

Authority: Local Planning Appeal Tribunal Decision
issued on April 20, 2018 and Order issued on
January 15, 2020 in Board File PL160942

CITY OF TORONTO

BY-LAW 681-2020(LPAT)

To amend former City of Toronto Harbourfront Zoning By-law 289-93, as amended, with respect to a portion of Parcel MLQ-3 known municipally as 350, 370, 390 and 396 Queens Quay West.

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* or 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 Section 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, and the Local Planning Appeal Tribunal on appeal, 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 *height* and density beyond that otherwise permitted on the aforesaid lands by By-law 289-93, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas the Local Planning Appeal Tribunal pursuant to its Order PL160942 issued on April 20, 2018, upon hearing the appeal of Coal Harbour Properties Limited under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Harbourfront Zoning By-law 289-93, as amended, with respect to the lands municipally known as 350, 370, 390 and 396 Queens Quay West;

The Local Planning Appeal Tribunal Orders that By-law 289-93, the Harbourfront Zoning By-law, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in *height* and density of development on the lands shown on Map 1 attached to and forming part of this By-law beyond that otherwise permitted in By-law 289-93 is permitted in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 of this By-law 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.

2. Where Appendix 1 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.
3. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in *height* or density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
4. District Map 50G-312 contained in Appendix "A" of By-law 289-93, "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Harbourfront area", as amended, is further amended by:
 - a. redesignating from "CR" to "G" the lands identified as "G" on Map 1 attached to and forming part of this By-law.
5. Map 2 of 2 contained in Appendix "C" of By-law 289-93 is amended by deleting the label "Parcel MLQ-3" and replacing it with labels for Parcel MLQ-3A and Parcel MLQ-3B, as shown on Map 3 attached to and forming part of this By-law.
6. Subsection 7(h) is amended by deleting the term "Parcel MLQ-3" and replacing it with "Parcels MLQ-3A and MLQ-3B".
7. Subsection 26(a) is amended by deleting the row specifying 77 parking spaces for Parcel MLQ-3.
8. Appendix E is amended by deleting the Maximum Residential Gross Floor Area requirement of 45,000 square metres, the Maximum Non-Residential Gross Floor Area requirement of 11,900 square metres and the Maximum Combined Residential Gross Floor Area and Non-Residential Gross Floor Area requirement of 55,958 square metres for Parcel MLQ-3 and replacing them with 44,238 square metres, 11,698 square metres and 55,011 square metres, respectively, for Parcel MLQ-3A and 762 square metres, 202 square metres and 947 square metres, respectively, for Parcel MLQ-3B.
9. None of the provisions of Subsection 4(1) with respect to the definitions of *lot*, *non-residential gross floor area* and *residential gross floor area*, and Sections and subsections 14(1), 18(i) and (ii), 19(1), (2) and (3), 20(1), 24(1), 25(1) to (5), 26(a), 27(i), 31, 34(a), (b) and (c), and Appendix E and F of the aforementioned Zoning By-law 289-93, as amended, shall apply to prevent the erection or use of a mixed-use building 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 2 attached to and forming part of this By-law;
 - b. The maximum permitted combined *residential gross floor area* and *non-residential gross floor area* shall be 85,000 square metres, of which a maximum

of 75,500 square metres shall be *residential gross floor area* and a maximum of 11,500 square metres shall be *non-residential gross floor area*;

