

TORONTO STAFF REPORT

June 27, 2006

To: Toronto and East York Community Council

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

Subject: Final Report
Official Plan Amendment and Rezoning Application 05-117524 STE 28 OZ
15 York Street (Block 5, Railway Lands East, Maple Leaf Square)
Applicant: McCarthy Tetrault
Architect: Page + Steele and Kuwabara Payne McKenna Blumberg Architects
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, as amended by By-law 168-93 for the former City of Toronto, to permit the development of a 54-storey residential condominium building (North Tower), a 50-storey residential condominium building (South Tower) and a nine-storey podium with retail, offices, daycare and hotel.

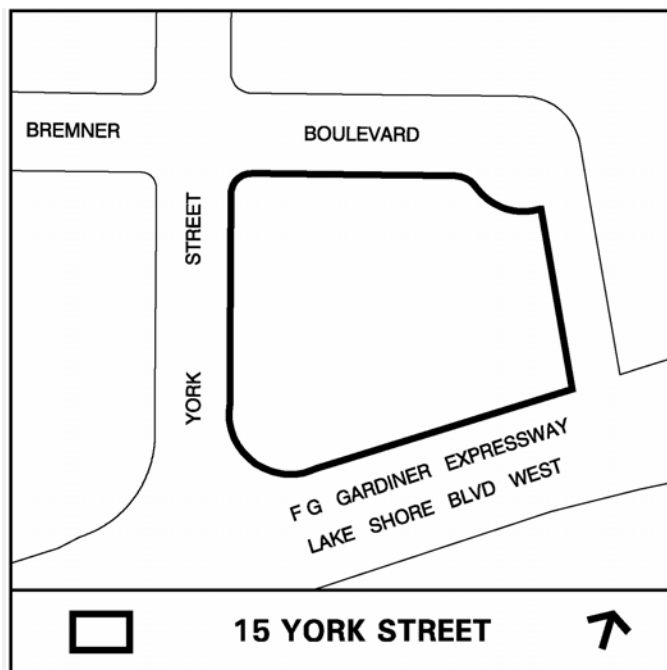
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) in the event that the new Official Plan is not yet in force, amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9;
- (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. 10;

- (3) amend Zoning By-law 168-93 (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. 11;
- (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 City Solicitor to make changes to the Precinct B Precinct Agreement, other Railway Lands agreements (including if appropriate a further agreement pursuant to the *City of Toronto Act*, 1971, S.O. 1971, c. 130, as amended), service agreements, and easement agreements as required to secure the matters set out in this report;
- (6) authorize the declaration of the lands below Bremner Boulevard which are to be used for District Heating and Cooling infrastructure to be surplus and receive below grade lands that are being used for District Heating and Cooling infrastructure that obstructs the route to the proposed loading area shown on a reference plan to the satisfaction of the Chief Planner and Executive Director of City Planning for the purposes of relocating District Heating and Cooling infrastructure;
- (7) require the owner, before introducing the necessary Bills to City Council for enactment, to execute one or more agreements pursuant the *City of Toronto Act*, 1971, S.O. 1971, c. 130, as amended satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement(s) to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
 - (a) provide prior to the issuance of the first above grade building permit, 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, of all buildings and structures on the lands to be paid at time of first building permit;
 - (b) provide and maintain between the Air Canada Centre and the site a publicly accessible over street level walkway connecting generally as shown on the Ground Floor Plan prepared by KPMB, dated April 21, 2006, which shall:
 - (i) be fully enclosed and weather protected;
 - (ii) have a glazed roof and walls and have an architectural treatment which enhances the aesthetics of Union Plaza;
 - (iii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and

- (iv) be satisfactorily illuminated.

- (c) provide and maintain within the site a publicly accessible walkway (Galleria) connecting Bremner Boulevard to York Street West generally as shown on the Ground Floor Plan prepared by Kuwabara McKenna Blumberg Architects and Page + Steele Architects Planners, dated April 21, 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; and
 - (ii) be satisfactorily illuminated.

- (d) provide knock-out panels on York Street and Lake Shore Boulevard 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 easement agreement;

- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard;

- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (h) 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;

- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
 - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;

- (ii) an engineered draining system which prevents soil saturation; and
- (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual.
- (j) 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
- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Lake Shore Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (m) provide a connection to District Heating and Cooling satisfactory to the Chief Planner and Executive Director, City Planning;
- (n) provide prior to the issuance of the first above grade building permit, \$3,200,000 (indexed from the date of this report) to the City to pay for area improvements to public space, including Union Station to achieve a new south entrance;
- (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;
- (p) require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (q) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
- (r) provide and maintain a minimum vertical clearance of 5.3 metres under the proposed pedestrian bridge;
- (s) provide and maintain parking supply for the project in accordance with the requirements of the Zoning By-law except that parking spaces for the residential units be provided in accordance with the following ratios:

<u>Dwelling unit type</u>	<u>Parking Ratio</u>
Bachelor	0.3 space/unit
1 Bedroom unit less than or equal to 56 square metres	0.3 space/unit

1 Bedroom unit greater than 56 square metres	0.86 space/unit
2 Bedroom unit	0.92 space/unit
3 or more Bedroom unit	1.2 space/unit

and provided further that the residential parking requirement may be reduced by ten spaces for each Autoshare parking space (or other provider of shared parking spaces as may be approved by the Executive Director of Technical Services) provided and maintained in the project;

- (t) that the owner be required to offer residential unit purchasers, who do not purchase a parking space, free membership or initiation fees to the Autoshare program to be provided in the building (or other car sharing program, such as Zipcar, as may be approved by the General Manager of Transportation), details of which are to be provided in the Transportation Demand Management Plan;
- (u) prior to site plan and the issuance of below grade building permits, execute an agreement, to the satisfaction of the General Manager of Transportation Services, with the property owners of Block 9 (16 York Street) to allow for the parking of buses on the subject lands in accordance with the applicable requirements of the Railway Lands East Precinct B Agreement;
- (v) execute an undertaking, to the satisfaction of the General Manager of Transportation Services, to secure a new location for the bus parking when the Block 9 lands identified in Condition (u) are redeveloped;
- (w) submit revised plans/additional information with respect to Conditions (u) and (v) above for the review and acceptance of the Executive Director, Technical Services;
- (x) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
- (y) 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, Technical Services;
- (z) provide continuous weather protection with a minimum clear width of three metres and minimum height of five metres on all street frontages;
- (aa) provide and maintain over Bremner Boulevard a publicly accessible walkway connecting to the Air Canada Centre generally as shown on the Site Plan prepared by KPMB dated April 21, 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; and
 - ii. be satisfactorily illuminated.
- (bb) 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;
- (cc) provide knock-out panels on York Street and Lake Shore Boulevard 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 easement agreement; and
- (dd) 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:
 - a. 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;
 - b. 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;
- (ee) 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;
 - (ff) provide, prior to the first occupancy of the development, a minimum of 13,910 square metres of hotel gross floor area;
 - (gg) a minimum of 400 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
 - (hh) 0.09 *bicycle parking space - visitor* for each *dwelling* unit, or fraction thereof equal to or greater than 0.5 shall be provided and maintained on the *lot*;
 - (ii) *bicycle parking spaces - occupant* are provided and maintained on the ground floor, mezzanine floor, concourse floor, level P1 and the second floor;
 - (jj) all *bicycle parking spaces - visitor* are provided and maintained on the ground level;
 - (kk) *bicycle parking spaces - occupant* shall not be combined with storage lockers for residential units;
 - (ll) a minimum of 38% of the *dwelling units* erected and used on the *lot* shall be 2-bedroom or larger *dwelling units*; and
- (8) 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 1986, the Ontario Municipal Board approved the Part II Plan for the Railway Lands. The property was designated Block 5, Precinct B. In 1990, the City conducted a review of the 1985 Official Plan. Prior to 1991, the Railway Lands Secondary Plan provided for mixed-use development in this area and the Council of the day, after a thorough review of the 1985 Official Plan and Part II Plan, determined that residential development rights should be removed from these lands. Other changes to the Part II Plan included modifications to provisions for density, height, community services and facilities and the environment. This part of the Railway Lands was envisioned as the extension of the Financial District, the City's and region's premier office centre, with Union Station situated at its heart. In light of the land use program established for the Railway Lands East by the in-force former City of Toronto Plan, and in view of the need to reserve land for the future growth of the financial core, the new Official Plan reaffirmed that land use vision. A land development program comprising a major auto-oriented retail and entertainment complex with residential uses above was not permitted by these plans.

A Precinct B Precinct Agreement was registered in 1992. The Railway Lands East Area A Zoning By-law 168-93 was deemed to have come into force pursuant to the Ontario Municipal Board Order dated October 25, 1994. In 1996 and 2002, City Council authorized amendments to the Precinct B Precinct Agreement.

In planning to accommodate approximately 540,000 jobs in the City over the next 30 years, it was anticipated that certain lands in the City would be reserved for employment uses in the new Official Plan. The extension of the Financial District in the Railway Lands East was a key component of those lands, and was reflected in staffs' analysis for accommodating forecast job growth.

In addition to the regulatory background, additional relevant contextual issues include:

- (a) City Council approved the Union Station Master Plan in December 2004. The plan outlines the boundaries of the Union Station urban design study area as Simcoe Street, Wellington Street, Yonge Street and the Gardiner Expressway. The property is located within this study area and has potential connections to the City's PATH system. The Union Station Master Plan is based on four Big Moves that include an integrated public realm that celebrates the Station's two key frontages, Front Street and Union Plaza, and advocates redefining both. A new south entrance, southern extensions of the PATH system, and the view corridor from the Financial District to the waterfront through Union Plaza were to be investigated as part of ongoing work related to the Master Plan study.
- (b) A Union Station District Plan was prepared in May 2006 and was presented to Planning and Transportation Committee in June 2006. The plan outlines the boundaries of the Union Station urban design study area as Simcoe Street/railway/Rees Street on the west, Harbour Street on the south, Yonge Street on the east and Wellington Street on the north. The plan recommends significant landscape and pavement improvements to Union Plaza, Bremner Boulevard and Lake Shore Boulevard. The plan will be discussed at the June 27, 28, 29, 2006 City Council meeting.

- (c) The site abuts the Gardiner Expressway, which is currently being studied by the Toronto Waterfront Revitalization Corporation for removal or reconstruction.

Over the last year, City staff have had application discussions with the applicant. The Preliminary Report expressed the need to protect this property for primarily non-residential development. At its meeting of May 3, 2005, Toronto and East York Community Council modified the recommendations of the Preliminary Report dated April 21, 2005. TEYCC made the following modifications to Recommendations 2 and 3 of the report:

- (2) requested the Director, Community Planning, South District to meet with other City departments and the applicant to further review the issues of concern raised regarding the achievement of 50% office space, and report back to the Toronto and East York Community Council after the community consultation meeting; and
- (3) prior to submitting the final report, requested the Director, Community Planning, South District report to the Toronto and East York Community Council on the feasibility of achieving the policy objective regarding commercial and office space in this precinct.

The submission of an application for an extensive amount of residential development on a block with specific policies in the Secondary Plan protecting the area for non-residential uses coupled with the direction received by TEYCC required an analysis and review of the applicability of these land use policies in the Railway Lands East Secondary Plan, with an emphasis on Block 5.

Discussions with the applicant resulted in a Status Report dated October 25, 2005. An agreement was reached to process an application with an increased amount of office development and a minimum of approximately 44% of the gross floor area being commercial.

