facilities. Additional requirements include the construction of the Simcoe Street tunnel in conjunction with the development, that regard be had for acceptable height, massing and microclimatic conditions, that sufficient street-related retail uses be provided, and that a satisfactory separation of car and truck activity from pedestrian areas be provided.

The proposed design specifically has addressed the servicing requirements for the successful operation of a hotel by providing an inviting arrival area separating guest vehicles from the normal pedestrian realm. In addition, the proposal provides an opportunity for car valet service, a separate entrance for all service functions and the possibility of connecting this service area as well as the parking garage to the development proposed for Block 7A. These changes to the By-law also would include the permission for additional height, modifications to the building envelope and a reconfiguration of the building plots of Blocks 7A and 7B.

### Height and Massing

In considering the proposed changes to the height and massing from those prescribed by the By-law, consideration was given to the relationship of the proposed hotel to nearby Roundhouse Park and the Metro Toronto Convention Centre. Although the proposed building would encroach into the angular plane restrictions, the applicant has agreed to modifications to the original proposal which lessen the impact of the development on the streetscape. Given its location at the northeast corner of Simcoe Street South and Bremner Boulevard, the building will not cause any shadowing of the park to the southwest. The building would also be set back from the property line on the Bremner Boulevard façade to allow for a second row of trees and the construction of a canopy over the broadened sidewalk area to give weather protection to pedestrians.

### Servicing

The applicant is proposing to develop a building containing either solely a hotel facility or a combination of a hotel and residential development. Alternate standards will be required depending on the amount of hotel development which is finally built. As no documentation was submitted by the applicant for the review and approval of Works and Emergency Services, I am not recommending any reduction in the required number of loading spaces. The applicant should be advised that, in the future, access to Bremner Boulevard may be limited to right turns in and out due to the possibility of the construction of an LRT on Bremner Boulevard. Furthermore, the proposed access to Simcoe Street, located immediately to the south of the rail corridor, may also be restricted to right turns in and out because of possible sightline limitations at this location. The applicant will also be required as a condition of approval of the By-law to provide rights-of-way through Block 7B for service and vehicular access to Block 7A.

### Open Space and Streetscape

The proposed building would provide a lesser amount of publicly accessible open space than shown in the Part II Plan and less than would have resulted from the application of the setback requirements set out in the By-law. Also, the open space is located further east than indicated on

the Part II Plan. However, it should be noted that the provision of this open space would be consistent with other policies noted in Section 6.3 and 6.4 of the Plan. These policies generally encourage such open space to be located so that it is easily viewed and entered from the street, accessible to all members of the public and comfortable for use in all seasons. In accordance with Section 6.8 of the Plan, there will also be substantial landscaped terraces provided on the podium roof at the fourth floor level of the hotel for the benefit of hotel patrons.

It is also useful to consider the provision of this publicly accessible open space in the context of the rest of the streetscape. The north side of Bremner Boulevard will have wide boulevards allowing for the planting of a double row of trees to provide a generous pedestrian precinct. To assist in the protection of the streetscape, vehicular access to the buildings will be limited to one garage entrance on Bremner Boulevard and an arrival court at the front of the hotel providing vehicular separation from the street edge and a strong sense of entry to the hotel. Additional service access to both the hotel and the office building to the east may be provided from Lower Simcoe Street. This arrangement would minimize the number of curb cuts. It may also be possible to provide an additional vehicular lane on the northbound side of Lower Simcoe Street to accommodate bus services to the hotel on the western side of the building.

#### Environmental Protection Issues

The current Environmental Agreement for Revised Precinct B in the Railway Lands East addresses the issues of environmental protection and sets out all of the necessary conditions to address issues related to noise, vibration, snow impact on the rail corridor, site remediation, excavation and dust control, air quality, sun/shade and various conservation matters including waste minimization and district heating and cooling. No change is proposed to these agreements which should give adequate protection to the City. It should be noted, however, that GO Transit has requested that any potential residential development be set back a minimum of 30 metres from the rail corridor in a manner consistent with the by-law conditions imposed in the Railway Lands Central and West. This request is accommodated within the proposed by-law. CN Rail Properties Inc. have also requested building setbacks from the rail corridor. The applicant is proposing to meet this request by constructing portions of the building as a crash wall and will enter into an agreement registered or title with CN to settle this issue.