- c. No portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the "H" symbol as shown on Map 4 of this By-law, with the exception of the following:
- i. parapets, guard rails, railings, landscaping and elements of a green roof or green wall, sound attenuating structures, stairs and stair enclosures, chimney stacks and garbage chute overruns may exceed the applicable *height* limits shown on Map 4 to a maximum of 3.0 metres;
 - ii. trellises, privacy screens and dividers, architectural features, structures used for outside or open air recreation, recreational structures and structures used for safety or wind protection purposes may exceed the applicable *height* limits shown on Map 4 in the areas indicated as "H 20.15", "H 41.8" and "H 60.0" to a maximum of 3.0 metres;
 - iii. roof canopies may exceed the applicable *height* limits shown on Map 4 in the area indicated as "H 58.0" to a maximum of 6.0 metres;
 - iv. a mechanical penthouse, elevator overruns and associated electrical features, cooling towers, generators, roof maintenance catwalk and associated enclosures may exceed the applicable *height* limits shown on Map 4 in the area indicated as "H 58.0" to a maximum of 6.0 metres;
 - v. the items listed in (iv) above may also exceed the applicable *height* limits shown on Map 4 in the area indicated as "H 60.0" to a maximum of 6.0 metres, and shall be limited to the shaded area as also shown on Map 4; and
 - vi. a mechanical penthouse, cooling towers, stairs and stair enclosures and chimney stacks may exceed the applicable *height* limits shown on Map 4 in the area indicated as "H 16.5" to a maximum of 6.0 metres;
 - vii. lightning rods and window washing equipment may exceed the applicable *height* limits shown on Map 4 in the areas indicated as "HT 58.0" and "H 60.0";
- d. No portion of any building or structure on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 4 of this By-law, with the exception of the following:
- i. balconies and architectural frames and features with a maximum horizontal projection of 0.5 metres within the 1.0 metre south setback and within the 5.0 metre north setback as shown on Map 4; and

- ii. canopies, awnings, eaves, cornices, light fixtures, ornamental elements, art, patios, decks, pillars, terraces, window sills, planters, balustrades, doors, wheelchair ramps, fences, and site servicing features with a maximum horizontal projection of 0.5 metres;
- e. Within the hatched area shown on Map 5, the following setbacks are required from the north *lot* line:
 - i. a minimum setback of 10.0 metres is required to any portion of the building or structure with a height of 3.0 metres or less; and
 - ii. subject to (i) above, a minimum setback of 6.5 metres is required to any portion of the building or structure with a height of 7.0 metres or less;
- f. None of the provisions of Section 18 in By-law 289-93 shall apply to any buildings or structures on the *lot* existing as of the enactment date of By-law 681-2020(LPAT);
- g. A minimum of 46 *dwelling units* shall be three bedroom *dwelling units*;
- h. *Residential amenity space* shall be provided on the *lot* in accordance with the following:
 - i. a minimum of 1,300 square metres of indoor *residential amenity space*; and
 - ii. a minimum of 1,500 square metres of outdoor *residential amenity space*;
- i. *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - i. a minimum of 0.36 *parking spaces* per dwelling unit, of which a minimum of 0.06 *parking spaces* per dwelling unit shall be provided and shared for visitors and commercial uses;
- j. Despite Subsection 23(ii), *parking spaces* for visitors and commercial uses on the *lot* may be provided as paid parking;
- k. Despite the definition of *parking space* in By-law 289-93 and the provisions of Section 25(5)(e) regarding ingress and egress to and from parking facilities, a parking space, driveway or passageway that existed on the date of final approval of this by-law shall be deemed to comply with the dimension standards for a *parking space*, driveway or passageway as prescribed in By-law 289-93, to a maximum of 361 *parking spaces*;
- l. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

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- i. a minimum of 309 *bicycle parking spaces – occupant* shall be provided for residents within a secured room, enclosure or bicycle locker; and
 - ii. a minimum of 39 *bicycle parking spaces – visitor* shall be provided and shared for visitors and commercial uses;
 - m. Despite the definition of *loading space – type G*, *loading space – type B* and *loading space – type C* in By-law 289-93, a loading space that existed on the date of final approval of this by-law shall be deemed to comply with the dimension standards for a *loading space – type G*, *loading space – type B* and *loading space – type C* as prescribed in By-law 289-93; and
 - n. A minimum of one *loading space – type G*, one *loading space – type B* and two *loading spaces – type C* shall be provided and maintained on the *lot* in accordance with (m) above.
10. On the lands zoned "G" within Parcel MLQ-3A:
- a. existing *parking spaces*, garbage storage, temporary mechanical and electrical service structure and temporary *parking spaces* are permitted as an interim use pending completion of redevelopment on the lands zoned CR within Parcel MLQ-3A; and
 - b. the stockpiling of materials and construction staging is permitted as an interim use pending completion of redevelopment on the lands zoned CR within Parcel MLQ-3A.
11. For the purposes of this By-law, all italicised words and expressions have the same meaning as defined in By-law 289-93, as amended, with the exception of the following:
- a. "*bicycle parking space*" means a *bicycle parking space - occupant* or a *bicycle parking space-visitor*;
 - b. "*bicycle parking space - occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - i. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.1 metres and a vertical dimension of at least 2.0 metres;
 - iii. in the case of a bicycle rack, is located in a secured room or area;
 - c. "*bicycle parking space - visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:

