

TORONTO STAFF REPORT

November 30, 2004

To: City Council

From: Commissioner of Urban Development Services

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

Purpose:

To provide additional information to City Council regarding 40 The Esplanade (Report 9, Clause 9) as requested by Toronto and East York Community Council at the November 15, 2004 meeting.

Financial Implications and Impact Statement:

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

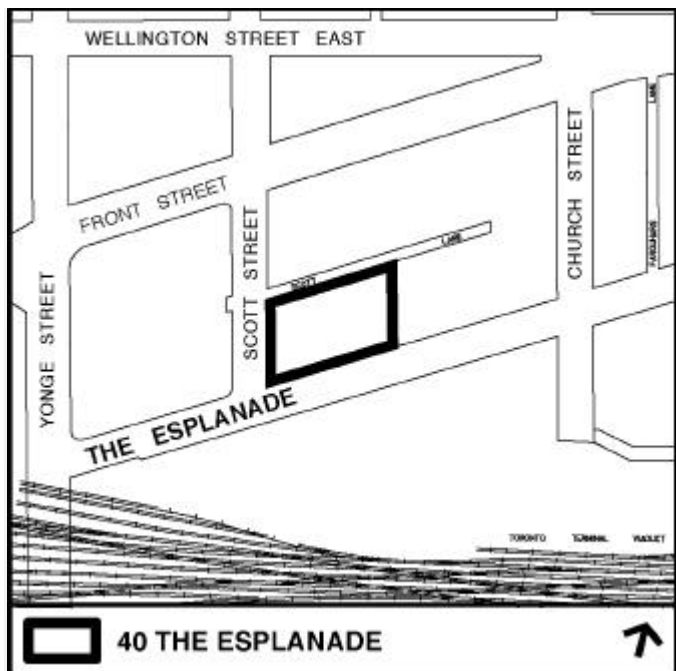
Recommendations:

It is recommended that City Council:

- (1) adopt the November 1, 2004 Final Report from the Director of City Planning, South District, subject to the following changes:

- (a) replace Recommendation (11) as follows:

“instruct the City Solicitor, planning staff, and any other appropriate staff to appear at the Ontario Municipal Board hearing in support of the



revised proposal as outlined in this report and the staff report dated November 1, 2004.”

- (b) add the words “,including the east wall of the podium,” after the word “materials” in Recommendation (4)(k); and
- (c) add a new Recommendation (4)(l) as follows:

“interim site improvements to be achieved prior to the opening of a sales office.”; and

- (2) not require further notice to be given with respect to the proposed by-laws.

Background:

At its meeting held on November 16, 2004, the Toronto and East York Community Council considered the Final Report on 40 The Esplanade dated November 1, 2004 from the Director, Community Planning, South District and forwarded the matter with the following amendments to City Council without recommendation:

- (1) the Commissioner of Urban Development Services be requested to reduce the residential parking requirements in the site specific by-law from the condominium guidelines to zoning by-law requirements;
- (2) the Commissioner of Economic Development Culture and Tourism be requested to allocate the available cash-in-lieu of parkland funds to the development of Crombie park west of Jarvis Street;
- (3) the Commissioner of Works and Emergency Services be requested to install a TTC shelter at the TTC stop located at the northeast corner of The Esplanade and Scott Street;
- (4) the Chair of the St. Lawrence Neighbourhood Business Improvement Area and/or the Commissioner of Works and Emergency Services be requested to repair street lights abutting 40 The Esplanade at the sole cost of the St. Lawrence Neighbourhood Business Improvement Area;
- (5) the Commissioner of Works and Emergency Services be requested to undertake a technical review of the bicycle lanes on Yonge Street between Front Street and Queens Quay and on The Esplanade from Yonge Street to Jarvis Street;
- (6) the Commissioner of Works and Emergency Services be requested to undertake a technical review of establishing crosswalks or other pedestrian improvements at the Yonge Street and The Esplanade intersection;

- (7) the Commissioner of Urban Development Services be requested to add the reconstruction of the sidewalk on the west side of Church Street south of The Esplanade to the 2006 Civic Improvement Budget; and
- (8) the applicant be requested to remove the guard rails along The Esplanade and Scott Street abutting 40 The Esplanade and replace with planter boxes, bollards, tire curb stops, wrought iron fencing or other pedestrian friendly streetscape prior to the opening of a sales office, to the satisfaction of the Commissioner of Urban Services.

The Toronto and East York Community Council further requested the Commissioner of Urban Development Services to submit a supplementary report to City Council for its meeting on November 30, 2004 adding the following requirements to the draft by-law with an additional consideration:

- (a) that the western tower setback be a minimum of 5 metres from the south (Esplanade) property line;
- (b) that there be no shadowing on Berczy Park between March 21st and September 21st; and
- (c) that City staff further explore the feasibility of a setback of the podium from the eastern side of the property.

Comments:

Revised Proposal

Subsequent to the consideration of the Final Report at Community Council, there have been additional meetings between City staff, community stakeholders and the applicant to achieve a community based outcome. In keeping with the direction from Community Council, the proposal has been revised further. The changes to the proposal include the following:

	Plan in the November 1, 2004 staff report	Revised Plan
West tower setback – The Esplanade	1.5 metres (southeast corner) 5 metres (southwest corner)	5 metres (southeast corner) 10 metres (southwest corner)
West tower setback – Scott Street	3.3 metres (southwest corner)	3.7 metres (southwest corner)
West tower setback – Scott Lane	5 metres (northwest corner)	1.5 metres (northwest corner)
Distance between west & east tower	17 metres	16 metres (due to shifting the tower 3.5 metres to the north parallel to Scott Street)
Height of podium	5-7 storeys (19-23 metres)	4-5 storeys (13.7-17.7metres)

	Plan in the November 1, 2004 staff report	Revised Plan
Height of west tower	33 storeys (108 metres)	33 storeys (104.3 metres) and terracing of the tower on the north side to maintain no shadow on Berczy Park
Typical west tower floor to ceiling heights	2.74 metres	2.43 metres
Maximum amount of commercial parking spaces	178	Less than 149 (possible further reduction at site plan review)
Increase in commercial parking from the existing at-grade parking lot (126 spaces)	52	23
Number of apartments	430	408
Minimum number of residential parking spaces	343	253
East Elevation	No architectural treatment	Brick wrap-around, banding, and some glazing
Office space on the 2 nd to 4 th floor	Minimal (a small parking attendant's office)	439.5 square metres of office space

Attachment No. 1 shows the revised site plan and Attachment No. 2 shows the revised elevations. As a result of all of the above changes there has been a minor decrease in the gross floor area.

The applicant has satisfied the Toronto and East York Community Council motion relating to creating a minimum setback of 5 metres for the west tower along The Esplanade by shifting the entire tower 3.5 metres to the north. The northeast corner of The Esplanade and Scott Street has been opened up to skyview by creating a 10 metre setback for the southwest corner of the west tower.

The southwest corner of the westerly tower would be a minimum of 30 metres from 25 The Esplanade and the southeast corner of the westerly tower would be a minimum of 29 metres from 25 The Esplanade. The southwest corner of the westerly tower would be a minimum of 30.4

metres from the Hummingbird Centre. The setback for the west tower has increased from 3.3 metres to 3.7 metres. There are 3 small glass balconies on the west wall of the west tower that have a setback of 2.7 metres to Scott Street. The northwest corner of the west tower would be a minimum of 66.5 metres from Front Street East and a minimum of 175 metres from the residential building at 30 Wellington Street East. With the tower setbacks proposed, staff do not have a concern about a canyon being created along The Esplanade or Scott Street, or the tower dominating the streetscape on Front Street and Berczy Park.

