

Toronto STAFF REPORT

November 1, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Official Plan Amendment and Rezoning Application 04 108075 STE 28 OZ
Applicant: Cityzen Development Group
Architect: Burka Varacalli Architects
40 The Esplanade
Ward 28 - Toronto Centre-Rosedale

Purpose:

This report reviews and recommends approval of an application to amend the former City of Toronto Official Plan and Zoning By-law 438-86 to permit the development of a mixed-use building consisting of a 33-storey residential tower and a 16-storey residential tower containing up to 475 units, street-related retail uses, and an above grade commercial parking garage.

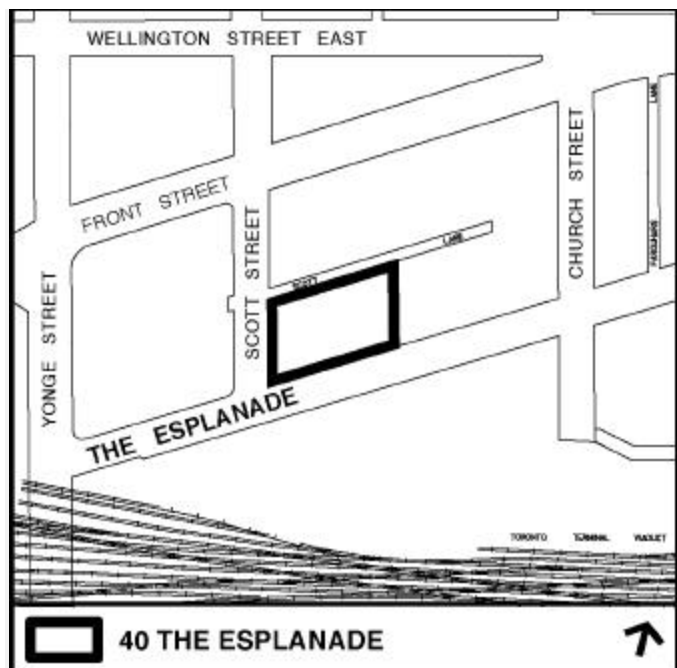
Financial Implications and Impact Statement:

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 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 with the revision that a minimum setback of 1.5 metre be provided at The Esplanade for the southeast corner of the west tower;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Commissioner of Urban Development Services and the City Solicitor, such agreement(s) to be registered against the title to the lands for the development to secure the following facilities, services, and matters:
 - (a) a contribution in the amount of \$700,000 as directed by the Commissioners of Urban Development Services and Economic Development, Culture and Tourism towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;
 - (b) a contribution in the amount of \$50,000 as directed by the Commissioners of Urban Development Services and Economic Development, Culture and Tourism towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street including weather protection along the west wall of the St. Lawrence Centre for the Arts;
 - (c) a contribution in the amount of \$50,000.00 as directed by the Commissioners of Urban Development Services and Economic Development, Culture and Tourism towards the establishment of a senior's centre in the St. Lawrence neighbourhood;
 - (d) a public art contribution in accordance with the City of Toronto's public art program for a value not less than one percent of the construction cost of all buildings and structures on the lands;
 - (e) the payment of costs related to the improvements to the municipal lighting required to support this development, as directed by the Commissioner of Works and Emergency Services;
 - (f) the submission to the Commissioner of Works and Emergency Services, for review and acceptance, of a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstration of how this site can be serviced and whether the existing municipal infrastructure is adequate;
 - (g) the payment for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Commissioner of Works and Emergency Services;
 - (h) improvement of The Esplanade and Scott Street rights-of-way abutting the site, including streetscaping and tree installation, to City standards, to the satisfaction of the Commissioners of Urban Development Services, Works and Emergency Services and Economic Development, Culture and Tourism;

- (i) the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owner's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
 - (j) the phasing of development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services; and
 - (k) architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services;
- (5) direct the Commissioner of the Economic Development, Culture and Tourism Department to:
- (a) form an implementation group for the proposed park on the south side of St. Lawrence market consisting of staff from the Urban Development Services Department, Economic Development, Culture and Tourism Department, Toronto Parking Authority, and Corporate Services Department; and
 - (b) undertake a community consultation process for the proposed park design;
- (6) direct the Commissioner of the Urban Development Services Department to develop urban design guidelines for the West St. Lawrence neighbourhood, which is bounded by King Street East, Jarvis Street, Yonge Street and the railway, and consult with the St. Lawrence Neighbourhood Business Improvement Area, St. Lawrence Neighbourhood Association, and representatives of landowners, and report back to the Toronto and East York Community Council in the second quarter of 2005;
- (7) direct the Commissioner of the Urban Development Services Department to consult with representatives of the St. Lawrence Neighbourhood Association, the St. Lawrence Neighbourhood Business Improvement Area, the St. Lawrence Centre for the Arts, Hummingbird Centre, the owners of 56 and 70 The Esplanade, and the condominium board for 25 The Esplanade, and review the site plan application for 40 The Esplanade with the applicant;
- (8) direct that the site plan application for 40 The Esplanade not be subject to the delegated authority by Council but rather be reviewed by the Toronto and East York Community Council and City Council for its consideration;
- (9) direct City Planning staff to address the LEED certification, green roof technology and rooftop landscaping that can be applied at the time of site plan approval;
- (10) request the applicant to investigate the feasibility of connecting the building to the Enwave District Heating and Cooling System; and
- (11) instruct the City Solicitor and planning staff to appear at the Ontario Municipal Board hearing in support of the revised proposal as outlined in this report.

Background:

In 1988 a development application to amend the Official Plan and Zoning By-law was submitted by the Prudential Insurance Company of America for the subject property along with the St. Lawrence Centre for Performing Arts located at 27 Front Street East. The proposal included a 12 storey (46 metre high) office building, retail at grade, 136 underground parking spaces, and an addition to the St. Lawrence Centre for the Arts. The application did not proceed to final approval and was not constructed.

The site has been used as a parking lot for a lengthy period of time and was recently sold. An application for redevelopment was filed on February 9, 2004.

Proposal

The current development proposal is for a mixed use development consisting of two articulated residential condominium towers on top of a five storey podium (with an option to construct a 6th and 7th storey setback a minimum of 3 metres from the property line on The Esplanade and Scott Street) containing retail and commercial uses and associated below and above grade parking facilities. The total floor area above grade is 43,079 square metres (463,710 square feet).

The five storey podium would cover the majority of the site. The two residential condominium towers are oriented in a north-south direction at the east and west ends of the site. The top of the podium between the two towers will be landscaped.

Over the last 10 months, through the course of staff discussions and community input, the application has changed several times. The revised, final form of the proposal is described below.

The plans show a west tower with 272 dwelling units (floors 6 to 33) and a height of 33 storeys (102.6 metres) plus 6 metre high mechanical penthouse. The east tower would have 103 dwelling units (floors 6 to 16) and would be 16 storeys (51.9 metres) in height plus 6 metre high mechanical penthouse. The podium would have 5 storeys and 55 dwelling units. The total number of dwelling units currently proposed is 430 units. The applicant has requested flexibility in terms of the massing on the site and unit size. Allowing for a possible sixth and seventh storey on the podium and minor adjustments to the residential towers, a total of 475 units could be realized within the same total floor area above grade of 43,079 square metres. The final unit count is typically determined at the building permit stage.

The ground level of the podium building would contain retail uses and residential lobby space for each of the two towers along The Esplanade and Scott Street, space for vehicular and pedestrian access to the parking levels both above and below grade, and drop off area, and lobby for the commercial parking garage. A total of 1,113.5 square metres of at-grade retail is proposed. The second to fifth levels of the podium would have single-loaded corridors with residential suites facing The Esplanade and Scott Street. The northerly portion of the podium which would not be visible from The Esplanade, and would have limited visibility from Scott Street and Front Street (due to the

high flystage wall of the St. Lawrence Centre for the Arts) will consist of four levels of above grade parking.

The north elevation shows the wall of the podium units to be brick and windows, and the wall of the parking garage to be concrete with decorative banding and having some glazing. The east elevation shows the wall of the podium residential units to be brick and glazing, and the wall of the parking garage to be concrete with decorative banding and having some glazing. The final design of the elevations will be resolved during site plan review.

Indoor amenity space would be provided on the fifth floor of the podium building and would open onto the roof garden and swimming pool on top of the fourth floor. The roof of the fifth floor would be a combination of private terraces adjoining residential units and inaccessible landscape roof area.

Proposed pedestrian weather protection includes a canopy treatment along The Esplanade and Scott Street with variable width up to approximately 4 metres.

The proposed bicycle parking is 498 spaces for residents in levels P1 to P4 (approximately 1 per dwelling unit), and 30 weather protected visitor parking spaces at-grade, and 10 weather protected parking spaces on the second floor (in the commercial parking garage).

Vehicular access would be via Scott Lane (which is 6 metres wide) and Scott Street. The four levels of underground parking area would contain approximately 343 spaces and provided at a rate of 0.8 spaces per residential unit (based on 430 units). This parking area would be designated for the residents of the residential condominium units. The four levels of above grade parking area would contain approximately 204 spaces. This parking area would be designated for the visitors of the residential condominium units (26 spaces provided at a rate of 0.06 spaces per residential unit), and 178 commercial parking spaces.

The proposed density is approximately 10.7 times the lot area including residential and non-residential (retail) gross floor area. Above-grade parking is included in density calculations therefore the total density is 12.9 times the lot area.

For the statistics related to the proposed development please refer to the data sheet contained in Attachment No. 5.

