

75 The Esplanade – Zoning Amendment Application – Request for Directions Report

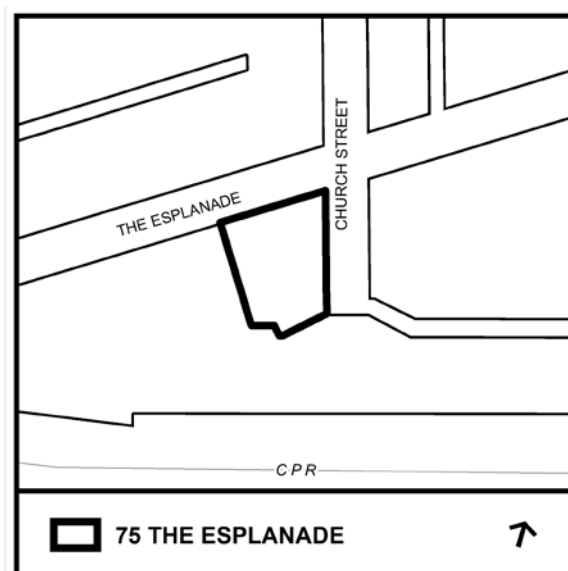
Date:	August 16, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15 120727 STE 28 OZ

SUMMARY

The applicant has appealed a Zoning By-law Amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*. A pre-hearing has been scheduled for January 3, 2018. The purpose of this report is to seek City Council's direction with respect to the position of the City at the Ontario Municipal Board pre-hearing including instructions regarding the applicant's revised submission.

The applicant proposes to redevelop the site with a 29-storey mixed-use building. The development would consist of a 7-storey (25 metre) podium along The Esplanade with a 22- storey tower above. The development would have a total gross floor area of 22,828 square metres, including 1,014 square metres of retail space and 21,814 square metres of residential development comprised of 308 residential units.

It is staff's opinion that the most recent submission date stamped February 16, 2017, along with the proposed community benefits under Section 37 of the Planning Act and the conveyance to allow for the future extension of Church Street south under the railway corridor to the lake is



appropriate. Staff is recommending that the revised zoning by-law amendment application be supported, subject to the conditions in the Recommendations Section of this report, including potential conditions related to servicing. With respect to the site plan control application, further revisions to drawings and information are required prior to finalizing conditions of approval.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and other appropriate staff to attend the Ontario Municipal Board hearing generally in support of the revised plans submitted to City Planning and date stamped February 16, 2017 and the draft Zoning By-law Amendment (Attachments 6 and 7 , to be provided prior to the Community Council meeting).
2. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning to continue to work with the applicant on the final form of the draft Zoning By-law Amendment to be presented to the Ontario Municipal Board.
3. City Council instruct the City Solicitor to request the Ontario Municipal Board to withhold its final order until such time as it is advised by the City Solicitor that:
 - i. The owner has provided an updated Functional Servicing Report to the satisfaction of the Executive Director, Engineering and Construction Services, and has made acceptable arrangements to pay for and construct any improvements to the municipal infrastructure that are identified in those reports;
 - ii. The zoning by-law is in a final form acceptable to the City, and if there are infrastructure improvements required as a result of the updated Functional Servicing Report, include such provisions to prohibit the erection or use of buildings until such municipal services are installed and operational;
 - iii. The City and the owner have entered into one or more Agreements(s) pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with appropriate civic officials and the Ward Councillor:

- a. The following facilities, services, matters:
 - i. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,180,000 to be used for the following:
 - A. \$160,000 towards at-grade exterior improvements to the Toronto Parking Authority /Toronto Community Housing building at 55 The Esplanade, which may include lands at 45 The Esplanade over which easements exist in favour of Toronto Community Housing and the City, in consultation with the Ward Councillor and Toronto Community Housing; and,
 - B. \$2,020,000 for any combination of the following:
 - I. the development of a park located between Market Street, Wilton Street, The Esplanade and Parliament Street;
 - II. implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto;
 - III. North St. Lawrence Market redevelopment; and/or
 - IV. Local streetscape improvements;
 - ii. The payment amounts identified in Parts 1 and 2 above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported 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 payment of the funds by the owner to the City; and
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:
 - i. At least 10% of the total number of dwelling units to be constructed on the lot shall contain family sized units with three or more bedrooms in compliance with the provisions of the Ontario Building Code;

- ii. Prior to condominium registration for first residential use of the site, the owner shall convey to the City a 3.8 metre road widening along the Church Street frontage, free and clear of all encumbrances and in environmental condition satisfactory to Engineering and Construction Services in consultation with City Legal;
 - iii. Prior to site plan approval, the owner will provide a pedestrian clearway easement in favour of the public over an at-grade setback along the Church Street frontage, in addition to the road widening described in 3.iii.b.ii. above;
 - iv. Prior to site plan approval, require the owner to design and construct pedestrian weather protection along the Church Street and The Esplanade frontages, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - v. Prior to site plan approval, the owner shall provide a revised wind study to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - vi. Prior to the issuance of any above grade building permit, the owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the Executive Director, Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director, Engineering and Construction Services.
4. City Council instruct the City Solicitor to request the Ontario Municipal Board to withhold its final order until the owner makes arrangements acceptable to the City Solicitor to convey in escrow the lands located within 3.8m of the Church Street property line, free and clear of encumbrances.
 5. City Council instruct the City Solicitor that, in the event the Ontario Municipal Board does not withhold its final order until such time as it is advised by the City Solicitor that items in Recommendation 3.i. and 3.ii have been addressed to the satisfaction of the Executive Director, Engineering and Construction Services, the City Solicitor request that a holding mechanism ("H") be included in the final form of the zoning by-law, to be lifted at such time as the Executive Director, Engineering and Construction Services, is satisfied that all local municipal infrastructure upgrades required to service the proposed development are operational.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Preliminary Report regarding this application was adopted by Toronto and East York Community Council on September 8, 2015.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE10.64>

The appeal of the City's non-decision on the zoning bylaw amendment application was filed on May 26, 2017. An appeal of the site plan control application was filed on May 29, 2017.

ISSUE BACKGROUND

Proposal

The original proposal was for a 34-storey building (112.6 metres) with an 8-storey (25 metre) podium along The Esplanade, including 350 residential units and retail space on the ground floor and mezzanine. The original proposal included 126 parking spaces and 356 bicycle parking spaces. It also included 642 m² of indoor amenity space and 608 m² of outdoor amenity space.

The applicant is now proposing to construct a 29-storey (92 metre) tall building on the existing parking lot. The proposed tall building would include a 7-storey (25 metre) podium along The Esplanade with a 22- storey tower above and 3 levels of underground parking. The total building height would be 100 metres including the mechanical penthouse. The development would have a total gross floor area of 22,828 square metres, including 1,014 square metres of commercial retail space and 21,814 square metres of residential development comprised of 308 residential units. The commercial retail space is proposed to be located on both the ground floor and the second storey mezzanine.

Indoor amenity space would be located on the 2nd, 3rd, 4th, 5th, 6th and 7th levels. Outdoor amenity space would be located entirely on the 2nd level.

Vehicular access is to be located off of a rear private laneway which is accessible from Church Street. The existing rear private laneway and a setback at grade on the 75 The Esplanade site will allow vehicles and trucks to maneuver appropriately. Access is to be only from Church Street, as there are no easements in favour of this property permitting future residents to drive west along the portion of the private laneway through to the Novotel Hotel site. In the future, should Church Street be extended under the rail corridor to the lake, access to the site may be limited to right-in/right-out turning movements.

This rear private laneway is proposed to include an existing 3.06 metre strip of land along the southern limit of the property which is subject to a right of way and easement in favour of the City of Toronto for the purposes of access, services and repair and

maintenance for the adjacent 6-storey above-grade parking garage owned and operated by the Toronto Parking Authority (TPA) and the 8-storey Toronto Community Housing building located above the TPA parking garage. There is an easement in favour of the 75 The Esplanade site over a portion of the 55 The Esplanade property, which acts as a portion of the private laneway.

The podium consists of an 8 –storey (25 metre) component along The Esplanade, set back from The Esplanade property line by 4.8 metres; an 11-storey component along Church Street, setback 3.8 metres from the existing property line; and a 2-storey component at the south west of the site. Setbacks vary due to both the irregular lot shape and the irregular shape of the podium, as described in Table 1.