It was accepted that the proposal would not fully realize the non-residential use objectives of the Secondary Plan for this block. The report identified the significant increase in the office component of the project, and its unique and complimentary uses to the Air Canada Centre that would make the non-residential component of the revised proposal an acceptable form of mixed-use development for this block specifically. Staff would have serious concerns with any conversion of the non-residential areas within the current proposal to additional residential use. Further, the mix of uses and amenities associated with this development would make it an attractive destination for both office workers and residents in this Precinct.

Staff concluded that the overall policies in the Railway Lands East Secondary Plan are still relevant and would seek to achieve full compliance to these policies for the other Blocks in the Precinct, which are critical, particularly with the investment in Union Station and the new Official Plan's "transit first" policies. Further, and importantly, given the new Provincial Policy Statement, the remaining lands in the Precinct were not needed to meet the City's housing targets.

Staff reported that this area may continue to feel pressure to permit increasing residential development on sites that have been designated for commercial development. While each proposal will be reviewed separately, and on its own merits, the potential approval of the

relatively unique Block 5 proposal, given its unique relationship to the ACC, should not be seen as creating a precedent for other such developments in this Precinct.

Proposal:

The property is located in the Financial District and in the Railway Lands East (Block 5). It is an irregular 8,476 square metre property located at the southeast corner of York Street and Bremner Boulevard. The property is occupied by a parking lot. Vehicular access to the property is via a driveway on the east-west section of Bremner Boulevard.

The development proposal is for a mixed use development consisting of the following:

- two residential condominium towers containing a total of 872 units;
- sports themed and destination retail;
- large specialty food store;
- broadcast facilities;
- restaurants;
- offices;
- a hotel with approximately 170 rooms;
- a daycare; and
- associated below grade parking.

The commercial area would be located on nine floors starting one level below grade. The proposed residential floor area would be 59,160 square metres, which is 55.6% of the total gross floor area. The proposed non-residential floor area would be 47,075 square metres, which is 44.2% of the total gross floor area. The non-residential floor area consists of:

- retail, 15,940 square metres or 15% of the total gross floor area;
- hotel, 13,910 square metres or 13.1% of the total gross floor area;
- office, 16,635 square metres or 15.6% of the total gross floor area; and
- daycare, 590 square metres or 0.5% of the total gross floor area.

The nine-storey podium would cover the majority (approximately 81 percent) of the site. The 50-storey tower would be located at the southwest corner of the site and be 162 metres high. The 54-storey tower would be located at the northeast corner of the site and would be 174 metres high. The ground floor would consist of a shared residential lobby for both towers, entrance to the daycare, hotel lobby, a mid-block and east-west indoor retail street with three to four storey high ceiling, and retail space with both exterior access and access from the indoor retail space. The grocery store would have some floor area at this level and the majority of the floor area for this use would be one level below grade. The applicant proposes continuous weather protection along all street frontages.

The second floor would include hotel space, a broadcast centre, and retail space. A bridge to the Air Canada Centre over the north-south section of Bremner Boulevard is proposed at the second level. The third floor would contain a daycare, office and hotel space. The fourth to eighth floors would contain hotel and office space. The ninth floor would contain indoor and outdoor amenity

space, skylobbies and offices. The 10th floor would contain mechanical space and outdoor amenity area. The residential towers would begin at the 11th floor.

The applicant proposes 1,744 square metres of indoor residential amenity space and 1,744 square metres of outdoor residential amenity space which represents two square metres of indoor and outdoor residential amenity space per unit.

With respect to the two towers above the podium, the typical tower dimensions would be approximately 29 metres by 28 metres and the typical floor area for each tower would be approximately 800 square metres. The proposed distance separation between the two towers is 28.5 metres.

The applicant proposes to expand the existing underground service route that serves the Air Canada Centre. This underground service area will eventually service Union Station and development at 25 York Street (northeast corner of Bremner Boulevard and York Street). This route has an inbound ramp from the westbound Lake Shore Boulevard west of Bay Street located on the Air Centre Centre property. This route has an outbound ramp to the westbound Lake Shore Boulevard west of the Air Canada Centre in the vicinity of York Street and located on the subject property. The applicant proposes to knock out a panel on the west side of the underground area of the Air Canada Centre (under the north-south section of Bremner Boulevard) to provide access to the underground loading area on-site. The loading area would contain 10 spaces.

The applicant proposes 850 parking spaces consisting of 334 commercial spaces, three daycare parking spaces and 513 residential parking spaces. The access for the parking would be at Bremner Boulevard east of York Street. The parking spaces would be located on four levels below grade. The applicant proposes 400 residential bicycle parking spaces in rooms on the concourse mezzanine floor and mezzanine floor. Eighty non-weather protected residential visitor bicycle parking spaces and 30 commercial bicycle parking spaces are proposed at grade. Employee showers are proposed.

The total site density would be 12.6 times the lot area.

For a summary of the application please refer to Attachment 8: Application Data Sheet.

Immediately surrounding the site are as follows:

North: Bremner Boulevard, beyond which is Block 4 in the Railway Lands East, which is zoned CR Block 4 and permits a high-rise office building with a maximum height of 160 metres, and beyond is Union Station.

South: Lake Shore Boulevard with the Gardiner Expressway overhead, beyond which is a vacant five-storey office building and parking lot which is zoned CR T6.0 C6.0 R0 and permits commercial development with a maximum height of 115 metres (western part) and 125 metres (eastern part).

East: Bremner Boulevard, beyond which is the Air Canada Centre and an office building.

West: York Street, beyond which is Block 9 in the Railway Lands East, which is zoned CR Block 9 and permits high-rise office buildings with a maximum height of 130 metres.

Provincial Policy Statement:

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. The proposal is consistent with the Provincial Policy Statement sections including 1.1.3 Settlement Areas, 1.4.1 to 1.4.3 Housing and 1.6.5 Transportation. In addition, Section 1.3 relating to Employment Areas contains the following policies which will be implemented:

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

Metropolitan Toronto Official Plan:

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 application.

The 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.

Former City of Toronto Official Plan:

The former City of Toronto Part I Official Plan designates the site as Railway Lands. The Railway Lands East Part II (Secondary) Plan designates the property as Financial District South Area D. The Financial District South Area D permits only non-residential development with a maximum density of 9.9 times the lot area.

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. Several pre-hearings have occurred. The hearing on the new Official Plan is continuing at the Ontario Municipal Board. The Board has approved most of the Plan and it is anticipated that the approved portions will come into force in June 2006. The housing and Section 37 policies remain under appeal and will be adjudicated in September and October 2006. As well, the hazard land policies for 'Special Policy Areas' remain under appeal.

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

The Railway Lands East Secondary Plan designates the property as Mixed Use Area D which along with abutting blocks is regarded as a commercial extension of the existing Financial District north of Front Street and is an appropriate location for the primary concentration of office uses within the Railway Lands East.

Zoning:

The site is governed by Railway Lands East A By-law 168-93 as amended and is zoned CR Block 5. The By-law permits only a commercial building containing a total building density of 9.9 times the lot area and a height of 115 metres. No residential density accrues to these lands.

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

Site Plan Control:

An application for Site Plan Approval has been filed.

Reasons for the Application:

The applicant proposes residential uses, which are not permitted by the Official Plan and Zoning By-law. The proposed building density of the development is 12.55 times the area of the lot exceeding the By-law permission of 9.9 times the area of the lot, reserved for commercial development.

In addition, the proposed development includes two residential towers 162 metres and 174 metres in height whereas the By-law permits a maximum height of 115 metres.

Community Consultation:

Given the close relationship between the proposal and the Air Canada Centre expansion (40 Bay Street), a joint Community Consultation Meeting was held to discuss both projects. This meeting was held on June 22, 2005 at City Hall. Approximately five people were in attendance at the meeting, including a representative of the York Quay Neighbourhood Association who presented written comments. Both projects were generally well received.

The majority of the comments dealt with the 15 York Street development; however, concerns were raised over the proposed large video screen at the front entrance of the Air Canada Centre and the potential for third party advertising on the screen. Further, there was concern expressed that once 15 York Street is developed, buses currently parked on this block for events at the Air Canada Centre would then park along Bremner Boulevard or Queens Quay causing further traffic congestion on Queens Quay.

Staff have had a series of meetings with the York Quay Neighbourhood Association to discuss requested PATH connections to connect Harbourfront to Union Station.

Two telephone calls/emails were received requesting additional information and expressing concern about the height of the towers.

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, and York Street have traditionally been and continue to be the City's primary locations for tall, landmark buildings. Many of these buildings also exceed the permitted height limit of generally 137 metres. The proposed heights in the application are generally in keeping with the height of other office and residential condominium proposals in or near the Financial District that have been before City Council such as the Ritz-Carleton at 230 Front Street (188 metres to the top of the residential floors), the Trump Tower at 333 Bay Street (276 metres to the top of the residential floors), 1 King Street West (176 metres to the top of the residential floors), Shangri-la at 180-188 University Avenue (214 metres to the top of the residential floors), and Bay Adelaide Centre at 40 Adelaide Street west (180 metres to the top of the residential floors). Near the site within the Financial District are taller towers such as the Royal Bank Plaza, South Tower at 200 Bay Street (175 metres) and BCE Place towers (195 metres and 255 metres).

The Committee of Adjustment has approved residential development in the vicinity of the site with a maximum height of 50 storeys (149 metres) at 33 Bay Street. Within the Financial District, the lands to the north (25 York Street) are zoned for an office building with a height of 160 metres and the lands to the east of the Air Canada Centre at 45 Bay Street are zoned for an office building with a height of 161 metres.

Staff are of the opinion that the height of the towers are in keeping with the heights of the buildings within the Financial District.

The applicant proposes a tower height transition such that the highest tower would be located closest to Bay Street. The western tower is proposed to be 50 storeys (162 metres) and the eastern tower is proposed to be 54 storeys (174 metres). This transition has been made as a result of the comments received at the Community Consultation Meeting. Staff support the requested height transition on the property.

Site and Massing:

The two towers are located on a nine-storey podium which covers the majority of the site. The Tall Buildings Urban Design Guidelines were used to review the massing of the podium and towers. The applicant proposed podium setbacks consistent with the Railway Lands East zoning with the exception of the south wall and north wall at the turning circle of Bremner Boulevard. The applicant proposes to reduce the south podium wall setback from 11 metres to 6.1 metres. The setback required in the zoning is large because there is an existing egress ramp for the loading area for the Air Canada Centre. The south wall abuts Lake Shore Boulevard/Gardiner Expressway and staff can support the setback reduction for the upper floors of the podium since the blocks to the west have a similar required setback along Lake Shore Boulevard (six metres). Staff have advised the applicant that a setback of this nature on the ground floor would create a pedestrian pinch point along the Lake Shore Boulevard frontage. The applicant has agreed to provide a colonnade in this area with a minimum clear width of three metres and a pedestrian

walkway on the south side of the ramp with a minimum width of three metres. Staff are satisfied with the resulting podium massing in this area.

With regards to the podium setback at the turning circle of Bremner Boulevard, the applicant proposes to reduce the north wall setback from 3.1 metres to a minimum of 0.8 metre. The setback averages two metres in this area and staff can support the reduction.

The podium height proposed by the applicant is 35.5 metres high. The Tall Buildings Urban Design Guidelines recommend that a street width to podium wall height ratio be no higher than 1:1. A podium of this height is appropriate along Lake Shore Boulevard/Gardiner Expressway, York Street and Bremner Boulevard which have wide right-of-ways and large building setbacks. The podium height would be less than the Air Canada Centre which is 45 metres.

