

**56 Yonge Street, 21 Melinda Street, 18 to 30  
Wellington Street West, 187 to 199 Bay Street and 25  
King Street West - Zoning Amendment Application –  
Final Report**

Date: August 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

**Planning Application Number:** 17 277715 STE 28 OZ

**SUMMARY**

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This application proposes to permit a 65-storey Class A office building and a 3-storey glass pavilion at the south end of the Commerce Court complex that will add 169,993 square metres of non-residential gross floor area, resulting in a total gross floor area of 361,560 square metres to the complex. The application also includes the retention of the heritage listed 8-storey Hotel Mossop building at 56 Yonge Street. The heritage designated Commerce Court complex will be altered to accommodate the new buildings, which includes the demolition of the existing 6-storey Commerce Court South building and the 13-storey Commerce Court East building. The façades of the east building will be reconstructed and incorporated into the new office building. The Commerce Court West and Commerce Court North buildings are being retained.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends approval of the application to amend the Zoning By-laws.

This proposal was considered by the Toronto and East York Community Council on June 25, 2019, item TE7.16, that recommended City Council adopt the proposed Zoning By-law amendments to permit the proposal. On July 16, 2019, City Council referred the item back to the Toronto and East York Community Council for further consideration, as the section 37 benefits package for the proposed increased density on the site has not been finalized. A section 37 benefits package has now been finalized.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to 199 Bay Street and 25 King Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the August 28, 2019 report from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the lands at 56 Yonge Street, 21 Melinda Street, 18 to 30 Wellington Street West, 187 to 199 Bay Street and 25 King Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the August 28, 2019 report from the Director, Community Planning, Toronto and East York District.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the Bills for the Zoning By-law Amendments to City Council for enactment, the owner shall:
  - a) Enter into a Heritage Easement Agreement with the City for the properties at 199 Bay Street, 25 King Street West and 56 Yonge Street in accordance with the plans and drawings last revised on April 29, 2019, prepared by Adamson Associates Architects, and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by ERA Architects Inc. dated December 18, 2017 and revised March 13, 2019, and in accordance with the Conservation Plan required in Recommendation 4.b) below, to the satisfaction of the Senior Manager, Heritage Planning including registration of such agreement to the satisfaction of the City Solicitor;
  - b) Provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 199 Bay Street, 25 King Street West and 56 Yonge Street prepared by ERA Architects Inc. dated December 18, 2017 and revised March 13, 2019, to the satisfaction of the Senior Manager, Heritage Planning;
  - c) The owner shall deliver to the City Solicitor an irrevocable written Notice of Withdrawal, addressed to the Local Planning Appeal Tribunal (the "LPAT"), of its appeal of Official Plan Amendment No. 352, City of Toronto By-law 1106-2016, and City of Toronto By-law 1107-2016 (LPAT Case No. PL161316, Appeal No. 59) which shall be held in escrow by the City Solicitor and shall only be released by the City Solicitor to the LPAT, with a copy to the owner, upon the earlier of:

i. the City Solicitor receiving written confirmation from the City Clerk's Office that no appeals of by-laws passed by City Council permitting the site-specific zoning by-law amendments for the subject site were filed with the City Clerk's Office prior to the expiry of the statutory period for filing an appeal under the Planning Act and the site-specific zoning by-law amendments are final and binding;

ii. the withdrawal of all appeals filed in respect of by-laws passed by City Council permitting the site-specific zoning by-law amendments for the subject site; or

iii. the final disposition of all appeals filed in respect of by-laws passed by City Council permitting the site-specific zoning by-law amendments for the subject site; and

5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:

a) A cash contribution of \$18,500,000 to be allocated towards the following benefits:

i. A cash contribution of \$1,000,000 for on-site public art, through the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council;

ii. A cash contribution of \$5,100,000 for site capital improvements, of which \$3,271,165 shall be attributable to the identified streetscape improvements adjacent to the subject site as shown on the Landscape Plans by Claude Cormier + Associes dated March 13, 2019;

iii. A cash contribution of 12,400,000 to be allocated to the discretion of the Ward Councillor towards:

A. The provision of new affordable housing within Ward 13, to be directed to the Capital Revolving Fund for Affordable Housing, payable prior to the issuance of the first building permit; and

B. The provision of local streetscape improvements within Ward 13, payable prior to the issuance of the first above grade building permit;

b) The payment amounts referred to in Recommendation 5.a) 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;

c) In the event the cash contributions referred to in Recommendation 5.a) 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 13; and

d) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. That the design of the 3-storey pavilion and the 65-storey tower and structural elements as shown on architectural plans by Adamson Associates dated March 13, 2019 be secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

ii. That the owner is to provide a privately-owned publicly-accessible space (POPS) network as shown on the architectural plans by Adamson Associates dated March 13, 2019 and Landscape Plans by Claude Cormier + Associes dated March 13, 2019, and be secured as part of site plan approval and an easement agreement, including hours of operation and programming, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

iii. That the owner pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support the development;

iv. That the owner implements the mitigation measures identified in the Pedestrian Wind Study dated April 30, 2019 by RWDI, secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

v. Comply with the City's Tree By-laws, including a tree planting plan, to the satisfaction of the Supervisor, Tree Protection & Plan Review, Urban Forestry, Parks Forestry & Recreation Division;

vi. That prior to final site plan approval the owner shall:

A. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4.b) above to the satisfaction of the Senior Manager, Heritage Planning;

B. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

C. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning;

D. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning;

E. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

F. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning, and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

G. The owner submits an acceptable functional plan illustrating the proposed widening of the northerly boulevard along Wellington Street West between Yonge Street to Bay Street and the associated modifications in the pavement marking and road signs, to the satisfaction of the General Manager, Transportation Services;

H. The owner enters into a Municipal Infrastructure Agreement in respect of the northerly boulevard widening along Wellington Street West, as generally shown on the architectural plans by Adamson Associates dated March 13, 2019, to the satisfaction of the General Manager, Transportation Services;

I. The owner to pay all costs associated with the proposed boulevard extension along the Wellington Street West frontage of the building between Yonge Street to Bay Street including pavement marking and signing plans required as a result of the boulevard extension identified in Recommendations 5.d) vi. G. and H; and

vii. That prior to the issuance of any permit for all or any part of the properties at 199 Bay Street, 25 King Street West and 56 Yonge Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

A. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

B. Provide building permit drawings, including notes and specifications for the conservation and protective measures identified in the approved Conservation Plan as required in Recommendation 4.b) above including a

description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and

C. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan Lighting and Interpretation Plan; and

viii. That prior to the release of the Letter of Credit required in Recommendation 5.d) vii.C. above, the owner shall:

A. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and

B. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The Commerce Court complex that forms the site of this application includes a cluster of four office buildings. The Canadian Bank of Commerce Building (today also known as Commerce Court North) was constructed in 1931. The other three buildings and the central courtyard were completed in 1972.

In 1991, City Council and the Committee of Adjustment approved alterations to the Commerce Court complex that included new entrance vestibules and concourse areas.

In 1991, City Council stated its intention to designate the Commerce Court complex under Part IV, Section 29 of the *Ontario Heritage Act*, and designated the site pursuant to the adoption of By-laws 467-91 and 539-91, and included in the City's Heritage Register. The By-laws can be found here:

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1991-0467.pdf>

and here: <https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1991-0539.pdf>

On February 21, 2018, Toronto and East York Community Council adopted the Preliminary Report on the application, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.49>

On June 25, 2019, Toronto and East York Community Council adopted the Final Report, with amendments, item TE7.16, to recommend City Council approve the proposed Zoning By-law amendments to permit the current 65-storey office building and 3-storey glass pavilion. On July 16, 2019, City Council referred the item back to Toronto and East York Community Council for further consideration, as a section 37 benefits package has not been finalized. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.16>

## **CONSULTATION WITH APPLICANT**

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On November 1, 2016, a preliminary meeting was held with the applicant and City staff on a proposed Class A office tower proposal on the southeast portion of the Commerce Court complex. The proposal required the demolition of the existing Commerce Court East and Commerce Court South buildings.

On October 16, 2017, a second preliminary meeting was held between the applicant and City staff on a revised Class A office tower proposal that included the addition of a glass pavilion and the alteration of the Hotel Mossop building at 56 Yonge Street. The proposal shown at the second preliminary meeting was generally consistent with the original submitted application.

After the submission of the application on December 20, 2017, consultation meetings with the applicant were held throughout 2018 and 2019 to resolve issues identified during the review of the application.

## **SITE AND SURROUNDING CONTEXT**

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The site consists of the Commerce Court complex and Hotel Mossop building, with a total area of 1.67 hectares. The Commerce Court complex is bordered by King Street West, Jordan Street, Melinda Street, a north-south City-owned public laneway, Wellington Street West and Bay Street. The complex consists of four buildings:

- 25 King Street West ("Commerce Court North" - "CCN") - the 34-storey Canadian Bank of Commerce office building;
- 199 Bay Street ("Commerce Court West" - "CCW") - the 57-storey office building;
- 18 to 30 Wellington Street West and 187 Bay Street ("Commerce Court South" - "CCS") - the 6-storey office building; and
- 21 Melinda Street ("Commerce Court East" - "CCE") - the 13-storey office building.

Within the Commerce Court complex is a privately-owned publicly-accessible courtyard. All four buildings and the courtyard are designated under Part IV of the *Ontario Heritage Act* by By-law 467-91, as amended by By-law 539-91, and are listed on the City's Heritage Register.

The Commerce Court complex consists of a below grade concourse level with various retail uses, connection to the Toronto Transit Commission ("TTC") King subway station and the City's Downtown pedestrian walkway - PATH, which connects pedestrians to neighbouring buildings to the north, south, east and west.

East of the Commerce Court complex, across the north-south public laneway is the 8-storey Hotel Mossop building (renamed the Hotel Victoria building in the 1920's), which is included in the City's Heritage Register.

The surrounding uses are as follows:

North: Across King Street West is the Scotiabank Plaza complex consisting of the 25-storey office building at 44 King Street West and the 68-storey office building at 40 King Street West. Both of these buildings are designated under Part IV of the *Ontario Heritage Act* by By-laws 1036-2007 and 1035-2007 respectively and are listed on the City's Heritage Register. The 13-storey RBC office building at 20 King Street West and the 20-storey office building at 2 King Street West are further northeast of the subject site.

East: Across Jordan Street is a 20-storey office building that is included in the City's Heritage Register and the 51-storey hotel and residential building at 1 King Street West that is designated under Part IV of the *Ontario Heritage Act* by By-law 278-90 and is listed on the City's Heritage Register. Across the north-south city-owned public laneway are two 12-storey office buildings at 48 and 60 Yonge Street, flanking the Hotel Mossop building. The TTC King subway exit is located on the pedestrian sidewalk. Across Yonge Street is a row of 4-storey commercial buildings at 49 to 53 Yonge Street, of which 49 and 51 Yonge Street are either designated under Part IV of the *Ontario Heritage Act* and/or listed on the City's Heritage Register. Further north along the east side of Yonge Street is the 12-storey office building at 55 Yonge Street.

South: Across Wellington Street West is Brookfield Place, consisting of two office towers of 49 and 53 storeys, connected by the Allen Lambert Galleria. The entire Brookfield Place is designated under Part V of the *Ontario Heritage Act*, under By-law 634-2006 as part of the Union Station Heritage Conservation District ("HCD") Plan, and is listed on the City's Heritage Register.

West: Across Bay Street is the Toronto-Dominion Centre, consisting of six office towers ranging between 22 and 56 storeys along with a central plaza. Three of the towers at 66 Wellington Street West, 77 King Street West and 222 Bay Street are designated under Part IV of the *Ontario Heritage Act* by By-laws 871-2003 and 570-78. Two of the towers at 79 and 95 Wellington Street West are designated under Part V of the *Ontario Heritage Act*, under By-law 634-2006 as part of the Union Station Heritage Conservation District Plan. The five aforementioned buildings are listed on the City's Heritage Register.



## **PROPOSAL**

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### **Original Proposal**

The original application submitted on December 20, 2017 proposed a 64-storey (298 metres including the mechanical penthouse and parapet) Class A office building ("Commerce Court 3" - "CC3") on the southeast portion of the Commerce Court complex. The office tower has a gross floor area of 167,929 square metres and a floor plate of 2,500 square metres on the southeast portion of the complex. A 2 to 4 storey glass pavilion with a gross floor area of up to 8,866 square metres was also proposed to be located on the southwest portion of the complex fronting Bay Street and Wellington Street West. The 13-storey CCE building and the 6-storey CCS building were proposed to be demolished in order to allow for the construction of the 64-storey CC3 building and pavilion.

An 8-storey addition on top of the 8-storey Hotel Mossop building, resulting in 14-storeys was proposed.

The proposal also included the removal of the current entrance vestibules connecting the buildings along Wellington Street West and King Street West.

### **Current Proposal**

The current proposal submitted on March 14, 2019, and previously considered by Toronto and East York Council on June 25, 2019, contemplates a revised 65-storey (299.4 metres to the top of the parapet, and 373.9 metres to the top of the spire) CC3 building, and a revised 3-storey glass pavilion, which, when combined, represent 169,993 square metres of non-residential gross floor area. The 65th storey of the CC3 building is currently contemplated for mechanical purposes, but may be converted to non-residential gross floor area.

The proposal seeks to demolish the 6-storey CCS and 13-storey CCE buildings. The north and south façades, along with partial return walls of the CCE building will be reconstructed as part of a commemoration strategy and integrated into the proposed CC3 building.

The 8-storey Hotel Mossop building is proposed to have an altered rear wall. A new ground floor connection is proposed for pedestrians to access the building on Yonge Street, via the public laneway to the CC3 building.

Refer to Table 1 for the gross floor area of the existing and proposed buildings, and Attachment 1 for the Application Data Sheet.

Table 1: Summary of the Proposal

	Existing	Original December 20, 2017 Proposal*	Revised March 14, 2019 Proposal
CCN	29,579 sq.m.	26,505 sq.m.	29,579 sq.m. (with potential increase to accommodate an observation deck)
CCW	127,096 sq.m.	116,573 sq.m.	127,096 sq.m.
CCE / CC3	19,045 sq.m.	167,995 sq.m.	160,071 sq.m.
CCS / Pavilion	12,324 sq.m.	8,004 sq.m.	9,710 sq.m.
Entrance Vestibules	623 sq.m.	797 sq.m.	212 sq.m.
Below Grade	33,250 sq.m.	26,105 sq.m.	34,892 sq.m.
Hotel Mossop	3,015 sq.m.	3,463 sq.m.	3,015 sq.m.
TOTAL	224,932 sq.m. (258,182 sq.m. incl. below grade)	323,337 sq.m. (349,442 sq.m. incl. below grade)	329,683 sq.m. (364,575 sq.m. incl. below grade)

\* Based on approximate survey calculations at the time of submission

See Attachments 2 and 3 for a three dimensional representation of the current proposal in context, Attachment 4 for the location map, Attachment 10 for the site plan, and Attachments 11 to 14 for the elevations.

### Reasons for Application

The proposal requires an amendment to the Zoning By-laws to increase the permitted maximum density, decrease the required building setbacks, and reduce vehicular parking, loading and bicycle parking standards.

## APPLICATION BACKGROUND

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### Application Submission Requirements

The following documents were submitted in support of the application:

- Boundary Plan and Topographical Survey
- Context Plan
- Site Plan
- Architectural Plans
- Elevations and Sections
- Perspectives
- Landscape Plans
- Site Grading and Servicing Plans
- Public Utility Plan
- Computer Generated Building Mass Model

- Planning Rationale and Urban Design Analysis, including a Complete Community Assessment
- Community Services and Facilities Study
- Shadow Impact Study
- Archaeological Assessment
- Heritage Impact Statement
- Arborist/Tree Preservation Report and Plan
- Tree Planting Areas and Soil Volumes Memo
- Site Servicing and Grading Plans
- Stormwater Management & Servicing Report
- Servicing Report Groundwater Summary
- Hydrogeological Study
- Transportation Impact Study
- Pedestrian Level Wind Study
- Noise and Vibration Feasibility Study
- Air Quality Report
- Energy Strategy
- Toronto Green Standards Checklist
- Public Consultation Plan
- Draft Zoning By-law Amendments

Copies of the submitted documents are available on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

The application was submitted and deemed complete on December 20, 2017.

### **Agency Circulation Outcomes**

The application together with the documentation noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, all Council members will have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS AND ISSUES BACKGROUND**

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### **Planning Act**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan. The City is in the process of undertaking its next MCR.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

The application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### **Chapter 2 - Shaping the City**

The subject site is within the Financial District of *Downtown* on Map 6 of the Official Plan. The Financial District is to serve as the prime area of job growth and is Canada's premier business centre.

See Attachment 5 for the subject site's location within the Financial District in the Official Plan.

### **Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation**

This section states future growth be steered to areas that are well served by transit, including the *Downtown*. The integration of transportation and land use planning is critical in achieving accessibility throughout the City.

Policy 2.2.2 states growth will be directed to the *Downtown* in order to: concentrate jobs and people in areas well served by surface transit and rapid transit stations; and promote mixed use development to increase opportunities for living close to work.

## **Section 2.2.1 Downtown: The Heart of Toronto**

This section states the Plan will create a better urban environment, a competitive local economy and a more socially diverse and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City. *Downtown* is where our history is richest, but it is also where we continue to rebuild to accommodate a growing economy and a changing society. Given that this is one place in Toronto where “change is constant”, we must ensure that our built heritage is respected, nurtured and improved.

Policy 2.2.1.1 states the *Downtown* will continue to evolve as a healthy and attractive place to live and work by: achieving a minimum combined gross density target of 400 jobs and residents per hectare for the Downtown Urban Growth Centre ("UGC"); building on the strength of *Downtown* as the premier employment centre in the GTA; and focuses on the Financial District as the prime location of the development of prestige commercial office buildings and landmark buildings that shape the skyline.

Policy 2.2.1.5 states the architectural and cultural heritage of *Downtown* will be preserved by designating buildings, districts and open spaces with heritage significance by working with owners to restore and maintain historic buildings.

## **Chapter 3 - Building a Successful City**

### **Section 3.1.1 The Public Realm**

This section provides direction to the importance of the public realm including streets, sidewalks, boulevards, PATH, open space areas, parks, and public buildings.

Policy 3.1.1.5 states city streets are significant public open spaces. Design of streets require: balancing the needs and priorities of the various users and uses; improving the quality and convenience of active transportation; providing sky view and sunlight; and providing community destinations and public gathering places.

Policy 3.1.1.9 states views from the public realm to prominent buildings, structures and landscapes identified on Map 7b are important. Further, Policy 3.1.1.11 states private development will maintain views from the public realm to the skyline of the *Downtown and Central Waterfront*. These views are dynamic and are expected to evolve over time to include new buildings constructed in the *Downtown*.

Policy 3.1.1.15 states that underground concourses, plaza walkways and private mid-block connections will be designed to complement and extend, but not replace, the role of the street as the main place for pedestrian activity.

### **Section 3.1.2 Built Form**

This section states the development must not only fit on its site and program, but also in terms of how the site, building and its streetwall fit within the existing and/or planned context of the neighbourhood and the City. Each new development should promote and achieve the overall objectives of the Plan.

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 states development will locate and organize vehicle parking, access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

### **Section 3.1.3 Built Form - Tall Buildings**

This section states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way abutting the site.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

### **Section 3.1.5 Heritage Conservation**

This section provides direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. As noted earlier in this report, the Commerce Court complex is designated under Part IV of the *Ontario Heritage Act* and included in the City's Heritage Register, and the Hotel Mossop building is listed in the City's Heritage Register.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historical Places in Canada*, as revised from time to time and adopted by Council.



Policy 3.1.5.5 states proposed alterations, development, and/or public works on, or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City.

Policy 3.1.5.6 states the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Policy 3.1.5.26 states new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

Policy 3.1.5.27 states, where it is supported by cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

### **Section 3.2.3 Parks and Open Spaces**

This section provides direction on the need for parks and open spaces.