Application History

The preliminary report on the application dated March 22, 2004 was discussed at the April 7, 2004 Toronto South Community Council meeting and April 15, 2004 City Council meeting. Staff was directed to prepare a redevelopment planning framework for the area bounded by on the west by Yonge Street, Front Street and Victoria Street/Scott Street, on the north by King Street East, on the east by Jarvis Street and on the south by the railway, as outlined in this report. Staff was directed to undertake community consultation regarding the redevelopment planning framework together with the Ward Councillor and report back to Toronto South Community Council as part of the report on this application.

Subsequent to community consultation meetings held for the West St. Lawrence Planning Framework on June 10, 2004 and for 40 The Esplanade on July 20, 2004, the applicant submitted plans dated July 27, 2004 for the review of staff. An application for Site Plan Control was submitted on September 7, 2004. The following is a summary of the submitted plans:

	Plan Submission Date			
	Feb. 2004	July 2004	Sept. 2004	Proposed By-law
Total Gross Floor Area (in square metres)	49,460	49,358	44,422	43,079
Density (X lot area)	15	14.7	13.3	12.9
Unit Count	500	515	477	475
West/East Tower Height (in metres)	33/25	25/33	33/20	33/16
Podium Height (in storeys)	5	5	8	5-7
Total Parking	607	548	547	547

Site and Surrounding Area

The subject property is an angled rectangular 3,339.43 hectare (0.82 acre) property located at the northeast corner of The Esplanade and Scott Street. The property has a minor slope down from the north to the south. The property is occupied by a commercial parking lot containing 126 parking spaces. Vehicular access to the property is via two driveways on Scott Street.

Immediately surrounding the site are as follows:

North: Scott Lane, the St. Lawrence Centre for the Arts and commercial buildings ranging in height from three to five storeys fronting onto Front Street East
 South: The Esplanade, beyond which is a nine-storey hotel and a 33-storey and 570 dwelling unit residential condominium building with at grade commercial space
 East: commercial buildings ranging in height from one to five storeys
 West: Scott Street and the Hummingbird Centre

Metropolitan Toronto Official Plan

The Official Plan of the former Municipality of Metropolitan Toronto designates the subject site as part of the Central Area, the pre-eminent Centre designated in Metroplan.

Provincial Policy Statement

The Provincial Policy Statement has several policies that address intensification. Regard was given to these policies.

Former City of Toronto Official Plan

The former City of Toronto Part I Official Plan designates the site as a Medium Density Mixed Commercial-Residential Area. The subject property is not located in a Part II (secondary plan) area. The lands immediately to the south are located in the St. Lawrence Secondary Plan and the lands to the west (up to Yonge Street south of Wellington Street) are located within the Financial District.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. Pre-hearings have occurred on April 19th and 20th, 2004, and September 14th, 2004.

The new Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and designates it as Mixed Use Area. The lands adjacent to the subject site are designated Mixed Use Areas. The Plan contains development criteria that direct the form and quality of development in this area. The criteria direct that the massing of new buildings provide a transition between areas of different development intensity and scale, including a stepping down of heights toward lower scale neighbourhoods, that shadow impacts be minimized on adjacent neighbourhoods, that comfortable sunlight and wind conditions be achieved through the massing of new buildings, that parking, loading, amenities and other good site planning principles are complied with, and advantage is taken of nearby transit services. The proposal has been reviewed for compliance and satisfy these development criteria as further outlined below.

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

Compliance with other relevant policies of the new Official Plan including housing, the environment and transportation has been addressed. The proposal conforms to the intent of the new Official Plan and a modification to the new Plan will not be required.

Zoning

The site is governed by By-law No. 438-86 as amended and is zoned CR T4.0 C3.0 R4.0. The By-law permits a mixed-use commercial-residential building containing a total building density of 13,357.7 square metres (4 times the lot area).

The Zoning By-law implements the building density limitations set out in the Official Plan as well as the location and massing of the building on the lot and maximum building height of 23 metres.

Other Council Policies

The property is located within the boundaries of the St. Lawrence Business Improvement Area. The property is located within the boundaries of the St. Lawrence Neighbourhood Community Improvement Project Area which was approved by City Council on October 5, 2004. A plan for this area has not been developed. The site is not subject to urban design guidelines. The area to the south is subject to the St. Lawrence Secondary Plan which contains development policy. In addition, Council has adopted certain economic and social development strategies prepared by the South East Downtown Economic Redevelopment Initiative and other area groups.

Site Plan Control

An application for Site Plan Approval was filed on September 7, 2004 and has been circulated to civic officials and external agencies for comments. Landowners and residents in the area have expressed interest in achieving design excellence and in site plan details such as the façade design, materiality of the towers, setbacks, weather protection, landscaping, lighting and level of street animation. As outlined below there are several site plan issues that require further work.

Given the building height proposed, interest and importance of this site, and history of the public being involved in all aspects of development in the St. Lawrence neighbourhood in accordance with Council policy, staff recommend that Council direct the Commissioner of the Urban Development Services Department to consult with representatives of the St. Lawrence Neighbourhood Association, the St. Lawrence Neighbourhood Business Improvement Area, the St. Lawrence Centre for the Arts, Hummingbird Centre, the owners of 56 and 70 The Esplanade and the condominium board for 25 The Esplanade, and review the site plan application for 40 The Esplanade with the applicant. Staff also recommend that Council direct that the site plan application for 40 The Esplanade not be subject to the delegated authority by Council but rather be reviewed by the Toronto and East York Community Council and City Council for its consideration.

Reasons for the Application

The proposed building density of the development is 12.9 times the area of the lot (including above grade parking gross floor area), exceeding the By-law that allows a density of 4 times the area of the lot.

In addition, the proposed development includes one 33-storey (102.6 metre) residential tower and one 16-storey (51.8 metre) residential tower whereas the By-law permits a maximum height of 23 metres.

Other variances include:

- (a) there is a minimal amount of at-grade common outdoor open space (irregular 0 to 2.3 metre setback along The Esplanade and irregular 0 to 0.9 metre setback along Scott Street) at grade along the street, whereas approximately 391.3 square metres are required; and
- (b) a commercial parking garage is proposed, whereas the by-law prohibits a commercial parking garage.

Comments:

Community Consultation

Further to direction by City Council, on June 10, 2004, a community meeting was held to discuss and begin to develop a planning framework for the West St. Lawrence neighbourhood (bounded by Yonge Street, King Street East, Jarvis Street and the railway). Approximately 60 people attended the meeting. Staff presented a summary of the potential redevelopment sites and gave an overview of the character of the neighbourhood. A summary of the event is located in Appendix 6.

A community meeting on 40 The Esplanade was held on July 20, 2004 and was attended by approximately 60 people. Issues raised at the meeting and in writing to staff following the meeting included concerns about height, massing, density, shadow, wind tunneling, materials used for construction, fit of the building in the neighbourhood, minimal distance separation between the towers, maintaining the historical significance of the neighbourhood, the minimal amount of on-site recreation space being proposed, traffic impacts on The Esplanade and Scott Street, need to develop urban design guidelines for the neighbourhood, need to assess the impact on community facilities, the expansion of the commercial parking, the large amount of residential parking, and the low number of family sized units.

Some of the speakers spoke in support of the application in terms of the podium and point towers being proposed. These speakers requested that the architecture be improved. Several attendees communicated concerns over the proposed height of the towers in relation to the predominance of low-rise (one to five storey) commercial buildings in the block bounded by Front Street East, Scott Street, The Esplanade and Church Street. Concerns were raised about this application and other potential applications creating a high-rise canyon similar to Bay Street. Concerns were raised that the proposal did not permit the expansion of the St. Lawrence Centre for the Arts which was proposed as part of a previous application for 40 The Esplanade.

On September 22 & 23, 2004 the West St. Lawrence Neighbourhood Charrette was held. Four teams were formed to study both the public realm in the area bounded by Yonge Street, King Street East, Jarvis Street and the railway, and the following six potential development sites: 40 The Esplanade, the Hummingbird Centre (1 Front Street East), 70 The Esplanade, 75 The Esplanade, 10-12 Market Street and 18 Jarvis Street. The charrette was moderated by Calvin Brook of Brook McIlroy Planning + Urban Design/Pace Architects. The teams consisted of City staff, community representatives, landowners, and developers. During the Charrette a fifth team of St. Lawrence Neighbourhood Association members was formed.

A scale model of the West St. Lawrence neighbourhood was prepared and concept models were produced throughout the charrette. Each team produced a public realm and open space plan for the neighbourhood, and drawings/plans for their site(s).

The team for 40 The Esplanade focussed on improving the transition in scale from the west to east, building facades, weather protection, the relationship of the podium and towers, street wall to street width ratio, breaking up the massing of the buildings, and fit with the buildings and the

neighbourhood. After the final presentation, the team for 40 The Esplanade was questioned on the height, massing and density of the buildings, shadowing on Berczy Park and building materiality.

The fifth team did not present a design for any of the 6 sites and presented an overall vision for the neighbourhood as an “Old Town”. The team suggested that maximum building heights should be in the range of 10 to 15 storeys, except for the Hummingbird Centre which is in the Financial District in the new Official Plan. They cited examples such as Market Square (northeast corner of Church Street and Front Street East) and the King George building (northeast corner of Jarvis Street and King Street East) as appropriately scaled development. Other priorities stated were: proposal should be guided by urban design principles and the context; consistent streetscaping should be provided; taller buildings should have a 4 to 5 storey base; the heritage character of the area should be maintained; and the capacity of neighbourhood services should be taken into account when reviewing development applications.

The moderator has produced a report on the proceedings which will be available from the City Planning Division.