#### Section 37

The current application is to amend the Official Plan and Zoning By-law to accommodate the development of a proposed hotel or hotel/residential building. The approval of the Railway Lands East development has already secured significant public benefits for the City. These benefits include the following:

- stabilization and transfer to the City of the John Street Roundhouse
- dedication and improvements to Roundhouse Park
- dedication and commitments to the construction of roads and municipal services
- arrangement for the provision of two daycare centres
- improvements to the pedestrian walkways at Union Station
- provision of public art within the development.



On the basis that the current proposal would not increase the overall density permitted within Block 7 and that the proposed built form is appropriate, further Section 37 benefits are not required.

Conclusions:

The requested amendments to the Official Plan and Zoning By-law are reasonable and will benefit the City by supporting the operation of the Convention Centre and tourism as a whole with the development of a new hotel. The proposed location of the hotel, its proposed quality of design and servicing arrangements provide an appropriate solution for the development of this site. The conditions associated with the amended by-law will also provide reasonable protection for the City to ensure that adjacent development occurs in an orderly manner with the required service and vehicular access to Block 7A being provided through the basement levels of the proposed hotel in Block 7B.

Contact:

Angus M. Cranston    Waterfront Section  
Tel:                    416-392-0425  
Fax:                    416-392-1330  
E-mail:                acransto@city.toronto.on.ca

Beate Bowron  
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet  
Attachment 1: Site Plan  
Attachment 2: Perspective  
Attachment 3: Zoning  
Attachment 4: Existing Parks and Open Space  
Attachment 5: Proposed Parks and Open Space  
Attachment 6: Agency Comments  
Attachment 7: Proposed Official Plan Amendment  
Attachment 8: Proposed Zoning By-law Amendment



**DWELLING UNITS**

**Tenure Type:** Condominium

Rooms:

Bachelor:

1 Bedroom:

2 Bedroom:

3+ Bedroom:

Total Units:

Total Proposed Density Blocks 7A & 7B: 10.06

**FLOOR AREA BREAKDOWN**

**Above Grade**

Residential GFA:

Retail GFA:

Office GFA: 58063

Industrial GFA: 0

Industrial/Other GFA: 74134

**COMMENTS**

Application includes two Blocks: 7A & 7B. Data may be skewed as a result.  
Application Active.

Current Status:

Open

Latest Event

Actual Date

Suppl. Submission

08/03/2001

Suppl. Submission

09/14/2000

Received

08/18/2000

Data Valid: January 11, 2002

Planner: Angus Cranston

Phone: (416) 392-0425

Area: Waterfront

Planning Office: Toronto

## **Attachment 6**

### **Agency Comments**

#### **1. Community and Neighbourhood Services, dated August 23, 2000**

Thank you, for your request of August 17, 2000 to comment on the above referenced application. Staff at Healthy Environments have reviewed the information and offer the following comments.

The applicant proposes to construct a mixed-use development on the site. It will include an office tower with an 800 room convention hotel. A review of records available to us indicates that we have no information regarding the subject site. Additional information is required by Healthy Environment staff in order to conduct an adequate review of environmental conditions on site. This should include a Historical Review, Site and Building Audit, Soil and Groundwater Management Plan and a Demolition and Excavation Dust Control Plan, details of which are described below.

#### Recommendations:

1. That the owner immediately conduct a Historical Review of the site to identify all existing and past land uses which could have resulted in negative environmental effects to the subject site. This report should be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the introduction of the Bill in Council.
2. That the owner conduct a Site and Building Audit for the identification of all hazardous materials on the site and in an existing building. The removal of these materials must be conducted in accordance with Ministry of Labour and Ministry of Environment guidelines. A report on the site and building audit should be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the introduction of a Bill in Council.
3. That the owner shall conduct a soil and groundwater testing program and produce a Soil Groundwater Plan which characterizes soil and groundwater conditions and proposes remediation options, to be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the introduction of a Bill in Council.
4. That the owner implement, under the supervision of an on site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion, submit a report from the on-site environmental consultant to the Medical Officer of Health certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan.

5. That the owner prepare a Demolition and Excavation Dust Control Plan and submit this plan to the Medical Officer of Health.
6. That the owner implement the measures in the Demolition and Excavation Dust Control Plan approved by the Medical Officer of Health.

By copy of this letter I have advised the owner/applicant accordingly. If you have any questions, please do not hesitate to contact me at 392-7685.

**2. Economic Development Culture and Tourism (Policy and Development), dated November 6, 2001**

The owner of the above-noted lands has made application to permit the development of the subject lands with a 28 storey hotel and 30 storey office building. The Policy and Development Division of this Department has reviewed this application and recommends as follows:

The property is located within the Railway Lands East Part II Planning Area which is exempt from the parks levy requirement under Chapter 165 of the former City of Toronto Municipal Code, which remains in full force and effect.

