

Authority: Toronto and East York Community Council
Item TE12.3, as adopted by City of Toronto Council on
April 17 and 18, 2024
City Council voted in favour of this by-law on May 23,
2024
Written approval of this by-law was given by Mayoral
Decision 13-2024 dated May 23, 2024

CITY OF TORONTO

BY-LAW 493-2024

To amend the former City of Toronto Harbourfront Zoning By-law 289-93, as amended, and to amend By-law 681-2020(LPAT), as amended, with respect to a portion of Parcel MLQ-3A known municipally in the year 2023 as 350, 370, 390 and 396 Queens Quay West.

Whereas authority is given to Council by 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;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law 289-93, as amended, shall continue to apply to the lands delineated by heavy lines shown on Map 1 attached to this By-law.
2. By-law 289-93, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Harbourfront Area is further amended by:
 - (1) Replacing Map 4 in By-law 681-2020(LPAT), as amended, with Map 3 from this By-law showing permitted building *heights* and setbacks.
 - (2) Replacing Map 5 in By-law 681-2020(LPAT), as amended, with Map 4 from this By-law showing setbacks from the north property line.
 - (3) Replacing Subsection (f) – "residential amenity space", in Section 11 of By-law 681-2020(LPAT), as amended, with the following:
 - f. "*amenity space*" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities;
 - (4) Following Subsection (f) in Section 11 of By-law 681-2020(LPAT), as amended, the following Subsections shall be added:

- g. "hotel" means premises used to cater to the needs of the travelling public by providing sleeping accommodation in rooms or suites, and it may include an eating establishment that is ancillary to the *hotel*;
 - h. "existing building" means a building or structure existing on the *lot* on the date of the passing of this By-law; and
 - i. "green roof" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.
- (5) Replacing Section 9 of By-law 681-2020(LPAT), as amended, with the following Section:
- None of the provisions of Subsection 4(1) with respect to the definitions of *lot*, *hotel*, *non-residential gross floor area* and *residential gross floor area*, and Sections and Subsections 13(2)(d), 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 of the lands delineated by heavy lines on Map 2 attached to and forming part of this By-law;
 - B. A *hotel* is permitted on the lot, provided the use is functionally separated from residential uses, and is located within the areas shown on Map 5 of this By-law;
 - C. The maximum permitted combined *residential gross floor area* and *non-residential gross floor area* shall be 98,500 square metres, of which:
 - i. a maximum of 92,000 square metres shall be *residential gross floor area*; and
 - ii. a minimum of 6,500 square metres shall be *non-residential gross floor area*;
 - D. Subsections (J)(i & ii), (K), and (Q) of this By-law, shall not apply to a *hotel* in the *existing building*, on the second floor of 390 Queens Quay West, as shown on Map 5 of By-law 493-2024;
 - E. None of the provisions of this By-law shall prevent non-residential uses permitted by By-law 289-93, as amended, except for a *hotel* use, in the *existing building*, on the second floor of 350 Queens Quay West, as shown on Map 5 of By-law 493-2024;

