

30 Bay St and 60 Harbour Street – Zoning Amendment – Final Report

Date: June 18, 2019

To: Toronto and East York Community Council

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

Ward: Ward 10 - Spadina-Fort York

Planning Application Number: 18 120884 STE 28 OZ

SUMMARY

This application proposes to permit the construction of a 60-storey (281 metre high) office development including an 8 storey podium and 4 levels of underground parking at 30 Bay Street and 60 Harbour Street. The existing heritage building on the property, The Toronto Harbour Commission Building, will be preserved in its entirety and will be connected to the development by a glass atrium at the north side of the building. The tower portion of the proposed office building will cantilever over a small portion of the heritage building at a height of 52 metres.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the A Place to Growth Plan (2019).

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposal is consistent with the relevant policies of the Official Plan. The proposal represents a new Leed Gold office building within the extension of the Financial District to Southcore that is accessible to public transit, improves the public realm and provides for an extension to the PATH system.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 30 Bay Street and 60 Harbour Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the June 18, 2019 report from the Director, Community Planning, Toronto and East York District.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - a. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 30 Bay Street prepared by GBCA Architects dated March 29, 2019, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. Register an amending Heritage Easement Agreement to update the permitted alterations, Reasons for Identification and Schedule "B" photographs on the existing Heritage Easement Agreement registered on title to the property at 30 Bay Street (formerly known as 60 Harbour Street) as Instrument No. CT918882 on December 15, 1987; and
 - c. Enter into and register on the property at 30 Bay Street one or more agreements with the City pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor and the Senior Manager, Heritage Preservation Services, with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations, including amongst other matters, securing the preparation and thereafter the implementation of a Heritage Lighting Plan, a Signage Plan, an Interpretation Plan and requiring a Letter of Credit to secure all work included in the approved Conservation Plan and approved Interpretation Plan, including provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Preservation Services.
4. 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 \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards the provision of affordable housing in Ward 10;
 - b) A cash contribution of \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards capital repairs to existing Toronto Community Housing buildings in Ward 10;
 - c) A cash contribution of \$6,800,000.00, prior to the issuance of the above-grade building permit, for:

i. Community Services and Facilities within Ward 10, which may include the Jack Layton Ferry Terminal; and/or

ii. Local parkland improvements and/or public realm improvements in Ward 10, which may include improvements to the City owned lands north of 30 Bay Street and Lake Shore Boulevard West pedestrian improvements and/or PATH improvements along the Bay Street corridor; and

d) Provide a public art contribution in accordance with the City of Toronto's Percent for Public Art Program.

5. The payment amounts referred to in Recommendation 4. 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;

6. In the event the cash contributions referred to in Recommendation 4. 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 10; and

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

a) The owner shall provide, at its own expense, an approximate area of 208 m² of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public. This POPS area is to be located fronting Harbour Street. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS;

b) The owner shall be required to pay all costs associated with the proposed boulevard extension (road narrowing) along the Bay Street frontage of the property between Lake Shore Boulevard West and Harbour Street, including all public realm improvements;

c) The owner shall be responsible for the design, construction, provision and maintenance of above grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;

- d) The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and
- e) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
- f) Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management and Community Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management and Community Communication Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, alternate parking arrangements for existing residents for the duration of any affected parking spaces used by existing residents, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community and existing tenants, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The property at 30 Bay Street was listed on the City's Heritage Register, adopted by City Council on June 20, 1973.

A Heritage Easement Agreement was registered as Instrument No. CT918882 on December 15, 1987.

The property is located within the Union Station Heritage Conservation District (HCD), designated under Part V of the Ontario Heritage Act by By-law No. 634-2006, enacted by City Council on July 27, 2006.

<https://www.toronto.ca/legdocs/bylaws/2006/law0634.pdf>

At its meeting of June 8, 2017 Public Works and Infrastructure Committee considered the Lower Yonge Precinct Municipal Class Environmental Assessment Study, and endorsed the preferred designs contained in the report from the General Manager, Transportation Services. City Council adopted the recommendation at its meeting of July 4, 5 and 6, 2017.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PW22.7>

A Preliminary Report on the application was adopted by Toronto and East York Community Council on June 6, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.47>

PROPOSAL

This application proposes a 60-storey office building at 30 Bay Street with a total of 136,405 square metres of office floor area. The proposed density of the development is 19.2 times the area of the lot. The proposal includes the heritage property at 60 Harbour Street known as the Toronto Harbour Commission Building, which will be maintained in its entirety on the property.