Along Church Street, the proposal includes a 3.8 metre land conveyance for the Church Street widening to accommodate the future Church Street/Cooper Street tunnel. In addition, the building would be setback a further 2.2 metres at the ground level only along the Church Street frontage. It is anticipated that the curb would be shifted westward as part of the future Church Street extension and tunnel. This additional setback would allow sufficient width for a sidewalk, trees and bicycle lanes on both sides of Church Street, should the tunnel be constructed. At the site plan approval stage, a pedestrian clearway will be required along the east façade of the building, within private property, along the Church Street frontage.

Balconies project from the tower into the on-site setbacks from some property lines. Please refer to Table 1 for additional details.

Table 1: Statistics for Proposed Development

Category	Original Proposal	Current Proposal
Site Area	2,386 m ²	2,386 m ²
Building Height (incl. mechanical penthouse and architectural elements)	112.6 m (106.6 m + MPH)	100 m (92 m + MPH)
Gross Floor Area (Above Grade)		
Residential	23,246 m ²	21,814 m ²
Non-Residential	1,426 m ²	1,014 m ²
Total	24,672 m ²	22,828 m ²
Floor Space Index	10.34 times the area of the lot	9.57 times the area of the lot
Setbacks		
From The Esplanade property line:	Levels 1-8: 5.2 m from the street line Levels 9-29: 15.5 m from the street line	Levels 1-8: 4.8 m from the street line Levels 9-29: 14.8 m from the street line (10 m from the podium)
From Church Street property line	Level 1: 0 m Levels 8-12: 2.2 -6.5 m Levels 13-34: 5.3 m	Level 1: 6.0 m (2.2 m after widening) Levels 2-11: 3.8 m (0m after widening) Levels 12-29: 5.7 m (1.9m after widening)
From south property line (irregular)	Levels 1-Mezz: 4.2-9.0m Levels 8-11: 2.5-12.6m Level 12: 7.8-12.8m Levels 13-34: 6.6-12.8m	Levels 1-Mezz: 4.2m – 11.7m Levels 3-11: 5.5m-10.7m Levels 12-29: 11.0m-14.1m
From west property line	Levels 1-Mezz: 0 m Levels 2-8: 0m along The Esplanade, 12.3m-20.4m for the tower Levels 9-34: 12.3m-20.4 m	Levels 1-Mezz: 0 m Levels 2-8: 0m along The Esplanade, 8.4m-16.5m for tower Levels 9-29: 8.4m-16.5m

Table 1: Statistics for Proposed Development (continued)

Category	Original Proposal	Current Proposal
Tower Floor Plate (GCA)		
Levels 8-11	739 m ²	786 m ²
Levels 12	578 m ²	698 m ²
Levels 13-28	616 m ²	698 m ²
Level 29	616 m ²	662 m ²
Levels 30-34	616 m ²	-
Number of Units		
Studio	0 (0%)	8 (2.6%)
One-Bedroom	210 (60%)	193 (62.7%)
Two-Bedroom	116 (33%)	71 (23.1%)
Three-Bedroom	24 (7%)	36 (11.7%)
Total	350	308
Amenity Space		
Total Amenity Space	1,251m ² (3.57 m ² /unit)	1,142 m ² (3.71 m ² /unit)
Indoor Residential	643 m ² (1.84 m ² / unit)	640 m ² (2.08 m ² / unit)
Outdoor Residential	608 m ² (1.74 m ² /unit)	503 m ² (1.63 m ² /unit)
Ground Floor Height (incl. Mezzanine)	7.0 m	7.0 m
Public Realm Width (from curb to building face at grade)		
The Esplanade	6.3 m	6.1 m
Church Street	4.0 m	10.1 m (before Church Street tunnel construction)
Proposed Vehicular Parking		
Residential	120	114
Visitor	0	0
Non-Residential	0	0
Car Share	6	5
Proposed Bicycle Parking		
Residential	315	277
Visitor	35	43
Non-Residential Long-Term	0	0
Non-Residential Short-Term	0	0
Loading Spaces		
Type G	1	1
Type C	0	1
Type B	1	0

Site and Surrounding Area

The subject site is located at the southwest corner of Church Street and The Esplanade. The site is relatively flat and is irregularly shaped with a frontage of approximately 52.5 metres on The Esplanade and a depth of approximately 55.3 metres along Church Street. The total area of the site is approximately 2,386 square metres. The site currently contains a commercial surface parking lot with 96 spaces.

The following uses surround the site:

North: Immediately north of the site along The Esplanade are 4 and 5 storey commercial buildings. Included among these buildings is a heritage designated building at 70 The Esplanade, designated under Part IV of the Ontario Heritage Act. Many of the establishments in these buildings have seasonal patios at grade. There is a six-storey office building on the northeast corner of Church Street and The Esplanade (3-5 Church Street). To the northwest of the site is The London on The Esplanade development (38-40 The Esplanade) consisting of two residential towers with heights of 16 and 33 storeys. Further northwest of the subject site is Berczy Park.

South: A six-storey TPA parking garage is located immediately south of the subject site. An 8-storey non-profit housing building (Toronto Community Housing Corporation) is located on top of the TPA parking garage. Further south of the subject site is the Gardiner Expressway and the rail corridor.

East: Immediately east of the subject site, across Church Street, are residential apartment building with heights ranging from 8 to 13 storeys. Further east are a mixture of low and mid-rise residential and commercial buildings, along with the St. Lawrence Market.

West: The Novotel Toronto Centre Hotel (45-55 The Esplanade) is directly to the west of the subject site. The Hotel is 33-storeys with an 8-storey wing and colonnade at grade abutting the site. The pedestrian entrance to the residential building to the south (55 The Esplanade) is through an at-grade passageway just west of the site.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act* to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

The City of Toronto's Official Plan contains a number of policies that are relevant to review of the proposed development, and should be read as a whole. When more than one policy is relevant, all appropriate policies are to be considered in each situation. The goal of the Official Plan is to appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City.

The proposed development is located within the *Downtown* as defined in Map 6 of the City of Toronto Official Plan. Section 2.2.1 outlines policies for development within the *Downtown*. The *Downtown* is anticipated to accommodate growth, both in residents and in jobs, however this growth will not be spread uniformly across the whole *Downtown*. This growth is intended to build and strengthen the *Downtown* as the premier employment centre in the GTA and provide a range of housing opportunities. Efforts are also to be made to maintain and improve the public realm in the *Downtown*.

Transportation is a priority within the *Downtown* as accessibility and economic success go hand-in-hand. Building housing and employment opportunities along corridors with good transit access is important to the future of *Downtown*. Policies favouring the expansion of transit over increases in road capacity and encouraging more mixed use development in the *Downtown* are key components of the Official Plan.

Public realm policies in Section 3.1.1 are intended to promote beautiful, comfortable, safe and accessible streets, parks, open spaces, and public buildings. Quality architecture, landscape, urban design and construction are to be promoted in private developments.

The proposed development constitutes a Tall Building, and is guided by built form policies in Section 3.1.3. The Official Plan indicates that Tall Buildings are desirable in the right places, however they are not appropriate everywhere. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related, or mid-rise building types. Tall building proposals will have to address key urban design considerations, including: the built form principles of the Official Plan; demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site relates to the existing and/or planned context; taking into account the relationship to the topography and other tall buildings; and providing high quality, comfortable and usable publically accessible open space areas.

The site of the proposed development is designated *Mixed Use Areas* in the Official Plan. As per Section 4.5, *Mixed Use Areas* are intended to include a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities in single use or mixed use buildings and parks and open spaces.

Developments in *Mixed Use Areas* are intended to create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependence and meets the needs of the local community. New buildings are to be located and massed to provide a transition between areas of different development intensity and

scale. New buildings are to be massed and located to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space. New developments are to provide attractive and safe pedestrian environments and take advantage of nearby transit services. Development is intended to provide good site access and circulation and an adequate supply of parking for both residents and visitors. Development in *Mixed Use Areas* is also intended to have access to schools, parks, community centres, libraries, and child care. Service areas, ramps, and garbage storage are to be located and screened to minimize the impact on adjacent streets and residents. Indoor and outdoor recreation space for building residents is also to be provided in every significant multi-unit residential building.

St. Lawrence Neighbourhood Community Improvement Plan

The site is located within the boundaries of the St. Lawrence Neighbourhood Community Improvement Plan. The St. Lawrence Neighbourhood Community Improvement Plan was enacted in 2008 and provides a Public Realm Strategy for the southwest quadrant of the St. Lawrence Neighbourhood for the area bounded by Yonge Street to the west, King Street East and Adelaide Street East to the north, Jarvis Street to the east, and the Gardiner Expressway to the south. The Community Improvement Plan is intended to complement other planning initiatives in the St. Lawrence Neighbourhood by creating a strategic framework for the improvement of public lands in the area. Recommendations in the plan include improvements to Berczy Park, streetscape improvements, and improvements to the terminus of Church Street including improvements to the TPA parking garage which is immediately south of the subject site. The Community Improvement Plan identifies The Esplanade as a distinct and recognizable mixed use street with wide sidewalks, linear parks and grand promenades. It identifies that The Esplanade may become an important pedestrian route as the West Don Lands and Union Station precincts redevelop.