With respect to the second motion that there be no shadowing on Berczy Park between March 21 and September 21, the applicant has submitted revised shadow plans which show no shadowing on Berczy Park during this time.

With respect to the third motion that the options for the east elevation be considered, the applicant has provided view corridor plans showing the view of the 4-5 storey podium from Church Street and Front Street East, from Church Street and The Esplanade, and from the sidewalk in front of 30 Wellington Street East. The plans show that the podium would have limited visibility from these viewpoints (refer to Attachment No. 3).

Staff have also reviewed the visibility of the podium taking into account the 3.3 metre grade change from Front Street East and The Esplanade, and the massing of the surrounding buildings. The St. Lawrence Centre flytower has a height of 23 metres and the height of the podium at the northeast corner is 13.7 metres. The height of the buildings at 35 to 49 Front Street East are 17.3 to 17.5 metres and have a grade 1.6 metres higher than the north wall of the podium. As a result the podium would have limited visibility from Front Street East.

The east wall of the podium which ranges from 13.7 to 17.7 metres would have limited visibility from the northeast corner of The Esplanade and Church Street as 56 The Esplanade has a height of 5 storeys (21 metres).

Staff recommend that the zoning by-law schedule show the podium as submitted on the plans with a height ranging from 4 storeys (14 metres) (along the northern part of the east side of the podium) to 5 storeys (18 metres) along The Esplanade and Scott Street.

With respect to the distance separation between the proposed east wall of the podium at 40 The Esplanade and the west facing office windows of 56 The Esplanade, the distance separation would be 19.8 metres. This is the equivalent to the width of a municipal street. There are many examples in the St. Lawrence Neighbourhood of a distance separation between commercial buildings less than 19.8 metres.

Staff and the applicant evaluated the following options for the east elevation:

- (a) creating a setback for the podium to the east property line;
- (b) terracing the east wall of the podium;
- (c) reducing the height of the podium;
- (d) improving the architectural detailing on the east wall of the podium;

- (e) improving the landscaping on the roof of the podium so that it cascades down the east wall to cover part of the wall;
- (f) adding a mural to the east wall of the podium; and
- (g) adding windows to the east wall of the podium.

With respect to creating a setback for the podium to the east property line, from an urban design perspective it is desirable to have a continuous street wall along The Esplanade. Staff do not support creating a setback from the east wall of the podium. The existing continuous wall on the north side of Front Street east of Church Street ranges from 1 storey to 5 storeys. It is desirable to continue this street animation with residential and commercial uses without a break. It is also desirable to have a podium that masks the view of the 23 metre high blank south flytower wall of the St. Lawrence Centre for the Arts from the view of The Esplanade.

A setback for the podium to the east property line would also create an open space area with potentially little sunlight given the as of right height limit for the property to the east which is 23 metres (approximately 8 storeys). This narrow space would not have a functional use.

With respect to terracing the east wall of the podium, the floor plate of the above grade parking is small given that there are residential units, office space, corridors and service areas which surround the parking on Scott Street and The Esplanade. The applicant has indicated that terracing is not preferred as it interferes with the constricted parking garage layout and ramping.

With respect to reducing the height of the podium, the applicant has reduced the podium height from 5-7 storeys to 4-5 storeys. From an urban design perspective the ideal maximum podium height along The Esplanade and Scott Street is 5 storeys (20 metres or less) as it meets the urban design objective of creating a 1:1 ratio of street wall height to road right-of-way width. The Esplanade is 20 metres wide. Although the 13.64 metre high northern part of the east podium wall will not fully block the view of the 23 metre high St. Lawrence Centre for the Arts flytower wall, staff support the ratepayers' request to reduce the height of the podium along the northern part of the east podium wall. Staff recommend that the podium height in the draft by-law schedule reflect the submitted plans, including 4 storeys along the northern part of east property line.

With respect to improving the architectural detailing on the east wall of the podium, the applicant has provided a revised elevation that shows a brick wrap around to the most visible portion of the podium from The Esplanade. The northern section of the east podium wall has banding and real windows. Staff recommend that architectural detailing, including the east wall of the podium be secured through the Section 37 Agreement. Architectural detailing will be discussed at the time of site plan review through the working group and reporting to Toronto and East York Community Council on the site plan.

With respect to improving the landscaping of the roof of the podium at the east wall, the roof of the podium in this area is private terraces that could have raised planters added. The applicant has agreed to provide cascading landscaping along the east wall. The planting in this area will be addressed at the time of site plan review.

With respect to adding a mural to the east wall of the podium, there are many examples of murals that have been painted on the walls of buildings in the St. Lawrence neighbourhood including the south wall of the North Market facing Front Street, the west wall of the Flatiron building facing Berczy Park, and the west wall of 65 Colborne Street facing Leader Lane and 30 Wellington Street East. There are several groups that are interested in painting a mural, such as Mural Routes, which completed the mural at the Toronto Sun building. Staff estimate that a temporary mural could be completed for \$10,000.00. Staff do not recommend that the public art contribution be applied to a mural on the east wall of the podium because the as of right zoning for the abutting property to the east (54 The Esplanade) permits an 8-storey building without windows, with a zero setback. A mural on the east wall of the podium will be discussed at the time of site plan review by the working group. The landowners to the east will be represented on the working group.

With respect to adding windows to the east wall of the podium, the applicant has shown real windows for a portion of the wall. These windows are in the area of residential units, storage rooms (northeast corner of the podium) and parking spaces. Given that the as-of-right zoning for the abutting property to the east (54 The Esplanade) permits an 8-storey building with a zero setback, these windows could be eventually covered.

With respect to the site plan working group to address the above noted matters, the Planning Act determines what can be reviewed through the site plan process. The layout of interior areas, other than the interior walkways, stairs, elevators, and escalators used for public access, colour, texture, and type of materials, window detail, construction details, architectural detail and interior design are excluded. However the architectural design and exterior materials will be secured through the Section 37 Agreement.

It is anticipated that the working group would have four meetings over a two month period, with one meeting to discuss each of the following topics:

- architectural design and exterior materials;
- the east wall of the podium;
- LEED certification and green roofscaping; and
- weather and wind protection for pedestrians, and streetscaping (including lighting and landscaping).

The composition of the group has been included in the staff recommendations. The group is expected to develop terms of reference. The group will advise planning staff and Toronto and East York Community Council on these site plan issues.

At the November 16, 2004 Toronto and East York Community Council meeting there were speakers for and against the commercial parking. The issue was discussed in the final report dated November 1, 2004. The revised plans show new office space and reconfigured residential space expanded into the commercial parking area. This has resulted in a reduction to the amount of commercial parking from 178 to 149 spaces.

A preliminary review of the revised site plan has resulted in staff concerns about the garage ramp and driveway radii, parking stall dimensions, and access to parking spaces. By-law and Building Code standards, and Works and Emergency Services Department requirements may result in further reductions in the amount of commercial parking. The above grade parking area is counted as gross floor area in density calculations. The applicant has indicated that some of the gross floor area devoted to a commercial parking garage may be converted to office space. The applicant has agreed to consider a reduction in the commercial parking at the time of site plan approval, once more detailed floor plans have been developed and comments from Works and Emergency Services Department staff have been considered. Staff prefer that the draft by-law be amended to reflect the amount of commercial parking that can be realistically achieved. A total of 150 spaces is recommended which includes spaces required for the commercial uses in the proposed building.