The Part II Plan for this area does, however, identify a publicly accessible open space between Blocks 7A and 7B, extending from Bremner Boulevard to the rail corridor. It is Council policy that the location, form and design parks and publicly accessible open spaces help to ensure visual and physical connections between the central city and waterfront and that they be easily accessible to all members of the public.

The Contextual Landscape Plan submitted with this application proposes an open space area on Block 7 A fronting on Bremner Boulevard. However, this open space area will be framed by the proposed buildings on the north, east and west sides and does not reflect the mid-block configuration identified in the Part II Plan.

New street trees are proposed within the Bremner, Simcoe and York Street public boulevards. Additional details respecting sizes and species of trees should be provided in a revised submission. The applicant is requested to contact Mark Procnier, Supervisor, Urban Forestry Planning and Protection at 416-392-7390 regarding specifications for new City trees.

**3. Urban Development Services (Building Division), dated December 19, 2001**

Our comments concerning this proposal are as follows:

Description:	Construct a 30 storey Hotel and Dwelling Building - 525 units		
Zoning Designation:	CR	Map:	50H 323
Applicable By-law(s):	168-93, as amended, as amended		
Plans prepared by:	Brisbin Brook Beynon Architects	Plans dated:	August 3, 2001

### Zoning Review:

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, unless otherwise referenced.

1. The maximum permitted non-residential gross floor area of 930 square metres is being exceeded. Proposed is 74,135 square meters. (Section 6(4)8(2) Part II)
2. Proposed residential gross floor area is to be clearly indicated. (Section 6(4)8(2) Part II)
3. Non-residential uses are not permitted on Block 7B. (Section 6(4)8(2) Part I 4(a))
4. "Street related retail and service uses" have not been provided in accordance with this section. (Section 6(4)8(2) Part I 4(b))
5. The maximum permitted non-residential gross floor area of 930 square metres is being exceeded. Proposed is 74,135 square meters. (Section 6(4)8(2) Part I 5(a))
6. Please clearly indicate the proposed height to the top of the mechanical penthouse and to the fitness centre. (Section 6(4)8(3) Part II 1)
7. Plans provide insufficient information to determine compliance with the "build to lines". (Section 6(4)8(4) Part III 5)
8. Elevation drawings are to be revised to clearly show the proposed building in relation to the building envelopes as shown on alternate Map #8. (Section 6(4)8(4) Part III 6)
9. Canopy details are required that show compliance with Section 6(3) Part II 8. (Section 6(4)8(4) Part III 9)
10. The by-law requires 263 residential tenant parking spaces, 32 visitor parking spaces and 199 parking spaces for the hotel use, for a total of 494 spaces. Please provide a parking count for each parking level. (Section 4(5)(b))
11. The by-law requires 1 "type G loading space", 1 "type A loading space", 6 "type B loading spaces" and 3 "type C loading spaces". Proposed is 1 "type A", 2 "type B and 3 "type C". (Section 4(6)(b))
12. Please provided the following:
  1. Ramp slopes
  2. Parking space dimensions
  3. Aisle widths

### Other Applicable Legislation and Required Approvals

1. The proposal requires Site Plan approval under Section 41 of the Planning Act.

2. The proposal DOES NOT require conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
3. The proposal DOES NOT require the approval of Heritage Preservation Services under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.

**4. Toronto Region Conservation Authority, dated August 27, 2001**

We have reviewed the above note revised rezoning application with respect to our policies and regulations and provide the following comments.

Since it does not appear to affect the program or policy interests of this Authority, we have no objections to this application as submitted.

By copy of this letter, please advise the applicant that the Toronto and Region Conservation Authority has implemented a fee schedule for our development/planning application review services. This application is subject to those fees (\$150.00). For further clarification, applicants should contact TRCA Development Services staff.

We trust this is satisfactory. Should you have any questions, please contact the undersigned or Mary-Ann Burns at extension 5267.

**5. C N Railway Properties Inc., dated December 7, 2001**

We refer to our previous comments, dated 21 August 2001, regarding the above noted application. Further to our telephone conversation yesterday, we have further reviewed the application and have the following revised comments:

Development adjacent to the railway right-of-way is not appropriate without impact mitigation measures to reduce the incompatibility. For your information, CN's guidelines with respect to an earthen berm for safety mitigation do apply in situations where the tracks are elevated. The Railway does not have different adjacent development guidelines for development in a downtown environment.