- F. 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 3 of this By-law, with the exception of the following, to a maximum Canadian Geodetic Datum of 142.80 metres:
- i. parapets, guard rails, railings, landscaping, mechanical vents and elements of a green roof or green wall, sound attenuating structures, stairs and stair enclosures, chimney stacks, antennas, and garbage chute overruns may exceed the applicable *height* limits shown on Map 3 to a maximum of 3.0 metres;
 - ii. trellises, privacy screens and dividers, architectural features, structures used for outside or open air recreation, and recreational structures may exceed the applicable *height* limits shown on Map 3 in the areas indicated as "H 16.5", "H 20.0", "H 20.15", "H 21.5", "H 41.8", "H 60.0" and "H 63.0" to a maximum of 3.0 metres;
 - iii. structures used for wind protection purposes may exceed the applicable *height* limits shown on Map 3 in the areas indicated as "H 20.0", "H 20.15", "H 21.5", "H 41.8", "H 60.0" and "H 63.0" to a maximum of 3.0 metres, and "H 16.5" to a maximum of 5.0 metres;
 - iv. roof canopies may exceed the applicable *height* limits shown on Map 3 in the area indicated as "H 58.0" to a maximum of 6.0 metres;
 - v. a mechanical penthouse, elevator overruns and associated electrical features, cooling towers, generators, roof maintenance walkways and associated enclosures may exceed the applicable *height* limits shown on Map 3 in the area indicated as "H 58.0" to a maximum of 6.0 metres, and "H 58.5 to a maximum of 7.0 metres;
 - vi. an amenity washroom and the items listed in (v) above may exceed the applicable *height* limits shown on Map 3 in the area indicated as "H 60.0" and "H 63.0" to a maximum of 6.0 metres, and shall be limited to the shaded area as also shown on Map 3;
 - vii. a mechanical penthouse, cooling towers, stairs and stair enclosures, and chimney stacks may exceed the applicable *height* limits shown on Map 3 in the area indicated as "H 16.5", "H 20.0" and "H 21.5" to a maximum of 6.0 metres;
 - viii. lightning rods may exceed the applicable *height* limits shown on Map 3 in the areas indicated as "H 7.85", "H 7.86", "H 20.0", "H 21.5", "H 58.0", "H 60.0" and "H 63.0" to a maximum of 2.0 metres;

- ix. window washing equipment may exceed the applicable *height* limits shown on Map 3 in the areas indicated as "H 20.0", "H 21.5", "H 58.0", "H 60.0" and "H 63.0" to a maximum of 4.0 metres; and
 - x. equipment used for the functional operations of the building, such as electrical, utility, mechanical and ventilation equipment, structures that enclose, screen or cover equipment used for the functional operations of the building, and window washing equipment may exceed the applicable *height* limits shown on Map 3 in the areas indicated as "H 7.86" to a maximum of 2.0 metres;
- G. 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 3 of this By-law, with the exception of the following:
 - i. balconies and architectural 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 3; and
 - ii. canopies, awnings, eaves, cornices, light fixtures, ornamental elements, art, pillars, terraces, window sills, planters, balustrades, doors, wheelchair ramps, fences, and site servicing features with a maximum horizontal projection of 0.5 metres and within the 5.0 metre north setback as shown on Map 3;
- H. Despite (G) above, within the hatched area as shown on Map 4 of this By-law, the following setbacks are required from the north *lot* line:
 - i. a minimum setback of 10.0 metres is required to any portion of a 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 a building or structure with a *height* of 7.0 metres or less;
- I. None of the provisions of Section 18 in By-law 289-93, as amended, shall apply to any building or structure on the *lot* existing as of the enactment date of By-law 493-2024;
- J. A maximum of 1108 *dwelling units* are permitted on the *lot* and shall include:
 - i. a minimum of 390 two-bedroom *dwelling units*; and
 - ii. a minimum of 72 three-bedroom *dwelling units*;

- K. Residential *amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 1,805 square metres of indoor residential *amenity space*;
 - ii. a minimum of 2,015 square metres of outdoor residential *amenity space*;
 - iii. at least 40.0 square metres is outdoor residential *amenity space* in a location adjoining or directly accessible to the indoor residential *amenity*; and
 - iv. no more than 25 percent of the outdoor component may be a *green roof*;
- L. A minimum of 128 square metres of indoor hotel *amenity space* is required;
- M. *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i. a minimum of 0.19 *parking spaces* per *dwelling unit* shall be provided for residents of the *dwelling units*;
 - ii. a minimum of 0.06 parking spaces per *dwelling unit* shall be provided on the lot for visitor and commercial uses; and
 - iii. a minimum of five (5) accessible *parking spaces* plus one (1) additional accessible *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces* shall be provided;
- N. Accessible *parking spaces* shall be provided and maintained on the lot in accordance with the following requirements:
- i. an accessible *parking space* shall 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 parallel accessible *parking space* shall have the following minimum dimensions:
 - 1. length of 7.1 metres;

