

**301 Front St West– Official Plan Amendment & Rezoning
– Final Report**

Date:	May 31, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	09 189702 STE 20 OZ

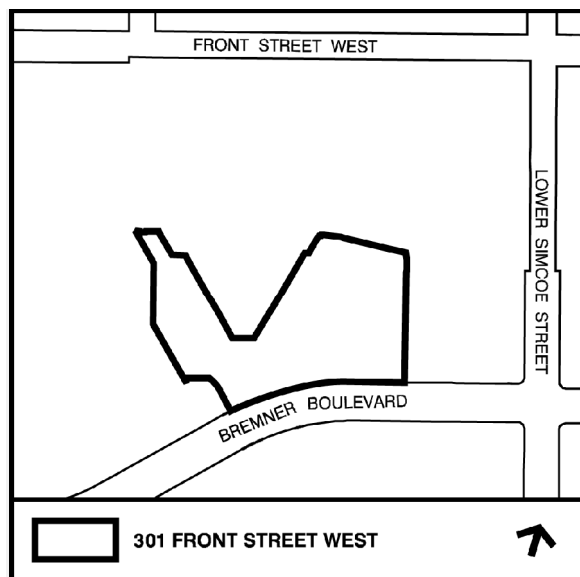
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the Railway Lands Central and East Secondary Plans and the Railway Lands Central and East Zoning By-laws to permit a 14,000 square metre aquarium to the east of the CN Tower, and a 4,400 square metre commercial building on the west side of the base of the CN Tower. A mix of uses around the base of the CN Tower is currently permitted. This application will re-deploy that density to accommodate the proposed uses.

The proposed uses and density are consistent with existing permissions for the site. The proposed aquarium use will complement the existing tourist and entertainment uses in the area. The proposal addresses the relevant policy objectives of the Railway Lands Central Secondary Plan.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 301 Front Street West substantially in accordance with the draft Official Plan Amendments attached as Attachments No. 12 and No. 13 to the May 31, 2010 report from the Director of Community Planning, Toronto and East York District.
2. City Council amend Zoning By-laws 168-93 and 1994-0806, for the lands at 301 Front Street West substantially in accordance with the draft Zoning By-law Amendments attached as Attachments No. 14 and No. 15 to the May 31, 2010 report from the Director of Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills in Council for enactment, City Council require the owner to enter into a CN Tower Precinct Amending Agreement in order to update the CN Tower Precinct Agreement provisions relating to the publicly accessible open space, and to otherwise update the agreement as follows:
 - a. Revisions relating to the provision of publicly accessible open space (Section 3.1 and Schedule D) as follows:
 - i. Revise Section 3.1, Clause (a) to secure the provision of 1.09 hectares rather than 1.29 hectares of publicly accessible open space.
 - ii. Provide for the phasing of the publicly accessible open space expenditures, including requiring a minimum of \$1,000,000 of the required minimum expenditures to be spent on the CN Tower Expansion site in connection with Phase 2A.
 - iii. Insert a provision allowing expenditures made on interim improvements to the Phase 2 lands in connection with the construction of Phase 1 to be applied towards the minimum expenditure, but only until such time as Phase 2 proceeds, at which time the amount spent on those interim improvements would be added to the outstanding amount owing.
 - iv. Provide that a portion of the minimum expenditure may be spent on the CN Tower Expansion site in advance of the construction of Phase 2A, so long as these expenditures are for improvements to

the publicly accessible open space that are intended to be permanent and not of an interim nature.

- v. Add new clause to allow a portion of the required minimum expenditure to be spent on other publicly accessible open spaces in the area (including the John Street Corridor and John Street Bridge), if there are excess funds.
 - vi. Clarify the requirement for the provision of an enclosed or weather-protected publicly accessible pedestrian walkway along the northern edge of the site, including a link from the Skywalk to the open space to the west of the Aquarium, either as internal to Phase 2 of the Aquarium, or otherwise, should Phase 2 not proceed within 20 years.
 - vii. Revise the Schedule “D” Guidelines to accurately reflect the current proposal; to ensure that the lighting provisions reflect the Bird-Friendly Guidelines; and to attach a map showing the location of the 1.09 hectares.
- b. Revisions and deletions of provisions that are spent or otherwise inapplicable to the current proposal as follows:
- i. Delete the reference to the MTCC/Tower Park East Bridge Connection in Article 2 of the Precinct Agreement - Interim Obligations for Tower Park Lands and Part 44 lands.
 - ii. Delete Section 3.2 - Part 44 lands of the Precinct Agreement.
 - iii. Delete Section 3.3 - CN Tower Expansion Public Room of the Precinct Agreement.
 - iv. Delete Section 3.4 -Connections with the Metro Toronto Convention Centre of the Precinct Agreement.
- c. Any other technical amendments to update the agreement to reflect the precinct arrangements, new addresses for notices, and updated studies as described in this report.
5. City Council grant authority to enter into a CN Tower Precinct Amending Agreement, incorporating the necessary amendments, satisfactory in form to the City Solicitor.
6. City Council authorize the appropriate City officials to take the necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This site was the subject of Official Plan Amendments and Zoning Amendments in 1997 related to a proposal that included a 3-storey entertainment and retail addition at the base of the CN Tower. The total density approved at the time was 35,000 square metres. The resulting By-laws are as follows:

By-law Number	Purpose of By-law
1997-0364	Amendment to the Railway Lands Central Part II Plan
1997-0365	Amendment to the Railway Lands Central Zoning By-law
1997-0366	Amendment to the Railway Lands East Part II Plan
1997-0367	Amendment to the Railway Lands East Zoning By-law
1997-0507	Removal of the “h” symbol on the site in the Railway Lands Central Zoning By-law
1997-0508	Removal of the “h” symbol on the site in Railway Lands East Zoning By-law

In addition to the 1997 By-law amendments, a number of agreements were executed in 1997 including a Precinct Agreement, an Environmental Agreement and a Development Agreement. An Amending Development Agreement was executed in 1999. The above agreements secured obligations of the developer related to the zoning approval.

Related to the approvals of the expansion at the base of the CN Tower, in 1996 City Council approved new business arrangements. Under the business arrangements the City would relinquish the leases for Tower Park East and Tower Park West in exchange for:

- a sum of \$5 million,
- CN Tower Limited to pay for the movement of 3 pieces of rolling stock per year to or from the Roundhouse,
- CN Tower to provide 1.29 hectares of publicly accessible space in the development, and
- the City to receive 0.54 hectares of land on the north side of Fort York.

These obligations, among others, were secured in the agreements referenced above.

ISSUE BACKGROUND

Proposal

The full proposal is for a 14,000 square metre aquarium and a 4,400 square metre mixed commercial use building. The proposed Site Plan, Phasing Plan and Massing Concept can be found in Attachments 1, 2 and 3. The site will be built out in three phases. The first will be 9,000 square metres of the aquarium (Phase I) and the second will be the remaining 5,000 square metres (Phase II). The 4,400 square metre mixed commercial use building at the west side of the site (Phase 2A) is independent from the aquarium structure and the schedule for its completion is not tied to the aquarium schedule. The

heights of the proposed buildings are as follows: Phase I – 16.5 metres, Phase II – 23 metres and Phase 2A – 19 metres.

The proposal does not include any parking spaces for vehicles or charter buses on site, except for two accessible parking spaces located at the entrance of the service driveway on the east side of the site. As a large number of visitors are expected to arrive by bus, there will be a charter bus management plan. The PATH connection, leading south and west from the Skywalk through the site will be maintained.

The proposal will require some amendments to the CN Tower Precinct Agreement to reflect the changes in particular with respect to the provision of publicly accessible open space, and to update or delete provisions that are spent or otherwise inapplicable to the current proposal.

Site and Surrounding Area

The subject site is approximately 2.2 hectares in size and is currently occupied by the CN Tower (with its accessory and restaurant uses), an irregularly shaped landscaped open space, a hard-scaped public plaza, the Salmon Run Fountain and various pedestrian routes which traverse the site.

North: to the north of the site is the GO and CN Rail corridor, the Metro Toronto Convention Centre (MTCC) North Building and mixed use buildings beyond.

East: to the east of the site is the MTCC South Building.

South: to the south is Bremner Boulevard, the historic Roundhouse building, containing the Steamwhistle Brewery, a Leon's store, and a proposed railway museum, and Roundhouse Park.

West: to the west of the site is the Rogers Centre.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The majority of the site is part of the Railway Lands Central Secondary Plan with a small portion at the southwest corner of the site along Bremner Boulevard within the Railway Lands East Secondary Plan. The site is within the *Downtown and Central Waterfront* area as shown on Map 6 of the Official Plan. The subject site is designated *Mixed Use Areas* on Map 18. *Mixed Use Areas* permit a broad range of commercial, residential and institutional uses, as well as parks and open spaces.

The Railway Lands Central and East Secondary Plans designate the site as *Parks and Open Space Areas*, however Section 10.8 of the Railway Lands Central Secondary Plan sets out clear policies for what is called the “CN Tower Expansion”. These were added to the Plan in 1997 as part of the Official Plan Amendment that was approved to permit the proposal that was put forward at that time. The Railway Lands East Secondary Plan also has a section related to the CN Tower Expansion (Section 10.8) that was added in 1997 as part of the approvals secured at the time.

Zoning

The site is zoned as “G” (Parks) in the Railway Lands Central By-law 1994-0806. However, there is an exception in place which allows for the CN Tower Expansion which was approved in 1997. The exception permits a limited number of uses including a place of amusement, recreational uses and entertainment uses. It allows for 35,859 square metres of density and is subject to parking requirements, open space requirements and building envelope restrictions. An amendment to the Railway Lands East By-law was also approved in 1997 for the small portion of the site that falls into the area covered by that By-law.

Site Plan Control

An application has been received for Phase I of the proposal, the 9,000 square metre aquarium building.

Future Site Plan Control applications for the Phase 2 and Phase 2A buildings will also need to address the objectives of the Railway Lands Central Secondary Plan including pedestrian circulation, pedestrian weather protection and landscaping.

Reasons for Application

Although there is currently permission on the site, through the Zoning By-laws, for 35,859 square metres of additional density, the uses and built form permitted do not allow for the precise uses and built form now proposed. In addition, the Secondary Plans have some detailed provisions which are not applicable to the current proposal and need to be deleted. The Official Plan Amendments will also address some minor technical amendments to the boundaries of the parks and open space in the Railway Lands Central and East Secondary Plans and related provisions.

Community Consultation

A community consultation meeting was held on January 25, 2010 at the CN Tower and approximately 40 people, as well as the Ward Councillor, attended. Questions were raised with respect to: the lack of animation along the Bremner frontage of the aquarium building; the view of the east side of the building and the loading area; the need for trees and landscaping on the site; traffic management; alternate locations for an aquarium along the waterfront; and the size, character and impact of the aquarium signage. These comments have been taken into account in the review of the application. There were also concerns raised about the species of animals in the aquarium, how this might affect the design considerations and the use of marine animals for non-educational purposes. Representatives from Ripley's indicated that there would not be any marine mammals in this project. The Councillor explained that the City's role in evaluating the proposed aquarium is from a land use planning perspective.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. This project contributes to the efficient use of land, infrastructure and public service facilities by situating this facility in proximity to public transit. The PPS also contains policies regarding Cultural Heritage and Archaeology; these policies permit development adjacent to heritage properties where there is an evaluation of the impact on heritage attributes.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. As previously noted, the subject site is located in the *Downtown* and *Central Waterfront*, which is shown as an Urban Growth Centre in the Growth Plan. Under Section 2.2.4 of the Growth Plan, Urban Growth Centres are to be planned to be focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses.

