

Authority: Toronto Community Council Report No.3(34), April 16, 1998,
as amended by a Notice of Motion by Councillor Rae, seconded by
Councillor McConnell, July 8, 9 and 10, 1998
Intended for first presentation to Council: July 8, 1998
Adopted by Council: July 10, 1998

CITY OF TORONTO

BY-LAW No. 462 -1998

**To adopt an amendment to the Official Plan for the former City of Toronto,
respecting lands known as 909, 931, 935 and 945 Bay Street,
14, 16, 20, 26, 30 and 38 Broadalbane Street and 11 and 25 Wellesley Street West
(North Block - East of Bay Lands)**

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

1. The text and map annexed hereto as Schedule A, are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 121.

ENACTED AND PASSED this 10th day of July, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE “A”

Section 18 of the Official Plan for the former City of Toronto is amended by adding as Section 18.472 the following text and map:

“18.472 Lands known as 909, 931, 935 and 945 Bay Street, 14, 16, 20, 26, 30 and 38 Breadalbane Street and 11 and 25 Wellesley Street West (North Block - East of Bay Lands).

1. Despite any of the provisions of this Plan relating to *High Density Mixed Commercial-Residential Areas* and *Medium Density Mixed Commercial-Residential Areas* and pursuant to Section 37 of the *Planning Act*, Council may pass by-laws respecting the *lot* shown on Map 18.472 to increase the height limits and the maximum *residential gross floor area* permitted on the *lot* to 74 220 square metres and to decrease the amount of *non-residential gross floor area* permitted on the *lot* to 4 180 square metres, if the Owners of the *lot* are required by the by-law to:
 - (a) pay to the City of Toronto \$150,000.00 in cash or provide security for that amount by letter of credit, for park improvements at the time a zoning by-law is passed pursuant to this amendment;
 - (b) construct to City standards the new public lane, shown as "Proposed Lane" on Map 18.472 prior to the closing and conveyance of the existing lanes on the *lot*;
 - (c) provide space within the development for the construction of utility vaults and access holes;
 - (d) provides improvements including tree planting to the widened public and private sidewalks along Bay Street and Wellesley Street West to the City's standards, at no cost to the City;
 - (e) design, construct and maintain the project in accordance with an approved Noise Impact Statement;
 - (f) investigate the *lot* and prepare and implement an appropriate Soil and Groundwater Management Plan and Demolition and Excavation Dust Control Plan for the entire *lot* and the land to be conveyed to the City and implement the Plans for the entire *lot* or in phases;
 - (g) identify and secure in as much detail as possible, obligations relating to the establishment of a park on the *lot*, including the maintenance and repair of the underground parking structure, conveyance, indemnification, insurance, legal descriptions and plans of survey, interim maintenance of the park, park improvements, letters of credit, public consultation, park utilities and services, design and construction drawings, changes, grading and fill and top soil quality

and depth, inspection, certifications, default, warranties, remedial work, preparation and implementation of a tree plan, access and lighting of pathways, construction and maintenance of the park, park design, park design changes, load bearing capacity of the roof of the underground parking structure, drainage, the restoration of the park after construction, rough grading, ground and storm water management, the phasing of park improvements, operation of abutting private roadways, finished elevations, lighting of the park, condition of abutting lands and structures, linkage of the park to Bay Street and Wellesley Street West, and provision of interim landscaping on all unfinished Parcels;

- (h) amend the agreement made pursuant to Section 37 of the *Planning Act*, prior to development review approval for each phase to finalize the parks related matters identified in the previous subsection, if required by the City Solicitor;
- (i) convey a contiguous 2 017 square metre parcel of land to the City to create a new park on the *lots* as each of Parcels 3, 4, 5 and 6 are constructed, in accordance with the Section 37 Agreement;
- (j) not apply for the issuance of above *grade* building permits on any Parcel until the Medical Officer of Health of the City receives a satisfactory site verification testing report, certifying that the remediation of the *lot*, or if the remediation is being done in phases, that the remediation of that Parcel, has been completed in accordance with the approved Soil and Groundwater Management Plan, that it does not have a negative impact on adjoining properties or other phases of the development and verification that a Record of Site Condition has been submitted to the Minister of the Environment and Energy;
- (k) convey for nominal consideration, prior to the issuance of a building permit for construction above grade, a 5 metre wide strip of land to the full extent of the *lot* abutting the east limit of Bay Street, to a depth of at least 1.524 metres below grade, such land to be remediated to the satisfaction of the Medical Officer of Health, to be free and clear of all encumbrances, save and except for utility poles, to not include the sub-surface elements or the Garage Protection System which may be installed above the parking garage roof slab, and to be subject to a right-of-way for access purposes in favour to the owner until such time as said lands have been laid out and dedicated, by the City for public highway purposes, provided acceptance of such conveyance be subject to satisfaction of the following conditions:
 - (1) that the Owner indemnify the City from and against all actions, suits, claims, or demands and from all loss, costs,

damages, charges, and expenses that may result from the construction/existence of the garage beneath the public highway;

