

# **TORONTO** STAFF REPORT

May 3, 2006

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report

Application to amend the Official Plan and Zoning By-law 438-86, as amended  
Application: 05 175877 STE 28 OZ

Applicant: Mark Noskiewicz, Goodman LLP

Architect: Carl Blanchaer, WZMH Architects

40 Adelaide Street West, 40 Temperance Street, and 335 and 347 Bay Street  
(Bay Adelaide Centre)

Ward 28 - Toronto Centre-Rosedale

## Purpose:

The purpose of this report is to review and recommend approval of an application to amend the Official Plan for the former City of Toronto, new Official Plan, and Zoning By-law 438-86 for the former City of Toronto to permit the development of three new buildings consisting of a 50-storey office building on Bay Street (West Tower), a 43-storey office/residential building on Adelaide Street (East Tower) and a hotel/residential building on Temperance Street (North Tower) with a height of 120 metres.

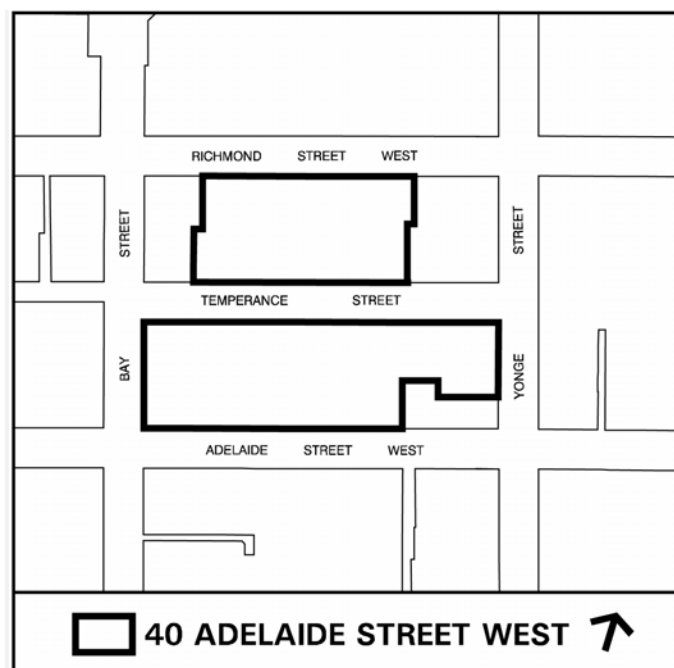
## Financial Implications and Impact Statement:

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) direct the City Solicitor to request the Ontario Municipal Board to modify the new Official Plan of the City of Toronto substantially in accordance with Attachment No. 8;
- (3) amend Zoning By-law 998-88 (being a by-law to amend Zoning By-law No. 438-86) for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendment as may be required;
- (5) authorize the passage of a by-law for the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Manager, Heritage Preservation Services to ensure the façade preservation of 347 Bay Street;
- (6) require the owner, before introducing the necessary Bills to City Council for enactment, to execute one or more agreements under Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
  - (a) provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands to be paid at time of first building permit;
  - (b) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 347 Bay Street (National Building), satisfactory to the Manager of Heritage Preservation Services or her designate;
  - (c) provide, prior to the first occupancy of the first building, an at-grade pedestrian walkway (Publicly Accessible Landscaped Open Space) with a supporting easement in favor of the City to permit access to the 1,072 square metre Publicly Accessible Landscaped Open Space that forms part of the development, and such space is to remain open and accessible to the public subject to conditions satisfactory to the Chief Planner and Executive Director, City Planning Division;
  - (d) develop the Publicly Accessible Landscaped Open Space at the owner's expense in a manner satisfactory to the General Manager of Parks, Forestry and Recreation;
  - (e) provide and maintain within the site a publicly accessible walkway connecting Temperance Street to Adelaide Street West generally as shown on the Landscaped

Plan prepared by Envision The Hough Group, dated January 10, 2006, which shall:

- (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;
  - (ii) be maintained and clear of snow and ice at all times; and
  - (iii) be satisfactorily illuminated.
- (f) provide the incorporation, in the construction of the building, of exterior materials to be shown for the podium along Bay Street, Adelaide Street West, Temperance Street and Richmond Street West, pedestrian weather protection and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (h) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
- (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than 1 metre;
  - (ii) an engineered draining system which prevents soil saturation; and
  - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual.
- (i) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division
- (j) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Temperance Street frontage for the development project;

- (k) revisions, if any, to the development to address the recommendations of a Pedestrian Level Wind Study;
- (l) revisions to the development, or a Letter of Credit, in accordance with the recommendations of a Street Lighting Assessment;
- (m) provision of knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and enter into the Wayfinding Agreement, and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*;
- (n) provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification as follows:
  - 1. in conjunction with the construction and marketing of the Development, the Owner shall provide to the Chief Planner such documentation as the Chief Planner shall request with respect to LEED Certification of the Development and the marketing materials that will include information on LEED Certification;
  - 2. the owner shall:
    - (a) use reasonable commercial efforts to obtain LEED Certification of the buildings,
    - (b) prior receiving Site Plan Approval, register the development with the CaGBC (the "LEED Registration") and provide written confirmation of the LEED Registration to the Chief Planner,
    - (c) prior to submitting an application for condominium registration, to make the LEED Application and provide to the Chief Planner a copy of the LEED Application together with written confirmation that it has been submitted and, if requested by the Chief Planner, copies of all documentation submitted with the LEED Application to the CaGBC,
    - (d) upon the receipt of any CaGBC Report provide, if requested to the Chief Planner, a copy of such CaGBC Report,
    - (e) provide a response to the CaGBC regarding any CaGBC Report, provide if requested to the Chief Planner a copy of any documentation submitted to the CaGBC by the owner in response to such CaGBC Report,

- (f) upon the owner receiving notification of the CaGBC's decision as to whether LEED Certification of the Building has been granted, to provide if requested to the Chief Planner a copy of such notification, and
  - (g) provide, if requested by the Chief Planner, a copy of the owner's marketing materials for the Development that contain information regarding LEED and LEED Certification;
- (o) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
- (7) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (8) prior to the issuance of a demolition permit for 347 Bay Street (National Building):
  - (i) provide a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work contained in the Conservation Plan;
  - (ii) provide a record of the as-found condition of 347 Bay Street (National Building);
  - (iii) provide final plans satisfactory to the Manager of Heritage Preservation Services;
- (9) require the owner to fulfill the technical requirements for public works issues as set out in a memorandum dated March 31, 2006 from the Executive Director, Technical Services.
- (10) require the owner, before introducing the necessary Bills to City Council for enactment, to submit to the Executive Director, Technical Services, documentation and/or revised drawings for review and acceptance:
  - (a) 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, such plans should be submitted at least three weeks prior to the introduction of Bills in Council; and
  - (b) a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate to service this development;
- (11) require the following in the Zoning By-law amendment:
  - (a) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement and Section 36 Agreements, to the

satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;

- (b) provide and maintain parking spaces on the site to serve the residential component of the project, of which two spaces can have dimensions of 2.4 metres by 5.9 metres, in a physically separate portion of the parking garage, in accordance with following minimum ratios:

Bachelor units	0.3 space per unit
1-bedroom units	0.7 space per unit
2-bedroom units	1.0 space per unit
3 or more bedroom units	1.2 spaces per unit

- (c) provide and maintain a minimum of 651 non-residential parking spaces to serve the proposed office space, hotel space, and retail uses, including at least 208 spaces required by the Hudson Bay store and a minimum of 0.06 spaces per residential unit for the visitors to the residential component of the project;
- (d) comply with the loading requirements of Site Specific By-law No. 998-88, save and except that the requirement for one of the Type B loading spaces be replaced by the requirement for one Type G loading space;
- (e) provide a minimum vertical clearance of 6.1 metres over the first eight metres of the Type G loading space, and a minimum vertical clearance of 4.3 metres over the balance of the loading space, and along all driveways and passageways providing access to and egress from the Type G loading space, with access designed such that trucks can access and egress the site in a forward motion;
- (f) provide all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 metres (4.0 metres where enclosed), a minimum vertical clearance of 4.3 metres and a minimum inside and outside turning radii of nine metres and 16 metres, respectively;
- (g) submit, for the review and approval of the General Manager of Transportation Services, documentation identifying the peak utilization of the 1,120 space parking facility currently located on the site;
- (h) submit a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to be subject to the Heritage Easement Agreement and a strata Reference Plan of Survey delineating the tunnel beneath Adelaide Street West;
- (i) pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director of Technical Services;

- (j) require that prior to the issuance of any demolition or building permit, the applicant complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review, and that the owner shall provide the requisite information, and pay the associated review fee to the TTC;
  - (k) require that the owner insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreement of purchase and sale or agreements to lease, and condominium declaration documents(s) for each affected residential unit, lot, and/or within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development and that the TTC accepts no responsibility for such effects;
  - (l) provide continuous weather protection with a minimum clear width of three metres on all street frontages and with a minimum clear width of five metres abutting open space located between the west and east tower on Parcel C with the exception being lands occupied by 347 Bay Street; and
- (12) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

In 1988, City Council enacted a Part II Plan for the Yonge, Queen, Bay and Adelaide Lands and site specific Zoning By-law amendment 998-88 in order to permit the Bay-Adelaide project. At the time, the site consisted of the lands bounded to the north by Queen Street West, to the west by Bay Street, to the south by Adelaide Street West and to the east by Yonge Street.

The proposal for the 1988 Bay-Adelaide project consisted of the following:

- the retention and restoration of the historic Simpson's store on the north block between Queen Street West and Richmond Street West;
- the creation of a public park and the construction of a 12-storey office building on the centre block between Richmond Street and Temperance Street; and
- the construction of a 57-storey office tower, and the preservation and relocation of the historic Aikenheads building as part of a new office building on the south block between Temperance Street and Adelaide Street West.

Following approval of the Part II Plan and Zoning By-law amendment, the following components of the project were constructed:

- the historic Simpson’s building was retained and restored;
- the Cloud Gardens public park between Richmond Street West and Temperance Street;
- the façade of the historic Aikenheads building was incorporated into a new office building located on the south side of Temperance Street and is currently occupied by the Hong Kong Trade Development Council;
- the concourse of the project was completed in shell form; and
- three levels of below grade parking with approximately 1,120 spaces, and a loading dock area to serve the Hudson Bay department store and the new buildings anticipated on the Bay-Adelaide lands.

Construction of the 57-storey office tower on the south block commenced but was never completed due to the downturn in the Toronto office market. The uncompleted six-storey tower core currently occupies the south block.

In 1999, a revised site plan for a 47-storey tower was approved. Committee of Adjustment approval for a variance to reduce the required common outdoor space was obtained. The owners were unsuccessful in securing sufficient tenant interest to proceed with the tower.

In 2001, the present owners purchased two additional Bay Street parcels (335 and 347 Bay Street) adding to the overall portfolio of lands for the Bay-Adelaide site and providing the owners the opportunity to prepare an up-dated Master Plan Concept for the Bay-Adelaide Centre.

Proposal:

The applicant has submitted an application to amend the Official Plan for the former City of Toronto and Zoning By-law to permit three new buildings: a 50-storey office tower (the “West Tower”, fronting on Bay Street); a 43-storey office/residential tower (the “East Tower”, fronting on Adelaide Street); and a 49-storey hotel/residential tower (the “North Tower”, fronting on Temperance Street). The three proposed towers contain a total aggregate density of 240,396 square metres (2,587,598 square feet). The existing Yonge/Temperance and Hong Kong Trade Development Council buildings and below grade retail space have an existing density of 9830 square metres (105,812 square feet).

The number of residential units proposed is as follows:

Type	North Tower	East Tower	Total
Studio	23	10	33
One bedroom	207	70	277
Two bedroom	23	20	43
Total	253	100	353



The proposed West and East Towers are located on a block currently referred to in the existing Part II Plan and Zoning By-law as “Parcel C”, while the proposed North Tower is located on “Parcel B”.

The up-dated Master Concept Plan for the Bay-Adelaide Centre envisages these three high-rise towers over Parcels B and C positioned around a new urban plaza that will extend the full width of the block between Temperance and Adelaide Streets. Unlike the previous proposals for Bay-Adelaide, Temperance Street will be maintained as a vehicular street.

The existing six-storey core of the previously proposed 57-storey tower will be demolished to allow for the new urban plaza. The building at the corner of Bay and Adelaide Streets (335 Bay Street) will also be demolished.

The facades of the historically-listed building at the corner of Bay and Temperance Streets (347 Bay Street) will be incorporated into the West Tower building through a combination of retention and reconstruction. The applicant has retained a heritage architect to ensure these historic facades are appropriately integrated with the design of the new building.