With respect to the siting of the towers, the Tall Buildings Urban Design Guidelines require a distance separation ratio of 1:1:1 representing the width of the towers and width of the distance separation. The applicant respects this guideline as the towers average 29 metres in width and the distance separation of the towers is 28.5 metres. The guidelines also recommend point towers with a maximum gross floor area of 700 square metres or less. The two towers are approximately 800 square metres in size. The Railway Lands zoning permits office towers to the west and north with much higher floorplates. Staff are satisfied with the proposed floorplate sizes as they are in keeping with the massing anticipated for Railway Lands East.

The Tall Buildings Urban Design Guidelines also recommend a three-metre to five-metre stepback for a tower from a podium. The applicant does not proposed stepbacks to meet this requirement. The stepbacks proposed range from zero to 0.3 metre. The applicant proposes to improve the massing by providing a one metre deep metal roof projection at the top of the podium. The massing is also broken by a three metre wide canopy around the podium. Staff are satisfied with the podium and tower massing and recommend that they be secured in the zoning schedule.

Residents in the area south of the site have expressed concerns regarding the distance separation of the towers. From due south the viewed gap between the two buildings would be two metres and the east-west massing of the towers combined would be approximately 60 metres wide. Staff note that the existing zoning permits a tower with an east-west length of 89 metres and a north-south length of 77 metres which would be more intrusive for their view corridor to the Financial District.

The base for much of the York Street, Bremner Boulevard and Lake Shore Boulevard frontage would animate the streets with glass frontages, and retail, office, hotel and residential related activities visible to the street.

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

Shadow Analysis:

Section 3.1.3 (Built Form) of the new Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The applicant has submitted a Shadow Analysis and staff are satisfied with the level of shadowing on other nearby Financial District properties which are zoned for high-rise development.

Density:

The applicant has asked for a density increase from 9.9 to 12.55. The density increase is supportable given the location of the property in the Financial District, and proximity to Union Station, three subway stations, and Lake Shore Boulevard/Gardiner Expressway. The requested conversion of non-residential density to residential represents a density of 6.98. With the adoption of the Status Report in October 2005, City Council has approved the conversion of this density. Staff would not in the future support the conversion of proposed office or hotel gross floor area into residential gross floor area.

Wind Analysis:

Railway Land East Secondary Plan policies requires that the location and form of building minimize adverse effects of wind on all exterior pedestrian areas. The applicant has commissioned a study of the wind conditions created by this proposal from their consultant. Should any detrimental conditions be identified, the applicant has agreed to resolve them and if necessary revise the drawings prior to Site Plan Approval.

Number of Dwelling Units and Mix of Units:

The number of dwelling units proposed is supportable given the Official Plan policies to encourage living downtown. The applicant proposes that 38% of the dwelling units be two bedrooms or larger. The development would likely attract families given the proximity of the Air Canada Centre, Rogers Centre, Roundhouse and Harbourfront parks, Union Plaza accessible open space, PATH connections, Union Station, daycare centre in the building, City Hall library, shopping, transit and entertainment. Discussions with developers marketing other residential condominiums in the vicinity of the development have verified the trend for larger units. The applicant has been encouraged to provide additional larger units in order to attract more families to the Financial District. The housing mix will be secured in the Zoning By-law Amendment.

Private Amenity Space:

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

Pedestrian Infrastructure:

The applicant proposes continuous weather protected pedestrian routes with a minimum clear depth of three metres around the site which implements Railway Lands East Secondary Plan policies. Canopies or colonnades are particularly important as they assist in improving experienced microclimate and wind conditions at the pedestrian level. Weather protection is a high priority given the new Official Plan policies to promote walking and to discourage automobile dependence.

The Financial District has 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:

- York Street and Lake Shore Boulevard/Harbour Street;
- Simcoe Street and Bremner Boulevard; and
- Bay Street and Lake Shore Boulevard.

Staff recommend that concrete or other textured crosswalks be secured through development application approvals in accordance with the Union Station District Plan, or Transportation Services' scheduled road improvements in the Financial District.

The intersection of York Street and Lake Shore Boulevard has right turn channels on the north-west and north-east corners. The Official Plan has policies to reduce automobile dependence and to improve streetscapes to promote walking. The Railway Lands East Secondary Plan and Railway Lands Agreements require improvements to remove the barrier effect of Lake Shore Boulevard. The Central Waterfront Secondary Plan includes York Street from Lake Ontario to the north side of Lake Shore Boulevard. York Street is designated as a Key Pedestrian Link and policies to improve the pedestrian conditions are included.

At community meetings, residents of Central Bayfront and Harbourfront have emphasized that the primary barrier to the waterfront is the pedestrian crossing of Lake Shore Boulevard. From an urban design perspective it is not desirable to have pedestrians waiting on narrow traffic islands between light cycles and subject to salt and slush spray, pollution, noise and high volumes of traffic traveling at a high speed. Residents have requested that the traffic islands be removed and the intersections regularized. The west island does not meet the minimum requirements of the City Council approved Accessibility Plan.

City Council motions have been approved to modify similar intersections such as Yonge Street and Lake Shore Boulevard (northwest corner). The intersection angle at Bay Street and Lake Shore Boulevard is similar to that at York Street and Lake Shore Boulevard. For example, if the intersection was modified, westbound buses and trucks to northbound York Street would have the same amount of roadway width to make the turn.

The applicant's traffic consultant has provided information that outlines the impact of the closure of the right-turn channels. The impact is more significant for the removal of the southbound right turn channel at the north-west corner of Lake Shore Boulevard and York Street.

Transportation Services staff have not had the opportunity to provide comments on the closure of the right-turn channels. Staff recommend that this issue be assessed further during the remainder of the SPA process.

The applicant proposes a 170-room hotel in the podium. A 30-metre long vehicular lay-by drop-off/pick-up facility is proposed for the development along Bremner Boulevard. Official Plan policies discourage vehicular lay-bys. From an urban design perspective, vehicular lay-by drop-off/pick-up facilities are detrimental to the pedestrian realm. Transportation Services staff have reviewed alternatives for fulfilling the need for drop-off/pick up functions. Given the proposed construction of lay-bys on the south side of Bremner Boulevard in the future to accommodate taxi stands (in conjunction with redevelopment of Union Station) and in order to minimize future throw-way costs, the preferred alternative is the lay-by drop off/pick up facility. This option includes a pedestrian setback area on private property approximately eight metres in width.

The layby would be designated as a “No Standing” or “No Parking” and to accommodate passenger pick-up\drop-off activity. The owner will be advised that in the future portions of the layby will be redesignated as a taxi stand. This taxi stand would not be for the exclusive use of the project, but rather, would serve the Union Station Precinct as a whole.

Few details have been provided on the intended operation of the proposed “five space taxi waiting area” on the Mezzanine Level. The owner’s traffic consultant has advised that taxis would be called up from this area to the proposed layby. This would necessitate a U-turn on Bremner Boulevard, which is unacceptable. Instead, this taxi waiting area should be designed so that vehicles could be called down to the underground garage to pick-up passengers, thereby eliminating the necessity of U-turns on Bremner Boulevard.

The existing PATH system south of Union Station includes the West York Teamway, West Bay Teamway and connection between the Air Canada Centre and Union Station. The Railway Lands Agreements require PATH connections between the subject property and 25 York Street to the north (under Bremner Boulevard) which is zoned and has a proposal for an office building. Also a PATH connection is required between the subject property and 16 York Street which is zoned for an office building. Staff have secured a new PATH connection from the Galleria to the west wall of the Air Canada Centre through the development approval of an Official Plan and Zoning By-law Amendment for the expansion of the Air Canada Centre. The applicant proposes a weather protected bridge over the north-south section of Bremner Boulevard to connect the development to Union Station via the Air Canada Centre. The applicant proposes a galleria through the development would become part of the PATH system. Six metre wide knockout panels are proposed at the concourse level to facilitate further connections to the 16 York Street to the west and Lake Shore Boulevard to the south. The knock out panel to the south was requested by residents in the York Quay neighbourhood. They request that the option of a PATH connection be protected. The redevelopment of the provincially-owned lands at 90 Harbour Street may provide the opportunity to extend the PATH system to the York Quay area.

Staff recommend that the quality of the PATH connections be improved by way of skylights, openings to ground floor lobby areas, high quality and durable building materials, and retail lining the route. Openings to lobbies would improve natural surveillance and pedestrian safety.

To improve the appearance and safety of the PATH connections, staff recommend that the bridge over Bremner Boulevard be fully weather protected and have a glazed roof and walls. It is recommended that the bridge have a vertical clearance of 5.3 metres over Bremner Boulevard.

The applicant has advised that a PATH connection under the east-west section of Bremner Boulevard is not feasible given the proposed TTC LRT under Bremner Boulevard and existing services under the street. A connection could be made but at a level significantly below grade. Staff are concerned about the safety of providing a potential PATH connection into the P4 level of the underground parking. Staff are satisfied with the galleria and bridge connection into the Air Canada Centre and Union Station in lieu of a PATH connection under Bremner Boulevard.

PATH connections and knockout panels will be secured through the Section 37 community benefits.

Cycling Infrastructure:

The applicant proposes to provide the number of required commercial bicycle parking spaces and commuter showers in accordance with the zoning. The applicant proposes double the amount of required bicycle parking for residents (400 space) and visitors (80 spaces). The bicycle parking for residents would be in secure rooms in the mezzanine and concourse levels. The site is well served by the Bay Street Clearway, Queens Quay, and Shuter Street and Sherbourne Street bicycle lanes. The Council approved Bike Plan designates Richmond Street, Adelaide Street, Simcoe Street and Bremner Boulevard for bicycle lanes. Bike lanes have been proposed for Lower Bay Street and Lower Yonge Street, and a bike path on the north side of Lake Shore Boulevard. In light of the proximity to cycling routes and the applicant's commitment to LEED certification, staff are satisfied with the increased amount of bicycle parking.

The plans do not reflect the satisfactory location of commercial and residential visitor bicycle parking. The applicant proposes non-weather protected bicycle parking spaces along Lake Shore Boulevard. Staff require that this bicycle parking be weather protected.

Transit Infrastructure:

The site is well served by three subway stations on the Yonge-University line, the Harbourfront LRT, Bay Street bus route, and King and Queen streetcar lines. The site is within a five minute walk of Union Station and the GO bus station. An LRT is proposed on Bremner Boulevard to serve development in the Railway Lands. Abutting the site, the LRT would be in a tunnel. The proposal does not have an impact on the options for the LRT route.

Traffic Impact, Access, Parking and Loading:

The applicant has submitted a Traffic Study and has started a Transportation Demand Management Plan. The applicant proposes access driveways from the east-west section of Bremner Boulevard. The applicant's traffic consultant has concluded that the project will not generate any significant change in traffic activity or have any undue adverse impact on the

adjacent road system. Transportation Services staff concur with this conclusion and require that egress turning movements on the east-west section of Bremner Boulevard be restricted to right-out.

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. The applicant proposes to provide an auto share facility which would lower the required amount of residential parking.

The Executive Director, Technical Services has indicated that the proposed provision of below grade parking spaces is acceptable. A total of 850 spaces are proposed. Reduced parking standards are proposed in the Zoning By-law to address auto sharing, proximity to transit, and information provided by the applicant regarding the purchase of parking spaces for residential units.

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

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

Bus parking for the Air Canada Centre is currently provided at 15 York Street. Air Canada Centre staff propose that bus parking be relocated to 16 York Street. Earlier this year, the owner of that property received Committee of Adjustment approval for parking on temporary basis of 10 years. A site plan application has been received for a parking lot on that site. Staff are satisfied with the relocation of bus parking to 16 York Street. Staff require the applicant to execute an agreement, to the satisfaction of the General Manager of Transportation Services, with the owners of 16 York Street to allow for the parking of buses on this property in accordance with the requirements of the Railway Lands agreements. When 16 York Street is developed, staff require an undertaking, to the satisfaction of the General Manager of Transportation Services, to secure a new location for the bus parking.