- i. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.1 metres and a vertical dimension of at least 2.0 metres;
 - iii. may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker;
- d. "*non-residential gross floor area*" means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, above or below *grade*, of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:
 - i. a room or enclosed area, including its enclosing walls, within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that service the building;
 - ii. loading facilities above or below *grade* required by this By-law;
 - iii. a part of the building or structure below *grade* that is used for parking of motor vehicles or bicycles, storage or other *accessory* use;
 - iv. a part of the building or structure above *grade* that is used for the required parking or storage of bicycles; and
 - v. a part of the building or structure below *grade* that was erected and used for one or more non-residential use permitted by this by-law on the *lot* on January 31, 1976;
- e. "*residential gross floor area*" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above and below *grade*, of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure, exclusive of the following areas:
 - i. a room or enclosed area, including its enclosing walls within the building or structure above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that serves the building;

- ii. loading facilities required by this By-law or any other zoning by-law;
 - iii. a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use, provided the floor level, excluding any access ramp, is at least 0.9 metres below *grade*;
 - iv. above *grade residential amenity space* required by this By-law; and
 - v. above *grade bicycle parking spaces* required by this By-law; and
- f. "*residential amenity space*" means a common area or areas within a *lot* which are provided for the exclusive use of residents of a building for recreational or social purposes.
- 12.** Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

Pursuant to Local Planning Appeal Tribunal Decision issued on April 20, 2018 and Order issued on January 15, 2020 in Board File PL160942.