Retail uses on the concourse level will connect the Hudson Bay store to the north with Scotia Plaza to the south, through a new tunnel connection, completing a missing piece of the PATH system between Union Station and the Eaton Centre.

The existing below-grade parking garage will be expanded into the area of the Bay Street parcels providing a total of 1015 spaces.

It should be noted that the first phase of construction will consist of the 50-storey office West Tower, the urban plaza, the tunnel to Scotia Plaza and the addition of new retail and service space at the concourse level. The applicant does not propose to amend the existing Section 37 Agreement to address phasing. The East Tower and North Tower could be built before the West Tower.

#### Site and Surrounding Area:

This 1.4 hectare (3.5 acre) site is located in the City’s Financial District and is bounded on the north by Richmond Street West, to the west by Bay Street, to the south by Adelaide Street West and to the east by Yonge Street.

The site is currently occupied by an urban park, the Hong Kong Trade Development Council, the Yonge/Temperance Building, the entrance to the existing underground parking structure and the unfinished six-storey core of the previously proposed 57-storey office tower.

North of the site is the historic Hudson Bay department store and office tower. South of the site is the 68-storey Scotia Plaza building and a parking lot, the site of the recently approved 70-storey Trump Tower. East of the site are various commercial and retail uses fronting onto Yonge

Street and west of the site are commercial office buildings with grade-related retail uses fronting onto Bay Street.

Provincial Policy Statement (2005):

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (PPS) provides direction on matters of provincial interests related to land use planning and development. On March 1, 2005, a new PPS came into effect and replaces the policies that had been issued on May 22, 1996 and amended in 1997.

Relevant sections of the Provincial Policy Statement with respect to this application include Sections 1.1.3 Settlement Areas, 1.4.1 to 1.4.3 Housing and 1.6.5 Transportation.

The development of the site for commercial and residential uses is in keeping with the intent of the Provincial Policy Statement.

Metro Toronto Official Plan (1994):

The (former) Metropolitan Toronto Official Plan “Office Consolidation”, dated December 30, 1994, as amended, remained as a relevant policy consideration at the time of the subject Official Plan and Zoning By-law amendments application.

The subject lands are located inside the “Central Area”, identified on Map 2: “Metropolitan Centers and Corridors” representing the pre-eminent economic and employment focus for the Centre of the Greater Toronto Area. An important economic objective of the Plan is to promote tourism, where appropriate, by encouraging development proposals and infrastructure that address the needs of tourists.

The Plan establishes that “re-urbanization” is a process of redevelopment and reinvestment that involves taking advantage of the opportunities and facilities that already exist across Toronto by building on existing assets.

Official Plan:

The Official Plan for the former City of Toronto designates this site as “Mixed Use Commercial Residential Area, Financial District”, a mixed commercial-residential area that is predominantly commercial containing the City’s major concentration of office employment. Residential uses area also permitted.

The Official Plan permits a maximum total gross floor area of 12 times the area of the lot with the non-residential gross floor area limited at 8 times the lot area.

As previously stated, the Bay-Adelaide site is subject to policies in the “Yonge, Queen, Bay and Adelaide Lands” Part II Plan. This Plan contains site specific policies for the development of the Bay-Adelaide lands with respect to issues such as structure, form and physical amenities;

heritage conservation; housing; transportation and circulation; and open space and pedestrian areas.

It should be noted that even though construction of the original proposal for Bay-Adelaide was not completed, some of the policies of the Part II Plan have been realized with the construction that did occur on site, such as the completion of the urban park.

An amendment to this Part II Plan is required mainly to allow the incorporation of the 335 and 347 Bay Street properties as part of Parcel C in the Bay-Adelaide lands, and to allow their mixed use density potential as part of the overall density calculation for the site.

#### 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. The hearing commenced on June 13, 2005 and will continue on June 5, 2006.

The new Official Plan places the subject site within the Downtown and Central Waterfront urban structure area, and is within the Financial District. The Plan designates the property as "Mixed Use Area" permitting a broad range of commercial, residential and institutional uses, as well as parks and open spaces and utilities.

The Plan contains development criteria that direct the form and quality of development in this area. The criteria direct that comfortable sunlight and wind conditions be achieved through the massing of new buildings, that parking, loading, amenities and other good site planning principles are complied with, and advantage is taken of nearby transit services.

The Plan also states that the highest buildings and greatest intensity occur in the downtown, particularly in the Financial District. As such, the proposal will also be reviewed for conformity with the Tall Buildings policies of the new Plan, which outline built form principles that are applied to the location and design of such buildings.

While the "Yonge, Queen, Bay and Adelaide Lands" Part II Plan has not been carried over in its entirety as a Secondary Plan to the new Official Plan, relevant policies have been incorporated as site and area specific policy 224, "Lands Bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West".

#### Zoning:

The site is governed by By-law 998-88, as amended, and is zoned CR "Mixed-Use". The By-law currently permits an overall total gross floor area maximum density (both residential and non-residential uses) of 224,328 square metres of which the maximum non-residential density is 180,628 square metres and maximum residential density is 43,700 square metres and limits the number of residential units to a total of 437.

The By-law currently permits a total height on Parcel C of 275 metres, Parcel B at 57 metres, and an overall height on 335 and 347 Bay Street of 137 metres.

An amendment to this By-law is required primarily to include 335 and 347 Bay Street in the Bay-Adelaide lot for purposes of allowing their existing density permissions as stated by City of Toronto By-law 438-86. Additional density increases are also being requested on some of the parcels, as well as the elimination of the restriction on number of permitted dwelling units. Further, an increase in height is required for Parcel B and for the Bay Street properties from 137 metres to 218 metres.

#### Site Plan Control:

A site plan application has been submitted for the 50-storey office/residential West Tower as Phase 1 of the application. The applicant has not applied for Site Plan Approval for the remainder of the site.

#### Reasons for the Application:

An Official Plan Amendment related to the former City of Toronto Official Plan and new Official Plan, and a Zoning By-law Amendment area required to include the lands located at 335 and 347 Bay Street into the Bay Adelaide Centre. Changes to the density permissions on each block of land are required.

A Zoning By-law amendment is required to permit the height variance for the North Tower and increase in height from 137 metres to 218 metres for the Bay Street frontage of the West Tower, as well as other variances that have been identified in the review process. Related variances include the following: removing the number of dwelling units calculated by a mixing formula; reducing the amount of street related retail and services uses; increasing the amount of common outdoor space; providing for street irrigation; and changing the type and amount of loading spaces and parking spaces.

#### Community Consultation:

A community consultation meeting was held on November 23, 2005 at Metro Hall. Approximately 10 people were in attendance at the meeting. There were a number of questions raised to clarify the details of the proposal. Twelve telephone calls/emails were received requesting additional information. Concerns have been raised with respect to shadowing from the towers on Nathan Phillips Square.

#### 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:

Height:

The major streets of the City's Financial District including Yonge, Bay, Adelaide Street and Richmond Street have traditionally been and continue to be the City's primary locations for tall, landmark buildings. Bay Street has many prominent buildings including major banks and commercial headquarters. Many of these buildings also exceed the permitted height limit of 137 metres. The proposed heights in the application are generally in keeping with the height of other office and residential condominium proposals that have been before City Council such as the Ritz-Carleton at 230 Front Street (188 metres to the top of the residential floors) and the Trump Tower at 333 Bay Street (276 metres to the top of the residential floors).

The National Building, which is a heritage building, on the westerly boundary of the site at Bay Street, is approximately equivalent to a twelve-storey building which is in keeping with the context of the historic Bay Street buildings to the west of the site. The remainder of the easterly portion of the building at 218 metres is also within the height regime of the area to the south.

The Yonge, Queen, Bay and Adelaide Lands Part II Plan requires that buildings on the site reflect: a transition in the scale of buildings from the Hudson Bay department store to the Scotia Plaza building; the scale of Bay Street between Adelaide Street West and Richmond Street West; and the lower scale of development on Yonge Street. The applicant proposes that the North Tower be 49 storeys (162 metres), the West Tower 50 storeys (218 metres) and the East Tower be 43 storeys (180 metres). The heights do reflect a transition from the Scotia Plaza building north to the Hudson Bay store building and from Bay Street to Yonge Street. The Bay Street historic roof edge will be recognized by the retention of 347 Bay Street and a stepback to the tower. However, with respect to the North Tower, as discussed below in the Shadow Analysis section, a better north-south transition and improved sunlight access to Nathan Phillips Square is achieved from this tower being lowered in height.

Site and Massing:

The three towers surround a new publicly accessible open space that forms a mid-block connection between Temperance Street and Adelaide Street West. The proposed open space is located north of the Scotia Plaza building. Staff are satisfied with location of the buildings' footprints on the site and recommend that they be secured in the by-law schedule. The massing of this proposal consists of the highest tower element at the corner of Adelaide Street and Bay Street and retention and restoration of a heritage building which forms part of the new office component. The tower has an upper level stepback of approximately 1.5 metres on the Bay Street frontage. The applicant is proposing two main office entrances on Bay Street and two on Adelaide Street West.

The proposal for the East Tower is offices for the first 30 floors and then a stepback on the east and west sides of approximately 11.5 metres, and on the north side of approximately eight metres for the mechanical, sky lobby and 10 residential floors. The applicant is proposing main office

entrances on Adelaide Street West, the urban plaza, and Temperance Street. The residential condominium entrance would be on Temperance Street.

The proposal for the North Tower is hotel for the first 25 floors and then a stepback on the east and west sides of two metres, and on the north side of approximately seven metres for the mechanical, sky lobby and 23 residential floors. The building would have a three-storey podium and green roof on the west side. The entrance to the hotel is on Temperance Street while the residential condominium entrance is on Temperance Street.

The base for much of the Bay Street, Adelaide Street West and Temperance Street frontage would animate the streets with glass frontages, and office and residential related activities visible to the street. The West Tower is set back on the south portion of the Bay Street frontage to create a wider sidewalk. A stepback in the massing of the West Tower is used to emphasize the roof edge of the National Building.

Podium detail will be secured by the amended Section 37 agreement and by detailed podium drawings consisting of 1:50 plans to be submitted during the continuing site plan review.

#### Shadow Analysis:

Staff have compared the shadows cast from the buildings approved in 1988 versus the current proposal. The shadows from approved buildings such as the Trump Tower (70 storeys), First Toronto Tower at 66 Temperance Street (55 storeys) and Concourse Building (41 storeys) on Nathan Phillips Square and the surrounding immediate area have also been evaluated.

One of the guiding principles for the design of this proposal was to minimize the creation of new shadows or the exacerbation of existing or approved shadows on the public spaces located at City Hall.

Nathan Phillips Square is the City's pre-eminent public square, and is of great importance to the civic life of the City. City policies pertaining to shadowing are found in Section 3.27 (Sunlight on Parks and Important Pedestrian Streets) of the in-force Official Plan, and in Section 3.1.3 (Built Form) of the new Official Plan. Section 3.27 of the in-force Official Plan includes a policy stating that: "Council shall seek to ensure that new development does not detract from sunlight availability on parks and important pedestrian streets in the City. In facilitating this policy, Council may use its powers to regulate the height, siting and massing of new development. In particular, for those streets and parks subject to sunlight standards shown on Map 5, Council shall use its powers to regulate the height, siting and massing of new development to seek to achieve sunlight standards based on the use of the park and its built form context on any park shown on Map 5." Osgoode Gardens, Osgoode Mall and Nathan Phillips Square are shown on Map 5 as parks and publicly accessible open spaces subject to these sunlight standards.

Section 3.1.3 (Built Form) of the new Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces.

Several of the nearby buildings, including First Canadian Place and the Sheraton Centre, exceed the current height regimes. They were built on an as-of-right basis because Zoning By-laws regulated only density in parts of the downtown prior to City Council passing the Central Area By-law in 1976. Both these buildings were constructed prior to 1976, with the densities below that permitted under the Zoning By-law at the time.

Given the importance of Nathan Phillips Square as a public amenity, staff are concerned about the shadow impacts of the proposal.

Both the 1988 proposal and the current proposal do not cause added shadow in Nathan Phillips Square on June 21<sup>st</sup>, July 21<sup>st</sup>, August 21<sup>st</sup>, and December 21<sup>st</sup>. Added shadows do occur on the Square in the early morning during the shoulder season time frames for both proposals. There are some differences in the shadow patterns cast by the two proposals at varying times of the day throughout these dates.