With respect to the motion reducing the minimum required residential parking from the Works and Emergency Services Department condominium guidelines to the Zoning By-law standards, the Works and Emergency Services Department and the applicant have agreed to the reduction. The draft site specific by-law attached as Attachment No. 4 requires the minimum required residential parking at the Zoning By-law standards, which results in a net decrease of 90 spaces at the unit count currently proposed.

Conclusions:

Through additional consultation with City staff and community stakeholders, further refinements have been made to the proposal including:

- (1) increasing the setback on The Esplanade and Scott Street for the west tower;
- (2) achieving generous setbacks from 25 The Esplanade and the Hummingbird Centre for the west tower;
- (3) reducing the height and massing of the west tower;
- (4) reducing the height of the podium both along municipal streets and the east wall;
- (5) reducing the gross floor area;
- (6) reducing the number of apartments;
- (7) reducing the commercial parking and residential parking;
- (8) adding office space to make the project more of a mixed use development; and
- (9) committing to addressing the appearance of the east wall of the podium through a provision in the Section 37 agreement.

Staff recommend adoption of the proposed Official Plan and zoning by-law amendments once the recommended agreement has been executed.

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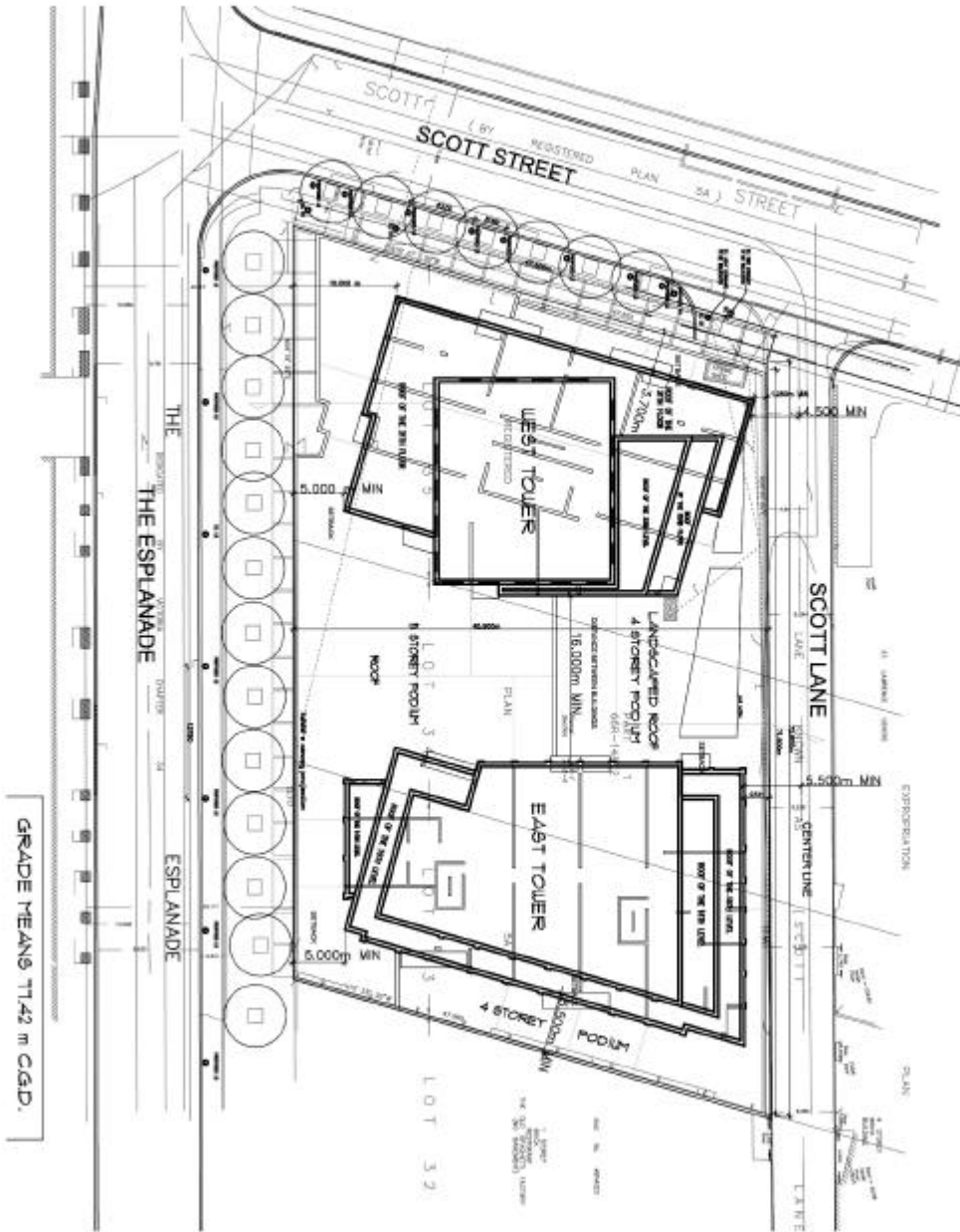
Paula M. Dill
Commissioner
Urban Development Services

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List of Attachments:

Attachment No. 1: Site Plan
Attachment No. 2: Elevations
Attachment No. 3: View Corridor Plans
Attachment No. 4: Draft Official Plan Amendment
Attachment No. 5: Draft Zoning By-law Amendment