Land Use

This site is designated *Parks and Open Space Areas* in the Railway Lands Central Secondary Plan. The site specific secondary plan policies and zoning by-law permit an entertainment facility with retail and services uses, including street-related retail and service uses.

The proposed aquarium is a new land use proposed for this site. It is seen as a complementary use, with no adverse impact, on the other surrounding tourist, commercial and entertainment facilities, such as the CN Tower, Rogers Centre and Metro Toronto Convention Centre. The proposed by-law addresses “*aquarium*” as a commercial facility in which aquatic, semi-aquatic and related animals and plants are kept for public display with ancillary uses such as food and beverage facilities and conference and meeting rooms.

The details of the Phase 2A commercial retail building are not known at this time. The permitted uses under the previous by-law included recreational uses, entertainment uses, administrative offices, retail and service uses and place of amusement. The same range of uses would be allowed with the current proposal. In order to ensure that the proposal meets the objectives of the secondary plan with respect to enhancing the pedestrian environment and preventing blank facades, there will be a minimum of 50% street-related retail and service uses and maximum size of 1800 square metre for any retail use.

Density, Height, Massing, Streetscape

The Official Plan Built Form (Section 3) and the Railway Lands Central Secondary Plan Structure, Form and Physical Amenity policies discuss how new development fits harmoniously into its existing context, including framing streets and open spaces at good proportion and creating appropriate transitions in scale. Other policies speak to the location of building entrances to be clearly visible and accessible from the public sidewalk and providing ground floor uses that have views and access to adjacent streets, parks and open spaces.

The siting of the aquarium building provides a setback from the public sidewalk along Bremner Boulevard, ranging from 14 m at the maximum to 5.1 m at the minimum. This setback provides for pedestrian circulation, appropriate framing of the street and views along Bremner. The primary building entrance to the aquarium building is at its south-west corner. This entrance addresses both Bremner Boulevard and the plaza to the west.

The applicant revised the proposal to enhance the treatment of the southeast corner facades with translucent glass and lighting to provide increased animation. This corner is also identified for a public art installation. As well, the servicing area on the east side of the building will be screened by an ornamental wall of painted steel blade-like pickets.

The proposed height of the first phase of the aquarium building is 16 m and the second phase will be 23 m. The proposed height and massing provides an appropriate transition between the CN Tower and the Rogers Centre and the Roundhouse building and park to the south.

The provisions in the by-law for street-related retail and service uses and a cap on retail size will enhance the streetscape and relationship to the publicly accessible open space in Phase 2A.

The proposed density for the three phases is 18,400 square metres, which has been reduced significantly from the previous proposal which permitted 35,859 square metres. The reduction in, and redistribution of, this density on site allows for more publicly accessible open space to be provided at grade and provides for improved views through the site.

Pedestrian Connection and Circulation

The publicly accessible open space (PAOS) policies for this site are set out in guidelines referenced in the Secondary Plan and attached as a schedule to the Precinct Agreement. The PAOS on this site is to provide pedestrian connections between the John Street Pedestrian Bridge, the John Street Corridor, the Skywalk, the MTCC, Bremner Boulevard and the surrounding parkland. It is also to be visible from Bremner Boulevard, be fully publicly accessible, provide comfortable dimensions for pedestrian movement, provide clear sightlines and be generally bordered by street-related retail and service uses.

In order to provide for pedestrian comfort, an overhang provides some pedestrian weather protection at the entrance to the aquarium and along a portion of the west side of the building. There will be enhanced pedestrian weather protection provided in conjunction with the second phase of the aquarium, including an enclosed walkway along the north end of the site. The agreement will address arrangements for an enclosed or weather protected walkway to be provided even if Phase 2 does not proceed. These items are to be secured in the Precinct Amending Agreement and the Publicly Accessible Open Space Guidelines

Open Space and Parkland

A linked system of parks and publicly accessible open spaces is an objective of the Railway Lands Central Secondary Plan. The location of these spaces is intended to integrate the Railway Lands Central with the Railway Lands West, Railway Lands East, the Downtown and the Central Waterfront.

The previous approval on the site provided for 1.29 ha of publicly accessible open space, including two levels of terraces located above portions of the proposed building. This was approved as part of the business arrangements for the earlier proposal and the City relinquished the leases in Tower Park East and Tower Park West, in conjunction with payments, land exchange and other conditions in 1997. The site specific secondary plan policies and zoning by-law defined public accessible open space to reflect the form and layout of the previous approval and included walkways, plazas, terraces, limited patio space and café seating, stairs and driveways. The Precinct Agreement secured \$2,200,000 for landscaping, related amenities and improvements to the publicly accessible open spaces.

The current proposal provides for 1.09 ha of publicly accessible open spaces, located primarily at grade and is intended to provide a pedestrian-friendly space. The new location of the publicly accessible open space at grade, rather than on raised terraces, is an improvement and makes the area more accessible and permeable. The proposed

configuration of the open space works with the linked network of pedestrian connections from Front Street through the site to Bremner Boulevard and to the waterfront as established in the Secondary Plans.

The funds secured under the previous agreement have been indexed and will continue to be required to be spent on landscaping, related amenities and improvements to the publicly accessible open spaces, as set out in the Precinct Agreement. The Amending Agreement will now provide for the funds to be distributed between the two principal phases of development, with a minimum of \$1,000,000 to be spent in connection with the CN Tower Expansion site in Phase 2a. If there are excess funds once the development is complete, they will be made available for other publicly accessible open spaces in the area (including the John Street Corridor and John Street Bridge). Other items to be addressed in the agreement are interim landscaping, what items count towards the PAOS required minimum expenditure and the provision of weather protected pedestrian walkways within the site.

The guidelines for the publicly accessible open space, including the obligations for maintenance, will continue in the amended CN Tower Precinct Agreement and secondary plan, though they will be modified slightly to reflect the changes to the proposal from the 1997 version.

Further, there is now an opportunity, as a housekeeping matter, to update the maps and policies to more clearly illustrate the level and ownership of parks in the maps for the Railway Lands Central and Railway Lands East Secondary Plans as the previous 1997 proposal did not amend the mapping attached to the Secondary Plan. In particular, Map 18-4 of the Railway Lands Central Secondary Plan shows the site as “Lands to be Leased or Conveyed to the City for Park Purposes”. It is recommended that the mapping and the related policies be updated to more clearly reflect the current status and ownership of the lands. In particular, City Planning staff recommends that Map 18-4 be amended to show the subject site as “Publicly Accessible Open Space” as opposed to “Lands to be Leased or Conveyed to the City for Park Purposes” to reflect the relinquishing of the park leases that occurred in conjunction with the 1997 approvals. A corresponding mapping change is also required to Map 17-3 for the portion of the site within the Railway Lands East Secondary Plan area.

Heritage and Archaeology

The site is located within the Union Station Heritage Conservation District. Heritage Preservation Services staff have reviewed the Heritage Impact Assessment provided by the applicant and concur that there is no impact of this project on the Heritage Conservation District.

The applicant conducted a Stage 1 Archaeological Resource Assessment of the site. The report recommended that the construction excavation include a program of archaeological monitoring to document any findings. This condition will be reflected in the updated Precinct Agreement.

Public Art

At the west end of the site is the Salmon Run Fountain and Medallion. The previous approval would have required a relocation of the Medallion as the area where it is sited would have become part of the proposed building. The current proposal for the Phase 2A building envelope has been modified to be more sensitive to Salmon Run Fountain and there is an option to shift the Medallion further north. The Precinct Agreement provides for granting of appropriate easements for Parks, Forestry and Recreation's access to the Salmon Run Fountain mechanical room, which may be modified to accommodate the 2A building. The conditions relating to the relocation of the Medallion and consultation with the artist will continue in the amended agreement.

As per the previous agreement, the applicant will be required to develop and provide a public art program in the amount of 1% of the project's gross construction costs. The Public Art Plan for Phase 1 is anticipated to go to the Toronto Public Art Commission in July 2010 followed by a staff report to Toronto and East York Community Council.

Sun, Shadow, Wind

The application has been reviewed with respect to shadow impacts in the immediate context areas and the shadow studies provided show that the proposal does not create an adverse impact.

City staff have reviewed the applicant's submitted Pedestrian Wind Assessment. Generally the proposal will not significantly alter the wind comfort conditions over current levels and is acceptable.

The CN Tower Environmental Agreement has requirements regarding issues such as sun, shade and wind to be confirmed in conjunction with building permits. This agreement will remain in force and on title.

Transit, Traffic Impact, Access, Parking

The applicant submitted an urban transportation considerations report to address issues regarding the future Bremner Boulevard Light Rail Transit (LRT), traffic impact, access, parking and loading. City staff have reviewed this report and the subsequent addendum and the issues have been addressed appropriately.

The aquarium building does not provide any parking spaces on site, except for two accessible parking spaces. A large percentage of the visitors to the aquarium are anticipated to be group visits and will be coming by charter bus. The parking demand for this proposal can be adequately absorbed in the existing and future permanent parking facilities in the area. There are publicly available parking spaces located near the site. The estimated parking requirement in accordance with the Zoning By-law is a minimum of 204 spaces. The Phase 2A uses were evaluated as being ancillary to the CN Tower.

Loading for the aquarium building will be accessible from a servicing driveway along the east side of the building. This loading area can accommodate the loading for Phase 1 and

2 of the aquarium. Loading and servicing for the future Phase 2a retail building will use the existing CN Tower loading facility located below grade and accessed via the Rogers Centre loading ramp on the south side of Bremner Boulevard, west of Rees Street.

The proposed uses for this development will generate additional charter bus parking requirements than currently generated by the existing uses in the area. The additional demand for charter bus parking will be met by the current By-law provision requiring 37 charter bus parking spaces. The proposal will maintain the current By-law provision for 37 spaces; however unlike the previous proposal there will be no bus parking on-site but it is required to be on a lot in the Central Area. The Charter Bus Parking Management Plan sets out that there will be a lease with the Rogers Centre to accommodate these spaces. The Plan also addresses the coordination and scheduling of on-street pick-up and drop-off activity.

The site streetscaping and pick-up/drop-off areas have been designed to work with the protected future Bremner Boulevard LRT right of way. The Environmental Assessment for the LRT has studied a dedicated right-of-way with a single travel lane and bicycle lanes. The applicant has identified two potential lay-bys as future charter bus staging areas. These were reviewed and discussed with the TTC and are generally acceptable. Different options can be explored when the LRT proposal is in the design stage.

The proposal incorporates a number of Transportation Demand Management strategies for Phase 1 of the Aquarium including: showers and change rooms for staff, 20 secure on-site bicycle parking for staff; 80 bicycle parking spaces for visitors; participation in the Metropass Affinity Program to provide discounts to transit riders; and no on-site parking for visitors or staff.

Servicing

Technical Services staff have reviewed and accepted the Functional Servicing and Stormwater Management Report and associated servicing and grading plans.

Economic Impact

Economic Development and Culture, Business Retention and Expansion, comments that the proposal for Ripley's Aquarium of Canada represents the most significant new tourism attraction developed in Downtown Toronto in over 20 years. When complete they will employ over 300 people. The project represents an investment of approximately \$100 million and will also provide significant construction related employment of over 600 jobs. Ripley's Aquarium of Canada projects it will draw a minimum of 1.3 million visitors annually. Growth in the tourism supports growth in other sectors thereby creating additional jobs and investment. This is a unique and important development for the City of Toronto.