Throughout the review of this application, shadow studies were submitted to illustrate how these areas would be affected. The applicant's shadow consultant has summarized the shadow impact as follows:

- “- the current Bay-Adelaide design has no shadow impact on Nathan Phillips Square, except for limited morning periods in September, October and November;
- the current Bay-Adelaide design has lesser or similar shadow impacts on Nathan Phillips Square than the approved 1988 design (a net increase of 9.43 % versus 10.8%); shadow impacts are lessened in September and are similar in October and November; and
- unlike the proposed 90-storey Sapphire project, there are no times during the year when the Bay-Adelaide three-tower scheme extends shadows that are materially further north into Nathan Phillips Square than the shadows caused by existing and approved buildings.”

Staff are concerned about the amount of new shadow cast on Nathan Phillips Square by the proposed 49-storey (162-metre) North Tower. The existing zoning permits a 12-storey or 57-metre high building in this location. The proposed tower would result in the slot between existing shadows being filled in to an area just north of the skating rink. In order to more significantly reduce the new shadow impact on Nathan Phillips Square, staff recommend that the North Tower height be reduced to 120 metres. At this height, the North Tower will not shadow the Square north of the east-west overhead walkway at 10 a.m. and later on September 21<sup>st</sup>. Staff recommend the hotel floorplate, which extends to a height of 86.6 metres be increased to the height of 120 metres as the architecture of a revised crown in a shorter North Tower is unknown at this time. In addition, some of the ‘reduced’ gross floor area from the North Tower can be reallocated to the East Tower. The office floorplate of the East Tower extends to a height of 128 metres. Staff recommend that the office floorplate be increased to the height of 158 metres. The increase in the main tower floorplate will not shadow the Square north of the east-west overhead walkway at 10 a.m. and later on September 21<sup>st</sup>.

The applicant has been advised that when a site plan application for the North Tower is contemplated that staff may consider variances to permit additional massing on this block. Subject to revised shadow studies and an urban design analysis, density could be added to the three floor podium and/or the lower tower floorplate might be increased in size. Staff are recommending a revised height envelope which minimizes studied shadow impacts on Nathan Phillips Square.

Density:

The existing permitted total density for the Bay Adelaide Centre, 335 and 347 Bay Street and the Hudson Bay department store is 277,096 square metres. The applicant proposes to maintain this density permission. The applicant requests permission to allocate more density on the north parcel, requests flexibility to redeploy density between residential and non-residential uses, subject to the overall maximums of 59,366 square metres residential, 210,515 square metres non-residential, and 240,396 square metres of combined residential and non-residential gross floor area (inclusive of existing buildings) on the Bay Adelaide Centre property.

Staff recommend that the density be allocated as per the plans submitted with revisions to limit shadowing on Nathan Phillips Square and to better match the gross floor area with the recommended height envelopes. The result would be as follows:

North Tower	47,030 square metres (includes 3670 square metres of below grade retail)
West Tower	107,054 square metres
East Tower	83,862 square metres (includes 3770 square metres of below grade retail)

The result is that within the total of permitted density more office development may be achieved.

Wind Analysis:

Secondary Plan policy 3.3 (d) requires that the location and form of building minimize adverse effects of wind on all exterior pedestrian areas, both on and off the Secondary Plan lands. The applicant has commissioned a study of the wind conditions created by this proposal from their consultant. Should any detrimental conditions be identified, the applicant has agreed to resolve them and if necessary revise the drawings prior to Site Plan Approval. This requirement will be contained in the Section 37 Agreement.

Heritage:

The National Building consists of an original 12 storey building built in 1929. It is one of the oldest surviving buildings in the downtown and reflects the early history and architectural appearance of the City. The building is a much simplified neo-classical design with a classical base surmounted by a plain pilastered shaft with a decorative top cornice. The National Building is listed in Toronto's Heritage Inventory and was recognized/recorded in the inventory in 1991. The building is not currently Designated under the Ontario Heritage Act. A report outlining the intention to Designate under Part IV of the Ontario Heritage Act, approval of alterations to a



heritage building, and authority to enter into a heritage easement agreement was discussed at the March 2, 2005 Toronto Preservation Board meeting. The Board recommended that Council state its intention to Designate the property under Part IV of the Ontario Heritage Act, that the proposed alterations to the heritage building be approved, and that authority be granted to enter into a Heritage Easement Agreement.

Heritage Preservation Services staff have indicated support of the applicant's plan to incorporate the building into the new development and have provided conditions of approval.

#### Number of Dwelling Units and Mix of Units:

The applicant proposes that the existing limits on the number of dwelling units in the Official Plan Part II Secondary Plan and zoning be eliminated. The number of dwelling units would be determined by restrictions on the aggregate of the residential gross floor area permitted on the Bay Adelaide lands not exceeding 59,768 square metres. The number of dwelling units proposed has reduced from 751 to approximately 353. Staff have no objection to the request to allow dwelling units based on total residential floor area permitted.

The applicant proposes that only 43 (12%) of the dwelling units be two bedrooms or larger. The development would likely attract families given the existing park, proposed publicly accessible open space, PATH connections, proximity to daycare centres, City Hall library, shopping, transit and entertainment. Discussions with developers marketing other residential condominiums in the vicinity of the development have verified this trend for larger units. The applicant has been encouraged to provide additional larger units in order to attract more families to the Financial District. The housing mix will be assessed at the time of Site Plan Approval for the mixed use buildings containing residential units.

#### Private Amenity Spaces:

The By-law requires two square metres of both indoor and outdoor amenity space for each residential unit contained within the project. The applicant is proposing meet this requirement. The outdoor amenity space is provided through the provision of publicly accessible landscaped areas located on site.

#### Pedestrian Infrastructure:

The applicant proposes weather protected pedestrian routes around the West Tower frontages of Bay Street and Adelaide Street West except along the existing heritage building at 347 Bay Street. Five-metre wide weather protected routes are proposed along the west and east side of the new publicly accessible plaza between Temperance Street and Adelaide Street West. The East Tower would have weather protection along Adelaide Street West. The weather protected pedestrian routes will have heights as generous as 12 metres.

Existing Official Plan Part II Secondary Plan policies require the following:

- an interesting and varied pedestrian environment along public streets, publicly accessible walkways and open spaces;
- improvement of Richmond Street West and Temperance Street so as to provide attractive sidewalks for the interest and enjoyment of pedestrians and so as to ensure that Temperance Street is designed to have a primarily pedestrian focus, while also providing for use thereof by vehicles;
- provision of sidewalks, walkways and open spaces with pedestrian amenities, while maintaining adequate clear widths to accommodate typical pedestrian flows; and
- a principal pedestrian route that provide shelter from adverse weather conditions by means of the provision of canopies and arcades.

Continuous weather protection was proposed along Adelaide Street West as part of the original proposal for the Bay Adelaide Lands. Continuous weather protection with a minimum clear width of three metres is desirable along all street frontages and abutting publicly accessible open space. Canopies or colonnades are particularly important as they assist in improving experienced microclimate and wind conditions at the pedestrian level. Weather protection is a high priority given the new Official Plan policies to promote walking and to discourage automobile dependence. Staff are concerned that no or very limited weather protection is proposed in the following locations:

- north, east and south side of the North Tower abutting Richmond Street West, Cloud Gardens Park and walkway, and Temperance Street;
- north side of the West Tower abutting Temperance Street; and
- north side of the East Tower abutting Temperance Street.

Staff recommend that the Zoning By-law amendment include a provision for continuous weather protection with a minimum clear width of three metres on all street frontages and with a minimum clear width of five metres abutting open space located between the west and east tower with the exception being lands occupied by 347 Bay Street. Staff will work with the applicant to improve the level of weather protected pedestrian routes at the time of site plan review.

The Financial District has the highest concentration of pedestrians in Canada. Concrete crosswalks improve pedestrian safety. The following concrete crosswalks at traffic controlled (stop sign or traffic light) intersections are missing in the vicinity of the site:

- Yonge and Richmond Street, north, west and east sides;
- Bay Street and Queen Street West, east side;
- Adelaide Street and Sheppard Street, west, north and east side (currently prohibited)
- Temperance Street and Sheppard Street, east side (currently not painted)
- Richmond Street and Sheppard Street, south side (currently not painted)

Staff recommend that concrete crosswalks be secured through development application approvals or Transportation Services' scheduled road improvements in the Financial District.

The applicant proposes reductions to street related retail and service uses as follows:

- reduction from five metres of frontage on the north side of Adelaide Street West to zero;
- reduction from 130 metres of frontage on Temperance Street to 95 metres; and
- reduction from 23 metres of frontage on the south side of Richmond Street West to 20 metres.

Street related retail and service uses assist in the animation of the streetscape. Staff are satisfied that the reductions to at-grade retail area are minor in nature and the abutting streets will be animated by the lobbies for the buildings which will have a large amount of glazing.

The new publicly accessible open space between Temperance Street and Adelaide Street will be a mid-block connection for pedestrians and will serve as an addition to the pedestrian space in the Financial District.

The applicant proposes a hotel in the North Tower. Although a vehicular lay-by drop-off / pick-up facility is not proposed for this building, from an urban design perspective, vehicular lay-by drop-off / pick-up facilities are detrimental to the pedestrian realm. A layby will be prohibited. The applicant proposes that the northerly building would not have an entrance to the hotel lobby on Richmond Street West. Staff recommend that an entrance be provided on this frontage to help animate Richmond Street West.

The existing PATH system includes a connection under Richmond Street West to the Hudson Bay department store, under the northerly block and under Temperance Street. The applicant proposes a north-south PATH connection with a minimum width of six metres under the site. Sections of this PATH route would be as wide as eight metres. The PATH connection will be animated for the majority of its length with retail space. A new connection under Adelaide Street West to Scotia Plaza is proposed. The owner has already posted securities in the amount of \$3,230,000 for the PATH connection under Adelaide Street West. This connection would enable pedestrians to travel in the PATH system indoors from the Atrium-on-Bay building (north of Dundas Street) to Union Station and the Air Canada Centre. The owner is required to comply with all requirements outlined in the Wayfinding Agreement registered as Instrument No. E283952 on October 12, 1999.

Staff have discussed with the applicant the proposal to provide an east-west PATH connection from the north-south PATH to Bay Street. This connection would facilitate the eventual east-west PATH route from the property to University Avenue via the Richmond Adelaide Centre. Other proposed buildings such as the a revised Sapphire Tower and Concourse Building may connect to this east-west PATH route. The applicant has agreed to provide a knock out panel on the west wall of the West Tower. The east-west PATH connection would have a minimum width of six metres.

Staff recommend that the quality of the PATH connection be improved by way of skylights, openings to ground floor lobby areas, high quality and durable building materials, and retail lining the route. For example, the section under the existing City park could have a skylight

which would improve wayfinding through the PATH route. Openings to lobbies would improve natural surveillance and pedestrian safety.

#### Cycling Infrastructure:

The applicant proposes to provide bicycle parking and commuter showers in accordance with the zoning, however the plans do not reflect the location of these facilities. Secondary Plan policy 6.2 (e) requires that adequate bicycle parking be provided. Approximately, the following amount of bicycle parking would be required:

	Office/Hotel	Residential	Visitor	Total
West Tower	76			76
North Tower	25	152	38	215
East Tower	48	60	15	123
Total	149	212	53	414

The site is well served by the Bay Street Clearway, and Shuter Street and Sherbourne Street bicycle lanes. The Council approved Bike Plan designates Richmond Street, Adelaide Street, Simcoe Street and Bremner Boulevard for bicycle lanes. In light of the proximity to cycling routes and the applicant's commitment to LEED certification, staff recommend that the amount of bicycle parking be increased to a minimum of one space per dwelling unit. The applicant is reviewing this request to increase the amount of bicycle parking and to create bicycle parking rooms. Additional bicycle parking may be secured at the time of site plan review. The applicant has been advised that bicycle parking is to be provided on the P1, ground floor or second floor in a weather protected and secure location. The applicant has been advised that BikeShare has expressed an interest in locating a facility within the Financial District. The Landscape Plan submitted does not show bicycle post and lock-up rings on abutting streets and therefore needs to be amended.

#### Transit Infrastructure:

The site is well served by five subway stations on the Yonge-University line, the Bay, Adelaide and Richmond Street (rush hour service) bus routes, and King and Queen streetcar lines. The site is within a 10 minute walk of Union Station, the Toronto Motor Coach Terminal and the GO bus station.

#### Traffic Impact, Access, Parking and Loading:

The applicant has submitted a Traffic Study and a Transportation Demand Management Plan. The applicant proposes to utilize the existing access driveways from Richmond Street West and Adelaide Street West and existing underground parking garage. Additional below grade parking will be provided on the lands at 335 and 347 Bay Street. The applicant's traffic consultant has concluded that the project will not generate any significant change in traffic activity or have any

undue adverse impact on the adjacent road system (when compared to the previously approved development). Transportation Services staff concur with this conclusion.