A second community meeting on 40 The Esplanade was held on October 7, 2004, and was attended by approximately 70 people. A presentation was made highlighting the changes in the building design that had been undertaken as a result of the input of people attending the first meeting and City staff. Issues raised at the meeting included concerns about the height, massing, density, shadow, wind tunneling, materials used for construction, fit of the building in the neighbourhood, environmental sustainability, weather protection, transition, reduction of view corridors, maintaining the historical significance of the neighbourhood, traffic impacts on The Esplanade and Scott Street, need to develop urban design guidelines for the neighbourhood, need to assess the impact on community facilities, the expansion of the commercial parking, the large amount of residential parking, the construction of a sales office in advance of the approval of the project, Section 37 community benefits, housing mix, and the Ontario Municipal Board appeal that was filed by the applicant and what that process may involve.

Members of the St. Lawrence Neighbourhood Association made a presentation and requested that the following principles be used to evaluate the proposal:

- internationally recognized for excellence in urban neighbourhood development in human terms;
- neighbourhood of diverse residents, housing, income, heritage settings and historic buildings, culture, businesses and community organizations;
- quality of social, economic, cultural and environmental life that strengthens the neighbourhood, its heritage qualities and mixed uses of the land;
- attract and retain residents and businesses, as well as local, provincial, national and international visitors; and

- encourage compatible physical development on a human scale while discouraging incompatible development and its short and long term consequences.

Emerging Planning Framework

Staff established a need to better understand the neighbourhood context prior to making decisions on individual development applications in the March, 22 2004 Preliminary Report. As a result of the West St. Lawrence Planning Framework meeting, community consultation meetings on 40 The Esplanade and the West St. Lawrence Charrette, staff have developed the following preliminary urban design principles:

(a) Built Form

- there should be a meaningful transition in height, density and massing from the Financial District to the St. Lawrence neighbourhood;
- tall buildings should have a properly designed base (podium), middle and top;
- floorplates for high-rise buildings should be point towers;
- building setbacks and massing should be used to ensure that canyons are not created along streets;
- conceptual design should respond to the prevailing neighbourhood character;
- shadow sensitive streets and open spaces should be protected;
- building designs should discourage wind tunnelling;
- canopies and colonnades should be used to increase pedestrian comfort;
- sites with multiple towers proposed should have a proper distance separation in relation to the building widths and provide for adequate light, view and privacy;
- servicing and parking access should be on laneways or secondary streets;

(b) Special Places and Streets

- a hierarchy of special street types and places should be identified and protected;
- streets should be animated through a mix of uses, building styles and types;

(c) Pedestrian Improvements

- pedestrian improvements and connections to Union Station, the Financial District and the waterfront should be completed;

- the St. Lawrence Market and North Market should be physically linked through pavement and pedestrian amenities;
- the St. Lawrence Centre for the Arts and the Hummingbird Centre should be physically linked through pavement, pedestrian amenities and public art;
- the pedestrian realm should be defined through consistent streetscaping details;

(d) Open Space

- The Esplanade should form a "green" promenade connecting public and private open spaces;
- Crombie Park should be extended west of Jarvis Street;

(e) Heritage

- the former shoreline should be interpreted;
- heritage buildings should be inventoried, evaluated, protected and enhanced;
- building materials should be compatible with the historic "brick warehouse" character of the neighbourhood;

(f) Terminus

- the terminus of Church Street (parking garage) should be improved with public art, public open space and façade treatment;
- landmarks and view corridors should be protected;

(g) LEED Certification and Green Buildings

- new buildings should seek to achieve LEED certification; and
- the roofscape of buildings should be green.

These emerging principles should be used in the preparation of urban design guidelines for the West St. Lawrence neighbourhood. Staff intend to develop urban design guidelines for the West St. Lawrence neighbourhood, which is bounded by King Street East, Jarvis Street, Yonge Street and the railway, and consult with the St. Lawrence Neighbourhood Business Improvement Area, St. Lawrence Neighbourhood Association, and representatives of landowners, and report back to the Toronto and East York Community Council in the second quarter of 2005. Where possible, these guidelines should complement and be coordinated with other City and community heritage, economic and social development/revitalization initiatives.

Ontario Municipal Board Appeal

On September 15, 2004, an appeal pursuant to subsections 22(7) of the Planning Act was received by the City Clerk from the applicant for the Official Plan and Zoning By-law Amendment for 40 The Esplanade. No date for a hearing has been set. The applicant has not requested a date for a hearing and is continuing consultation with City Staff and the community. Staff recommend that City Council instruct the City Solicitor and planning staff to appear at the Ontario Municipal Board hearing in support of the revised proposal as outlined in this report.

Review of 40 The Esplanade

Height, Massing, Light, View and Privacy

The applicant submitted a Planning and Design Analysis dated February 6, 2004 with the application. Policies from the Provincial Policy Statement, Metropolitan Toronto Official Plan, former City of Toronto Official Plan, and the new Official Plan are cited to support the requested height, massing and density.

The issue of transition from the Financial District has been discussed at the West St. Lawrence Planning Framework meeting, West St. Lawrence Neighbourhood charrette and community meetings for 40 The Esplanade. The several residents in the St. Lawrence neighbourhood have indicated that there should be no transition in the built form between the Financial District and St. Lawrence Neighbourhood. There are important policies in the former City of Toronto Official Plan and the new Official Plan which address the issue of transition. For example, the former City of Toronto Official Plan policies, directions and objectives include:

- a framework for regulating building densities that places the emphasis on the built-form, urban design and environmental objectives, including sunlight and wind;
- to maintain and improve levels of pedestrian comfort on streets and public open spaces, wind and sunlight standards for public spaces;
- development that is well integrated with, and fits comfortably into, the surrounding City;
- buildings located on corner sites to be sited and massed in ways that acknowledge the intersection of adjoining streets;
- the siting and massing of new buildings to provide an appropriate degree of continuity and enclosure to the streetscapes that the buildings frame;
- the massing of buildings to respect the existing street proportions and provision of transition between areas of differing development intensity; and
- Medium Density Mixed Commercial Residential Areas designation policies where primarily residential uses are promoted, new development in these areas that are designated for

compatibility with existing buildings and public open spaces but should be of a mid-rise form with heights generally in the range of 6 to 10 storeys.

The property is abutting high density areas and the Financial District which has buildings up to 298 metres in height. The proposed heights of 102.6 and 51.9 metres (excluding mechanical penthouses) are significantly higher than the zoned height limit of 23 metres for this site. The existing buildings in the block bounded by Scott Street, The Esplanade, Church Street and Front Street East are one to five storeys high and also have a zoned height limit of 23 metres. Several sites in the area and not located in the Financial District have been developed to heights in the range of 60 to 100 metres. The tallest buildings in the immediate vicinity are the 570 unit residential condominium building at 25 The Esplanade located directly to the south which is 33 storeys and has a height of 96.8 metres plus 5.2 metre high mechanical penthouse. The 120 unit residential condominium at 30 Wellington Street East located 1 ½ block directly north is 21 storeys and has a height of 60.6 metres plus 3 metre high mechanical penthouse. The apartment building at 55 The Esplanade located one block south-east is 14 storeys and has a height of 39.6 metres plus 4 metre high mechanical penthouse.

The towers respond to the context by stepping down west to east from 33 storeys to 16 storeys. The transition on site provides an important transition in built form. The applicant has emphasized this transition with the materiality of the buildings changing from glass, concrete and steel for the west tower to large windows and brick for the east tower.

The west tower is a “point tower”. Point towers are those with small floorplates that result in thin buildings which may reduce impact on light and views. In this case, the proposed typical floor plate is approximately 767 square metres which is smaller than towers that have typically been built and approved in Toronto in recent years. This size is significantly less than the floor plate size permitted by the Zoning By-law’s setback provisions. By way of comparison, the floorplate of 25 The Esplanade is approximately 1,850 square metres.

The east tower has a slightly larger typical floorplate of 801 square metres but it is still relatively small compared to other slab mid-rise towers built and approved in Toronto in recent years. For example the residential condominium at 30 Wellington Street East has a floorplate of approximately 925 square metres. Several representatives of the St. Lawrence Neighbourhood Association have indicated that the 15 storey King George condominium building at the northeast corner of King Street East and Jarvis Street is an appropriate mixed use building for the neighbourhood. Staff agree that the eastern portion of the site is appropriate for a building of this size. Staff have compared this building carefully to the proposed east tower at 40 The Esplanade and note that the proposed east tower is only one storey (4.93 metres) higher, 7.63 metres shorter in length, has an average width 10 metres thinner, has a typical tower floorplate 30% smaller, has a similar setback to the abutting south property line, and has a 1.5 metre greater setback to the curb of the street to the south. In summary, the massing of the east tower is less bulky than the King George building.

The maximum floor plate sizes proposed will be secured through building envelopes attached to the draft zoning by-law.

The proposed 18.7 metre to 24.7 metre high podium reinforces the defined edge of the street on The Esplanade and Scott Street. Other upper level step backs relate the new development to existing

buildings west and south of the site. For example, the east building's 16th floor has residential units partially surrounding the mechanical penthouse and are setback 2.5 metres from the lower floor.

A minimum separation distance of 17 metres is proposed between the towers. A minimum distance separation of 11 metres is required by the Zoning By-law. An appropriate urban design measure for tall buildings is a ratio of 1:1:1 for tower width to distance between towers to tower width. The west tower averages 21 metres in width and the east tower varies in width from 19 metres to 27.5 metres (average width of 22 metres). The two towers are offset and the distance separation of 17 metres is for approximately 17 metres of the 46 metre depth of the property.

