

Authority: Toronto Community Council Report No. 10(31), July 29, 30 and 31, 1998  
Intended for first presentation to Council: July 29, 1998  
Adopted by Council: July 31, 1998

## **CITY OF TORONTO**

### **BY-LAW No. 609-1998**

#### **To amend the Harbourfront Zoning By-law No. 289-93 with respect to Parcel YQ-4 known as 8 York Street and part of 200 Queens Quay West.**

WHEREAS, pursuant to Section 37 of the Planning Act, the Council of the Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services and matters 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 or matters in return for an increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 289-93, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the City has required the owner of the lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in density in connection with the lands as permitted;

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

**1.** By-law No. 289-93, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the *Harbourfront* area", as amended, is amended by:

- (1) amending the limits of Parcel YQ-4 as delineated on Map 2 of 2 contained in Appendix "C" to the limits shown on the attached Map 1.
- (2) adding to APPENDIX "D" opposite the parcel designation YQ-4 in the column headed "Location in By-law", the number "13(1)" before "13(2)(a)(b)(c)(d)"; and in the column headed "Permitted Uses", the words and comma "Residential Uses," before "Offices";

- (3) adding to APPENDIX "E" opposite the parcel designation YQ-4 in the column headed "MAXIMUM RESIDENTIAL GROSS FLOOR AREA", the number "111 935"; and in the column headed "MAXIMUM COMBINED RESIDENTIAL GROSS FLOOR AREA AND NON-RESIDENTIAL GROSS FLOOR AREA", the number "116 000";
- (4) amending Height Map 50G-313 contained in Appendix "B" for the lands shown on Map 1:
  - i) to those heights shown on Map 2 in the event of the Parking Garage existing on June 30, 1998 is not retained; and
  - ii) to those heights shown on Alternate Map 2 in the event the aforesaid Parking Garage is retained.
- (5) by adding to Section 19 a new subsection (7) as follows:

"(7) None of the provisions of Sections 19(1) and (2) shall apply in respect of any *mixed-use building* or *non-residential building* erected or used on Parcel YQ-4.";
- (6) by deleting Section 15(4) and substituting therefor a new subsection (4) as follows:

"4. Notwithstanding any other provisions of this By-law, no person shall erect or use any building or structure on Block A or Block B of Parcel YQ-4

  - i) as shown on Map 1 contained in Appendix G in the event the Parking Garage existing on June 20, 1998 is not retained; or
  - ii) as shown on Alternate Map 1 contained in Appendix G, in the event the aforesaid Parking Garage is retained,

unless there is an area of the exterior face of such building or structure from *grade* to a minimum *height* of 20 metres above *grade* built within 1.2 metres of the heavy line identified as the Build To Line on Map 1 or Alternate Map 1 contained in Appendix G, as the case may be, measured to the interior of Parcel YQ-4, corresponding to the relevant Build To Line for either of Block A or Block B, which area is equal to at least 90 per cent of the area determined by the product of the length of such Build To Line and the *height*.";

For the purposes of this section 15(4), where the exterior face of the building or structure includes a colonnade or an unenclosed balcony, such exterior face shall be deemed to include:

- (i) the open area between any columns, measured along the exterior face of such columns; and
  - (ii) openings for any unenclosed balcony, provided it is not greater than 5.0 metres in depth."
- (7) by deleting from Section 18(iii) the phrase "of this By-law" and substituting therefor the following:

"provided that in the case of Parcel YQ-4 at least 70 per cent of the aggregate length of the portions of the exterior walls of the buildings fronting on Queens Quay West, York Street and Simcoe Street, abut *non-residential gross floor area* at *grade* containing those uses set out in Section 13(2)(b) of this By-law";

- (8) by adding to Section 21 a new subsection (6) as follows:

"(6)(a) Paragraph (5)(i) does not apply to the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided the restrictions set out opposite the structure in the column entitled "MAXIMUM PERMITTED PROJECTION" are complied with.";

STRUCTURE	MAXIMUM PERMITTED PROJECTION
A. eaves, cornices, light fixtures or ornaments	0.90 metres
B. fences and safety railings	no restriction provided the height thereof does not exceed 2.0 metres
C. canopy	2.5 metres
D. bay window	0.6 metres from the wall to which it is attached
E. balcony	0.6 metres from the wall to which it is attached
F. doors, including revolving doors	no restriction