As this project generates a non-residential parking demand in excess of 75 parking spaces, the owner is required to submit, for the City's approval, a Transportation Demand Management (TDM) Plan which sets out measures to be taken in the design and construction of the project, as well as on-going strategies to reduce automobile use. The traffic consultant has included some measures in support of the use of non-auto modes of travel in the "Urban Transportation Considerations Report" dated August 2005. Although these measures are acceptable, the TDM Plan required of the owner should also include:

- a description of the measures (policies, programs, processes, facilities, equipment and manpower) which will be put in place to carry out and administer the TDM Plan;
- an assessment of the anticipated morning and evening peak hour trip-making by travel mode if no TDM Plan was in place (base case), including all qualified assumptions;
- an assessment of the anticipated reduction in morning and evening peak hour automobile trips which can be attributed to the TDM Plan. The targeted reductions are to be described, where applicable, in terms of:
  - percent and numeric reduction anticipated in peak hour vehicle trips;
  - percent and numeric reduction in single occupant vehicles;
  - average automobile occupancy in the peak hour;
- an outline of measures to address auto travel reduction during off-peak time;
- a description of how the TDM will be integrated and operated, in the context of the plans and drawings for the development proposal; and
- a description of the mechanisms which will be used to:
  - implement and administer the TDM Plan;
  - monitor, modify and enforce the TDM Plan, bearing in mind the automobile trip reduction targets; and
  - ensure the continuity of the TDM Plan for the life of the development.

The Executive Director, Technical Services has indicated that the proposed provision of below grade parking spaces is acceptable. A total of 1,015 spaces are proposed. The proposed provision of 181 parking spaces for residents of the condominium components of the project is less than the estimated parking demand, based on the surveyed parking demand exhibited by other condominiums in the City for 247 parking spaces, however, it complies with the parking requirements of the Site Specific By-law for 181 parking spaces. The proposed parking supply to serve the residential component of the project should be increased to satisfy the standards typically applied to condominium buildings in this area and throughout the City.

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

The proposed provision of 825 parking spaces, located in a public parking garage on this site, to serve the non-residential component of the project satisfies the Site Specific By-law for 651 parking spaces, based on shared parking opportunities. Although the proposed parking supply is satisfactory, documentation of the peak utilization of the existing facility must be submitted.

The Executive Director, Technical Services has advised that the loading space supply is acceptable.

#### Commitment to LEED Certification and Green Technology

The applicant has indicated an interest in making the buildings LEED certifiable. The existing Official Plan contains Secondary Plan policy 3.3 (j) which requires buildings to be energy efficient in their organization, materials and technology. The applicant has included a green roof on the podium to the west of the North Tower. Measures which may be taken include PATH connection(s), additional bicycle parking, bicycle and car share programs, employee gyms to offset peak commuting patterns, the use of green roofs, collection and reuse of rain water, energy efficient windows, lights and appliances, recycled and low fume emitting building materials, and floorplan layouts which encourage reliance on natural lighting. The provision of documentation related to applying for LEED certification will be a requirement in the amended Section 37 Agreement.

#### Landscaping:

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

#### Phasing:

The applicant intends to demolish the existing above grade building core between Adelaide Street West and Temperance Street in 2006. The applicant proposes to obtain Site Plan Approval for the West Tower and start construction in 2006. No schedule has been indicated for the North and East Towers. The applicant proposes to complete the publicly accessible open space located between Temperance Street and Adelaide Street West with the construction of the West Tower. Also, the applicant proposes streetscape improvements along the south side of Temperance Street and north side of Adelaide Street from the West Tower to the limit where existing landscaping exists near Yonge Street. Staff recommend a Section 37 clause to ensure the appropriate phasing of the development.

#### Section 37 Benefits:

The Official Plan contains provisions pertaining to the exchange of public benefits for increases on height and/or density pursuant to Section 37 of the Planning Act. The floor area of the

proposal exceeds 20,000 square metres and is therefore subject to a public art contribution. Through discussions with staff and the Ward Councillor, the applicant has agreed to modify the existing Section 37 agreement in order to provide the following public benefits:

- (a) provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, indexed annually, of all buildings and structures on the lands to be paid at time of first building permit;
- (b) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 347 Bay Street (National Building), satisfactory to the Manager of Heritage Preservation Services or her designate;
- (c) provide, prior to the first occupancy of the first building, an at-grade pedestrian walkway (Publicly Accessible Landscaped Open Space) with a supporting easement in favor of the City to permit access to the 1,072 square metre Publicly Accessible Landscaped Open Space that forms part of the development, and such space is to remain open and accessible to the public subject to conditions satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (d) develop the Publicly Accessible Landscaped Open Space at the owner's expense in a manner satisfactory to the General Manager of Parks, Forestry and Recreation;
- (e) provide and maintain within the site a publicly accessible walkway connecting Temperance Street to Adelaide Street West generally as shown on the Landscaped Plan prepared by Envision The Hough Group, dated January 10, 2006, which shall:
  - (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;
  - (ii) be maintained and clear of snow and ice at all times; and
  - (iii) be satisfactorily illuminated.
- (f) provide the incorporation, in the construction of the building, of exterior materials to be shown for the podium along Bay Street, Adelaide Street West, Temperance Street and Richmond Street West, pedestrian weather protection and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;

- (h) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
  - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than 1 metre;
  - (ii) an engineered draining system which prevents soil saturation; and
  - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual.
- (i) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (j) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Temperance Street frontage for the development project;
- (k) revisions, if any, to the development to address the recommendations of a Pedestrian Level Wind Study;
- (l) revisions to the development, or a Letter of Credit, in accordance with the recommendations of a Street Lighting Assessment;
- (m) provision of knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and enter into the Wayfinding Agreement, and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*;
- (n) provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification as follows:
  1. in conjunction with the construction and marketing of the Development, the Owner shall provide to the Chief Planner such documentation as the Chief Planner shall request with respect to LEED Certification of the Development and the marketing materials that will include information on LEED Certification.
  2. the owner shall:
    - (a) use reasonable commercial efforts to obtain LEED Certification of the buildings,



- (b) prior receiving Site Plan Approval, register the development with the CaGBC (the “LEED Registration”) and provide written confirmation of the LEED Registration to the Chief Planner,
  - (c) prior to submitting an application for condominium registration, to make the LEED Application and provide to the Chief Planner a copy of the LEED Application together with written confirmation that it has been submitted and, if requested by the Chief Planner, copies of all documentation submitted with the LEED Application to the CaGBC,
  - (d) upon the receipt of any CaGBC Report provide, if requested to the Chief Planner, a copy of such CaGBC Report,
  - (e) provide a response to the CaGBC regarding any CaGBC Report, provide if requested to the Chief Planner a copy of any documentation submitted to the CaGBC by the owner in response to such CaGBC Report,
  - (f) upon the owner receiving notification of the CaGBC’s decision as to whether LEED Certification of the Building has been granted, to provide if requested to the Chief Planner a copy of such notification, and
  - (g) provide, if requested by the Chief Planner, a copy of the owner’s marketing materials for the Development that contain information regarding LEED and LEED Certification; and
- (o) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably.

#### Development Charges:

It is estimated that the Development Charges for this project will be \$1,757,840.50. The actual charge is assessed and collected upon issuance of the Building Permit.

#### Conclusions:

The Bay-Adelaide Centre is located in the Financial District, within close proximity of five subway stations, Union Station, and shopping and entertainment areas. The proposed development will provide new office space in the Financial District and north-south and east-west PATH connections. The proposed hotel will contribute to the Financial District’s economic vitality and support its role as an important tourist destination.

The overall density of the development does not exceed previous Council approval. The project has redeployed density to a three building concept with modifications to the mix of uses.

The development proposal does not comply fully with guidelines respecting the location of tall buildings and has some shadow impacts on Nathan Phillips Square, but with the recommended

revisions to the height envelopes as discussed in this report, the impacts will be measurably mitigated and will be less than the Council approved 1988 project.

The applicant is also proposing significant streetscape improvements, the installation of public art, a large publicly accessible landscaped open space and a mid-block pedestrian connection. Public benefits will include heritage restoration of 347 Bay Street, and other streetscape and landscape improvements.

For the reasons stated above, staff recommend approval of the attached amendments to the Official Plan and Zoning By-law.

Contact:

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

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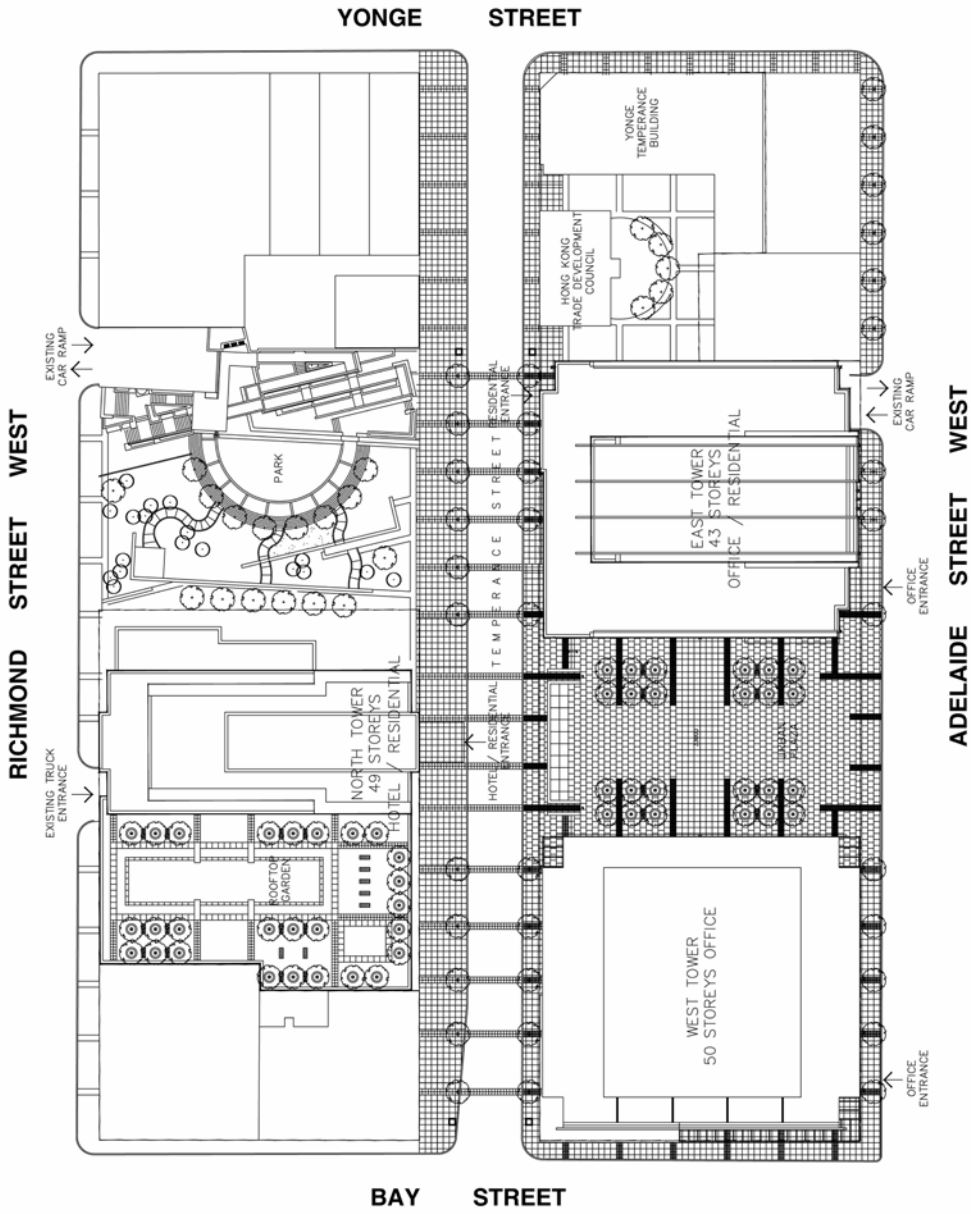
Gary Wright  
Director, Community Planning, Toronto and East York District

T:13088217029 – tm

List of Attachments:

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

Attachment 1: Site Plan



40 Adelaide Street West

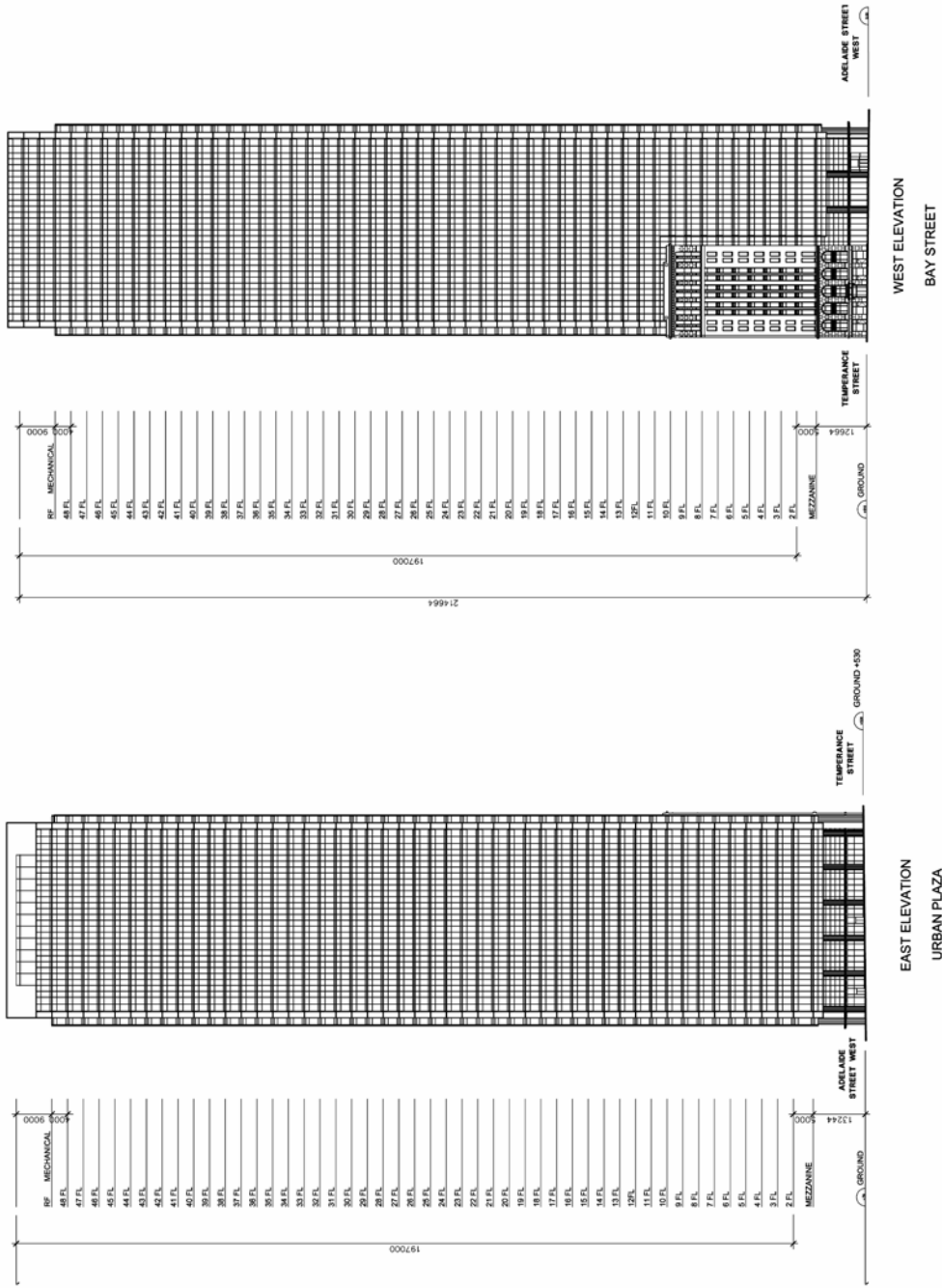
Site Plan  
Applicant's Submitted Drawing

File # 05\_175877

Not to Scale  
04/19/06



Attachment 2: West Tower Elevations – East and West



Elevations

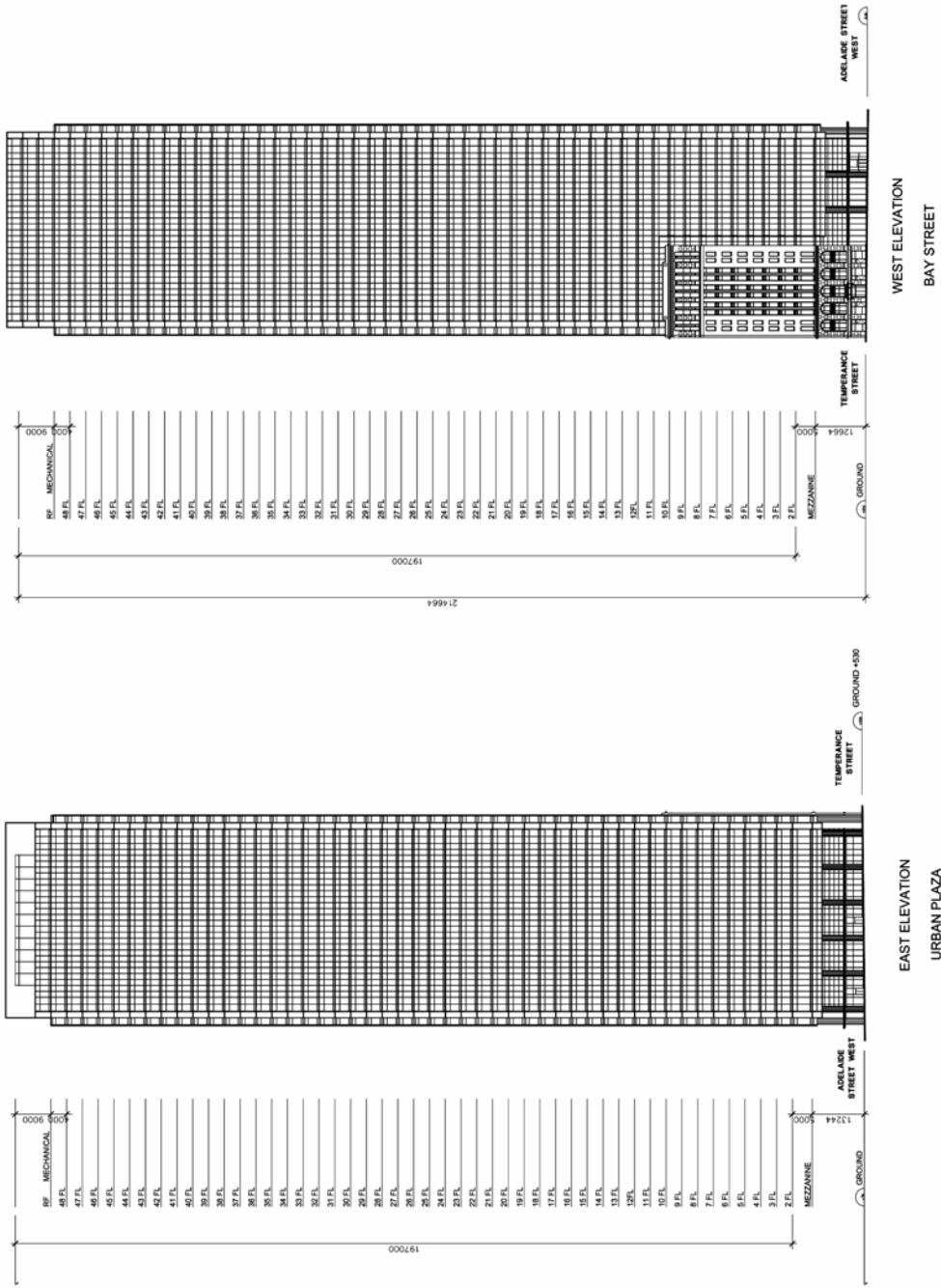
40 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale  
04/19/06

File # 05\_175877

Attachment 3: West Tower Elevations – North and South



Elevations

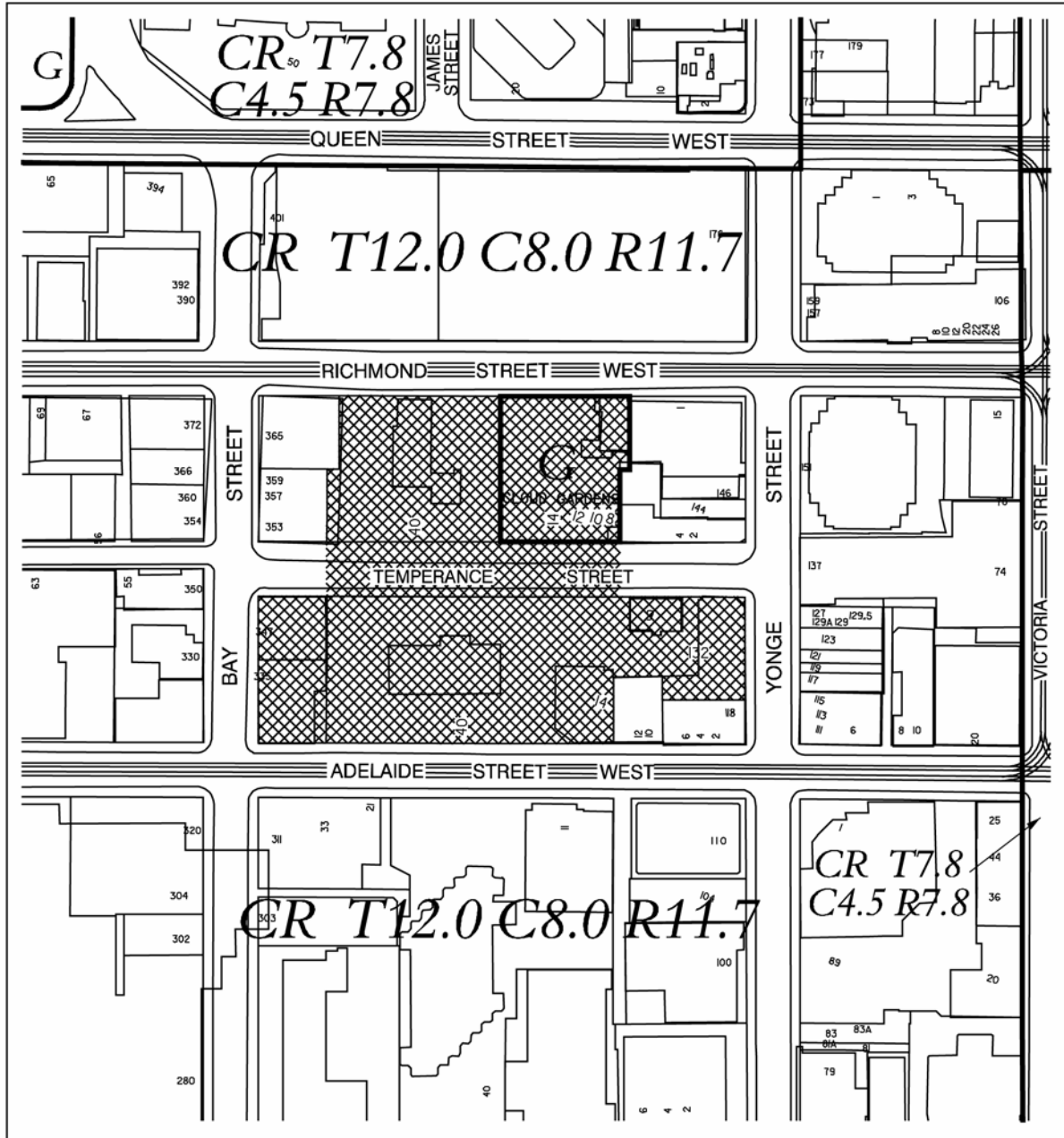
40 Adelaide Street West

Applicant's Submitted Drawing

Not to Scale  
04/19/06

File # 05\_175877

Attachment 4: Zoning (Map)