- (2) that the Owner provide and maintain the structure in good and proper repair so as to provide drainage for the trees planted above and in a condition sufficient to support all foreseeable activities on the sidewalk as widened and the mature growth of trees, all to the satisfaction of the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism;
 - (3) that the Owner indemnify the City from and against any loss or damage to the waterproofing and structure resulting from the maintenance and reconstruction of the street pavement, or the planting and maintenance of trees to maturity, unless such loss or damage is caused by the gross or willful negligence of the City or its contractors;
 - (4) that the Owner satisfy such other conditions as the City Solicitor, the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism may deem necessary in the interests of the Corporation; and
 - (5) that the Owner convey a satisfactory easement of support for the lands to be conveyed to the City.
- (l) convey a 3 metre wide strip of land along Wellesley Street West for nominal consideration and free of encumbrances;
 - (m) convey to the City, prior to the conveyance of any existing public lane to the Owner, a 6.1 metre wide strip of land, being PARTS 3, 11 and 14 on Plan 64R-15658, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the owner until such time as said lands have been laid out and dedicated, by the City, for public highway purposes;
 - (n) provide Public Art in accordance with the approved Public Art Plan;
 - (o) provide and maintain satisfactory public pedestrian walkways through the Wellesley and Bay Street frontages to the Park;
 - (p) implement City Council endorsed Urban Design and Site Plan Guidelines;

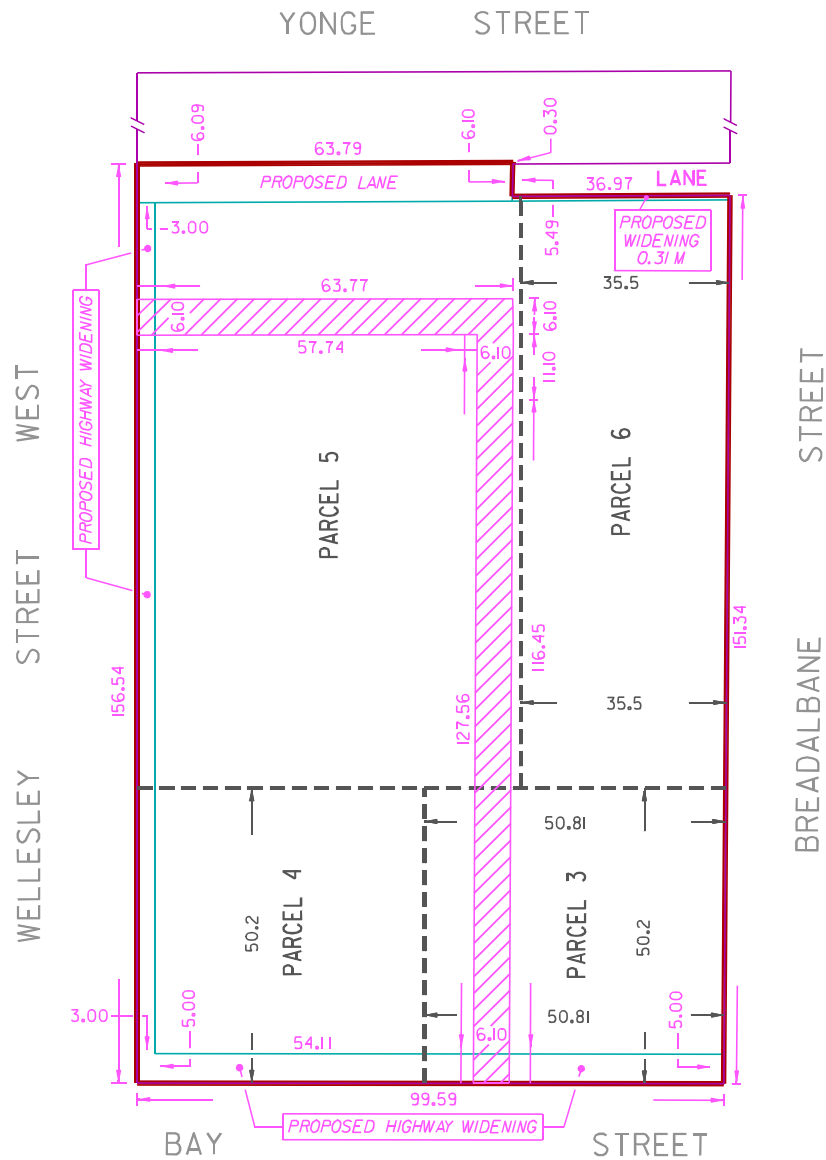
- (q) convey to the City, at nominal cost, prior to the issuance of any building permit on the *lot*, a 0.31 metre wide strip of land to the full extent of the *lot* abutting the west limit of the north-south public lane, being PART 13 shown on Plan 64R-17904, free of all encumbrances;
- (r) install and maintain satisfactory interim parkland on the *lot* until permanent parkland improvements are provided;
- (s) provide a payment of money instead of land for parks purposes as each Parcel is developed, to be for parks improvements within Ward 24 of the City of Toronto, all in accordance with the Section 37 Agreement;
- (t) provide a plan for interim parkland improvements on the *lot* and provide and maintain appropriate utility services for irrigation lighting and drainage of the interim landscaping and parkland conveyed to the City;
- (u) maintain the underground parking garage and insure and indemnify the City for damages in the event of failure of the garage to support parkland conveyed to the City;
- (v) provide all Reference Plans of Survey, including a Strata Reference Plan of Survey, that will be required for the various agreements, conveyances and/or land exchanges, including the lane and park conveyances and road widenings;
- (w) submit a satisfactory grading and drainage plan for the entire *lot* prior to approval of the first building permit on any Parcel on the *lot*;
- (x) remediate the *lot* and all land to be conveyed to the City to the satisfaction of the Medical Officer of Health;
- (y) implement the facilities services and matters set forth in sections 1(a) to (x) within the time frames provided for each such facility, service or matter in the agreement referred to in section 1(z);
- (z) enter into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by subsections (1)(a) to (y) and such agreement is registered on title to the *lot* as a first charge against the lands;