The TTC has advised that the proposal does not have an impact on the Bremner LRT alignment options.

Commitment to LEED Certification and Green Technology:

The applicant has indicated an interest in making the buildings LEED certifiable. The applicant has included a green roof on the podium. Measures which may be taken include PATH connection(s), additional bicycle parking, bicycle and car share programs, 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 floor plan 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.

District Heating and Cooling:

The applicant has assessed the potential to connect to District Heating and Cooling as required by the Railway Lands agreements. The applicant has agreed to connect to the system. This commitment will be secured in the Section 37 Agreement.

The proposal requires modification to the existing district heating and cooling infrastructure under Bremner Boulevard. These facilities are in the location of the expansion of the underground service area. Staff recommend a condition of approval that authorize the declaration of the lands below Bremner Boulevard which are to be used for District Heating and Cooling infrastructure to be surplus and receive below grade lands shown on a reference plan to the satisfaction of the Chief Planner and Executive Director of City Planning for the purposes of District Heating and Cooling infrastructure.

Landscaping:

The applicant has submitted a Landscape Plan. The Plan does not fully implement the recommendations in the Union Station District Plan which is scheduled to be discussed by City Council on June 27, 28 and 29, 2006. For example, the plan recommends that Bremner Boulevard have decorative granite pavers, no curbs, and bollards. The intersections of Bremner Boulevard and York Street, and Lake Shore Boulevard and York Street are identified for significant improvement.

In the fall of 2006, Transportation Services staff will be implementing the first phase of a Clean and Beautiful City Secretariat initiative for the area under the Gardiner Expressway from York Street to Bay Street. The project involves decorative pavement and crosswalks, improved pedestrian scale lighting and river rock set in concrete. The applicant will be required to implement similar treatment for the area abutting Lake Shore Boulevard.

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

Section 37 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.

However, as the subject site is within an area to which the special provisions of the the *City of Toronto Act*, 1971, S.O. 1971, c. 130, as amended, applies, the City Solicitor has advised that, while Section 37 of the Planning Act may be employed, it not the normal practice to do so within the Railway Lands. Instead the City may enter into an agreement with the owner of the and pursuant to the *City of Toronto Act*, 1971, S.O. 1971, c. 130, as amended. This is the legislation that authorizes the existing Precinct Agreement. Therefore, the following benefits, which would otherwise be secured as Section 37 benefits, will be secured in either an amendment to the existing Precinct Agreement or in a further stand alone Precinct Agreement between the City and the owner The City Solicitor will determine, in consultation with the owner, which approach is more appropriate.

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 prior to the issuance of the first above grade building permit, 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, of all buildings and structures on the lands to be paid at time of first building permit;
- (b) provide and maintain between the Air Canada Centre and the site a publicly accessible over street level walkway connecting generally as shown on the Ground Floor Plan prepared by Kuwabara McKenna Blumberg Architects and Page + Steele Architects Planners, dated April 21, 2006, which shall:
 - (i) be fully enclosed and weather protected;
 - (ii) have a glazed roof and walls and have an architectural treatment which enhances the aesthetics of Union Plaza;
 - (iii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
 - (iv) be satisfactorily illuminated.
- (c) provide and maintain within the site a publicly accessible walkway (Galleria) connecting Bremner Boulevard to York Street West generally as shown on the Ground Floor Plan prepared by KPMB, dated April 21, 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; and
 - (ii) be satisfactorily illuminated.
- (d) provide knock-out panels on York Street and Lake Shore Boulevard 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 easement agreement;

- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard;
- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (h) 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;
- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
 - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;
 - (ii) an engineered draining system which prevents soil saturation; and
 - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual.
- (j) 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
- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Lake Shore Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;

- (m) provide a connection to District Heating and Cooling satisfactory to the Chief Planner and Executive Director, City Planning;
- (n) provide prior to the issuance of the first above grade building permit, \$3,200,000 to the City to pay for area improvements to public space, including Union Station to achieve a new south entrance;
- (o) 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
- (p) 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 \$5,104,387.80. The actual charge is assessed and collected upon issuance of the Building Permit.

Conclusions:

The property is located in the Financial District, within close proximity of three subway stations, Union Station, the Harbourfront LRT and shopping and entertainment areas. The proposed development will provide new office space in the Financial District and new PATH connections. The proposed hotel will contribute to the Financial District's economic vitality and support its role as an important tourist destination.

The development proposal generally complies with guidelines respecting the location of tall buildings.

The applicant is also proposing significant streetscape improvements, the installation of public art, and a new PATH connection. Public benefits will include LEED certification, a green roof, and other streetscape and landscape improvements in the vicinity of Union Station.

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

Gary Wright

Director, Community Planning, Toronto and East York District

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List of Attachments:

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: West Elevation

Attachment 6: Official Plan

Attachment 7: Zoning

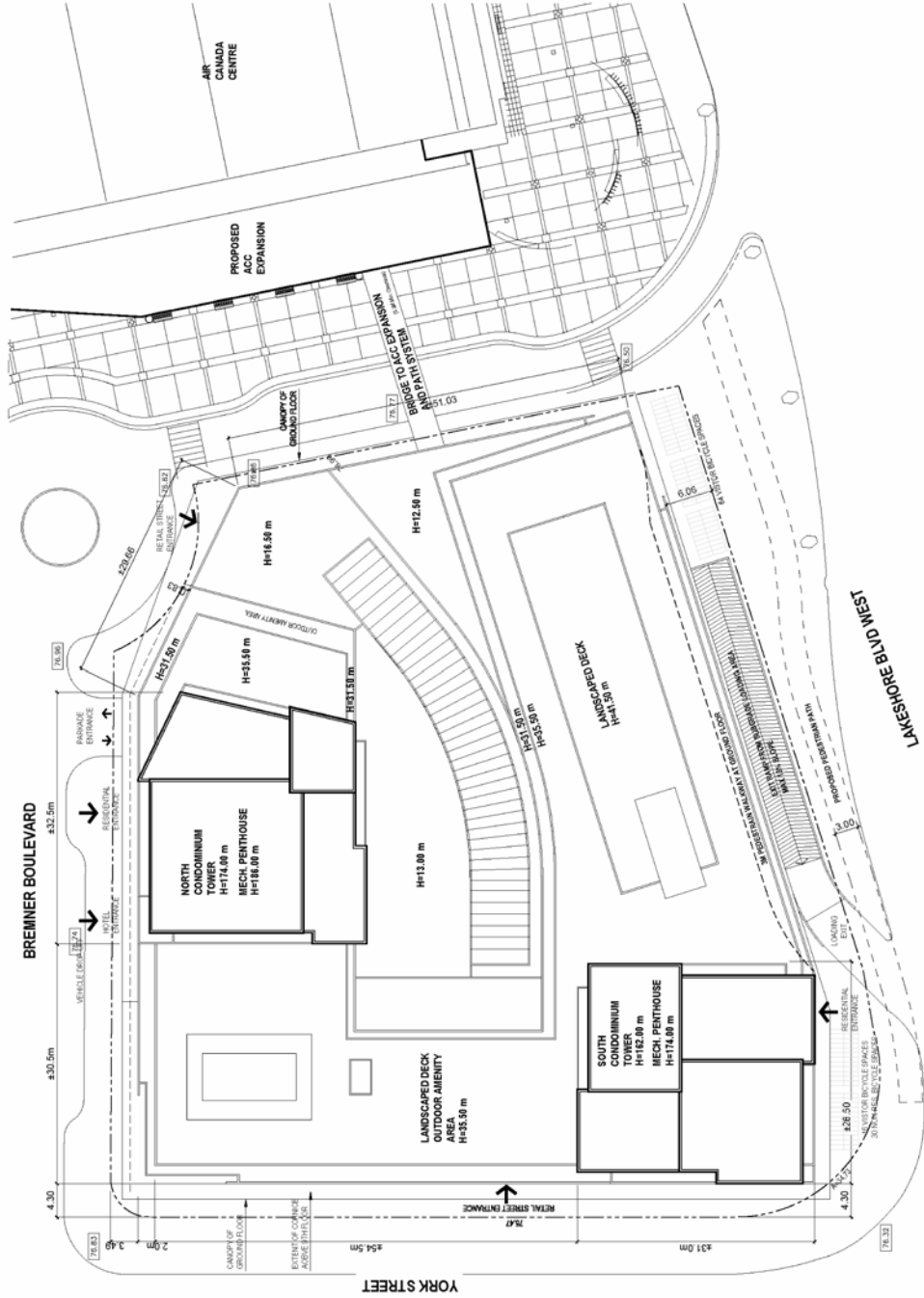
Application 8: Application Data Sheet

Application 9: Draft Official Plan Amendment – Official Plan of the former City of Toronto

Application 10: Draft Official Plan Amendment – Official Plan of the City of Toronto