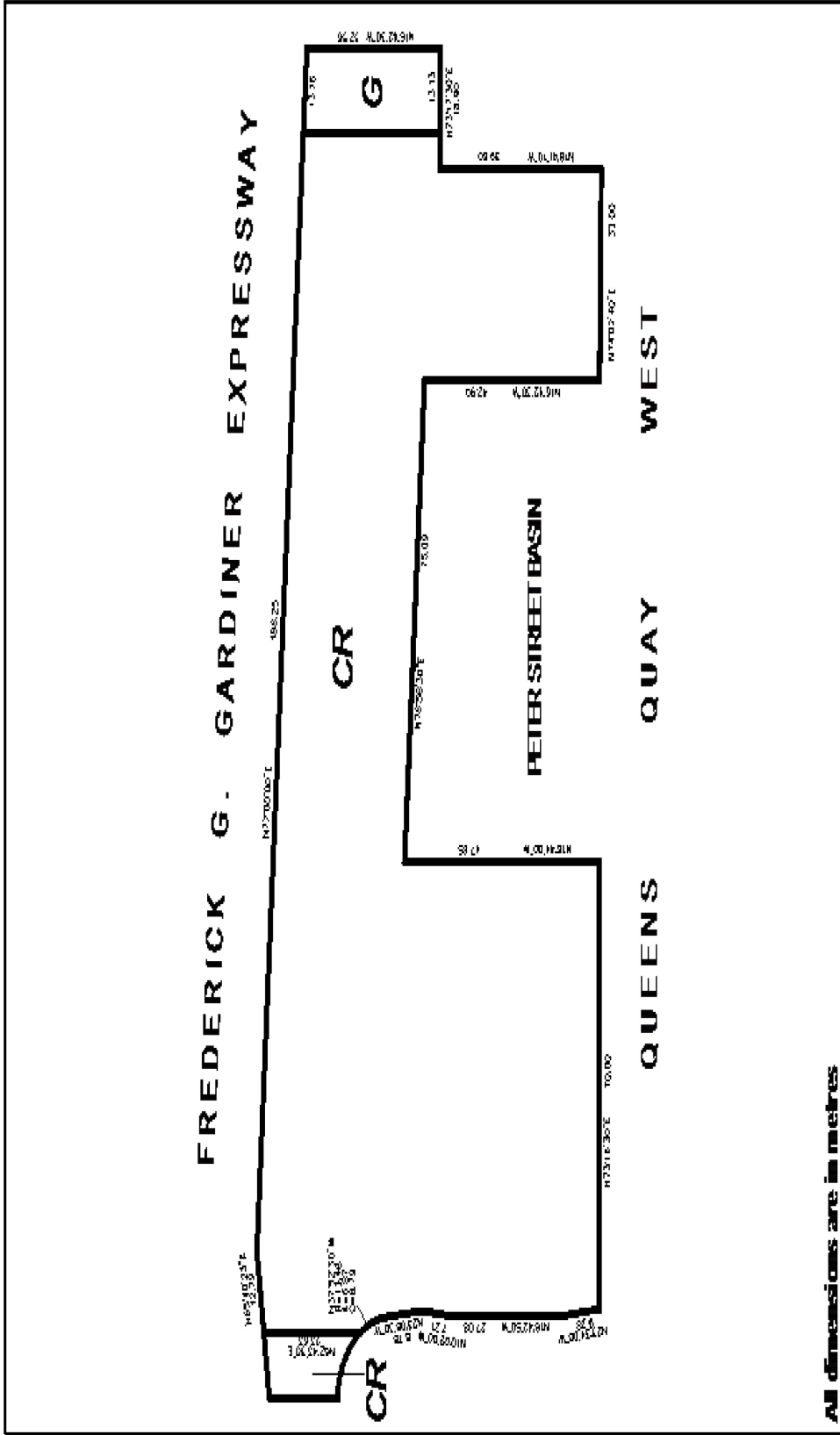
APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out below are the matters required to be provided by the *owner* of the *lot* at its expense in return for the increase in height and density of the proposed development and secured in an agreement or agreements, pursuant to Section 37(3) of the Planning Act, whereby the *owner* agrees as follows:

1. Prior to the issuance of an above *grade* building permit, the *owner* shall provide a financial contribution to the City in the amount of one million nine hundred thousand dollars (\$1,900,000.00 CAN) payable by certified cheque to the Treasurer, City of Toronto, to be used toward the following community benefits, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor:
 - (a) a cash contribution of up to \$500,000 for public realm improvements to the water's edge promenade surrounding the Peter Street Basin;
 - (b) a cash contribution of \$200,000 to the Capital Revolving Fund for Affordable Housing for the provision of new affordable rental housing units as part of the Alexandra Park Revitalization in Ward 10;
 - (c) a cash contribution of \$200,000 to the Toronto Community Housing Revolving Fund for capital repairs to existing Toronto Community Housing buildings in Ward 10;
 - (d) a cash contribution representing the balance of the total contribution to be used for community services, facilities, parkland acquisition and/or parkland improvements related to the implementation of the Bathurst Quay Neighbourhood Plan.
2. The above cash contribution will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date that the final Order is issued by the LPAT approving the Zoning By-law Amendment to the date of payment.
3. In lieu of the cash contribution set out in paragraph 1(a) above, the *owner* may enter into an agreement with the City to undertake such public realm improvements to the water's edge promenade surrounding the Peter Street Basin to a maximum reimbursable value of \$500,000. Such improvements will be subject to a design competition co-ordinated by the City in consultation with the *owner*. The details for design and construction of such improvements will be detailed in the agreement entered into under section 37(3) of the Planning Act.
4. The *owner* agrees that the indoor *residential amenity space* and outdoor *residential amenity space* will be made available to the tenants of the existing rental units on site on the same conditions as to the new residents of the proposed development.

5. The agreement entered into under section 37(3) of the Planning Act shall contain a requirement that the *owner* prepare a Construction Mitigation and Tenant Communication Plan prior to issuance of building permits for the construction of the new building at 370 Queens Quay West and the addition to the existing building at 350 Queens Quay West.