1. No details were provided with respect to the breakdown of uses. CN has different guidelines for hotel uses and residential uses. Our comments are based on your indication that there may be a residential component.
2. No topographic information or cross-sections were provided to indicate the relationship of the railway to the subject property. CN's guidelines include a minimum building setback from the railway right-of-way of 30 metres. From the information provided, it appears that a zero setback is proposed for a portion of the building. No explanation has been provided as to why this is necessary or appropriate and no information has been provided with respect to the proposed construction techniques to be used for the adjacent

wall, including any reinforcement. Any alternative to the standard earthen berm would be assessed using the attached alternate berm criteria.

3. The Owner is required to engage a consultant to undertake an analysis of noise and vibration and provide abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and Canadian National Railway. CN has not reviewed any noise or vibration reports for the subject property and therefore is not in a position to revise this comment.
4. The Applicant/Owner shall install and maintain at his own expense, a chain link fence of minimum 1.83 metre height along the mutual property line. This is a standard requirement for any new development adjacent to the railway right-of-way.
5. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
6. The following warning clause shall be included in the development Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

7. The owner shall, through restrictive covenants to be registered on title and all Agreements of Purchase and Sale or Lease, provide notice to the public that any mitigation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
8. The Owner shall enter into an Agreement stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement. We specifically request that the Owner register the agreement on title prior to the passing of the By-law.

Should Council decide to approve the Amendment without incorporating the above requirements, we have no alternative but to request that this Amendment be referred to the Ontario Municipal Board pursuant to the provisions of the Planning Act, R.S.O. 1990, C.P. 13.



We would appreciate the opportunity to comment on any proposed modification prior to its adoption, and ultimately, we request notice of the Amendment being approved.

Should you have any further questions, please do not hesitate to contact the undersigned at (416) 217-6961.

**(December 21, 2001)**

Further to our previous comments dated 7 December 2001, please be advised we have met with the applicant to discuss the project.

These discussions are on-going. We are working towards an agreeable resolution to satisfactorily address our concerns, including the Owner entering into an agreement with CN and registering it on title to the subject property, as outlined in comment No. 7 of our letter dated 7 December 2001. We specifically request that the Owner register the agreement on title prior to the passing of the By-law.

We reiterate our request to comment on any proposed modification prior to its adoption, and ultimately, we request notice of the Amendment being approved. We also specifically request to be notified and circulated on any future planning application, including any supporting studies, for the subject property.

Should you have any further questions, please do not hesitate to contact the undersigned at (416) 217-6961.

**6. GO Transit, dated December 17, 2001**

This letter is in response to your 3 August 2001 letter regarding the above-mentioned property.

GO Transit has concerns with the proximity of the proposed development to the Union Station rail corridor. It is noted that this site is currently zoned for residential use, however, residential development adjacent to railway corridors is not appropriate without mitigation and safety measures to reduce the incompatibility. Therefore, we request that the City include a "buffer setback" requirement (i.e. 30 metres), similar to that specified in the Railway Lands Central and West Part II plans, as a condition of approval. Specifically, the setback requirement should be included in the Zoning By-law Amendment.

It is our understanding that the requisite environmental studies will be circulated to GO Transit for review and comment prior to site plan approval and that the inclusion of an appropriate warning clause in purchase and sale agreements for dwelling units will be provided as stipulated in the Environmental Agreement.

We look to the City for considering and having regard for these requirements in their decision regarding this application and request receiving notice if the Amendment is approved.

## **7. Works and Emergency Services, dated January 11, 2002**

This is in reference to the application made by Cynthia MacDougall of McCarthy Tetrault, on behalf of Canadian Pacific Properties Inc., c/o Marathon Developments Inc., for the above-noted project situated on the northeast corner of Bremner Boulevard and Simcoe Street. This development consists of the construction of a 24-storey office tower (57,062 m<sup>2</sup>) with retail (1,000 m<sup>2</sup>) on “Block 7A” and on “Block 7B”, a mixed use 35-storey hotel with residential (525 units) and retail components or, hotel use only with a retail component (74,134 m<sup>2</sup>). Both buildings will be serviced by interconnected underground parking garages.

The material submitted has been reviewed and the following comments and recommendations are provided:

Comments:

### Survey Requirements

The applicant will be required to provide final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans. The plans must be submitted at least three weeks prior to the introduction of Bills in Council.