Policy 3.2.3.1 indicates adding new parks and promoting and using private open spaces will be a necessary element of city building.

### **Section 3.5 Toronto's Economic Health**

Policy 3.5.1 states Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by: maintaining a strong and diverse economic base; and attracting new and expanding employment clusters that are important to Toronto's competitive advantage.

Policy 3.5.2 states a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the *Downtown*.

Policy 3.5.3 states a balanced growth of jobs and housing across the City will be pursued to maintain a complete community.

## **Chapter 4 - Land Use Designations**

### **Section 4.5 Mixed Use Areas**

The subject site is designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed use buildings. The proportion of commercial and residential uses will vary widely among *Mixed Use Areas*. For example, office and retail uses will continue to be paramount in the Financial District.

Policy 4.5.2 states development within *Mixed Use Areas* will: create a balance of high quality commercial, residential, institutional and open spaces that reduce automobile dependency and meet the needs of the local community; locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights; and frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians.

See Attachment 6 for the subject site's Official Plan land use designation.

## **Chapter 5 - Implementation**

### **Section 5.1.1 Height and/or Density Incentives**

This section refers to Section 37 of the *Planning Act* and establishes the provisions under which Section 37 may be used.

### **Section 5.3.2 Implementation Plans and Strategies for City-building**

This section indicates detailed action-oriented plans, programs and strategies will be needed to implement the Official Plan and to adapt to changing circumstances and challenges over the life of the Official Plan.

Policy 5.3.2.1 states implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan.

### **Section 5.6 Interpretation**

This section establishes how the policies are to be understood and interpreted.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Policy 5.6.1.1 states policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

### **The Downtown Plan**

Official Plan Amendment 406 ("the Downtown Plan") is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain

liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The in-force Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

### **Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown**

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 ("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 metres in height. The applicant has appealed OPA 352 and the associated amending Zoning By-laws.

Further background information can be found at: [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

The outcome of staff analysis and review of relevant Official Plan policies and designations, OPAs, and urban design guidelines are summarized in the Comments section of this report.

### **Zoning**

Under Zoning By-law 438-86, the site is zoned CR T12.0 C8.0 R11.7. A density of 12 times the lot area is permitted, where the maximum commercial and residential densities of 8 and 11.7 times the lot area are permitted respectively. There are no building height restrictions for the Commerce Court complex lands. The site of the Hotel Mossop building has a height limit of 76 metres. The CR zone permits a mixture of land uses. Permissions and exceptions applicable to the site include: the prohibition of commercial parking garages and private commercial garages; the prohibition for a single non-residential use unless there are street-related retail and service uses; and a minimum 60 percent of the Yonge Street frontage be used for street-related retail and service uses.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. The site is zoned CR 12.0 (c8.0; r11.7) SS1 (x2336) and (x2325). The land use standards, maximum height standard, and site specific permissions and exceptions that are applicable in By-law 438-86 for the site are carried over to By-law 569-2013.

See Attachment 7 for the site's existing zoning.

## **Design Guidelines**

Part III of the PPS under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Policy 5.3.2.1 of the Official Plan states 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 realm improvements in growth areas. The following design guidelines were used in the evaluation of this application.

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines ("Tall Building Guidelines") and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

### **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This application is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines ("Downtown Guidelines"). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the Tall Building Guidelines to evaluate Downtown tall building proposals.

Bay Street, Wellington Street West and King Street West are identified as High Streets, Yonge Street is identified as a Special Character Street and Melinda Street is identified as a Secondary High Street. There are no height limits for buildings fronting on this section of Bay Street, Wellington Street West, King Street West and Melinda Street. Tall buildings along this section of Yonge Street are to be reviewed on a site-by-site basis. Despite the heights assigned to High Streets, Section 1.3 of the guidelines identify mitigating factors that take precedence over height permissions, including: no new net shadows on St. James Park between 10:00 am to 4:00 pm during the spring/fall equinoxes; and the conservation of heritage properties on-site and adjacent to the site.

Tall building development is to follow a tower-base form typology along Bay Street and a canyon form typology along Wellington Street West and King Street West. Yonge Street is identified as a Special Character Street where tall buildings are to provide a stepback of 20 metres from the street frontage where heritage properties are present. Further, Yonge Street is also identified as a Priority Retail Street. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

## **Pedestrian PATH Network Master Plan and Draft Design Guidelines**

The Pedestrian PATH Network Master Plan ("PATH Master Plan") and the accompanying draft Pedestrian PATH Network Design Guidelines ("PATH Design Guidelines") provide direction on the expansion of the underground PATH network, along with design standards such as minimum walkway widths and design of interior public spaces. The PATH Master Plan is currently not available online until it becomes compliant with the *Accessibility for Ontarians Disability Act*. It can be made available in paper copy upon request.

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan approval has not been submitted.

## **COMMUNITY CONSULTATION**

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An open house during work hours and a community consultation meeting at night took place on March 5, 2018 at the CCE Concourse Lounge at 21 Melinda Street. Approximately 30 members of the public attended the consultation meeting, along with staff from the former Ward 28 and City Planning staff. Comments raised through written submissions and expressed during the meeting include:

### *Architecture and Built Form*

- The proposal will better re-engage pedestrians along Wellington Street West and Bay Street; and
- The siting of the CC3 building will compromise the integrity of the original site design of the complex.

### *Heritage*

- Concerns with the proposed demolition of two heritage designated buildings to accommodate the proposal.

### *Views, Privacy and Light*

- Concerns with the loss of views, privacy and natural light for the occupants of the 1 King West building, northeast of the subject site

The lawyers representing the owners of 60 Yonge Street and 48 Yonge Street properties, east of the Commerce Court complex provided letters to City Planning dated January 16 and January 25, 2018 respectively. The letters indicated the application is premature pending a block planning study. Further communications were sent to the Toronto and East York Community Council dated June 21, 2019 and City Council dated July 15, 2019. The communications urged Community Council and City Council not to endorse the application in its present form. As part of the July 15, 2019 communications, an attachment included a planning consultant's opinion that the proposal is not consistent with the PPS, and does not conform to the Growth Plan, the 2041 Regional Transportation Plan and the Official Plan.

The planning consultant acting on behalf of the 1 King Street West building provided a letter to City Planning dated October 15, 2018 indicating the following concerns:

- Loss of natural light for the residents of the 1 King Street West building;
- Traffic impacts from the proposed vehicular entrance on Melinda Street;
- Traffic impacts on proposed loading and deliveries on Melinda Street;
- The cumulative traffic impacts on Melinda Street, Yonge Street and King Street West;
- Impact on existing infrastructure; and
- The reduction in the size of the courtyard.

On January 30, 2019, the applicant met with the planning consultant and the resident representative of 1 King Street West to go over the applicant's proposal in light of the October 15, 2018 letter, and addressed the concerns raised. City Planning staff were also present.

Communication by the planning consultant acting on behalf of 1 King Street West was sent to the Toronto and East York Community Council dated June 24, 2019. The communication indicated 1 King Street West have no objection to the proposal provided no public parking be permitted with access from Melinda Street and that the City continue to monitor infrastructure issues in the area.

Communication by the Toronto Financial District Business Improvement Area ("BIA") was sent to the Toronto and East York Community Council dated June 21, 2019. The communication indicated the BIA's support of the proposal.

## **COMMENTS**

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### **Planning Act**

It is staff's opinion the application has regard to relevant matters of provincial interest, including sections 2 k), p) and r) which speak to the adequate provision of employment opportunities, the appropriate location for growth and development and the promotion of built form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. The proposal also has regard to section 2 d) which speaks to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2019).

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Policy Considerations and Issues Background section of this report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows.

## **Provincial Policy Statement**

The PPS came into effect on April 30, 2014. Municipalities and other approval authorities in exercising any authority that affects a planning matter requires that decisions shall be consistent with policy statements issued under the *Planning Act*.

The PPS is to be read in its entirety. The language in each policy, including the Implementation and Interpretation policies assists decision makers in understanding how the policies are to be implemented. The PPS contains minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS.

Key policies applicable to this application include:

Policy 1.1.1 refers to healthy, liveable and safe communities are sustained by promoting efficient development and use land patterns.

Policy 1.1.2 refers to sufficient land be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the time horizon of up to 20 years.

Policy 1.1.3.1 refers to settlement areas being the focus of growth and development.

Policy 1.1.3.2 refers to land use patterns be based on densities and a mix of land uses which efficiently use land and resources.

Policy 1.1.3.3 refers to planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment, and shall be directed in accordance with the policies dealing with Resource Management, which includes cultural heritage resources (Section 2) and Public Health and Safety (Section 3).

Policy 1.1.3.4 refers to development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.5 refers to planning authorities establishing and implementing minimum targets for intensification and redevelopment.

Policy 1.2.1 refers to a coordinated, integrated and comprehensive approach be used when dealing with planning matters within municipalities.

Policy 1.3.1 refers to planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of uses to meet long-term needs; providing opportunities for a diversified economic base; encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and ensuring the necessary infrastructure is provided to support current and projected needs.

Policy 1.5.1 refers to healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Policy 1.6.7.3 refers to the connectivity within and among transportation systems and modes should be maintained and, where possible, improved.

Policy 1.6.7.4 refers to a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Policy 1.7.1 refers to long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness; optimizing the long-term availability and use of land, resources, infrastructure; maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Policy 2.6.1 refers to significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Policy 2.6.3 refers to planning authorities shall not permit development and site alteration on adjacent lands to protected heritage protected property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Policy 4.7 refers to the official plan as the most important vehicle for implementation of the PPS.

From an intensification and land use perspective, this application is consistent with policies that promote efficient land use patterns (Policies 1.1.1, 1.1.2, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.2.1 and 1.6.7.4), as this proposal provides a compact office development that is well connected to various transportation modes for people travelling to and from work within the settlement area while not limiting the development rights of neighbouring properties. The application meets the minimum density targets of the PPS as directed in the Official Plan (Policy 1.1.3.5). The application is also consistent with the direction that an appropriate mix and range of employment uses be provided (Policy 1.3.1) as this proposal provides employment uses in the form of office uses within the Financial District, where premier office towers are planned and anticipated.

From a built form and public realm perspective, this proposal is consistent with policies that refer to supporting long term economic prosperity by promoting a well-designed built form (Policy 1.7.1.d) as the proposal's massing fits within its immediate and surrounding context by providing an office tower form within the Financial District. The proposal also provides adequate tower separation to surrounding tall buildings. The proposal is also consistent with the policy regarding the promotion of healthy communities through the provision of open spaces (Policy 1.5.1) as part of the proposal



by providing for a reconfigured courtyard and open spaces, along with the atrium of the pavilion that serves as a place for social interaction. Further, the proposal is consistent with the policy that states the Official Plan is the most important vehicle for the implementation of the PPS insofar as the proposal meets Official Plan policy requirements and objectives regarding built form and the public realm (Policy 4.7).

From a heritage conservation perspective, Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. City Planning staff are of the opinion the proposed development, including the Zoning By-law Amendments are consistent with the PPS in conserving the significant cultural heritage resources of the Commerce Court complex, the Hotel Mossop building and the heritage properties adjacent to the development site.

Based on the analysis of the PPS policies, it is City Planning staff's opinion that the application and the amending Zoning By-laws are consistent with the PPS, 2014.

### **Growth Plan (2019)**

The subject site is within the Downtown UGC, part of a strategic growth area defined in the Growth Plan.

The key Growth Plan policies applicable to this application are:

Policy 2.2.1.2 refers to forecasted growth will be allocated to *strategic growth areas*, locations with existing transit and areas with existing or planned *public service facilities*.

Policy 2.2.1.3 indicates municipalities will establish a hierarchy of areas within settlement areas for growth in accordance with Policy 2.2.1.2, and that it will provide direction for an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.

Policy 2.2.1.4 refers to the achievement of complete communities that: a) feature a diverse mix of land uses and e) provide for a more compact built form and a vibrant public realm.

Policy 2.2.2.3 refers to municipalities developing a strategy to achieve intensification targets and intensification which will: a) recognize strategic growth areas as the key focus for development; b) identify the appropriate type and scale of development and transition of built form to adjacent areas; c) encourage intensification generally throughout the delineated built-up area; d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; e) prioritize planning and investment in infrastructure and public facilities; and f) be implemented through official plan policies and designations.

Policy 2.2.3.2 a) refers to UGCs will be planned to achieve, by 2031 or earlier, a minimum density target of 400 residents and jobs combined per hectare for the Downtown UGC.

Policy 2.2.5.1 refers to economic development and competitiveness in the GGH will be promoted by: b) ensuring the availability of land for employment to accommodate forecasted employment growth; c) planning to better connect areas with high employment densities to transit and d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment.

Policy 2.2.5.2 refers to major office will be directed to UGCs with existing or planned frequent transit service.

Policy 2.2.5.3 refers to retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

Policy 3.2.1.1 refers to the coordination of infrastructure planning, land use planning and infrastructure investment.

Policy 3.2.1.2 refers to planning for new or expanded infrastructure to occur in an integrated manner.

Policy 3.2.8.1 refers to the coordination of investment in public service facilities with land use planning.

Policy 4.2.5.2 refers to municipalities are encouraged to establish an open space system, which may include communal courtyards.

Policy 4.2.7.1 refers to cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Policy 4.2.7.2 refers to municipalities working with stakeholders in developing and implementing official plan policies and strategies for the identification, wide use and management of cultural heritage resources.

With regard to intensification and land use, this application conforms to the policy direction that speaks to directing growth to the Downtown UGC (Policy 2.2.1.2), supports the achievement of complete communities by providing a mixture of land uses and amenities (Policy 2.2.1.4), and is located within the Financial District of *Downtown* where premier office buildings and growth in employment uses are anticipated (Policy 2.2.1.3). The proposal conforms to the policy direction for the coordination of infrastructure planning and land use planning by providing additional density on a site that have servicing capacity and that is located within area well served by various hard and soft infrastructure (Policies 3.2.1.1 and 3.2.1.2). The proposal conforms to the policy direction on promoting economic development and competitiveness in the GGH (2.2.5.1). Further, this major office proposal, with associated retail uses is within the Downtown UGC and connected to existing frequent transit services and supports

complete communities (Policies 2.2.5.1, 2.2.5.2 and 2.2.5.3). Additional analysis on the application's conformity to the Growth Plan's intensification targets (Policy 2.2.3.2) are provided in the following section of this Report.

With regard to built form and public realm, the application conforms to the City's municipal strategy in building type and scale conducive to the prevalent office tower typologies in the Financial District, while maintaining adequate separation distances to neighbouring tall buildings (Policy 2.2.2.3). This application also provides for a reconfigured courtyard with improved pedestrian connectivity to the surrounding public realm (Policy 4.2.5.2).

With regard to heritage conservation, Policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Policy 4.2.7.2 states municipalities will work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. City Planning staff are of the opinion the application conforms to the Growth Plan by the proposed conservation for the Commerce Court complex and the Hotel Mossop Building.

It is City Planning staff's opinion that the application, and the amending Zoning By-laws conform to the Growth Plan, 2019.

### **Conformity with Growth Targets and Density Targets**

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the UGC of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2031. Additional density targets are provided for the various UGCs in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2031 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto UGC

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet completed (see ProfileToronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects was realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continue, the resulting density would be above the minimum UGC density target of the Growth Plan (2017). In addition, there would remain an additional ten years for additional approved development to occur.

This application indicates the proposal will generate an increase of 7,836 to 9,024 jobs, and will continue to add to the density of people and jobs per hectare in the Downtown Toronto UGC. As such, it is City Planning staff's opinion that this application and the amending Zoning By-laws does conform with the Growth Plan as it is contributing to the achievement of the employment forecasts in the Growth Plan, as well as the achievement of the 400 people and jobs per hectare density target for the Downtown UGC (Policy 2.2.3.2).

## Land Use

The Planning Rationale report, including a Complete Community Assessment was submitted in support of the application. City Planning staff reviewed the analysis provided in the report, along with the review of the PPS, Growth Plan, Official Plan policies, and applicable urban design guidelines in formulating an opinion on the proposed mixture of land uses.

The proposed CC3 and the pavilion buildings consist of 173,865 square metres of non-residential gross floor area (including below grade), where 151,513 square metres is planned for office uses and 22,352 square metres planned for other non-residential uses.

The proposed increase in non-residential gross floor area on the subject site within the Financial District of the *Downtown* conforms to the Official Plan that directs the Financial

District be the focus of prestige office development growth. Further, the proposed non-residential land uses will continue to align with the policy objective of the Official Plan in supporting transit oriented office growth.

## **Height**

Policy 2.2.2.3 of the Growth Plan states that a strategy is to be developed to achieve intensification targets which will identify the appropriate type and scale of development and transition of built form to adjacent areas. The Official Plan, the Tall Building Guidelines, and the Downtown Guidelines collectively provide the municipal strategy in identifying the appropriate height of development while achieving intensification targets.

Policy 2.2.1 d) of the Official Plan states the Financial District be the focus of landmark buildings that shape the skyline. Policies 3.1.1.9 and 3.1.1.10 of the Official Plan state views from the public realm to the *Downtown* skyline are an important part of the form and image of the City. Policy 3.1.2.4 states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Policy 4.5.2 c) requires development in *Mixed Use Areas* to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Guideline 1.5 of the Tall Building Guidelines direct tall buildings to frame an important view from the public realm, and to ensure that the view is maintained. Supplementary Design Guideline #2 of the Downtown Guidelines indicates tall buildings should not cast net new shadows on St. James Park, identified as a Signature Park between 10:00am to 4:00pm on September 21.

The overall height of the proposed CC3 building at 299.4 metres, with a spire that reaches a height of 373.9 metres maintains and frames the downtown skyline seen from key view points identified in the Official Plan. The height of the CC3 tower is massed to define the edges of Wellington Street West, and located next to the 3-storey pavilion that will provide adequate access to sky view. The height of the CC3 building is appropriate as it is surrounded by other tall buildings within the Financial District. The height of the CC3 tower will also not cast net new shadows on St. James Park between the hours 10:00 am to 4:00 pm on September 21st.

## **Massing**

Policy 2.2.2.3 of the Growth Plan states a strategy is to be developed to achieve intensification targets which will identify the appropriate type and scale of development and transition of built form to adjacent areas. The City's Official Plan, OPA 352, the Tall Building Guidelines, and the Downtown Guidelines collectively provides the municipal strategy in identifying the type and scale of development and the transitions necessary to adjacent areas, while achieving intensification targets.

Policy 3.1.2.3 of the Official Plan directs that new development will be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design to influence the character, scale and appearance of the development; c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan; and d) providing for adequate light and privacy.

Policy 3.1.2.4 states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Policy 3.1.3.1 b) require the middle part of the tower be designed with appropriate dimensions for the site, be located and oriented on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of the section, which includes addressing urban design considerations identified in section 3.1.2 of the Official Plan.

Policy 4.5.2 c) requires development in *Mixed Use Areas* to locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Guideline 1.1 of the Tall Building Guidelines direct a "Block" context analysis be part of a Planning Rationale report to show size of blocks and arrangement of lots, and existing and planned building footprints and heights, among other features. Guideline 1.5 of the Tall Building Guidelines directs tall buildings to frame an important view from the public realm, to ensure that the view is maintained. Guideline 3.2.1 directs the tower floor plate be limited to 750 square metres, but may be increased to accommodate non-residential uses provided other parameters, such as tower separation distances are achieved. Guideline 3.2.2 directs the placement of the tower be away from streets, open spaces and neighbouring properties to reduce visual and physical impacts. Guideline 3.2.3 directs tall buildings be setback from the side and rear property lines by a minimum of 12.5 metres, and to provide a minimum 25 metres for tall buildings within the same property.

Supplementary Design Guideline #3 of the Downtown Guidelines direct base buildings on Canyon Form street segments to build the base height of tall buildings to the existing street wall line as indicated in Table 5 of the Downtown Guidelines. For Wellington Street West, identified as a Canyon Form, the base building height is 77 metres.