Signage

The new City-wide sign by-law came into effect in April 2010. The applicant has submitted an application for a sign by-law amendment for a comprehensive signage package for the proposed aquarium, CN Tower and Rogers Centre. Staff are targeting to

report on this application to Planning and Growth Management Committee in August 2010. The package includes wayfinding signs for the entire site as well as a large pylon sign on Bremner for the aquarium. City Planning staff will be reviewing this application with Toronto Buildings with respect to the impact of the proposed signage on the Roundhouse Park and the fit within a heritage conservation district and how the proposed wayfinding system of ground signs affects and assists with pedestrian circulation.

Tree Preservation

A tree inventory and Arborist Report for Development Applications has been reviewed and accepted by Urban Forestry.

Toronto Green Standard

For applications received before January 31, 2010 the TGS is applied on a voluntary basis. The proposal meets the minimum requirements in the Green Standard.

In response to questions from staff, the applicant has demonstrated how the proposal design addresses the Bird-Friendly Design Guidelines, including provision of a large canopy to mute reflection on the glazing, angled glazing and using a fritted glass pattern to create visual markers. The applicant has confirmed that there will be no rooftop lighting or spotlighting and this will be incorporated in the PAOS guidelines.

A white roof is being provided instead of a green roof. Given the potential for leaks into the aquarium tanks, a green roof was not possible.

Revised CN Tower Precinct Agreement

As part of the implementation of this proposal and to reflect the changes from the 1997 proposal, revisions to the CN Tower Precinct Agreement are required.

The amount of the publicly accessible open space secured in the Precinct Amending Agreement will be 1.09 hectares rather than 1.29 hectares. The Publicly Accessible Open Space guidelines will be revised to delete the reference to open space being provided at the 81, 86 and 91 metre levels, to ensure that the lighting provisions reflect the Bird-Friendly Guidelines and to attach a map showing the location of the 1.09 hectares. They will also be revised to reflect the phasing of the 1.09 hectares of publicly accessible open space in conjunction with Phases 1 and 2 (the aquarium) and Phase 2A (the ancillary commercial space). Monies spent on the Phase 2 lands to provide interim improvements in conjunction with the construction of Phase 1 will be credited towards the minimum expenditure only until such time as Phase 2 proceeds, at which time they will be added back to the amount outstanding.

A new clause is proposed to allow a portion of the Minimum Required Expenditure to be spent on other publicly accessible open spaces in the area (including the John Street Corridor and John Street Bridge), if excess funds remain. The agreement will also require the provision of a publicly accessible pedestrian walkway within Phase 2 of the Aquarium (linking Skywalk to the open space to the west of the Aquarium).

A number of the proposed changes to the agreement refer to clauses and requirements that are no longer applicable or have been realized. These include the following:

- the reference to the MTCC/Tower Park East Bridge Connection;
- the reference to Part 44 lands;
- the reference to the CN Tower Expansion Public Room; and
- the reference to connections with the Metro Toronto Convention Centre.

These items have either been implemented or are no longer relevant in the revised proposal, and thus will be deleted from the Precinct Agreement.

Some of the studies referenced in the CN Tower Precinct Agreement have been updated and there are other minor technical changes which are recommended to be incorporated into the Precinct Amending Agreement.

Many of the other items secured in the CN Tower Precinct Agreement regarding the provisions for re-locating the Medallion, public art and the movement of rolling stock to the future railway heritage museum will not be modified.

Development Charges

The Railway Lands agreements include a development levy regime and any development that does not propose an increase in gross floor area is exempt from development charges.

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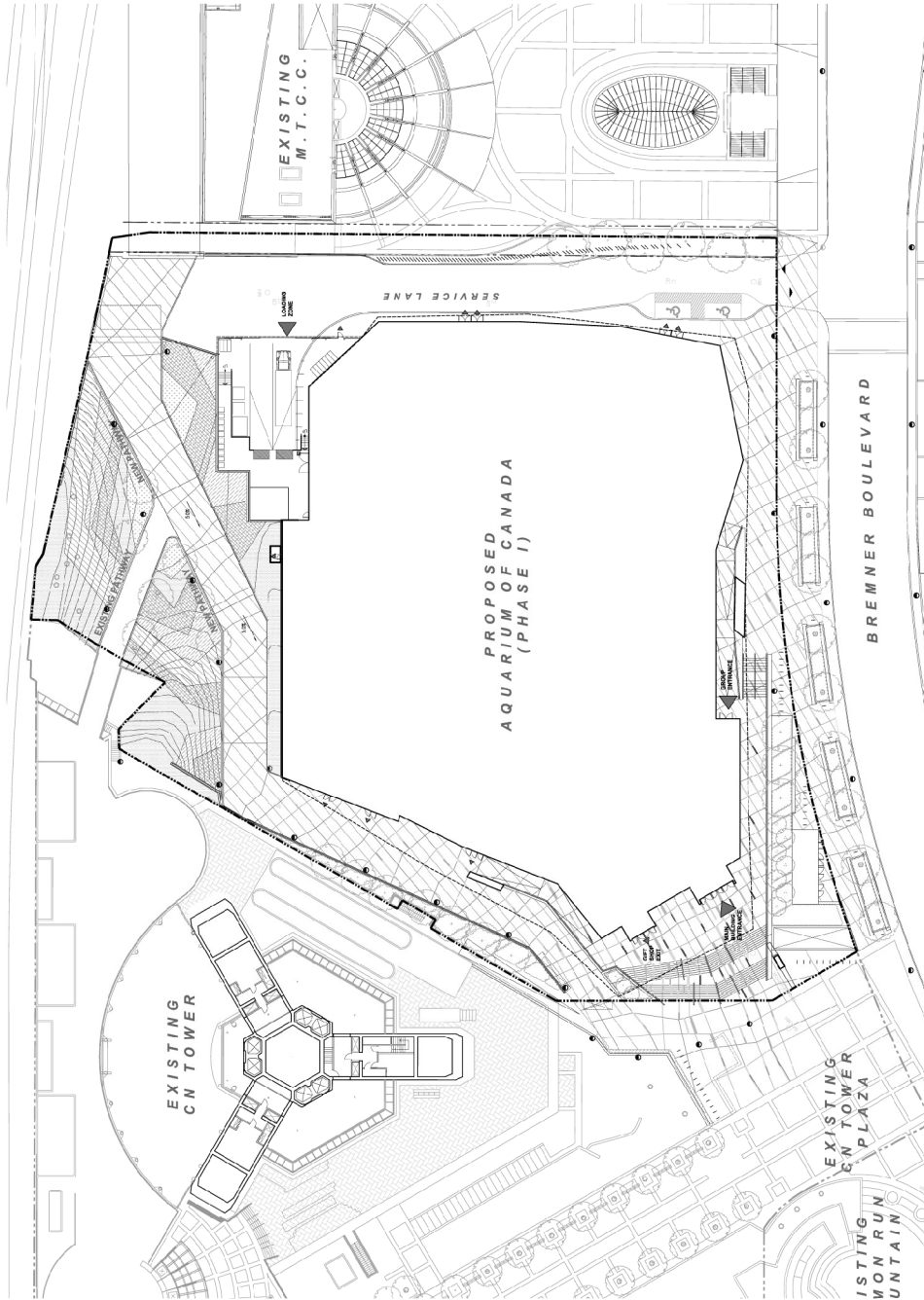
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ATTACHMENTS

Attachment 1: Site Plan – Phase 1

Attachment 2: Phasing Plan
Attachment 3: Massing Concept
Attachment 4: Elevations - South and West Elevations – Phase 1
Attachment 5: Elevations - North and East Elevations – Phase 1
Attachment 6: Elevations - South and West Elevations – Phase 2
Attachment 7: Elevations - North and East Elevations – Phase 2
Attachment 8: Elevation - Phase 2A
Attachment 9: Zoning
Attachment 10: Official Plan – Railway Lands Central and East Secondary Plans
Attachment 11: Application Data Sheet
Attachment 12: Draft Official Plan Amendment –Railway Lands Central
Attachment 13: Draft Official Plan Amendment –Railway Lands East
Attachment 14: Draft Zoning By-law Amendment – Railway Lands Central
Attachment 15: Draft Zoning By-law Amendment – Railway Lands East