 **Toronto** City Planning Division  
**Zoning**

40 Adelaide Street West

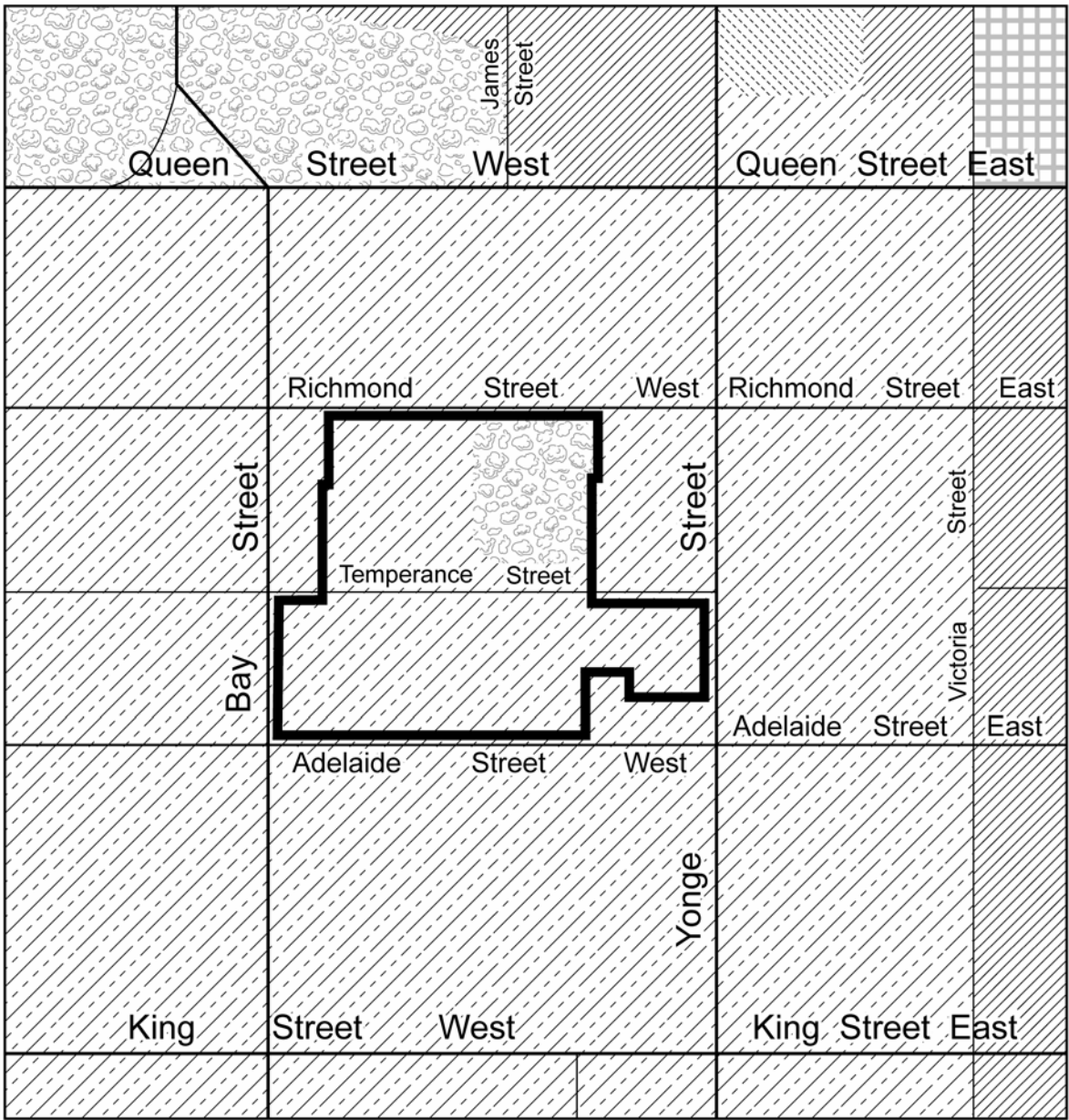
File # 05\_175877

G Parks District  
CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 09/26/05 - TA







Attachment 5: Official Plan (Map)



 **TORONTO** City  
Planning Division  
**Official Plan**

**40 Adelaide Street West**

File # 05\_175877

- |   |  |
|---|--|
|  Site  |  Hospital Areas |
|  High Density Mixed Commercial - Residential Areas 'A' |  Open Space     |
|  High Density Mixed Commercial - Residential Areas 'B' |  |
|  Financial District                                    |  |

  
Not to Scale  
09/26/05

Attachment 6: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning      Application Number: 05 175877 STE 28 OZ  
 Details: OPA & Rezoning, Standard      Application Date: August 29, 2005

Municipal Address: 40 Adelaide Street West, 40 Temperance Street, 335 & 347 Bay Street  
 Location Description: PT TOWN LTS 2 3 4 NSAS RP 66R15440 PTS 6 7 & 9 TO 15 \*\*GRID S2806  
 Project Description: Official Plan Amendment & Zoning By-Law amendments for 40 Adelaide Street West, 40 Temperance Street, 335 & 347 Bay Street. Construct three new buildings: 50-storey office West Tower (Bay Street); 43-storey office/residential East Tower (Adelaide Street West); & 49-storey hotel/residential North Tower (Temperance St)

**Applicant:** GOODMAN LLP MARK NOSKIEWICZ      **Agent:**      **Architect:** WZMH ARCHITECTS      **Owner:** EXCHANGE TOWER LIMITED

**PLANNING CONTROLS**

Official Plan Designation: Financial District      Site Specific Provision: 94-0605, 998-88, 333-02, 138-03, 74-93  
 Zoning: CR T12.0 C8.0 R11.7, G      Historical Status: Y  
 Height Limit (m): 137, 76 (57, 275)      Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq. m): 14446.8      Height: Storeys: 50  
 Frontage (m): 0      Metres: 218  
 Depth (m): 0  
 Total Ground Floor Area (sq. m): 0      Total  
 Total Residential GFA (sq. m): 29881      Parking Spaces: 1015  
 Total Non-Residential GFA (sq. m): 210515      Loading Docks: 20  
 Total GFA (sq. m): 240396  
 Lot Coverage Ratio (%):  
 Floor Space Index: 16.64

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN** (proposed, not recommendations)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	20174	60
Bachelor:	33	Retail GFA (sq. m):	0	7380
1 Bedroom:	277	Office GFA (sq. m):	170155 (new)	0
2 Bedroom:	43	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	30530	0
Total Units:	353			

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



**Attachment 7: Draft Official Plan Amendment – Existing Official Plan**

Authority:  
Enacted by Council:

**CITY OF TORONTO**

Bill No.

**BY-LAW No. \_\_\_\_-2006**

**To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2006 as bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West**

**WHEREAS** the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2006 bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West; and

**WHEREAS** the Toronto and East York Community Council conducted a public meeting on May 9, 2006 under Section 17 of the *Planning Act*, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment; and

**WHEREAS** the Council of the City of Toronto, at its meeting held \_\_\_\_\_2006 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 maps annexed hereto as Schedule “A” are hereby adopted as an amendment to Section 19.43 of the Official Plan for the former City of Toronto for the Yonge, Queen, Bay and Adelaide Lands.
2. This is Official Plan Amendment No. 368.

ENACTED AND PASSED this        day of        , A.D. 2006.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE “A”**

**AMENDMENT NO. 368 TO THE OFFICIAL PLAN  
OF THE FORMER CITY OF TORONTO  
PART II PLAN FOR THE YONGE, QUEEN, BAY, AND ADELAIDE LANDS**

The following Text and Map constitute Amendment No. 368 to the City of Toronto Official Plan (being an amendment to the provisions of the Chapter 19.43, Part II Plan for the Yonge, Queen, Bay, and Adelaide Lands).

The section headed “Purpose and Location” is explanatory only, and shall not constitute part of this amendment.

**PURPOSE AND LOCATION:**

The proposed amendment provides for changes to the Part II Plan for the Yonge, Queen, Bay, and Adelaide Lands which applies to an area bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West.

The changes provide for the addition of the lands known municipally as 335 and 347 Bay Street to Parcel C of the lot defined in the Part II Plan as the Bay-Adelaide Lands, and permit the non-residential and residential density permissions of 335 and 347 Bay Street to be deployed on this lot. The proposed amendment would delete the requirement for street-related retail uses on the Adelaide Street frontage.

**OFFICIAL PLAN AMENDMENT:**

1. Section 19.43 of the Official Plan for the former City of Toronto, being the Part II Plan, for Yonge, Queen, Bay, and Adelaide is amended by deleting Map A and replacing it with the attached Map A.
2. Section 19.43 of the Official Plan for the former City of Toronto, being the Part II Plan for Yonge, Queen, Bay, and Adelaide Lands:

- (a) deleting Section 7.6 and replacing it with the following:

7.6 It is the policy of Council to ensure that *street-related retail and service uses* are located on Queen, Richmond, Temperance, Yonge and Bay Streets and, notwithstanding Section 9.12 of the Part I Official Plan, Council shall, by by-law ensure that appropriate areas of *street-related retail uses* are provided on each street.

- (b) deleting Section 8.3.4 and replacing it with the following:

8.3.4 Notwithstanding Sections 8.1 and 8.2 of this Plan and in accordance with Section 2.6 hereof, Council may pass by-laws to increase the maximum aggregate *non-residential gross floor area* permitted by Part I of the Official Plan for the *Bay-Adelaide Lands*, provided that:

- (a) the aggregate of the *non-residential gross floor area* permitted on the *Bay-Adelaide Lands* including:
  - (i) any *non-residential gross floor area* permitted by Section 7.5 of Part I of the Official Plan;
  - (ii) any *non-residential gross floor area* permitted to be excluded from the calculation of maximum

permissible density of new development pursuant to Section 5.10 of the Part I of the Official Plan; and

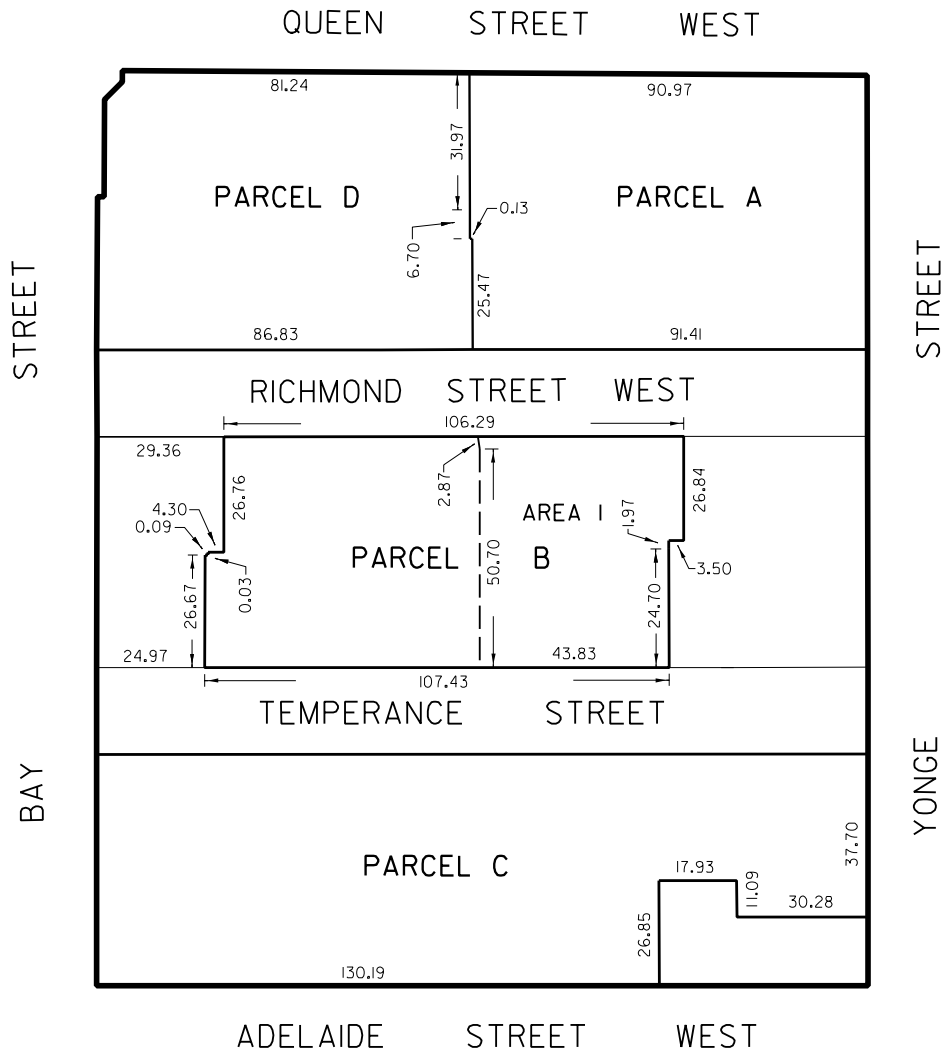
- (iii) the *park* conveyed to the City pursuant to Section 8.3.2 of this Plan;

but excluding the area used for publicly accessible walkways, but including below grade gross floor area, does not exceed 273,239 square metres.

- (b) the aggregate of the *residential gross floor area* permitted on the *Bay Adelaide Lands* does not exceed 59,366 square metres;
- (c) the combined *non-residential gross floor area* and *residential gross floor area* on the *Bay-Adelaide Lands*, but including below grade gross floor area, does not exceed 277,096 square metres;
- (d) the historic buildings located on the *Bay-Adelaide Lands*, or the significant portions of such buildings, are maintained and conserved in a manner which respects their quality and character;
- (e) where a portion of an historic building located on the *Bay-Adelaide Lands*, is retained, such portion contains those features identified by Council as having historic and/or architectural significance; and
- (f) works of public art are provided in publicly accessible portions of the *Bay-Adelaide Lands*, with a value of at least 1% of the value of new construction on the *Bay-Adelaide Lands*.

