

Authority: Toronto and East York Community Council
Item TE7.8 as adopted by City of Toronto Council on July
16 and 17, 2019

CITY OF TORONTO

Bill 1154

BY-LAW -2019

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 30 Bay Street and 60 Harbour Street.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas the Official Plan of the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality, and Local Planning Appeal Tribunal on appeal, the owner may be required to enter into one or more agreements with the municipality dealing in respect of facilities, services and matters; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law is secured by one or more agreements between the owner of the land and the City of Toronto; 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 by this By-law on the lot 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 Schedule A of this By-law, 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 Schedule A of this By-law, 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. This By-law applies to lands delineated by the heavy black lines on Map 1 attached to and forming part of this By-law.
4. None of the provisions of Section 2(1) with respect to the definitions of "*grade*", "*height*", "*lot*", and Sections 4(2)(a), 4(5), 4(6), 4(13), 8(3) Part I, 8(3) Part III, 8(3) Part XI 2, 12(2)132, and 12(2)(208), of Zoning By-law 438-86, as amended, and By-laws 42-87, 763-87 and 362-98, shall apply to prevent the erection of a *non-residential building* on the *lot* provided that:
 - a. the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply;
 - c. the total *non-residential gross floor area* of buildings and structures on the *lot*, shall not exceed a maximum of 136,405 square metres, excluding the *existing building* on the *lot*;
 - d. no portion of any building or structure erected above *grade* on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, ramps associated with an underground parking garage; wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, street furniture, elevated pedestrian walkways, and art installations;
 - e. no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the letter "H" identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. structures, elements and enclosures permitted by regulation d) above;
 - ii. the erection or use of structures on any roof used for outdoor amenity space, maintenance, safety, wind protection purposes, green roof purposes, vestibules providing access to outdoor amenity or recreation space, parapets, elevators and related structural elements, structures and elements

- associated with green energy and renewable energy facilities, provided such projections are limited to a maximum vertical projection of 5.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;
- iii. the erection or use of structures on any roof used for cooling towers, mechanical and architectural screens, chimneys, vents, stacks, and mechanical fans, provided such projections are limited to a maximum vertical projection of 10.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;
 - iv. the erection or use of structures on the tower roof identified with a "T" on Map 2 attached to and forming part of this By-law, used for one or more antennae, lightning rods, architectural spires, or their unenclosed supporting structures, and incorporated signage, provided such structures are limited to a maximum vertical *height* of 305.2 metres;
- f. notwithstanding any provision of this By-law, the *existing building* is permitted within the area identified as the Existing Building on Map 2, attached to and forming part of this By-law;
 - g. a minimum number of *parking spaces* for the non-residential building shall be provided and maintained on the lot in accordance with the following:
 - i. a minimum of 0.2 *parking space* per 100 square metres of *non-residential gross floor area*;
 - h. despite 4(17), up to 43 *parking spaces* may be obstructed on one side and have a minimum width of 2.6 metres and a minimum length of 5.6 metres;
 - i. despite 4(17), up to 12 *parking spaces* of the obstructed *parking spaces* permitted by section (h) above may be undersized *parking spaces* with a minimum width of 2.4 metres and a minimum length of 5.0 metres accessed by a 5.5 metre drive aisle;
 - j. despite 8(1)(f)(b)(vii) a *commercial parking garage* is permitted on the *lot*, the *parking spaces* required by section (g) above may be provided in a *commercial parking garage*, and the floor area of any *commercial parking garage* is excluded from the calculation of *non-residential gross floor area*;
 - k. no *parking spaces* are required for the *existing building* on the *lot*;
 - l. despite 4(13) no *bicycle parking spaces* are required for the existing building on the lot;
 - m. despite 4(13) *bicycle parking spaces - occupant* may be provided in *bicycle parking stackers*;

- n. four *loading space – type "B"* and five *loading space – type "C"* shall be provided and maintained on the *lot*;
5. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, attached to and forming part of this By-law, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*bicycle stacker*" means a device which provides *bicycle parking spaces* in a horizontal position above or below another *bicycle parking space* and equipped with a mechanism providing floor level access to both *bicycle parking spaces* with each *bicycle parking space* to have horizontal dimensions of at least 0.4 metres by 1.8 metres and a minimum vertical dimension of at least 1.2 metres.
- b. "*existing building*" means the building existing on the lands in the year 2018 municipally known as 60 Harbour Street.
- c. "*grade*" means 77 metres Canadian Geodetic Datum;
- d. "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law; and
- e. "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