The St. Lawrence Neighbourhood Community Improvement Plan is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2008/law0085.pdf>

St. Lawrence Neighbourhood Focused Area Urban Design Guidelines

The site is covered by the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines. The Guidelines outline the various precincts and create a template for sensitive development that is responsive to the unique historic character of the focused area of the St. Lawrence Neighbourhood. Guiding principles include preserving and highlighting the heritage character of the area and achieving a high quality public realm.

The guidelines indicate that building heights should peak at the intersection of King Street West and Bay Street, then descend along transition ridges along main corridors toward the east, as shown on Figure 20 of the guidelines. A Transition Area is identified, within which tall buildings should demonstrate a stepping down in height from the Height Peak towards the east. Proposed developments in the Mixed Use Height Sensitive Area, where this proposal is located, should be respectful of the predominant height of

adjacent buildings and in particular taller buildings should provide for meaningful transition where adjacent to the Character Area, through angular planes and setbacks. The guidelines state that high-rise towers are inappropriate forms within most of the Mixed Use Height Sensitive Area as they may have significant adverse impacts. Key shadow-sensitive areas (including parks and sidewalk café zones) are identified in Figure 21. Tall buildings should be located, with their heights limited, based on shadow impacts on sensitive areas. Where buildings are permitted to be higher than the streetwall height, a minimum setback should be imposed so that the higher portion is less visible and does not overwhelm the street wall and pedestrian scale. Setbacks in the range of 3m to 11m are recommended by the guidelines. Overall, the guidelines indicate that streetwall heights should not exceed a 1:1 relationship of height to street width (building wall to building wall).

In Figure 15, the Built Form Framework identifies the Character Area with a circle, centred on Front Street East where the mid-block connection to the St. James Cathedral is located. In the Character Area, built form should be constrained in height at the street wall to maintain the existing predominant heights. Where additional stories are permitted, the guidelines recommend they be stepped back.

Sky views and natural light are key characteristics of the St. Lawrence Neighbourhood Focused Area, particularly around Berczy Park, Front Street and the Market precincts, identified by the guidelines as focal points of the neighbourhood. The guidelines include angular planes designed to preserve access to sky view and allow natural light to penetrate onto the streetscape.

The guidelines, adopted in 2005, state that high-rise buildings that exceed the predominant building height found in the study area do not currently exist within the Character Area. High-rise buildings are considered by these guidelines to be inappropriate forms of development and detrimental to the low and mid-rise scale characteristics of existing buildings.

The guidelines identify The Esplanade as an Area of Special Identity and as having a Highly Animated Street Frontage. Characteristics of The Esplanade include wide sidewalks and grand promenades, historically respectful architecture, a pedestrian-scaled streetwall and vibrant streets, including cafés. The guidelines recommend a streetwall scale along The Esplanade of 20 to 24 metres, materials sympathetic to the historical architectural character of the area, and weather protection via either glazed canopies or an extension of the existing colonnade. A street section illustrated in the guidelines indicates a streetwall of 25 metres at the south property line and an angular plane of 44 degrees at this location (Figure 23D).

The guidelines indicate that Berczy Park is a height sensitive area, with the intention of maintaining the scale and character of the park and to protect the park from loss of sky views and undue new shadows between March and September. Development should not protrude beyond a 44 degree angular plane from 20 metres above the property line on the south side of Front Street.

Regarding Church Street, the guidelines recommend a 44 degree angular plane from 16 metres above the lot line adjacent to the street (Figure 23F), with the intention of maintaining the streetwall scale of predominant existing buildings and to allow natural light to penetrate onto sidewalks. The guidelines note that new developments within the precinct should have regard to this angular plane, and that the degree to which the height or angle is exceeded and the length of the site on which it is exceeded will be studied. Animated street frontages and a high quality public realm, including streetscaping, display windows and transparency, are highlighted as being necessary to ensure an appropriate pedestrian environment.

Views of The Market Area, another Area of Special Identity, are also identified as an important factor in the determination of height of new buildings.

The guidelines recommend that mid-block connections be lined with active uses and that sunlight access to mid-block connections is important.

St. Lawrence Heritage Conservation District

On December 9, 2015 City Council designated the St. Lawrence Neighbourhood Heritage Conservation District under Part V of the *Ontario Heritage Act*. The subject site is located immediately south of this district. The Heritage Conservation District Plan includes a section that provides guidance on development adjacent to the District. The Plan is currently under appeal to the Ontario Municipal Board.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at:
<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building in the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

This project is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). The site is not identified for a tall building on the Downtown Vision Height Map (Map 2).

TOcore: Planning Downtown

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The Downtown Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of Toronto's Official Plan. A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles that will inform the development of the Downtown Plan. The accompanying staff report also provides updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Plan. A draft Plan will be presented at the Planning and Growth Management Committee meeting on September 7, 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

The TOcore website is www.toronto.ca/tocore.

Zoning

The site is partially zoned CR T4.0 C4.0 R2.5 and partially zoned R3 Z2.5 in the City of Toronto By-Law 438-86. The CR T4.0 C4.0 R2.5 zoning designation permits a variety of commercial and residential uses, while the R3 Z2.5 zoning designation permits a variety of residential uses. The maximum permitted height is 36 metres.

On May 9, 2013, Toronto City Council enacted City-wide Zoning By-law 569-2013, which is partially under appeal to the Ontario Municipal Board. The site is zoned CR4.0 (c4.0; r2.5) SS1 (x2366) and R(d2.5)(x81) in City of Toronto By-law 569-2013. The CR designation permits a variety of commercial and residential uses, while the R designation permits a variety of residential uses.

The site is the subject of numerous site and area specific exceptions and bylaws. These include:

- Former City of Toronto Bylaw No. 145-83 which limits the height of buildings to 18.3 metres at the Esplanade property line, allowing buildings to then rise according to a 46 degree angular plane, and limits total height to 36.5 metres;
- Former City of Toronto Bylaw No. 92-85, which allows for a non-residential building up to 18.3 metres at the Esplanade property line, rising toward the south to a maximum height of 30.5 metres within a 46 degree angular plane, and then terracing down to 20 metres toward the south, with no setbacks or stepbacks at grade along either The Esplanade or Church Street.

Site Plan Control

The proposed development is subject to Site Plan Control. The applicant submitted an application for Site Plan Control on February 24, 2015. The site plan application has also been appealed to the Ontario Municipal Board.

Reasons for Application

The proposed development exceeds the height and density limits in former City of Toronto Zoning Bylaw 438-86 and City of Toronto Zoning By-law 569-2013, including site specific bylaws and exceptions. The proposed development does not meet other zoning bylaw regulations, such as angular plane requirements, maximum residential density limits and minimum parking requirements for residents and visitors.

Community Consultation

A community consultation meeting was held on October 27, 2015 at St. James Cathedral Centre, with approximately 45 people in attendance. Major issues raised at the meeting and in subsequent phone calls and emails included concerns about:

- The relationship of the proposed development to the existing building at 55 The Esplanade, a residential 8-storey building located on top of a 5-storey parking garage, south of the site, including:
 - o distance from the existing building's windows and balconies
 - o loss of light
 - o loss of views to and from the site
 - o loss of privacy
 - o traffic impacts on the laneway, including both noise and operations
 - o pedestrian access to the main entrance to 55 The Esplanade
 - o emergency access
 - o access for equipment for long-term building maintenance
 - o need for a further meeting with residents of 55 The Esplanade and TCHC representative
 - o concern about any plans to redevelop the building at 55 The Esplanade
 - Importance of local heritage context
 - How the future Church Street Tunnel could affect the design
 - Traffic on The Esplanade

- Overall height and massing of the proposed development, including improving height transition by reducing the tower height, differentiation between buildings that address The Esplanade and taller buildings adjacent to the Rail Corridor, impacts on views from Front Street and a desire for greater setbacks from Church Street
- A broad range of suggestions for alternate built forms for the site, including building a new parkette and underground garage, townhouses with a courtyard, a mid-rise building or to push the tower further north away from the adjacent building, reduce its width from east to west and reduce the podium height to match the height of the above-grade parking garage to the south
- Shadows of the proposed development on nearby properties and sidewalks, including patios, and nearby parks
- Living conditions for future unit residents in south-facing podium units across the lane from the parking garage
- Lack of green space at grade
- Lack of facilities for pets
- Insufficient residential amenity space
- Desire for podium design and materials that suit the context
- Desire for weather protection over sidewalk or continuation of colonnade
- Relationship of the proposed development to the Novotel building
- How the St. Lawrence Neighbourhood Urban Design Guidelines apply
- Safety within the laneway, including both late night behaviour and traffic operations
- Desire for offices and small-scale retail uses
- Desire for local daycare on-site
- Section 37 community benefits
- Unit type/mix, seeking both affordability and family sized units
- Timing of sales and construction
- Locations of bicycle parking
- Impact on local property values

A smaller meeting was held on November 17, 2015 at 55 The Esplanade with residents of the building as well as City Planning staff and the applicant. Residents provided further detail about their concerns regarding the impact of the proposed development on the existing residential units at 55 The Esplanade, the laneway and the pedestrian access to the main entrance. The applicant shared a view analysis illustrating the impact on views from several dwelling units.