Attachment 1: Site Plan – Phase 1



Site Plan

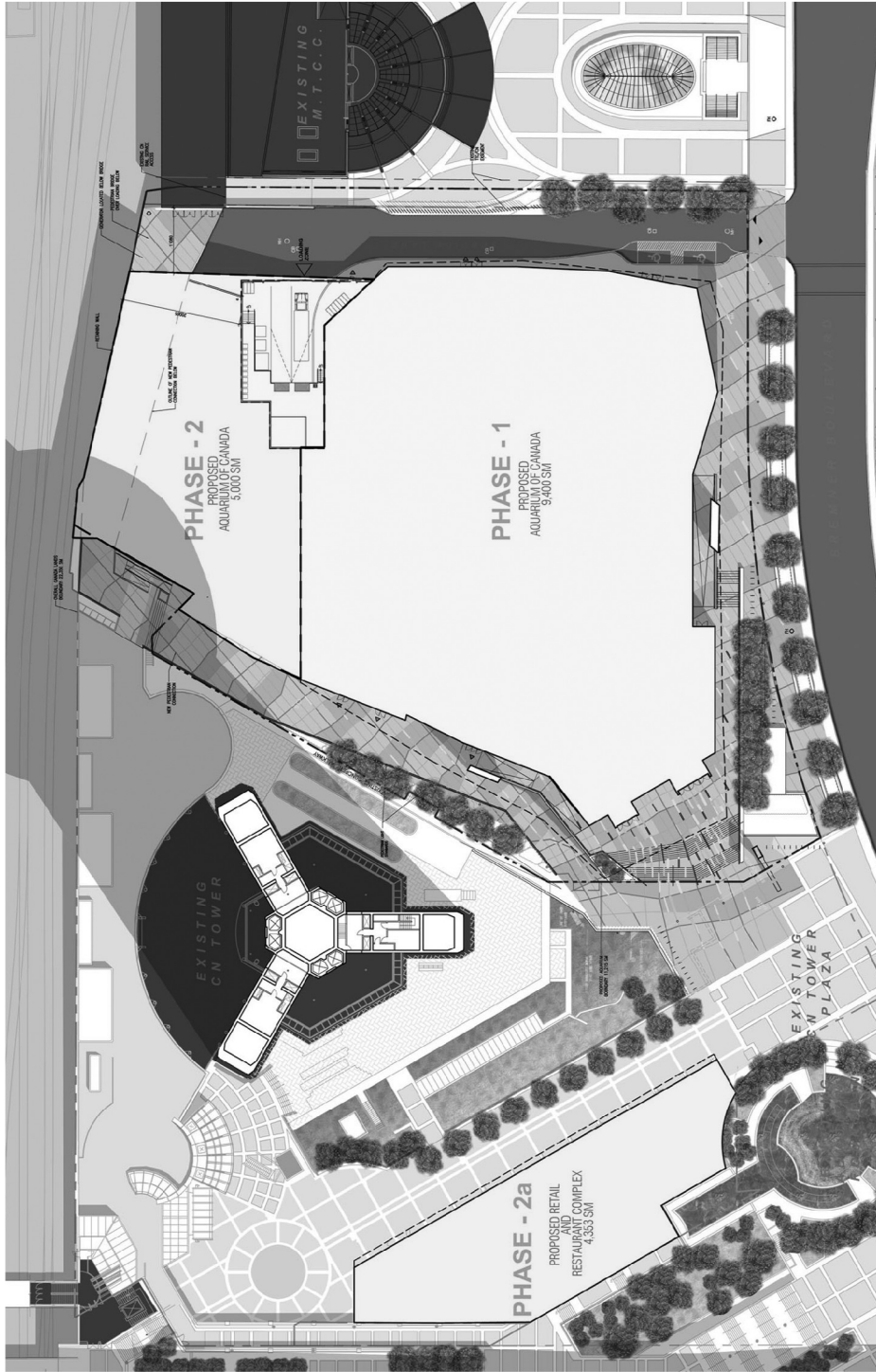
301 Front Street West

Applicant's Submitted Drawing

Not to Scale
05/19/2010

File # 09_189702

Attachment 2- Phasing Plan



Site Plan Phasing
 Applicant's Submitted Drawing

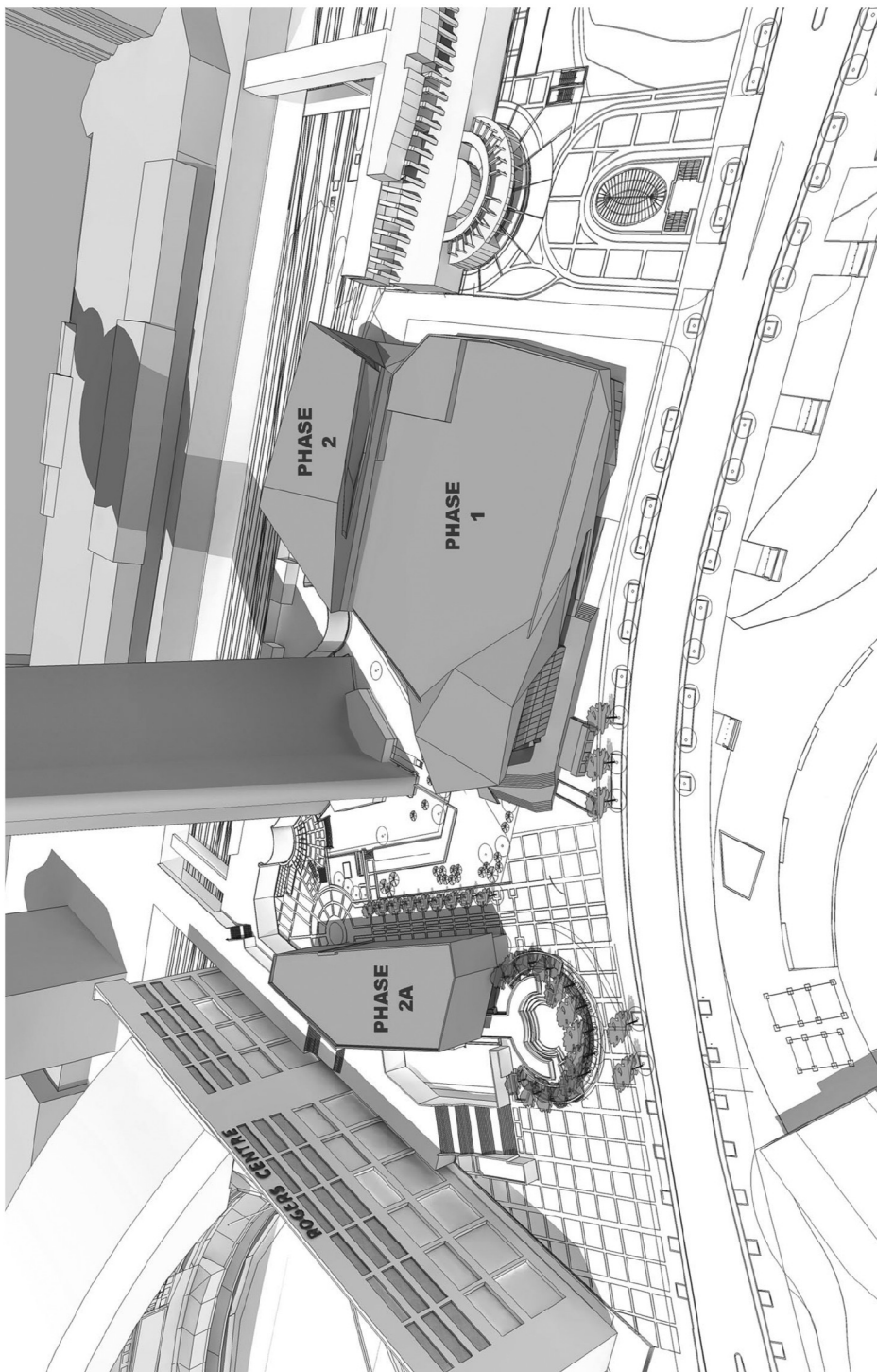
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301 Front Street West

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Attachment 3: Massing Concept



301 Front Street West

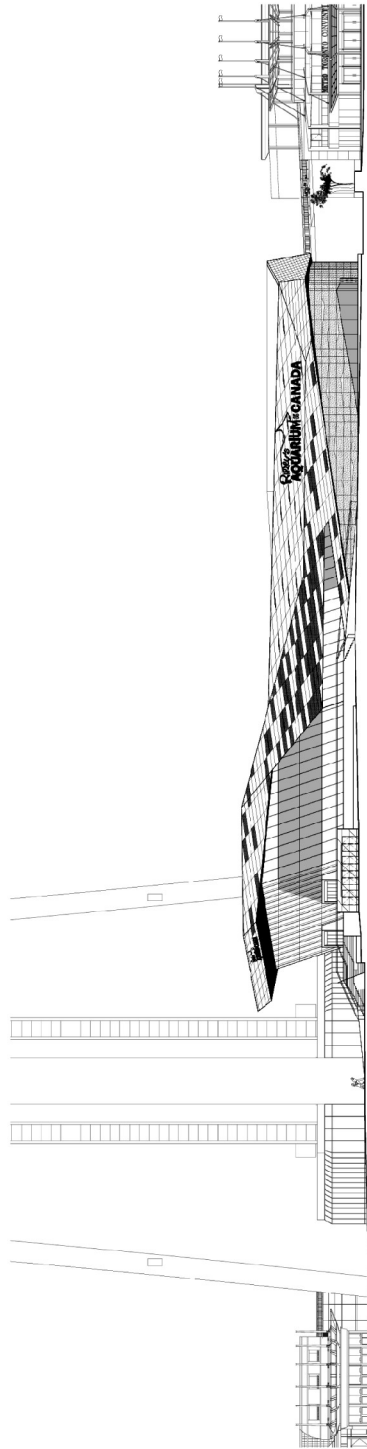
Massing Concept

Applicant's Submitted Drawing

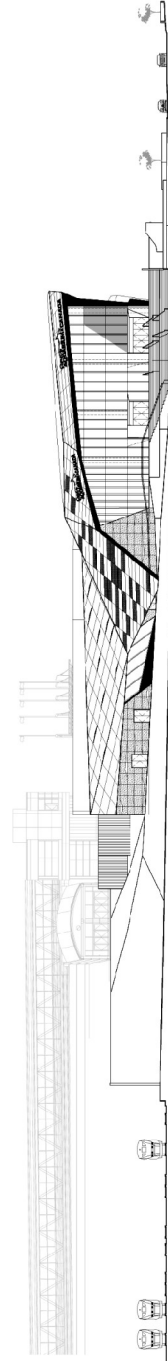
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Attachment 4: Elevations–South and West – Phase 1



South Elevation



West Elevation

Elevations - Phase 1

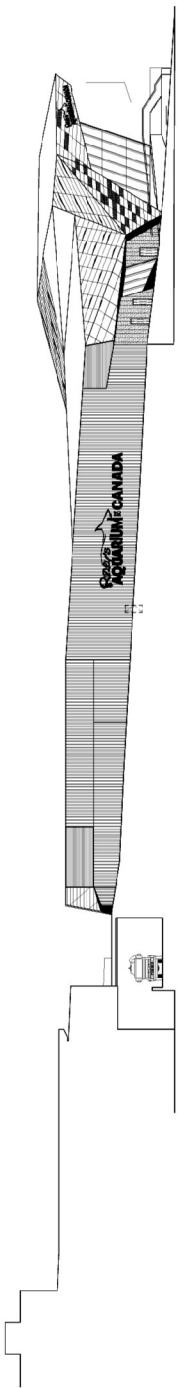
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Not to Scale
05/19/2010

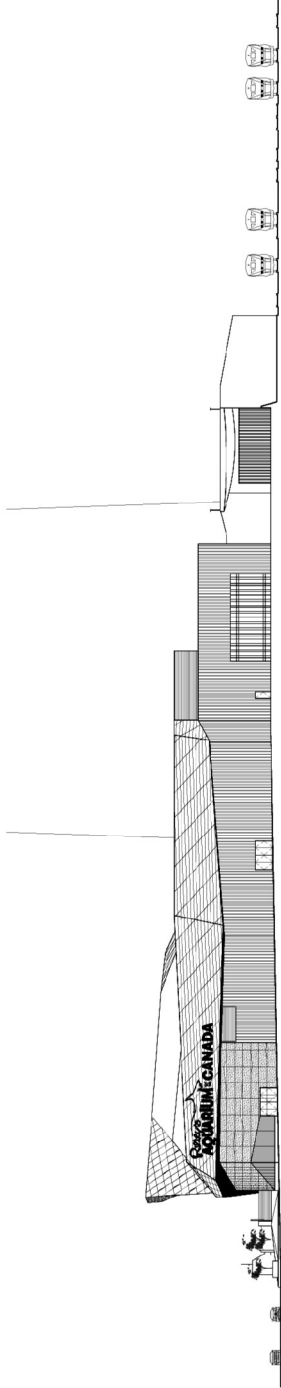
301 Front Street West

File # 09_189702

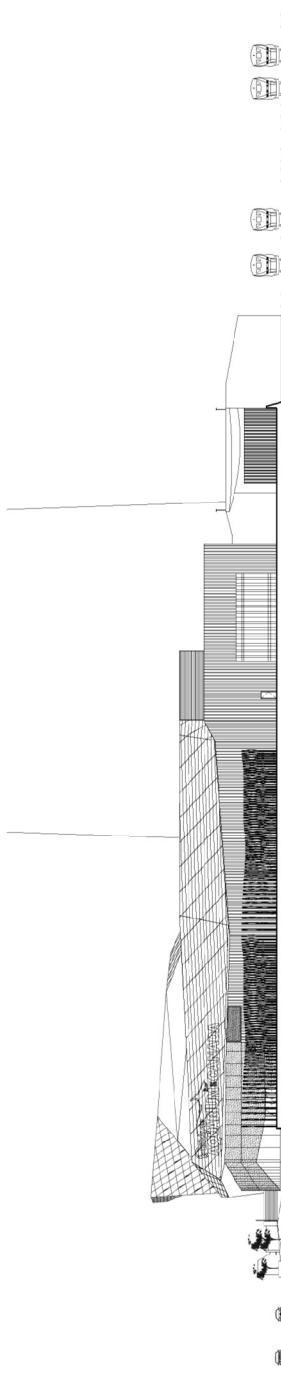
Attachment 5: North and East Elevations – Phase 1



