

Authority: Toronto and East York Community Council  
Item TE8.11, adopted as amended, by City of Toronto  
Council on October 2 and 3, 2019 and MM12.17, by  
Councillor Kristyn Wong-Tam, seconded by  
Councillor Mike Layton, as adopted by City of Toronto  
Council on November 26 and 27, 2019

## **CITY OF TORONTO**

### **BY-LAW 1626-2019**

**To amend former City of Toronto Zoning By-law 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; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height 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 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 enacts:

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) of By-law 438-86, 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 335,000.0 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 4;

- (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 communication 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 above ground;
  - (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 percent 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 within 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 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 100.0 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 100.0 square metres of office *gross floor area*, must be provided and maintained on the *lot*; and
  - (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 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 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 kilometres 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;

- (k) "*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;
  - (l) "*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;
  - (m) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (n) "*stacked bicycle parking 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
  - (o) "*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 on November 26, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



**SCHEDULE A**  
**Section 37 Provisions**

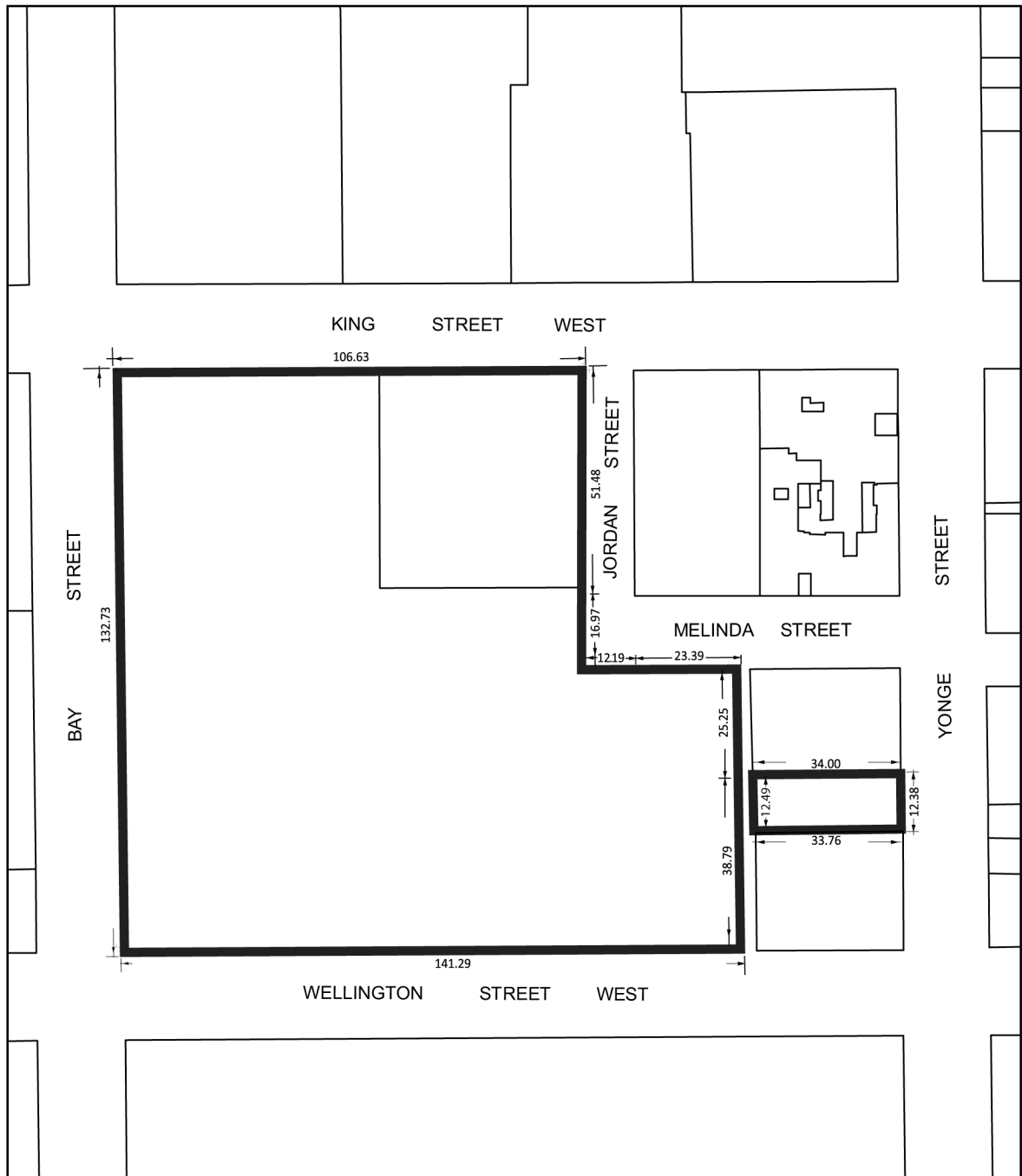
The facilities, services and matters set out below are required to be provided by the owner of the lot at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation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