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

Staff are of the opinion that the proposed development application is generally consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017) but that additional review is required to determine if the infrastructure requirements of the Growth Plan have been met. At the time of writing this report, staff are reviewing revised servicing and hydrogeological reports to determine whether any improvements are required to the local municipal infrastructure to service the proposed development. The Growth Plan requires a co-ordinated approach to land use and infrastructure planning, including transportation and servicing. Should any local infrastructure upgrades be required, staff recommend that the proposed development not be permitted to proceed until such upgrades are operational.

Land Use

The proposed residential and non-residential uses are appropriate for this site, implementing the intent of the Official Plan for Mixed Use areas. The Built Form Guidelines for the St. Lawrence Neighbourhood Focused Area identify The Esplanade as having a "Highly Animated Street Frontage". The built form of development on these streets should respond to the pedestrian environment by providing weather protection, points of visual interest, and retail and commercial uses. The proposed development provides commercial uses at grade along The Esplanade with a 4.8 metre setback at grade intended to accommodate outdoor patios, as well as canopies for weather-protection.

Height, Massing, Built Form, Density

The application has been assessed in the context of the planning framework for the area, including the St. Lawrence Neighbourhood Focused Area Urban Design Guidelines. While the site is located within the Mixed Use Height Sensitive Area, where the guidelines indicate that high-rise development is not appropriate in most locations due to shadow and visual impacts, the proposed development would be appropriate in this location. In relation to The Esplanade frontage, the combination of the 4.8 metre deep building setback at grade, the 25 metre street wall and 10 metre stepback above the podium to the tower element meets the intent of the guidelines. Building height was reduced to 29 storeys to eliminate any new shadows on Berczy Park on March 21 and September 21 after 10:00 a.m. Shadow studies comparing the proposed development to the built form recommended by the St. Lawrence Market Urban Design Guidelines show the proposal would allow more sun throughout the day on the shadow sensitive café zone on the north side of the sidewalk on March 21.

This site is located within the Mixed Use Height Sensitive Area and partially inside and partially outside the circle identifying the Character Area. When the guidelines were adopted, they called for a height transition from the western peak in the Financial District to the east at George Street as well as a Mixed Use Height Sensitive Area where most sites would not accommodate tall buildings. Since then, a number of tower-form tall

buildings have been constructed and/or approved nearby, but always maintaining significant distance from the most sensitive stretch of Front Street and the St. Lawrence Market properties. What has emerged is a built form structure that is shaped more like a bowl than a transition ridge, with the lowest heights along Front Street centred on the area at Front Street and Market Street and at the centre of the Character Area, and greater heights at the edges of the area, such as along the rail corridor to the south or further east in the Distillery District. Buildings to the west of this site include the Novotel hotel at 33 storeys and The London at 33 storeys and 16 storeys, transitioning down to the proposed 29 storeys at 75 The Esplanade. The proposed development does meet the intent of the guidelines, by protecting for sky views from streets and open spaces, minimizing shadows on sensitive areas and limiting the impact of the tall building on important views at key locations along Front Street.

The 25 metre streetwall height along the Esplanade is in keeping with the guidelines, with a building face to building face height of 25 metres. The podium height is in keeping with the height of the adjacent building to the west and is compatible with the historical warehouse buildings across the street to the north and east.

The Church Street streetwall height exceeds the 1:1 guidelines, with a street wall height ranging from 25 to 34 metres compared to a building face to building face distance of 23.8 metres. This is counterbalanced by the sunlight exposure provided by the 4.8 metre setback of the building from The Esplanade.

With the podium set back 4.8 metres from The Esplanade and the tower component setback a further 10 metres, a generous public realm is provided at grade and the visual impact of the tower does not overwhelm the street.

The relationship of the proposed podium and tower to the existing Toronto Community Housing apartment building located above the 4-storey Toronto Parking Authority garage at 55 The Esplanade is important. This building has no frontage onto The Esplanade, from where pedestrians can access the main entrance through an easement on the Novotel Hotel site at 45 The Esplanade. A private laneway with access easements straddles the property line between the two sites. The garage plus apartment building at 55 The Esplanade is similar in height to a 14 storey building. Its main wall above the garage structure is located quite close to the centre line of the private lane, ranging from approximately 3.7 metres up to 11.2 metres.

Where the proposed development faces 55 The Esplanade, a portion of the building façade is a 1-storey podium, where the rooftop amenity space is proposed. The remainder is an 11-storey podium, separated from the centreline of the private laneway by between 7.5 metres and 16.9 metres (with an average of 12.5 metres). The tower portion of the building would be located a minimum of 12.7 metres from the centreline of the public lane, and in some locations would be up to 15.9 metres from the centreline of the lane. The separation distance between the two tall buildings would be approximately 16.7 metres at the closest point and approximately 24 metres at the furthest point. The irregular lot pattern mitigates the deficiency.

The proposed density of 9.57 times the area of the lot is appropriate at this site, given its location in the Downtown adjacent to the Financial District and major transit facilities at Union Station, and the ability to achieve an appropriate built form. The proposed density can be accommodated on-site.

The height, massing, and built form of the proposed development have been considered in the context of the City's Official Plan Heritage policies, and in the context of the area's emerging heritage policy.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Overall, the proposal meets the intent and purpose of the City-wide Tall Building Guidelines, while recognizing the constraints imposed by the shallow setbacks on the existing 55 The Esplanade site and the need to secure a significant road widening to allow for the future Church Street/Cooper Street tunnel.

The proposed tower floor plate is 698 sq.m. of gross construction area (GCA) at the 12th storey and above, and is less than the 750 sq.m. maximum tower floor plate recommended by the guidelines.

The proposed tower separation from the centreline of the private lane ranges from 12.7 metres to 15.9 metres, exceeding the minimum tower separation guidelines, at the 12th storey and above. The proposed tower separation from the west property line, where the Novotel mid-rise building and the entry courtyard to 55 The Esplanade are located, is 12.5 metres on average, ranging from 8.4 m to 16.9 metres at the 9th storey and above. This distance was reduced from the original proposal to accommodate the 3.8 metre Church Street widening, by shifting the tower westward and changing the shape and size of the tower floor plate.

The 10 metre tower stepback along The Esplanade far exceeds the minimum 3 metre setback recommended by the guidelines, but the 1.9 metre stepback along Church Street does not meet the minimum. The original proposal included a deeper stepback from the

podium. However, in order to achieve a 3.8 metre road widening to accommodate the future Church Street / Cooper Street tunnel and also a 12.5 metre tower separation (on average from the west property line, the reduced stepback depth along Church Street is acceptable. The irregular lot pattern mitigates the deficiency.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Vision and Supplementary Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal. The Downtown Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The Downtown Tall Building Guidelines do not identify this site for a tall building. They identify The Esplanade as a Priority Retail Street, recommending a minimum of 60% of the building frontage contain active retail uses. The proposed development provides 100% of the building frontage along The Esplanade for active retail uses. The guidelines also recommend that tall buildings not shadow signature parks, such as Berczy Park, between 10:00 a.m. and 4:00 p.m. on March 21 and September 21. The proposed tall building satisfies this guideline.

Sun, Shadow, Wind

The applicant has submitted shadow studies to demonstrate the impacts of the proposal during the spring and fall equinoxes (March 21 and September 21), and a more detailed shadow study of the restaurant patios on the north side of The Esplanade, comparing the shadows of the proposed development with the shadows that would be cast by a development that conforms to the as-of-right zoning permissions and those in the design guidelines for the area.