350, 370, 390 & 396 Queens Quay West, Toronto

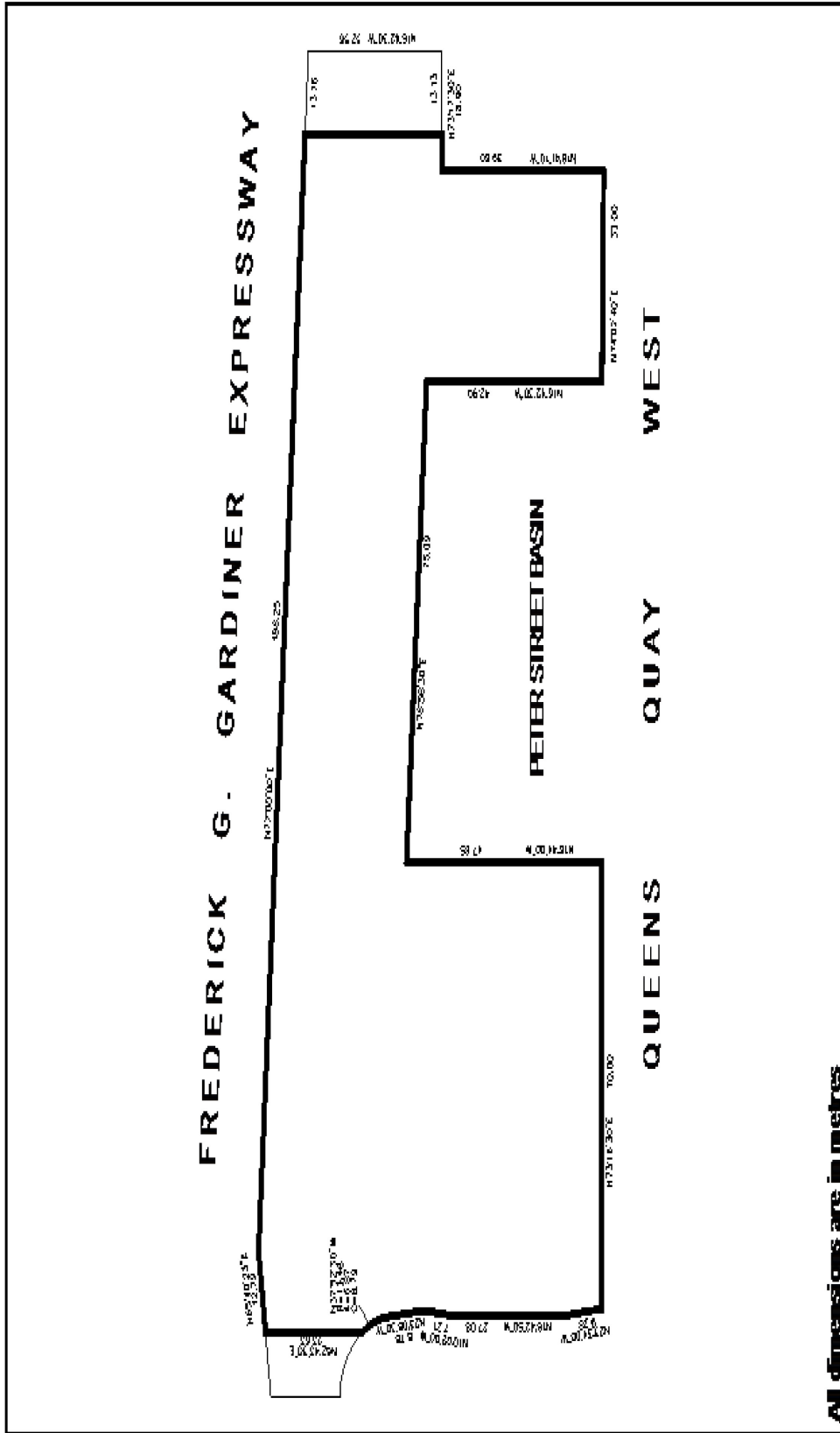
All dimensions are in metres



Map 1

File #18





All dimensions are in metres



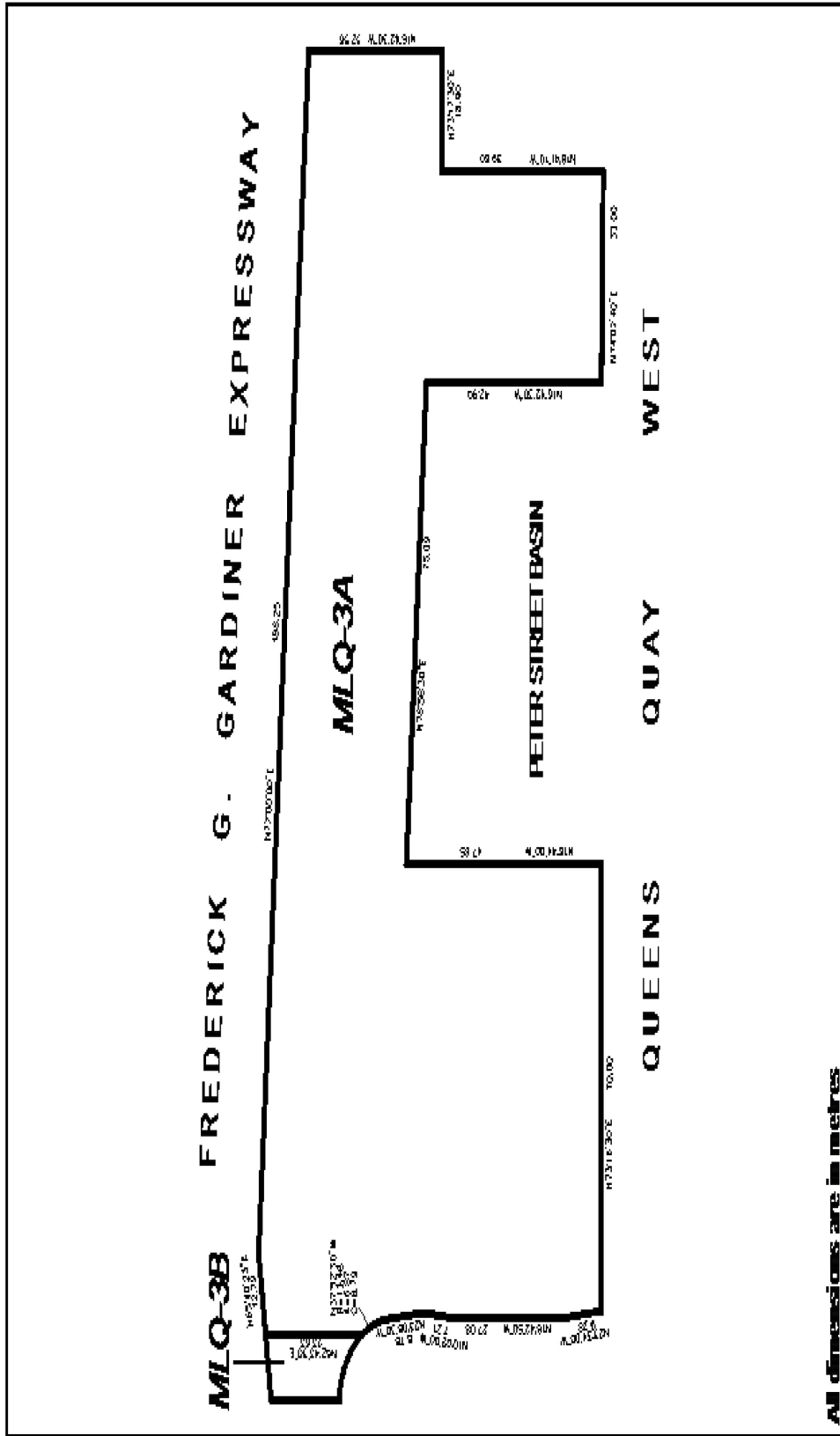