Appropriate setbacks are required so as to not preclude residential development with windows on property lines facing 40 The Esplanade. The applicant proposes a setback of 5.5 metres to the northern property line for the west tower, a 5.5 metre setback to the centreline of Scott Street for the east tower, a 5.5 metre setback to the property line to the east for the east tower, and 5 metre setback to the southern property line for the east tower. Staff are satisfied with these setbacks.

Staff have a concern regarding the 0.75 metre setback proposed at the southeast corner of the 33-storey west tower to the right-of-way for The Esplanade. At the four community consultation meetings, residents in the area expressed concerns about The Esplanade becoming a canyon. A 0.75 metre setback for the west tower would create this result. The applicant would like to break the massing of the podium. The staff suggest a step back from the podium to a tower of 3 to 5 metres. Given that the southwest corner of the tower is 5 metres from the south property boundary on The Esplanade and that the south tower wall is not perpendicular to The Esplanade, staff can accept a 1.5 metre tower setback to The Esplanade right-of-way for a small portion of the tower. Staff also recommend that the balcony for these corner units be located at the southeast corner of the tower so as to improve sightlines through the tower along The Esplanade. The balcony should have a minimum depth of 1.8 metres. The applicant has not agreed to this modification and it will be secured through a recommended revision to the draft schedule in the site specific zoning by-law. Otherwise, the tower setback provided will be up to 5 metres.

The west tower is setback 3.35 metres from the Scott Street property line. Residents in the area have requested that the west tower be located further east to off-set the building from 25 The Esplanade. A balance between an appropriate setback and distance between the two towers is needed. Staff do not recommend a lesser distance separation than 17 metres between the two towers. Staff are satisfied with the setback of the west tower to Scott Street.

Planning staff are satisfied, with minor modifications that the proposed built form is appropriate for the area. While the buildings are taller than other buildings in close proximity, the proposed heights are not incompatible with the character of the area and provide a strong on-site transition. Generally, the small floor plates of the proposed towers will reduce shadow impacts and maintain views in the area and reduce the sense of building mass and enclosure in the area to the east. The street level pedestrian realm is appropriately addressed. Shadow and wind impacts are discussed below.

Most significantly, the proposed stepping down in height on site from high-rise to mid-rise, with a well defined podium, reinforces the prevailing built form character of the area – that is, Scott Street

and the Esplanade is a location where the tall buildings end and the low and mid-rise character of St. Lawrence and the Old Town begin.

Shadow

The applicant has submitted shadow studies of the proposal, to illustrate the shadows that would be created by the proposed buildings at different times of the year and different times of the day. Extensive consultation was undertaken with the applicant to prohibit shadowing on Berczy Park and limit the amount of shadowing on Front Street East. The existing Official Plan, Map 5 designates Berczy Park as being subject to appropriate sunlight standards and policies based on the use of the park and its built form context. Staff are satisfied that no shadow will be cast on Berczy Park between March 21st and September 21st. Front Street East between University Avenue and Jarvis Street is subject to a '3 Hour' sunlight standard. Generally, the shadows cast by the development fall to the west and north of the low-rise neighbourhood to the east. The shadow studies indicate that, given the slender shape of the west tower, north-south orientation of both towers and change in elevation north to south, the shadows move across rapidly, thereby reducing the impact. The shadows generated by the proposal do not impact adjacent residential properties to the east of Church Street and south of The Esplanade until late afternoon.

Wind

Generally, the massing of the proposal with podium level setbacks and articulated tower massing has been designed to mitigate wind impacts. The applicant will undertake a wind study, which will assess the impact on the comfort level of pedestrians and recommend specific mitigation measures. These measures will be secured through the Site Plan Approval.

Transportation and Parking

The site is one of the best located in the City for pedestrian capacity, comfort and convenience. The St. Lawrence neighbourhood has many of the widest, attractively landscaped and animated sidewalks in the City. The existing sidewalk on the north side of The Esplanade from Scott Street to Church Street is 9 metres wide and the sidewalk on the east side of Scott Street is 5 metres wide.

Within a 15 minute walk is the entire Financial District, the PATH system, the St. Lawrence Market, 2 large grocery stores, theatres and entertainment facilities, community facilities such as 3 libraries and a community centre, several municipal parks and extensive shopping opportunities. To encourage walking, the applicant is providing wide weather protected sidewalks along The Esplanade and Scott Street. Staff require that the weather protection be a minimum of 3 metres wide and be continuous along the entire frontage of the site.

The signalization of and establishment of crosswalks at the intersection of Yonge Street and the Esplanade was listed as a top community priority. The Traffic Impact Study (TIS), under date of February 2004, that was prepared by the applicant's transportation consultant (LEA Consulting Limited) did not indicate the need to signalize this intersection. Works and Emergency Service Department staff participated in the charrette and did a preliminary assessment of the request to signalize the intersection. Staff identified several safety issues with signalizing the intersection. In

summary, without removing the section of unused tracks and bridge structure south of the intersection of Yonge Street and The Esplanade and further study, it is not recommended that the intersection be signaled.

Staff recommend that this issue be addressed at the time of submission of a rezoning application for the Hummingbird Centre. The improvement of the intersection is directly related to the Hummingbird proposal as the northeast and southeast corners of the Yonge Street and The Esplanade intersection may be modified.

An important benefit of this proposal is the opportunity to enhance the streetscape in the area, concurrent with streetscaping improvements along The Esplanade being undertaken by the City and the St. Lawrence Neighbourhood B.I.A.

The St. Lawrence Neighbourhood has a high percentage of cyclists and is well connected to local and city wide routes. The Esplanade is designated in the Bike Plan as a signed cycling route. The site is served by nearby bicycle routes on Sherbourne Street, Shuter Street, Queens Quay, Bay Street, and the Martin Goodman trail. Bicycle lanes are proposed for Richmond Street, Adelaide Street, lower Simcoe Street, lower Yonge Street, lower Bay Street, and Bremner Boulevard. An off-road route is proposed along the north side of Lake Shore Boulevard.

To discourage vehicular traffic, the applicant has agreed to provide one bicycle parking space per dwelling unit and 40 visitor bicycle parking spaces. The bicycle parking will be weather protected and provided at ground level, the second floor and levels P1 to P4. It is preferable to have all of the bicycle parking at-grade, or one level above or below grade. Given the large number of bicycle parking to be provided in the development, staff are willing to accept the provision of some of the bicycle parking on levels P2 to P4. Bicycle parking will be secured through site specific provisions included in the zoning by-law.

The site is one of the best served in the City for municipal and regional transit. The site is served by the bus routes on Scott Street and The Esplanade, and is within 4 blocks of 6 other bus and streetcar routes, Union Station and the King subway station, the GO Bus Station, and the Toronto Island Ferry Terminal. Comments on the application have been received by the TTC. No transit capacity concerns have been identified.

There is an existing TTC bus stop at the north east corner of The Esplanade and Scott Street. This stop does not have a Viacom transit shelter. Staff will request that the TTC install a shelter at this location if the warrants are currently met or alternatively pursue a shelter being installed prior to a building permit being issued for 40 The Esplanade.

Works and Emergency Services staff have reviewed the Traffic Impact Study (TIS), under date of February 2004, that was prepared by the applicant's transportation consultant (LEA Consulting Limited). The TIS concludes that with the addition of site traffic on the road network, all intersections analyzed will continue to function at acceptable levels-of-service. No required road improvements were identified by the consultant in the study.

An operational assessment was not included with respect to the unsignalized intersection of Scott Street and Scott Lane/Site Access driveway. This would normally be required as part of the overall review of the development. Transportation Services conducted an assessment in this regard. Based on the findings of this assessment, it would appear that no operational issues will result from access to the site being taken from Scott Street

The Works and Emergency Services Department is satisfied with driveway access on Scott Street and loading spaces accessed from Scott Lane. The Department recommends a distance separation of the driveway from Scott Lane of 6 metres. The applicant is providing one type B loading space and one type G loading space which is acceptable.

The applicant's original submission included 607 parking spaces. The applicant currently proposes a total of 547 parking spaces consisting of 343 parking spaces for residents, 26 spaces for visitors to the residential units, 12 spaces for the retail units, and 166 additional commercial parking spaces.

The Works and Emergency Services Department recommend that parking for the residential units be provided at the condominium guideline rate. For 430 dwelling units the minimum Zoning By-law requirements would result in 253 parking spaces and the Works and Emergency Services Department guideline would result in 335 parking spaces which is an increase of 82 parking spaces. The draft zoning by-law requires residential parking to be provided in accordance with the condominium parking guideline.

The Works and Emergency Services Department is prepared to consider the use of off-site spaces to satisfy a portion of this demand, recognizing the available reserve capacity, provided that these off-site spaces are secured through a long-term lease for the exclusive use of the residents of this project.

The provision of a commercial parking garage is discouraged by City policy. The TTC has submitted correspondence objecting to the proposed commercial parking garage. The St. Lawrence Neighbourhood B.I.A. supports the proposed commercial parking garage. The property abuts both the Hummingbird Centre and St. Lawrence Centre for the Arts. Both of these performing arts centres have a minimal amount of patron parking. The existing 126 parking space parking lot on the property is heavily used by the patrons of these facilities. The property is also in the vicinity of the St. Lawrence Market which does not have parking in the building. The applicant's transportation study indicates that there is a high utilization of on street parking and off street commercial parking spaces in the area.

The applicant has masked the above grade parking on the Scott Street and The Esplanade elevations with residential units. Staff are willing to accept a maximum of 178 commercial parking spaces in the building given a balance of interests and policies.

Amenity Space

The applicant has submitted a community facilities impact plan which concludes that there is existing capacity at community facilities to accommodate the proposed development. The applicant has agreed to meet the requirements of the Zoning By-law which requires 950 square metres (based on a maximum of 475 dwelling units) of both indoor and outdoor amenity space.