- (b) Notwithstanding paragraph (a), no structure with the exception of doors, including revolving doors, light fixtures, ornaments, fences and safety railings, may be located within the YQ-4 setback area from *grade* to a *height* of 4.0 metres"; and
- (9) by inserting, following the heading for Section 23, the number "(1)" and

- i) inserting in section 23(1)(i) following the date "June 1, 1991" the phrase "or any alterations thereto:" and
  - ii) inserting a new subsection 23(2) as follows:
- "(2) None of the provisions of Section 23(1) shall apply to prevent the erection and use of a *parking garage* above *grade* on Parcel YQ-4, provided:
- (i) no part of any building or structure between *grade* and a height of 8 metres that is used for parking purposes, excluding stairways, driveways or ramps used for access, is erected closer than 10 metres to a *lot* line that abuts a *street*;
  - (ii) the permitted uses listed in Appendix "D" in respect of Parcel YQ-4 are provided in a building or structure between any part of a building or structure containing *parking spaces* and a *lot* line that abuts a *street*; and
  - (iii) the floor area of any above *grade* parking structure is included in the calculation of *residential gross floor area* or *non-residential gross floor area*."

**2.** Despite Sections 13 and 14 of By-law No. 289-93, as amended, the density of residential uses set out in Section 13(1) of By-law No. 289-93 is permitted subject to compliance with all other requirements of By-law No. 289-93 and in return for the provision by the owner of Parcel YQ-4 of the following facilities, services or matters to the City, namely:

- (1) a contribution of \$403.00 per *dwelling unit* to the City in respect of the provision of community services and facilities;
- (2) a contribution of \$277.00 per *dwelling unit* to the City in respect of the provision of a public library;
- (3) the provision of a daycare facility in accordance with Section 5.3.2 of this Plan and the existing Harbourfront Implementation Agreement;
- (4) the submission of additional plans and information addressing matters contained in and in accordance with Section 8.1.2.1 of the Harbourfront Part II Plan;
- (5) adherence in any site plan application to Design Guidelines as adopted by City Council and the Development Concept Plan referred to in Section 8.1.2.1 of the Harbourfront Part II Plan;
- (6) the undertaking of improvements to the existing parking garage in accordance with the aforesaid Development Concept Plan;

- (7) the submission for the approval of the City of a noise impact statement and a material recovery and waste reduction plan and to design and operate the buildings in accordance therewith;
- (8) the consideration of any proposal made by the Toronto District Heating Corporation in respect of the development of the buildings; and
- (9) the provision of certain access, parking and servicing matters relating to Parcel YQ-4 and the abutting streets.

**3.** The owner of Parcel YQ-4 is required, pursuant to Section 37(3) of the Planning Act, to enter into one or more agreements with the City to secure the facilities, services and matters referred to in Section 2 of this By-law and the agreement or agreements are to be registered on title.

**4.** For the purposes of this by-law each word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in By-law No. 289-93, as amended.

ENACTED AND PASSED this 31st day of July, A.D. 1998.

CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)