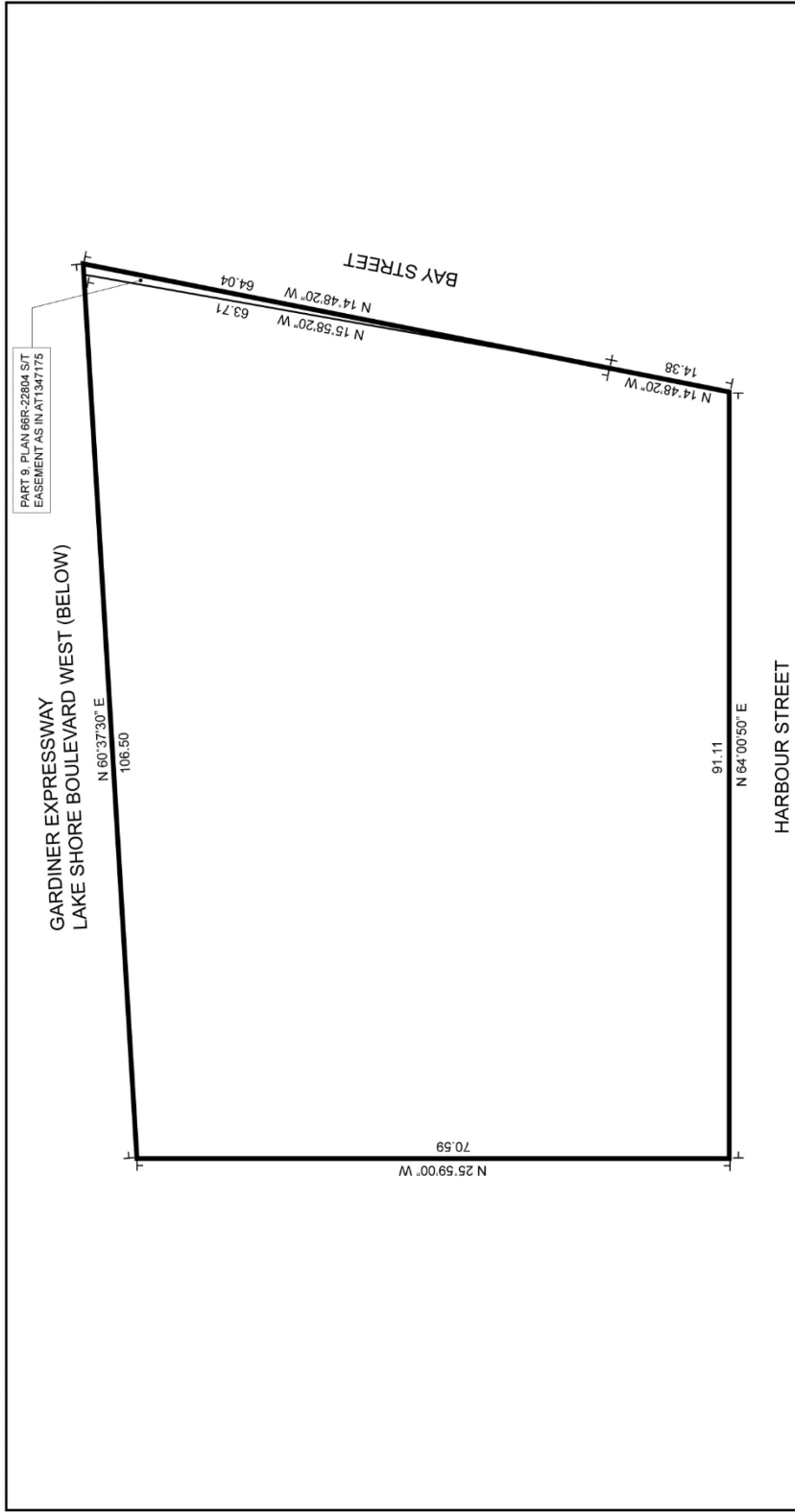
(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lot at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. A cash contribution of \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards the provision of affordable housing in Ward 10;
2. A cash contribution of \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards capital repairs to existing Toronto Community Housing buildings in Ward 10;
3. A cash contribution of \$6,800,000.00, prior to the issuance of the above-grade building permit, for:
 - a. Community Services and Facilities within Ward 10, which may include the Jack Layton Ferry Terminal; and/or
 - b. Local parkland improvements and/or public realm improvements in Ward 10, which may include improvements to the City owned lands north of 30 Bay Street and Lakeshore Boulevard West pedestrian improvements and/or PATH improvements along the Bay Street corridor.
4. A public art contribution in accordance with the City of Toronto's Percent for Public Art Program;
5. The payment amounts referred to in Recommendations 1-3 herein to be increased upwards by indexing in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City;
6. In the event the cash contributions referred to in Recommendations 1-3 has not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10; and
7. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- a. The owner shall provide, at its own expense, an approximate area of 208 square metres of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public. This POPS area is to be located fronting Harbour Street. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS;
- b. The owner will be required to pay all costs associated with the proposed boulevard extension along the Bay Street frontage of the property between Lake Shore Boulevard West and Harbour Street;
- c. The owner shall be responsible for the design, construction, provision and maintenance of above grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;
- d. The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and
- e. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
- f. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management and Community Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management and Community Communication Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, alternate parking arrangements for existing residents for the duration of any affected parking spaces used by existing residents, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community and existing tenants, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.