and if

- (aa) not more than 21490 square meters of *residential gross floor area* is erected or used on that part of that *lot* identified as Parcel 3 on Map 18.472;

- (bb) not more than 500 square meters of *non-residential gross floor area* is erected or used on that part of the *lot* identified as Parcel 3 on Map 18.472;
 - (cc) not more than 25 800 square meters of *residential gross floor area* is erected or used on that part of that *lot* identified as Parcel 4 on Map 18.472;
 - (dd) not more than 975 square meters of *non-residential gross floor area* is erected or used on that part of the *lot* identified as Parcel 4 on Map 18.472;
 - (ee) not more than 16 360 square meters of *residential gross floor area* is erected or used on that part of that *lot* identified as Parcel 5 on Map 18.472;
 - (ff) not more than 2 190 square meters of *non-residential gross floor area* is erected or used on that part of the *lot* identified as Parcel 5 on Map 18.472;
 - (gg) not more than 10 590 square meters of *residential gross floor area* is erected or used on that part of that *lot* identified as Parcel 6 on Map 18.472;
 - (hh) not more than 515 square meters of *non-residential gross floor area* is erected or used on that part of the *lot* identified as Parcel 6 on Map 18.472; and
 - (ii) a colonnade or covered walkway is continuously provided on the Bay Street and Wellesley Street edges of the *lot* as configured after conveyances and on Breadalbane Street for 10 metres east of Bay Street.
2. Section 16.10 of the Official Plan for the former City of Toronto does not apply to the lands shown as PARTS 3, 11 and 14 on Plan 64R-15658, provided the lands are conveyed to the City for fair market value.
3. For the purposes of this Section 18.472, "*lot*" means the lands outlined by a heavy line on Map 18.472 on which is erected or is to be erected four buildings or structures, whether such buildings are erected simultaneously or at intervals and whether they are connected below the natural level of the ground and upon the conveyance of PARTS 3, 11 and 14 on Plan 64R-15658, to the City of Toronto, such land so conveyed shall be deemed not to be within the *lot*.

MAP 18.472



-  PARTS 3, 11 & 14, PLAN 64R-15658,
PARTS 2, 6, 8 TO 11, PLAN 64R-15883 AND
PARTS 1, 3, 4, 5, 7, 12 & 13, PLAN 66R-17904
-  LANE TO BE CLOSED
(PARTS 2, 6, 8 & 9, PLAN 64R-15883)
-  PARCEL LIMITS



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SECTION
TORONTO JULY, 1998
DPA2/18472.DGN
FILE: W48-Z3
MAP No. 50H-323 DRAWN: PG