In OPA 352, which is not in full force and effect, policies articulate a minimum tower separation distance in order to achieve, among other things: a high quality, comfortable public realm; the protection of development potential of other sites; and providing access to light and views. OPA 352 is complemented, and further implemented by By-laws 1106-2016 and 1107-2016 that stipulates Zoning By-law standards for a minimum 25 metre tower separation.

The proposed CC3 building is sited on the existing footprint of the CCE building on the southeast portion of the complex. The south and north elevations and the returns of the

east and west walls of the existing CCE building will be reconstructed and incorporated into the new CC3 building. Above the existing 13-storey height of the CCE building, the CC3 tower's east elevation is setback from the centreline of the public laneway by 12.5 metres. The CC3 tower provides a slight setback above the 13th storey on the south and north elevations of 0.9 to 2 metres. The CC3 tower's west elevation faces the reconfigured courtyard and is 38 metres from the east wall of the existing CCW tower. City Planning staff are of the opinion the massing of the proposed CC3 tower and the resulting separation distance conditions are appropriate. The proposed CC3 tower's east elevation meets the policy direction of OPA 352, and conforms to the associated amending Zoning By-laws and the direction of the City's urban design guidelines for a minimum 12.5 metre tower setback above the reconstructed CCE building mass. The massing of the north and south elevations are appropriate as Wellington Street West, and the secondary Melinda Street are identified Canyon Form typology street segments where the proportion of the street is planned for taller streetwalls. Access to light and views is being maintained, and enhanced along Wellington Street West and Melinda Street by the proposed 3-storey glass pavilion which will increase views and light to the courtyard of the complex.

The proposed CC3 building has a tower floor plate of approximately 2,400 square metres above the 13th storey. The area of the floor plate is acceptable as the intent of the proposal's tall building setbacks to its abutting properties and within the site are met, and the larger floor plate is conducive to the type of non-residential uses within the Financial District.

The proposed 3-storey pavilion is sited on the existing footprint of the CCS building on the southwest portion of the complex, and is to be connected to the CC3 building and the existing CCW building. The pavilion has an approximate floor plate of 1,600 square metres, with a glass canopy that extends over the courtyard, the Bay Street frontage and the Wellington Street West frontage to provide for weather protection. The first storey of the pavilion is to serve as a publicly accessible atrium space that will provide connections for pedestrians towards the courtyard, and the PATH system in the concourse level. City Planning staff are in support of the proposed pavilion. Specific design parameters will be secured as legal convenience matters in the section 37 agreement, and further design details will be secured through the site plan approval process.

The siting of the proposed 65-storey tower and the 3-storey glass pavilion maintain the original 'pin-wheel' concept of I.M. Pei's design for the Commerce Court complex, and continue to meet the Official Plan policy and emerging OPA 352 policy direction for tall building development that is appropriately sited within the subject lands.

City Planning staff reviewed the communications submitted on behalf of the properties at 48 Yonge Street and 60 Yonge Street indicating a block plan is necessary in order to identify the appropriate location for tall buildings. A block plan is not required in this instance as the siting of the proposed tall building fits within the subject site while meeting the objectives of the Official Plan, and the emerging policy direction of OPA 352 regarding tall building setbacks. It is City Planning staff's opinion that the proposal maintains the development potential of adjacent sites.

## **Heritage Conservation**

A Heritage Impact Assessment (HIA) and addendums were submitted in support of the application. The HIA finds that the proposed alterations and associated mitigation measures retain the integrity of the cultural heritage value, attributes and character of the site, as described in the designation by-law, the additional description of Commerce Court's Heritage features identified in the HIA, and the draft statement of significance prepared by the applicant for the Hotel Mossop building. The report also finds that the proposed development will have no impact on established visual connections to Union Station, or on the cultural heritage value, attributes, and character of adjacent listed or designated heritage properties. The HIA further finds that the CC3 tower has been designed and located to limit new shadows on shadow sensitive areas within the proposed St. Lawrence Neighbourhood Heritage Conservation District Plan and is in keeping with the intent of the City's Tall Building Guidelines and the Downtown Guidelines. Overall staff concur with this assessment and are supportive of the proposal.

Staff have considered the proposal to alter the Commerce Court complex, including the proposal to demolish the CCS and CCE buildings, within the overall context of the cultural heritage value of the complex and the proposed mitigation strategy for the entire development site. Although the proposed demolition of the CCS building and its reconstruction is not conservation within our existing policy framework, staff are supportive of this approach within the context of the other heritage conservation objectives and heritage mitigation strategy proposed for the site. This mitigation strategy includes, but is not limited to: the accurate reconstruction of the north and south elevations of the CCE building, the relocation of the central fountain, the whole building retention of the CCN building, the CCW building, and the Hotel Mossop building, and securing their long-term protection through a Heritage Easement Agreement; and the restoration and lighting plan proposed for the CCN building including re-opening the observation gallery.

The pinwheel circulation system is one of the fundamental organizing concepts of the Commerce Court complex, employed by architect I.M. Pei on this site and on other large international development projects. While the development removes two buildings from the complex, the siting of the two new buildings has been designed to conserve the pinwheel circulation system including the courtyard's central fountain, which will be slightly relocated.

Considered in this context, the proposed development, with the reconstruction strategy for the CCE building, has been designed to conserve the cultural heritage values, attributes and character of the overall Commerce Court Complex, the Hotel Mossop, and the heritage properties adjacent to the development site. With the proposed mitigation strategy the development proposal conforms to the relevant policies within section 3.1.5 of the City's Official Plan, Policy 4.2.7.1 of the Growth Plan, and is consistent with Sections 2.6.1 and 2.6.3 of the PPS.

## **Shadow Impact**

Policy 3.1.2.3 e) of the Official Plan states new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on



neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of neighbouring streets and open spaces, having regard to the varied nature of such areas. Guideline 1.4 of the Tall Building Guidelines refer to maintaining access to sunlight for surrounding streets, parks and open space. Supplementary Guideline #2 of the Downtown Guidelines indicate tall buildings should not cast net new shadows on Signature Parks between 10:00am to 4:00pm on September 21st.

A Sun Shadow study was submitted in support of the application, showing net new shadows between 3:00 pm to 4:00 pm on the St. James Cathedral's park lawn west of the cathedral on September 21st. City Planning staff are of the opinion this level of net new shadows on the park lawn is acceptable. The massing of the proposal will not result in net new shadows on St. James Park on September 21st, a Signature Park identified in the Downtown Guidelines.

Policy 9.18 of the Council-adopted OPA 406 directs development to minimize shadows to preserve the utility of sidewalks, parks, open spaces, natural areas, child care centres, playgrounds, institutional open spaces, private open spaces, outdoor amenity spaces and privately owned publicly accessible spaces ("POPS"). Further, St. James Park is identified as a sunlight protected park. This proposal maintains the policy direction of the Council-adopted OPA 406, but does not form the basis of City Planning's opinion on the application.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

This proposal is for a 65-storey office building and a 3-storey pavilion on the existing Commerce Court complex. The proposal is retaining the CCN and CCW buildings, demolishing the CCS building and commemorating the CCE building. The Hotel Mossop building is to be altered. The total site area is 1.67 hectares.

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 nature of this proposal is subject to a 2% 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.

## **Courtyard and Surrounding Public Realm**

Policy 3.1.2.5 of the Official Plan indicates new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting,

comfortable and functional for pedestrians. Guideline 2.4 of the Tall Building Guidelines indicate tall building developments shall provide grade-related publicly accessible open space to provide connections to public streets. Guideline 3.1.2 directs where grand lobbies and foyers prevail, such as the Financial District, these features be continued. Guideline 4.1 indicates the streetscape and landscape elements shall support safe and comfortable pedestrian movement, and provide sustainable streetscape and landscape design. Guideline 4.2 indicates where existing conditions do not allow for a 6 metre wide pedestrian zone, alternative solutions be considered as part of redevelopment.

The pedestrian sidewalk on Bay Street where the proposed pavilion fronts on will be increased from 4.5 metres to 19.4 metres in order to provide a generous open space at the corner of Bay Street and Wellington Street West. The entire pedestrian sidewalk of Wellington Street West onto which the site fronts on will be improved from approximately 3.2 metres to 4.0-6.9 metres. The increase in the pedestrian sidewalk will be achieved on Wellington Street West by a staff supported realignment of the existing curb further south. The existing open space at the corner of King Street West and Bay Street is to be maintained. The proposal contemplates a raised platform to accommodate trees. The Wellington Street West streetscape improvement is to be secured as a legal convenience item in the section 37 agreement, and to be implemented through the site plan approval process.

The proposal contemplates a reconfiguration of the privately-owned but publicly-accessible courtyard enclosed by the existing and proposed Commerce Court buildings. The proposal seeks to relocate the fountain northwest in order to align the feature to be at the centre of the reconfigured open space. The various grading changes of the existing courtyard will also be simplified.

City Planning staff reviewed the documentation submitted in regard to the proposed public realm within and surrounding the subject site, and are in support of the concept. The open spaces will be secured as part of the rezoning application. The design, programming, furniture and tree plantings on the open spaces will be reviewed and secured as part of the site plan approval process.

### **PATH Connection**

Policies 2.2.1.12 and 2.2.1.13 of the Official Plan encourage development to connect to the PATH network. Policy 3.1.1.15 direct underground concourses, plaza walkways and private mid-block connections be designed to complement the role of the street as the main place for pedestrian activity. Guideline 2.6 of the Tall Building Guidelines direct tall buildings be designed to provide accessible pedestrian routes to connect with transit and underground concourses. The PATH Master Plan identifies the PATH network on the existing concourse level of the Commerce Court complex, which provides pedestrian connections to Scotia Plaza, 11 King Street West and 1 King Street West to the north, TD Centre to the west, Brookfield Place to the south and the TTC King Subway Station to the east.

The proposal seeks to maintain the existing PATH connections and open spaces in the concourse level of the Commerce Court complex, and to improve its connection by adding an exit to the street level at the Bay Street and Wellington Street West corner.

The proposed new PATH exit will also include daylighting to the underground system, to better animate the space and orient pedestrians.

City Planning staff is in support of the proposed improvements of the PATH network on the subject site. Detailed design and programming of the PATH spaces will be secured as part of the site plan approval process.

### **Wind Impact**

Policy 3.1.2.3 e) of the Official Plan indicates new development will be massed and limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting uncomfortable wind conditions on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 4.5.2 e) indicates development in Mixed Use Areas will locate and mass new buildings to maintain comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Guideline 2.4 of the Tall Building Guidelines indicates publicly accessible open spaces should be located and designed to maximize safety, comfort and amenity by protecting such spaces from wind. Guideline 2.5 indicates private amenity areas be protected from pedestrian-level wind. Guidelines 3.2.1, 3.2.2 and 3.2.3 and 4.3 indicates towers be organized, oriented, sited and articulated to minimize negative wind conditions.

The Pedestrian Wind Study was submitted in support of the application. The study indicates the surrounding public realm, the internal courtyard and the 13th storey terrace will experience wind conditions suitable for the intended uses. The study recommended mitigation measures to address wind speeds that may not be comfortable for the intended passive use of the 13th storey terrace. The provision of wind mitigation measures will be secured as a legal convenience in the section 37 agreement with the particular details to be reviewed through the site plan approval process.

### **Traffic Impact, Vehicular and Loading Access**

A Transportation Impact Study was submitted in support of the application. The study concludes vehicular traffic impacts to the Commerce Court complex will be off-set by a variety of modal strategies, including pedestrian walking trips that are anticipated to increase as a result of this proposal.

Policy 3.1.2.2 of the Official Plan directs new development to locate and organize vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces. Guideline 2.3 of the Tall Building Guidelines provides direction for loading and servicing components of a tall building be located away from the public realm and to consolidate such components if possible.

The vehicular and loading access to the proposal is to remain at the existing location on Wellington Street West. A vehicular access to the automated parking system is proposed on Melinda Street. Loading facilities for the entire Commerce Court complex, including the proposed CC3 tower and pavilion are proposed in the reconfigured loading

area in the B2 level to accommodate 11 Type 'B' spaces. 19 courier/service spaces are proposed in the B3 level. In addressing concerns raised by the community, the study indicated traffic impacts on Jordan Street and Melinda Street will be minimal. Further, the existing public laneway will be maintained as is, reducing the probability of vehicles accessing the laneway to travel northbound and southbound. Transportation Services' staff reviewed the study and concurs with its conclusions.

### **Vehicular Parking**

The proposal provides a total of 313 spaces for the entire Commerce Court complex, with the potential addition of 200 parking spaces as part of an option for an automated parking structure on the 3rd and 4th storey of the CC3 building, resulting in a total of 513 parking spaces. A Transportation Impact Study was submitted in support of the application. Transportation Services staff reviewed the documentation and supports the number of vehicular parking spaces proposed in conjunction with the expectation that various transportation modes, including walking, cycling and transit will be utilized as part of a comprehensive mobility strategy.

As part of the approval, Transportation Services staff request the amending Zoning By-laws secure the minimum 313 parking spaces.

### **Bicycle Parking**

The proposal provides a total of 562 bicycle parking spaces consisting of 412 long term spaces in the B2 level and 150 short term spaces at grade for the CC3 tower and pavilion. The total number of bicycle parking spaces required for the increase in density meets the Zoning By-law standard. The number of short term spaces is deficient by 125 spaces, but is compensated by an increase of long-term parking spaces beyond the Zoning By-law standard by an excess of 140 spaces.

### **Servicing and Stormwater Management**

A Functional Servicing and Stormwater Management report was submitted in support of the application. The report states the proposal is to provide a new 300 mm. sanitary service connection along Wellington Street West, and will connect to the 150 mm. watermain along Wellington Street West. Engineering and Construction Services staff reviewed the report and addendum documentation and are satisfied there is sufficient capacity to service the proposed development.

The report states the proposal will meet the City of Toronto's stormwater management criteria. Engineering and Construction Services staff reviewed the report and addendum documentation and supports the proposed stormwater management strategy.

The provision of any improvements to the existing servicing infrastructure to accommodate this development will be at the cost of the applicant, and will be secured as a legal convenience matter in the section 37 agreement. Detailed functional servicing and stormwater management plans, and additional agreements, as necessary, will be entered into as part of the site plan review process.

## **Hydrogeological Impacts**

A Geotechnical Investigation report and Hydrogeological Investigation report were submitted in support of the application. The reports indicated the temporary and permanent discharge may be required during construction. Engineering and Construction Services and Toronto Water staff have reviewed the documentation and have no objections to the approval of the subject application.

## **Archaeological Assessment**

An Archaeological Potential Evaluation Letter was submitted in support of the application. The letter indicated a Stage 1 Archaeological Assessment is not required. Heritage Preservation staff agrees with the conclusions expressed in the letter.

## **Tree Preservation**

There are 13 trees within and surrounding the subject site. An arborist report was submitted in support of this application. Urban Forestry staff has reviewed the report and indicates the documentation does not meet the city's Tree By-laws at this time. The owner will need to ensure the proposal complies to the City's Tree By-laws as a legal convenience matter in the section 37 agreement.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Zoning By-law process include automobile infrastructure, cycling infrastructure and the storage and collection of recycling and organic waste.

The applicant has indicated that they will pursue Tier 2 of the TGS, as they may be eligible for a post-construction Development Charges refund.

## **Design Review Panel**

The original proposal was considered by the Design Review Panel on January 25, 2018, where the Panel unanimously voted for refinement. The Panel acknowledged the complexity of the site and the scope of the project, and complimented the applicant on the presentation package. The Panel acknowledged the need to evolve the signature site to meet changing times, and commended the applicant in creatively re-imagining the complex as a modern workplace. The Panel particularly welcomed the glass pavilion

as it offered porosity to the courtyard and the raised tree island on the corner of King Street West and Bay Street. Moving forward, the Panel suggested that the following items be explored:

- The pin wheel configuration of the buildings surrounding the courtyard should be honoured and maintained as part the development, the proposal considered was at odds with the visual balance of the existing configuration;
- The courtyard's size should be maintained;
- The shape and siting of the CC3 tower should be revised to ensure it fits within its context and complements the existing complex;
- The programming of the glass pavilion should be examined as an extension of the courtyard;
- Tree plantings and structures that animate the Bay Street corridor should be provided;
- The design and programming of the pedestrian corridors in and out of the courtyard should be further reviewed in order that they act as gathering places; and
- The retention of the existing CCE and CCS buildings should be part of the proposal.

The minutes of the DRP can be accessed here: <https://www.toronto.ca/wp-content/uploads/2018/04/9811-UrbanDesign-DesignReviewPanel-MtgMinutes-25Jan2018.pdf>

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. A cash contribution of \$1,000,000 towards on-site public art, through the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council.
2. A cash contribution of \$5,100,000 towards site capital improvements, of which \$3,271,165 shall be attributable to streetscape improvements adjacent to the site.
3. A cash contribution of \$12,400,000 towards the provision of new affordable housing directed to the Capital Revolving Fund for Affordable Housing, and local streetscape improvements.

Before introducing the Bills for the Zoning By-law Amendments to City Council for enactment, the owner must:

1. Enter into a Heritage Easement Agreement with the City for the properties at 199 Bay Street, 25 King Street West and 56 Yonge Street.
2. Provide a detailed Conservation Plan that is consistent with the conservation strategy set out in the Heritage Impact Assessment.
3. Submit a written notice to withdraw the appeal of OPA 352 and associated Zoning By-law amendments to the LPAT.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The design of the 3-storey pavilion and the 65-storey tower and structural elements in the Approved Plans that forms site plan approval will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. The owner is required to provide a privately-owned publicly-accessible space (POPS) network, which will be secured as part of site plan approval, including hours of operation and programming.
3. The owner be required to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, should it be determined that improvements to such infrastructure are required to support the development.
4. The owner is required to implement the mitigation measures identified in the Pedestrian Wind Study, which will be secured as part of site plan approval.
5. Comply with the City's Tree By-laws, including a tree planting plan.
6. Prior to final site plan approval, the owner secure the improvements on the City-owned boulevard and public laneway.
7. The owner is required to provide building permit drawings, including notes and specifications for the conservation and work identified in the approved Conservation Plan and Interpretation Plan.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms to the Toronto Official Plan, particularly as it relates to encouraging the Financial District as the premier office area of the GTA. Staff worked with the applicant and the community to address and resolve the following key concerns: the size and configuration of the courtyard; the height and mass of the proposed 65-storey office tower; the traffic movements in and out of the subject site;

and heritage conservation of the Commerce Court complex and the Hotel Mossop building. Staff recommend that Council approve the application and the amending by-laws.

## **CONTACT**

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Henry Tang, Senior Planner Tel. No. (416) 392-7572 E-mail: Henry.Tang@toronto.ca

## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning,  
Toronto and East York District

## **ATTACHMENTS**

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: 3D Model of Proposal in Context - Looking Northeast

Attachment 3: 3D Model of Proposal in Context - Looking Northwest

Attachment 4: Location Map

Attachment 5: Official Plan Downtown and Central Waterfront Map

Attachment 6: Official Plan Land Use Map

Attachment 7: Existing Zoning By-law Map

Attachment 8: Draft Zoning By-law Amendment to 438-86

Attachment 9: Draft Zoning By-law Amendment to 569-2013

Applicant Submitted Drawings

Attachment 10: Site Plan

Attachment 11: North Elevation

Attachment 12: East Elevation

Attachment 13: South Elevation

Attachment 14: West Elevation



## Attachment 1: Application Data Sheet

Municipal Address: 56 Yonge St. et al Date Received: December 20, 2017

Application Number: 17 277715 STE 28 OZ

Application Type: Rezoning

Project Description: Application to permit the construction of a 65-storey office-retail building with a height of 300 metres, and a 3-storey pavilion with a gross floor area of 169,993 sq.m. on the existing Commerce Court complex. The existing Commerce Court South and Commerce Court East buildings are proposed to be demolished. The Hotel Mossop building forms part of the application and is proposed to be altered.