- 2. width of 2.6 metres; and
 - 3. vertical clearance of 2.1 metres;
 - iii. the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - O. Despite Subsection 23(ii) in By-law 289-93, *parking spaces* for visitors and commercial uses may be provided at the rear of the *lot* and as paid parking;
 - P. Despite the definition of *parking space* in By-law 289-93 and the provisions of Subsection 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 342 *parking spaces*;
 - Q. *Bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following requirements:
 - i. a minimum of 534 *bicycle parking spaces – occupant* shall be provided for residents within a secured room, enclosure or bicycle locker; and
 - ii. a minimum of 64 *bicycle parking spaces – visitor* shall be provided on the ground floor and shared for visitors and commercial uses;
 - R. 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;
 - S. Loading spaces must be provided and maintained on the *lot*, in accordance with (C) and (R) above, as follows:
 - i. A minimum of one *loading space – type G*;
 - ii. A minimum of one *loading space – type B*;
 - iii. A minimum of two *loading spaces – type C*;
- (6) 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.

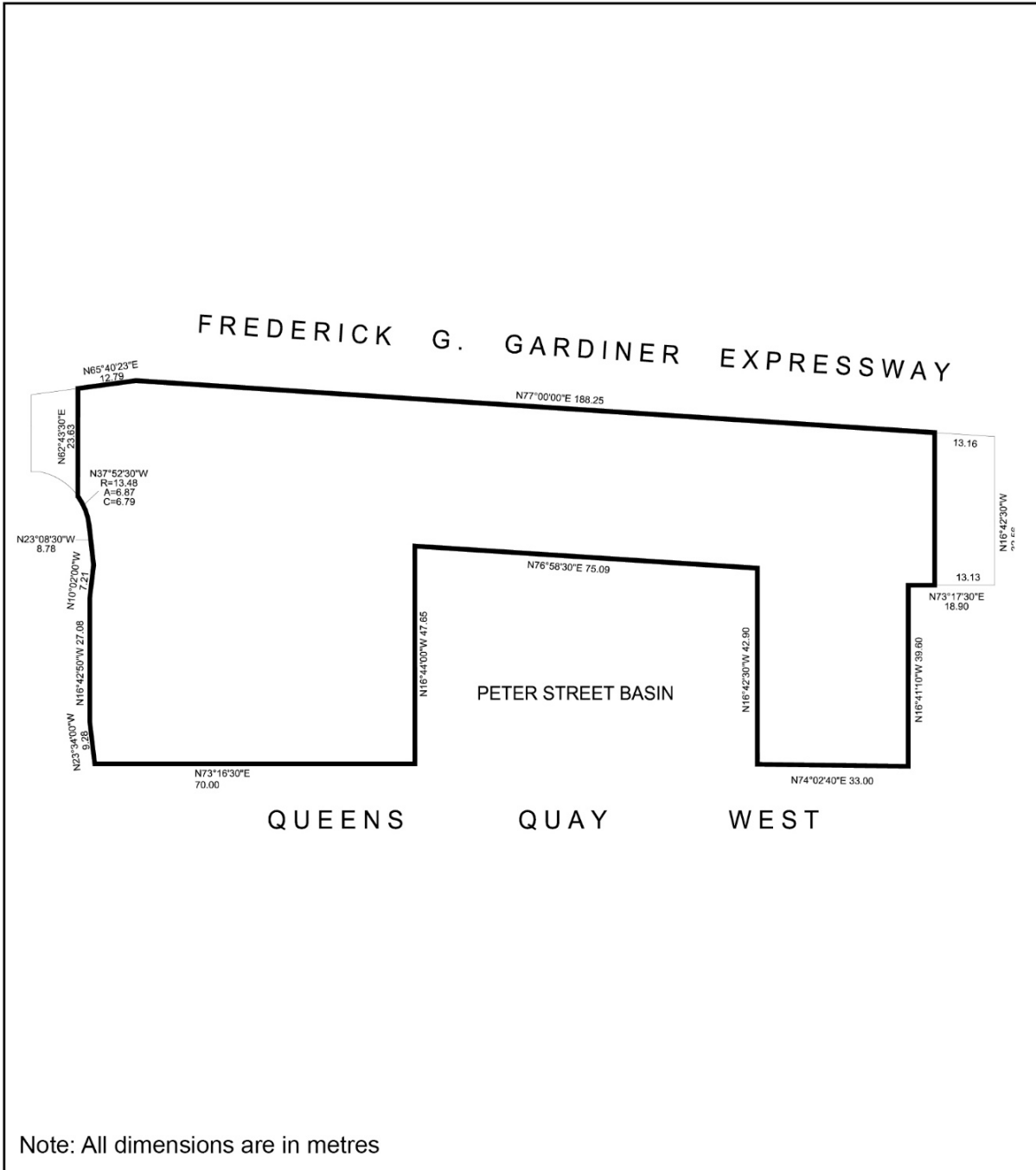
Enacted and passed on May 23, 2024.