The proposal includes 4 levels of underground parking with 280 vehicle parking spaces, 571 bicycle parking spaces and 9 loading spaces. Access to the parking and loading is proposed from Harbour Street.

The proposal includes retail uses at grade and a PATH connection to the adjacent building to the west, which will provide weather protected pedestrian access to the north and south, consistent with the City PATH Master Plan.

See Attachment 1: Application Data Sheet.

Site and Surrounding Area

The subject site is located on the northwest corner of Bay Street and Harbour Street and extends north to Lake Shore Boulevard East and the Gardiner Expressway, within the area known as South Core. South Core is characterised by a mix of residential and commercial buildings in the form of tall buildings.

The majority of the property is currently occupied by a surface parking lot. The south-western corner of the property is occupied by the 6-storey Toronto Harbour Commission Building.

The property is approximately 7,260 square metres (0.73 hectares) in size, with a frontage of approximately 78 metres on Bay Street and 98 metres on Harbour Street.

The surrounding uses are as follows:

North: Lake Shore Boulevard East, the elevated Gardiner Expressway and the Scotiabank Arena.

South: Waterpark Place office buildings at 10 and 20 Bay Street (24 and 28 storeys), with the Jack Layton Ferry Terminal further south.

West: The Harbour Plaza residences (two towers, 67 storeys each) and an office tower.

East: Pinnacle Centre Development residential towers (53 and 57 storeys).

Reasons for Application

The proposed development with a proposed gross floor area of 138,242 square metres exceeds the 54,939 square metres permitted on the site. The proposed height of 281 metres exceeds the permitted height of 125 metres. The proposed building envelope differs from the previously approved building envelope.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:
A complete application was submitted on February 23, 2018.

A Notification of Complete Application was issued on March 19, 2018.

The following reports/studies have been submitted with the application:

- Heritage Impact Assessment;
- Arborist/Tree Preservation Report;
- Servicing & Stormwater Management Report;
- Planning Rationale and Urban Design Analysis;
- Public Consultation Plan;
- Shadow Impact Study;
- Pedestrian Level Wind Study;
- Air Quality Report;
- Noise and Vibration Feasibility Study;
- Transportation Impact Study;

- Traffic Operations Assessment & Parking/Loading Study;
- Energy Strategy;
- Toronto Green Standards Checklist;
- Geotechnical Study;
- Hydrogeological Study; and
- Phase One Environmental Site Assessment.

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

Agency Circulation Outcomes

The application together with the applicable reports 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.

POLICY CONSIDERATIONS

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) 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit 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 municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan

In its decision of August 16, 2018, the Local Planning Appeal Tribunal (LPAT) brought the 30 Bay Street and 60 Harbour Street lands into the current 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 Downtown and Central Waterfront on Map 6 of the Official Plan. The Central Waterfront will create new opportunities for business development with the downtown being the premier employment centre in the GTA.

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 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

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 street wall 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.

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.

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 4.7 Regeneration Areas

The subject site is designated *Regeneration Areas* on Map 18 of the Official Plan. *Regeneration Areas* are intended to provide a broad mix of commercial, residential, light industrial, parks and open spaces, intuitional, live/work and utility uses.

Policy 4.7.1 states development within *Regeneration Areas* will: revitalize areas of the City that are largely vacant or underutilized; create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians; restore, re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives; achieve streetscape improvements and the extension of the open space network, and promote the environmental clean-up and re-use of contaminated lands.

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/>

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan (CWSP), which was adopted by City Council in 2003 as an amendment to the former City of Toronto Official Plan, represents Council policy to guide revitalization in the Central Waterfront. The Local Planning Appeal Tribunal (LPAT) issued a written decision on August 2, 2017 that brought the CWSP into force for lands that include 30 Bay Street and 60 Harbour Street.

Similar to the Toronto Official Plan, the subject property lands are designated Regeneration Areas. The Regeneration Area designation in the CWSP allows for a wide variety of mixed-use development, including industrial, institutional, residential, offices and retail uses.

The purpose of the CWSP is to identify key public priorities and opportunities, as well as an implementation process for waterfront revitalization. The document is based on four core principles:

- A. Removing Barriers/Making Connections;
- B. Building a Network of Spectacular Waterfront Parks and Public Spaces;
- C. Promoting a Clean and Green Environment; and
- D. Creating Dynamic and Diverse New Communities.

A precinct implementation strategy is the tool detailed in Section 2.1 of the CWSP to provide for comprehensive and orderly development and to implement the policies of the CWSP.