### Parking, Access and Loading

The information shown on the plans submitted with this application are not complete and, although not required at this time to facilitate the review of the Rezoning Application, the applicant will be required to submit at the time of Site Plan Application revised plans to include but not limited to the following:

- All ramp slopes;
- Dimensions of all parking spaces and driveway aisles;
- Dimensions of all loading spaces;
- Clarification of the operations of the ramp system from Simcoe Street to the P1 level;
- An assessment of the sightlines at the Simcoe Street access; and
- An assessment of the bus activity.

With respect to the Rezoning Application, it is understood that the proposed amendment to By-law No. 168-93 (the Railway Lands East By-law) relates to the proposed reduction in the required number of loading spaces. Section 4(5) of Zoning B-law No. 438-86, which was not amended by By-law No. 168-93, as far as can be ascertained, would require the provision of 1 Type A, 6 Type B and 3 Type C loading spaces for this project. The applicant is proposing to reduce the required number of Type B loading spaces from 6 to 3. It is noted that it may be feasible to increase the number of Type B loading spaces located within the below-grade loading court by converting a Type C loading space to a Type B.

To date, there has been no documentation submitted which justifies the proposed reduction in the number of Type B loading spaces. The study submitted by Read Voorhees, on behalf of

Marathon Developments Inc., does not address the loading although we have been advised by the applicant that a loading assessment will be undertaken and documentation submitted demonstrating that the proposed loading supply can accommodate the peak loading demands generated by this development. The applicant is required to submit this assessment to this Department for review and approval prior to the introduction of Bills in Council.

Parking for this development will be accommodated within underground parking garages, which are shown on the drawings submitted to be interconnected between both buildings. This will require the respective rights-of-way to be granted, the requirement for which will be addressed as part of the Site Plan approval process.

The proposed access to Simcoe Street, located immediately to the south of the rail corridor, may also be restricted to right turns in and out because of possible sightline limitations at this location. The plans submitted include a bus pick-up/drop-off area on Simcoe Street abutting this site. This aspect of the proposal will be assessed in conjunction with the Site Plan application and this Department's design of the Simcoe Street Extension and as part of that process, further comments and recommendations with respect to parking, access and loading will be provided at that time.

#### Refuse Collection

The hotel component of this development is classified as "large commercial" in the Municipal Code, Chapter 309, Solid Waste and as such, is therefore not eligible for City collection. In this regard, the owner must provide and maintain the services of a private refuse collection firm.

Consideration of City refuse collection for the residential component, if proposed, would be assessed with the submission of the Site Plan Application and will be subject to the site meeting City guidelines for storage, handling and access.

#### Municipal Servicing

The City's water distribution and sewer systems with regard to the Precinct "B" lands were designed and constructed by Marathon Developments Inc. based upon the existing zoning. The Precinct Agreement requires certain improvements to the infrastructure that include a sanitary sewer and water main on Simcoe Street and a new sanitary pumping station which is to be located on the boulevard of Simcoe Street adjacent to the site. These improvements are proposed to be installed in 2002 and 2003. The particular servicing demands for a hotel may impact on the capacities allocated for this block. In this regard, the applicant will be required to submit along with the Site Plan Application, a servicing report, prepared by a certified engineer, confirming that there is adequate capacity in the existing system or within the proposed improvements (sewer and pumping station) to the Precinct servicing for this use. If it is determined that the existing sizes of those services need to be upgraded to accommodate this development, the applicant will be responsible for the costs of upgrading same. Sanitary servicing will not be available for the site until the pumping station is in operation.

The applicant is aware that the design for the extension of Simcoe Street south from Front Street West to connect to Lower Simcoe Street including the Simcoe Street underpass of the rail yard is

being finalized. The construction of the underpass is scheduled to commence in the spring of 2002. The construction of the underpass is expected to carry on into 2003 and will utilize the Simcoe Street right-of-way as the staging area. This will restrict the ability for work to occur on this block until the construction is complete. All proposed on site development work must be coordinated with the proposed extension of Simcoe Street and any relocations of underground services required in connection with this project must be undertaken at the applicant's expense.

A Construction Management Report detailing the protection measures for the underpass, the pumping station and any other underground utilities adjacent the site during construction and any related dewatering operations will be required prior to issuance of any building permits for the site. This will include details of a monitoring program by an approved Geotechnical Consultant during construction and, if deemed necessary, a peer review consultant at the Applicant's expense. The particular requirements will be detailed in the comments for Site Plan approvals.

The applicant must submit grading and servicing plans of the site to this Department showing proposed grades and details of the proposed drainage facilities for review and approval.