Frances Nunziata,
Speaker

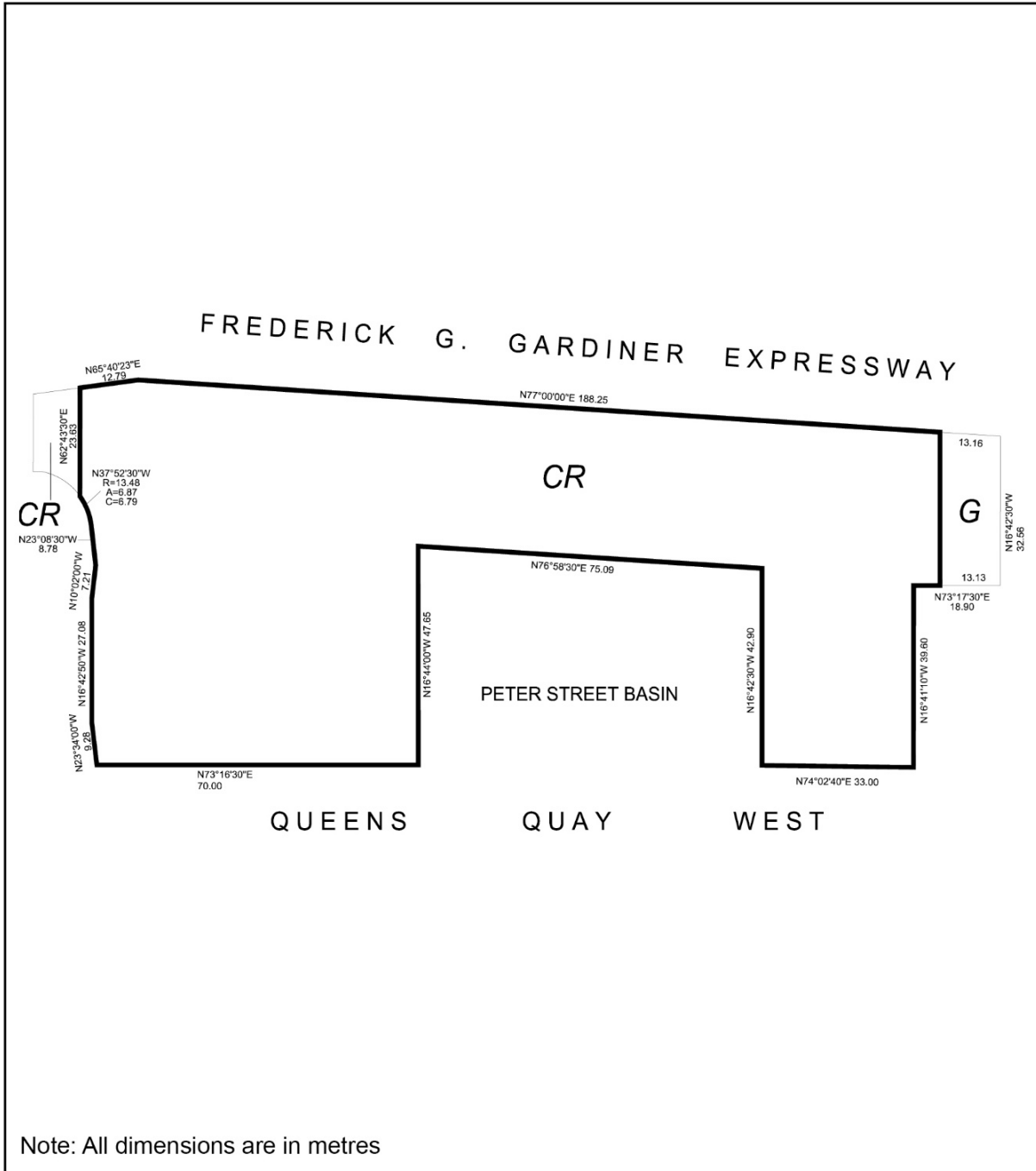
John D. Elvidge,
City Clerk

(Seal of the City)