The site specific zoning bylaw amendment that limits the shadows cast by as-of-right zoning permissions is Bylaw 1983-145, which allows a 36.5m tall building, plus mechanical penthouse, with an 18.3 metre tall streetwall along The Esplanade property line and a 46 degree angular plane starting at 18.3 m, as well as setbacks of 5.5 metres from the west and south property lines.

The St. Lawrence Design Guidelines recommend a 25 metre street wall along The Esplanade and along Church Street, rising to 36 metres within 44 degree angular planes from the property lines along those streets, and a setback of 5.5 metres from the west property line.

The shadow study indicates the proposed development casts shadows over a very small section of Berczy Park at 9:00 a.m. at the equinoxes (March 21 and September 21), but that the shadows no longer affect the park by 10:00 a.m.

Additional shadow analysis was provided regarding shadows on the entire patio area for each of the months of March through September. This analysis indicates that during the warmer months:

- Morning shadows are improved by the proposed development compared with the shadows from the built form recommended by the St. Lawrence Urban Design Guidelines.
- Lunchtime shadows are worsened by the proposed development compared with the shadows from the built form recommended by the St. Lawrence Urban Design Guidelines, with between 10% to 60% of the patio zone in shadow at lunchtime from April 21 to August 21.
- On September 21, the amount of shadows at lunchtime from the proposed development and from the built form recommended by the St. Lawrence Urban Design Guidelines are similar.
- On March 21, the shadows cast at lunch time over the patio zone from the proposed development are less than those cast by the built form recommended by the St. Lawrence Urban Design Guidelines.

Overall, the proposed development casts slightly fewer hours of shadow on average (2.5 hours per day from May 21 to September 21) than a development meeting the built form recommendations of the St. Lawrence Urban Design Guidelines (2.75 hours from May 21 to September 21), when measured at a single test point in the middle of the patio zone (9% less) (See Table 2 below).

The applicant submitted a wind study modelling the expected wind conditions at grade near the proposed development and on the outdoor amenity spaces. Conditions were suitable for sitting and/or walking in all seasons, and in the area of the existing patios on the north side of The Esplanade, for sitting. However, the wind study has not been updated to reflect the modifications to the proposal. A revised wind study is required prior to site plan approval.

City Planning staff are satisfied with the shadow and wind impacts of the proposed development, given achievement of the full range of related public realm and built form objectives.

Traffic Impact and Vehicular Access

The applicant has provided a transportation impact study. The report indicates that the development proposal will generate approximately 40 two-way trips during both the morning and afternoon peak hours, respectively. The consultant concludes that the proposed development can be adequately accommodated on the adjacent road system. Transportation Services staff has reviewed the study and concur with this conclusion.

Vehicular access to the site will be from Church Street as The Esplanade has a special character with sidewalk cafés.

Church Street / Cooper Street Tunnel

The proposed development was reviewed in the context of the preliminary designs for the Church Street/Cooper Street tunnel. A road widening will be required to construct the tunnel but is not yet listed in the Official Plan for this section of Church Street. An amendment to the Central Waterfront Plan is in progress, also anticipating the extension of Church Street south under the rail corridor. The proposal has been reviewed within the context of the Lower Yonge Municipal Class Environmental Assessment, including the extension of Cooper Street to Church Street, which was endorsed by City Council, at its meeting of July 5, 2017. Implementation of the Church Street/Cooper Street extension will require the construction of a new north-south tunnel under the rail corridor and is dependent on redevelopment of the Toronto Parking Authority / Toronto Community Housing site at 55 The Esplanade.

The applicant has agreed to convey a road widening of 3.8 metres in width along the Church Street property line. This widening is taken entirely from the west side of Church Street at this location and is necessary to accommodate the preliminary road design, including sidewalks, trees and bicycle lanes.

Heavy pedestrian and cyclist flows are expected along this section of Church Street once the Church Street/Cooper Street Tunnel is constructed. In addition to the road widening, the ground floor of the building along Church Street will be undercut to provide an extra 2.2 metres of sidewalk space to achieve 6.0 metres between the building face and the future curb. A public pedestrian easement will be secured over the lands to ensure an appropriate sidewalk width.

Depending on the final design of the future Church Street/Cooper Street tunnel structure, turns in and out of the driveway may be limited to right-in/right-out movements if structural pillars are located in a way that blocks visibility.

Through the development process, the road widening lands to be conveyed to the City for the Church Street/Cooper Street tunnel will be free and clear of encumbrances and in an environmentally acceptable state, to the satisfaction of the General Manager, Engineering and Construction Services. Should no development proceed, the City will have the option of taking the lands that have been put into escrow, at no cost but in their current condition.

Parking and Loading

The applicant has proposed a total of 119 parking spaces, including 114 parking spaces for residents, 5 car-share spaces, none for commercial uses and none for residential visitors, as outlined in the consultant's transportation impact study. Transportation Services staff has reviewed the proposed parking amounts and concurs with the proposed parking arrangements.

Bike Parking

The proposed development meets the zoning by-law requirements for the amount of bicycle parking, with 277 bicycle parking spaces for residents and 43 bicycle parking spaces for residential visitors. These are located indoors at the first and second levels above grade and in the underground parking garage. The zoning bylaw does not require any bicycle parking spaces for the commercial space and none are provided. Through site plan control, staff are requesting additional bicycle parking be provided at-grade outdoors on private and/or public property.

Servicing

Toronto Water is nearing completion of an update to the 2012 Toronto Waterfront Servicing Master Plan Environmental Assessment. Toronto Water is reviewing options to address development pressures on the Scott Street sewage pumping station. This project, led by Toronto Water and supported by Development Engineering and City Planning, will develop an infrastructure strategy going forward in light of the significant residential and non-residential density increases being sought in the southeast Downtown within the Scott Street pumping station catchment area.

The Owner must submit a revised Functional Servicing report and related documentation for review and acceptance by Development Engineering staff, to the satisfaction of the Executive Director, Engineering & Construction Services. The Owner must also confirm, to the satisfaction of the General Manager, Toronto Water, whether groundwater will need to be pumped and discharged off-site as part of the design of the building. A hydrogeological report has been provided to determine the elevation of groundwater level(s) on site in relation to the lowest basement slab elevation, the quantity and quality of groundwater proposed to be discharged to a City sewer, and the proposed method of discharging groundwater to a City sewer.

It is recommended that a request be made of the Ontario Municipal Board to withhold its order on the zoning by-law until these matters are resolved to the satisfaction of the General Manager, Toronto Water. However, if the Ontario Municipal Board is otherwise ready to issue its order, staff recommend that a holding provision be included in the zoning bylaw. The holding provision would remain in place until such time as adequate servicing capacity is operational.

At the time of writing this report, a revised Functional Servicing Report and hydrogeological report have been submitted but the review has not yet been completed.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the

subject of this application are in an area with 0.43 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application is for the construction of one new building containing 1,014 m² non-residential gross floor area and a total of 308 residential units consisting of 21,814 m² of residential gross floor area.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion is subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Unit Mix

The proposed development includes 8 studio apartments (2.6%), 193 1-bedroom apartments (62.7%), 71 2-bedroom apartments (23.1%) and 36 3-bedroom apartments (11.7%) which is acceptable.

Amenity Space

Zoning regulations require 2.0 m² of indoor amenity space and 2.0 m² of outdoor amenity space per unit. The proposed development satisfies the indoor amenity space requirement with 640 m² of interior amenity space (2.08 m² per unit) located on Levels 2 through 7, including a large multi-purpose room adjacent to the large outdoor amenity area. The proposal is providing 503 m² of outdoor amenity space (1.63 m² per unit) on Level 2, including a pool.

Tree Preservation

An arborist's report was submitted with the revised application. There are five existing trees on the City's right-of-way adjacent to the site along Church Street, in fair, fair to poor, or poor condition. There are no trees on the site and none along The Esplanade adjacent to the site. Three more trees are located off-site, at 45 The Esplanade in above-grade planters in the entry courtyard to 55 The Esplanade.

The five existing boulevard trees along Church Street would be protected within construction hoarding and a sixth tree planted. Along The Esplanade, the proposed development indicates seven new trees within a continuous soil trench. The applicant is proposing that the 3 trees in the entry courtyard to 55 The Esplanade would be protected or replaced as part of the proposed landscape improvements to be secured as community benefits under Section 37 of the *Planning Act*. No agreement has yet been secured with either Novotel (owners of the courtyard lands) or Toronto

Community Housing (owners of easements over the courtyard lands) regarding either the removal of those trees or replacement landscaping.