#### Noise Impact Statement

In accordance with the Precinct 'B', Environmental Agreement registered on title as Instrument No. CA441806 on December 4, 1996, the owner is required to submit along with the Site Plan Application, a satisfactory Noise Impact Statement for this development.

#### Noise Mitigation Measures

This site abuts the central railyard with Canadian Pacific, Canadian National and GO Transit lands. The applicant has been discussing with these agencies their requirements with respect to noise mitigation measures for this development and they are agreeable to complying with those requirements.

#### Work within the Public Right-of-Way

The proposal includes the construction of sidewalks, planting of trees, sidewalks, street lighting, canopies, driveways and vehicular accesses. Approval for any work to be carried out within the public right-of-way must be received from this Department. Although the driveway access is acceptable in principle, changes may be required as a result of the detailed review of the application for work within the public right-of-way. For further information, the applicant should contact Right-of-Way Management Section, District 1, Construction Activities at 392-7877. Please note that curb returns are not permitted at driveway entrances; concrete sidewalks are to be extended across driveways. As well, any existing vehicular access ramp, which are not to be further utilized, are to be restored to City of Toronto standards, at no cost to the City.

Should the construction material to be used for the proposed canopy consist of glass, metal or canvas with graphics, approval for its installation will be subject to the review and approval of the Commissioner of Urban Planning and Development Services.

Recommendations:

1. The owner be required to:
  - (a) Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
  - (b) Provide and maintain private collection services for the hotel component of this development;
  - (c) Submit to the Commissioner of Works and Emergency Services, dimensioned plans of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans for the purpose of preparing site specific exemption by-laws and such plans be submitted at least three weeks prior to the introduction of Bills in Council,
  - (d) Apply for revised municipal numbering to the Commissioner of Works and Emergency Services, prior to obtaining a building permit;
  - (e) Submit to and have approved by, the Commissioner of Works and Emergency Services, along with the Site Plan Application, a Noise Impact Statement in accordance with City Council's requirements and Precinct 'B' Environmental Agreement;
  - (f) Have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
  - (g) Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;
  - (h) Submit, along with the Site Plan Application, for the review of the Commissioner of Works and Emergency Services;
  - (i) A servicing report prepared by a certified engineer, confirming that there is adequate capacity in the existing system for hotel uses (sewer and sanitary pumping station) and agree to pay for the upgrading of services, if required, to accommodate the development;
  - (j) Grading, servicing and drainage plans and a Stormwater Mangement Report;

- (k) Satisfy any requirements that the railway companies, (Canadian National, Canadian Pacific and GO Transit) may have with respect to noise mitigation measures for this development; and
- (l) Submit documentation for the review and approval of the Commissioner of Works and Emergency Services, prior to the introduction of Bills in Council, justifying the proposed reduction in the required number of loading spaces.

2. That the owner be advised that:

- (a) the proposed access to Simcoe Street located immediately to the south of the rail corridor, may be restricted to right turns in and out because of possible sightline limitations at this location;
- (b) in the event that the documentation under Recommendation No. 1(j) above does not justify the proposed reduction in the required number of loading spaces, the owner must comply with the loading provisions of the Zoning By-law;
- (c) all work must be coordinated with the proposed extension of Simcoe Street south from Front Street West to connect to Lower Simcoe Street the construction of which is scheduled to commence in the Spring of 2002 and is expected to carry on until 2003 and will utilize the Simcoe Street right-of-way as the staging area which will restrict the ability for work to occur on this block until the construction is complete;
- (d) any utility relocations required to facilitate the development are to be done at no expense to the City and that sanitary servicing will not be available for the site until the pumping station is in operation;
- (e) consideration of City refuse collection for the residential component will be assessed with the submission of the Site Plan Application and will be subject to the site meeting City standards;
- (f) approval of the Commissioner of Works and Emergency Services must be obtained including any necessary construction permits for all proposed work within the abutting public right-of-way prior to the commencement of same;
- (g) further comments will be provided with respect to parking, access and loading as part of the Site Plan review approval process, and
- (h) a Construction Management Report will be required to be submitted to the satisfaction of the Commissioner prior to any building permit detailing the measures to be undertaken to protect the adjacent City infrastructure during construction and that this may entail the costs of a peer review consultant.