Applicant	Architect	Owner
QuadReal Property Group	Hariri Pontarini Architects & Adamson Associates Architects	bciMC Realty Corporation

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 12.0 (c8.0; r11.7) SS1 (x2336)	Heritage Designation: Y
Height Limit (m):		Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 16,759 Frontage (m): 141 Depth (m): 134

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	9,683	5,005	5,409	10,414
Residential GFA (sq m):				
Non-Residential GFA (sq m):	203,490	170,421	169,781	329,683
Total GFA (sq m):	203,490	170,421	169,781	329,683
Height - Storeys:	57	57	65	65
Height - Metres:	239	239	299	299

Lot Coverage Ratio (%): 62.14 Floor Space Index: 22.08

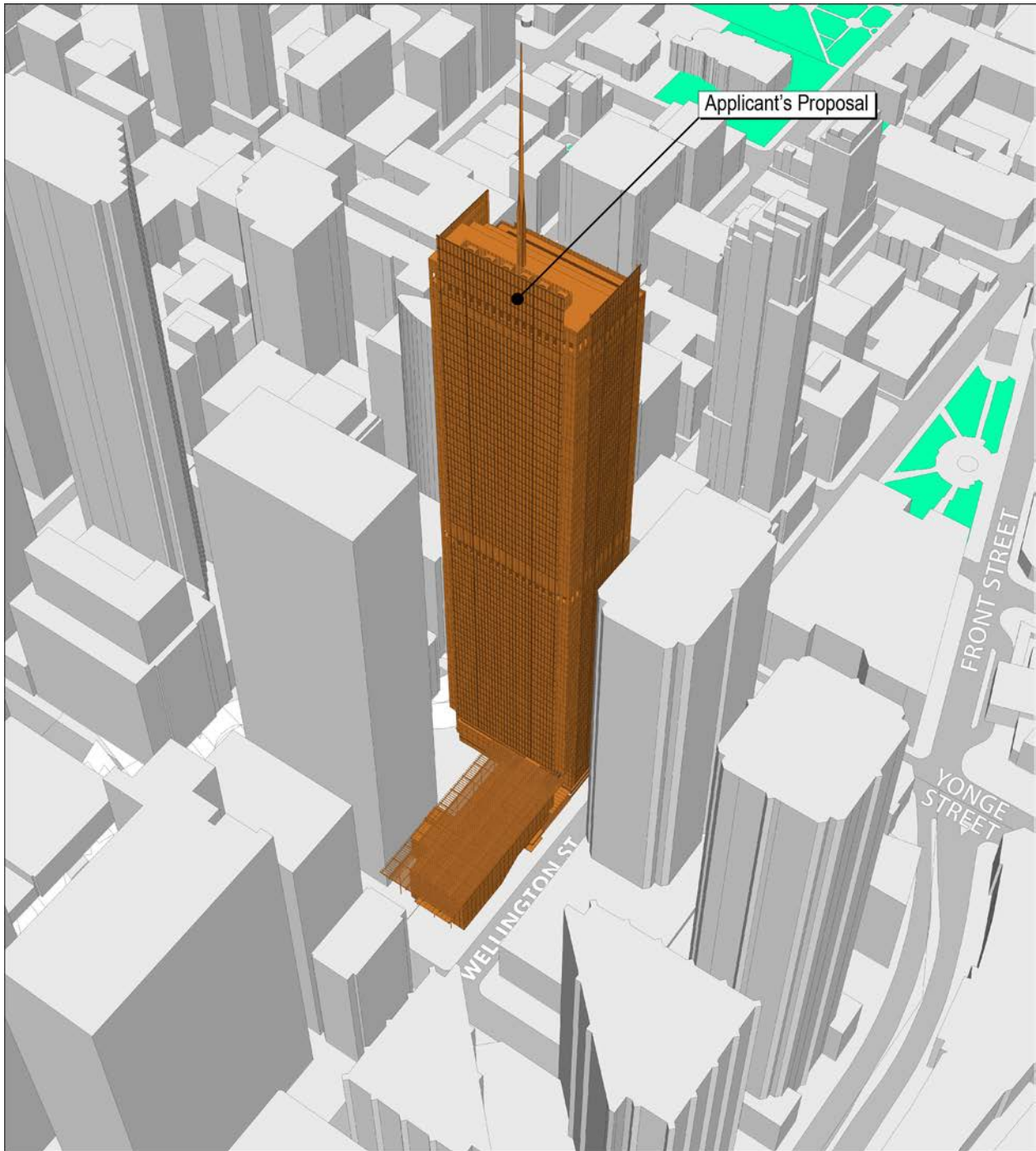
Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:  
Retail GFA: 4,972 13,746  
Office GFA: 308,188  
Industrial GFA:  
Institutional/Other GFA: 13,508

Parking and Loading  
Parking Spaces: 313 Bicycle Parking Spaces: 562 Loading Docks: 11

CONTACT:  
Henry Tang, Senior Planner  
(416) 392-7572  
Henry.Tang@toronto.ca

Attachment 2: 3D Model of Proposal in Context - Looking Northeast



**View of Applicant's Proposal Looking Northeast**



05/23/2019

Attachment 3: 3D Model of Proposal in Context - Looking Northwest

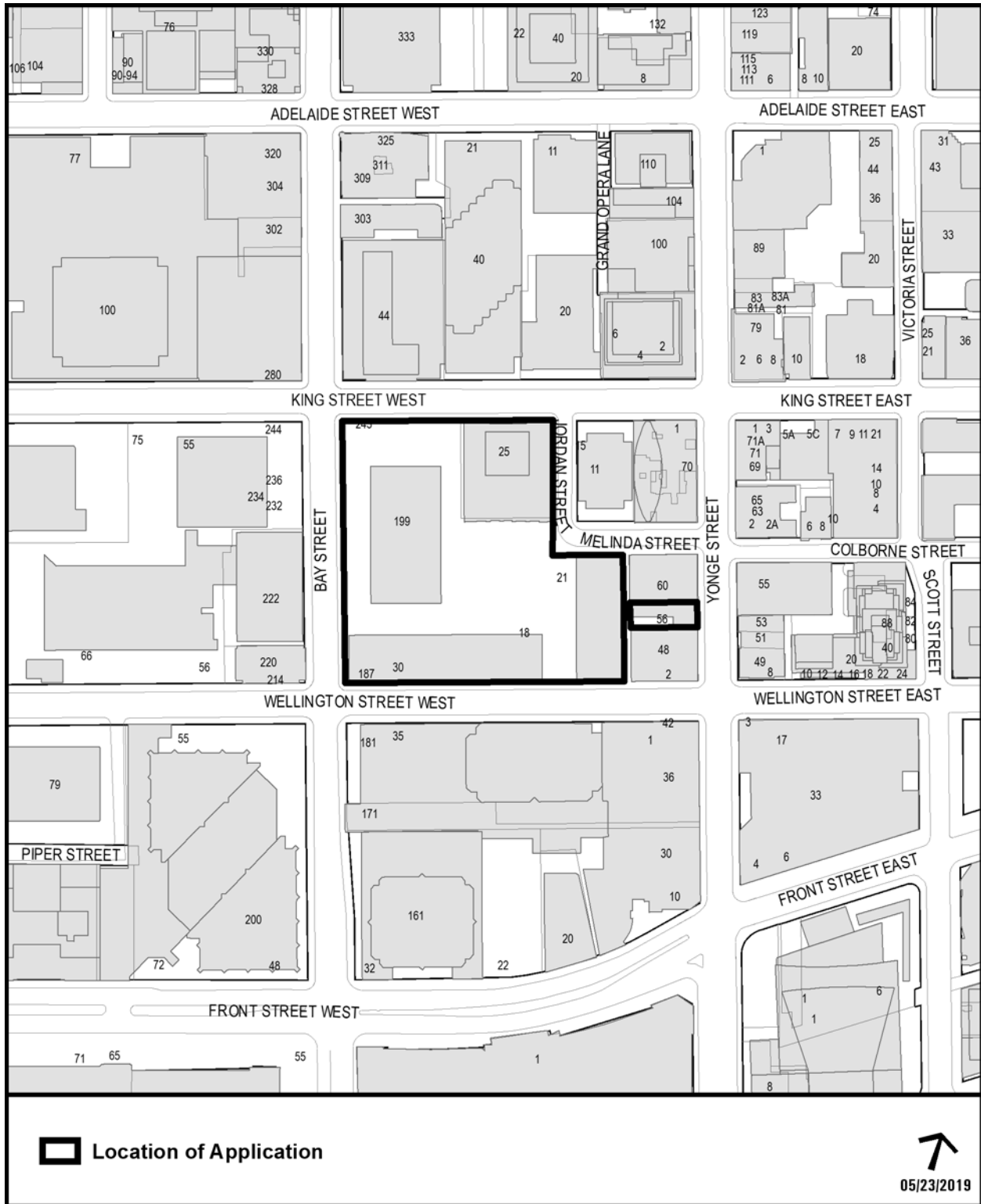


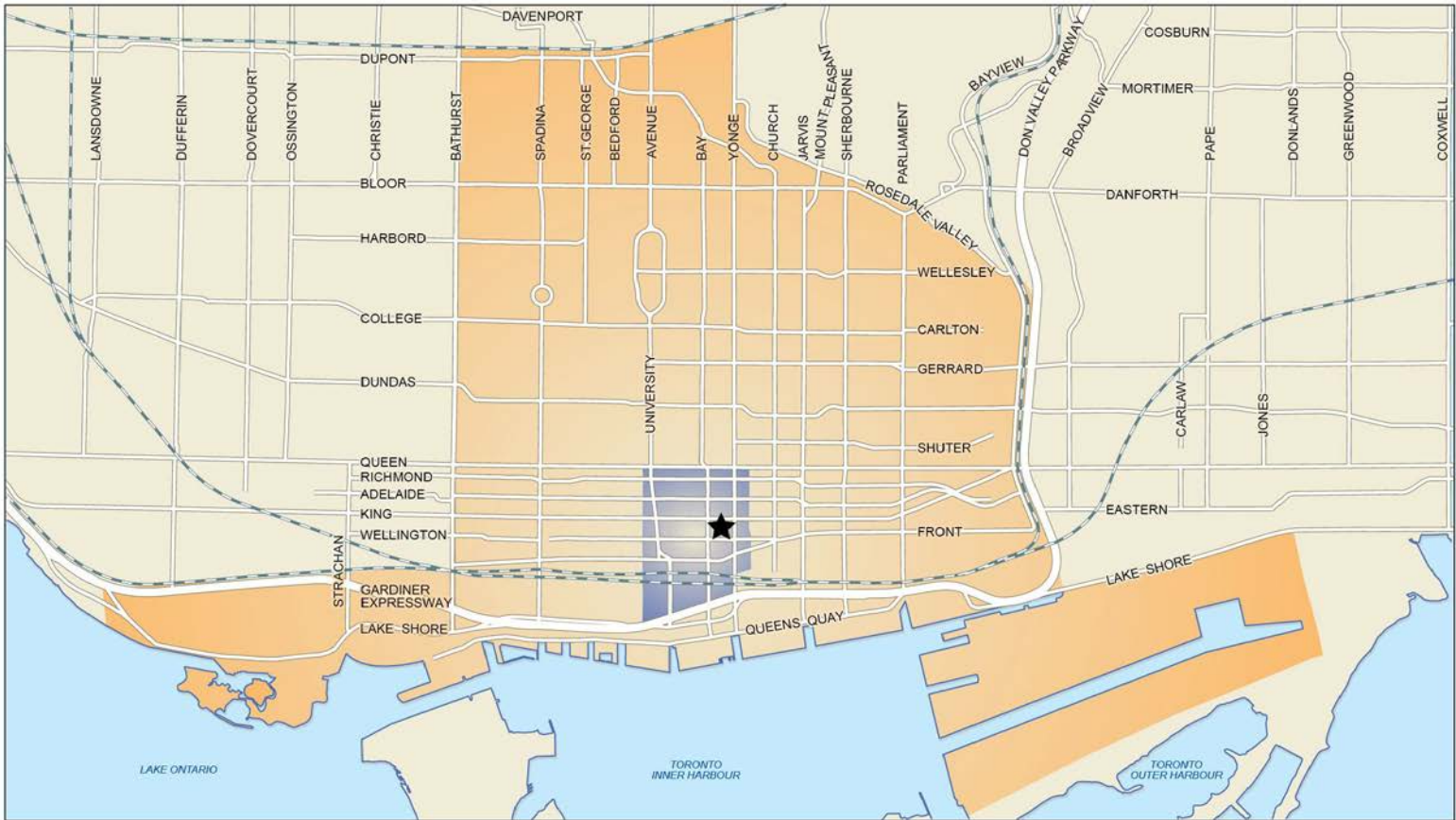
**View of Applicant's Proposal Looking Northwest**



05/23/2019

Attachment 4: Location Map





June 2006

- ★ Location of Application
- Orange shaded area: Downtown and Central Waterfront
- Blue shaded area: Financial District

### Official Plan Map 6

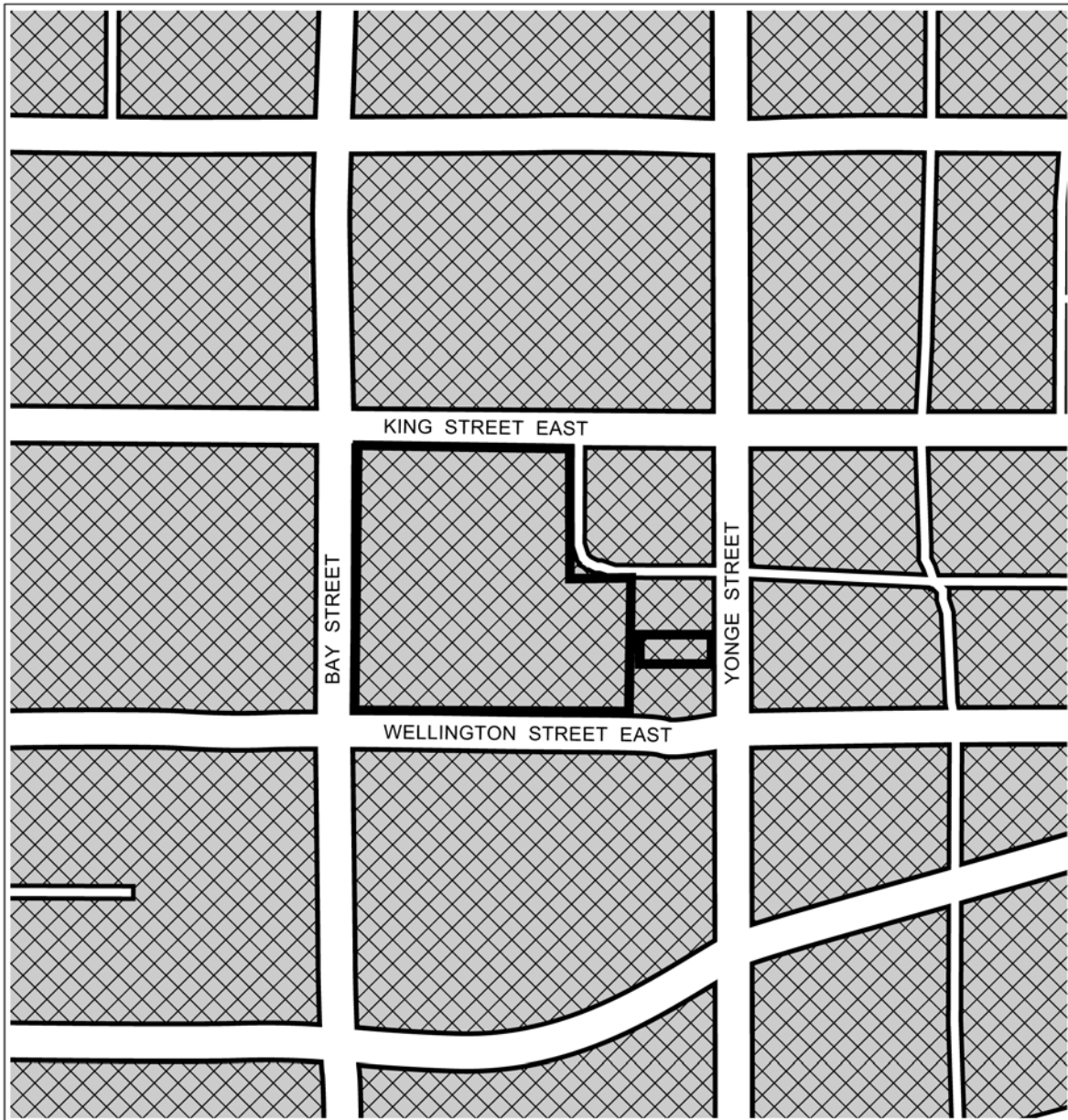
Downtown and Central Waterfront Boundaries

56 Yonge St., 21 Melinda St., 18-30 Wellington St. W.  
187-199 Bay St. and 25 King St. W.

Not to Scale  
05/23/2019 ↑

File # 17 277715 STE 28 0Z

Attachment 6: Official Plan Land Use Map



 **Toronto**  
Official Plan

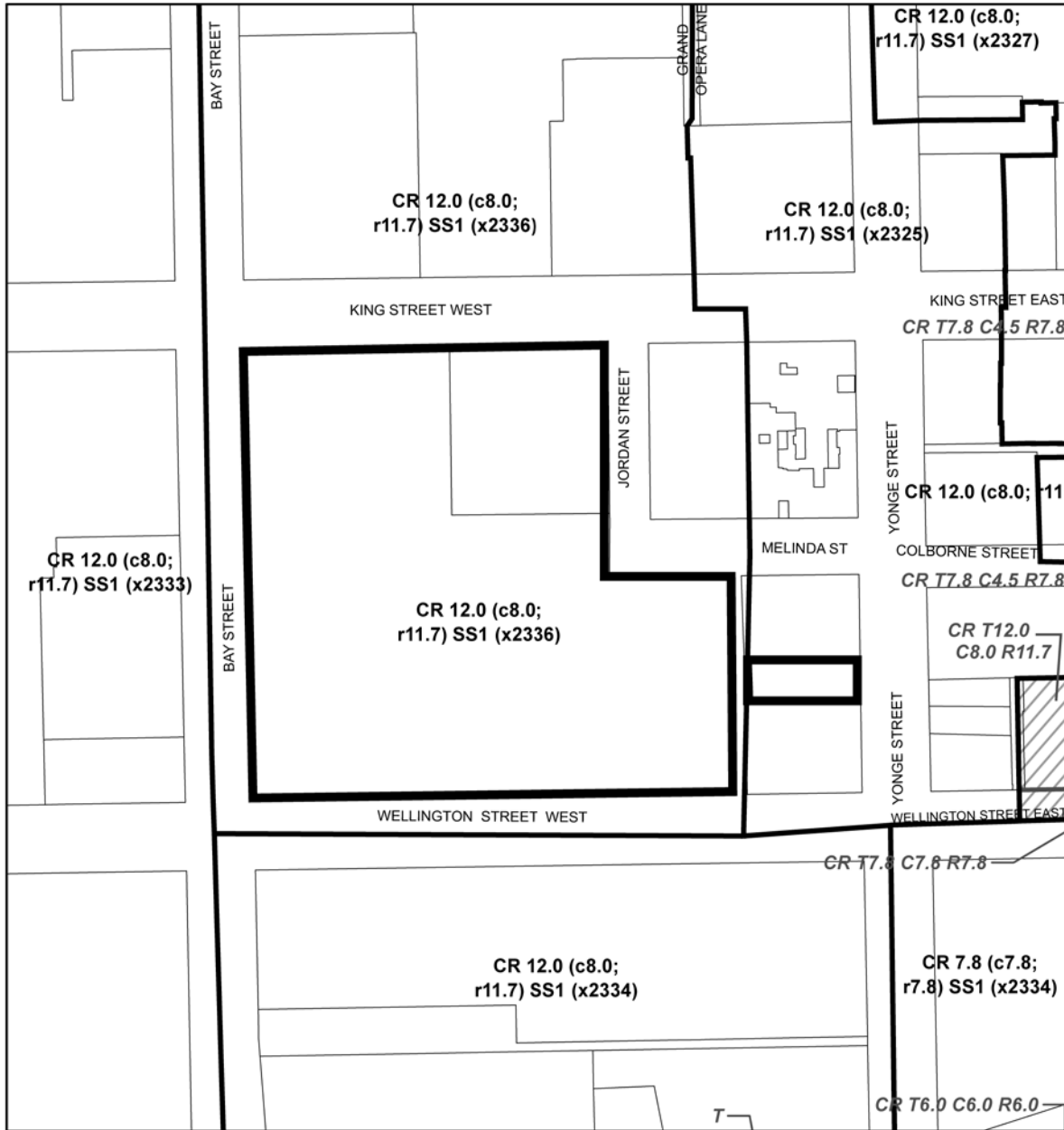
56 Yonge St., 21 Melinda St., 18-30 Wellington St. W.  
187-199 Bay St. and 25 King St. W.