Attachment No. 1: Site Plan



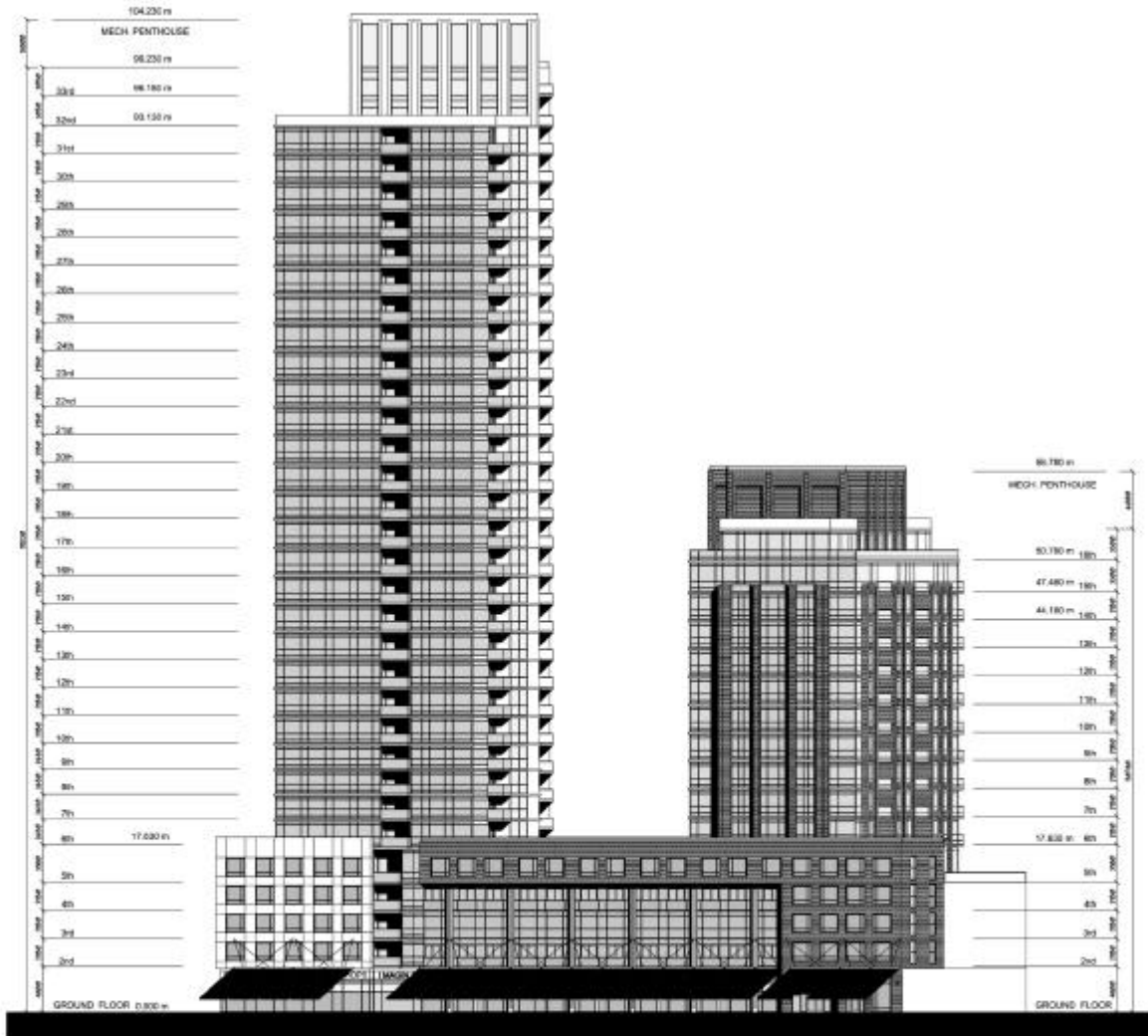
40 The Esplanade

Site Plan
Applicant's Submitted Drawing

Not to Scale
11/24/04

File # 04_108075

Attachment No. 2a: Elevations



The Esplanade Elevation

Elevation

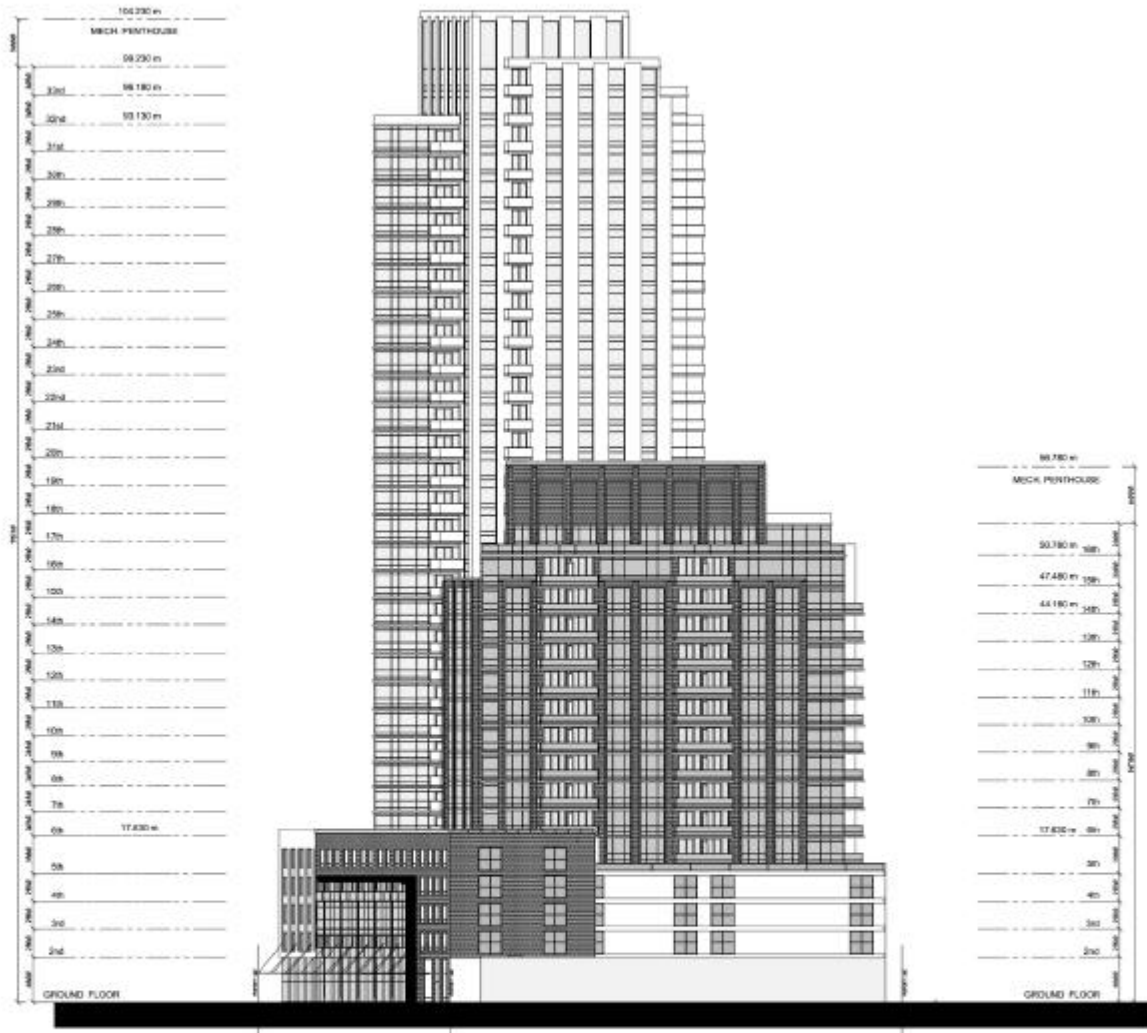
Applicant's Submitted Drawing

Not to Scale
10/26/04

40 The Esplanade

File # 04_108075

Attachment No. 2b: Elevations



East Elevation

Elevation