**Attachment 7**

**Proposed Official Plan Amendment**

Authority: Toronto East York Community Council Report No. \_\_, Clause No. \_\_,  
As adopted by City of Toronto Council on \_\_, 2002

Enacted by Council

**CITY OF TORONTO  
BY-LAW No. -2002**

**To adopt an amendment to the Official Plan for the former City of Toronto in respect of the lands municipally known in the year 2002 as 18 York Street.**

**WHEREAS** the Council of the City of Toronto has proposed an amendment to its Official Plan pursuant to Section 17 of the *Planning Act*, R.S.O. 1990, respecting the lands municipally known in the year 2002, as 18 York Street; and

**WHEREAS** the Council of the City of Toronto conducted a public meeting on \_\_\_\_\_, 2002 under Section 17 of the *Planning Act* regarding the Official Plan Amendment; and

**WHEREAS** the Council of the City of Toronto, at its meeting held \_\_\_\_\_, 2002 determined to amend Section 19.35 of the Official Plan of the former City of Toronto;

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

1. Delete alternate Map D and substitute this map with Attachment 5.

**Attachment 8**

**Proposed Zoning By-law Amendment**

Authority: Toronto East York Community Council Report No. , Clause No. ,  
As adopted by the City of Toronto Council on , 2002

Enacted by Council

**CITY OF TORONTO  
BY-LAW No. -2002**

*To amend the Railway Lands East Area A By-law No. 168-93, of the former City of Toronto to provide for the erection of a mixed-use building containing a hotel on block 7B, and revisions to the boundaries of Blocks 7A and 7B.*

WHEREAS, Council at its meeting held on February , 2002 adopted Clause of Toronto East York Community Council Report No.

NOW THEREFORE the Council of the City of Toronto hereby enacts as follows:  
This By-law applies to the lands comprising Blocks 7A and 7B shown outlined by heavy lines on Plan 1 attached.

Except as otherwise provided herein, the provisions of By-law No. 168-93, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Railway Lands East Area A,” shall continue to apply to the lands comprising Blocks 7A and 7B on Plan 1 attached.

By-law No. 168-93, as amended is further amended as follows:

Section 6(4)8. (2) PART 1 – DENSITY, 1. is amended with respect to Blocks 7A and 7B as follows:

COLUMN A BLOCK	COLUMN B MAXIMUM NON- RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
Block 7A	58 063	0	58 063
Block 7B	74 134	39 297	74 134

Section 6(4)8. (2) PART 1 – DENSITY, 3. is deleted and replaced with the following:



“3. EXCEPTION: BLOCKS 2A, 4, 5, 7A, 7B AND 9 – STREET-RELATED RETAIL AND SERVICE USES:

- (a) Notwithstanding the provisions of Regulation 1 of Part I, no person shall erect or use a building or structure on a *lot* on *Blocks 2A, 4, 5, 7A, 7B* or *9* in which the *non-residential gross floor area* exceeds 96% of the maximum *non-residential gross floor area* permitted thereon by the said Regulation 1.
- (b) Paragraph (a) shall not apply to any *lot* upon which *street-related and service uses* occupy at least sixty percent of the length of building face as shown by the heavy line marked on Alternate Map 10.”

Section 6(4)8. (2) PART 1 – DENSITY, 4. is deleted and replaced with the following:

“4. EXCEPTION: BLOCKS 2B, 8 AND 10 – STREET-RELATED RETAIL AND SERVICE USES AND OTHER NON-RESIDENTIAL USES:

- (a) Notwithstanding the provisions of Regulation 1 of Part I, no person shall erect or use a building or structure on a *lot* on *Blocks 2B, 8* or *10* for any non-residential use.
- (b) Paragraph (a) shall not apply to any *lot* upon which *street-related retail and service uses*:
  - (i) occupy at least 60 percent of the length of building face as shown by the heavy line marked on Alternate Map 10; and
  - (ii) occupy at least 60 percent of the length of building face proposed to be erected on *Blocks 8* and *10* facing Simcoe Street, excluding the length of any colonnade;
- (c) Despite the provision of Section 6(1), the lands identified as Block 7B may not be used for the purposes permitted in Section 6(1) PERMITTED USES (b)(v);”
- (d) Section 6(4)8. (2) PART 1 – DENSITY, 5. is deleted.
- (e) Section 6(4)8. (4) PART III – SETBACKS, 5. is deleted and replaced with the following:

“5. EXCEPTIONS: BUILD TO LINES, BLOCK 7B, BLOCK 8 AND BLOCK 10

No person shall erect any building or structure within *Block 8* or *Block 10*, unless:

- (a) there is an area of the exterior face of such building or structure from *grade* to a *height* of 7 metres built within 1.2 metres of either side of the

line identified as the Build To Line adjacent to Simcoe Street on Alternate Map 6 which area is equal to at least 90 percent of the area determined by the length of such Build To Line and the vertical distance between *grade* and a *height* of 7 metres;