Urban Forestry has requested revisions to the landscape drawings, such as increases in the spacing of the proposed trees along The Esplanade, soil depth and volume, and additional information and notes on the site plan drawings. Revised drawings are required prior to Site Plan approval.

Archaeology

The applicant's heritage consultant has advised that there is potential for the presence of significant Euro-Canadian archaeological resources. An archaeological monitoring and mitigation strategy will be secured through the site plan process.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. The Toronto Green Standard checklist submitted with this application has not been revised following modifications to the proposal. The applicant has not submitted the required Design Development Stage Energy Report to achieve Tier 1. Also, the proposed tree planting does not meet Tier 1 requirements.

Section 37

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,180,000 to be used for the following:
 - a. \$160,000 towards at-grade exterior improvements to the Toronto Parking Authority /Toronto Community Housing building at 55 The Esplanade, which may include lands at 45 The Esplanade over which easements exist in favour of Toronto Community Housing and the City, in consultation with the Ward Councillor and Toronto Community Housing; and,

- b. \$2,020,000 for any combination of the following:
 - i. the development of a park located between Market Street, Wilton Street, The Esplanade and Parliament Street;
 - ii. implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto;
 - iii. North St. Lawrence Market redevelopment; and/or
 - iv. Local streetscape improvements;
2. The payment amounts identified in Parts 1.a) and 1.b) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported 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 payment of the funds by the owner to the City; and

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development, all to the satisfaction of the Chief Planner and Executive Director of Planning in consultation with the appropriate civic officials and the Ward Councillor:

1. at least 10% of the total number of dwelling units to be constructed on the lot shall contain family sized units with three or more bedrooms in compliance with the provisions of the Ontario Building Code;
2. Prior to condominium registration for first residential use of the site, the owner shall convey to the City a 3.8 metre road widening along the Church Street frontage, free and clear of all encumbrances and in environmental condition satisfactory to Engineering and Construction Services in consultation with City Legal;
3. Prior to site plan approval, the owner will provide a pedestrian clearway easement in favour of the public over an at-grade setback along the Church Street frontage, in addition to the road widening described in 2 above;
4. Prior to site plan approval, require the owner to design and construct pedestrian weather protection along the Church Street and The Esplanade frontages, to the satisfaction of the Chief Planner and Executive Director, City Planning;
5. Prior to site plan approval, the owner shall provide a revised wind study to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

6. Prior to the issuance of any above grade building permit, the owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the Executive Director, Engineering and Construction Services should such Director determine that improvements to such infrastructure are required to support the development all to the satisfaction of the Executive Director, Engineering and Construction Services.

CONTACT

Elise Hug, Senior Planner, MCIP RPP
Tel. No. 416-338-2560
E-mail: elise.hug@toronto.ca

SIGNATURE

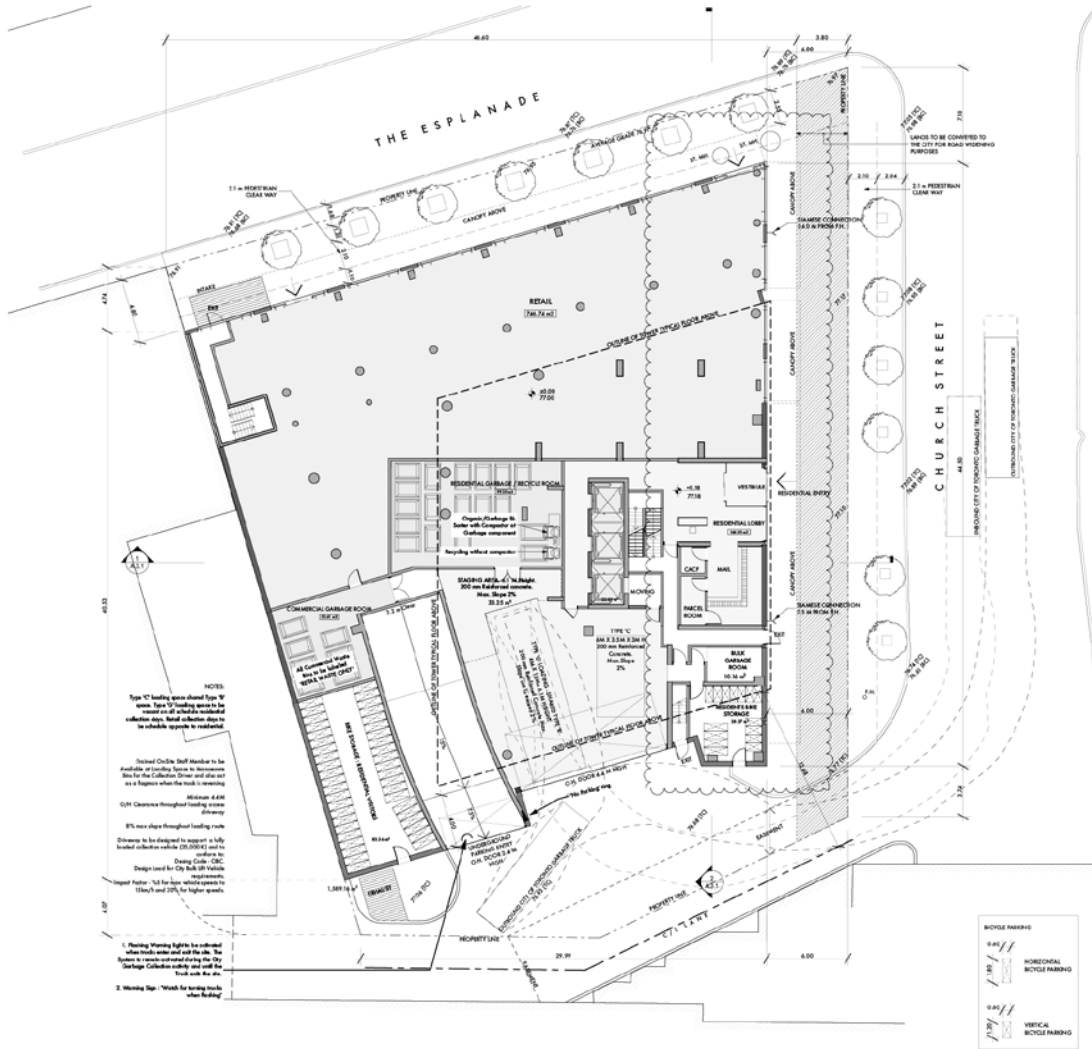
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\6868271061.doc) – lm

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment to By-law 569-2013 (To be provided prior to Community Council meeting)
Attachment 7: Draft Zoning By-law Amendment to By-law 438-86 (To be provided prior to Community Council meeting)