To achieve the comprehensive development envisioned in the CWSP, the approval of new zoning for lands within the Regeneration Areas will generally take place at a precinct level. The CWSP policies require that, prior to the preparation of zoning by-laws or development permit by-laws within the Regeneration Areas, Precinct Implementation Strategies will be prepared in accordance with the policies contained in Section 2.2. As well, the CWSP provides that rezoning of individual sites within Regeneration Areas will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through the Precinct Implementation Strategies. In addition, area-wide infrastructure requirements are required to have been determined, including a fair and equitable means for ensuring appropriate financial contributions for their provision, prior to the approval of rezoning applications.

The equivalent of a precinct plan and subsequent implementing zoning by-law were previously approved for this property as part of the World Trade Part II Plan, which was a Secondary Plan to the former City of Toronto Official Plan. The World Trade Centre Part II Plan has been superseded by the CWSP. The World Trade Centre Part II Plan set out the development block, road alignment, open space and pedestrian routes,

community services and facilities and land use, amongst other matters. The 30 Bay Street and 60 Harbour Street property is the only remaining property within the Part II Plan area that has not been developed.

The CWSP states that heritage properties listed on the City's Inventory of Heritage Property will be protected and improved where feasible. Designated heritage buildings will be conserved for creative reuse in their original locations.

The Central Waterfront Secondary Plan can be viewed at:

https://www.toronto.ca/wp-content/uploads/2019/02/8e22-CityPlanning_2006-OP_CWSP_Final.pdf

TOcore: Planning Downtown

City Council adopted OPA 406 on July 27, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019.

As part of the decision the Ministry revised the Plan to add the following transition policy: "This Plan does not apply to applications for official plan amendment, zoning by-law amendment, draft plan of subdivision or condominium approval, site plan approval, consent or minor variance which were complete prior to the approval of this Plan and which are not withdrawn. In-force site-specific official plan and/or zoning by-law amendments shall be deemed to conform with this Plan." Given that this application was complete prior to June 5, 2019, OPA 406, the new Downtown Secondary Plan, does not apply to this application. However, applicable policies from the Council-adopted version of the Downtown Plan are referenced in the Comments section of the report as per Council direction at the time of the adoption of OPA 406 to use the policies contained within the Downtown Plan to inform the evaluation of development applications in the area while the OPA was under consideration by the Minister.

OPA 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (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.

Zoning

The former City of Toronto Zoning By-law 438-86, as amended, is applicable to the 30 Bay Street and 60 Harbour Street properties. The property is zoned CR T6.7 C5.1 R1.7 which permits a range of commercial and residential uses to a maximum commercial density of 5.1 times the area of the lot and 1.7 times the area of the lot for residential. The overall maximum density permitted on the lot is 6.7 times the lot area. The property is also subject to site-specific By-law 42-87 which permits an office building with retail uses to a maximum density of 54,939 square metres, with a maximum height of up to 125 metres.

All of the lands are not included in the City of Toronto harmonized Zoning By-law 569-2013.

See Attachment 3: Existing Zoning By-law Map.

Union Station Heritage Conservation District Plan

The property is located within the Union Station Heritage Conservation District. The Union Station HCD Plan outlines policies for both addition and alterations to heritage buildings and new construction within the district to ensure that they enhance the character of the district, and are compatible with the overall planning goals of the district.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design 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 project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design 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 city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. 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 proposed development is subject to site plan approval. A Site Plan Approval application has not been submitted to date.

COMMUNITY CONSULTATION

On June 5, 2018 a Community Consultation Meeting was held at the Waterfront Neighbourhood Centre. The community members in attendance were generally supportive of the proposed development and made suggestions respecting the design and the public realm surrounding the site.

COMMENTS

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

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.

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 1.3.1 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 main streets; 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 1.8.1 refers to planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns.

Policy 2.6.1 refers to significant built heritage resources and significant cultural heritage landscapes shall 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, 1.1.3.2, 1.1.3.3, 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. 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 Downtown, 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 Downtown. The proposal provides adequate tower separation to surrounding tall buildings. The proposal is consistent with the policy regarding the promotion of healthy communities through the provision of open spaces (Policy 1.5.1). 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. City Planning staff are of the opinion the proposed development, including the Zoning By-law Amendment are consistent with the PPS in conserving the significant cultural heritage resources of the Toronto Harbour Commission Building.

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 1.2.1 refers to the guiding principles of the Growth Plan.

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 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 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 Central Waterfront where new opportunities for business development is encouraged (Policy 2.2.1.3). Further, this major office proposal, with associated retail uses is within the Downtown UGC and connected to existing frequent transit services (Policies 2.2.5.2 and 2.2.5.3). Additional analysis on the application's conformity to the Growth Plan's intensification targets 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, while maintaining adequate separation distances to neighbouring tall buildings (Policy 2.2.2.3).