Application 11: Draft Zoning By-law Amendment

Attachment 1: Site Plan



15 York Street

File # 05_117524

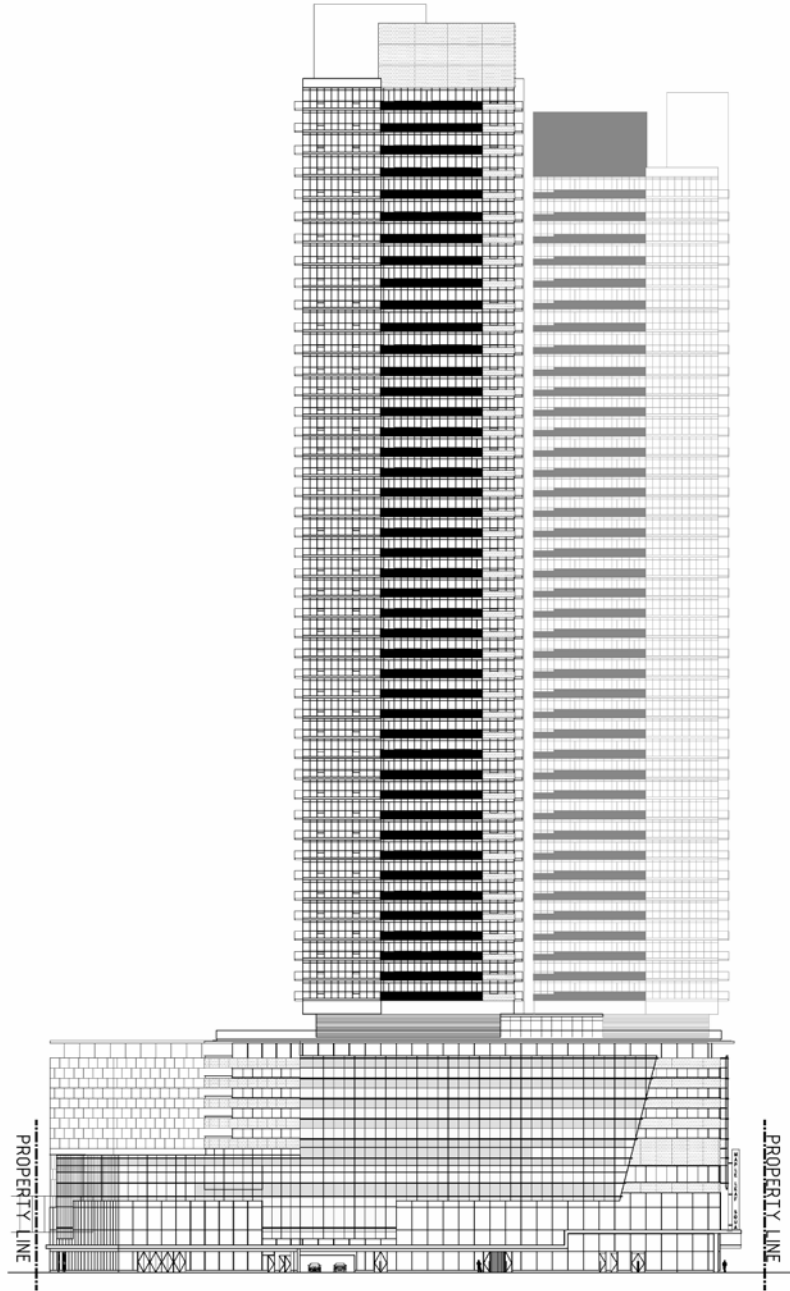
Site Plan

Applicant's Submitted Drawing

Not to Scale
06/15/06



Attachment 2: North Elevation



North Elevation

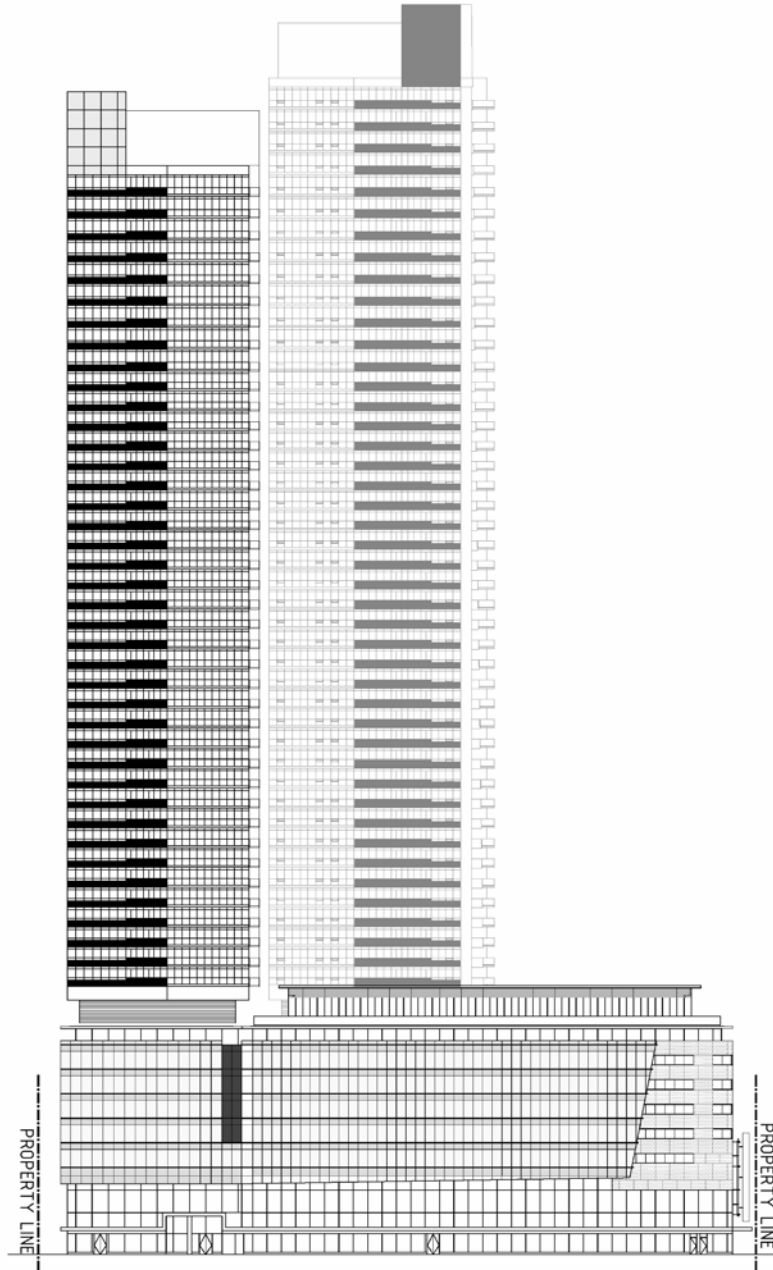
Applicant's Submitted Drawing

Not to Scale
06/15/06

15 York Street

File # 05_117524

Attachment 3: South Elevation



South Elevation

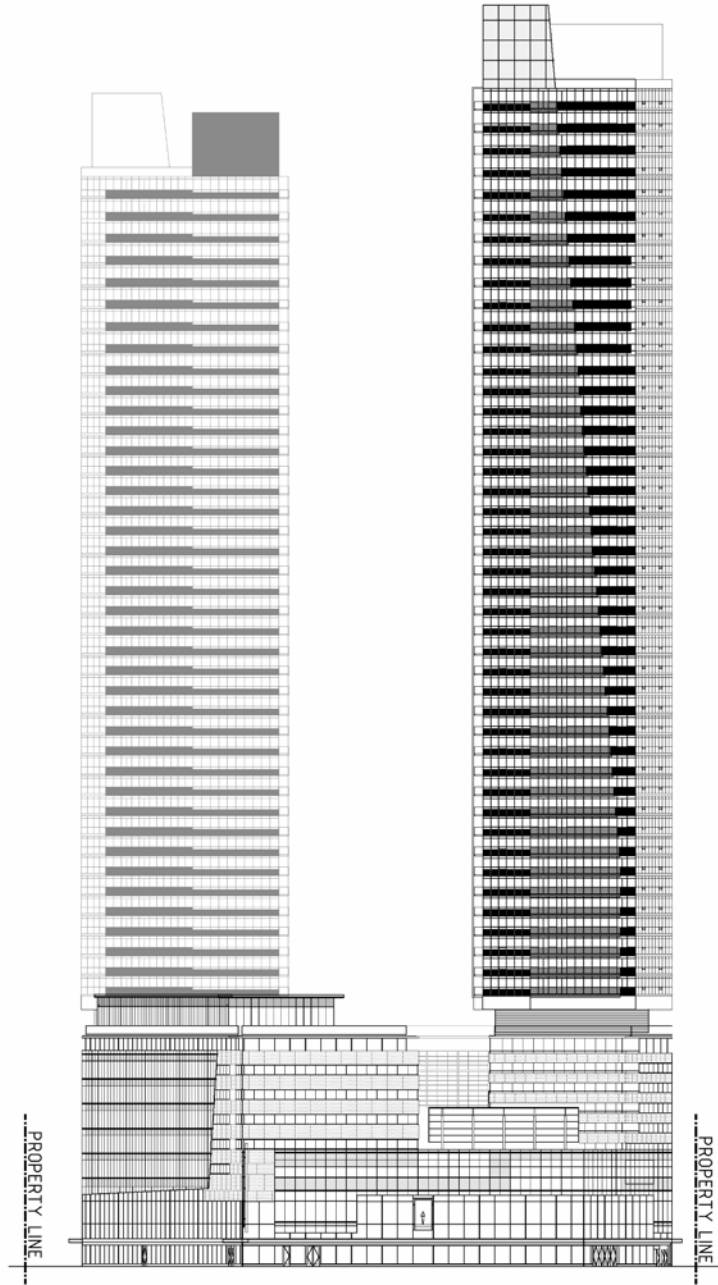
Applicant's Submitted Drawing

Not to Scale
06/15/06

15 York Street

File # 05_117524

Attachment 4: East Elevation



East Elevation

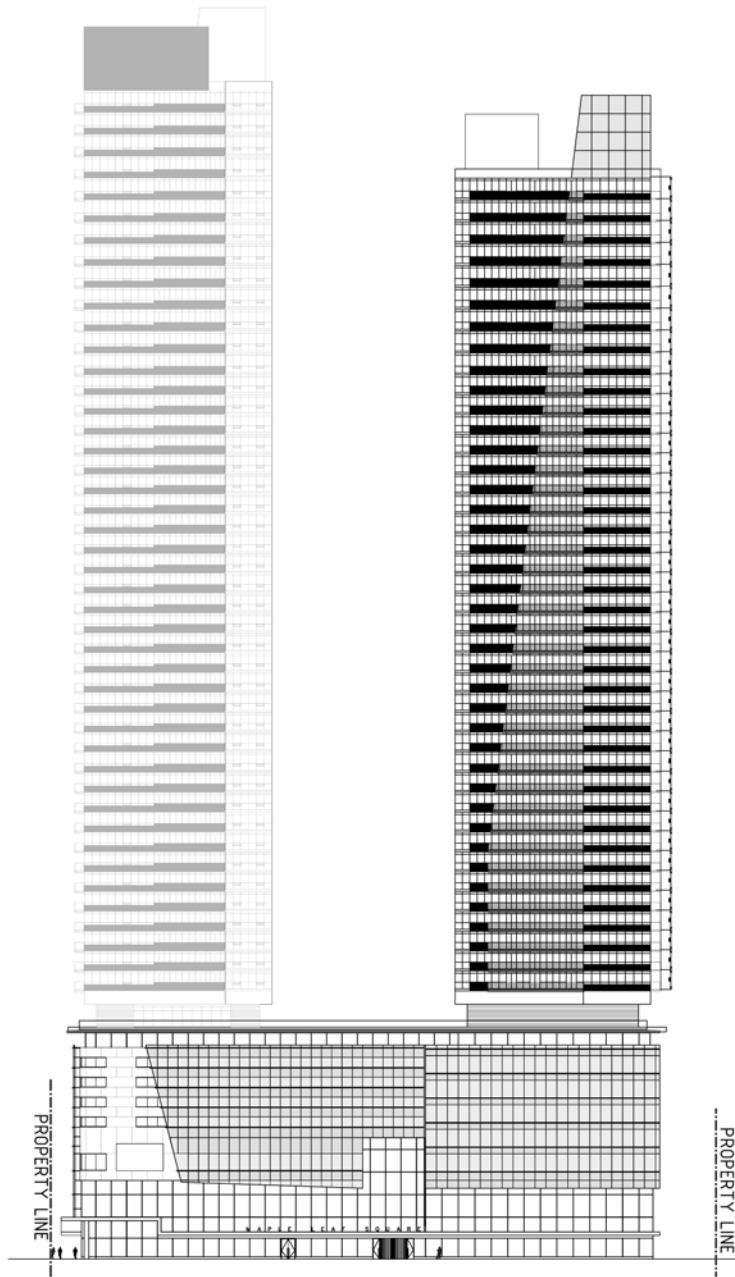
Applicant's Submitted Drawing

Not to Scale
06/15/06

15 York Street

File # 05_117524

Attachment 5: West Elevation



West Elevation

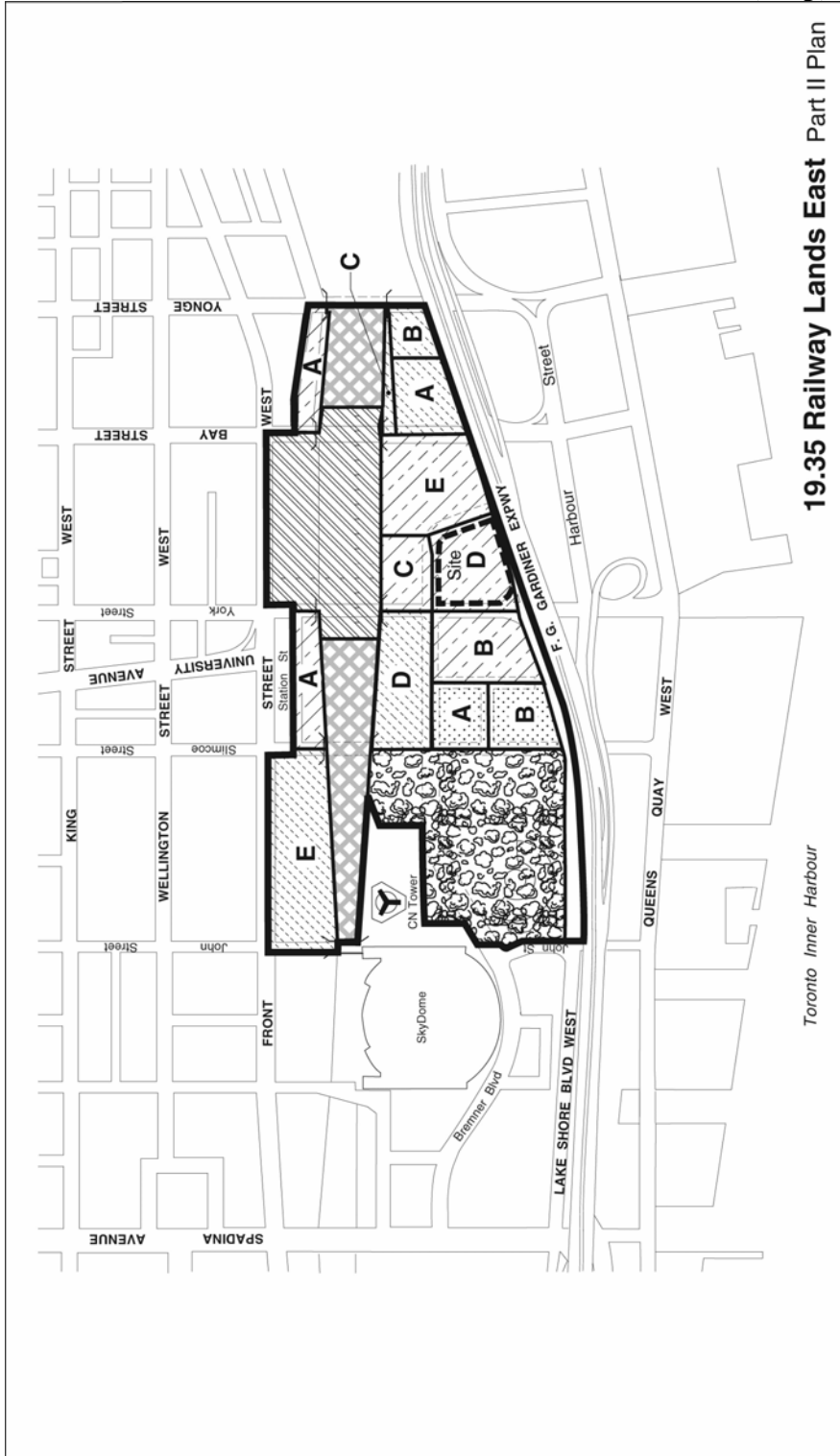
Applicant's Submitted Drawing

Not to Scale
06/15/06

15 York Street

File # 05_117524

Attachment 6: Official Plan (Map)



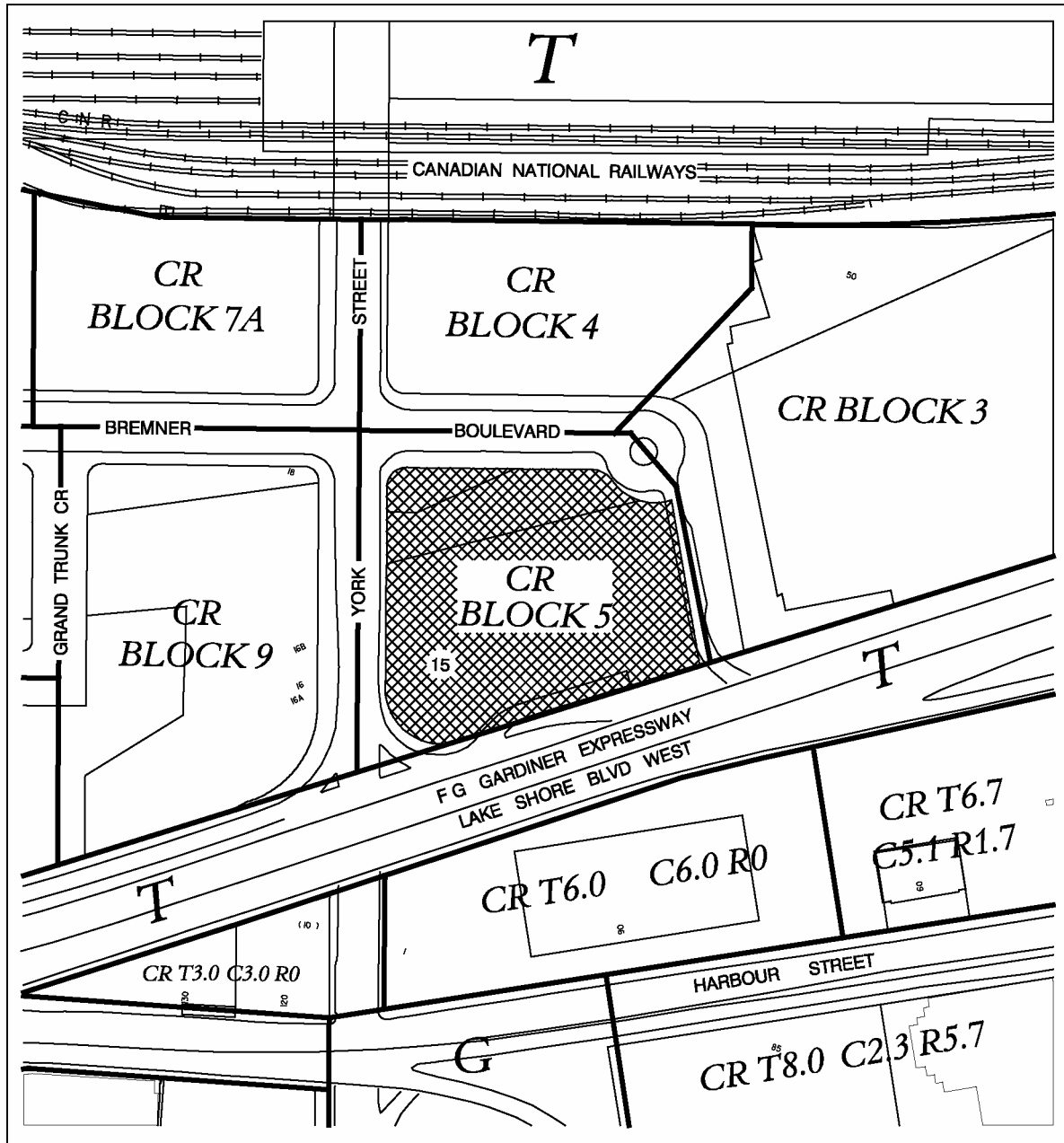
15 York Street
 File # 05_117524

Toronto Urban Development Services
Official Plan

↑
 Not to Scale
 03/23/05

	Site		Union Station
	South Downtown High Density Residence Area		Rail Corridor
	South Downtown High Density Mixed Commercial-Residence Area		Major Parkland Area
	Financial District South		

Attachment 7: Zoning (Map)



15 York Street
File # 05_117524

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/23/05 - DR

Attachment 8:

Application Type Official Plan Amendment & Application 05 117524 STE 28
 Rezoning Number: OZ
 Details OPA & Rezoning, Standard Application Date: March 23, 2005
 Municipal Address: 15 YORK ST, Toronto, ON
 Location Description: **GRID S2811
 Project Description: Proposed development of existing surface parking lot to permit 50 and 54
 storey towers with a total of 872 residential units. The proposal also
 incorporates retail, hotel, restaurant, office uses and a daycare.

Applicant:	Agent:	Architect:	Owner:
Mccarthy Tetrault		Page + Steele and KPMB	York Bremner Developments Limited

PLANNING CONTROLS

Official Plan	Financial District South	Site Specific Provision:	612-85, 568-91, 168-
Designation:	Area D		93, 95-0506
Zoning:	CR BLOCK 5	Historical Status:	
Height Limit (m):	115	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	8476.5	Height: Storeys:	54
Frontage (m):	94	Metres:	174
Depth (m):	100		
Total Ground Floor Area (sq. m):	6895		Total
Total Residential GFA (sq. m):	59160	Parking Spaces:	850
Total Non-Residential GFA (sq. m):	47225	Loading Docks	10
Total GFA (sq. m):	106385		
Lot Coverage Ratio (%):	81.3		
Floor Space Index:	12.55		

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	40
1 Bedroom:	494
2 Bedroom:	338
3 + Bedroom:	0
Total Units:	872

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	59160	0
Retail GFA (sq. m):	11410	4530
Office GFA (sq. m):	16635	0
Hotel GFA (sq. m):	13910	0
Institutional/Other GFA (sq. m):	590	0

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

Attachment 9: Draft Official Plan Amendment –Official Plan of the former City of Toronto