## MAP 1

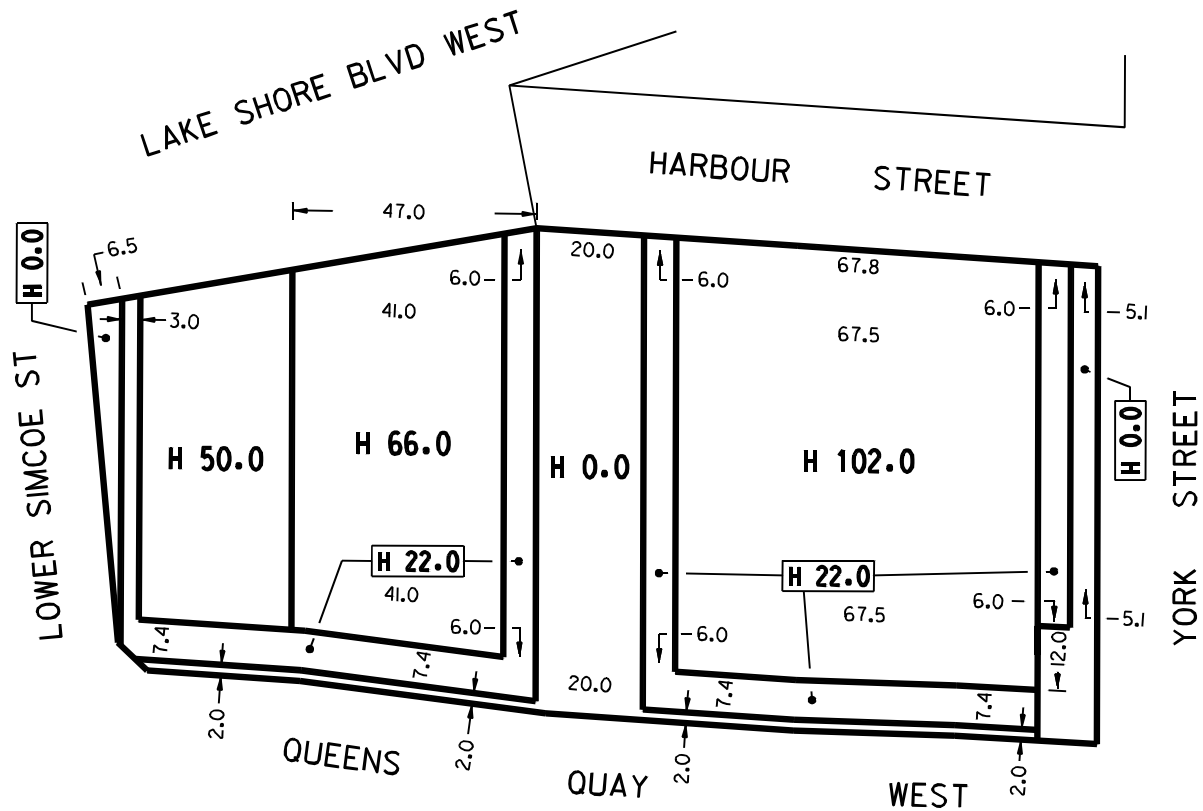


PARCEL YQ-4



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO JULY, 1998  
BL2/8YDRK1.DGN  
FILE: 012-26  
MAP No. 50G-313 DRAWN: EM

MAP 2



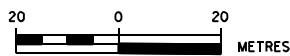
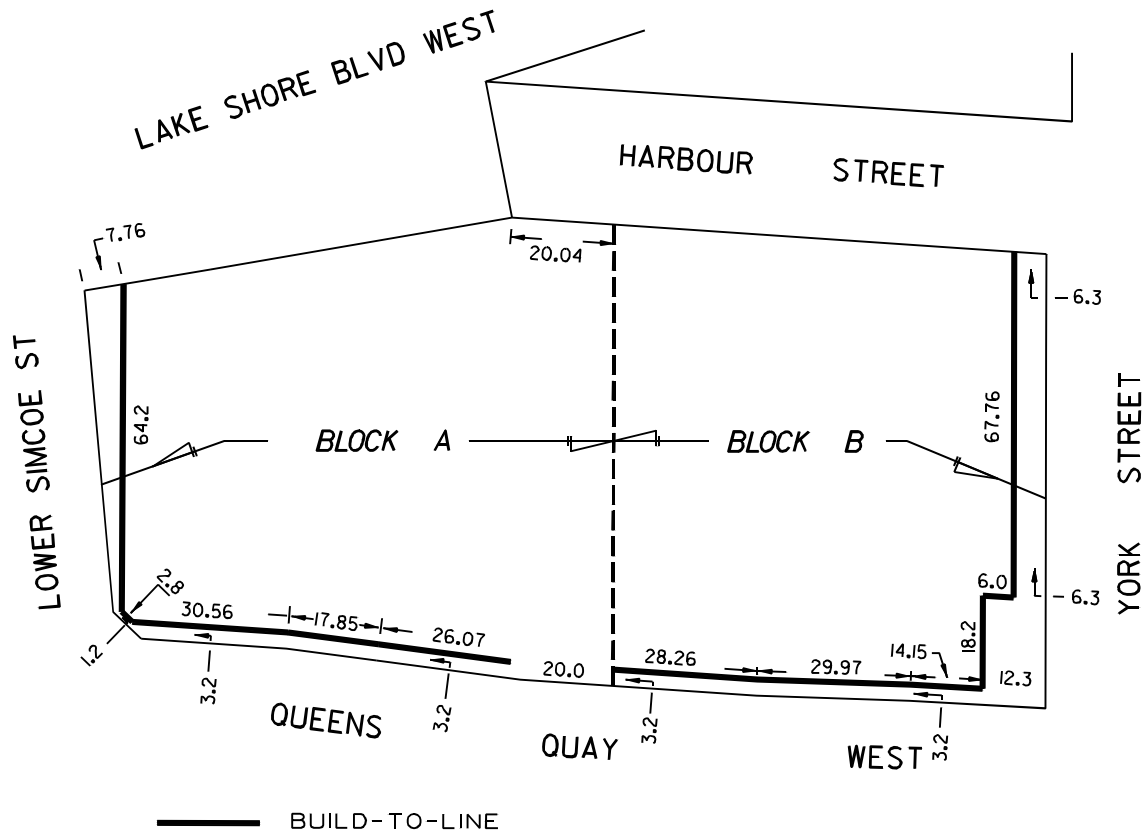
WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO  
BL2/8YORK2.DGN  
FILE: 012-Z6  
MAP No. 50G-313  
JULY, 1998  
DRAWN: EM