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. City Planning staff are of the opinion the application conforms to the Growth Plan by the proposed conservation for the Toronto Harbour Commission 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 was 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 (2019). 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 in regard to reaching density targets.

Land Use

The Planning Rationale report 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 land use.

The proposal seeks to provide a net increase of 88,203 square metres of non-residential gross floor area consisting of 85,317 square metres of office space and 2,886 square metres of retail space.

The proposed increase in non-residential gross floor area on the subject site within the *Downtown* conforms to the policy direction of the Official Plan, and the emerging policy direction of the Downtown Plan that directs the Expanded Financial District be the focus of transit accessible office development 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.

The proposed building casts no new net shadow on any of the public parks and open spaces within the vicinity of the proposed development.

The overall height of the proposed office building at 281 metres, with a spire that reaches a maximum height of 305.2 metres contributes to the downtown skyline when seen from key viewpoints identified in the Official Plan.

In OPA 406, the Council approved Downtown Plan, policy 9.31 directs tall building proposals to demonstrate how it fits within and complements the overall Downtown skyline. The height and shape of the proposed building meets the intent of the emerging policy direction as it provides an appropriate fit to the evolving *Downtown* skyline where the tallest buildings are in the Financial District.

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 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 1.5 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.

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.

Policies 9.11 to 9.17 and 9.22 to 9.28 of OPA 406, the Council approved Downtown Plan provide direction for an appropriate transition in the scale of buildings.

The proposed building consists of an 8-storey podium with a 60-storey square shaped tower on the eastern portion of the site, which partially cantilevers over the heritage building on the site. Above the 8-storey podium the tower portion of the building exceeds the required tall building setback of 12.5 metres on all sides, with setbacks being: between 12.5 metres and 25.5 metres on the east side, approximately 25 metres on the south side; over 40 metres on the west side; and, over 25 metres to the centerline of the Gardiner Expressway on the north side.

The proposed building has a tower floor plate of approximately 2,500 square metres above the 10th storey. The area of the floor plate is acceptable as the proposal's tall building setbacks requirements are met, and the larger floor plate is comparable with other new office buildings in the area.

Heritage Conservation

The property at 30 Bay Street contains the building known as the Toronto Harbour Commission Building, constructed as an administrative office in 1917, designed by Chapman and McGiffin Architects. Finished in Indiana limestone, this classically-proportioned landmark building signifies the massive civic investment in the rail-dominated industrial harbour. Originally located at the water's edge, the building now stands well inland as an important City landmark marking Toronto's earlier shoreline. Important interior features include the entrance hall and the second floor Commissioners Meeting Room.

The proposal conserves the entire building in situ without any significant alterations. The only connection to the heritage building will be a light, glazed connection of the new podium to the north elevation. While the north elevation will form part of the new interior atrium space, this elevation will not be altered or obscured and will be more visible to more pedestrians through the new PATH system than it is now.

The new development has been designed with a sensitive response to the heritage building through its placement on the site, the situation of the tower component behind the front face of the heritage building, reference to the heritage building's cornice line, and the provision of views of the heritage building through the new lobby.

The proposed landscape plan will provide an enhanced relationship between the heritage building and its changing surroundings including the introduction of an

interactive water scrim south of the heritage building acknowledging the original shoreline.

Heritage staff have requested that the existing Heritage Easement Agreement be amended and that a Conservation Plan be prepared prior to the introduction of the bills and that an Interpretation Plan and Heritage Lighting Plan be provided as part of the future Site Plan Approval application.

Staff are of the opinion that the development proposal satisfies the City's Official Plan heritage policies by conserving the on-site heritage building.

Union Station Heritage Conservation District

The Union Station Heritage Conservation District was approved by City Council July 27, 2006 as By-Law 634-2006. The Union Station Heritage Conservation District study was a component of the broader Union Station District Urban Design Study, which was initiated by the City Planning Division as a part of the Union Station Master Plan. The resulting Union Station Heritage Conservation District Plan includes an examination of heritage character, provides district guidelines and identifies those properties that contribute to the heritage value of the Plan area. It is used by the City and property owners as a tool to strengthen and protect the significant heritage character of the Union Station Precinct.