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale

75 The Esplanade

File # 15 120727 STE 28 OZ

Attachment 2: Elevations



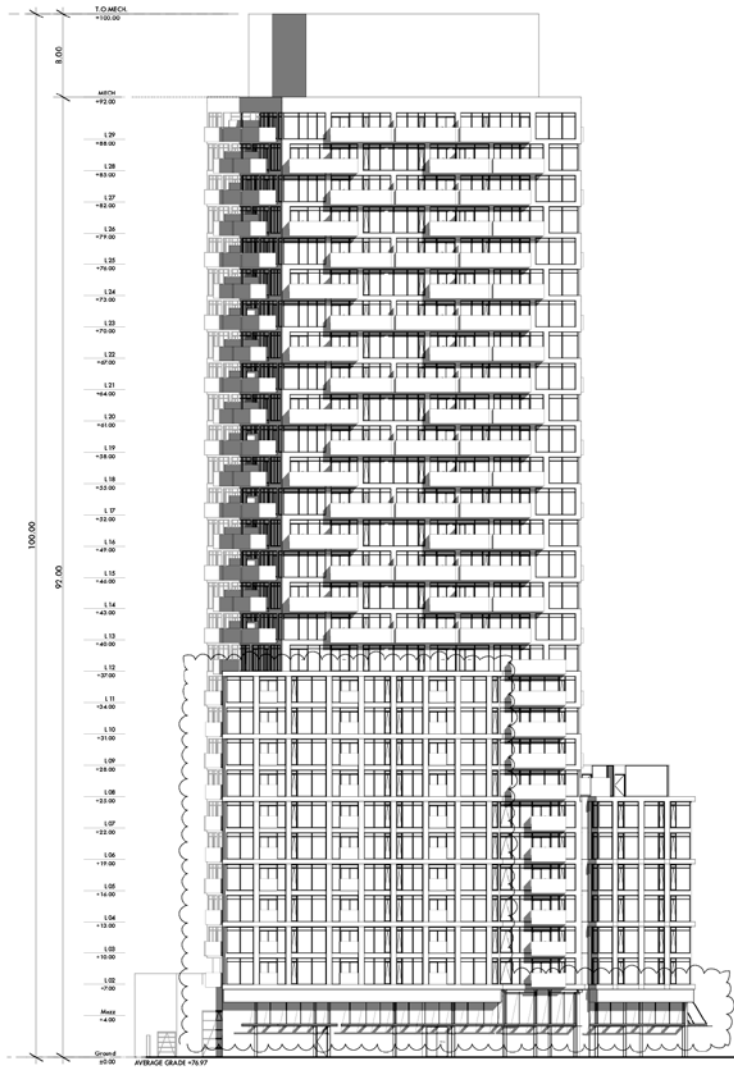
North Elevation

Applicant's Submitted Drawing

Not to Scale 07/11/2017

75 The Esplanade

File # 15 120727 STE 28 02



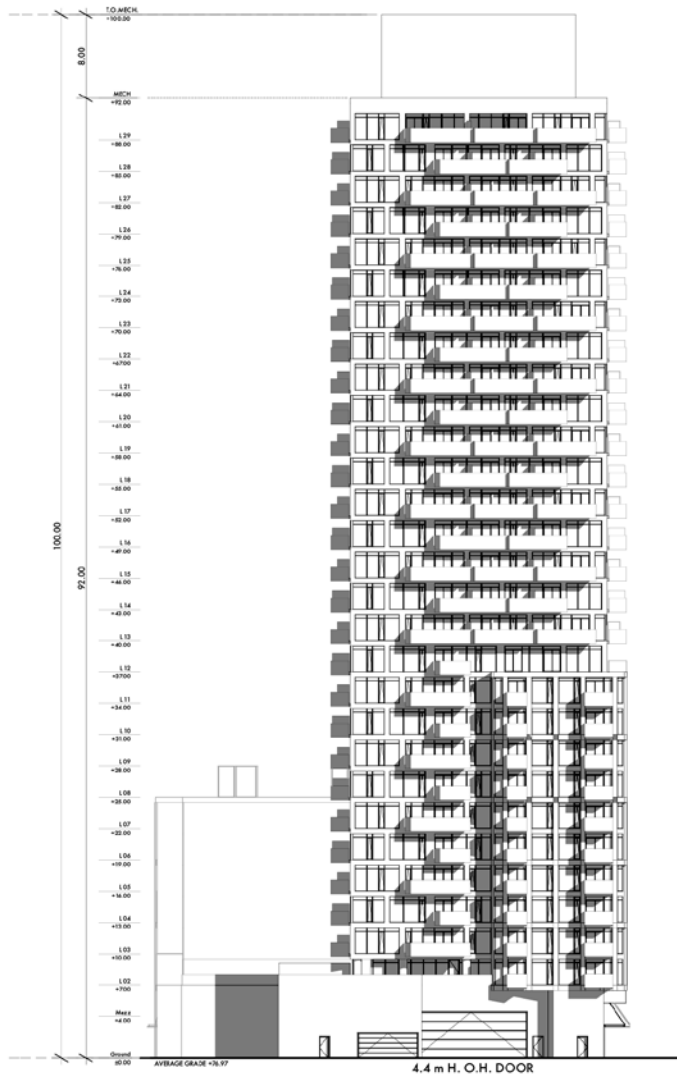
East Elevation

75 The Esplanade

Applicant's Submitted Drawing

Not to Scale 
07/11/2017

File # 15 120727 STE 28 OZ



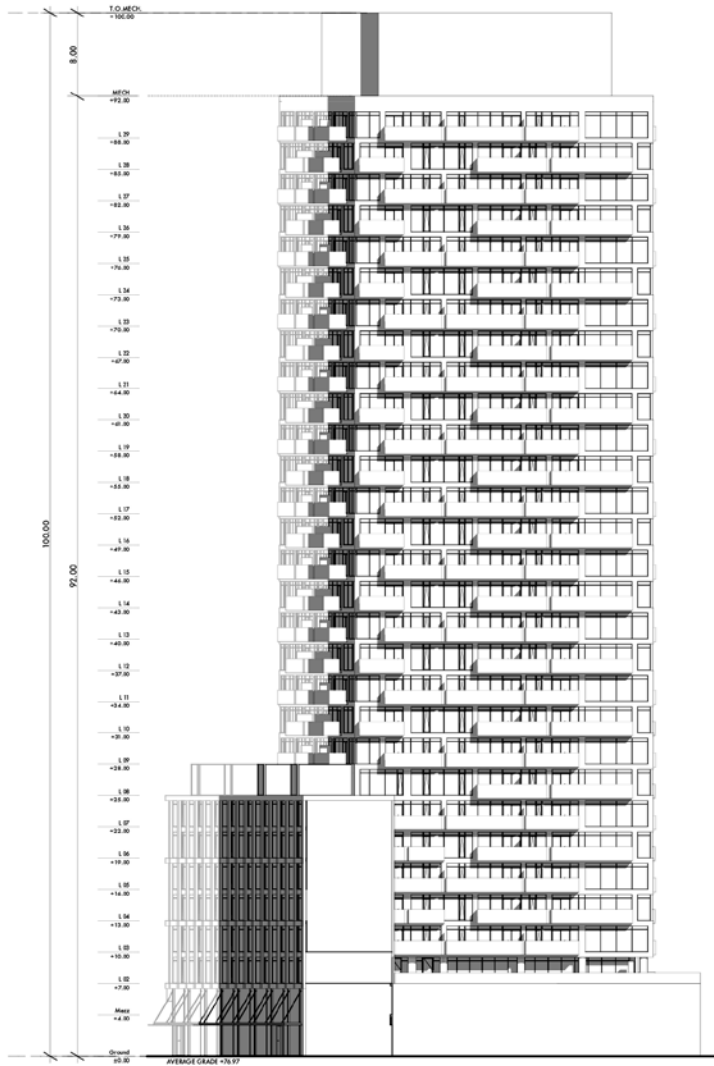
South Elevation

75 The Esplanade

Applicant's Submitted Drawing

Not to Scale 
07/11/2017

File # 15 120727 STE 28 OZ



West Elevation

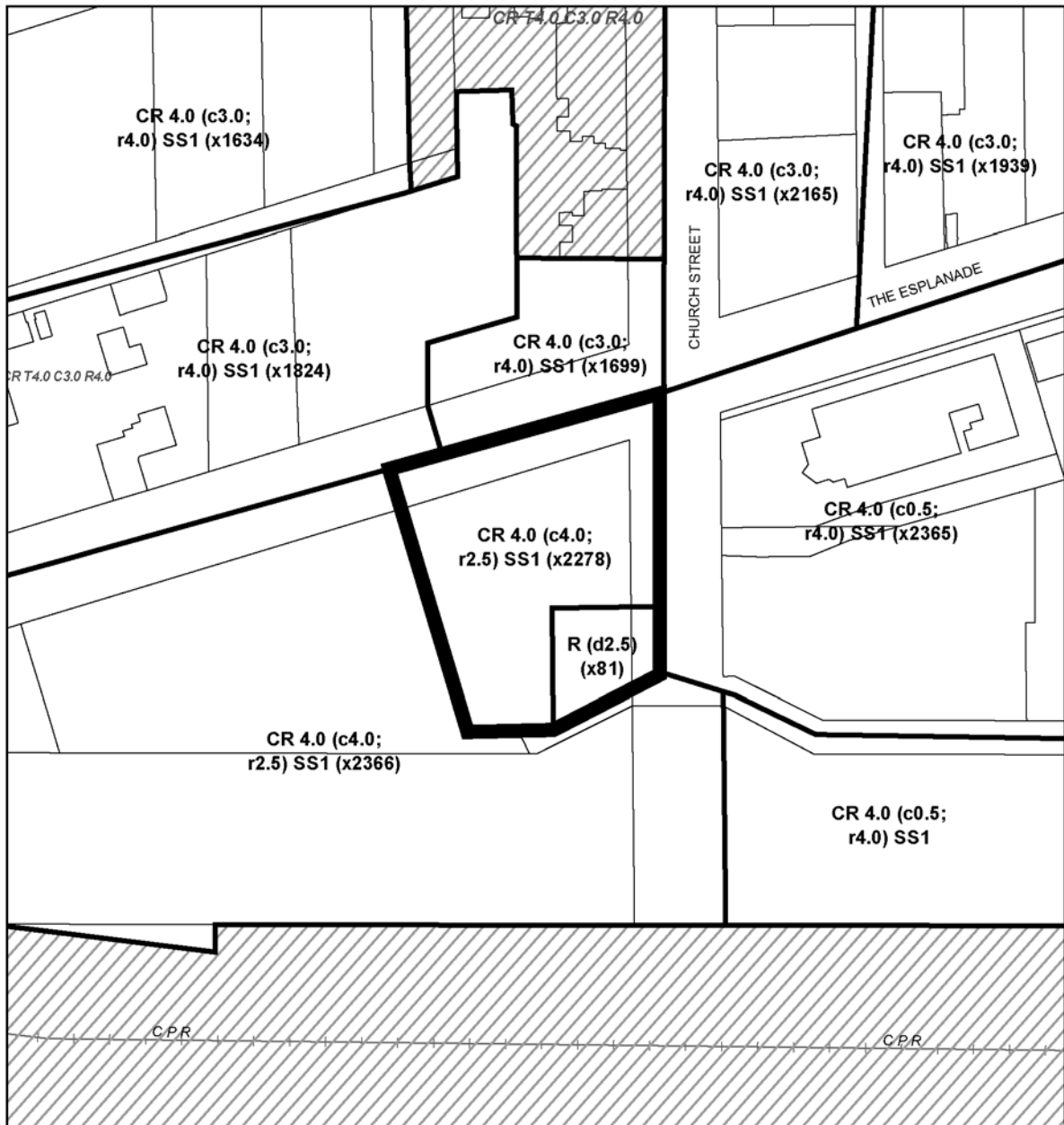
75 The Esplanade

Applicant's Submitted Drawing

Not to Scale 
07/11/2017

File # 15 120727 STE 28 OZ

Attachment 3: Zoning



Zoning By-Law No. 569-2013

75 The Esplanade ⁰¹ S

File # 15 120727 STE 28 OZ

Location of Application

R Residential

CR Commercial Residential



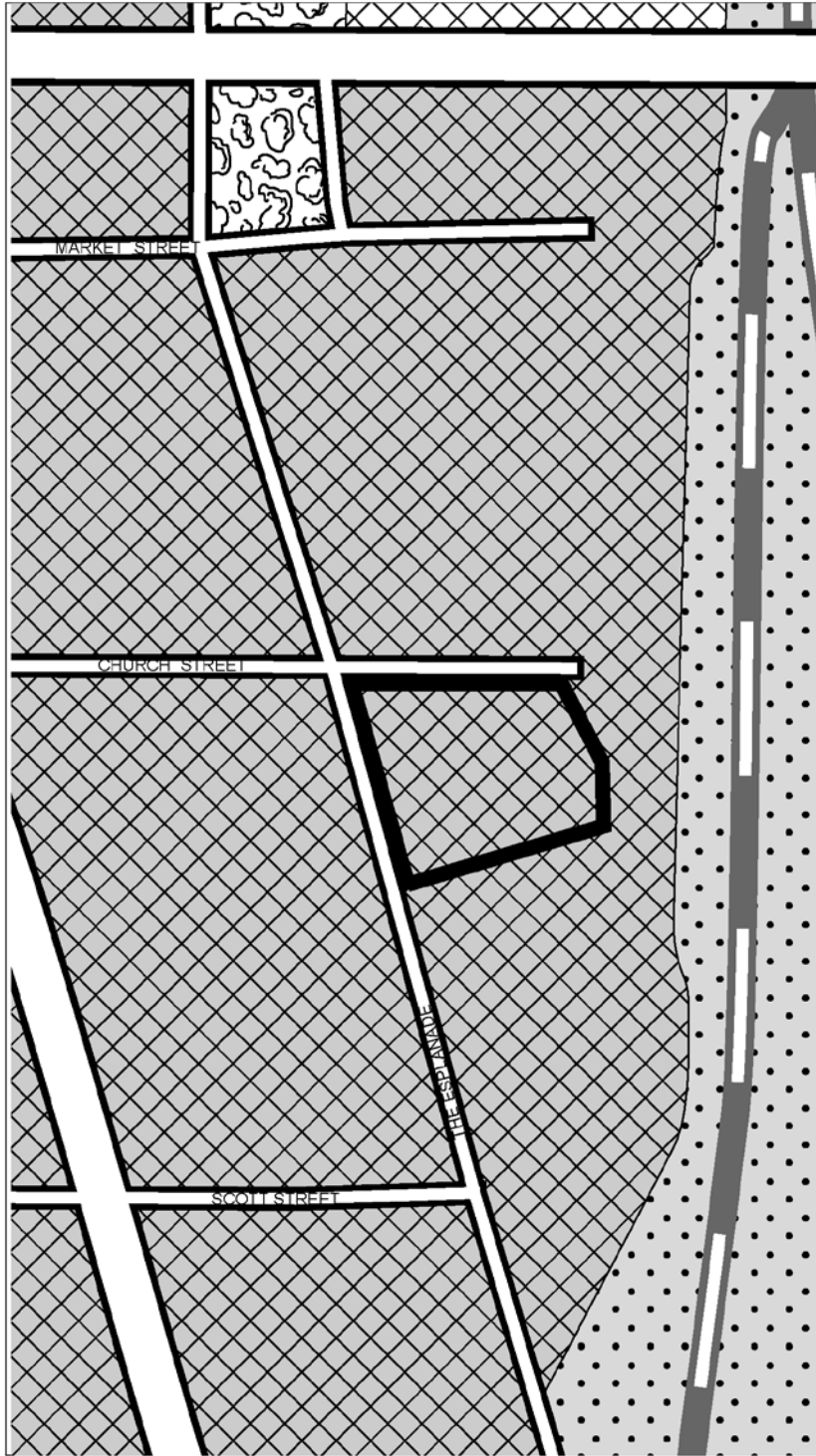
See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District
T Industrial District



Not to Scale
Extracted: 12/28/2016

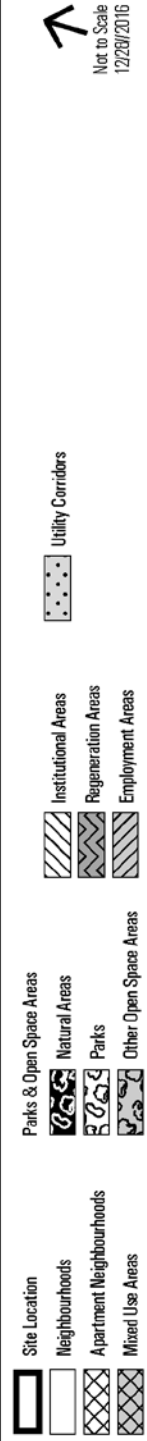
Attachment 4:
Official Plan



75 The Esplanade

Toronto
Extract from Official Plan

File # 15 120727 STE 28 0Z



Attachment 5: Application Data Sheet

Rezoning Application Number: 15 120727 STE 28 OZ
 Rezoning, Standard Application Date: February 24, 2015