Map A

MAP 18.686



SURVEY AND MAPPING SERVICES  
APRIL 2006  
DP06/18686.DGN  
FILE: A2-Z20  
MAP No. 50G-323  
DRAWN: VG

**Attachment 8: Draft Official Plan Amendment – New Official Plan**

Authority: Toronto and East York Community Council Report No. \_\_, Clause No. \_\_,  
as adopted by City of Toronto Council on \_\_\_\_, 2006

Enacted by Council:

**CITY OF TORONTO**

**BY-LAW No. \_\_-2006**

**To adopt Amendment No. 67 to the Official Plan of the City of Toronto in order to implement a site-specific amendment affecting the lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West.**

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

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

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

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

ENACTED AND PASSED this \_\_th day of \_\_\_\_, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 67 TO THE OFFICIAL PLAN  
LANDS BOUNDED BY YONGE STREET, QUEEN STREET WEST, BAY STREET  
AND ADELAIDE STREET WEST**

The following Text and Map constitute Amendment No. 67 to the City of Toronto Official Plan (being an amendment to the provisions of the Official Plan, Chapter 7, Site and Area Specific Policies).

The section headed “Purpose and Location” is explanatory only, and shall not constitute part of this amendment.

**PURPOSE AND LOCATION:**

The proposed amendment is to delete policy 224. c), and delete and replace Map 224 for the lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West. This amendment implements City Council direction of \_\_\_\_\_, 2006 regarding these properties.

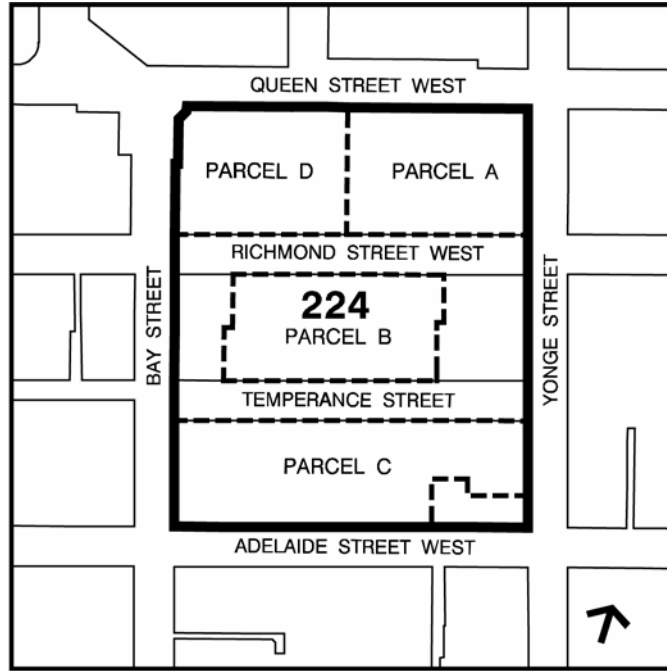
**OFFICIAL PLAN AMENDMENT:**

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

1. Site and Area Specific Policy No. 224 of Chapter 7, Site and Area Specific Policies is modified by:
  - i. deleting subsection c); and
  - ii. deleting Map 224 and replacing it with the modified Map 224 shown on attached Schedule "A".



Schedule "A" - Map 224



**Attachment 9: Draft Zoning By-law Amendment**

Authority: Toronto Community Council Report No. ●, Clause No. ●,  
as adopted by City of Toronto Council on ●, 2006  
Enacted by Council: ~, 2006

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2006**

**To amend ~ Zoning By-law No. 438-86, as amended by Zoning By-law No. 998-88, as amended, with respect to the lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West**

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

WHEREAS pursuant to Section 37 of the *Planning Act* the Council of a municipality may in a By-law passed pursuant to Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and matters as are set out in the By-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may required the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters;

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

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

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of 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 lands and the City of Toronto (the "City"); and

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

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

1. By-law No. 998-88, being “a By-law to amend By-law No. 438-86 respecting certain lands bounded by Yonge Street, Queen Street West, Bay Street and Adelaide Street West”, as amended, is hereby further amended by:
  - (1) deleting Subsections Section 4 and substituting therefore the following:
    4. Notwithstanding the provisions of Sections 4(2)(a), 4(8)(b), 4(10)(a), 8(3) Part I 1, 8(3) Part I 2 and 12(2)276 of the aforesaid By-law 438-86, the erection and use of one or more buildings on the Bay Adelaide Lands containing *non-residential gross floor area* only, or in the alternative, containing a combination of *non-residential gross floor area* and *residential gross floor area*, is permitted, provided:
      - (1) the aggregate amount of *non-residential gross floor area* and *residential gross floor area* to be erected and used on the Bay-Adelaide Lands, exclusive of *public pedestrian walkways*, does not exceed 277,096 square metres, of which:
        - (a) no additional *non-residential gross floor area* or *residential gross floor area* is erected or used on the lands comprising the aforesaid Parcel A than existed thereon on the date of enactment of this By-law;
        - (b) not more than 47,030 square metres of combined *non-residential gross floor area* and *residential gross floor area* is erected or used on the lands, but including below grade gross floor area, comprising the aforesaid Parcel B;
        - (c) not more than 193,366 square metres of combined *non-residential gross floor area* and *residential gross floor area* is erected or used on the lands, including below grade gross floor area, comprising the aforesaid Parcel C;
        - (d) notwithstanding the provisions of paragraphs (b) and (c) of this subsection, not more than 59,366 square metres of *residential gross floor area*, is erected or used on the lands comprising the aforesaid Parcel B and Parcel C;
        - (e) notwithstanding the provisions of paragraphs (b) and (c) of this subsection, the total amount of *non-residential gross floor area*, in the aggregate, erected or used on the lands, including below grade gross floor area, comprising the aforesaid Parcel B and Parcel C does not exceed 236,539 square metres;

- (f) notwithstanding the provisions of paragraphs (b) and (c) of this subsection, the total amount of combined *non-residential gross floor area* and *residential gross floor area*, in the aggregate, erected or used on the lands, including below grade gross floor area, comprising the aforesaid Parcel B and Parcel C does not exceed 240,396 square metres;
- (2) the *height* above *grade* of any building or structure erected or used on the Bay-Adelaide Lands does not exceed the *heights* above *grade* shown on Map B attached to and forming part of this By-law;
- (3) the buildings erected or used on the Bay-Adelaide Lands contain *street related retail and service uses* facing a minimum aggregate length of:
  - (a) 95 metres of *frontage* on Temperance Street;
  - (b) 20 metres of *frontage* on the south side of Richmond Street West;
  - (c) 90 metres of *frontage* on the north side of Richmond Street West;
  - (d) 90 metres of *frontage* on the south side of Queen Street West; and
  - (e) 90 metres of *frontage* on Yonge Street.
- (4) the owners of the Bay-Adelaide Lands, at their sole expense and in accordance with and subject to the agreements referred to in paragraph (5) of this subsection:
  - (a) maintain, restore and conserve the buildings located on the lands comprising the aforesaid Parcel A;
  - (b) maintain, restore and conserve the *façade* of the building located on the lands comprising the aforesaid Parcel C and municipally known in the year 1988 as 17 Temperance Street, which *façade* may be relocated on the south side of Temperance Street;
  - (c) maintain, restore and conserve the *façade* of the building located on the lands comprising the aforesaid Parcel C and municipally known in the year 2006 as 347 Bay Street;
  - (d) provide not less than 5,200 square metres, in the aggregate, of *common outdoor space* and *public park* on the Bay-Adelaide Lands, including:
    - (i) convey to the City, for a nominal consideration, in fee simple, for the purpose of a *public park*, an area not less

than 2,183 square metres, located within the portion of the lands comprising Parcel B and marked "Area 1" on the aforesaid Map A, to be permanently improved by the owners, including any temporary improvements thereto which may be required, in accordance with the agreements referred to in paragraph (5) of this Subsection;

- (ii) *common outdoor space*, not less than 1,072 square metres in area, on the lands comprising the aforesaid Parcel C;
- (e) convey to the City, for *social housing* purposes and for a nominal consideration, on or before January 31, 1989, the lands known municipally in the year 1988 as 108 Mutual Street (the "Sears Warehouse Building");
  - (f) in the event the conveyance referred to in paragraph (e) of this subsection is not completed on or before January 31, 1989, and upon the election of the Council of the City, pay to the City the amount of \$32,835,000 for *social housing* purposes;
  - (g) provide and maintain one or more works of *art* in the publicly accessible portions of the Bay-Adelaide Lands, of a value of not less than 1% of the gross construction cost, indexed annually, of all buildings and structures erected on such lands after the date of passing of this by-law to be paid at time of first building permit, provided that all such costs related to:
    - (i) the restoration of buildings described in Paragraphs (a), (b) and (c) of this subsection;
    - (ii) the *public pedestrian walkways* on such lands;shall not be included in such valuation; and
  - (h) provide and maintain, in accordance with the agreement or agreements referred to in Section 4(5) hereof:
    - (a) direct access to public transportation, by means of a north/south *public pedestrian walkway*, located below *grade*, and with a minimum width of six metres from the Queen Street West subway station to the building municipally known in the year 1988 as 40 King Street West;
    - (b) direct access to public transportation, by means of an east/west *public pedestrian walkway*, located below *grade*, from the Queen Street West subway station, through the

building known municipally in the year 1988 as 176 Yonge Street, to the west side of Bay Street;

- (c) direct access to public transportation, by means of a east/west *public pedestrian walkway*, located below *grade*, and with a minimum width of six metres from the north /south *public pedestrian walkway* between Temperance Street and Adelaide Street West to the west wall of the building municipally known in the year 2006 as 335 Bay Street;
  - (d) not less than 6 *loading spaces – Type A* and 13 *loading spaces – Type B*, and 1 *Loading space – Type G* below *grade* within the lands comprising Temperance Street and the aforesaid Parcel B and Parcel C, and not within the lands comprising the aforesaid Parcel A; and
  - (e) in addition to the *parking spaces* required to be provided and maintained on the Bay-Adelaide Lands pursuant to Section 4(5) of the aforesaid By-law No. 438-86, not less than 9 courier *parking spaces*.
- (5) the owners of the Bay-Adelaide Lands enter into one or more agreements with the City pursuant to Section 36 of the *Planning Act*, 1983 and pursuant to Section 37 of the *Ontario Heritage Act*, to secure the facilities, surfaces and matters referred to in Section 4 (4) hereof and consent to such agreements being registered on title to the Bay-Adelaide Lands;
- (6) the buildings and parts of buildings referred to in Sections 4(4)(a), 4(4)(b) and 4(4)(c) of this By-law continue to be erected; and
- (7) for the purposes of Section 4(4)(a), 4(4)(b), 4(4)(c) and Section 4(5) hereof, in the event that any substantial portion of any building referred to therein is destroyed or irreparably damaged by any cause not attributable to the deliberate act or omission of the owners of the Bay-Adelaide Lands, it shall be nevertheless deemed to be continued to be maintained, restored, conserved and erected for the purposes of this by-law, provided the owners of the Bay-Adelaide Lands:
- (a) rebuild such buildings or the facades of such buildings in accordance with and subject to the agreements referred to in Section 4(5) of this By-law; and
  - (b) pay to the City the following sums, in accordance with and subject to the provisions of the aforesaid agreement pursuant to Section 36

of the *Planning Act*, 1983, for the purposes of preserving Heritage buildings in the City of Toronto:

- (i) in the case of the building referred to in Section (4)(a) hereof – \$8,125,000
- (ii) in the case of the building referred to in Section (4)(b) hereof – \$1,525,000

(2) adding the following sections:

- 7. 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:
  - (a) prior to the issuance of Site Plan Approval for the subject property, the owner shall provide a Conservation Plan for the reconstruction and restoration of 347 Bay Street (National Building), satisfactory to the Manager of Heritage Preservation Services or her designate;
  - (b) provide, prior to the first occupancy of the first building, an at-grade pedestrian walkway (Publicly Accessible Landscaped Open Space) with a supporting easement in favor of the City to permit access to the 1,072 square metre Publicly Accessible Landscaped Open Space that forms part of the development, and such space is to remain open and accessible to the public subject to conditions satisfactory to the Chief Planner and Executive Director, City Planning Division;
  - (c) develop the Publicly Accessible Landscaped Open Space at the owner's expense in a manner satisfactory to the General Manager of Parks, Forestry and Recreation;
  - (d) provide and maintain within the site a publicly accessible walkway connecting Temperance Street to Adelaide Street West generally as shown on the Landscaped Plan prepared by Envision The Hough Group, dated January 10, 2006, which shall:
    - (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;
    - (ii) be maintained and clear of snow and ice at all times; and
    - (iii) be satisfactorily illuminated.