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. 370 to the Railway Lands East Part II Plan for the former City of Toronto with respect to lands known municipally in the year 2006 as 15 York Street, bounded by York Street, Bremner Boulevard and Lake Shore Boulevard 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 as 15 York Street, bounded by York Street, Bremner Boulevard and Lake Shore Boulevard West; and

WHEREAS the Toronto and East York Community Council conducted a public meeting on July 11, 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 annexed hereto as Schedule “A” is hereby adopted as an amendment to the provisions of Chapter 19.35, as amended, the Railway Lands East Part II Plan for the former City of Toronto for the Railway Lands East.
2. This is Official Plan Amendment No. 370.

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

DAVID R. MILLER
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

**AMENDMENT NO. 370 TO THE OFFICIAL PLAN
OF THE FORMER CITY OF TORONTO
PART II PLAN FOR RAILWAY LANDS EAST**

The following Text constitutes Amendment No. 370 to the City of Toronto Official Plan (being an amendment to the provisions of the Chapter 19.35, Part II Plan for Railway Lands East).

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 Railway Lands East which applies to an area bounded by York Street, Bremner Boulevard and Lake Shore Boulevard West.

The changes provide for residential development on the property.

OFFICIAL PLAN AMENDMENT:

1. Section 19.35 of the Official Plan for the former City of Toronto, being the Part II Plan for Railway Lands East, as amended, is further amended by:

1. deleting Section 10.6.4 (a) and replacing it with the following:

“10.6.4 (a) On land designated *Financial District South Areas A, B, and C* on *Alternate Map C*, buildings containing only *non-residential* uses, up to a maximum *non-residential F.S.I. density* as set out below:

<i>Area</i>	<i>Maximum Permitted Non-Residential Density</i>
<i>Financial District South Area A</i>	8.0
<i>Financial District South Area B</i>	9.5
<i>Financial District South Area C</i>	10.1”

2. Adding Section 10.6.4 (d) as follows:

“10.6.4 (d) On land designated *Financial District South Area D*, buildings containing a mix of *non-residential* uses and *residential* uses, up to a maximum *non-residential* and *residential F.S.I. density* as set out below:

<i>Maximum Residential Density</i>	<i>Maximum Permitted Non-Residential Density</i>
7.0	5.6”

Attachment 10: Draft Official Plan Amendment – Official Plan of the City of Toronto

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. __ to the Official Plan of the City of Toronto in order to implement a site-specific amendment affecting the lands known municipally in the year 2006 as 15 York Street, bounded by York Street, Bremner Boulevard and Lake Shore Boulevard 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. ___ TO THE OFFICIAL PLAN
LANDS KNOWN MUNICIPALLY IN THE YEAR 2006 AS 15 YORK STREET,
BOUNDED BY YORK STREET, BREMNER BOULEVARD AND LAKE SHORE
BOULEVARD WEST**

The following Text constitutes Amendment No. ___ to the City of Toronto Official Plan (being an amendment to the provisions of the Railway Lands East Secondary Plan).