File # 17 277715 STE 28 0Z

 Site Location  
 Mixed Use Areas

  
Not to Scale  
01/04/2018

Attachment 7: Existing Zoning By-law Map




Zoning By-Law No. 569-2013

56 Yonge St., 21 Melinda St., 18-30 Wellington St. W.,  
187-199 Bay St. and 25 King St. W.

File # 17 277715 STE 28 OZ

 Location of Application  
CR Commercial Residential

 See Former City of Toronto By-Law No. 438-86  
CR Mixed-Use District

  
Not to Scale  
Extracted: 01/04/2018



Attachment 8: Draft Zoning By-law Amendment to 438-86

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2018 as 25 King Street West, 199 Bay Street, 21 Melinda Street, 30 Wellington Street West and 56 Yonge Street**

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

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

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 and 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 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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

1. This By-law applies to the lands delineated by heavy black lines and identified as 25 King Street West, 199 Bay Street, 21 Melinda Street, 30 Wellington Street West and 56 Yonge Street as shown on Map 1 attached to and forming part of the By-law.

2. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *lot*, *non-residential gross floor area*, and *residential gross floor area*, Sections 4(2)(a), 4(5), 4(8), 4(10), 4(11), 4(13), 4(14), 4(17), , Section 8(3) Part I 1 and 2, Section 8(3) Part III, Section 8(3) Part XI 2, Section 12(2)132, 12(2)259, Section 12(2)276, and Section 12(2)380 of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection of a building containing non-residential uses, including a *commercial parking garage*, *car-share parking spaces*, and uses *accessory* to the foregoing uses 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) notwithstanding any provision of this By-law or By-law 438-86, as amended, to the contrary, the existing buildings, structures and uses existing on the *lot* as of June 1, 2019 are permitted on the *lot* as shown on Map 2 of this By-law;

c) in addition to the uses permitted in Section 8(1), a *commercial parking garage*, *car-share parking spaces*, and a *vehicle washing establishment* are also permitted on the *lot*;

d) the total *gross floor area* of buildings and structures on the *lot* must not exceed a maximum of 368,100.0 square metres, of which:

(i) A maximum of 315,000.0 square metres of *gross floor area* may be occupied by office uses; and

(ii) A maximum of 80,000.0 square metres of *gross floor area* may be occupied by all other non-residential uses;

e) no portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy black lines identified on Map 3 attached to and forming part of this By-law, with the exception of the following:

(i) 1.0 metre for window washing equipment;

(ii) 3.0 metres for lighting fixtures, cornices, sills, eaves, and parapets attached to a building or structure;

(iii) lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, safety railings, wind mitigation elements, trellises, guards, guardrails, wheel chair ramps, air intakes and vents, ventilating equipment, *bicycle parking spaces*, bike share facilities, ornamental or architectural features, including planters and water fountains, green energy and renewable energy elements, outdoor recreation and amenity space elements, and art installations may be

located at ground level beyond the heavy lines shown on Map 3 of this By-law;

(iv) 7.0 metres for canopies, including supporting structures;

(v) Notwithstanding subsection (iv) above, a canopy, including supporting structures, is permitted within the area identified on Map 5;

(vi) 0.4 metres for architectural fins, and solar shading devices, which may comprise non-structural vertical and/or horizontal elements, that are attached to and project from the main walls of the building; and

(vii) Structures, elements and enclosures permitted by subsection g) below;

f) notwithstanding e) above, no portion of a building or structure shall be located within the hatched area shown on Map 3 and identified as "Subsection 2. f)" of this By-law between finished ground level and a minimum vertical height of 6.0 metres or higher, with the exception of existing buildings and structures permitted by subsection b) above, and permitted projections as set out in subsection e) iii), iv) and v) above;

g) 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 3 attached to and forming part of this By-law, with the exception of the following:

(i) structures, elements and enclosures permitted by regulation e) above;

ii) parapets to a maximum of 1.5 metres;

(iii) canopy or trellis, including supporting structure, on a roof provided that the maximum *height* of such structure is no higher than 6.0 metres above such roof;

(iv) window washing equipment and related structures, provided that:

(1) the maximum *height* is no higher than 16.0 metres above the permitted building *heights* of 286.0 metres and 280.0 metres as shown on Map 3 of this By-law; and

(2) except as provided in (1) above, the maximum *height* is no higher than 8.0 metres above the *height* limits;

(v) structures used for outdoor amenity space or open air recreation, wind screens, privacy screens or vestibules providing access to outdoor amenity space provided the maximum *height* of such elements is no higher than 5.0 metres above the permitted building *heights*;

vi) structures on any roof used for maintenance, safety, or green roof purposes, structures and elements associated with green energy and renewable energy facilities, stairs and stair enclosures and vestibules, provided such projections are limited to a maximum vertical projection of 6.0 metres above the permitted building *heights*;

vii) elevator machine rooms, and related structural elements, cooling towers, chimneys, vents, stacks, shafts, mechanical fans, elevators, mechanical and architectural screens, on any roof provided that:

(1) the maximum *height* is no higher than 16.0 metres above the permitted building *heights* of 286.0 metres and 280.0 metres as shown on Map 3 of this By-law; and

(2) the maximum *height* is no higher than 8.0 metres above the *height* limits on all maximum building *heights* other than building *heights* of 286 metres and 280.0 metres as shown on Map 3 of this By-law;

(viii) architectural screens on the tower roof provided such projections are limited to maximum vertical projection of 16.0 metres above the permitted building *heights*;

(ix) a communications tower, including structural and associated elements provided that:

(1) the maximum vertical projection above the highest tower roof is no greater than 95.0 metres;

(2) the horizontal footprint must be no greater than 10.0 metres in width;

(3) the horizontal footprint must be no greater than 15.0 metres in length; and

(4) the structural support cables from the communications tower to the top of the roof(s) may extend beyond the permitted horizontal footprint without *height* restrictions;

h) *parking spaces* are only required to be provided and maintained on the lot as follows:

(i) a minimum of 0.11 *parking spaces* per 100 square metres of *gross floor area* for office uses;

i) the *parking spaces* referred to in subsection h) above must have dimensions of not less than 5.3 metres in length and 2.55 metres in width, with the exception of *parking spaces* provided in an *automated parking system*;

j) of the *parking spaces* required in subsection h) above, a maximum of 2% of the total *parking spaces* provided may be *car-share parking spaces*;

k) *parking spaces* above *grade* are not permitted, except for a maximum of 200 *parking spaces* in an *automated parking system*;

l) *parking spaces* shall be provided on the *lot* as *accessible parking spaces* as follows:

(i) each *accessible parking space* must have the following minimum dimensions:

(1) length of 5.6 metres;

(2) width of 3.4 metres; and

(3) vertical clearance of 2.1 metres;

(ii) a 1.5 metre width *accessible barrier-free aisle* or path is required along the entire length of an *accessible parking space* and such *aisle* or path may be shared by two *accessible parking spaces*; and

(iii) an *accessible parking space* must be located with 25.0 metres of an entrance to an elevator lobby with 1.0 or more passenger elevator(s) that provide access to the first storey of the building;

m) notwithstanding any provisions of this By-law or By-law 438-86 to the contrary, no *accessible parking spaces* are required in connection with *parking spaces* provided in an *automated parking system*;

n) The widths of the existing *driveways* and *drive aisles* in the underground *parking garage* as of June 1, 2019 are permitted; ;

o) a minimum of 2 *loading spaces* – type “B” and three (3) *loading spaces* – type “C” shall be provided and maintained to serve all non-residential uses on the *lot*;

p) *bicycle parking spaces* are required only for *gross floor area* constructed after the date of the passing of this By-law as follows:

(i) a minimum of 0.08 *bicycle parking space-visitor* per 100 square metres of office *gross floor area* must be provided and maintained on the *lot*; and

(ii) a minimum of 0.3 *bicycle parking space-occupant* per 100 square metres of office *gross floor area*, must be provided and maintained on the *lot*;

q) *bicycle parking spaces – visitor* and *bicycle parking spaces – occupant* may be provided as in a *bicycle stacker*;

3. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:

a) "*automated parking system*" means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated manoeuvring of other vehicles may be required in order for cars to be parked or to be retrieved. Parking pallets will not conform to the parking space dimensions set out in By-law No. 438-86, as amended;

b) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:

(i) where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.45 metres and a minimum vertical dimension from the ground of at least 1.9 metres;

(ii) where the bicycles are to be parked in a vertical position, has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.6 metres, and a minimum horizontal clearance from the wall of 1.2 metres; and

(iii) where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 1.2 metres for each *bicycle parking space*, and a minimum width of 0.45 metres.

c) "*bicycle parking space – occupant*" means a *bicycle parking space* for use by the occupants or tenants of a building;

d) "*bicycle parking space – visitor*" means a *bicycle parking space* for use by visitors to a building;

e) "*bicycle stacker*" means a device where by a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;

f) "car-share" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- g) "*car-share parking space*" means a parking space exclusively reserved and signed for a car used only for car-share purposes;
- h) "*driveway*" means a passageway providing vehicle access between a street or lane and an area used for the parking, loading or storage of a vehicle;
- i) "*drive aisle*" means a vehicle passageway located within an area used for the parking or storage of 3 or more vehicles;
- j) "*grade*" means 84.25 metres Canadian Geodetic Datum;
- i) "*gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
- (i) parking, loading and bicycle parking below-ground;
  - (ii) required loading spaces at the ground level and *required bicycle parking spaces* at or above-ground;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (iv) shower and change facilities required by this By-law for required *bicycle parking spaces*;
  - (v) elevator shafts;
  - (vi) mechanical penthouse;
  - (vii) exit stairwells in the building; and
  - (viii) *commercial parking garage* and a *vehicle washing establishment* below-ground;
- k) "*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;
- l) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- m) "*stacked bicycle space*" means a *bicycle parking space* that is positioned above or below another *bicycle parking space* and is equipped with a mechanical device providing floor level access to both *bicycle parking spaces*; and
- n) "*vehicle washing establishment*" means premises used for washing or cleaning vehicles.

4. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law and By-law 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
5. 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 water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, as the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
7. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
8. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,           ULLI S WATKISS,  
Mayor City Clerk

(Corporate Seal)



## **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 \$18,500,000 to be allocated towards the following benefits:
  - a. A cash contribution of \$1,000,000 for on-site public art, through the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council;
  - b. A cash contribution of \$5,100,000 for site capital improvements, of which \$3,271,165 shall be attributable to the identified streetscape improvements adjacent to the subject site as shown on the Landscape Plans by Claude Cormier + Associes dated March 13, 2019;
  - c. A cash contribution of 12,400,000 to be allocated to the discretion of the Ward Councillor towards:
    - i. The provision of new affordable housing within Ward 13, to be directed to the Capital Revolving Fund for Affordable Housing, payable prior to the issuance of the first building permit; and
    - ii. The provision of local streetscape improvements within Ward 13, payable prior to the issuance of the first above grade building permit;
2. The payment amounts referred to in subsection 1 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;
3. In the event the cash contributions referred to in subsection 1 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 13;
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a. That the design of the 3-storey pavilion and the 65-storey tower and structural elements as shown on architectural plans by Adamson Associates dated March

13, 2019 be secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. That the owner is to provide a privately-owned publicly-accessible space (POPS) network as shown on the architectural plans by Adamson Associates dated March 13, 2019 and Landscape Plans by Claude Cormier + Associes dated March 13, 2019, and be secured as part of site plan approval, including hours of operation and programming, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

c. That the owner pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support the development;

d. That the owner implements the mitigation measures identified in the Pedestrian Wind Study dated April 30, 2019 by RWDI, secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

e. Comply with the City's Tree By-laws, including a tree planting plan, to the satisfaction of the Supervisor, Tree Protection & Plan Review, Urban Forestry, Parks Forestry & Recreation Division;

f. That prior to final site plan approval the owner shall:

i. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4.b) above to the satisfaction of the Senior Manager, Heritage Planning;

ii. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

iii. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning;

iv. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning;

v. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

vi. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning, and thereafter shall

implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

vii. The owner submits an acceptable functional plan illustrating the proposed widening of the northerly boulevard along Wellington Street West between Yonge Street to Bay Street and the associated modifications in the pavement marking and road signs, to the satisfaction of the General Manager, Transportation Services;

viii. The owner enters into a Municipal Infrastructure Agreement in respect of the northerly boulevard widening along Wellington Street West, as generally shown on the architectural plans by Adamson Associated Dated March 13, 2019, to the satisfaction of the General Manager, Transportation Services;

ix. The owner to pay all costs associated with the proposed boulevard extension along the Wellington Street West frontage of the building between Yonge Street to Bay Street including pavement marking and signing plans required as a result of the boulevard extension identified in subsections 4.f.vii. and 4.f.viii; and

g. That prior to the issuance of any permit for all or any part of the properties at 199 Bay Street, 25 King Street West and 56 Yonge Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

i. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

ii. Provide building permit drawings, including notes and specifications for the conservation and protective measures identified in the approved Conservation Plan as required in Recommendation 4.b) of staff report dated August 28, 2019 including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and

iii. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan Lighting and Interpretation Plan; and

h. That prior to the release of the Letter of Credit required in subsection 4.g.iii., the owner shall:

i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in

accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and

ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

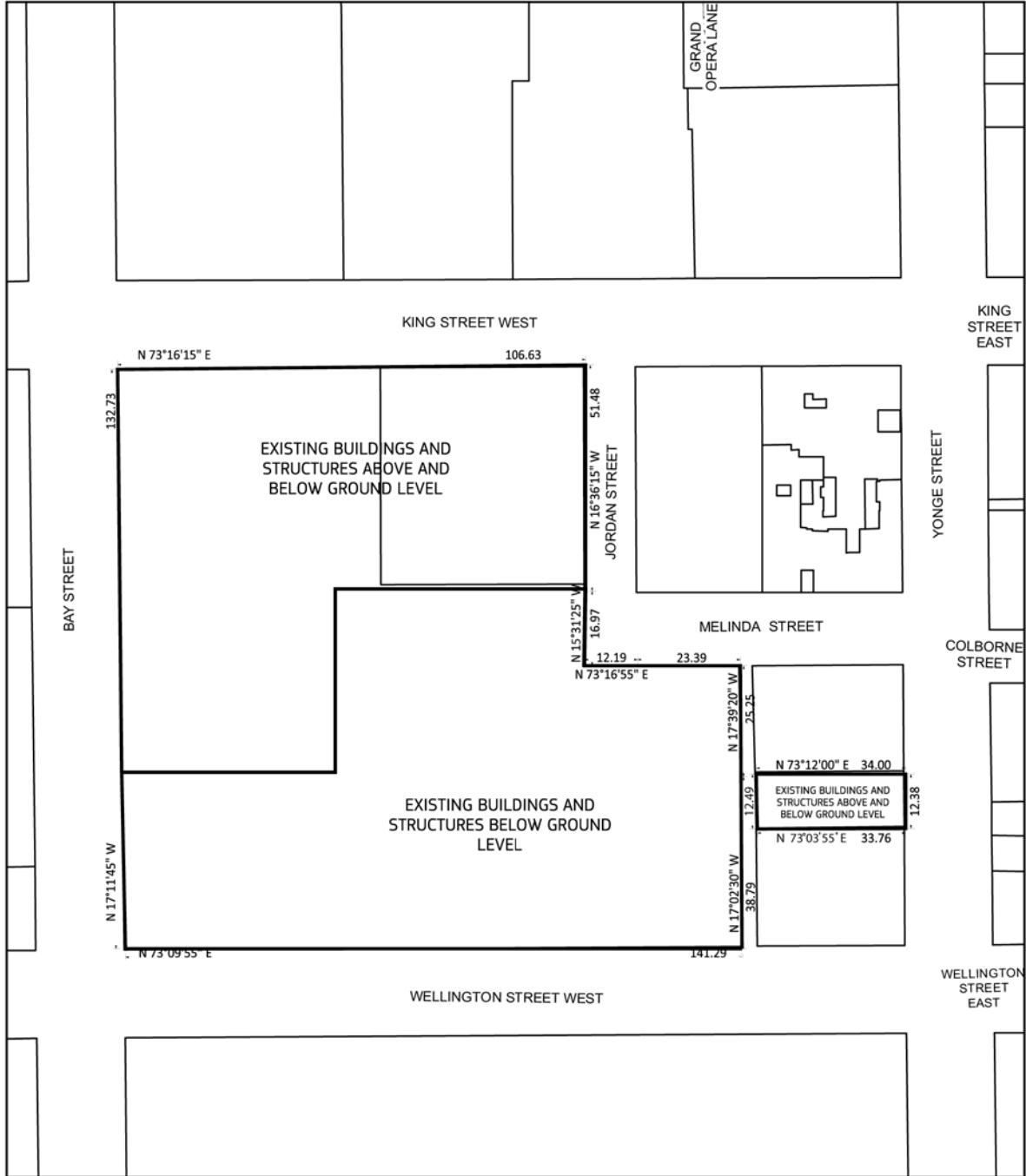


**TORONTO**  
Map 1

25 King Street West, 199 Bat Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street

File # 17 277715 STE 28 0Z

City of Toronto By-law 569-2013  
Not to Scale  
8/06/2019

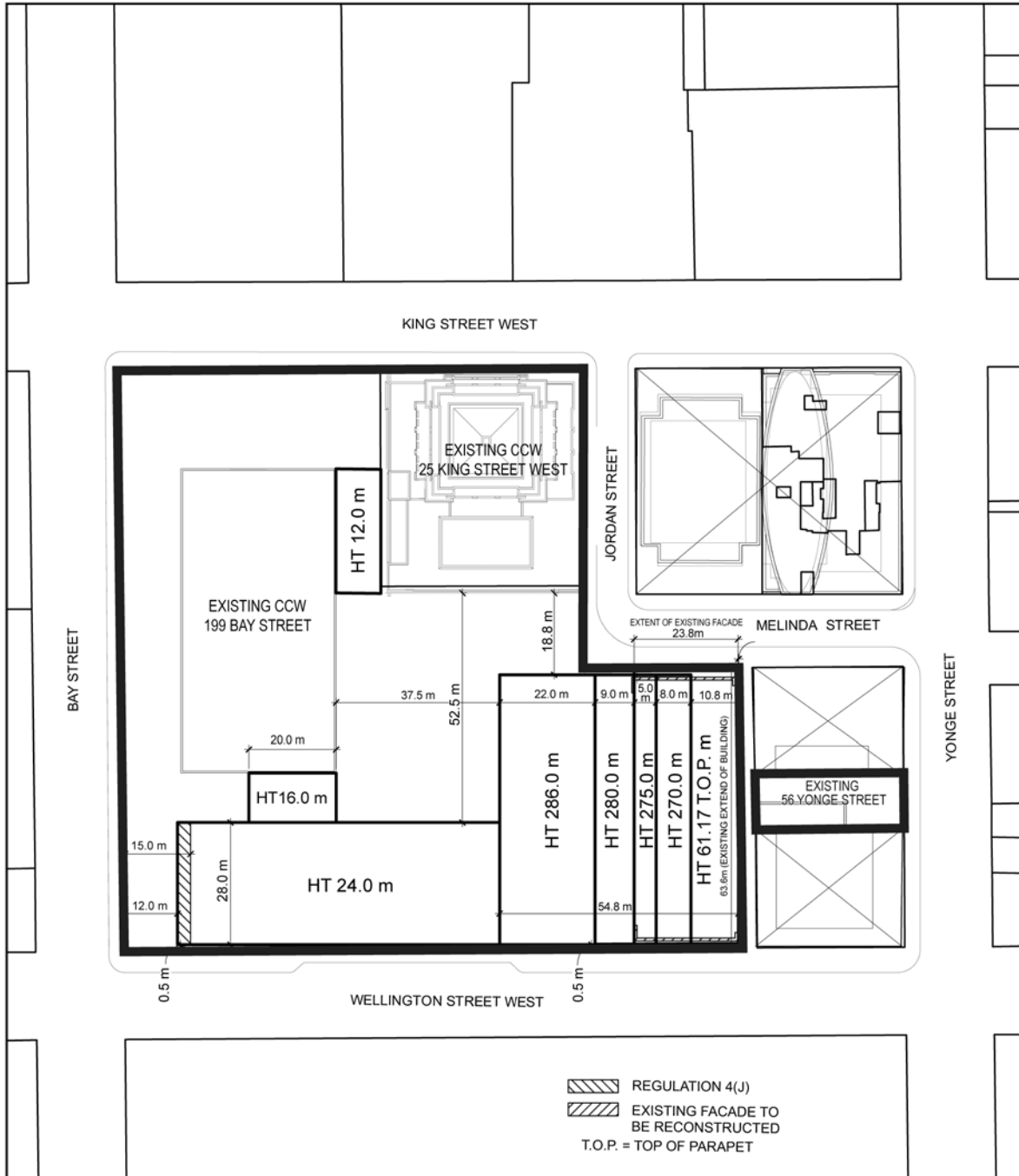


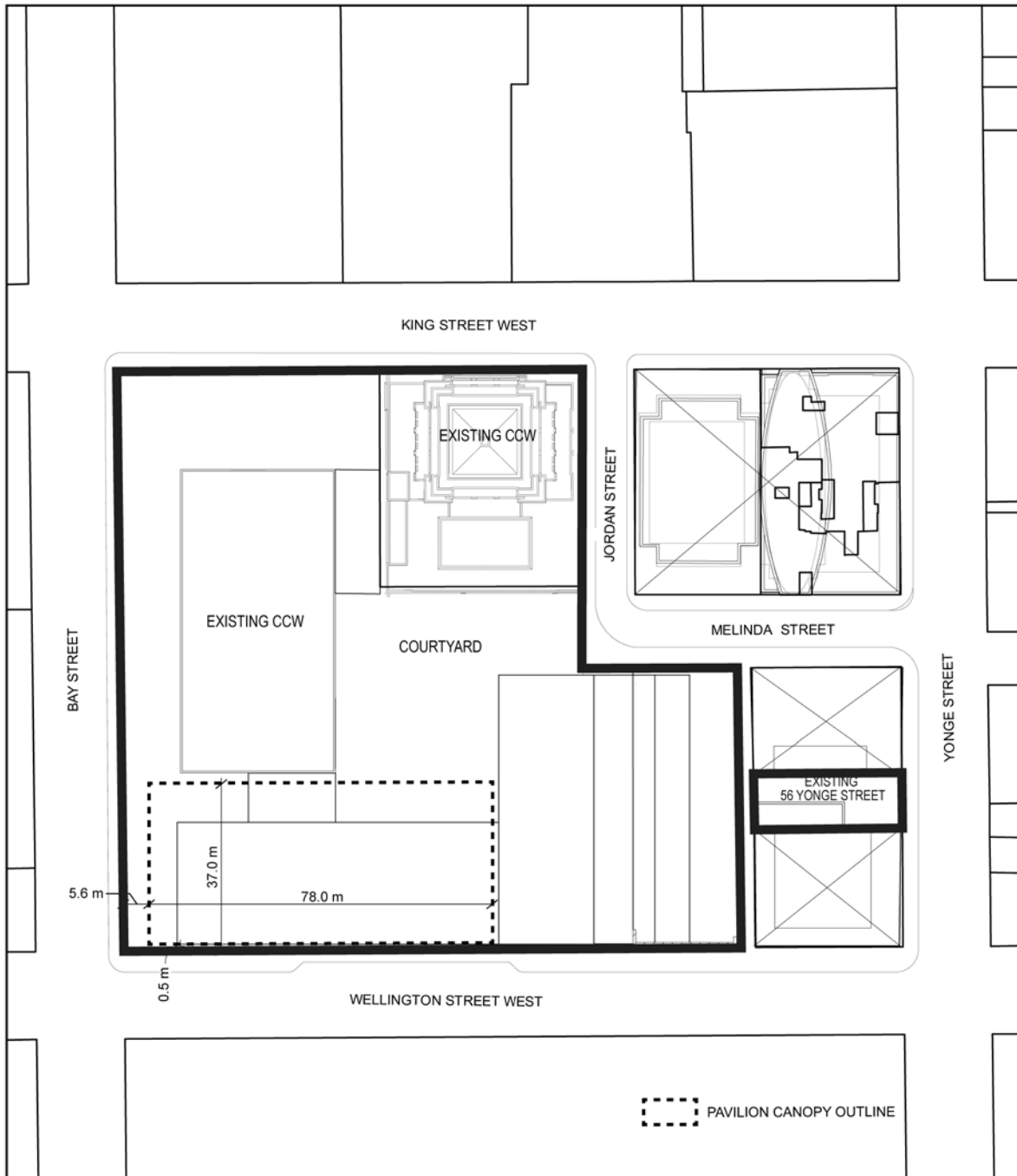
**TORONTO**  
Map 2

25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street  
File # 17 277715 STE 28 02



City of Toronto By-law 438-86  
Not to Scale  
8/12/2019







Attachment 9: Draft Zoning By-law Amendment to 569-2013

Authority: Toronto and East York Community Council Item ~, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

**Bill No. ~**  
**BY-LAW No. XXXX-20~**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 25 King Street West, 199 Bay Street, 21 Melinda Street, 30 Wellington Street West and 56 Yonge Street**

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

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

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 and 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 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 and 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 12.0 (c8.0; r11.7) SS1 (x196), as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x196) so it reads:

### **Exception CR (x196)**

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On lands municipally known in the year 2018 as 25 King Street West, 199 Bay Street, 21 Melinda Street, 30 Wellington Street West, and 56 Yonge Street, if the requirements of Section 6 and Schedule (A) of By-law[Clerks to supply by-law ##] are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (LL) below;

(B) The **lot** comprises the lands outlined by heavy lines and identified on Diagram 1 of By-law[Clerks to supply by-law ##];

(C)The existing **buildings, structures** and uses existing on the **lot** as of June 1, 2019 are permitted on the **lot** as shown on Diagram 3 of By-law[Clerks to supply by-law ##];

(D) Despite Regulation 40.10.20.20(1), **public parking, eating establishment, and take-out eating establishment** are permitted uses and are not subject to the specific conditions associated with the reference numbers for each use in Clause 40.10.20.100;

(E) Despite Regulation 40.10.20.100(7), a maximum of 200 parking spaces above ground level in an automated parking system is permitted, and for the purpose of this exception:

"automated parking system" means a mechanical system for the purpose of parking and retrieving vehicles without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of vehicles on parking pallets. Automated manoeuvring of other vehicles may be required in order for vehicles to be parked or to be retrieved. Parking pallets will not conform to the parking space dimensions set out in By-law No. 569-2013, as amended;

(F) Despite Regulations 40.5.1.10(3)(A), 40.10.40.40(1) and (2) the total **gross floor area** of the **buildings** and **structures** must not exceed a maximum of 368,100 square metres, of which:

- i. A maximum of 315,000 square metres of **gross floor area** may be occupied by office uses; and
- ii. A maximum of 80,000 square metres of **gross floor area** may be occupied by all other non-residential uses;

(G) In addition to the exclusions listed in Clause 40.5.40.40, the **gross floor area** of a **building** is also reduced by the area in the **building** used for **public parking** and a **vehicle washing establishment** use below finished ground level;

(H) Despite Regulations 40.10.40.70(1) and 40.10.40.80(1), the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground is shown on Diagram 4 of By-law[Clerks to supply by-law ##];

(I) Despite Regulations 5.10.40.70(1), 40.5.40.60, 40.5.40.70(1)(A), 40.10.40.60, and Regulation (H) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:

- i. 1.0 metre for window washing equipment;
- ii. 3.0 metres for lighting fixtures, cornices, sills, eaves, and parapets attached to a **building** or **structure**;
- iii. Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, safety railings, wind mitigation elements, trellises, guards, guardrails, security equipment, wheel chair ramps, air intakes and vents, ventilating equipment, bicycle parking spaces, bike share facilities, ornamental or architectural features including planters and water fountains, green energy and renewable energy elements, outdoor recreation and **amenity space** elements, and art installations may be located at ground level beyond the heavy lines shown on Diagram 4 of By-law[Clerks to supply by-law ##];
- iv. 7.0 metres for canopies, including supporting structures;
- v. Despite Regulation (I) iv. of this Exception, a canopy including supporting structures is permitted within the area identified as 'Pavilion Canopy Outline' on Diagram 6 to By-law[Clerks to supply by-law ##];
- vi. 0.4 metres for architectural fins, and solar shading devices, which may comprise non-structure vertical and/or horizontal elements, that are attached to and project from the **main walls** of the **building**; and

vii. **structures**, elements and enclosures permitted by Regulation (M) of this Exception;

(J) Despite Regulation (H) of this Exception, no portion of a **building** or **structure** may be located within the hatched area shown on Diagram 4 of By-law[Clerks to supply by-law ##] as identified as "Regulation 4(J)", between finished ground level and a minimum vertical height of 6.0 metres or higher, with the exception of existing **buildings** and **structures** permitted by Regulation (C) and Regulation (I) iii., iv. and v. of this Exception;

(K) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** must not exceed the height in metres as specified by the numbers following the symbol "HT" as shown on Diagram 4 of By-law[Clerks to supply by-law##];

(L) Despite Regulation 40.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 84.25 metres to the elevation of the highest point of the **building** or **structure**;

(M) Despite all of Clauses 40.5.40.10, 40.5.40.60, and 40.10.40.60, and Regulation (K) above, the following elements of a **building** or **structure** may project beyond the permitted maximum **building** height limits on Diagram 4 of By-law[Clerks to supply by-law##] as follows:

- i. **Structures**, elements and enclosures permitted by Regulation (I) of this Exception;
- ii. Parapets to a maximum of 1.5 metres;
- iii. Canopy or trellis, including supporting **structure**, on a roof provided that the maximum height of such **structure** is no higher than 6.0 metres above such roof;
- iv. Window washing equipment and related **structures**, provided that:
  - a) The maximum height is no higher than 16.0 metres above the permitted **building** heights of 286.0 metres and 280.0 metres as shown on Diagram 4 of By-law[Clerks to supply by-law ##]; and
  - b) Except as provided in Regulation (M) iv. a) of this Exception, the maximum height is no higher than 8.0 metres above the height limits;
- v. **Structures** used for outdoor **amenity space** or open air recreation, wind screens, privacy screens or vestibules providing access to outdoor **amenity space** provided the maximum height of such elements is no higher than 5.0 metres above the height limits;
- vi. **Structures** on any roof used for maintenance, safety, or **green roof** purposes, **structures** and elements associated with green energy

and **renewable energy** facilities, stairs and stair enclosures and vestibules, provided such projections are limited to a maximum vertical projection of 6.0 metres above the permitted **building** heights;

vii. Elevator machine rooms, and related structures, cooling towers, chimneys, vents, stacks, shafts, mechanical fans, elevators, mechanical screens, on any roof provided that:

a) The maximum height is no higher than 16.0 metres above the permitted **building** heights of 286 metres and 280 metres as shown on Diagram 4 of By-law[Clerks to supply by-law ##]; and

b) Except as provided in Regulation (M) vii. a) of this Exception, the maximum height is no higher than 8.0 metres above the height limits;

viii. Architectural screens on the **building** roof provided such projections are limited to a maximum vertical projection of 16.0 metres above the permitted **building** heights;

ix. A communications tower, including structural and associated elements, provided that:

a) The maximum vertical projection above the highest tower roof is no greater than 95.0 metres;

b) The horizontal footprint must be no greater than 10.0 metres in width;

c) The horizontal footprint must be no greater than 15.0 metres in length; and

d) The related structures to support cables from the communications tower to the top of the roof may extend beyond the permitted horizontal footprint without height restrictions;

(N) Despite Clause 40.5.80.1, and Regulations 200.5.1(2), 200.5.10.1(1) and (5), and 200.20.10(2), **parking spaces** must be provided on the **lot** as follows:

i. A minimum of 0.11 **parking spaces** per 100 square metres of **gross floor area** used for office uses;

(O) Despite Regulation 200.5.1.10(2), the **parking spaces** referred to in Regulation (N) of this Exception must have dimensions of not less than 5.3 metres in length and 2.55 metres in width, with the exception of **parking spaces** provided in an automated parking system;

(P) Of the **parking spaces** required in Regulation (N) of this Exception, a maximum of 2 percent of the total **parking spaces** provided may be car-share parking spaces, and for the purpose of this exception:

"car-share" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization, and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and

"car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;

(Q) Despite Regulation 200.5.1.10(13), other than stacked parking spaces, parking spaces provided in an automated parking system, and tandem parking spaces, all areas used for required parking spaces must have driveway access to a street or lane that is direct and unobstructed, excluding a gate, moveable barrier or similar security feature;

(R) Despite Section 200.15.1, **parking spaces** must be provided on the **lot** as accessible parking spaces as follows:

- i. Each accessible **parking space** must have the following minimum dimensions:
  - a) Length of 5.6 metres;
  - b) Width of 3.4 metres;
  - c) Vertical clearance of 2.1 metres;
- ii. An accessible barrier-free aisle or path of 1.5 metres in width is required along the entire length of one side of an accessible **parking space** and such aisle or path may be shared by two accessible parking spaces; and
- iii. An accessible **parking space** must be located within 25.0 metres of an entrance to an elevator lobby with 1 or more passenger elevator(s) that provide access to the first **storey** of the **building**;

(S) Despite Regulation 200.15.10(1), clearly identified off **street** accessible parking spaces must be provided on the same **lot** as every **building** or **structure** erected or enlarged in accordance with the following requirements if the total **parking space** requirement is 5 or more:

- i. If the number of required **parking spaces** is less than 13, a minimum of 1 parking space must be provided as an accessible parking space;

ii. If the number of required **parking spaces** is 13 to 100, a minimum of 1 **parking space** for every 25 **parking spaces** or part thereof must be provided as an accessible parking space; and

iii. If the number of required **parking spaces** is more than 100, a minimum of 5 **parking spaces** plus 1 parking space for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must be provided as an accessible **parking space**;

(T) Despite Regulations (R) and (S) of this Exception, the calculation of required accessible parking spaces in accordance with Regulation (S) above, does not include any parking spaces provided in an automated parking system;

(U) Despite Clause 220.5.10.1, a minimum of 2 **loading spaces** Type "B" and three (3) **loading spaces** Type "C", must be provided and maintained to serve all non-residential uses on the **lot**;

(V) Despite Regulation 230.5.1.10(4)(A), the minimum dimensions of a bicycle parking space are:

- i. a minimum length of 1.8 metres;
- ii. a minimum width of 0.45 metres; and
- iii. a minimum vertical clearance from the ground of 1.9 metres.

(W) Despite Regulations 230.5.10.1(1) and (4), **bicycle parking spaces** are only required for **gross floor area** constructed after the date of the passing of By-law[Clerks to supply by-law ##] as follows:

- i. A minimum of 0.08 "short-term" **bicycle parking spaces** per 100.0 square metres of office **gross floor area** must be provided and maintained on the **lot**; and
- ii. A minimum of 0.3 "long-term" **bicycle parking spaces** per 100.0 square metres of office **gross floor area**, must be provided and maintained on the **lot**;

(X) Regulation 5.10.30.20(2) with respect to front **lot** lines for through **lots**, does not apply;

(Y) Regulations 40.10.20.100(1) and (2)(B) with respect to conditions for certain uses, do not apply;

(Z) Regulation 40.10.20.100(17) with respect to conditions for a **retail service use**, does not apply;

(AA) Regulations 40.10.40.1(2) and (5) with respect to principle **building** requirements do not apply;

(BB) Regulation 40.10.40.50(2) with respect to the provision of outdoor **amenity space** does not apply;

(CC) Regulations 40.10.90.40(1) and (3)(B) with respect to access to a **loading space** do not apply;

(DD) Despite Regulations 40.10.100.10(1)(A), (B) and (C), a maximum of 2 **vehicle** accesses are permitted;

(EE) Clause 150.100.20.1 with respect to general use requirements for an **eating establishment** does not apply; and

(FF) Regulation 200.5.1(3)(A) with respect to drive aisle widths does not apply for the existing drive aisles on June 1, 2019;

(GG) Regulation 200.5.1.10(12)(B) and (C) with respect to vehicle access to a building with non-residential uses does not apply;

(HH) Regulation 220.5.20.1(1)(A) with respect to access to a loading space does not apply;

(II) Regulation 230.5.1.10(9)(A) with respect to the location of a "long-term" bicycle parking space does not apply;

(JJ) Despite Regulation 230.5.10.1(1), no "long-term" bicycle parking spaces or "short-term" bicycle parking spaces are required to be provided for non-office uses;

(KK) Regulation 230.40.1.20(2) with respect to the location of a "short-term" bicycle parking space does not apply;

(LL) Section 600.10 Building Setback Overlay District Map does not apply.

#### Prevailing By-laws and Prevailing Sections:

(A) Section 12(1) 397 of former City of Toronto By-law 438-86.

5. Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law [Clerks to supply by-law ##], the provisions of this By-law and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.

#### 6. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law [Clerks to supply by-law ##] in return for the provision by the owner, at the



owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~, 20~.

