

Authority: Toronto and East York Community Council Item 36.21, as adopted by City of Toronto Council on August 25, 26 and 27, 2010 and Toronto and East York Community Council Item 26.23, adopted as amended, by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1498-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1 The Esplanade.

Whereas authority is given to Council by Section 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law with respect to the lands municipally known as 1 The Esplanade; and

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* Pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing 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", shall continue to apply to the *lot*.
4. In addition, none of the provisions of this By-law or of Zoning By-law No. 438-86, as amended by By-law No. 860-2008, shall apply to prevent the erection and use of below *grade* residential *parking spaces*, *bicycle-parking spaces-visitor* and *bicycle-parking spaces occupant* which are accessory to the *lot* comprising the lands municipally known as 8 The Esplanade in the year 2010 or the obligations pursuant to Section 37 of the *Planning Act* set out in By-law No. 860-2008 with respect to this permission on the *lot*.
5. District Map 51G-321 Appendix 'A' is hereby amended as shown on the attached Map 1.
6. None of the provisions of Sections 2 - Definitions with respect to the definition of "*grade*", "*height*", "*lot*", and Sections 4(2)(a), 4(5), 4(12), 4(13), 4(17), 8(3) Part I, 1, 2,

and 3, 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 9(1)(f), 9(3) Part I, and 13 of Zoning By-law No. 438-86, 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 City of Toronto, shall apply to prevent the erection and use of a *mixed use building* on the *lot* shown on Map 1 attached to and forming part of this By-law provided that:

- (a) the *lot* comprises the lands outlined in heavy lines on Map 1 attached hereto and forming part of this By-law;
- (b) no above grade portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached to and forming part of this by-law;
- (c) the *height* of any building or structure or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed the heights in metres shown on Map 2 attached to and forming part of this by-law;
- (d) minimum required yard setbacks on the lot for the building or structures or portion thereof shall not be less than the distance in metres shown on Map 2 attached to and forming part of this by-law;
- (e) no portion of a residential tower portion of the *mixed use building* located above a building height of four (4) storeys, shall be located closer than 18 metres from the east property line as shown on Map 2 attached to and forming part of this by-law;
- (f) the *residential gross floor area* erected or used shall not exceed 29,430 square metres, of which a maximum 22,637 square metres may be used for residential uses and a maximum of 6,793 square metres may be used as a *parking garage* at or above grade;
- (g) a minimum of one hundred and forty-four (144) residential *parking spaces* serving the residential uses erected on the lot shall be provided at *grade* or in an above *grade parking garage*, which *parking garage* facility comprises part of the *mixed use building*, provided that an additional six (6) *car share parking spaces* are provided on the ground floor at *grade*;
- (h) *non-residential gross floor area* erected or used for any permitted *non-residential use* shall not exceed 950 square metres of which not less than 539 square metres shall be erected and used as a City of Toronto *PATH* and used as *Public Heritage Exhibit Space* and 411 square metres used as *street-related retail and service uses*;
- (i) *residential amenity* space located outdoors shall be located on the roof of a four storey podium having a minimum area of 1,796 square metres and provided it is

in a location adjoining or directly accessible from the indoor *residential amenity space*;

- (j) *residential amenity space* located indoors shall not be less than 832 square metres;
- (k) a maximum of 290 square metres of indoor *residential amenity space*, may include up to two (2) guest suites comprised of a bedroom, bathroom and wet sink kitchenette as a permitted *accessory* use;
- (l) no residential *visitor parking spaces* shall be required;
- (m) no *parking spaces* shall be required for 950 square metres of *non-residential uses*;
- (n) a maximum of twenty (20) *parking spaces* may have lengths of 5.3 metres; in all other respects and for all other *parking spaces*, the *parking spaces* provided shall comply with the size of *parking space* stall dimension provisions of Zoning By-law No. 438-86, as amended;
- (o) a maximum of twenty (20) *parking spaces* having a length of 5.3 metres, and complying with all other respects of the by-law regarding *parking spaces*, may be included in the calculation for total required parking;
- (p) a minimum of 200 *bicycle parking spaces* - shall be provided and maintained on the *lot* for residents and visitors of 5-7 The Esplanade in addition to any requirement for 8 The Esplanade (formerly 1 Front Street East), of which, a minimum of 160 *bicycle parking spaces - occupant* shall be provided and a minimum of 40 *bicycle parking space - visitor* shall be provided;
- (q) *bicycle parking spaces - occupant* shall not be combined with storage lockers for residential units;
- (r) the maximum number of *dwelling units* erected or used on such lands does not exceed 271, of which, a maximum 10 *dwelling units* located within the 4-storey podium fronting along The Esplanade, may be *live-work units*;
- (s) 10 percent of the units shall be built as convertible units that may initially contain fewer than three bedrooms, provided that such units retain the ability to be converted to contain three or more bedrooms through relatively minor changes to internal wall configurations;
- (t) a minimum of 35 percent of the *dwelling units* erected and used on the *lot* shall be 2-bedroom or larger *dwelling units*;
- (u) provide continuous weather protection with a minimum depth of 3.0 metres and a minimum height of 3.0 metres along The Esplanade and Yonge Street;
- (v) the minimum floor to ceiling height of the ground floor shall be 5 metres;