1. Contributions to be allocated towards the following:
  - a. A contribution of \$3,271,000, either as a cash contribution, or secured by way of a Letter of Credit, or combination thereof, shall be directed towards public streetscape improvements adjacent to the subject site as shown on the Landscape Plans by Claude Cormier + Associes dated March 13, 2019, to the satisfaction of the Chief Planner and Executive Director, City Planning, payable prior to the issuance of the first above-grade permit;
  - b. A cash contribution of \$1,829,000 to be allocated to public streetscape improvements within the Financial District, of which the boundaries are established on Map 41-2 of the Downtown Plan, payable prior to the issuance of the first above-grade permit;
  - c. A cash contribution of \$12,400,000, payable prior to the issuance of the first above-grade permit, to be directed as follows:
    - i. \$8,000,000 towards the provision of new affordable housing within Ward 13, to be directed to the Capital Revolving Fund for Affordable Housing, in consultation with the Ward Councillor; and
    - ii. \$4,400,000 towards the provision of local streetscape improvements within Ward 13, in consultation with the Ward Councillor; and
  - d. A contribution of a minimum value 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. Alternatively, if it is determined that the public art will not be on-site, the owner will contribute the \$1,000,000 to the City's capital budget for Public Art off-site to be commissioned by the City, the owner agrees to advise the City, in writing of its chosen option prior to the issuance of the first 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, 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;
  - 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;
  - 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 and Executive Director, Engineering and 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;
  - e. Comply with the City's Tree By-laws, including a tree planting plan, to the satisfaction of the Supervisor, Tree Protection and Plan Review, Urban Forestry, Parks Forestry and 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 Item TE8.11;
    - 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;

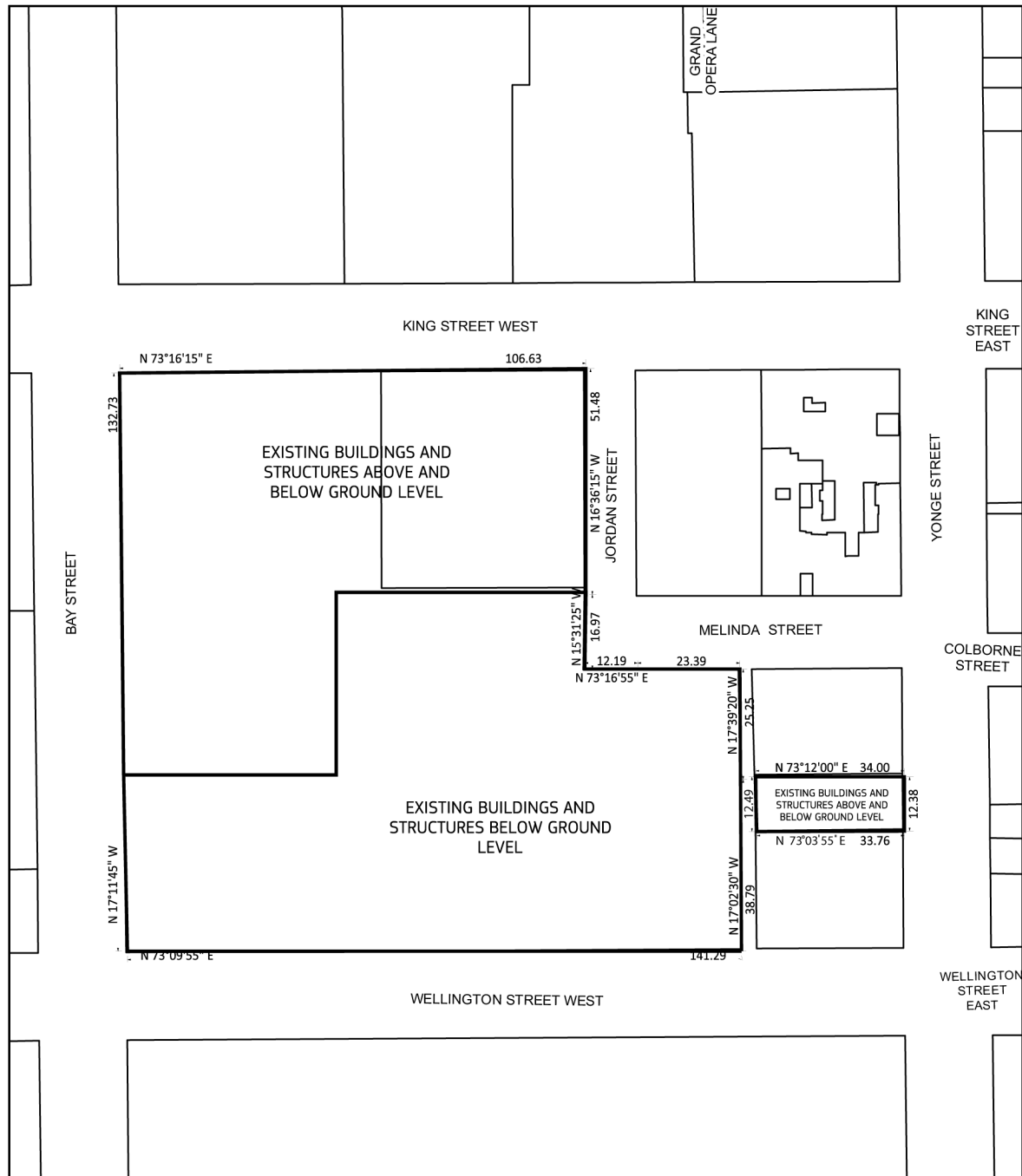
- iv. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior 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 Item TE8.11 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;
  - iv. Register the heritage easement agreement on title to the satisfaction of the City Solicitor; 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; and
- i. Upon the necessary Zoning By-law Amendments required for the subject property have come into full force and effect, or at an earlier time determined by the Chief Planner and Executive Director, City Planning, should it be deemed necessary to establish a working group for the associated site plan application, one will be convened, in accordance with a terms of reference established by City Planning, in consultation with the Ward Councillor, to address matters under section 114 of the City of Toronto Act.



