

Authority: Toronto and East York Community Council Item 3.5, adopted as amended,
by City of Toronto Council on March 5, 6, 7 and 8, 2007
Enacted by Council: May 25, 2007

CITY OF TORONTO

BY-LAW No. 595-2007

To amend the General Zoning By-law No. 438-86 and the Railway Lands East Area A Zoning By-law No. 168-93, each of the former City of Toronto, as amended, with respect to lands municipally known as 149 Front Street West and 7 Station Street.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 and Zoning By-law No. 168-93, each of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2006 as 149 Front Street West and 7 Station Street for the purpose, inter alia, of moving the 149 Front Street West lands from the jurisdiction of By-law No. 438-86 to By-law No. 168-93 and designating them as CR Block 6; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment, and

WHEREAS the Council of the City of Toronto, at its meeting on March 5, 6 and 7, 2007, determined to amend Zoning By-law No. 438-86 and Zoning By-law No. 168-93, each of the former City of Toronto, as amended;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 168-93, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the 'Railway Lands East Area A'", shall continue to apply to the *site*.
4. District Map 50G-323 contained in Appendix A and Height and Minimum Lot Frontage Map 50G-323 contained in Appendix B of Zoning By-law No. 438-86 of the former City of Toronto, as amended, are each amended by deleting therefrom the lands shown in hatching on Map 1.

5. District Map 50G-323 contained in Appendix A and Height Map 50G-323 contained in Appendix B, and Map 1 contained in Appendix E, each of By-law No. 168-93 of the former City of Toronto, are each amended by adding thereto the lands shown in hatching on Map 1, which lands,
- a. shall be designated as CR BLOCK 6, and
 - b. shall have a height designation of “H 76.0”.
6. Notwithstanding Section 6(1) of By-law No. 168-93 of the former City of Toronto, the uses permitted within the *site* are, and are only, one or more of the uses permitted in Sections 6(1)(b)(i)-(v) and (x) of By-law No. 168-93, as amended, which for clarity include a *technology centre* and *accessory* uses thereto, and a *commercial school*.
7. Notwithstanding Sections 6(3) Part I 1(a) and (b) of By-law No. 168-93 of the former City of Toronto, the maximum combined *non-residential gross floor area* of all buildings or structures erected within the *site*, shall not exceed 96,050 square metres, exclusive of above-grade parking not exceeding 15,325 square metres, and no *residential gross floor area* shall be permitted within the *site*.
8. No part of any building or structure erected within the *site* shall be located above finished ground level other than within a *building envelope*.
9. The preceding Section does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets, planters, flower boxes, ornamental or architectural elements, roof build up and finishes, exhaust fans and flues, safety railings, window washing equipment	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 2.0 metres above the height limits established in this By-law
eaves, lighting fixtures, cornices, ornamental or architectural elements, balustrades, mullions, window sills	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
canopies	maximum 3.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an above grade parking garage	maximum 2.0 metre projection, provided the height of such “STRUCTURES” does not exceed 2.0 metres
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features	no restriction in extent of projection or height of “STRUCTURE”

10. Notwithstanding Section 4(3)(a) of By-law No. 168-93, as amended, each component of a building or structure erected within the *site* may, in respect of each corresponding area as identified and shown on Map 2, have the maximum *height* as shown following the corresponding symbol “H” on Map 2.
11. The preceding Section does not apply to prevent the erection or use above the said maximum *height* limits of:
- a. exhaust flues and lighting rods, provided that the highest part of the exhaust flues and lighting rods do not exceed 5.0 metres above the *height* limits shown on Map 2,
 - b. rooftop generators, provided that the highest part of any such rooftop generator does not exceed 3.5 metres above the *height* limits shown on Map 2,
 - c. rooftop cooling towers, provided that the highest part of any such cooling tower does not exceed 6 metres above the *height* limits shown on Map 2,
 - d. a decorative spire, provided that the highest part of the decorative spire does not exceed 9.0 metres above the *height* limits shown on Map 2,
 - e. antennae, provided that the highest part of any such antennae does not exceed 25.0 metres above the *height* limits shown on Map 2, and
 - f. the structural projections otherwise identified in Section 9 of this By-law, subject to the limitations set out in Section 9.
12. Notwithstanding Section 4(5)(b) of the By-law No. 168-93, as amended, *parking spaces* for uses within the *site*, shall be provided and maintained within the *site* including within an above grade parking facility, in accordance with the following minimum and maximum requirements (provided that this section shall not apply to the buildings and structures located on the *site* as of January 1, 2007 provided no additions are made thereto):
- a. a minimum of 1.0 *parking spaces* for each 311 square metres of *non-residential gross floor area* located within the *site*, or fraction thereof equal to or greater than one-half thereof,
 - b. the maximum number of *parking spaces* located within the *site*, shall be the lessor of,
 - i. 323 *parking spaces*, and
 - ii. 1 *parking space* for each 297 square metres of *non-residential gross floor area* actually located within the *site*, or fraction equal to or greater than one-half thereof,