North Elevation



East Elevation



East Elevation with Landscape Screen

Elevations - Phase 1

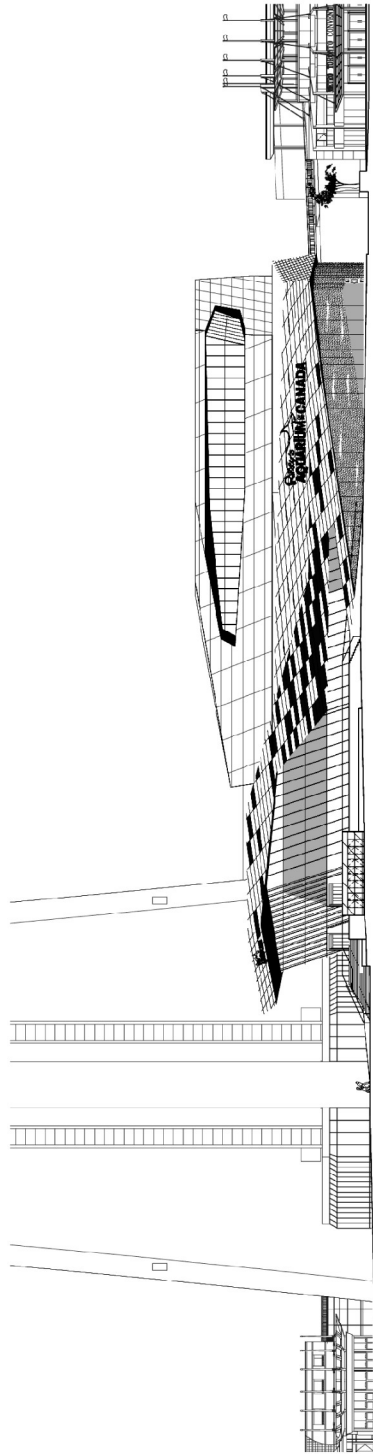
Applicant's Submitted Drawing

Not to Scale
05/19/2010

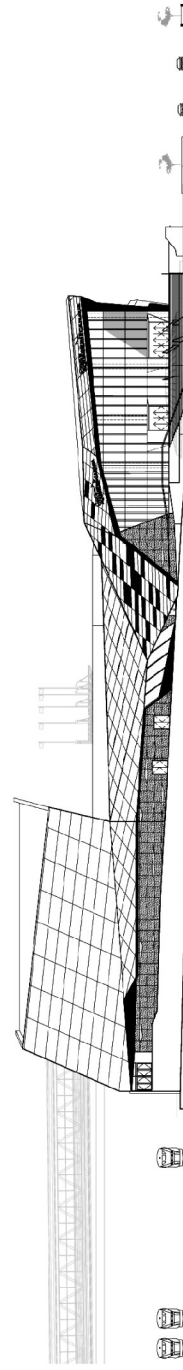
301 Front Street West

File # 09_189702

Attachment 6 – Elevations – South and West Elevations – Phase 2



South Elevation



West Elevation

Elevations - Phase 2

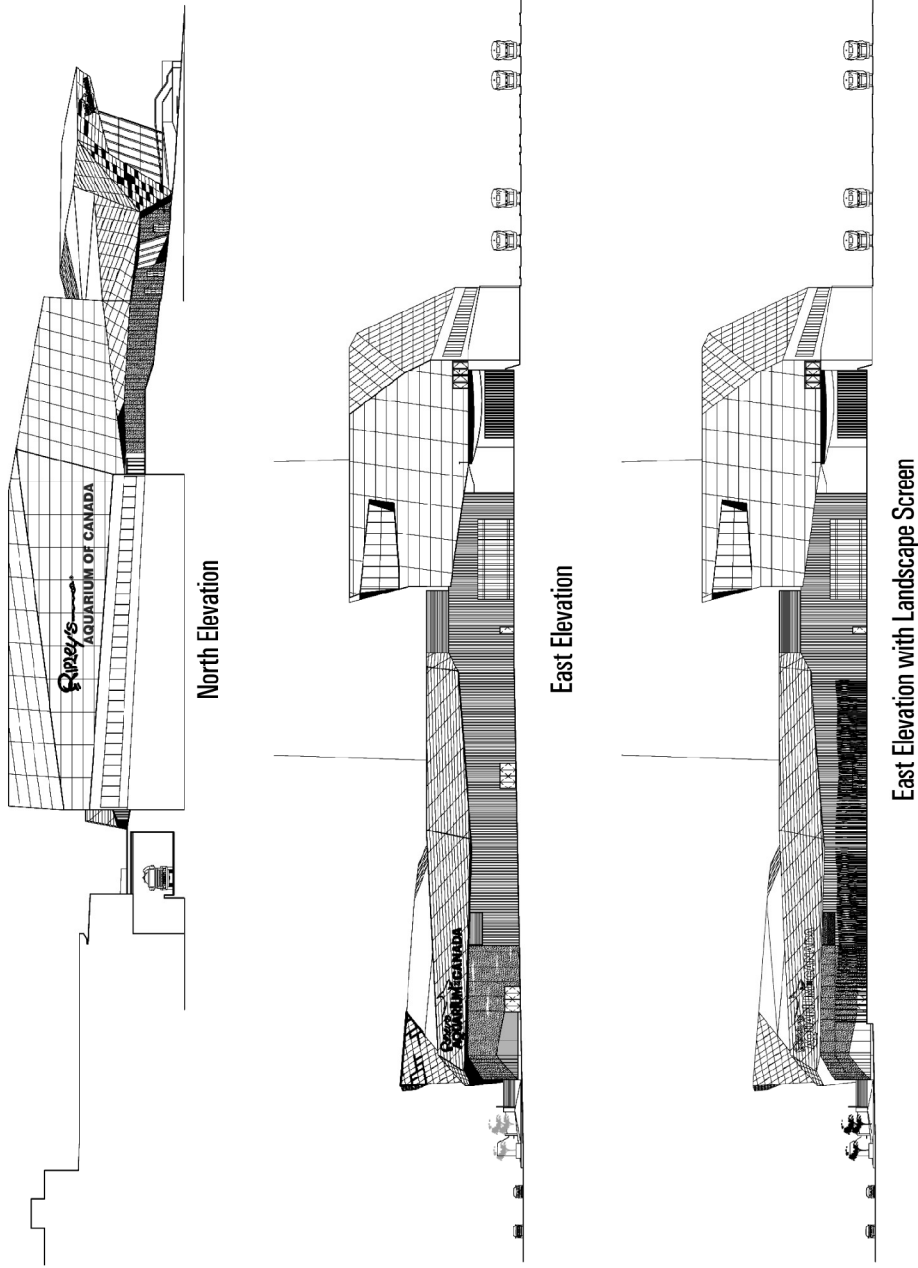
Applicant's Submitted Drawing

Not to Scale
05/19/2010

301 Front Street West

File # 09_189702

Attachment 7 – Elevations – North and East Elevations – Phase 2



301 Front Street West

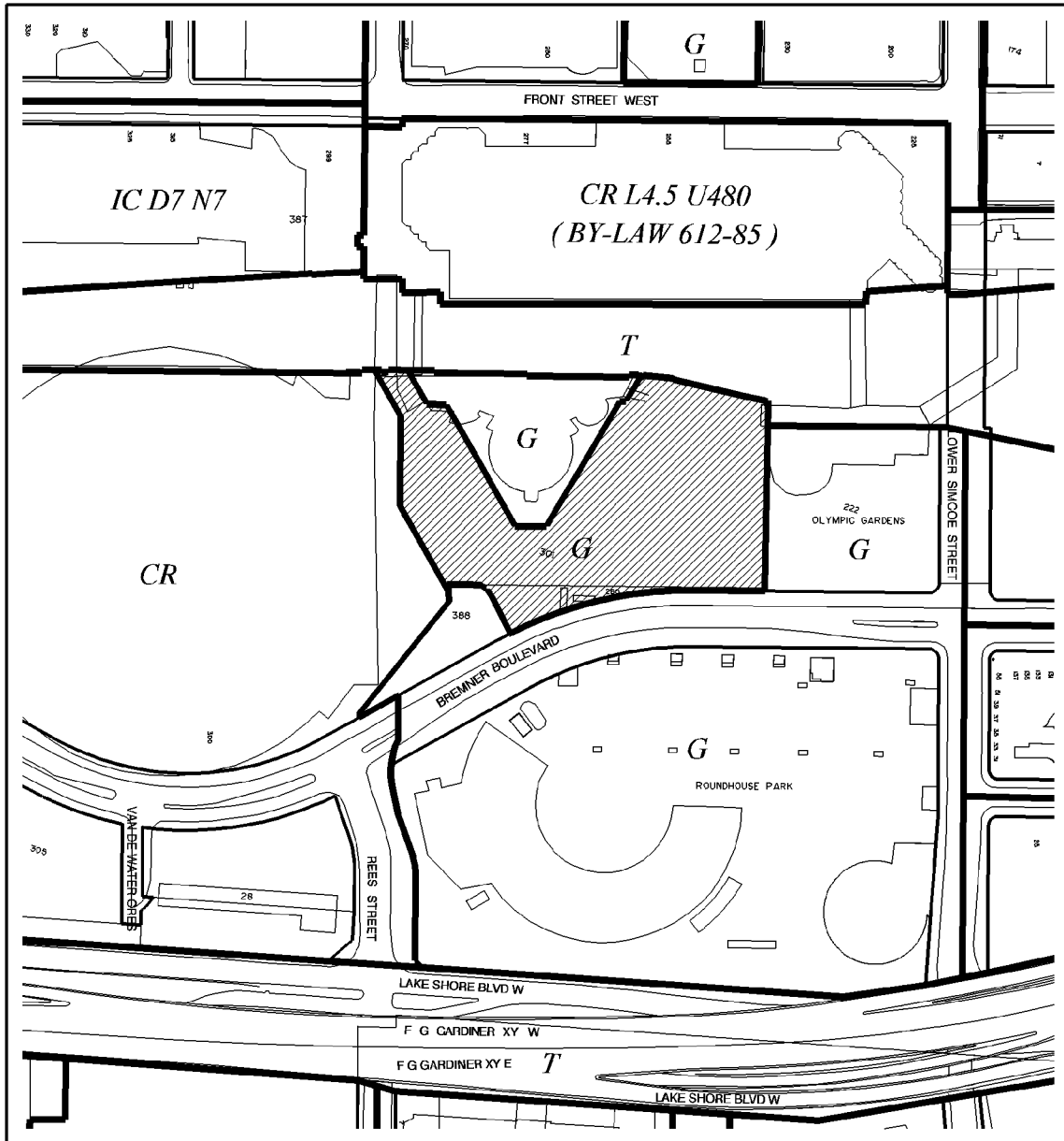
Elevations - Phase 2

Applicant's Submitted Drawing

Not to Scale
05/19/2010

File # 09_189702

Attachment 9: Zoning



Toronto City Planning
Zoning

301 Front Street West

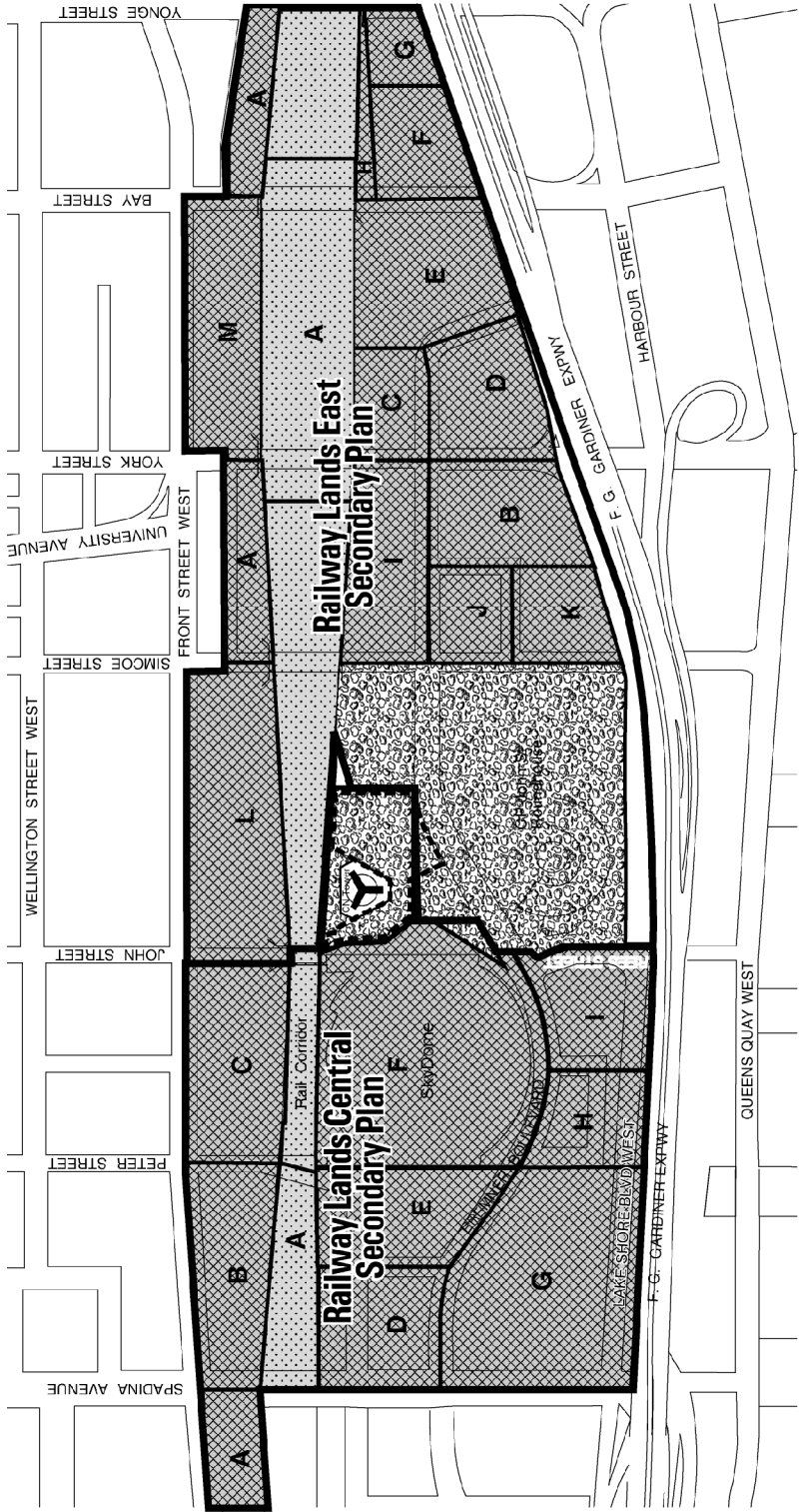
File # 09_189702

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/20/2009

Attachment 10: Official Plan – Railway Lands Central and East Secondary Plans



Toronto City Planning
Official Plan

301 Front Street West
 File # 09_189702

- Secondary Plan Boundary
- Mixed Use Areas
- Utility Corridors
- Parks and Open Space Areas
- Subject Site - 301 Front Street West

↑
 Not to Scale
 06/03/2010

Attachment 11: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 189702 STE 20 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 19, 2009

Municipal Address: 301 FRONT ST W
 Location Description: INDEX PL D970 LT1 RP 63R3705 PT 33 **GRID S2017
 Project Description: OPA AND REZONING for CN Tower lands re development - for new entertainment complex containing 3 storey Ripleys Aquarium and 3 stoey retail restaurant commercial building - to be constructed in three phases.

Applicant:	Agent:	Architect:	Owner:
URBAN STRATEGIES		B + H Architect Inc.	CANADA LANDS COMPANY CLC LIMITED

PLANNING CONTROLS

Official Plan Designation:	Parks and Open Space	Site Specific Provision:	
Zoning:	Site Specific By-law 1997-0365	Historical Status:	Union Station HCD
Height Limit (m):	109 metres (geodetic datum)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	22350	Height:	Storeys:	3
Frontage (m):	139.2		Metres:	16.5 (Phase I)
Depth (m):	137.3			
Total Ground Floor Area (sq. m):			Total	
Total Residential GFA (sq. m):	0		Parking Spaces:	2
Total Non-Residential GFA (sq. m):	18,400		Loading Docks	2
Total GFA (sq. m):	18,400			
Lot Coverage Ratio (%):				
Floor Space Index:	1.37			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	30,534.03
Total Units:	0		0

CONTACT:	PLANNER NAME:	Allison Meistrich, Senior Planner
	TELEPHONE:	(416) 392-7363

Attachment 12: Draft Official Plan Amendment – Railway Lands Central

AMENDMENT NO. 131 TO THE OFFICIAL PLAN LANDS BOUNDED BY BREMNER BOULEVARD, THE CN/GO RAIL CORRIDOR AND THE SOUTHERN EXTENSION OF THE JOHN STREET CORRIDOR AND LOCATED WEST OF SIMCOE STREET

OFFICIAL PLAN AMENDMENT:

Sub-Chapter 18 of Chapter 6 of the Official Plan, the Railway Lands Central Secondary Plan, is hereby amended as follows:

1. Section 6.1 is amended by deleting the existing text and replacing it with the following:

6.1 Within the Railway Lands there will be a linked system of parks and publicly accessible open space. Accordingly, it will be a policy of the City to secure and retain a linked system of parks and publicly accessible open space within the Railway Lands Central, generally as shown on Map 18-4.

These parks and publicly accessible open spaces will be located and formed in a manner which will help to integrate the Railway Lands Central with the Railway Lands West, Railway Lands East, the Downtown and the Central Waterfront, and provide a variety of outdoor active and passive recreational opportunities for workers, residents and visitors.

2. Section 6.2 is amended by deleting the existing text and replacing it with the following:

6.2 The delineation of Parks and Open Spaces on Map 18-3 and of the parks and publicly accessible open spaces on Map 18-4 are approximate. Minor adjustments to such boundaries will not require amendment to this Secondary Plan.

The location, form and design of parks and publicly accessible open space will help to ensure:

- a. visual and physical connections between the Downtown and Central Waterfront;
- b. the safety of users;
- c. the perception of these open spaces as public places, easily viewed and entered from the public street, and accessible to all members of the public; and
- d. the comfortable and flexible use of these spaces in all seasons of the year.

3. Section 6.4 is amended by deleting the existing text and replacing it with the following:

6.4 In addition to the City parks on Map 18-4, the City will secure the provision of other publicly accessible open spaces in conjunction with the development of buildings within the Railway Lands Central Secondary Plan Area.