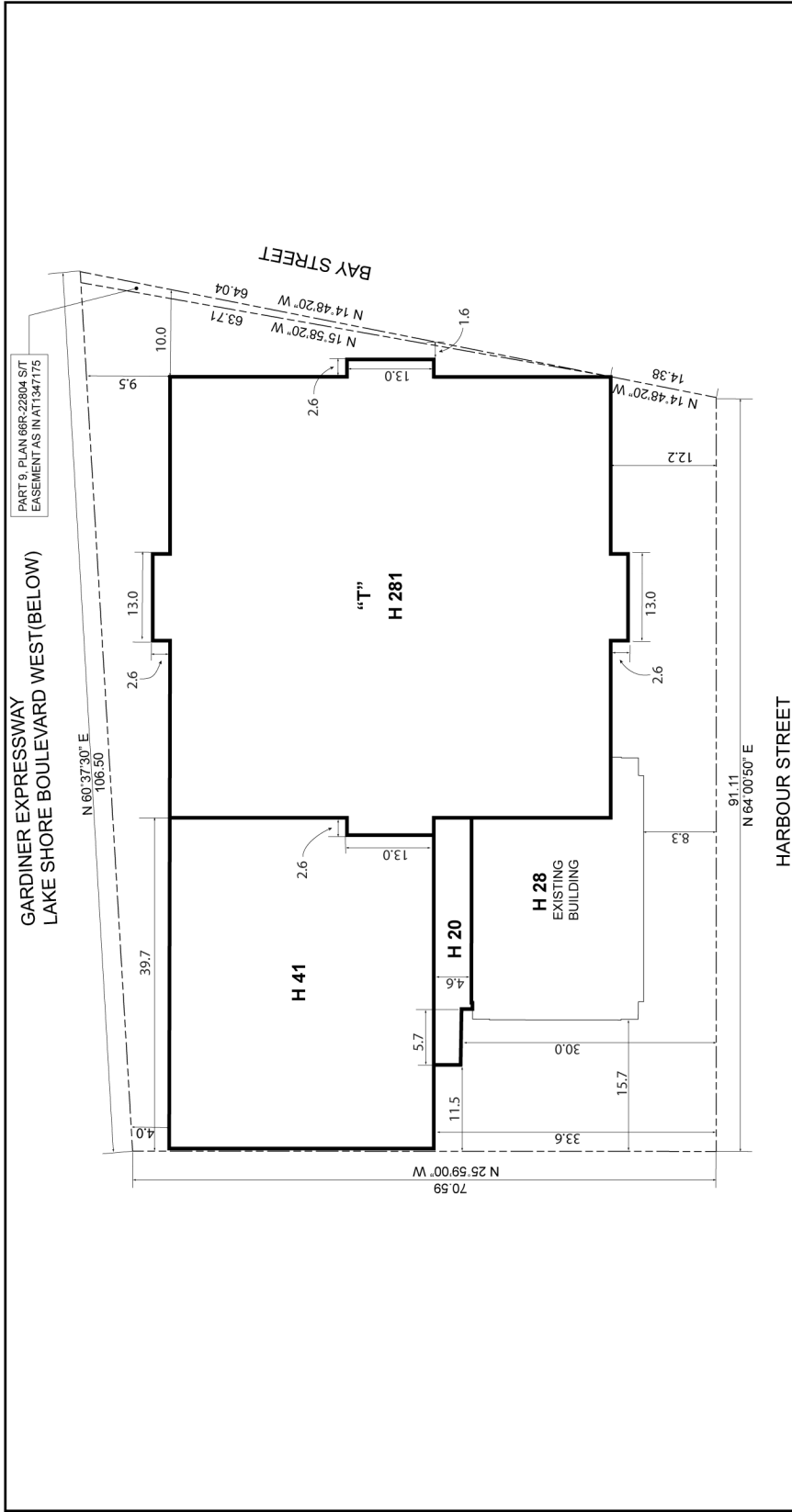
30 Bay Street

Map 1

File # 18 1208884 STE 28 0Z



City of Toronto By-law 438-86
Not to Scale
07/16/2019



Map 2

30 Bay Street

File # 18 1208884 STE 28 0Z



City of Toronto By-law 438-86
Not to Scale
06/03/2019