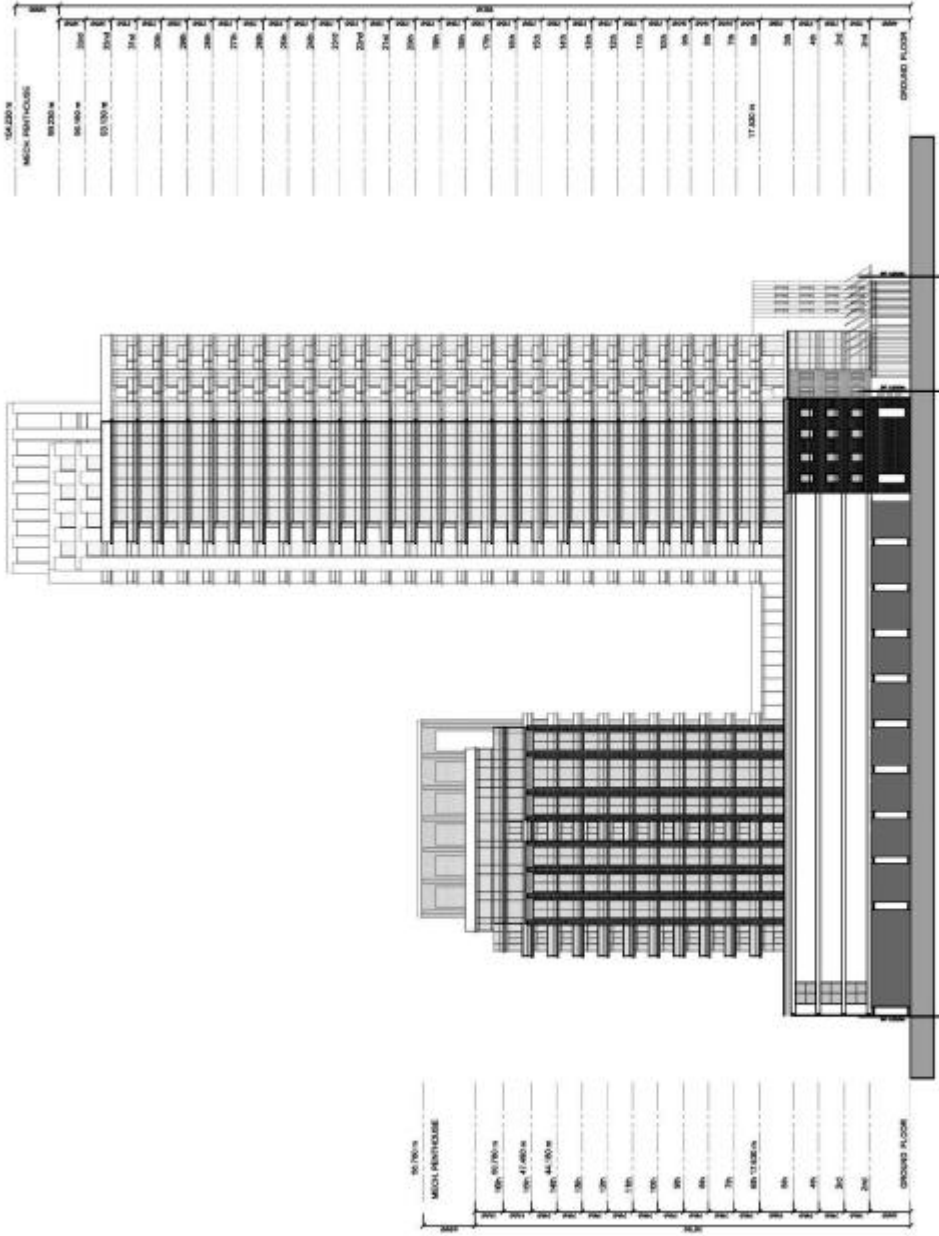
Applicant's Submitted Drawing

Not to Scale
10/26/04

40 The Esplanade

File # 04_108075

Attachment No. 2c: Elevations



North Elevation

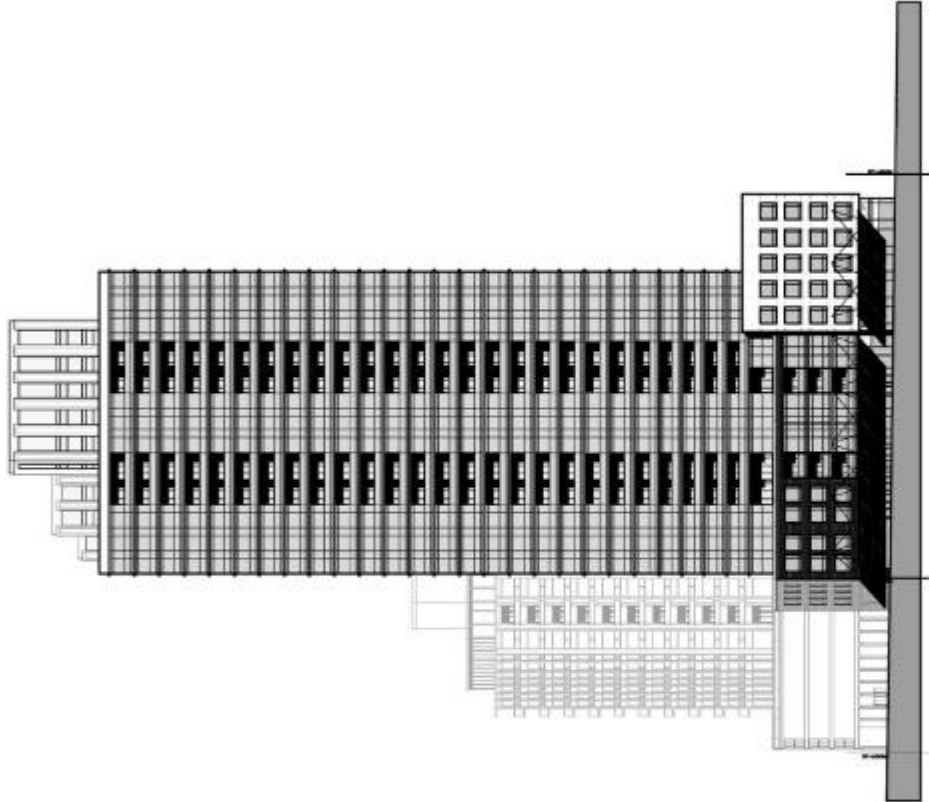
Applicant's Submitted Drawing

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40 The Esplanade

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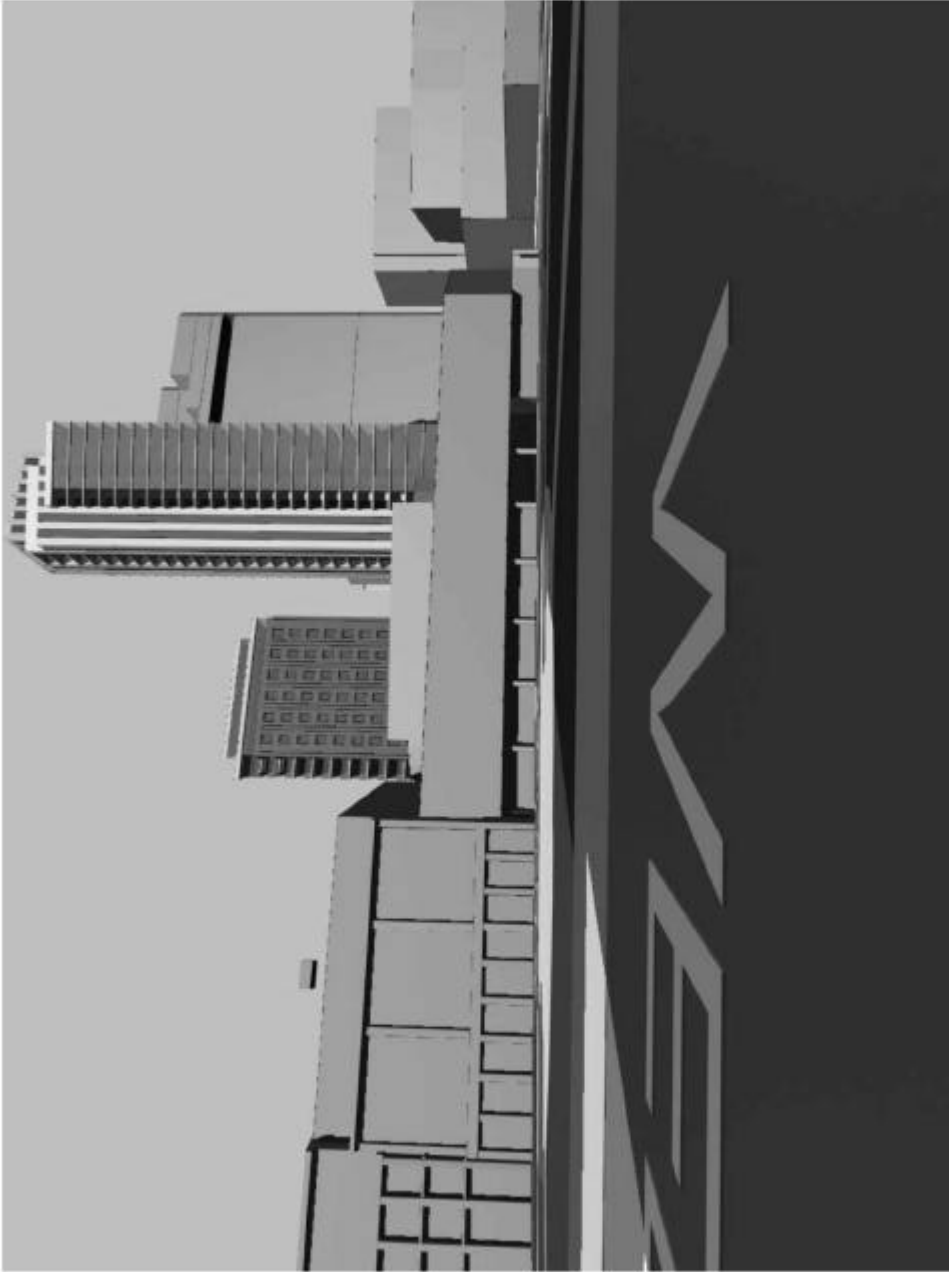
Attachment No. 2d: Elevations