provided that for the purposes of this Section *non-residential gross floor area* does not include the *non-residential gross floor area* of any parking facility located above finished ground level.

13. Notwithstanding Section 4(6)(b) of the By-law No. 168-93, as amended, loading spaces for uses within the *site* shall be provided and maintained within the *site* in accordance with the following minimum requirements:
 - a. a minimum of 3 *loading spaces – type B*,
 - b. a minimum of 4 *loading spaces – type C*, one of which may have a minimum width of 2.6 metres, a minimum length of 6 metres and a minimum height of 3 metres.
14. Notwithstanding Section 6(3) Part III 1 of the By-law No. 168-93, as amended, no *common outdoor space* is required for the *site* provided a *technology centre* is located within the *site*.
15. Notwithstanding Section 6(4)7(1) of By-law No. 168-93, as amended, the main floor of a building constructed or used within the *site* shall be located within 1.2 metres, instead of the required 0.2 metres, of the sidewalk level directly opposite the door to every commercial unit.
16. Notwithstanding Section 6(4)7(3) of By-law No. 168-93, as amended, all exterior entrance doors shall be directly accessible by a level surface or a ramp not exceeding a gradient of 8.3% to the horizontal plane.
17. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational,
 - c. provided that this section shall not apply to any buildings or structures existing on January 1, 2007 within the lands shown on Map 1 attached hereto.
18. For clarity, Appendix 1 attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
19. Notwithstanding the definition of *lot* within By-law No. 168-93, as amended, and despite any future severances of the *site*, the *site* shall be deemed to be a *lot*.

- 20.** For the purposes of this By-law, the following expressions shall have the following meanings:
- a. “*building envelope*” means a building envelope as delineated by heavy lines on Map 2 attached hereto,
 - b. “City” means the City of Toronto,
 - c. “*grade*” shall mean an elevation of 80.8 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment),
 - d. “*height*” shall mean the vertical distance in metres between *grade* and the highest point of the roof,
 - e. “*owner*” means the owner of the fee simple of the *site* or any part thereof,
 - f. “*site*” means those lands outlined by heavy lines on Map 1 attached hereto,
 - g. “*technology centre*” means an area used primarily for telecommunications purposes, data centre purposes, corporate data networks, internet peering, critical data storage facilities, or other similar uses, and
 - h. each other word or expression, which is italicized in this By-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 168-93, as amended.

ENACTED AND PASSED this 25th day of May, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The *owner* of the *site* shall:

1. provide a contribution of \$1.5 million, prior to the issuance of an above grade building permit for any development, for the following local community improvement initiatives:
 - a. \$50,000.00 for capital improvements to 168 John Street, and \$100,000 for the capital improvements of the block containing 6-28 Henry Street, 40-42 Baldwin Street, 181-203 Beverly Street and 5-15 Cecil Street;
 - b. exclusive of the frontages of the subject lands, \$1,000,000 for streetscaping improvements on Front Street West between University Avenue and Spadina Avenue, Simcoe Street between the railway corridor and Queen Street West including bicycle lanes, and University Avenue between Front Street West and King Street West and Richmond Street West between University Avenue and Spadina Avenue; and
 - c. \$350,000 for weather protection and improvements to the four at-grade TCC stairways at St. Andrew subway station;
2. provide a public art contribution in accordance with the City of Toronto's Percent for Public Art Program;
3. provide the City of documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification;
4. provide the City (including members of the public) with a pedestrian walkway through the building(s) within the *site*;
5. provide and maintain within the *site* a publicly accessible walkway (Galleria) connecting the structure known as the SkyWalk to Front Street West;
6. provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwell and associated enclosure;