4. Notwithstanding the designation shown on Map 18-3, Section 10.8 is amended by deleting the existing text and replacing it with the following:

10.8 CN Tower Expansion and Aquarium

10.8.1 By-laws may be passed to permit the CN Tower Expansion and Aquarium on the CN Tower Site provided that:

- (a) not less than 1.09 hectares of publicly accessible open space is provided and maintained on the CN Tower Site, which will:
 - (i) provide pedestrian connections between Front Street, the John Street Pedestrian Bridge, the John Street Corridor, the Skywalk, the Convention Centre Expansion, and Bremner Boulevard, the John Street Roundhouse and the surrounding parkland area;
 - (ii) be fully accessible to the public;
 - (iii) be landscaped;
 - (iv) be attractive, inviting, comfortable and safe;
 - (v) provide comfortable dimensions to allow ease of pedestrian movement;
 - (vi) provide public amenities such as seating, maps, waste receptacles, and lighting;
 - (vii) provide sightlines to adjacent streets, sidewalks, buildings and open spaces;
 - (viii) create visual interest through design and use of materials, colours and finishes;

- (ix) provide opportunities for public art; and
- (x) be generally bordered by the CN Tower Expansion's street-related retail and service uses and the Aquarium uses which are directly accessible from the publicly accessible open space;
- (b) public art is provided for the CN Tower Expansion and Aquarium in accordance with Sections 3.3(f) and 7.5 of this Secondary Plan, including the integration of the existing public art piece entitled "Salmon Run and Upstream" into the CN Tower Expansion;
- (c) regard is had for the relationship of the CN Tower Expansion and Aquarium to the Convention Centre Expansion and to the SkyDome by providing appropriate connections between and to these facilities and by providing appropriate setbacks, building mass, design and scale;
- (d) the massing, height and design of the CN Tower Expansion and Aquarium are acceptable, having regard for, amongst other things, the microclimatic impacts of wind, sun and shade;
- (e) the CN Tower Expansion and Aquarium provide weather protected pedestrian connections;
- (f) the location and design of servicing areas and heating and ventilation equipment does not detract from the streetscape and amenities of the area;
- (g) there is adequate separation of cars and trucks from areas of pedestrian activity;

- (h) the design of the CN Tower Expansion and Aquarium and their relationship to the pedestrian environment along and south of Bremner Boulevard enhances and supports the character of the pedestrian environment and the perception of the area as part of an open space system which is visually and physically accessible from the Bremner Boulevard right-of-way;
- (i) an effective charter bus strategy is secured that will ensure the proper functioning of Bremner Boulevard in keeping with the objectives of Section 8.2.3 of this Secondary Plan;
- (j) the CN Tower Expansion and Aquarium parking facilities and the pedestrian linkages with local and regional transit systems are provided in a manner which is consistent with Council's auto minimization strategies;
- (k) appropriate legal agreements between the City and the owner of the CN Tower Expansion and Aquarium are secured to ensure provision of:
 - (i) pedestrian connections between the Skywalk and Bremner Boulevard, and the John Street Corridor and Bremner Boulevard, to serve the CN Tower Expansion and Aquarium and adjacent developments in the Railway Lands Central and Railway Lands East;
 - (ii) improvements to the publicly accessible open space;
 - (iii) transportation management measures;

- (iv) a financial contribution toward the provision of Community Services and Facilities as provided for in Section 11.1(b) of this Secondary Plan;
- (v) satisfactory environmental conditions on and around the CN Tower Site as provided for in Section 11.1(c) of this Secondary Plan;
- (vi) archaeological preservation measures as provided for in Section 11.1(d) of this Secondary Plan;
- (vii) adequate public utilities and services to support the CN Tower Expansion and Aquarium;
- (viii) consideration of district heating and cooling systems to serve the CN Tower Expansion and Aquarium;
- (ix) site planning matters associated with CN Tower Expansion and Aquarium;
- (x) opportunities to achieve additional enclosed or weather-protected pedestrian connections on the northern edge of the site;
- (xi) a bus parking strategy;
- (xii) public art as provided for in Section 3.3(f) and 7.5 of this Secondary Plan; and
- (xiii) the City's objectives with respect to an operating heritage railway museum.