West Elevation
Applicant's Submitted Drawing
Not to Scale
11/24/04

40 The Esplanade
File # 04_108075

Attachment No. 3a: View Corridor Plans



View from North of Bercy Park Looking South

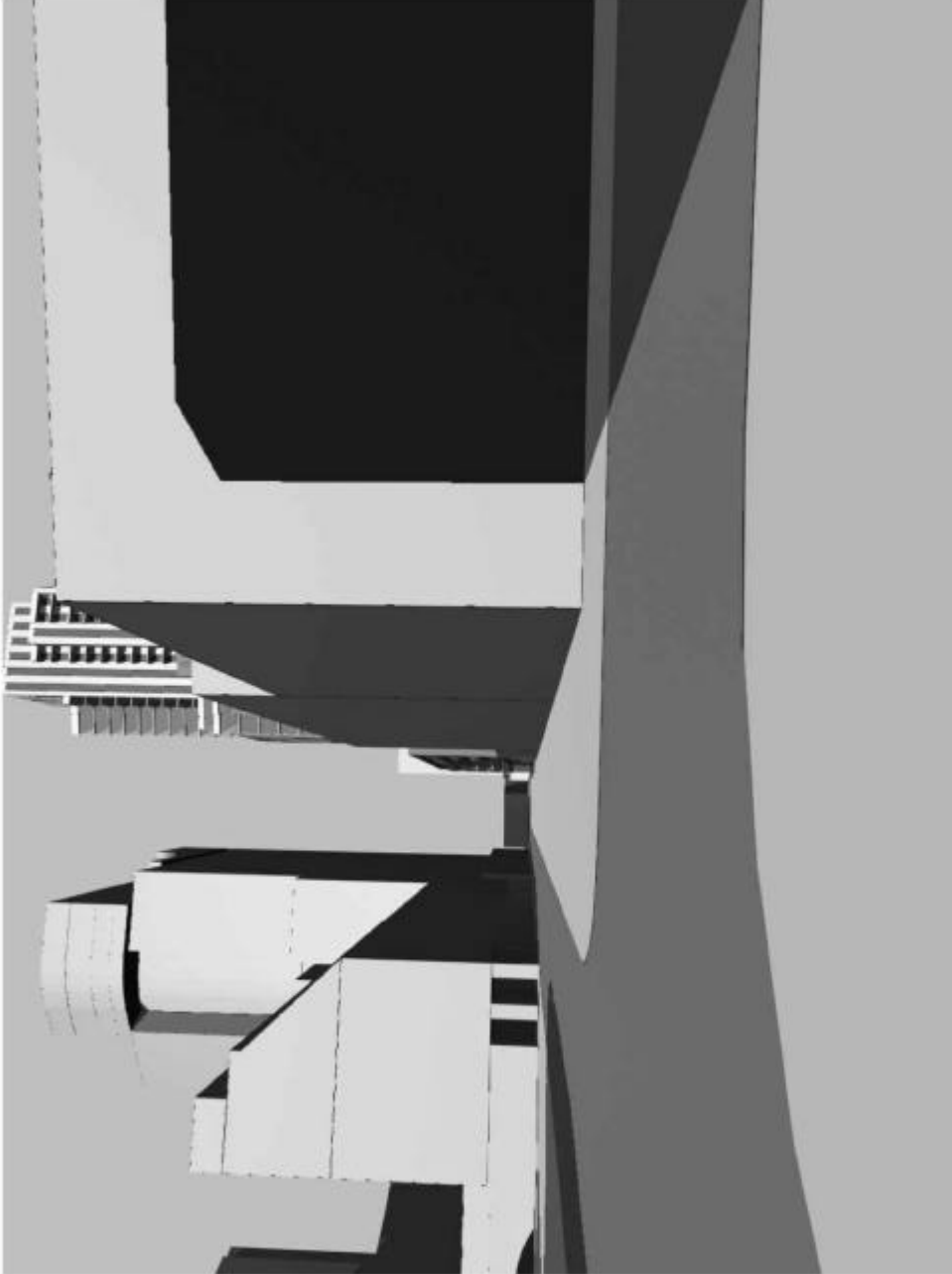
Applicant's Submitted Drawing

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40 The Esplanade

File # 04_108075

Attachment No. 3b: View Corridor Plans



View from Church Street and The Esplanade Looking West

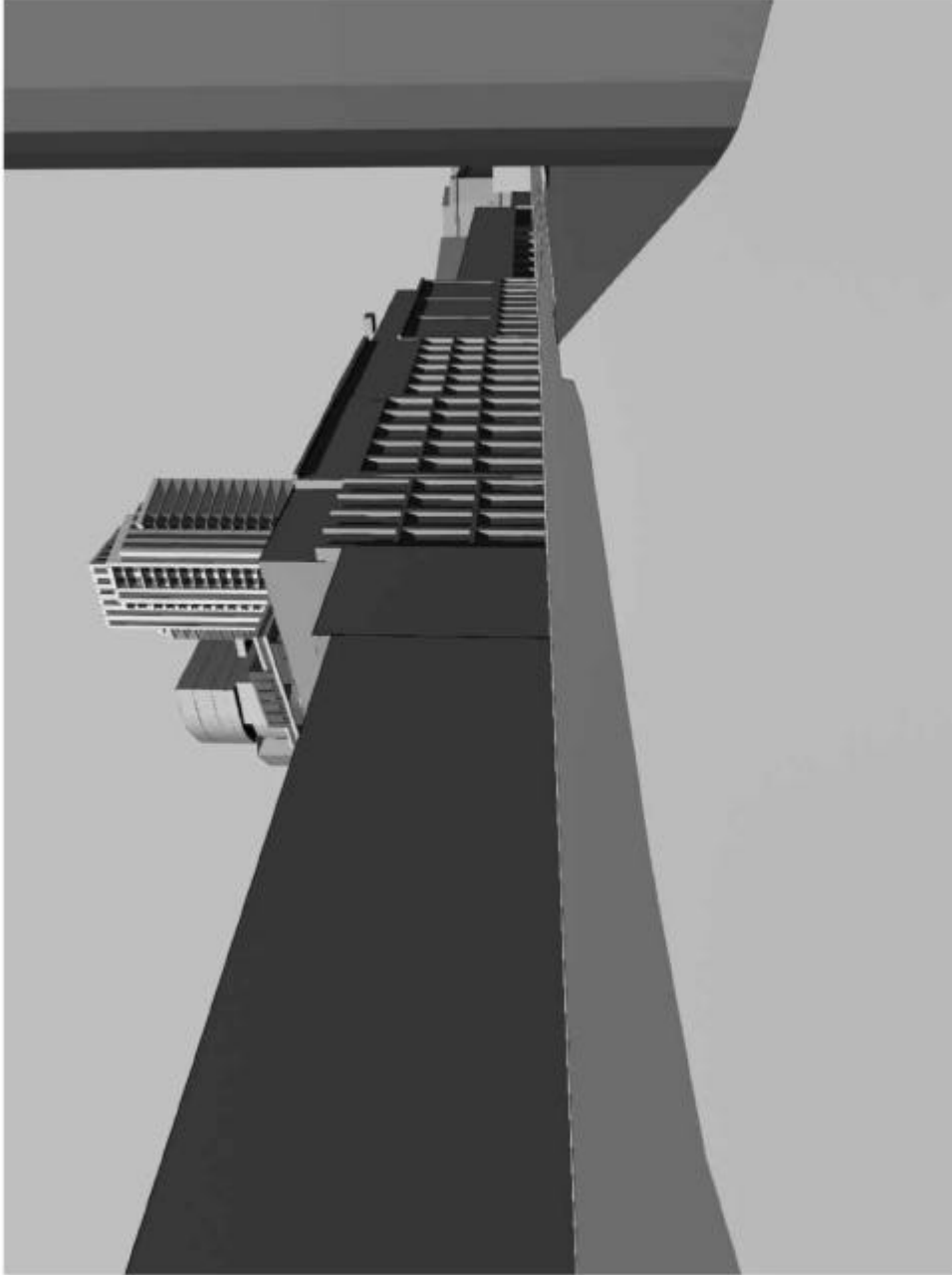
40 The Esplanade

Applicant's Submitted Drawing

Not to Scale
11/24/04

File # 04_108075

Attachment No. 3c: View Corridor Plans



View from Church Street and Front Street Looking South-West **40 The Esplanade**

Applicant's Submitted Drawing

Not to Scale
11/24/04

File # 04_108075

Attachment No. 4: Draft Official Plan Amendment

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

Enacted by Council:

CITY OF TORONTO

BY-LAW NO. XXX-2004

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

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

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

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

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

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

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

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

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

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

- (1) Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.XXX, to permit the erection and use of a mixed-use building having a maximum gross floor area of 43,079 square metres, provided that:
 - (a) The *residential gross floor area* of such building does not exceed 35,732 square metres; and
 - (b) The *non-residential gross floor area* of such building does not exceed 8,946 square metres;
- (2) Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("*Planning Act*"), to secure the facilities, services and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3) In return for the residential densities and height permissions granted by a by-law designating the lands for residential and other uses, including any by-law described in Section 1 hereof, the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
 - (a) The owner agrees to pay \$700,000 to the City towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;

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

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

Attachment No. 5: Draft Zoning By-law Amendment

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

Enacted by Council:

CITY OF TORONTO

BY-LAW NO. XXX-2004

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

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

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

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

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

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

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

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

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

1. None of the provisions of Section 2 with respect to definition of "grade" and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 8(3) PART I 1, 2, & 3, 8(3) PART II 1(a)(ii), 8(3) PART

III 1(a) and 12(2) 132 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* and *parking garage* on the lands shown on Plan 1 attached to and forming part of this By-law, provided that:

- (i) the *lot* comprises not less than the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law;
- (ii) no above *grade* portion of any building, excluding balconies, is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, attached to and forming part of this By-law;
- (iii) the *height* of any building or structure, or portion thereof, excluding those elements referenced in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed those *heights* as shown on Plan 2 attached to and forming part of this By-law;