7. For the purposes of this by-law:
- (a) "*car share*" means the practice where a number of people share the use of one or more cars that are owned and operated by a profit or non-profit Car Sharing organization and to use a Car Share vehicle, a person must meet the membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and include the use of cars on an hourly basis. The Car Share Parking spaces provided shall be for the use of at least the residents and other occupants of the lot;
 - (b) *car share parking space* is a parking space exclusively reserved and signed for a car used only for Car Share;
 - (c) "*grade*" means 76.78 metres Canadian Geodetic Datum, CGD, as measured from The Esplanade;
 - (d) "*height*" means the height above *grade* as defined herein, and as shown on Map 2 for the various components of the *mixed use building*;
 - (e) "*lot*" means the lands shown outlined in heavy lines on Map 1 attached to this By-law;
 - (f) "*owner*" means the owner and/or lessee of the *lot* or any portion of the *lot* but shall not include Metrolinx, the Metrolinx GO Transit Division or the Greater Toronto Transit Authority;
 - (g) "*PATH*" shall mean the above grade, at grade and below grade walkway system as it exists from time to time but which at the date of this By-law connects the buildings in the downtown core of the City of Toronto, from the Toronto Coach Terminal (North) to the Air Canada Centre (South) and from Metro Hall (West) to the Cambridge Suites Hotel (East), and which passes through and/or near the property of the *owner*;
 - (h) "*Public Heritage Exhibit Space*" shall mean a publicly accessible portion of a building used for community activities including, but not limited to, arts, crafts, social, charitable and educational activities, and for the display and exhibition of items including, but not limited to, art work, archives, books, historical documents and other items to promote public awareness and the history of the St. Lawrence Neighbourhood, but shall not be used for commercial purposes.

Enacted and passed on November 15, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