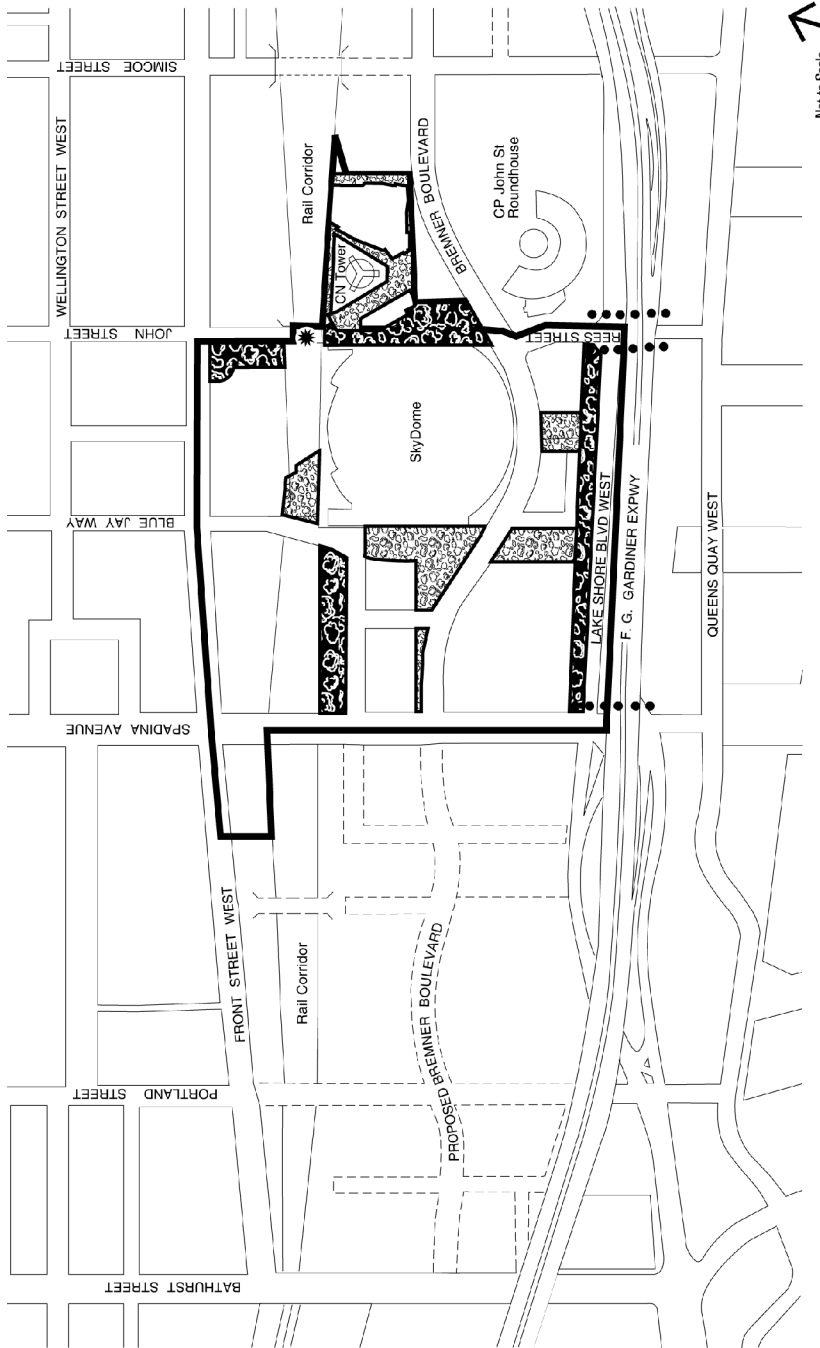
2. Section 10.8.2 is deleted in its entirety.
3. (a) Section 10.8.3 is re-numbered to Section 10.8.2 and the following definition is added thereto:

“Aquarium” means a commercial facility in which aquatic or semi-aquatic animals and plants are kept for public display, including accessory uses thereto including, without limiting the generality of the foregoing, the keeping and public display of non-aquatic animals and plants, food and beverage facilities, conference and meeting rooms, administrative offices and service functions, changeable display areas, educational uses, research, retail areas, complementary entertainment attractions, kiosks, interpretive areas and displays;

- (b) the definition of “CN Tower Expansion” is amended by deleting the existing text and replacing it with the following:

“CN Tower Expansion” means the CN Tower as it existed on July 6, 2010 on the CN Tower Site, together with modifications and additional buildings or structures collectively used for the purposes of a communications tower and the following uses not accessory to the communications tower: recreational uses, entertainment uses, administrative offices, retail and service uses, place of amusement, place of assembly and parking garage.

2. Map 18-4 is amended as shown on the map attached hereto.



Toronto City Planning Division
Official Plan Amendment #131
Railway Lands Central Secondary Plan
 MAP 18-4 Parks and Open Space Plan

- Secondary Plan Boundary
- Publicly Accessible Open Space
- City Park
- Major Pedestrian Bridge
- Improved at-grade Pedestrian Routes

May 2010

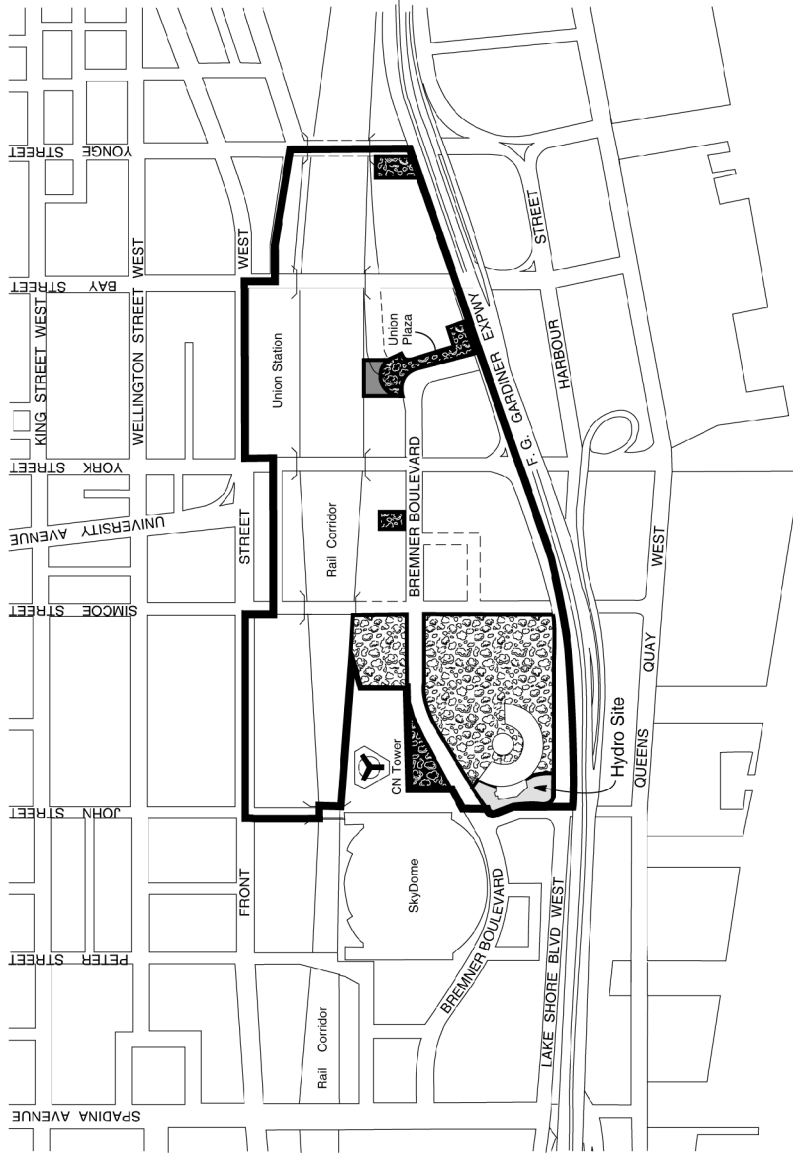
Attachment 13: Draft Official Plan Amendment – Railway Lands East

AMENDMENT NO. 131 TO THE OFFICIAL PLAN LANDS BOUNDED BY BREMNER BOULEVARD, THE CN/GO RAIL CORRIDOR AND THE SOUTHERN EXTENSION OF THE JOHN STREET CORRIDOR AND LOCATED WEST OF SIMCOE STREET

OFFICIAL PLAN AMENDMENT:

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

5. Section 10.8 is amended by deleting the existing text and replacing it with the following:
Section 10.8 of the Railway Lands Central Secondary Plan allows Council to pass by-laws to permit the CN Tower Expansion and Aquarium on the CN Tower Site provided that certain conditions are met. A portion of the CN Tower Site is located, as shown on Map 18-5 to the Railway Lands Central Secondary Plan, within the Railway Lands East. Notwithstanding Sections 6.1 and 6.2 and the designations on Maps 17-2 and 17-3 of this Secondary Plan, Council may pass by-laws pertaining to that portion of the CN Tower Site located within the Railway Lands East to permit the CN Tower Expansion and Aquarium provided the conditions contained in Section 10.8 of the Railway Lands Central Secondary Plan are satisfied. Council acknowledges that notwithstanding Sections 7.1 and 7.1.1 of this Secondary Plan, Council's objectives with respect to securing rail access from the CP Roundhouse to the main line tracks, cannot be achieved in the event of development of the CN Tower Expansion and Aquarium on the CN Tower Site. For the purposes of this Section "CN Tower Expansion", "Aquarium" and "CN Tower Site" have the same meaning as defined in the Railway Lands Central Secondary Plan.
2. Map 17-3 is amended as shown on the map attached hereto.



Not to Scale

TORONTO City Planning Division
Official Plan Amendment #131

Railway Lands East Secondary Plan
MAP 17-3 Parks and Open Space

HYDRO SITE: Parts 2, 3, 4, 5, 6, 7, 8 and 9 on the Plan Registered in the Lands Registry Division of Toronto as No. 64R-13541

- Secondary Plan Boundary
- Lands to be Leased or Conveyed to the City for Parks Purposes
- Public Accessible Open Space
- Public Building

May 2010

Attachment 14 –Draft Zoning By-law Amendment – Railway Lands Central

Authority: Toronto and East York Community Council - Item TEXXXX as adopted by City of Toronto Council on July 6 and 7, 2010

Enacted by Council: xx, 2010

CITY OF TORONTO

Bill No.

BY-LAW No. xxx-2010

To amend By-law No. 1994-0806, 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 various areas of the Railway Lands – Central” with respect to lands municipally known in the year 2009 as 301 Front Street.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law 1994-0806 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2009 as 301 Front Street;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting on July 6 and 7, 2010, determined to amend Zoning By-law No. 1994-0806, as amended, of the former City of Toronto;

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

By-law No. 1994-0806 being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of an other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the Railway Lands – Central” is hereby amended as follows:

- (1) Section 10(2)(b) is deleted and the following is substituted therefore as Section 10(2)(b):

(b) AQUARIUM and CN TOWER EXPANSION

None of the provisions of Sections 4(3), 4(5)(a), 4(6)(a), 5(1) and 10(2)(a) shall apply to prevent the erection and use of either or both of an *Aquarium* and the *CN Tower Expansion* within the *CN Tower Site – Central* provided:

- (i) the *gross floor area* of the *Aquarium* does not exceed 14,000m²;
- (ii) the *gross floor area* of the *CN Tower Expansion* does not exceed 4,400m²;
- (iii) no single *retail store* within the *CN Tower Expansion* shall have a *non-residential gross floor area* exceeding 1,800 m²;
- (iv) not less than 50% of the south and east faces of the *CN Tower Expansion* as shown on Map 8A shall be *street-related retail and service uses – CN Tower Expansion*;
- (v) two (2) accessible parking spaces, each having minimum dimensions of 5.6m by 3.9 m shall be provided on the *Aquarium Site*;
- (vi) space for the parking of a minimum of 37 charter buses is provided and maintained on a *lot* within the *Central Area*;
- (vii) not less than 1.09 hectares of *publicly accessible open space* are provided and maintained on the *CN Tower Site*, in accordance with the legal agreements between the owner and the City securing such space;
- (viii) no part of the *Aquarium* above grade extends beyond the Building Envelope lines shown on Map 8A except for the following elements: a fence or safety railing not exceeding a height of 2.0 metres; a security wall not exceeding a height of 9m associated with the loading dock; doors including revolving doors; vents and grates not exceeding a height of 1.0 metres; artwork; a canopy not wider than 3 metres; and landscape elements including planters, retaining walls, benches, fountains and lighting elements;
- (ix) no part of the *CN Tower Expansion* above grade extends beyond the Building Envelope Lines shown on Map 8A except for the following elements: a fence or safety railing not exceeding a height of 2.0 metres; doors including revolving doors; vents and grates not exceeding a height of 1.0 metres; artwork; a canopy not wider than 3 metres; and landscape elements including planters, retaining walls, benches, fountains and lighting elements;

- (x) no portion of the *Aquarium* exceeds the *elevation* of 105 metres, but nothing in this clause shall prevent any of a mechanical penthouse, stair tower, elevator shaft or heating, cooling or ventilating stack or equipment from extending beyond the prescribed height limit provided that the height of any such element is no greater than 5m beyond the prescribed height limit;
- (xi) no portion of the *CN Tower Expansion* exceeds the *elevation* of 100 metres.
- (xii) not less than one *loading space - type A*, and one *loading space-type B* are provided and maintained on the *Aquarium Site*;
- (xiii) not less than two (2) loading spaces – type A and three (3) loading spaces – type C are provided and maintained for the CN Tower as it existed on July 6, 2010 and for the *CN Tower Expansion*, and such spaces may be provided on the lands designated as Parcel A and Areas 3, 4 and 5 on the map at exception 3.