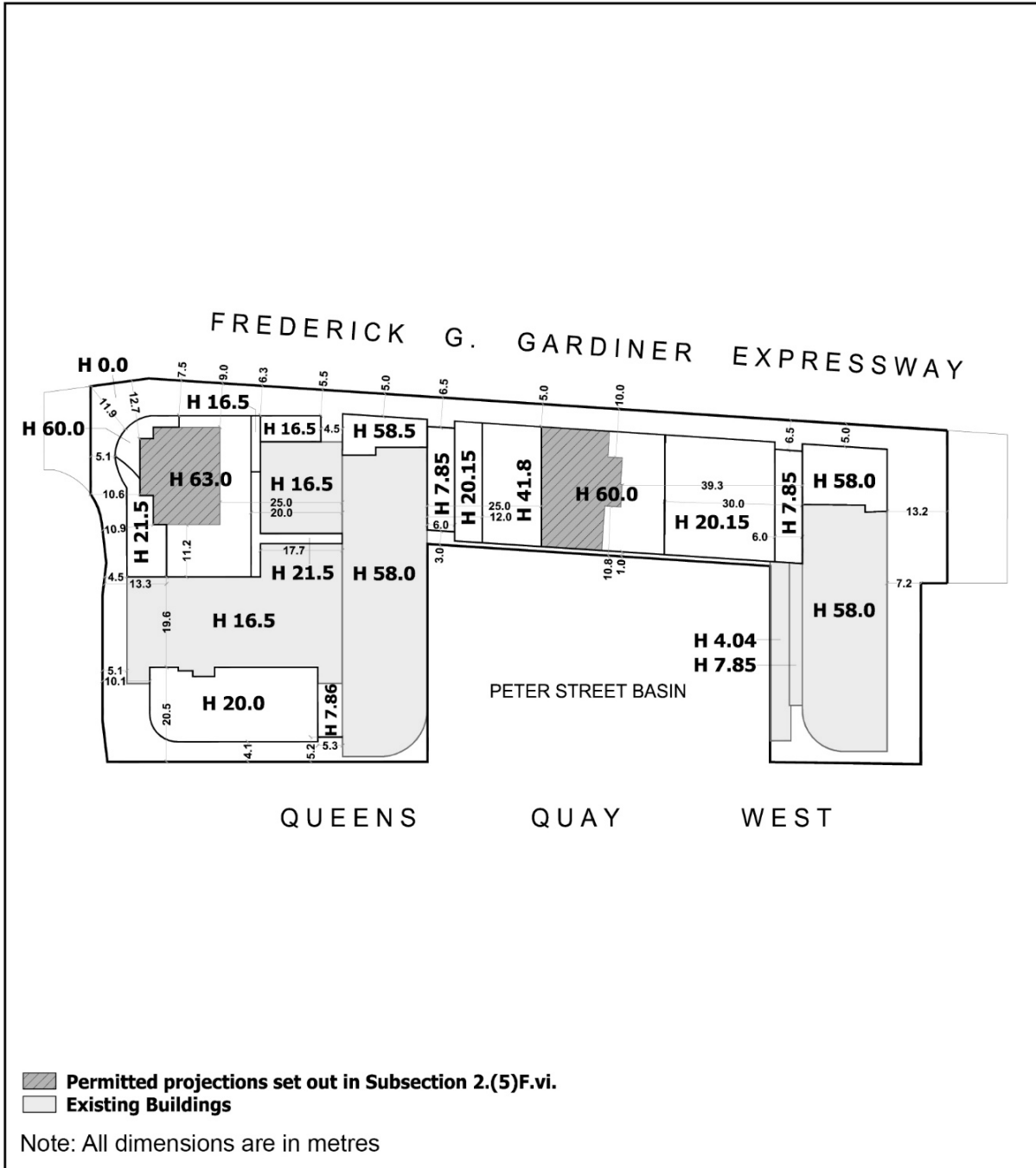
Map 1