Environmental Sustainability

Environmental sustainability was indicated as a community priority through community consultation meetings and correspondence received. Staff recommend that City Planning staff be directed to address the LEED certification, green roof technology and rooftop landscaping that can be applied at the time of site plan approval. Also staff recommend that the applicant be requested to investigate the feasibility of connecting the building to the Enwave District Heating and Cooling System.

Servicing

The applicant has provided a functional servicing report to Works and Emergency Services staff to determine the sanitary flow and water supply demand resulting from the development. Staff have reviewed the study and agree that there is adequate capacity in the adjacent municipal services to accommodate the development. A stormwater management brief was also submitted and reviewed by Works and Emergency Services staff, who have found it to be acceptable.

Density

The density proposed for the site is 12.9 times the area of the lot, which represents an increase from 4 times that is currently permitted under the Zoning By-law.

While the proposed density is above what is typical in the immediate area, there are examples of development of similar density in this area of the City, namely at 25 The Esplanade which has a density of 16 times coverage, and at 30 Wellington Street East which has a density of 10 times coverage. Massing of the development on the site as outlined above addresses the issue of transition from the Financial District to the St. Lawrence Neighbourhood. In light of the Official Plan policies regarding intensification in areas well served by employment opportunities, transit and community facilities, staff support the density increase.

This development will assist with the regeneration of this section of the St. Lawrence Neighbourhood, replaces a surface parking lot in the downtown core, and supports retail development in the area.

As discussed above, the proposed height and massing of the development are acceptable and in some ways advantageous. The massing responds to and reinforces context both on The Esplanade, Scott Street and Front Street East and meets guidelines for light, views and privacy. One measurable impact of the proposed height and density, shadow, has been found to be reasonable. The site is able to physically accommodate the proposed development and the local servicing and transportation infrastructure can support the proposal.

Housing Mix

The plans submitted with the application include a mix of unit types including studio, 1-bedroom, 1-bedroom plus den, 2-bedroom and 3 bedroom units. The St. Lawrence neighbourhood has a high percentage of family sized units (2 bedrooms or more). The neighbourhood has good community services in place to attract families to the downtown area. At the community consultation meetings for the application and at the West St. Lawrence Planning Framework meeting, the requirement to achieve a good mix of larger dwelling units suitable for families was indicated as a community priority. For the abutting lands within the St. Lawrence Secondary Plan area, policies are in place to encourage 25% to 50% of the residential units to be family sized units. The applicant has responded by providing 47% of the residential units as 2-bedroom or larger dwelling units which is good for a downtown residential condominium building. Staff recommend that a housing mix be included in the site specific by-law to ensure that a minimum of 40% of the dwelling units are 2-bedroom or larger dwelling units.

Phasing

If the two tower development is constructed in phases, staff require that a phasing plan be submitted, and that plans and elevations be provided to reflect the phasing. Phasing will be addressed at the time of site plan approval.

Landscaping and Streetscaping

The applicant has submitted a street light inventory. Several victorian style street lights are missing along Scott Street and The Esplanade. The St. Lawrence Neighbourhood B.I.A. will be advised of missing light standards. Street lighting improvements will be secured through the Section 37 Agreement and reviewed at the time of site plan approval.

The applicant has submitted a landscape plan. There may be conflicts between underground utilities, the location of street trees and building canopy protections in the street right-of-ways. An irrigation system will be required for all street trees. Landscaping including green roofscaping will be addressed at the time of site plan approval.

Section 37 Benefits

A package of community benefits contributes to the planning merits of the proposal and implements Official Plan objectives related to well-managed and balanced growth. To adequately support intensification, the downtown requires renewal of community services and reinvestment in the public realm in order to address the quality of life objectives of the new Official Plan. As such, the applicant has agreed to provide the following community benefits in exchange for increases in height and density, pursuant to Section 37 of the Planning Act:

- a contribution in the amount of \$700,000 towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;

- a contribution in the amount of \$50,000 towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street including weather protection along the west wall of the St. Lawrence Centre for the Arts;
- a contribution in the amount of \$50,000.00 towards the establishment of a senior's centre in the St. Lawrence neighbourhood;
- a public art contribution in accordance with the City of Toronto's public art program for a value not less than one percent of the construction cost of all buildings and structures on the lands;
- the payment of costs related to the improvements to the municipal lighting required to support this development;
- the submission of a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstration of how this site can be serviced and whether the existing municipal infrastructure is adequate;
- the payment for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review;
- improvement of The Esplanade and Scott Street rights-of-way abutting the site, including streetscaping and tree installation, to City standards;
- the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owner's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
- the phasing of development of the lands and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services; and
- architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services.

To ensure that work is started on the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street, staff recommend that Council direct Economic Development, Culture and Tourism Department staff to form an implementation group for the proposed park on the south side of St. Lawrence market consisting of staff from the Urban Development Services Department, Economic Development, Culture and Tourism Department, Toronto Parking Authority, and Corporate Services Department and undertake community consultation in the design.

The applicant has agreed to provide off-site streetscape improvements on the east side of Scott Street between Scott Lane and Front Street East. This will be in the form of decorative pavement, street trees and a continuous canopy along the west wall of the St. Lawrence Centre for the Arts. Staff for the St. Lawrence Centre for the Arts concur with this improvement. The improvements will provide an attractive pedestrian connection between Berczy Park and The Esplanade.

Opportunities for public art include the historical interpretation of the former shoreline, art on the large blank west wall of the St. Lawrence Centre, and upgrading the on-site canopy into a sculptured art feature.

Conclusions :

Staff recommend approval of Official Plan and Zoning By-law amendments to permit development of a mixed-use building with a residential point tower 33-storeys in height and a mid-rise 16-storey residential building. The applicant has responded to staff and community concerns and made important revisions to the proposal. Although the proposal represents a greater height and density than other developments in the area to the east, the proposal is consistent with planning objectives and will not have undue impacts on adjacent properties and public spaces. An amendment to the new Official Plan is not required. The applicant has agreed to provide a package of community benefits in exchange for increases in height and density under Section 37 of the Planning Act.

Contact:

Al Rezoski, Senior Planner - Downtown Section
 Ph: (416) 392-0481
 Fax: (416) 392-1330
 Email:arezosk@toronto.ca

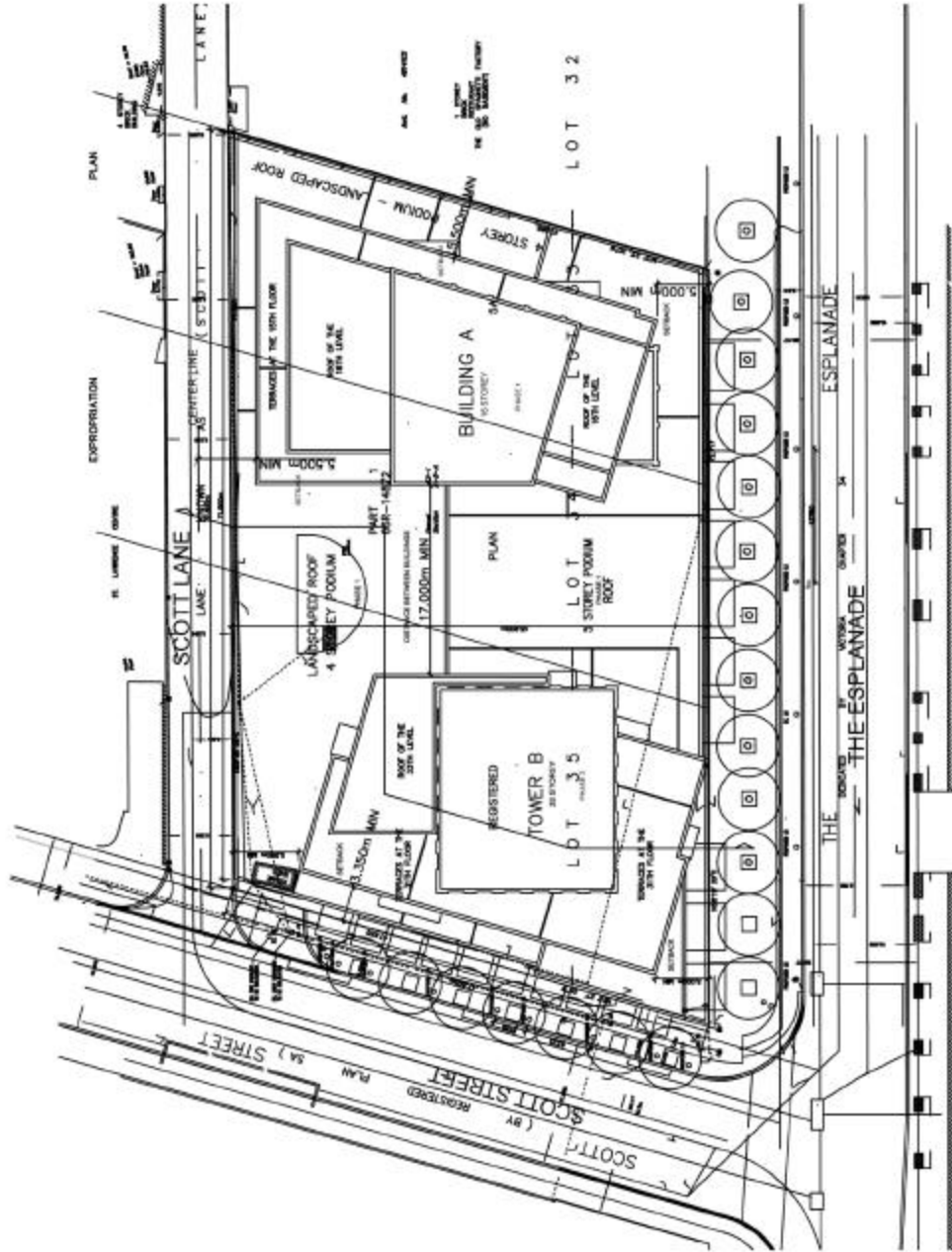
Ted Tyndorf
 Director, Community Planning, South District