Map 2

350, 370, 390 & 396 Queens Quay West, Toronto

File #18



North Arrow



All dimensions are in metres

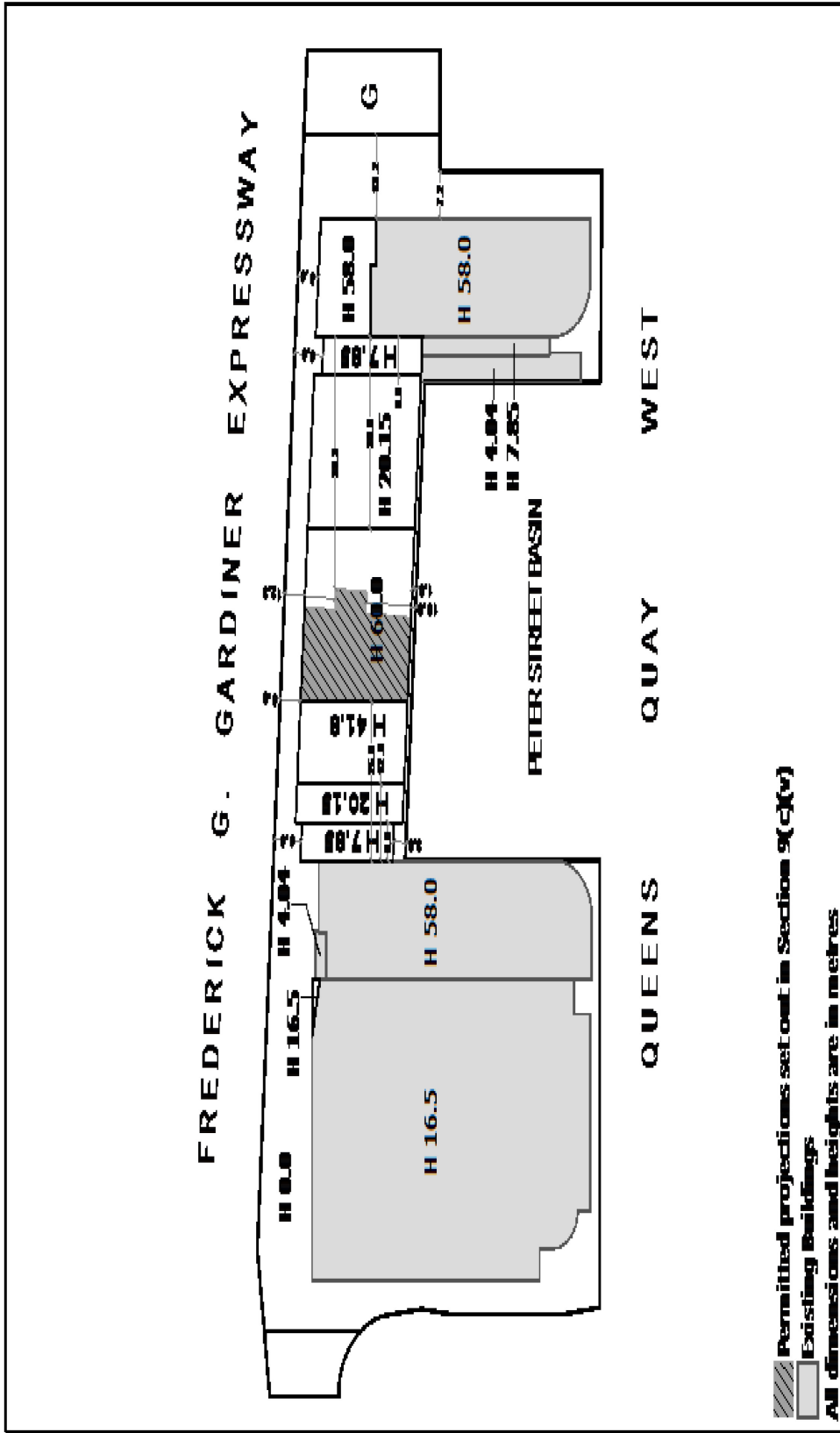


Map 3