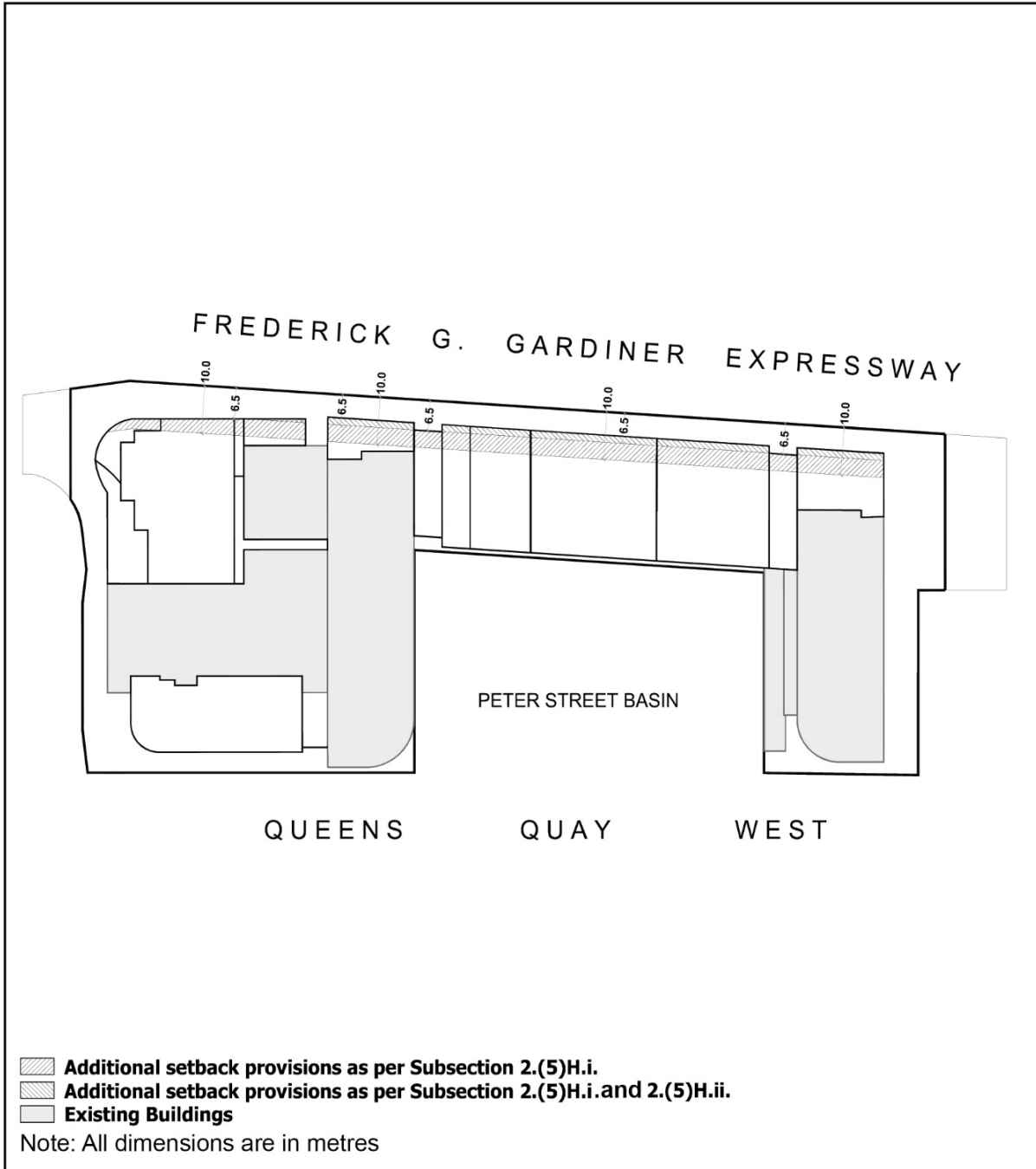
Map 2



Map 3



Map 4



Map 5