9477272018.doc

List of Attachments:

Attachment 1:	Site Plan
Attachment 2:	Elevations
Attachment 3:	Official Plan Map
Attachment 4:	Zoning Map
Attachment 5:	Application Data Sheet
Attachment 6:	Record of June 10, 2004 West St. Lawrence Planning Framework Meeting
Attachment 7:	Draft Official Plan Amendment
Attachment 8:	Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

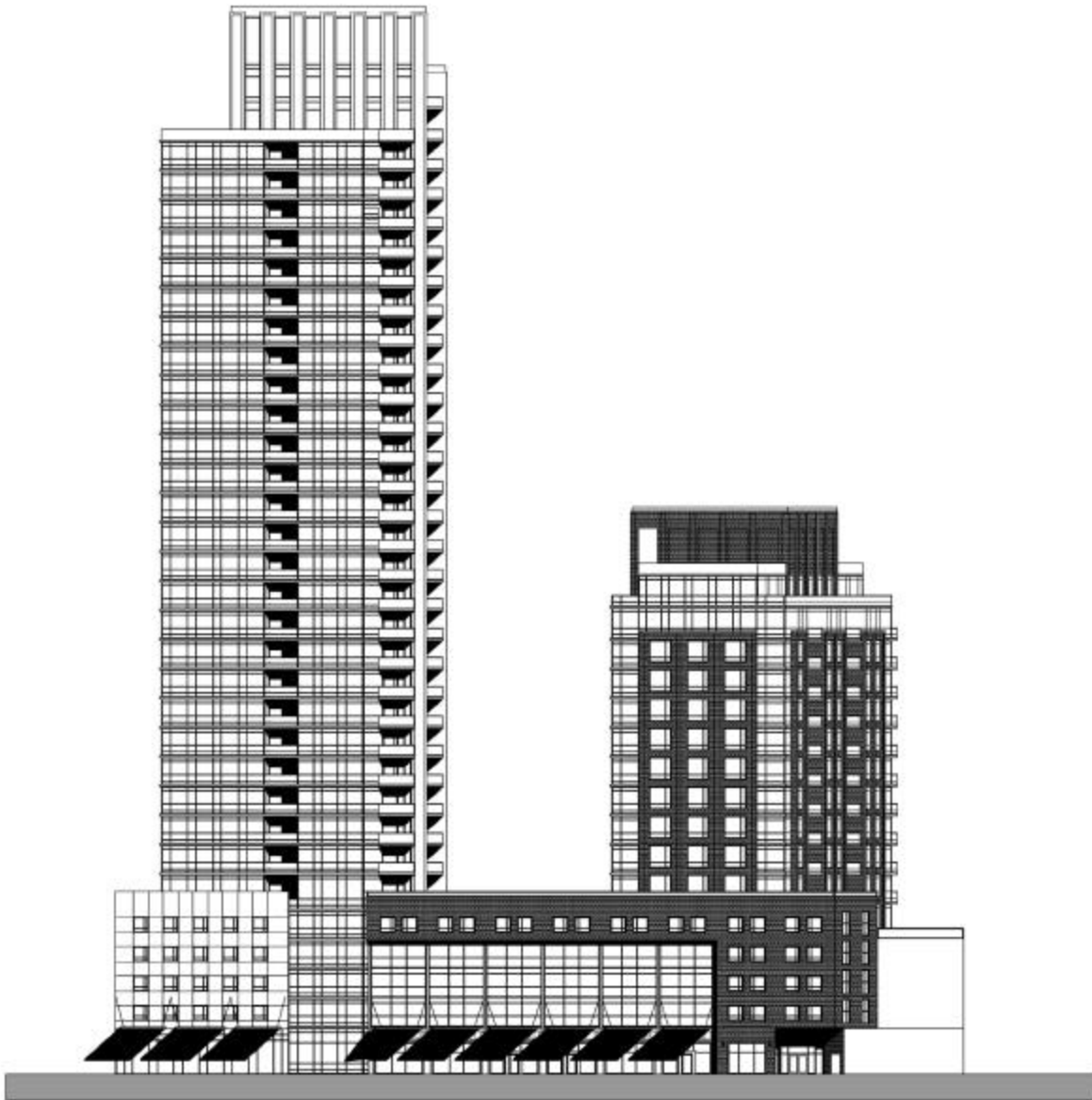
Applicant's Submitted Drawing

Not to Scale
10/26/04



File # 04_108075

Attachment 2a: South Elevation



The Esplanade Elevation

Elevation

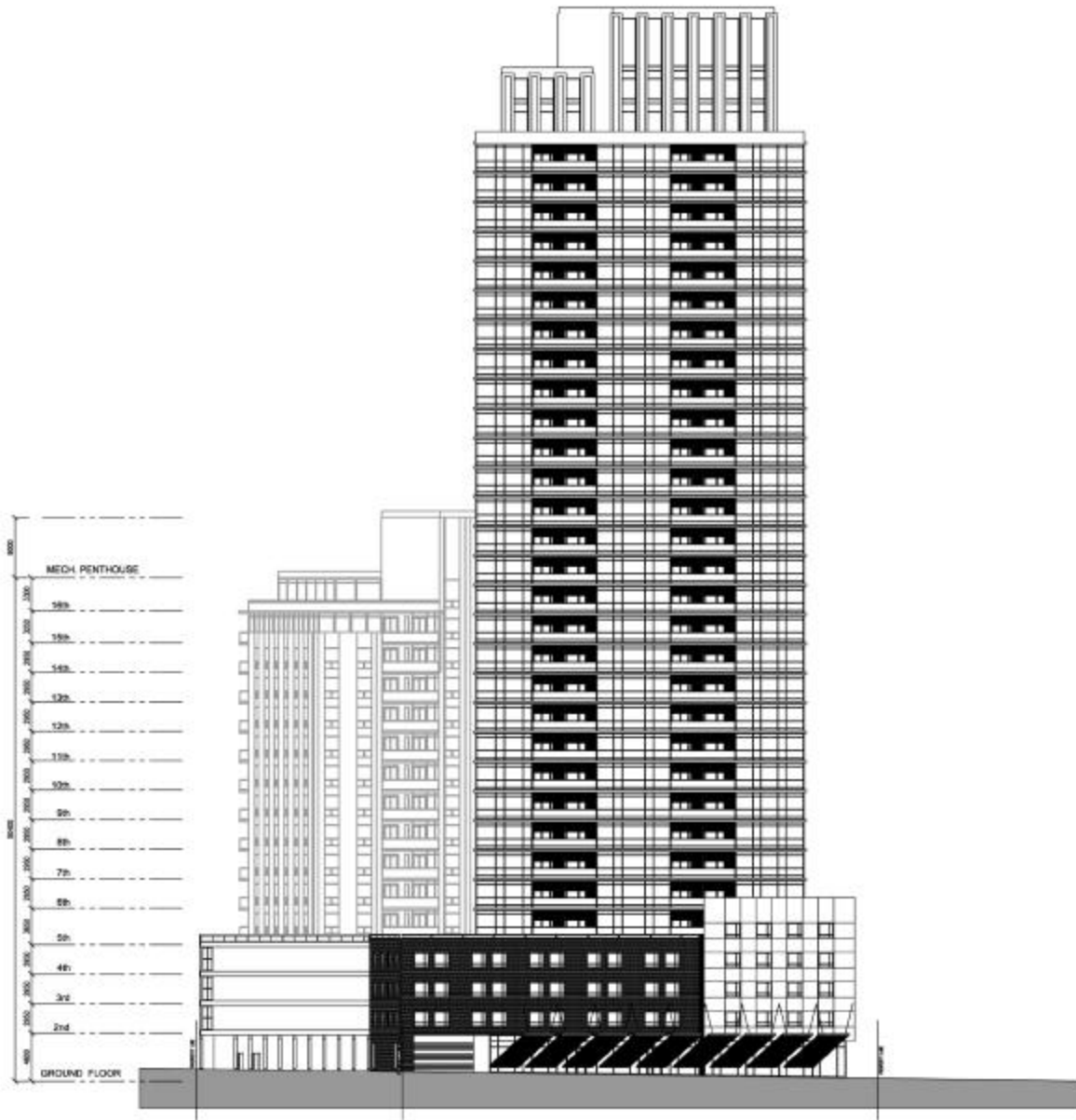
40 The Esplanade

Applicant's Submitted Drawing

Not to Scale
10/26/04

File # 04_108075

Attachment 2b: West Elevation



Scott Street Elevation

Elevation

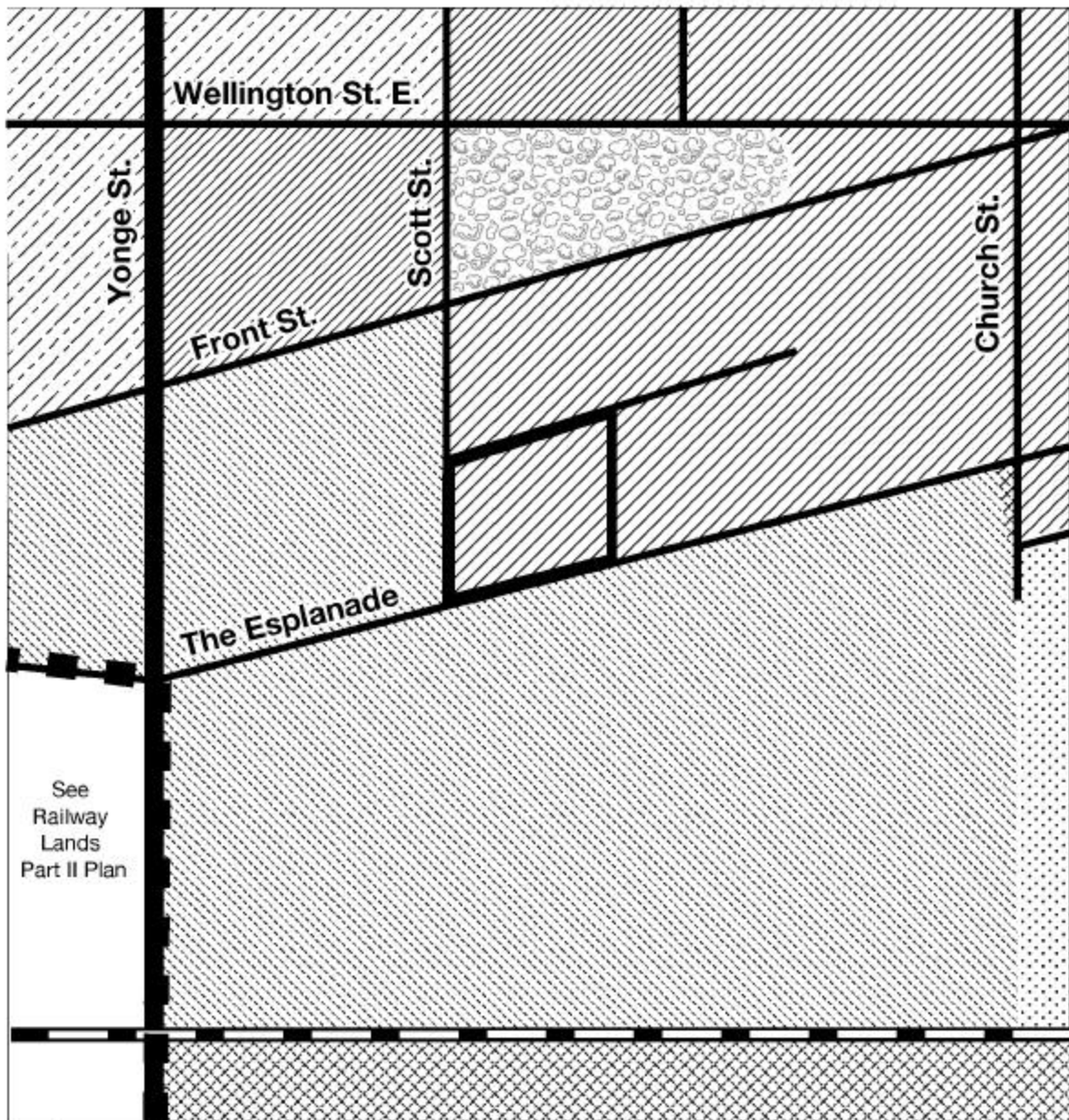
Applicant's Submitted Drawing

Not to Scale
10/26/04

40 The Esplanade

File # 04_108075

Attachment 3: Official Plan (Map)



Toronto Urban Development Services
Official Plan

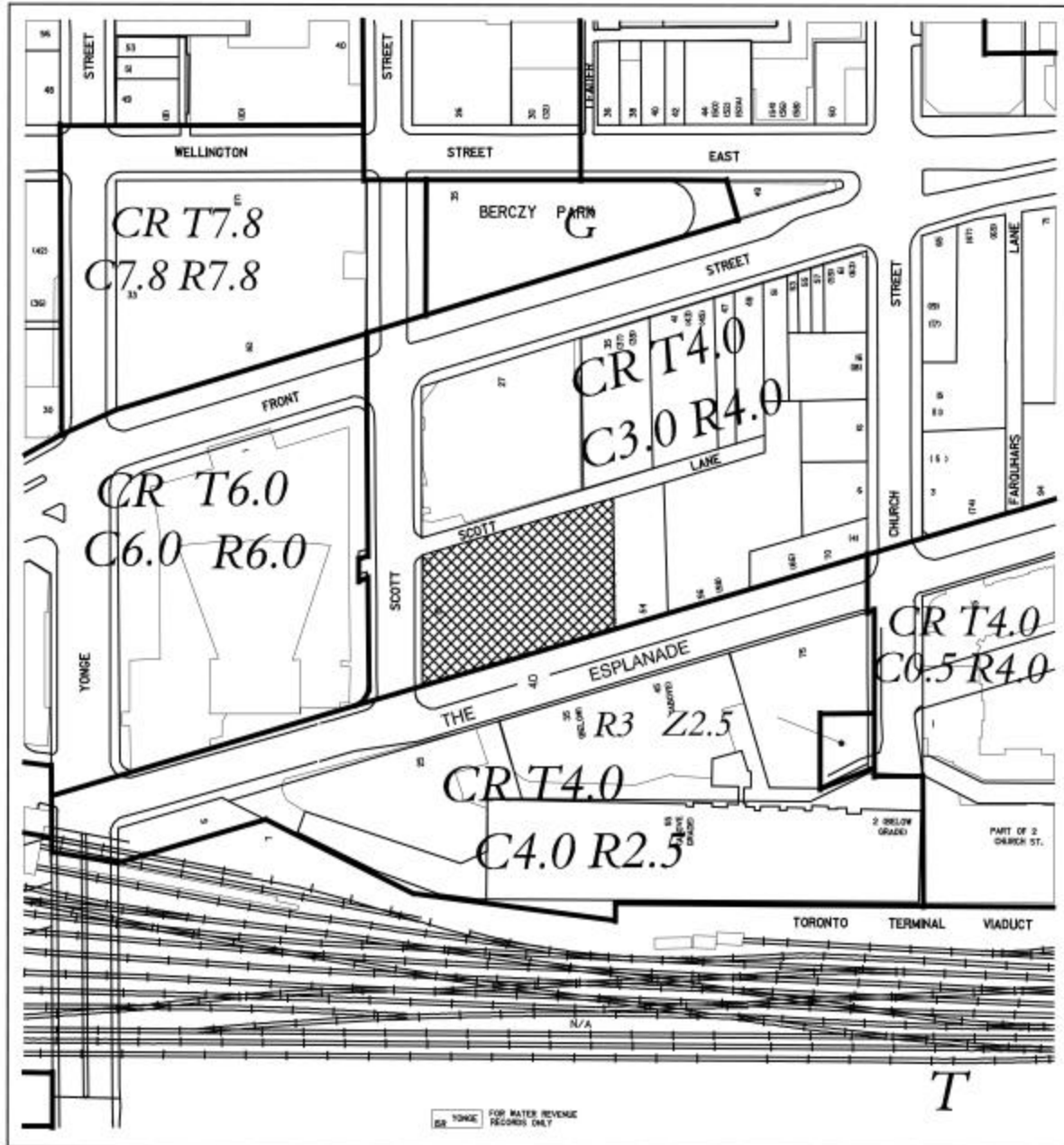
40 The Esplanade

File # 04_108075

- | | | |
|---|---|--------------------|
| Site | High Density Mixed Commercial-Residential Areas 'A' | Financial District |
| Medium Density Residence Areas | High Density Mixed Commercial-Residential Areas 'B' | Open Space |
| Medium Density Mixed Commercial-Residential Areas | Restricted Industrial Areas | |

↑
Not to Scale
02/16/04

Attachment 4: Zoning (Map)



Toronto Urban
Development Services
Zoning

40 The Esplanade

File # 04_108075

G Parks District
CR Mixed-Use District
T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/16/04 - rz

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 108075 STE 28 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 9, 2004
Municipal Address:	40 THE ESPLANADE, Toronto ON		
Location Description:	PL 5A PT LTS 33 TO 35 RP 66R14872 PT 1 **GRID S2812		