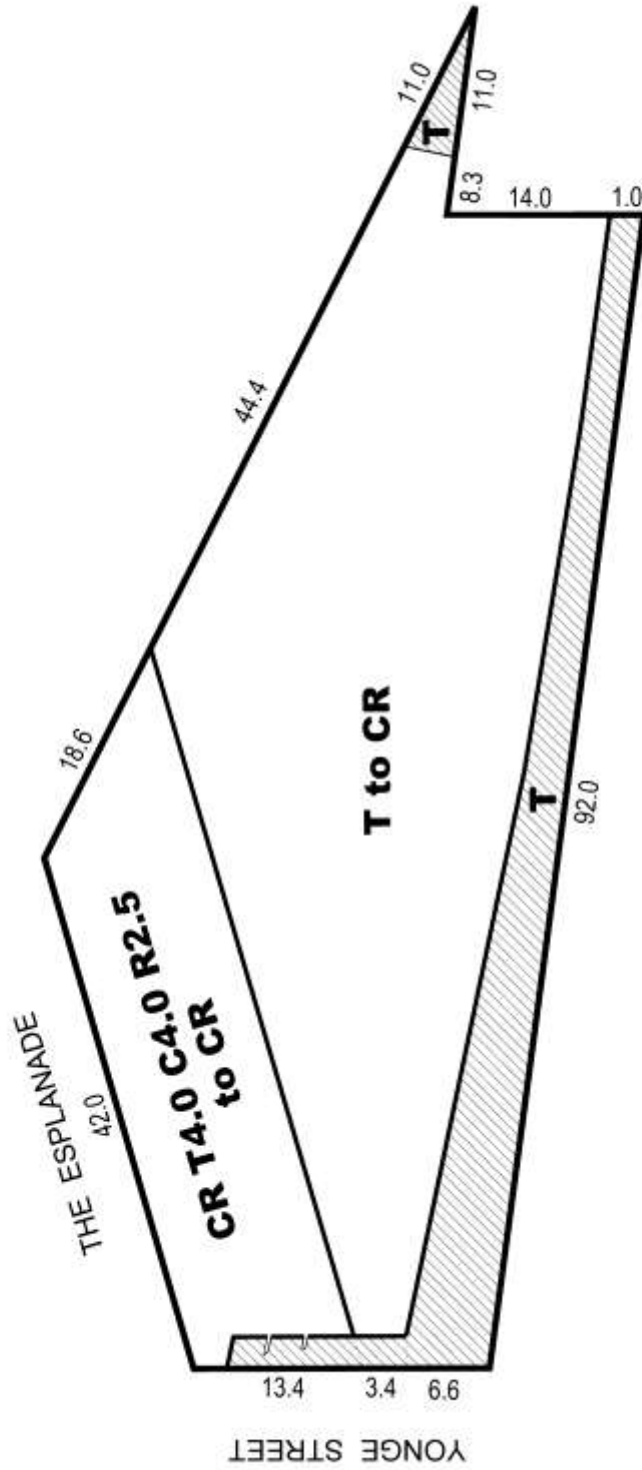
APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) Prior to the release of above grade permits, provide a cash contribution of \$1,500,000.00, which is to be used for the following:
 - (i) \$1,000,000.00 for PATH connections, including a pedestrian bridge over Yonge Street and a bridge to 2 Church Street, and/or the future signalization of Yonge Street and The Esplanade;
 - (ii) \$250,000.00 for streetscape improvements within the St. Lawrence Neighbourhood;
 - (iii) \$50,000.00 for the North St. Lawrence Market redevelopment;
 - (iv) \$100,000.00 for implementation of the Sherbourne Promenade Plan;
 - (v) \$100,000.00 for implementation of the Heritage Interpretation and Old Town Toronto Heritage Lighting Plans.
- (b) Require that the cash amounts identified in (a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- (c) Provide and maintain public works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structures to be erected on the site;
- (d) Provide and maintain within the site a publicly accessible PATH walkway connection located within the podium from the west end of the podium adjacent to Yonge Street through the podium at the second level to the east end of the podium adjacent to the TPA garage, substantially in accordance with the 2nd Floor Plan, drawing A3.2, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which shall:
 - (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;

- (ii) be satisfactorily illuminated; and
 - (iii) enter into a Wayfinding Agreement and Easement Agreement;
- (e) Provide and maintain within the site a publicly accessible PATH walkway connection from the second level within the podium from the west end of the podium down to the ground floor providing access to the street, substantially in accordance with the 2nd Floor Plan, drawing A-3.2, and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which shall;
 - (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;
 - (ii) be satisfactorily illuminated; and
 - (iii) enter into a Wayfinding Agreement and Easement Agreement;
- (f) Provide knock-out panels along the second floor portion of the podium at the western most edge adjacent to Yonge Street and the eastern most edge adjacent to the TPA lot to accommodate a potential future connection to the PATH system, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development;
- (g) Provide and maintain within the site publicly accessible Public Exhibition Space in conjunction with the PATH walkway connection located within the western edge of the podium on the second floor and ground floor, substantially in accordance with the 2nd Floor Plan drawing A-3.2 and Ground Floor Plan, drawing A-3.1, prepared by Page + Steele Architects Planners and date stamped by the City Planning Division on December 19, 2009, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which shall;
 - (i) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year;
 - (ii) be satisfactorily illuminated; and
 - (iii) enter into a Wayfinding Agreement and Easement Agreement;
- (h) Pay all costs associated with the PATH connection through the podium and the construction and maintenance of the *Public Exhibition Space*;
- (i) As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the podium along The Esplanade, Yonge Street and east elevation adjacent to 25 The Esplanade with building materials labelled to the satisfaction of the Chief Planner and Executive Director;

- (j) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director;
- (k) Be required to build in conformity with the Toronto Green Standard Checklist as submitted by the applicant and date stamped received by January 6, 2009; and
- (l) Enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.