350, 370, 390 & 396 Queens Quay West, Toronto

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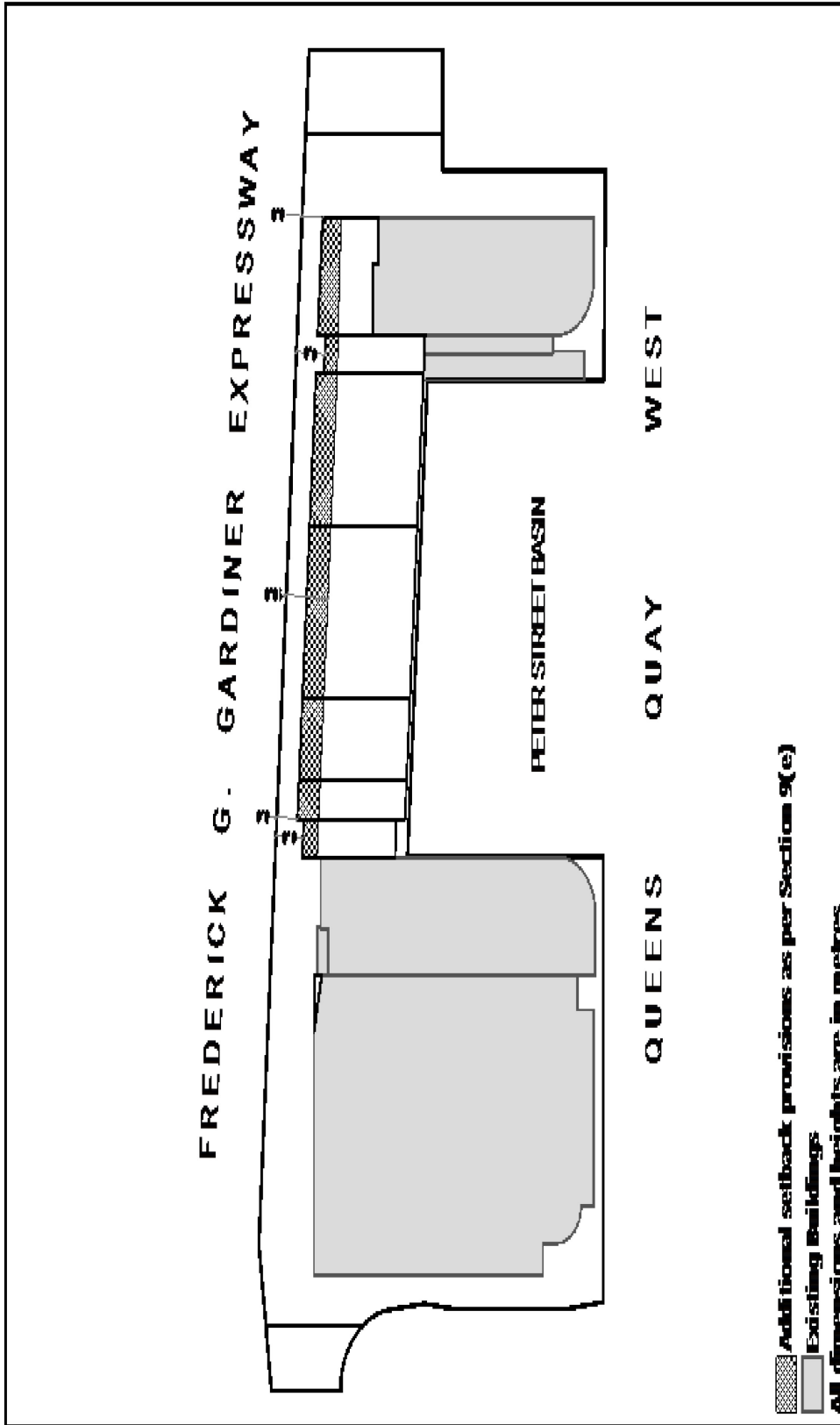
350, 370, 390 Queens Quay West, Toronto

TORONTO City Planning Division

File #18

Map 4





 Additional setback provisions as per Section 9(e)
 Existing Buildings
 All dimensions and heights are in metres



350, 370, 390 & 396 Queens Quay West, Toronto

Map 5

File #18