Project Description:	Proposed 2 tower, 430 residential unit development (475 residential unit maximum requested)		

PLANNING CONTROLS

Official Plan Designation:	Medium Density Mixed Commercial-Residential Area	Site Specific Provision:	
Zoning:	CR T4.0 C3.0 R4.0	Historical Status:	No
Height Limit (m):	23	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3339.43	Height:	Storeys:	33
Frontage (m):	72.7		Metres:	102.63 (+ 6 mech.)
Depth (m):	47.6			
Ground Floor GFA (sq. m):	1,815.1		Total	
Residential GFA (sq. m):	34,294	Parking Spaces:		547
Non-Residential GFA (sq. m):	8,792	Loading Docks		2
Total GFA (sq. m):	43,086			
Lot Coverage Ratio (%):	98			
Floor Space Index:	10.7 (excluding commercial parking) and 12.9 (including commercial parking)			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	69
1 Bedroom:	159
2 Bedroom:	199
3 + Bedroom:	3
Total Units:	430

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA (sq. m):	34,294	0
Retail GFA (sq. m):	1,265	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	7,527	0

CONTACT:	PLANNER NAME:	Al Rezoski, Senior Planner – Downtown Section
	TELEPHONE:	(416) 392-0481

Appendix 6: Record of June 10, 2004 West St. Lawrence Planning Framework

The participants were placed into teams to address the following questions:

- what do you think are the important urban design considerations i.e. impact and improvements to the public realm and built form context in the West St. Lawrence Area?
- what do you think are the traffic and transportation impacts that would result from redevelopment in the West St. Lawrence Area?
- what community service and facility impacts would result from redevelopment in the West St. Lawrence Area?
- what are the heritage preservation opportunities in the West St. Lawrence Area?
- what do you think are the local priorities for community improvements and benefits associated with redevelopment projects?