- (iv) the aggregate of the *residential gross floor area* and the *non-residential gross floor area* erected or used on the *lot* does not exceed 43,079 square metres, of which:
 - (a) the *residential gross floor area* does not exceed 35,732 square metres; and
 - (b) the *non-residential gross floor area* does not exceed 8,946 square metres;
- (v) a maximum of 150 commercial *parking spaces* that are not designated for the residents of the building or visitors to the residential units in the building shall be permitted;
- (vi) at least one *loading space-type B* and one *loading space-type G* shall be provided and maintained on the lot;
- (vii) one *bicycle parking space - occupant* for each *dwelling unit*, or fraction thereof equal to or greater than 0.5;
- (viii) 0.085 *bicycle parking space - visitor* for each *dwelling unit*, or fraction thereof equal to or greater than 0.5;
- (ix) *bicycle parking space - occupant* are provided and maintained with the majority located on the ground floor, and levels P1 to P2;
- (x) *bicycle parking spaces - visitor* are provided and maintained on the ground floor and second floor;
- (xi) *bicycle parking spaces - occupant* shall not be combined with storage lockers for residential units;
- (xii) a minimum of 40% of the *dwelling units* shall be 2-bedroom or larger *dwelling units*;

- (xiii) continuous weather protection for pedestrians with a minimum depth of 3 metres shall be provided along the frontage of Scott Street and The Esplanade.
2. For the purposes of this By-law:
- (i) “*grade*” means 77.42 metres Canadian Geodetic Datum; and
 - (ii) each word or expression that is italicized in the By-law herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
3. Notwithstanding Sections 1 and 2, the *heights* and density of development permitted by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of all the following facilities, services and matters to the City of Toronto, namely:
- (i) the owner agrees to pay \$700,000 to the City towards the creation of a municipal park on the lands bordered by The Esplanade, Market Street, Wilton Street and Jarvis Street;
 - (ii) the owner agrees to pay \$50,000.00 to the City towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street including weather protection along the west wall of the St. Lawrence Centre for the Arts;
 - (iii) the owner agrees to pay \$50,000.00 to the City towards the establishment of a senior’s centre in the St. Lawrence neighbourhood;
 - (iv) the owner agrees to make a public art contribution of a value not less than one percent of the gross construction cost of the development, in compliance with the City’s public art program;
 - (v) the owner agrees to the payment of costs related to the improvements to the municipal lighting required to support this development;
 - (vi) the owner agrees to the submission of a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstration of how this site can be serviced and whether the existing municipal infrastructure is adequate;
 - (vii) the owner agrees to the payment for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review;
 - (viii) the owner agrees to improvement of The Esplanade and Scott Street rights-of-way abutting the site, including streetscaping and tree installation, to City standards;

- (ix) the owner agrees to the provision of an irrigation system at the owners expense for all street trees in the public right-of-way with automatic timer at the owner's expense and that the irrigation system be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
- (x) the owner agrees to the phasing of development of the lands and the timing of the contributions set out above;
- (xi) the owner agrees to architectural design and exterior materials, including the east wall of the podium, satisfactory to the Commissioner of Urban Development Services;
- (xii) the owners agrees to interim site improvements to be achieved prior to the opening of a sales office;
- (xiii) the owner agrees to enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands, and register such agreement against title to the lands.

