

CITY OF TORONTO

BY-LAW No. 25-2007(OMB)

To adopt Amendment No. 342 of the Official Plan for the former City of Toronto with respect to lands municipally known as 40 The Esplanade.

WHEREAS the Ontario Municipal Board, by way of an Order No. 2799 issued on the October 3, 2006, determined to amend the former City of Toronto Official Plan with respect to lands municipally known in the year 2005 as 40 The Esplanade;

THEREFORE the Ontario Municipal Board orders 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. 342.

PURSUANT TO THE ORDER/DECISION NO. 2799 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 3, 2006 IN BOARD FILE NO. PL040887.

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.650 and the attached Map 18.650;

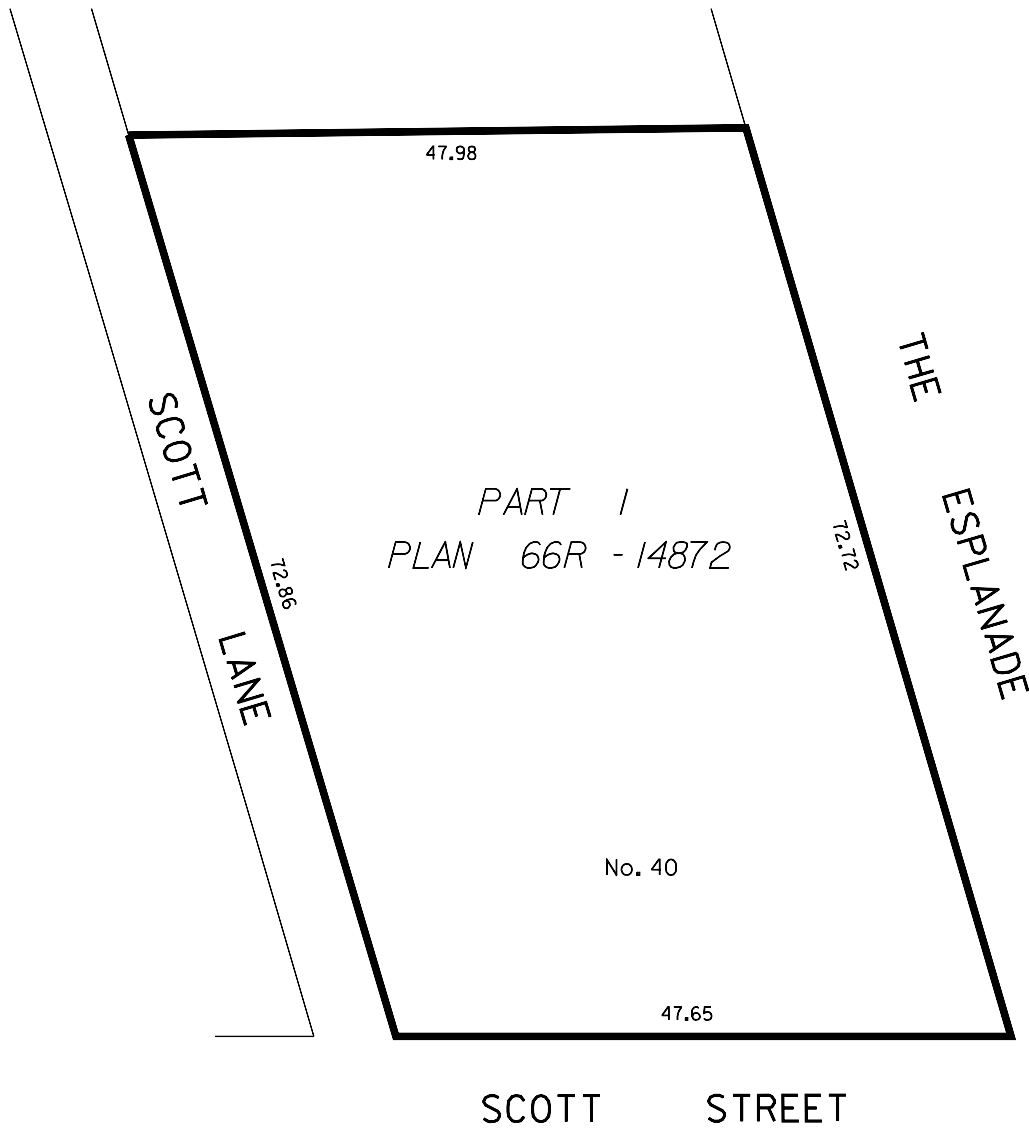
“18.650 Lands municipally known in the year 2005 as No. 40 The Esplanade.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.650 to permit the erection and use of a mixed-use building which may include a below ground commercial parking garage, on the *lot* provided,

- (1) the *gross floor area* erected or used on the *lot* does not exceed 43,079 square metres, of which not less than 1,600 square metres of *non-residential gross floor area* is provided and maintained on the *lot*;
- (2) the height of the westerly tower does not exceed 102 metres and no *gross floor area* is erected or used above a height of 101.3 metres;
- (3) the height of the easterly tower does not exceed 15 storeys;
- (4) the owner of the *lot* at its expense and in accordance with and subject to the agreement referred to in subsection (5) herein
 - (a) pays to the City the sum of \$700,000 towards the creation of a *public park* on the lands bordered by The Esplanade, Market Street, Wilton Street and Lower Jarvis Street;
 - (b) pays to the City the sum of \$50,000 towards streetscape improvements on the east side of Scott Street between Scott Lane and Front Street East, including weather protection along the west wall of the St. Lawrence Centre for the Arts;
 - (c) pays to the City the sum of \$50,000 towards the establishment of senior’s facilities in the St. Lawrence neighbourhood;
 - (d) makes a public art contribution to the City 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) pays to the City the costs related to the improvements to the municipal lighting required to support the development to the satisfaction of the City;

- (f) submits a site servicing review satisfactory to the City to determine the storm water runoff, sanitary flow and water supply demand resulting from the development and demonstration of how the *lot* can be serviced and whether the existing municipal infrastructure is adequate;
 - (g) pays to the City the costs for improvements to the municipal infrastructure in connection with the site servicing review to the satisfaction of the City should the site servicing review required in paragraph (f) herein determine that upgrades are required to the infrastructure to support this development;
 - (h) constructs improvements to The Esplanade and Scott Street rights-of-way abutting the *lot*, including streetscaping and tree installation, to City standards to the satisfaction of the City and provides a Letter of Credit to secure such work to the City's satisfaction;
 - (i) provides an irrigation system for all street trees in the public right-of-way adjacent to the *lot*, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor and constructed with a back flow preventer to the satisfaction of the City, provides a Letter of Credit to secure such work to the City's satisfaction and maintains the entire system in continuing good order and operation;
 - (j) provides and maintains a minimum of 30 percent of the north wall of the podium above the ground floor as windows;
 - (k) provides and maintains a minimum of 50 percent of the east wall of the podium above the ground floor as windows; and
 - (l) provides and maintains architectural design and exterior materials, including the east wall of the podium, satisfactory to the City's Chief Planner and Executive Director of City Planning; and
- (5) the owner of the *lot* enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required in subsection (4) herein and those matters deemed appropriate for the orderly development of the *lot*, and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor prior to this Amendment coming into full force and effect.

MAP 18.650



5 0 5 METRES



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2004
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