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 permit residential uses on the lands bounded by York Street, Bremner Boulevard and Lake Shore Boulevard West. This amendment implements City Council direction of _____, 2006 regarding these properties.

OFFICIAL PLAN AMENDMENT:

Chapter 6, Section 17, Railway Lands East Secondary Plan of the Official Plan of the City of Toronto is amended as follows:

1. Section 10.3.1 is deleted and replaced with the following:

“10.3.1 On land designated *Mixed Use Areas* ‘A’, ‘B’, ‘C’, ‘E’, ‘F’, and ‘H’ zoning by-laws may be passed to permit buildings containing only non-residential uses.” and

2. a new Section 10.3.8 is added as follows:

“10.3.8 On lands designated *Mixed Use Area* ‘D’ by-laws may be passed to permit a high density mixed use building which is predominantly residential.”

Attachment 11: Draft Zoning By-law Amendment

Authority: Toronto and East York 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. 168-93, as amended, with respect to the lands bounded by York Street, Bremner Boulevard, and Lake Shore Boulevard West (15 York Street, Block 5 Railway Lands East).

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

1. Except as otherwise provided herein, the provisions of By-law No. 168-93, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Railway Lands East Area A,” shall continue to apply to the lands comprising *Block 5*.
2. By-law No. 168-93, as amended, is further amended by:
 - (a) the amendment of the following maps:
 - (i) Alternate Map 3 is amended, as it applies to *block 5*, in accordance with Map 1 attached hereto and forming part of this by-law;
 - (ii) Alternate Map 4 is amended, as it applies to *block 5*, in accordance with Map 2 attached hereto and forming part of this by-law;
 - (iii) Alternate Map 6 is amended, as it applies to *block 5*, in accordance with Map 3 attached hereto and forming part of this by-law;
 - (iv) Alternate Map 10 is amended, as it applies to *block 5*, in accordance with Map 4 attached hereto and forming part of this by-law;
 - (v) Alternate Map 11 is amended, as it applies to *block 5*, in accordance with Map 5 attached hereto and forming part of this by-law;

- (vi) Alternate Height Map 50G-323 is amended, as it applies to *block 5*, in accordance with Map 6 attached hereto and forming part of this by-law;
- (vii) Alternate Map 5 is deleted and replaced with Alternate Map 5 attached hereto and forming part of this by-law; and
- (viii) Alternate Map 18 is added;
- (b) Section 6(4) - EXCEPTIONS TO PERMITTED USES AND RESTRICTIONS ON USE is amended by deleting Section 6(4)8.(1) and replacing it with the following:
 - “6(4)8.(1)(a) Except as specifically set out in this paragraph 8, any use of land and any building or structure to be erected or used complies with the Alternate District Map 50G 323, Appendices “A” and “B” and Alternate Maps 1, 2, 3, 4, 5, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18.”
- (c) Section 6(4) – EXCEPTIONS TO PERMITTED USES AND RESTRICTIONS ON USE is amended by adding the following:
 - “6(4)8.(1)(b) Notwithstanding the provisions of Regulation (2) of Section 6(4)7., on block 5, the main floor depth of any commercial unit located on the main floor shall not be less than 7.0 metres measured from the main front wall of the building.”
- (d) Section 6(4) 8.(2) PART I – DENSITY 1. is amended with respect to *block 5* as follows:

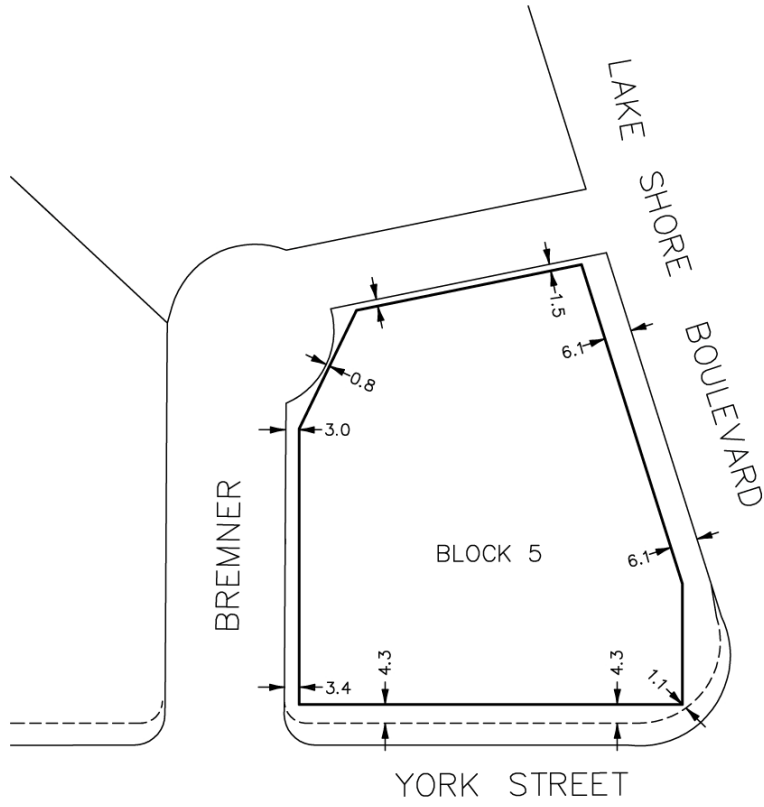
COLUMN A BLOCK	COLUMN B MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
<i>block 5</i>	47,225	59,160	106,385

- (e) Section 6(4)8.(3) PART II is amended by adding a new section as follows:
 - “5. Notwithstanding the provisions of Section 4(3)(a)(i) of this By-law as it applies to *block 5*, none of the provisions of this By-law shall apply to prevent the erection or use of any stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of a building on *block 5* or any fence wall or structure enclosing such elements provided that:

- A. the maximum height of the top of such elements or enclosure is no higher than the sum of 12 metres plus the height limit applicable to the lot;
 - B. the aggregate horizontal area of such elements, including the area contained within any enclosure, measured at any point above the level of the said height limit, does not exceed forty seven (47) per cent of the area of the roof of such building; and
 - C. the width of any such elements, including the width of any enclosure, located within 6 metres of a lot line that is a street line, does not exceed twenty five (25) per cent of the width of the main wall of the building facing such lot line, provided that such width is to be measured parallel to such lot line;”
- (f) Section 6(4)8.(4) PART III – SETBACKS, 2. REQUIRED SETBACKS (a) and (b) are deleted and replaced with the following:
- “6(4)8.(4) PART III 2.(a) shown on Alternate Map 3 for the portion of the building or structure between grade and elevation 96 with the exception of:
- i. block 3, the required setback for which shall only apply at grade; and
 - ii. block 5, the required setback for which shall apply between grade and elevation 113.5;
- (b) shown on Alternate Map 4 for the portion of the building or structure between elevation 96 and the height limit specified on Alternate Height Map 50G-323, or on Alternate Map 12, or on Alternate Map 18 with the exception of:
- i. block 5, the required setback for which shall apply between elevation 113.5 and the height limit specified on Alternate Height Map 50G-323.”

None of the provisions of Section 4(9) shall apply to any floor space used on *block 5* for those uses listed in section 6(1)(b)(iv),(v),(vi) and (ix).

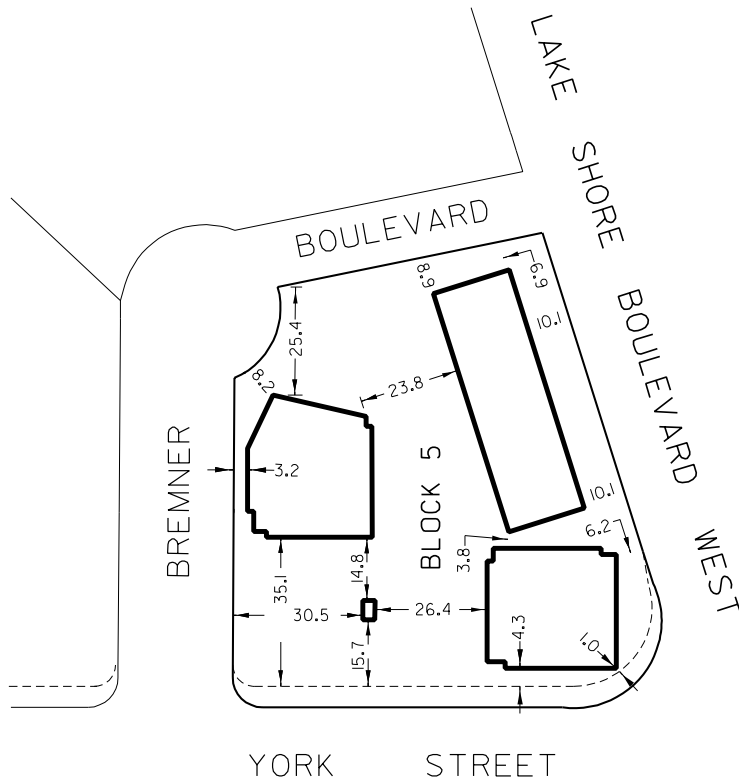
MAP 1



----- PROPOSED PUBLIC HIGHWAY
——— SETBACK LINE

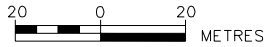


MAP 2



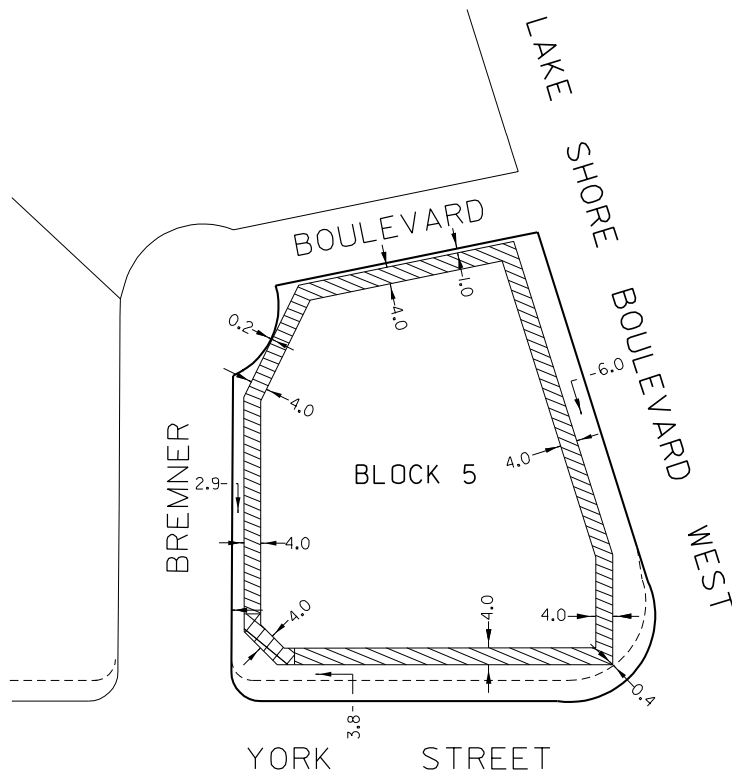
 BUILDING ENVELOPE LINE AT AND ABOVE ELEVATION 113.5m (CANADIAN GEODETIC DATUM)

 PROPOSED PUBLIC HIGHWAY




SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
BL06/15YORK2.DGN
FILES: Y2-Z8, 2402.42 'A'
MAP No. 50G-323 DRAWN: VG