7. provide the incorporation, in the construction of the building, of exterior materials to be shown for the podium along Simcoe Street, Front Street West and Station Street, pedestrian weather protection and landscaping materials;
8. provide and maintain an irrigation system for any proposed trees within the public road allowance;
9. provide and maintain matters to permit the installation and mature growth of all proposed plant material;
10. provide, before site plan approval, an architectural plan and/or renderings of the roof of the podium, to include a green roof, or a combination of an appropriately landscaped roof and other architectural design treatment and exterior materials;
11. provide knock-out panels to accommodate a potential future connection to the PATH system and enter into the Wayfinding Agreement;
12. provide improvements to the PATH system;
13. provide revisions to the development, if any, to address the recommendations of a Pedestrian Level Wind Study;
14. provide revisions to the development, or a Letter of Credit, in accordance with the recommendations of a Street Lighting Assessment;
15. comply with any other condition to ensure the orderly development and phasing of the lands;
16. provide a continuous weather protection for pedestrians with a minimum depth of 3 metres along the frontage of Simcoe Street from the north limit of Station Street to the southern property boundary;
17. re-construct the intersection of Station Street and Simcoe Street with minimum curb radii of 12 metres at the southeast corner of the intersection;
18. enter into agreements satisfactory to City Legal, in consultation with Transportation Services, City Planning and GO Transit, to secure the proposed pedestrian access through the building, and the proposed pedestrian arcade on the Simcoe Street frontage of the site, as well as the pedestrian facilities on Station Street;
19. submit, for review and acceptance prior to site plan approval, a Transportation Demand Management Plan to the General Manager of Transportation Services, including measures to reduce automobile use;

20. have a qualified Transportation Engineer/Planner certify, in writing, to the General Manager of Transportation Services that the development has been designed and constructed in accordance with the Transportation Demand Management Plan approved by the General Manager, Transportation Services;
21. provide, maintain and operate the Transportation Demand Management measures, facilities and strategies stipulated in the Transportation Demand Management Plan approved by the General Manager, Transportation Services;
22. provide, prior to Site plan approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
23. submit a traffic monitoring report within six months of occupancy of the office building to identify vehicular trip distribution patterns associated with the project and identify mitigating measures to address any poor levels of service experienced at Front Street West/Simcoe Street, Station Street/York Street, Station Street/Simcoe Street, York Street/University Street/Front Street West and York Street/Bremner Boulevard intersections, for the review and approval of the General Manager of Transportation Services;
24. provide a Letter of Credit in the amount of \$50,000 to cover the costs associated with the following measures, as deemed appropriate by the General Manager of Transportation Services:
 - a. implementing mitigating measures such as changes to traffic regulations and installation of regulatory signage; and
 - b. implementing the approved signal timing modification and signal phasing adjustments identified at the Front Street West/Simcoe Street, Station Street/York Street, Station Street/Simcoe Street, York Street/University Street/Front Street West and York Street/Bremner Boulevard intersections, which are attributable, in part, to this development, if any;
25. submit, prior to site plan approval, revised drawings that further refine the design of the transition between the SkyWalk atrium and the new internal corridor to the satisfaction of the Manager of Heritage Preservation Services;
26. submit, prior to site plan approval, revised 1:50 scale drawings of the elevations of the front facades of 20 York Street and 149 Front Street West to the satisfaction of the Manager of Heritage Preservation Services;
27. submit, prior to site plan approval a detailed landscape plan for the subject property, to the satisfaction of the Manager, Heritage Preservation Services;

28. provide, prior to site plan approval, plans for interpretive panels or other interpretive materials to communicate the development history of the property: the research, design, and location of the interpretive materials will be to the satisfaction of the Manager of Heritage Preservation Services;
29. provide, prior to site plan approval, a Letter of Credit in a form and in an amount satisfactory to the Manager, Heritage Preservation Services to secure all work for the research, production and installation of interpretive materials;
30. prior to the release of the Letter of Credit the owner shall obtain final approval for the interpretive materials erected on the property from the Manager, Heritage Preservation Services;
31. provide, prior to site plan approval, a revised Vibration Assessment, and if necessary, incorporate vibration mitigating measures and revised drawings, prior to approval of the site plan application and have a qualified consultant certify, in writing, that the development has been designed and constructed in accordance with the approved vibration mitigation measures;
32. provide, prior to site plan approval, a revised Noise Impact Study, and if necessary, incorporate noise mitigating measures and revised drawings, prior to approval of the site plan application and have a qualified consultant certify, in writing, that the development has been designed and constructed in accordance with the approved noise mitigation measures.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this schedule which identify the facilities, services and matters to be secured.