75 THE ESPLANADE

RP 66R11446 PARTS 8 TO 10 **GRID S2812

Proposal for rezoning for a 29 storey mixed-use building consisting of 1,014 sq m of retail and 308 residential dwelling units, and 114 parking spaces in a 3-level underground parking garage.

Agent: **Architect:** **Owner:**
 CARHAR 3-ESPLANADE
 GP INC

PLANNING CONTROLS

Mixed Use Areas Site Specific Provision:
 CR 4.0 (c4.0; r2.5) SS1 (x2278) Historical Status:
 36 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2386	Height:	Storeys:	29
Frontage (m):	52.5		Metres:	92
Depth (m):	53.34			
Total Ground Floor Area (sq. m):	1589.16			Total
Total Residential GFA (sq. m):	21813.63		Parking Spaces:	119
Total Non-Residential GFA (sq. m):	1014.43		Loading Docks	2
Total GFA (sq. m):	22828.06			
Lot Coverage Ratio (%):	67			
Floor Space Index:	9.57			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Condo		Above Grade	Below Grade
0	Residential GFA (sq. m):	21813.63	0
8	Retail GFA (sq. m):	1014.43	0
193	Office GFA (sq. m):	0	0
71	Industrial GFA (sq. m):	0	0
36	Institutional/Other GFA (sq. m):	0	0
308			

PLANNER NAME: Elise Hug, Senior Planner
TELEPHONE: 416-338-2560

Attachment 6:
Draft Zoning By-law Amendment to By-law 569-2013
(To be provided prior to Community Council meeting)

Attachment 7:
Draft Zoning By-law Amendment to By-law 438-86
(To be provided prior to Community Council meeting)