- (b) There is an area of the exterior face of such building or structure on *Block 10* from a *height* of 7 metres to a *height* of 30 metres built within 1.2 metres of either side of the line identified as the Build To Line adjacent to Simcoe Street on Alternate Map 7 which area is equal to at least 40 percent of the area determined by the length of such Build To Line and the vertical distance between a *height* of 7 metres and a *height* of 30 metres;
- (c) there is an area of the exterior face of such building or structure on *Block 8* from a *height* of 7 metres to a *height* of 30 metres built within 1.2 metres of either side of the line identified as the Build To Line adjacent to Simcoe Street on Alternate Map 7 which area is equal to at least 50 percent of the area determined by the length of such Build To Line and the vertical distance between a *height* of 7 metres and a *height* of 30 metres;
- (d) there is an area of the exterior face of such building or structure on *Block 8* from *grade* to *elevation* 96 metres built within 1.2 metres of either side of the line identified as the Build To Line adjacent to Bremner Boulevard on Alternate Map 6 which area is equal to at least 90 percent of the area determined by the length of such Build To Line and the vertical distance between *grade* and *elevation* 96 metres;
- (e) the exterior face of the building or structure on *Block 8* and *Block 10* is constructed within 1.2 metres of the line identified as the Build To Line on Alternate Map 6 from *grade* to a *height* of 30 metres for a length of 15 metres along Simcoe Street and a length of 12 metres along the Local Road on either side of the point of intersection of Simcoe Street and the Local Road;
- (f) the exterior face of the building or structure on *Block 8* is constructed within 1.2 metres of the line identified as the Build To Line on Alternate Map 6 from *grade* to a *height* of 30 metres for a length of 15 metres on either side of the point of intersection of the Build To Line for Bremner Boulevard and Simcoe Street; and
- (g) there is an area of the exterior face of such building or structure on *Block 7B* from *grade* to a *height* of 19 metres built within 1.2 metres of either side of the line identified as the Build To Line adjacent to Simcoe Street on Alternate Map 6 which area is equal to at least 50 percent of the area determined by the length of such Build To Line and the vertical distance between *grade* and a *height* of 19 metres;

provided that for the purposes of paragraphs (a), (b), (c), (d), (e), (f) and (g) hereof where the exterior face of the building or structure includes a colonnade, the exterior face of such building or structure shall be deemed to include the open area between any columns measured along the exterior face of such columns.”

- (f) Section 6(4)8. (4) PART III – SETBACKS, 5. is amended by adding the following:  
  
“(g) any portion of the building used for *dwelling units* shall be at least 30 metres from the rail corridor measured as a combination of horizontal and vertical distance from the average elevation of the rail corridor;”
- (g) Section 6(4)8. (4) PART III – SETBACKS, 6. (ii) is amended by deleting the words “Maps 8 and” and inserting the word “Map”.
- (h) Section 6(4)8. (2) PART III – SETBACKS, 6. (iii) is amended by deleting the words “Maps 8 and” and inserting the word “Map”.
- (i) Section 6(4)8. (6) PART V – PHASING-BUILD TO ZONES, 1. (a) is deleted, and the remaining sub-sections (b) to (f) inclusive are renumbered (a) to (e), respectively.
- (j) The following maps are amended or deleted:
  - (iv) Alternate District Map 50G-323 is amended in accordance with Map No. 3 attached hereto and forming part of this by-law;
  - (v) Alternate Height Map 50G-323 is amended in accordance with Map No. 4 attached hereto and forming part of this by-law;
  - (vi) Alternate Map 2 is amended in accordance with Map No. 5 attached hereto and forming part of this by-law;
  - (vii) Alternate Map 3 is amended in accordance with Map No. 6 attached hereto and forming part of this by-law;
  - (viii) Alternate Map 4 is amended in accordance with Map No. 7 attached hereto and forming part of this by-law;
  - (ix) Alternate Map 6 is amended in accordance with Map No. 8 attached hereto and forming part of this by-law;
  - (x) Alternate Map 7 is amended in accordance with Map No. 9 attached hereto and forming part of this by-law;
  - (xi) Alternate Map 8 is hereby deleted;

- (xii) Alternate Map 10 is amended in accordance with Map No. 10 attached hereto and forming part of this by-law;
- (xiii) Alternate Map 11 is amended in accordance with Map No. 11 attached hereto and forming part of this by-law.