For the purposes of this Section 10(2)(b):

“*Aquarium*” means a commercial facility in which aquatic or semi-aquatic animals and plants are kept for public display, including accessory uses thereto including, without limiting the generality of the foregoing, the keeping and public display of non-aquatic animals and plants, food and beverage facilities, conference and meeting rooms, administrative offices and service functions, changeable display areas, educational uses, research, retail areas, complementary entertainment attractions, kiosks, interpretive areas and displays;

“*Aquarium Site*” means the lands designated by shading within the heavy lines on Map 8 and identified as ‘Aquarium Site’;

“*CN Tower Expansion*” means an additional building or structure on the *CN Tower Expansion Site* used for the purposes of any of the following uses not accessory to the communications tower on the *CN Tower Site*: recreational uses, entertainment uses, administrative offices, *retail and service uses, place of amusement, place of assembly, and parking garage*;

“*CN Tower Expansion Site*” means the lands designated by hatched lines within the heavy lines on Map 8 and identified as ‘CN Tower Expansion Site’

“*CN Tower Site*” means the lands delineated by heavy lines on Map 8;

“*CN Tower Site – Central*” means that component of the *CN Tower Site* located within the *Railway Lands – Central*;

“*Central Area*” means *Central Area* as defined in By-law No. 438-86 being, “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”;

“*publicly accessible open space*” means open space which is accessible to the public at all times, secured through appropriate legal agreements and may include pedestrian walkways, landscaped plazas, forecourts, terraces, limited patio space and cafe seating associated with *street-related retail and service uses*, stairs, driveways and other uses required to service the *CN Tower Site* and adjacent properties;

“*retail and service uses*” means one or more of the uses referred to in section 5(1)(f)(b)(iv);

“*street- related retail and service uses – CN Tower Expansion*” means *retail and service uses* where,

- i. a principal public entrance to such use is located in the exterior wall of the *CN Tower Expansion* and is directly accessible to pedestrians from the adjacent *publicly accessible open space*; and
- ii. the level of the floor of each such principal entrance is within 0.2 metres of the level of the public walkway opposite such entrance.

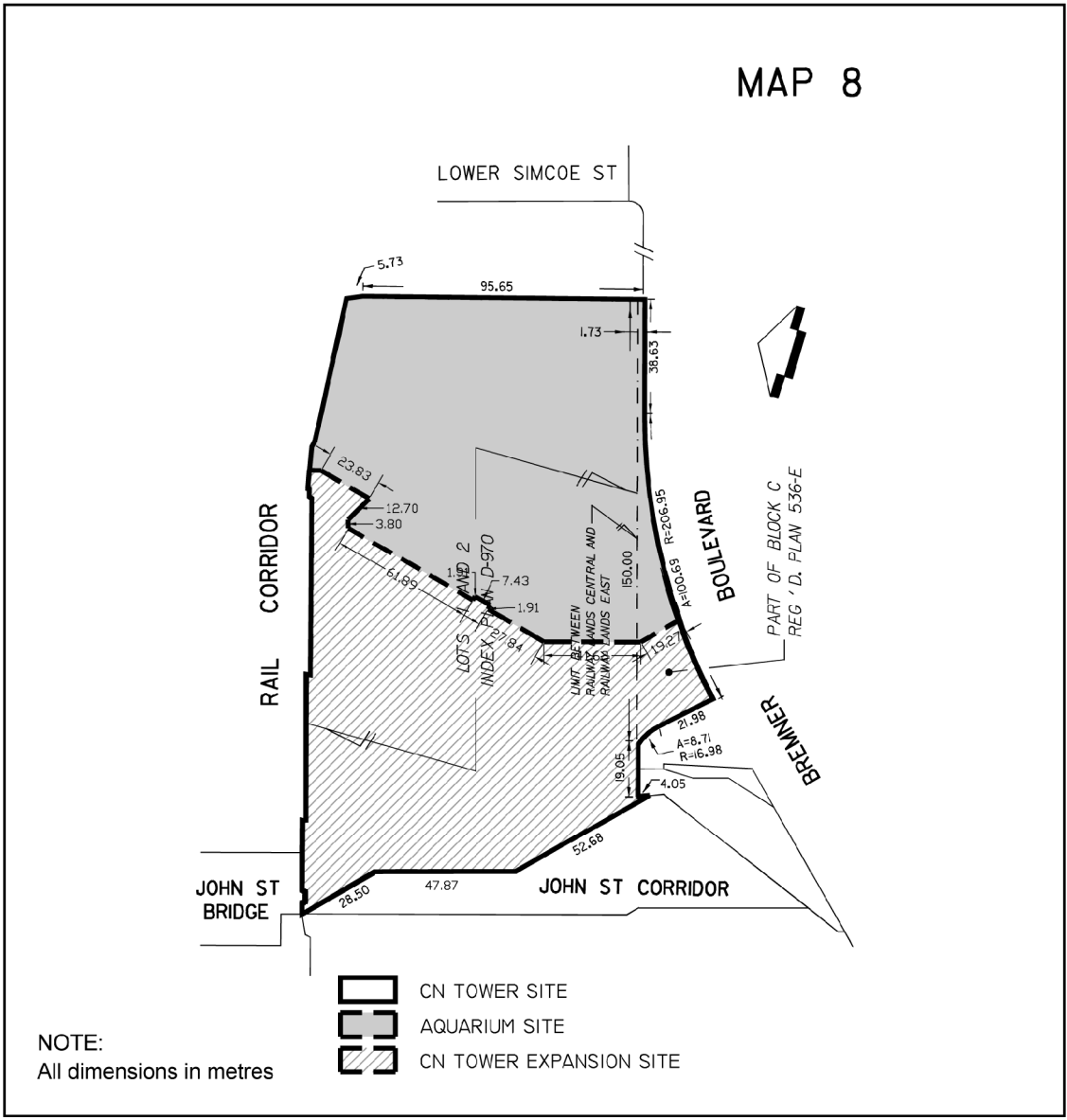
Map 8, Map 8A, Map 8B and Map 8C are deleted and Map 8 and Map 8A attached hereto are substituted into By-law No. 1994-0806, as amended.

ENACTED AND PASSED this _____ day of _____, 2010

SANDRA BUSSIN
Speaker

ULLI S. WATKISS
City Clerk

MAP 8

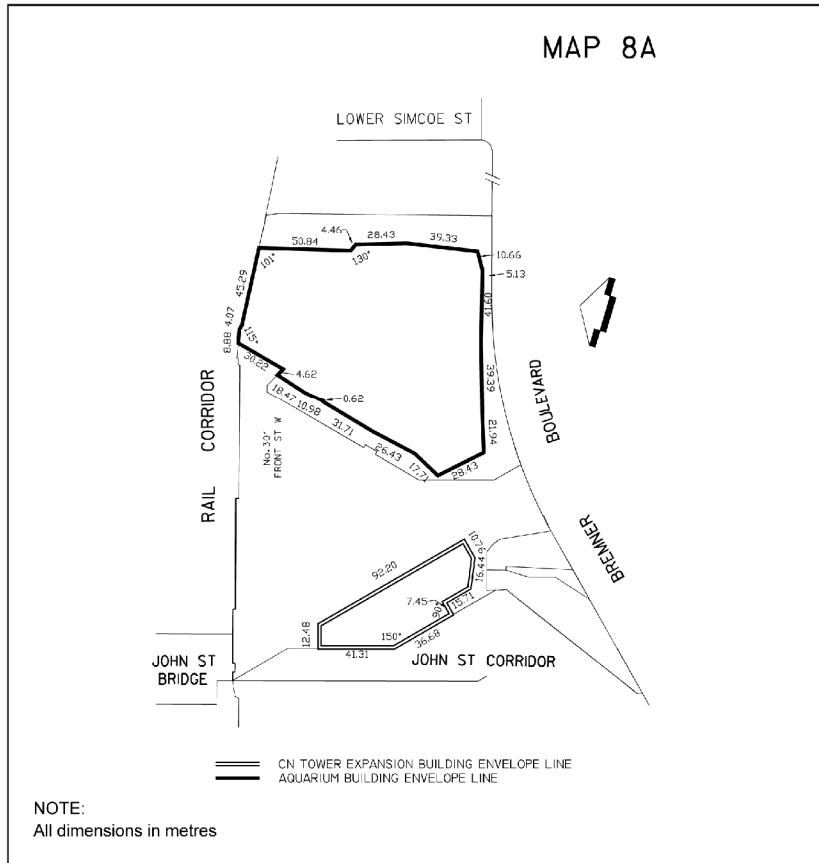


Toronto City Planning
Revised Map 8

301 Front Street West

File # 09_189702

↖
Not to Scale
06/02/2010



Attachment 15: Draft Zoning By-law Amendment – Railway Lands East

Authority: Toronto and East York Community Council - Item TEXXXX as adopted by City of Toronto Council on July 6 and 7, 2010

Enacted by Council: xx, 2010

CITY OF TORONTO

Bill No.

BY-LAW No. xxx-2010

To amend 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 various areas of the Railway Lands East Area A” with respect to lands municipally known in the year 2009 as 301 Front Street.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law 168-93 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2009 as 301 Front Street;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting on July 6 and 7, 2010, determined to amend Zoning By-law No. 168-93, as amended, of the former City of Toronto;

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

1. 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 an other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the Railway Lands East Area A” is hereby further amended as follows:

(1) Section 5(4) 3 and 4 are deleted and the following is substituted therefor as Section 5(4) 3:

“Provided all of the provisions of section 10(2)(b) of the *Railway Lands Central By-law* are complied with, none of the provisions of section 5(1) of this By-law shall apply to prevent that portion of the *CN Tower Site* located within the *Railway Lands East Area A* from being used for an *Aquarium*, the *CN Tower Expansion*, or uses accessory thereto.

For the purposes of this section 5(4) 3,

“CN Tower Site”, “CN Tower Expansion” and “Aquarium” have the same meaning as such terms have as defined in the Railway Lands Central Zoning By-law:

”Railway Lands Central Zoning By-law” means By-law No. 1994-0806 being, “By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings of structures and to prohibit certain uses of lands and the erection or use of certain buildings and structures in various areas of the Railway Lands - Central”.

ENACTED AND PASSED this ____ day of _____, 2010

SANDRA BUSSIN
Speaker

ULLI S. WATKISS
City Clerk