JOHN TORY,           ULLI S WATKISS,  
Mayor City Clerk

(Corporate Seal)

## 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 \$18,500,000 to be allocated towards the following benefits:
  - a. A cash contribution of \$1,000,000 for on-site public art, through the preparation of a public art plan, in accordance with City Planning's Percent for Public Art process, and with approval from City Council;
  - b. A cash contribution of \$5,100,000 for site capital improvements, of which \$3,271,165 shall be attributable to the identified streetscape improvements adjacent to the subject site as shown on the Landscape Plans by Claude Cormier + Associes dated March 13, 2019;
  - c. A cash contribution of 12,400,000 to be allocated to the discretion of the Ward Councillor towards:
    - i. The provision of new affordable housing within Ward 13, to be directed to the Capital Revolving Fund for Affordable Housing, payable prior to the issuance of the first building permit; and
    - ii. The provision of local streetscape improvements within Ward 13, payable prior to the issuance of the first above grade building permit;
2. The payment amounts referred to in subsection 1 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;
3. In the event the cash contributions referred to in subsection 1 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 13;
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - a. That the design of the 3-storey pavilion and the 65-storey tower and structural elements as shown on architectural plans by Adamson Associates dated March

13, 2019 be secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. That the owner is to provide a privately-owned publicly-accessible space (POPS) network as shown on the architectural plans by Adamson Associates dated March 13, 2019 and Landscape Plans by Claude Cormier + Associes dated March 13, 2019, and be secured as part of site plan approval, including hours of operation and programming, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

c. That the owner pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer & Executive Director, Engineering & Construction Services, should it be determined that improvements to such infrastructure are required to support the development;

d. That the owner implements the mitigation measures identified in the Pedestrian Wind Study dated April 30, 2019 by RWDI, secured as part of site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

e. Comply with the City's Tree By-laws, including a tree planting plan, to the satisfaction of the Supervisor, Tree Protection & Plan Review, Urban Forestry, Parks Forestry & Recreation Division;

f. That prior to final site plan approval the owner shall:

i. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4.b) above to the satisfaction of the Senior Manager, Heritage Planning;

ii. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

iii. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning;

iv. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning;

v. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

vi. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning, and thereafter shall

implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

vii. The owner submits an acceptable functional plan illustrating the proposed widening of the northerly boulevard along Wellington Street West between Yonge Street to Bay Street and the associated modifications in the pavement marking and road signs, to the satisfaction of the General Manager, Transportation Services;

viii. The owner enters into a Municipal Infrastructure Agreement in respect of the northerly boulevard widening along Wellington Street West, as generally shown on the architectural plans by Adamson Associated Dated March 13, 2019, to the satisfaction of the General Manager, Transportation Services;

ix. The owner to pay all costs associated with the proposed boulevard extension along the Wellington Street West frontage of the building between Yonge Street to Bay Street including pavement marking and signing plans required as a result of the boulevard extension identified in subsections 4.f.vii. and 4.f.viii; and

g. That prior to the issuance of any permit for all or any part of the properties at 199 Bay Street, 25 King Street West and 56 Yonge Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

i. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

ii. Provide building permit drawings, including notes and specifications for the conservation and protective measures identified in the approved Conservation Plan as required in Recommendation 4.b) of staff report dated August 28, 2019 including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and

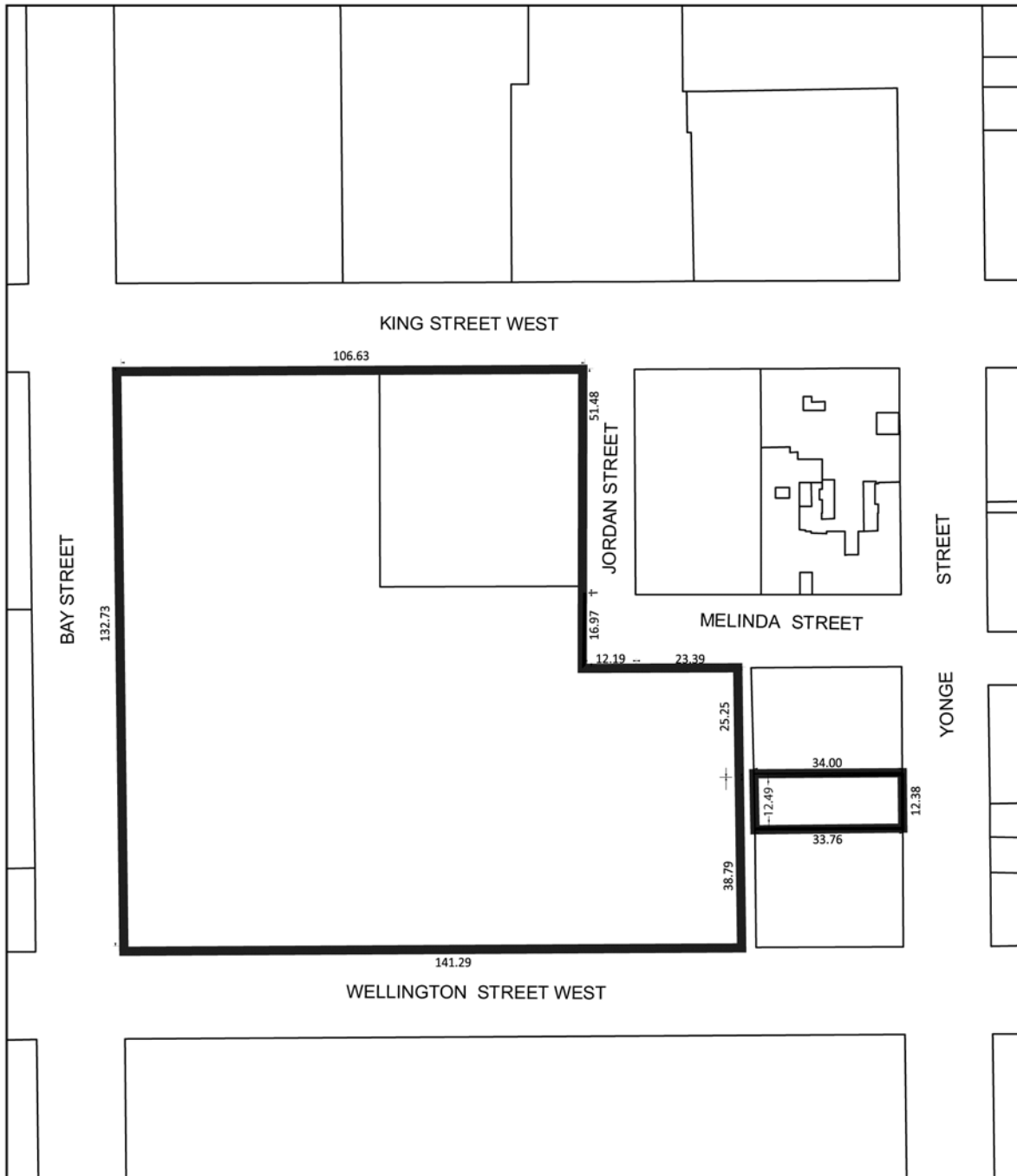
iii. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan Lighting and Interpretation Plan; and

h. That prior to the release of the Letter of Credit required in subsection 4.g.iii., the owner shall:

i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in

accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and

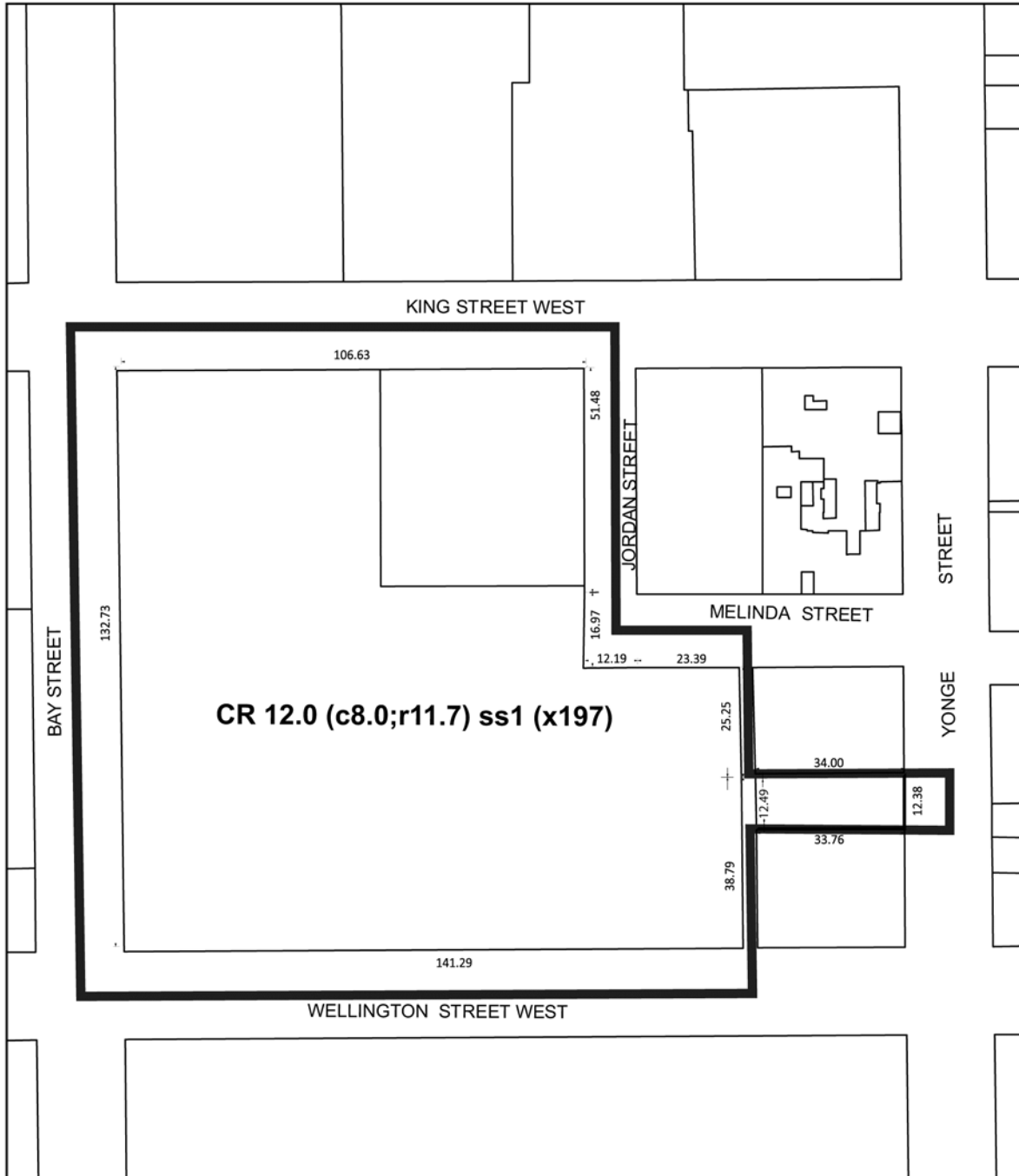
ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.



25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street

File # 17 277715 STE 28 0Z

City of Toronto By-law 569-2013  
Not to Scale  
6/24/2019



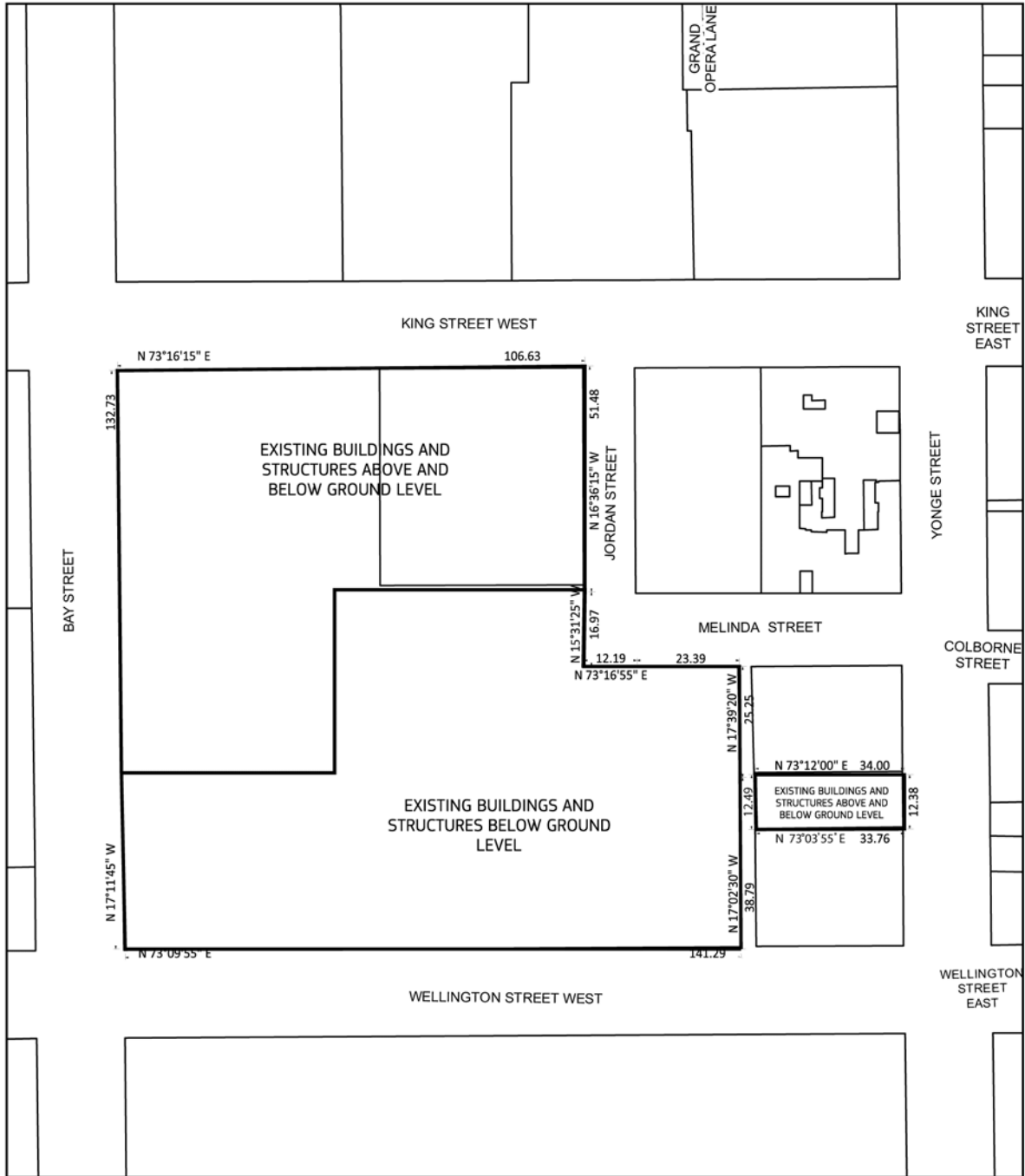
**CR 12.0 (c8.0;r11.7) ss1 (x197)**



25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street

File # 17 277715 STE 28 OZ

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 8/12/2019



**TORONTO**  
Diagram 3

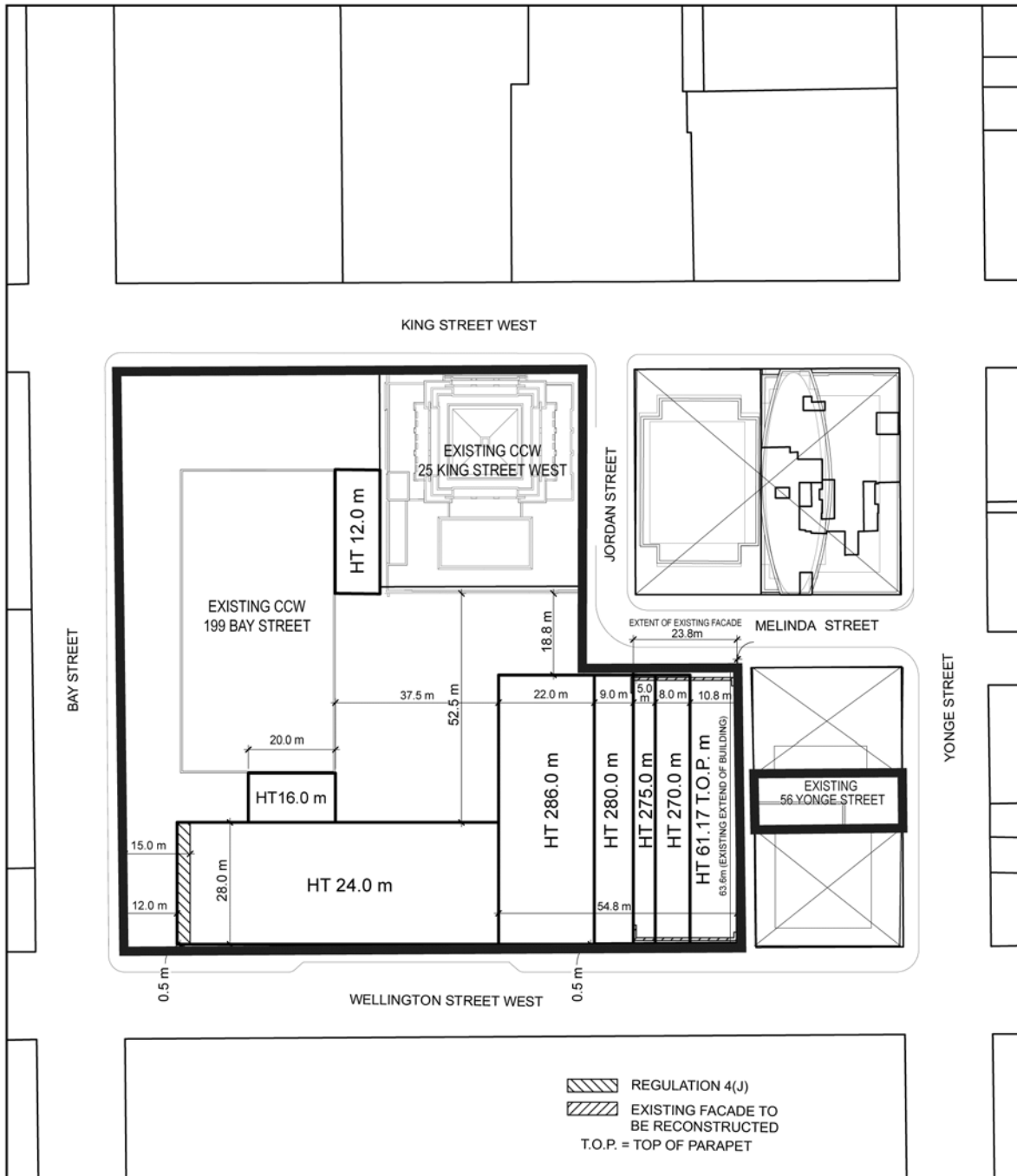
25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street

File # 17 277715 STE 28 02



City of Toronto By-law 438-86  
Not to Scale  
8/12/2019

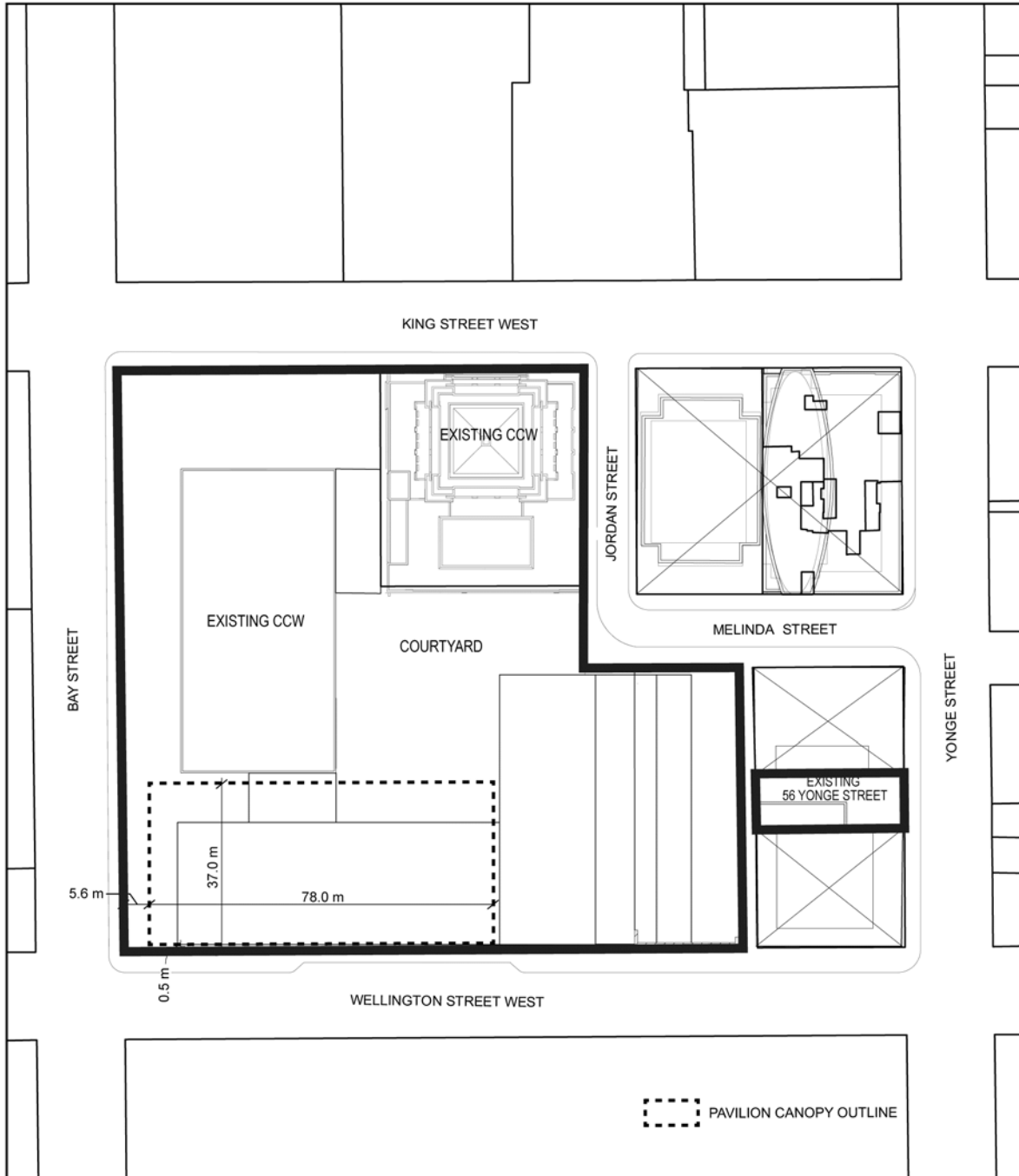




**TORONTO**  
Diagram 4

25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street  
File # 17 277715 STE 28 0Z