- (e) provide the incorporation, in the construction of the building, of exterior materials to be shown for the podium along Bay Street, Adelaide Street West, Temperance Street and Richmond Street West, pedestrian weather protection and landscaping materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (f) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (g) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
  - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than 1 metre;
  - (ii) an engineered draining system which prevents soil saturation; and
  - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual;
- (h) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (i) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Temperance Street frontage for the development project;
- (j) revisions, if any, to the development to address the recommendations of a Pedestrian Level Wind Study;



- (k) revisions to the development, or a Letter of Credit, in accordance with the recommendations of a Street Lighting Assessment;
- (l) provision of knock-out panels to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development; and agree to enter into a Wayfinding Agreement, and to be detailed in an agreement pursuant to Section 41 of the *Planning Act*; and
- (m) provide the City with documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification as follows:
  - 1. in conjunction with the construction and marketing of the Development, the Owner shall provide to the Chief Planner such documentation as the Chief Planner shall request with respect to LEED Certification of the Development and the marketing materials that will include information on LEED Certification;
  - 2. the owner shall:
    - (a) use reasonable commercial efforts to obtain LEED Certification of the buildings,
    - (b) prior receiving Site Plan Approval, register the development with the CaGBC (the “LEED Registration”) and provide written confirmation of the LEED Registration to the Chief Planner,
    - (c) prior to submitting an application for condominium registration, to make the LEED Application and provide to the Chief Planner a copy of the LEED Application together with written confirmation that it has been submitted and, if requested by the Chief Planner, copies of all documentation submitted with the LEED Application to the CaGBC,
    - (d) upon the receipt of any CaGBC Report provide, if requested to the Chief Planner, a copy of such CaGBC Report,
    - (e) provide a response to the CaGBC regarding any CaGBC Report, provide if requested to the Chief Planner a copy of any documentation submitted to

the CaGBC by the Owner in response to such CaGBC Report,

- (f) upon the owner receiving notification of the CaGBC's decision as to whether LEED Certification of the Building has been granted, to provide if requested to the Chief Planner a copy of such notification, and
  - (g) provide, if requested by the Chief Planner, a copy of the owner's marketing materials for the Development that contain information regarding LEED and LEED Certification; and
  - (o) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably.
8. prior to the issuance of any demolition or building permit, the applicant shall complete a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC;
9. the owner insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreement of purchase and sale or agreements to lease, and condominium declaration documents(s) for each affected residential unit, lot, and/or within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development and that the TTC accepts no responsibility for such effects;
10. make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement and Section 36 Agreements, to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
11. provide and maintain parking spaces on the site to serve the residential component of the project, of which two spaces can have dimensions of 2.4 metres by 5.9 metres, in a physically separate portion of the parking garage, in accordance with following minimum ratios:

Bachelor units	0.3 spaces per unit
1-bedroom units	0.7 spaces per unit
2-bedroom units	1.0 space per unit

3 or more bedroom units                      1.2 spaces per unit

12. provide and maintain a minimum of 651 non-residential parking spaces to serve the proposed office space, hotel space and retail uses, including at least 208 spaces required by the Hudson Bay store and a minimum of 0.06 spaces per residential unit for the visitors to the residential component of the project;
13. comply with the loading requirements of Site Specific By-law No. 998-88, save and except that the requirement for one of the Type B loading spaces be replaced by the requirement for one Type G loading space;
14. provide a minimum vertical clearance of 6.1 metres over the first eight metres of the Type G loading space, and a minimum vertical clearance of 4.3 metres over the balance of the loading space, and along all driveways and passageways providing access to and egress from the Type G loading space, with access designed such that trucks can access and egress the site in a forward motion;
15. provide all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 metres (4.0 metres where enclosed), a minimum vertical clearance of 4.3 metres and a minimum inside and outside turning radii of nine metres and 16 metres, respectively;
16. submit, for the review and approval of the General Manager of Transportation Services, documentation identifying the peak utilization of the 1,120 space parking facility currently located on the site;
17. submit a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands to be subject to the Heritage Easement Agreement and a strata Reference Plan of Survey delineating the tunnel beneath Adelaide Street West;
18. pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director of Technical Services;
19. provide, for buildings constructed after June 1, 2006, continuous weather protection with a minimum clear width of three metres on all street frontages and with a minimum clear width of five metres abutting open space located between the west and east tower on Parcel C with the exception being lands occupied by 347 Bay Street.

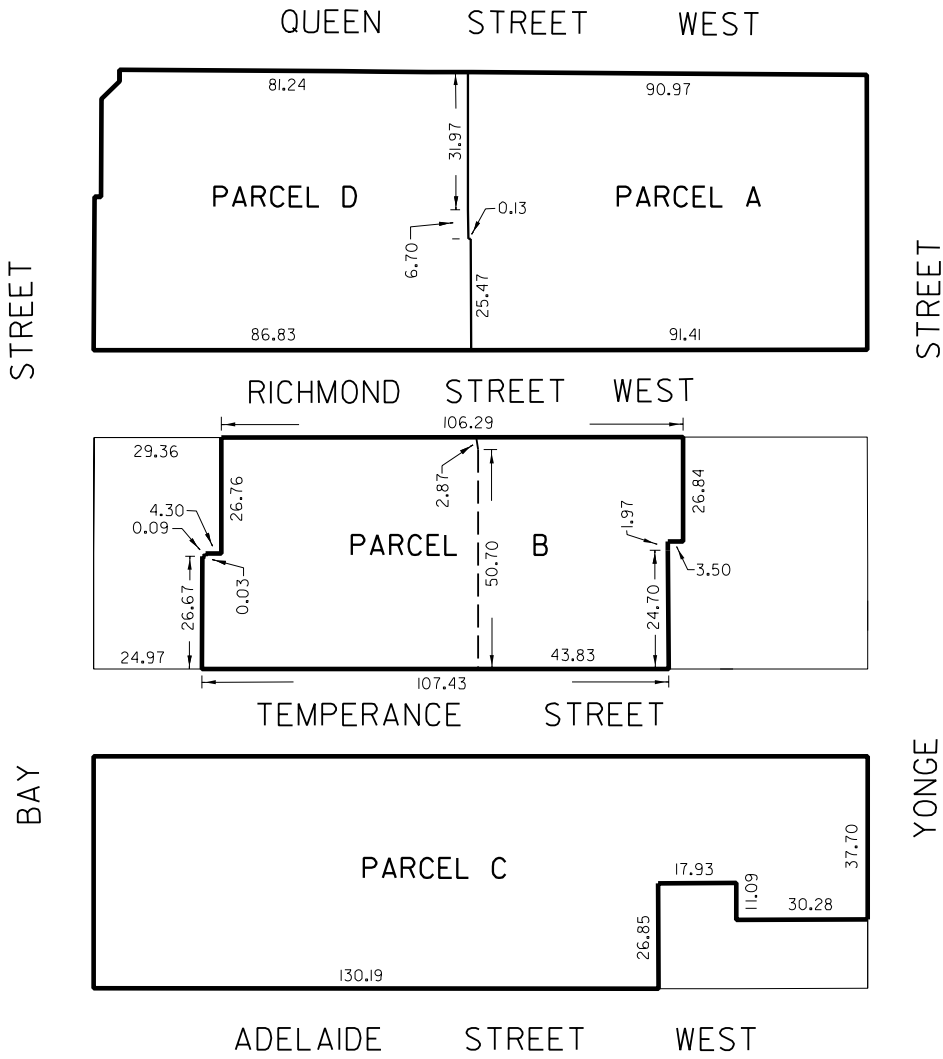
- (3) deleting the definition of the term *height* in Section 6(2) and substituting therefore the following:

“for the North Tower, *height* has the same meaning as such term has for the purposes of the aforesaid By-law No. 438-86 except that any rooftop facilities permitted to be excluded from the calculation of *height* pursuant to Section 4(2)(a) shall be included in such calculation, but any antennae, flag poles, lighting rods or unenclosed supporting structures shall be excluded from such calculation.

for the East and West Towers, *height* has the same meaning as such term has for the purposes of the aforesaid By-law No. 438-86, inclusive of the mechanical penthouse, except that any rooftop facilities permitted to be excluded from the calculation of *height* pursuant to Section 4(2)(a) shall be included in such calculation, but any antennae, flag poles, lighting rods or unenclosed supporting structures shall be excluded from such calculation.”

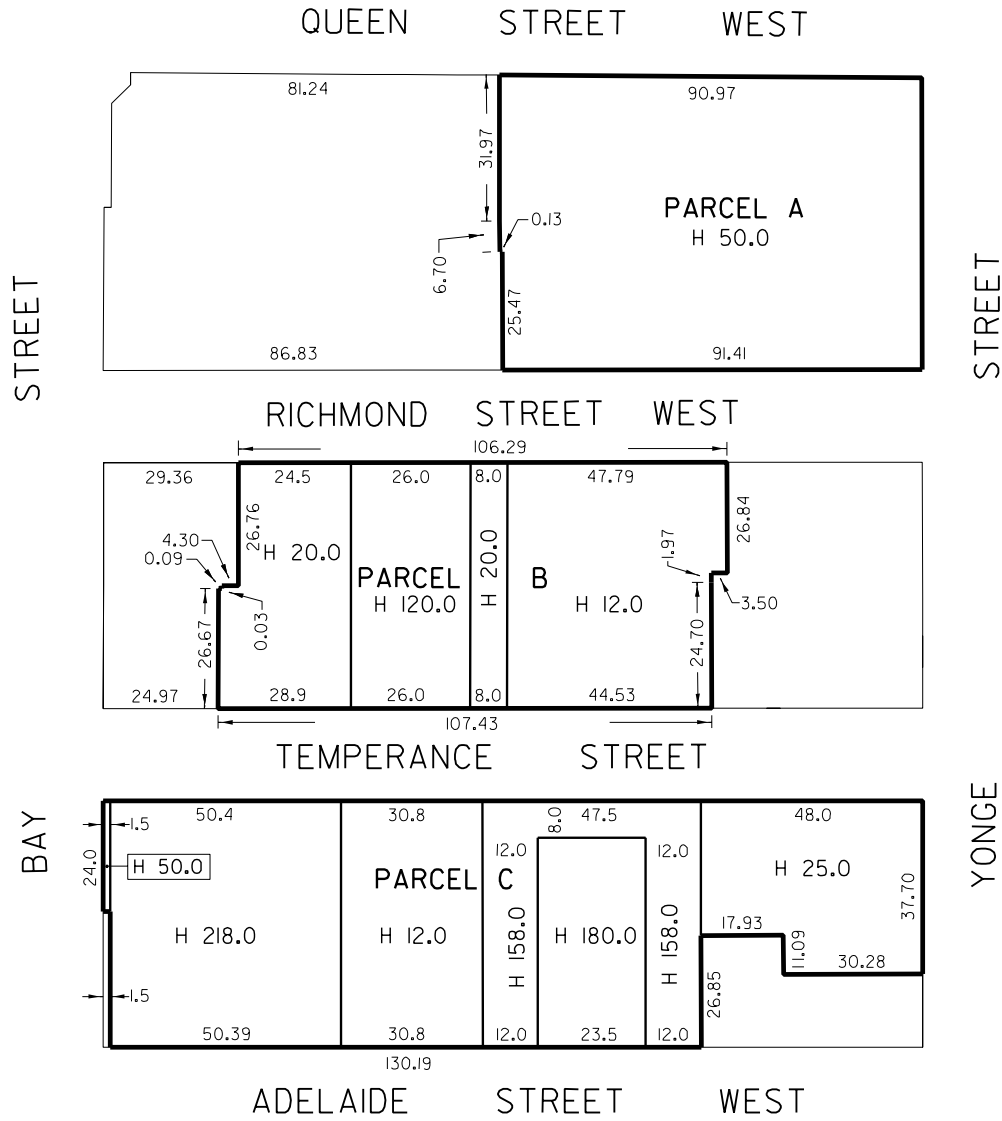
- (4) deleting Map A and Map B attached thereto and substituting therefore Map A and Map B attached hereto and forming part of this By-law.

# MAP A



SURVEY AND MAPPING SERVICES  
APRIL 2006 DRAWN: VG  
BLO6/40ADEL A1.DGN  
FILE: A2-Z20  
MAP No. 506-323

# MAP B



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES  
MAY 3, 2006 DRAWN: VG  
BL06/40ADELA2.DGN  
FILE: A2-Z20  
MAP No. 50G-323