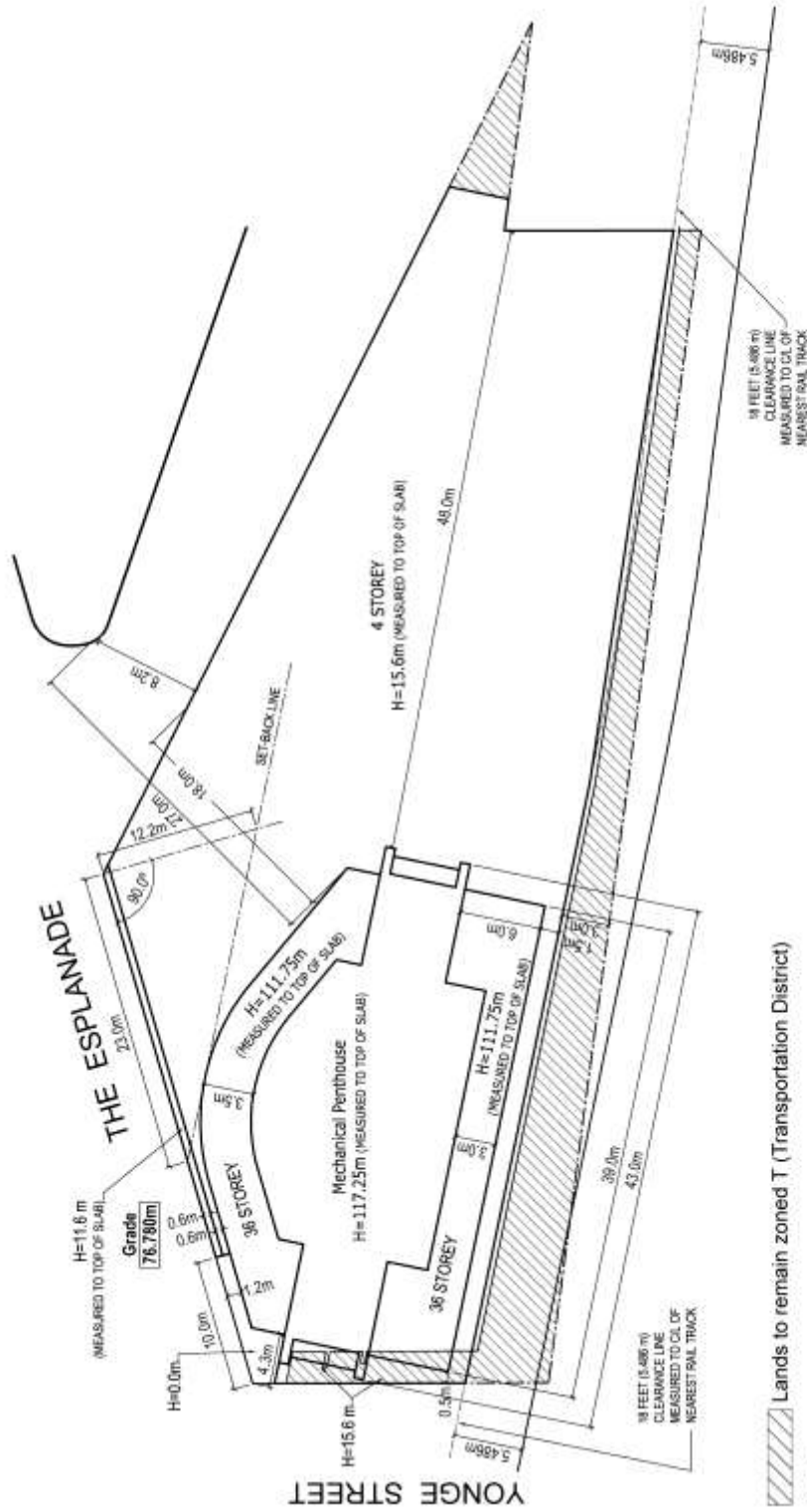
1 The Esplanade

File # 08_231943 and 08_223450



Map 1

Not to Scale
11/13/2013



NOTE:
 H denotes height in metres above grade. All dimensions are in metres.