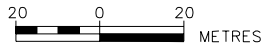
MAP 3



 90% BUILD TO LINE
FROM GRADE TO
96.0m CANADIAN GEODETIC
DATUM

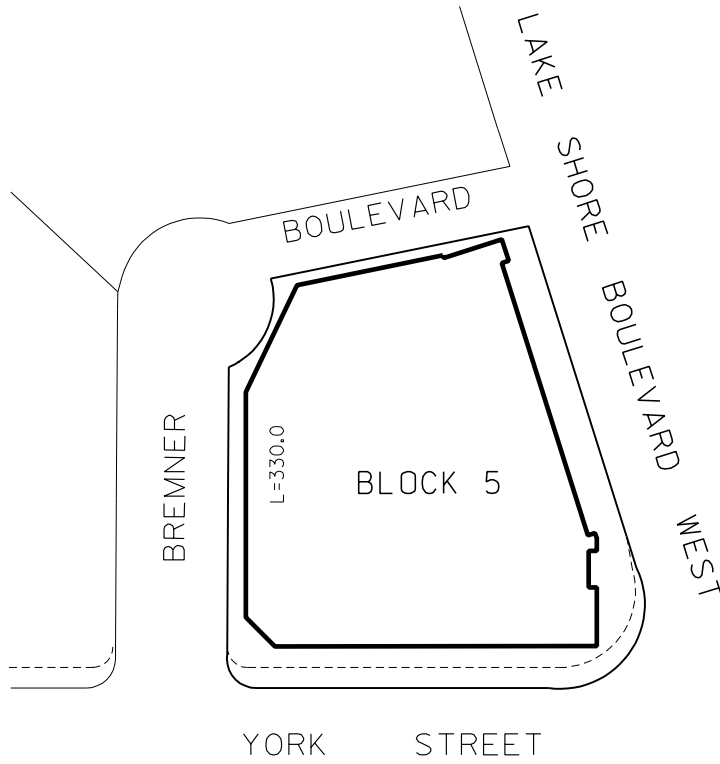
 SPECIAL ZONES
SEE ALSO ALTERNATE MAP 5

----- PROPOSED PUBLIC HIGHWAY



SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
BL06/15YORK3.DGN
FILES: Y2-Z8, 2402.42'A'
MAP No. 506-323 DRAWN: VG

MAP 4



L = LENGTH OF BUILDING FACE

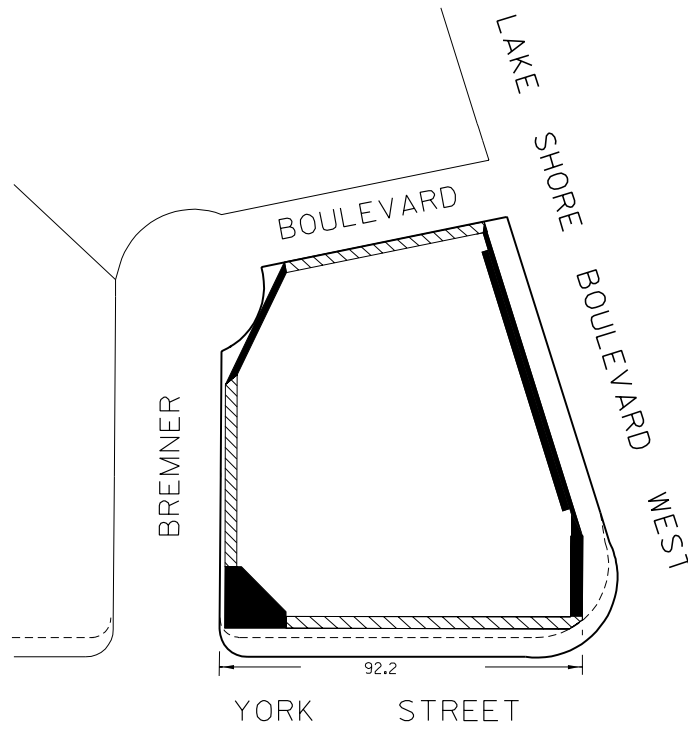
———— STREET RELATED RETAIL AND SERVICE USES


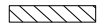
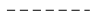
----- PROPOSED PUBLIC HIGHWAY



SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
BLO6/15YORK4.DGN
FILES: Y2-Z8, 2402.42' A'
MAP No. 50G-323 DRAWN: VG

MAP 5

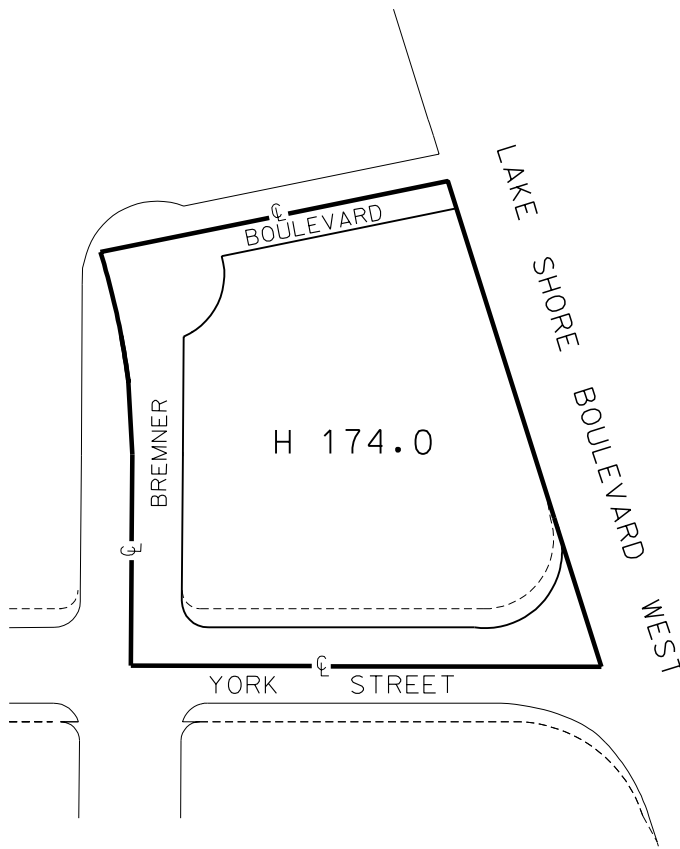


-  COLONNADES OR CANOPIES
-  CANOPIES
-  PROPOSED PUBLIC HIGHWAY



SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
BL06/15YDRK5.DGN
FILES: Y2-28, 2402.42' A'
MAP No. 506-323 DRAWN: VG

MAP 6

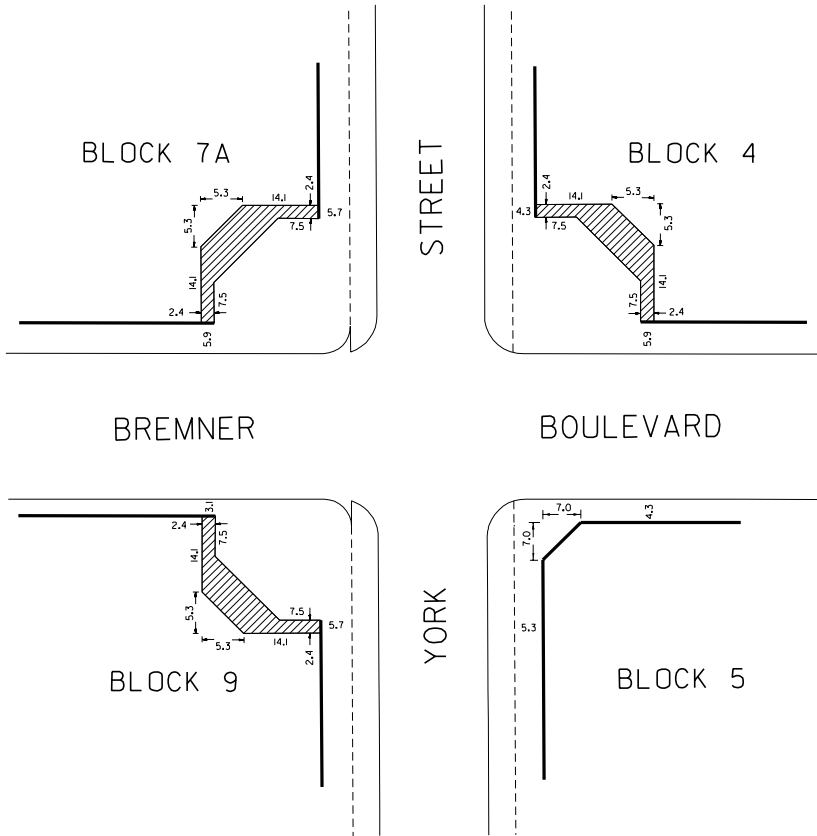



----- PROPOSED PUBLIC HIGHWAY

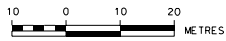


SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
BL06/15YORK6.DGN
FILES: Y2-Z8, 2402.42'A'
MAP NO. 500-323 DRAWN: VG

ALTERNATE MAP 5



 BUILD TO ZONE
----- PROPOSED PUBLIC HIGHWAYS

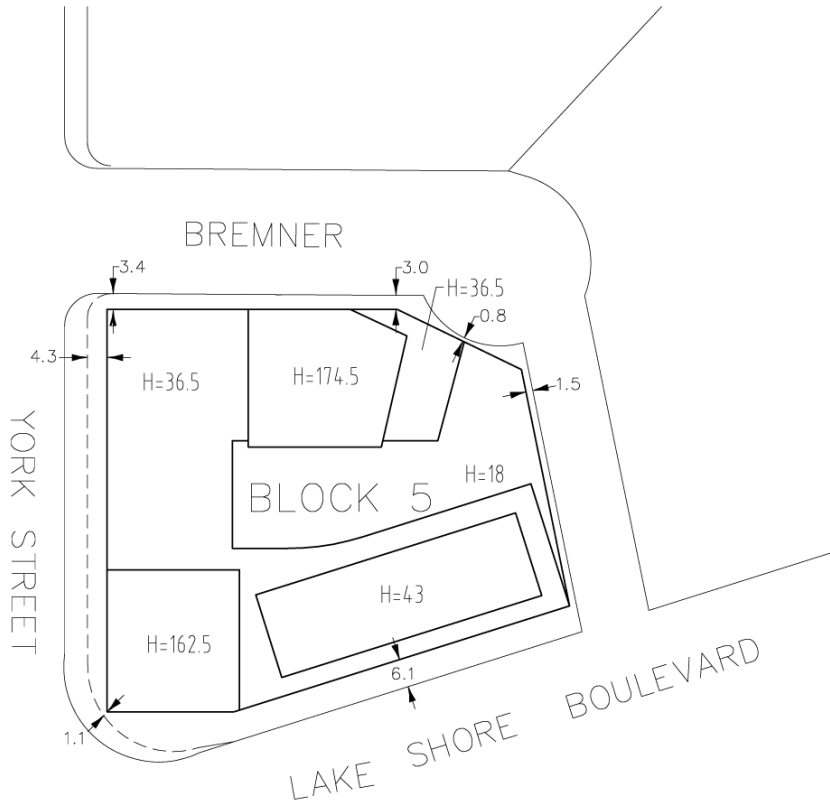


SURVEY AND MAPPING SERVICES
TORONTO JUNE 2006
EAST/ALTMAPS.DGN
FILE: 2402.42.Y2-28
MAP No. 506-323 DRAWN: VG

S

Alternate Map 18 for 15 York Street the height of podium levels and tower levels

ALTERNATIVE MAP 18



--- PROPOSED PUBLIC HIGHWAY
— SETBACK LINE



SURVEY AND MAPPING SERVICES
TORONTO DECEMBER 2005
EAST2/ALTMAP4-PINK.DGN
FILE: 2402.42
MAP No. 50G-323 DRAWN: VG