City of Toronto By-law 569-2013  
Not to Scale  
8/12/2019



**TORONTO**  
Diagram 5

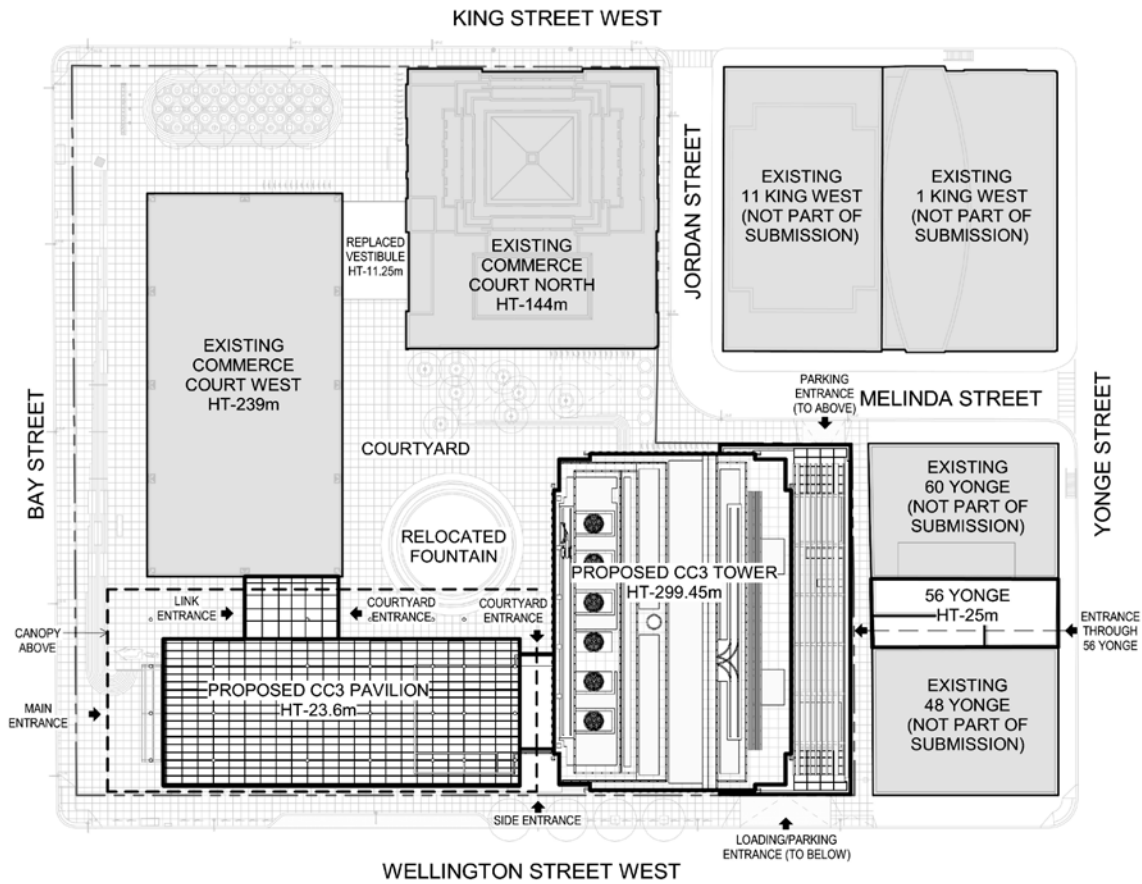
25 King Street West, 199 Bay Street, 30 Wellington Street West  
21 Melinda Street and 56 Yonge Street

File # 17 277715 STE 28 0Z



City of Toronto By-law 438-86  
Not to Scale  
8/12/2019

Attachment 10: Site Plan



**Site Plan**

Applicant's Submitted Drawing

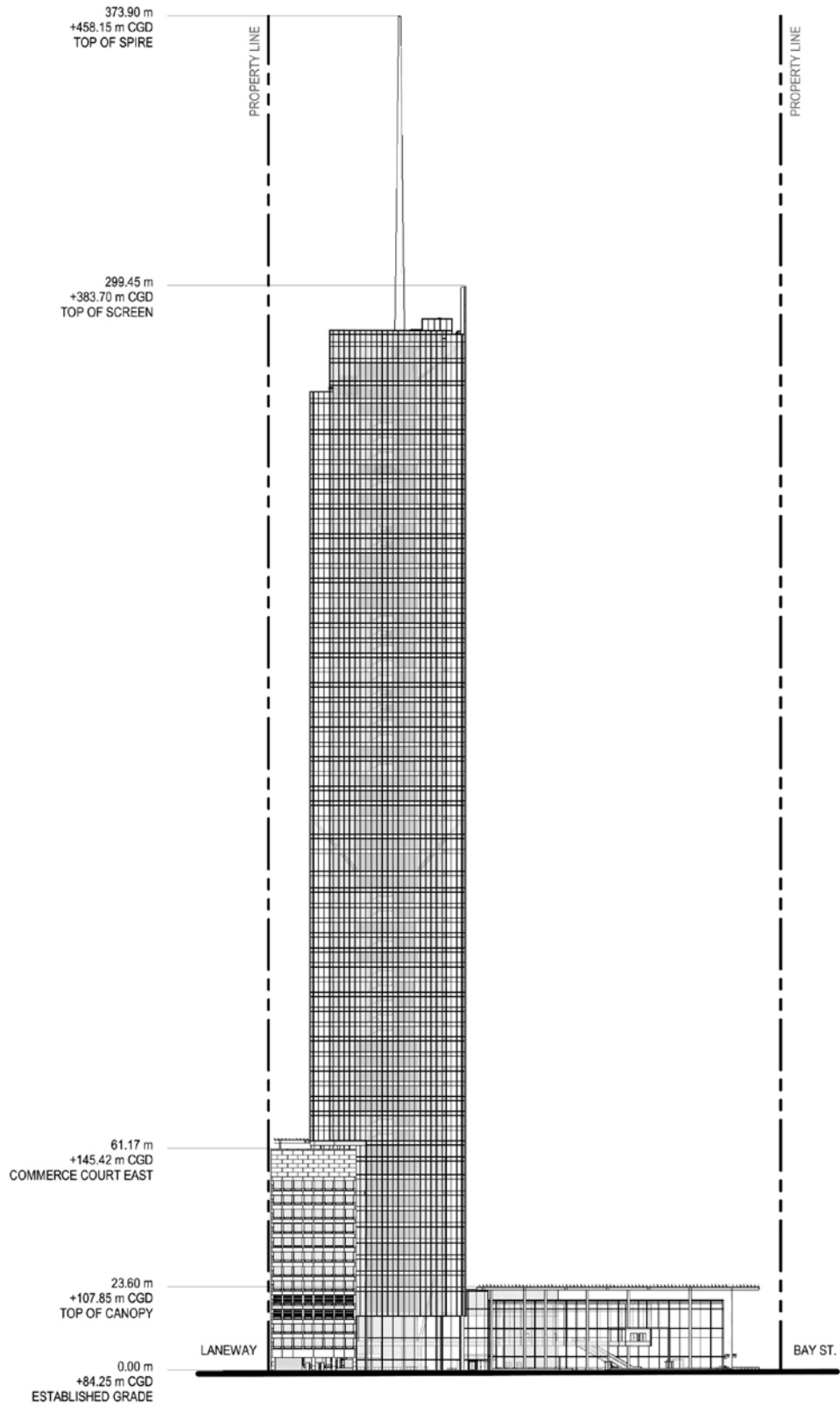
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04/12/2019

56 Yonge St., 21 Melinda St.,  
18-30 Wellington St. W., 187-199 Bay St. & 25 King St. W.

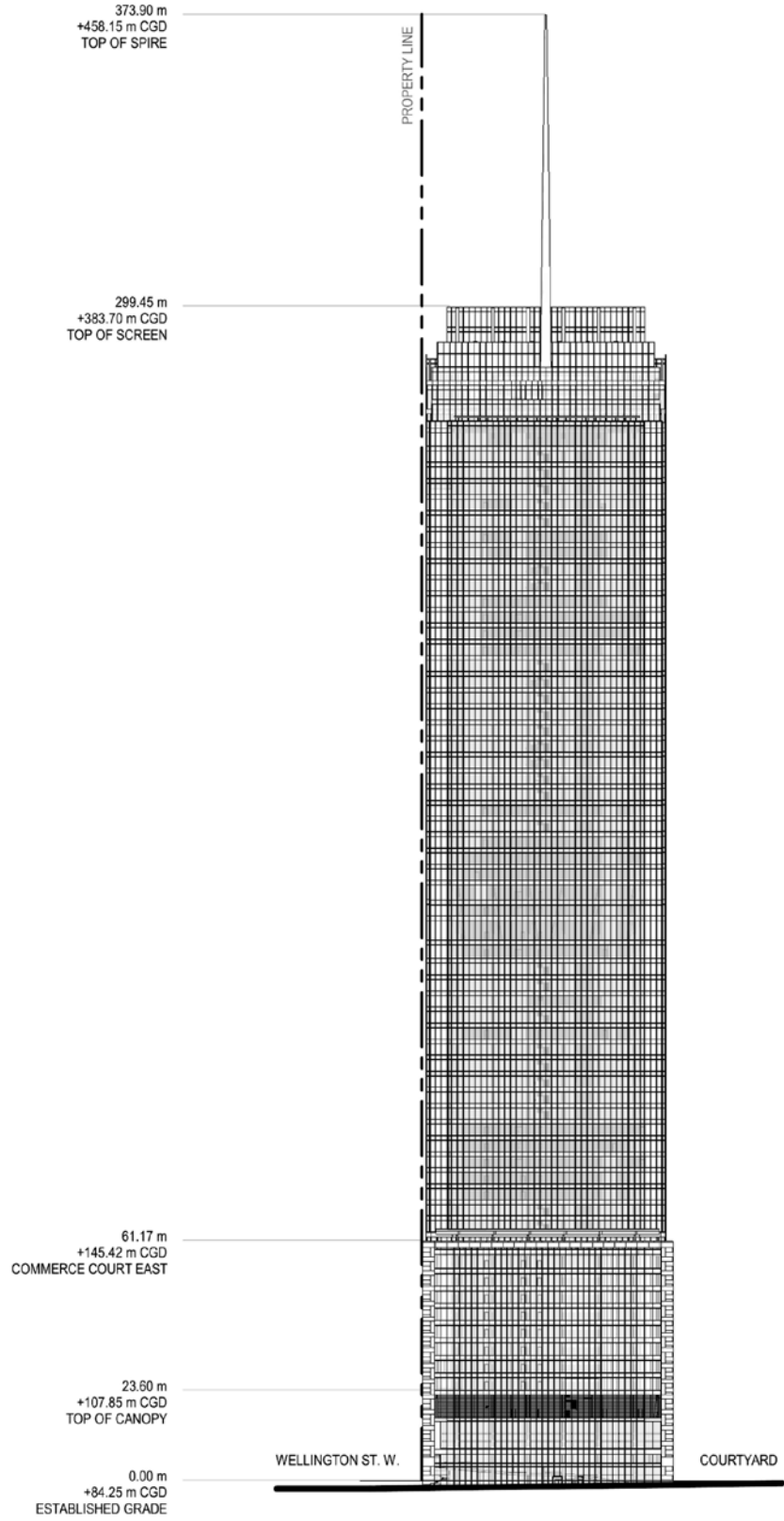
File # 17 277715 STE 28 0Z

# Attachment 11: North Elevation



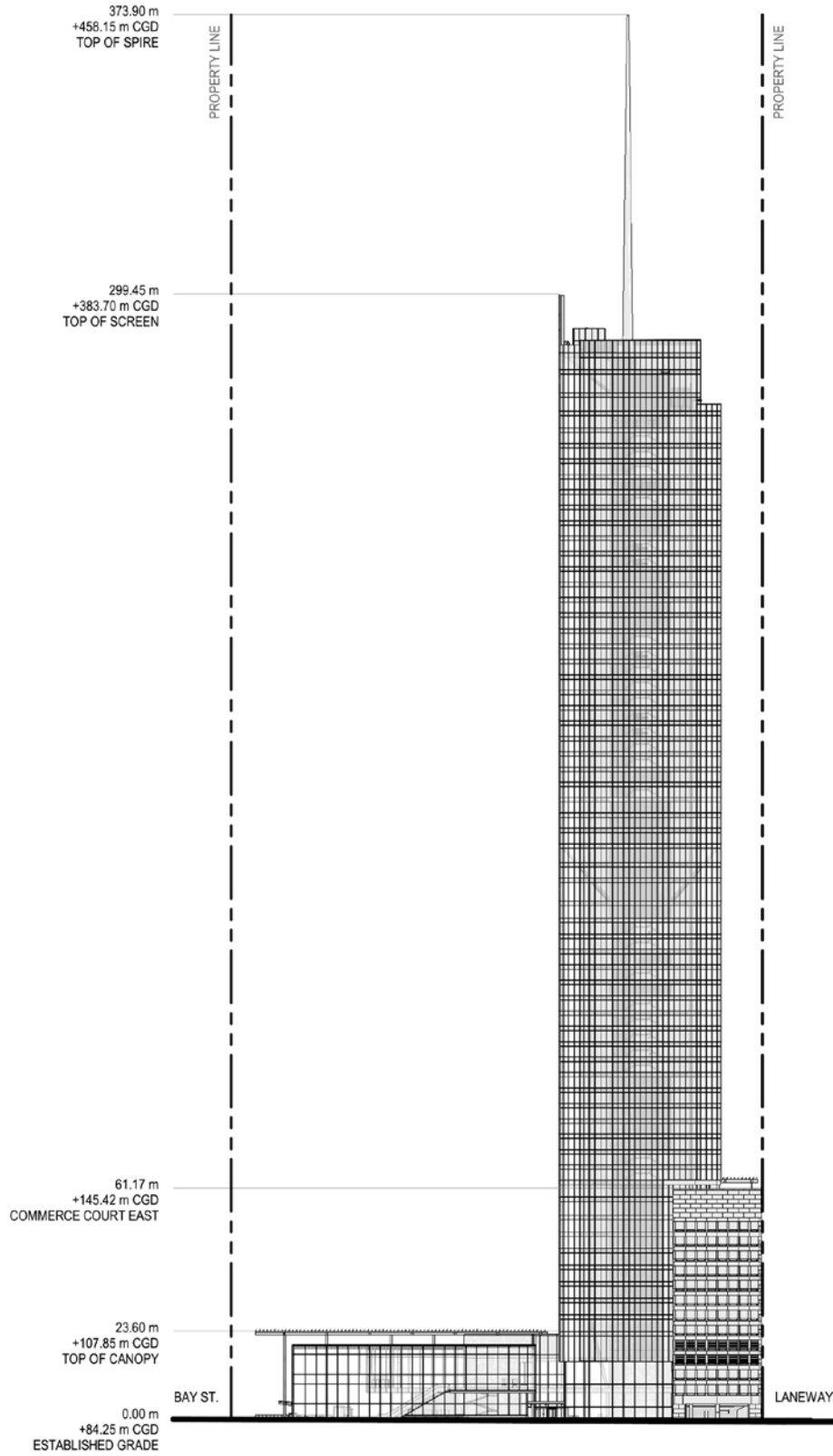
North Elevation

# Attachment 12: East Elevation



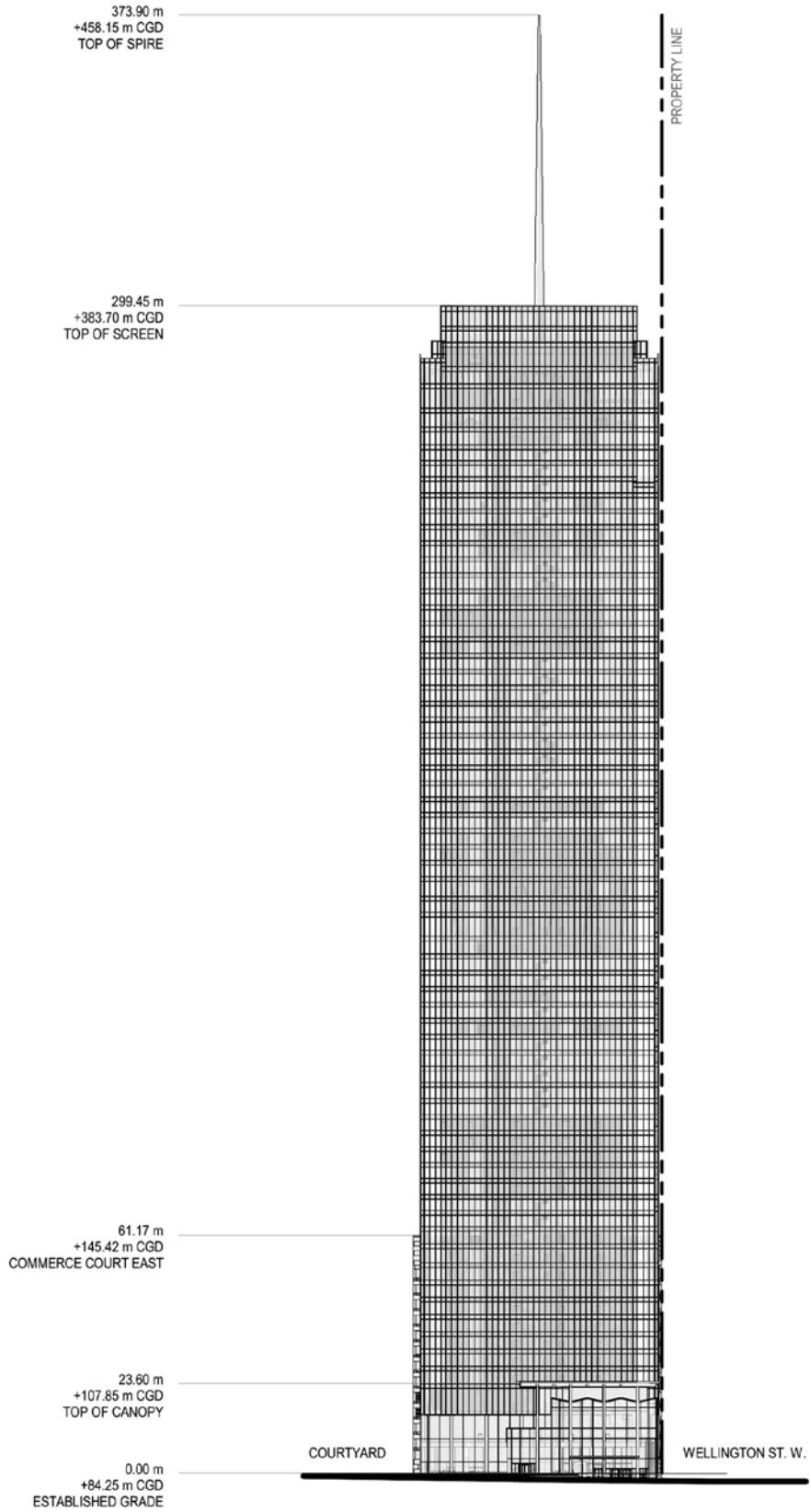
East Elevation

# Attachment 13: South Elevation



South Elevation

# Attachment 14: West Elevation



West Elevation