The highest community priorities were as follows:

- maintaining the historic and low-rise character of the St. Lawrence neighbourhood;
- completing streetscape improvements;
- constructing Crombie Park on the west side of Jarvis Street on City owned lands designated and zoned Open Space;
- regularizing the intersection of Yonge Street and The Esplanade to provide a pedestrian connection from the neighbourhood to Union Station; and
- increasing maintenance and improving Berczy Park.

The teams were also asked to complete a dot map exercise which involved placing a dot in the areas that they liked and thought worked well from a city planning perspective. They were also asked to place a dot in the areas that they disliked and thought did not work well from a city planning perspective. The top five areas that participants like in terms of frequency of response are: the Hummingbird Centre (the architecture, west & east gardens, and front entrance), Berczy Park, 25 The Esplanade (the architecture & arcade), sidewalk on the north side of The Esplanade between Scott Street & Church Street, Novotel Hotel (the architecture & arcade) and the warehouses on the north side of The Esplanade between Scott Street and Church Street (the architecture and mixed use of the buildings).

The top five areas that participants dislike in terms of frequency of response are: 85-115 The Esplanade (the vacant retail space and narrow sidewalk), intersection of The Esplanade & Yonge Street, & railway underpass (dislike the dangerous pedestrian crossing and sidewalk in the railway underpass), 40 The Esplanade parking lot (the use and edge streetscape treatment), 75 The Esplanade parking lot (dislike the use, edge streetscape treatment and narrow sidewalks), Gross Machinery at 18 Jarvis Street (dislike vacant industrial building), Pizza Pizza at north-west corner of Church Street and Wellington Street East, and the industrial building at the north-west corner of Market Street and The Esplanade.

The most frequently cited community priorities were:

- improve pedestrian and cycling improvements i.e. PATH extension, create great weather protected, landscaped and wide sidewalks, create a new crossing at Yonge Street and create new bike routes/lanes;
- generate a high level of street animation;
- enhance the arts attractions;
- require appropriate scale, massing, height, setbacks and density for infill development;
- add to the mix of housing tenure, forms and types;
- address servicing problems for the Hummingbird Centre;
- establish Crombie Park west of Jarvis Street and increase maintenance of the existing parks;
- improve pedestrian routes to the waterfront;
- design ecological and environmentally friendly building design i.e. green roofs;
- retain and improve heritage buildings; and
- improve or add new community facilities i.e. library and community centre.

Attachment 7

Draft Official Plan Amendment

Authority: Toronto and East York Community Council Report No. XXX, Clause No. XXX, adopted by City of Toronto Council on XX XX, 2004.

Enacted by Council:

CITY OF TORONTO

BY-LAW NO. XXX-2004

To adopt Amendment No. XXX of the Official Plan for the former City of Toronto respecting lands known municipally as 40 The Esplanade.

WHEREAS the Council of the City of Toronto has an application made to it for a proposed Official Plan Amendment respecting the lands municipally known in the year 2004 as 40 The Esplanade; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 17 of the Planning Act, R.S.O. 1990, c. P.13, as amended ("Planning Act"), regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on XX XX, 2004 determined to amend the Official Plan for the former City of Toronto;

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as amendments to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. ____.

ENACTED AND PASSED this XX day of XX, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.XXX and the attached Map 18.XXX;

"18.XXX Lands municipally known in the year 2004 as No. 40 The Esplanade.

See Map 18.XXX at the end of this Section.

- (1) Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.XXX, to permit the erection and use of a mixed-use building having a maximum gross floor area of 43,079 square metres, provided that:
 - (a) The *residential gross floor area* of such building does not exceed 35,732 square metres; and
 - (b) The *non-residential gross floor area* of such building does not exceed 8,792 square metres;
- (2) Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("*Planning Act*"), to secure the facilities, services and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3) In return for the residential densities and height permissions granted by a by-law designating the lands for residential and other uses, including any by-law described in Section 1 hereof, the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
 - (a) The owner agrees to pay \$700,000 to the City towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;

- (b) The owner agrees to pay \$50,000.00 to the City towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street including weather protection along the west wall of the St. Lawrence Centre for the Arts;
- (c) The owner agrees to pay \$50,000.00 to the City towards the establishment of a senior's centre in the St. Lawrence neighbourhood;
- (d) The owner agrees to make a public art contribution of a value not less than one percent of the gross construction cost of the development, in compliance with the City's public art program;
- (e) The owner agrees to the payment of costs related to the improvements to the municipal lighting required to support this development;
- (f) The owner agrees to the submission of a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstration of how this site can be serviced and whether the existing municipal infrastructure is adequate;
- (g) The owner agrees to the payment for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review;
- (h) The owner agrees to improvement of The Esplanade and Scott Street rights-of-way abutting the site, including streetscaping and tree installation, to City standards;
- (i) The owner agrees to the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owner's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
- (j) The owner agrees to the phasing of development of the lands and the timing of the contributions set out above;

- (k) The owner agrees to architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and
- (l) The owner enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands, and register such agreement against title to the lands.

Attachment 8
Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Report No. XXX, Clause No. XXX, adopted by City of Toronto Council on XX XX, 2004.

Enacted by Council:

CITY OF TORONTO

BY-LAW NO. XXX-2004

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 40 The Esplanade.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("*Planning Act*"), respecting the lands municipally known in the year 2004 as 40 The Esplanade; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on XX XX, 2004 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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

1. None of the provisions of Section 2 with respect to definition of “grade” and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 8(3) PART I 1, 2, & 3, 8(3) PART II 1(a)(ii), 8(3) PART III 1(a) and 12(2) 132 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* and *parking garage* on the lands shown on Plan 1 attached to and forming part of this By-law, provided that:
 - (i) the *lot* comprises not less than the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law;
 - (ii) no above *grade* portion of any building is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, attached to and forming part of this By-law;
 - (iii) the *height* of any building or structure, or portion thereof, excluding those elements referenced in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed those *heights* as shown on Plan 2 attached to and forming part of this By-law;
 - (iv) the aggregate of the *residential gross floor area* and the *non-residential gross floor area* erected or used on the *lot* does not exceed 43,079 square metres, of which:
 - (a) the *residential gross floor area* does not exceed 35,732 square metres; and
 - (b) the *non-residential gross floor area* does not exceed 8,353 square metres;
 - (v) *parking spaces* shall be provided and maintained on the *lot* as follows;

Studio <i>dwelling unit</i>	0.3 space per <i>dwelling unit</i>
1 bedroom <i>dwelling unit</i>	0.7 space per <i>dwelling unit</i>
2 bedroom <i>dwelling unit</i>	1.0 space per <i>dwelling unit</i>
3 or more bedroom <i>dwelling unit</i>	1.2 space per <i>dwelling unit</i> ;
 - (vi) a maximum of 178 commercial *parking spaces* that are not designated for the residents of the building or visitors to the residential units in the building shall be permitted;
 - (vii) at least one *loading space-type B* and one *loading space-type G* shall be provided and maintained on the lot;
 - (viii) one *bicycle parking space - occupant* for each *dwelling unit*, or fraction thereof equal to or greater than 0.5;
 - (ix) 0.085 *bicycle parking space – visitor* for each dwelling unit, or fraction thereof equal to or greater than 0.5;
 - (x) *bicycle parking space - occupant* are provided and maintained with the majority located on the ground floor, and levels P1 to P2;

- (xi) *bicycle parking spaces - visitor* are provided and maintained on the ground floor and second floor;
- (xii) *bicycle parking spaces – occupant* shall not be combined with storage lockers for residential units;
- (xiii) a minimum of 40% of the dwelling units shall be 2-bedroom or larger dwelling units;
- (xiv) continuous weather protection for pedestrians with a minimum depth of 3 metres shall be provided along the frontage of Scott Street and The Esplanade.

2. For the purposes of this By-law:

- (i) “*grade*” means 77.42 metres Canadian Geodetic Datum; and
- (ii) each word or expression that is italicized in the By-law herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

3. Notwithstanding Sections 1 and 2, the *heights* and density of development permitted by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of all the following facilities, services and matters to the City of Toronto, namely:

- (i) the owner agrees to pay \$700,000 to the City towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;
- (ii) the owner agrees to pay \$50,000.00 to the City towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street including weather protection along the west wall of the St. Lawrence Centre for the Arts;
- (iii) the owner agrees to pay \$50,000.00 to the City towards the establishment of a senior’s centre in the St. Lawrence neighbourhood;
- (iv) the owner agrees to make a public art contribution of a value not less than one percent of the gross construction cost of the development, in compliance with the City’s public art program;
- (v) the owner agrees to the payment of costs related to the improvements to the municipal lighting required to support this development;
- (vi) the owner agrees to the submission of a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstration of how this site can be serviced and whether the existing municipal infrastructure is adequate;

- (vii) the owner agrees to the payment for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review;
- (viii) the owner agrees to improvement of The Esplanade and Scott Street rights-of-way abutting the site, including streetscaping and tree installation, to City standards;
- (ix) the owner agrees to the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owner's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
- (x) the owner agrees to the phasing of development of the lands and the timing of the contributions set out above;
- (xi) the owner agrees to architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services;
- (xii) the owner agrees to enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands, and register such agreement against title to the lands.

ENACTED AND PASSED this XX day of XX, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)