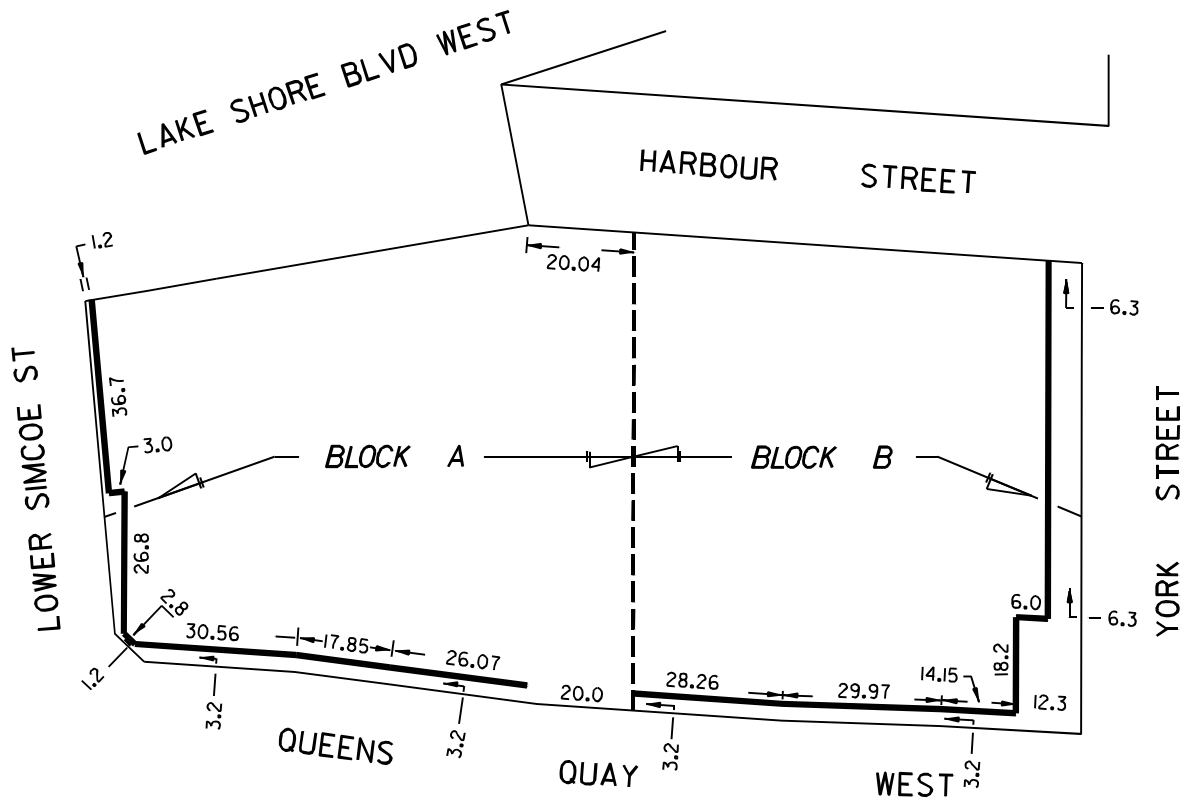
# APPENDIX G

## MAP 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO JULY, 1998  
BL2/8YORKG1.DGN  
FILE: 012-Z6  
MAP No. 50G-313 DRAWN: PG

## APPENDIX G ALTERNATE MAP 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO JULY, 1998  
BL2/8YORKG1B.DGN  
FILE: 012-26  
MAP No. 50G-313 DRAWN: EM