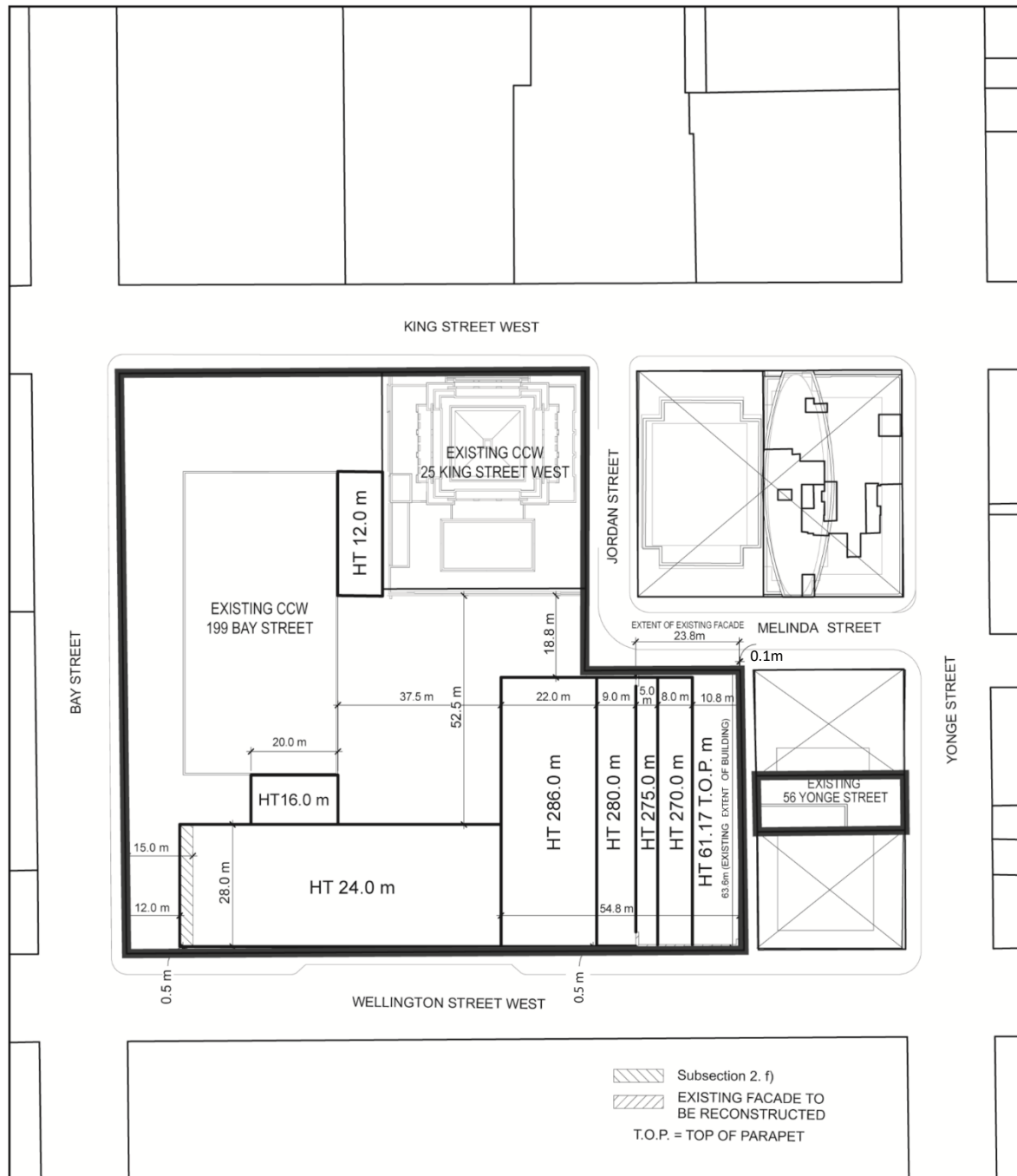
 **Toronto**  
Map 1

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



**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



**Toronto**  
Map 3

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

File # 17 277715 STE 28 0Z



 **Toronto**  
Map 4

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

File # 17 277715 STE 28 02