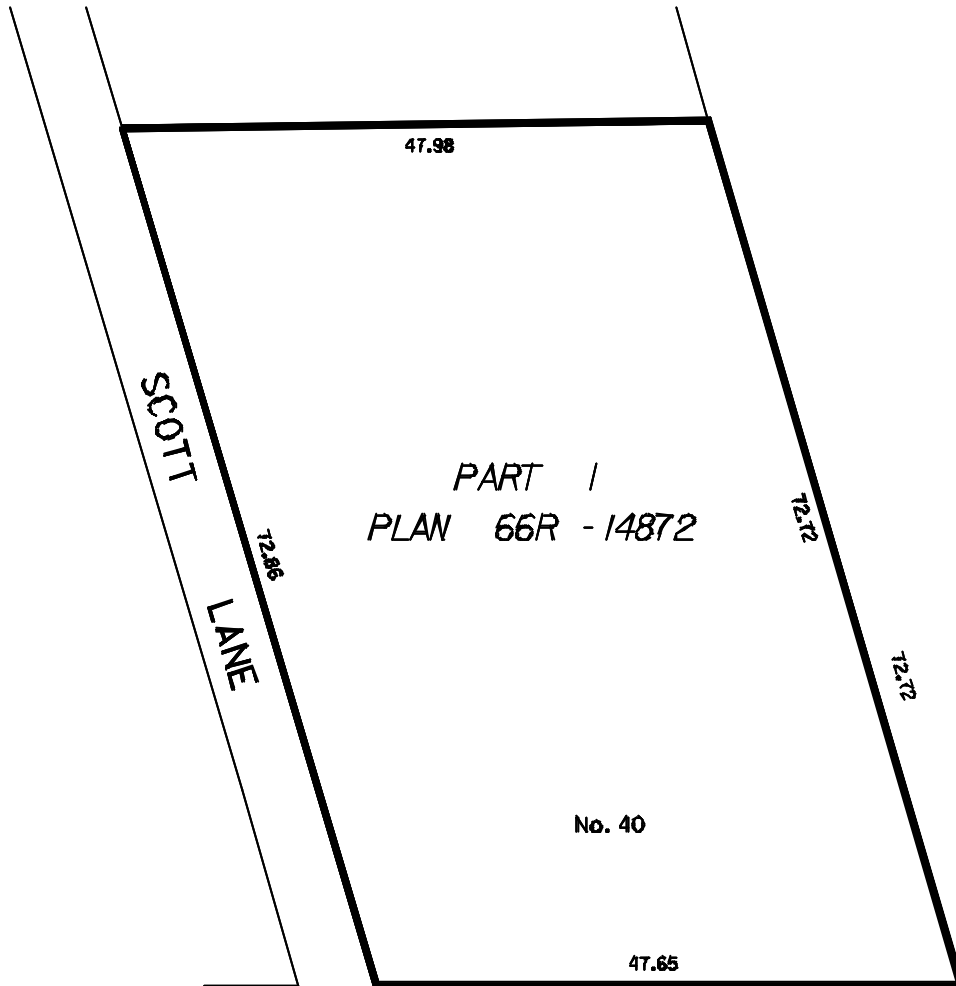
ENACTED AND PASSED this XX day of XX, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

PLAN 1

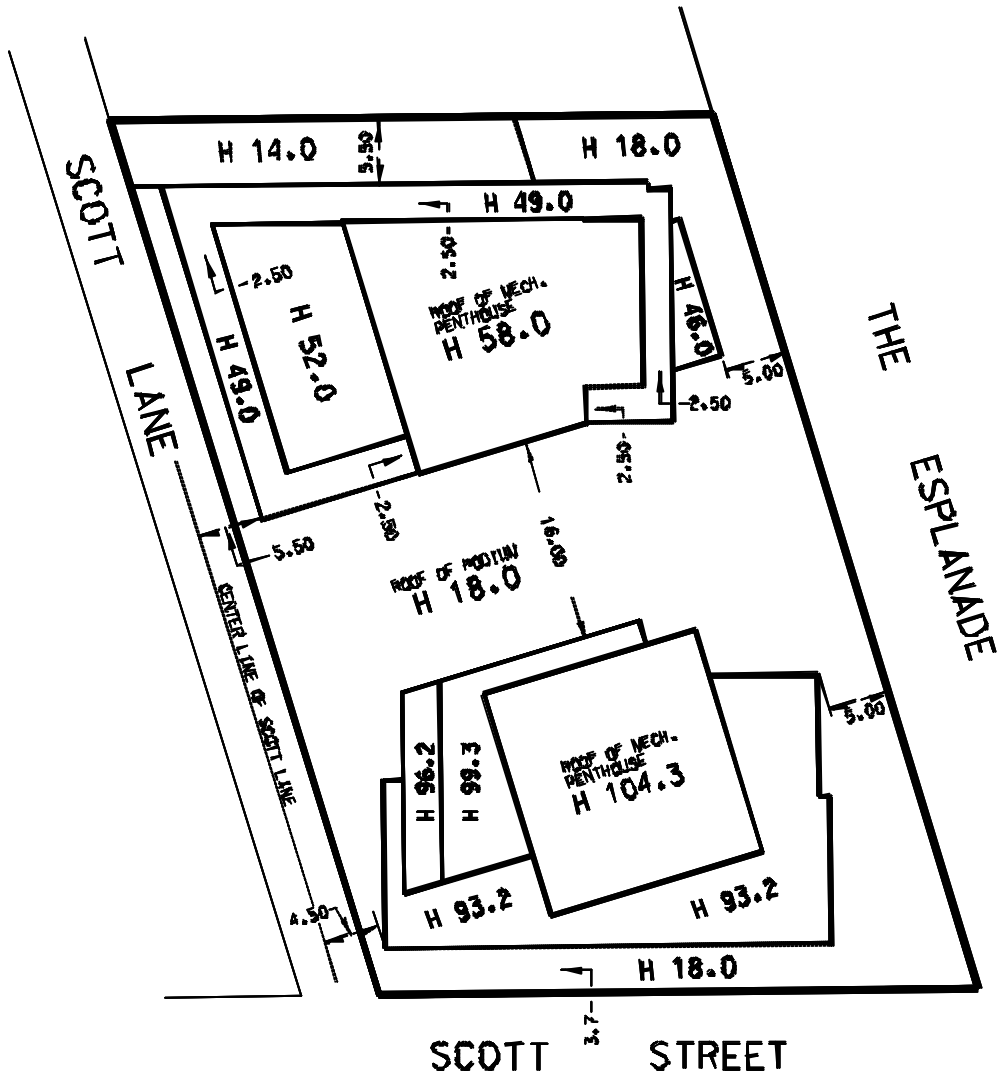


THE ESPLANADE

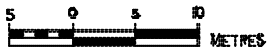


WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2004
B104/40001011.DGN
FILE# 613-24
MAP No. 516-321 DRAWN# YG

PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER 2004
BLM/400010101.dwg
FILE# E13-C4
MAP No. 516-021 DRAWN: YC