The subject site is within the Union Station Heritage Conservation District Plan. The Union Station HCD Plan guidelines for contributing buildings indicates that additions to heritage properties will be evaluated by the following criteria:

- The new structure respects the general size, shape and scale of features associated with the property or district;
- The site plan respects the general site characteristics associated with the property or district;
- The design respects the general historic and architectural characteristics associated with the property or district;
- The materials choice respects the existing character of the property and district as a whole. Material choice not directly emulating what exists will be contextual and appropriate;
- Any addition is to be connected to the property in a way that does not alter, change, obscure, damage or destroy any significant building features;

- Additions, renovation and alterations that enhance the character of the district, and are compatible with the overall planning goals of the district will be encouraged, yet subject to thorough review

Although the proposal to construct a new tower and podium on the property will alter its immediate character and context, heritage staff have concluded that the position of the new construction on the site, the full conservation in situ of the heritage building and the responsiveness of the design of the new buildings address the policies in the Union Station HCD Plan as follows.

Traffic Impact, Vehicular and Loading Access

A Transportation Impact Study was submitted in support of the application. The study concludes vehicular traffic impacts can be acceptably accommodated at all of the intersections surrounding the proposed development. Vehicular trips are expected to be significantly off-set by a variety of modal strategies, including transit trips (given the proximity to Union Station), pedestrian walking trips and cycling trips.

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 located off of Harbour Street between the heritage building and the west property line. With the future conversion of Harbour Street for two-way traffic, access to the parking and loading will be available from both the west and east. Transportation Services' staff reviewed the parking and loading study prepared by the applicant and concurs with its conclusions. Parking and loading will be secured through the site specific zoning.

Vehicular Parking

The proposal provides a total of 280 spaces. Transportation Services staff reviewed the documentation submitted with the application 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 number of parking spaces.

Bicycle Parking

The proposal provides a total of 571 bicycle parking spaces consisting of 291 long term spaces in the B1 level and 280 short term spaces at grade. The total number of bicycle parking spaces required meets the Zoning By-law standard. Shower and change facilities exceed the required total of 8 with a total of 40 being proposed.

Road Widening

In order to satisfy the Official Plan requirement of a 45 metre right-of-way for this segment of Lake Shore Boulevard West a 4.0 metre +/- triangular road widening dedication along the Lake Shore Boulevard West frontage of the subject site is required and is proposed to be conveyed to the City. This widening will be secured through the site plan approval.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management report was submitted in support of the application. Engineering and Construction Services staff reviewed the report and addendum documentation and are satisfied there is sufficient capacity to service the proposed development.

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.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00 + hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application is for 60-storey office building with 138,242 m² of proposed non-residential gross floor area. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the non-residential nature of this proposal is subject to a 2% parkland dedication. The applicant is required to satisfy the parkland dedication requirement through the payment of cash-in-lieu. 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.

PATH Connection

Policies 2.2.1.12 and 2.2.1.13 of the Official Plan encourage development to connect to the PATH network. 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 site for high priority potential for a PATH expansion.

The proposal includes a connection west to the elevated PATH network which is within the 90 Harbour Street development. The proposed new PATH will include escalators to grade to allow pedestrian to access the office building as well as the Bay Street and Harbour Street intersection.

In order to accommodate and provide flexibility for future PATH connections under Lake Shore Boulevard East, Bay Street and Harbour Street, knock-out panels will be provided in the basement level. The preferred location of the knock-out panels will be finalized through the Site Plan Approval process.

Privately-Owned Publicly Accessible Open Space (POPS)

Privately-owned publicly-accessible open space (POPS) of approximately 208 square meters is being proposed along the Harbour Street frontage of the building. The proposed POPS will include seating and is currently designed with a water scrim, to signify the original location of the Toronto Harbour when the Toronto Harbour Commission Building was constructed. Staff consider the proposed POPS to be a positive element of the proposal. It will provide opportunity for significant public realm enhancements. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the site plan approval process.

Public Realm Improvements

As part of the development, the applicant has agreed to eliminate the existing right hand turn lane on Bay Street, providing for an increased sidewalk width on Bay Street. This lane is no longer required as its sole purpose is to provide access to the surface parking lot currently existing on the property.

The applicant is also proposing to provide for improvement to the area at the north of the site adjacent to Lake Shore Boulevard West and under the Gardiner Expressway and the Jarvis Street off-ramp from the Gardiner Expressway. The final design of this area will be determined and secured as part of the Site Plan Approval.

Archaeological Assessment

The applicant has submitted a Stage 1 Archaeological Resource Assessment of the property at 30 Bay Street and 60 Harbour Street. The report recommends a programme of archaeological monitoring during construction in order to document deeply buried archaeological resources associated with late nineteenth and early

twentieth century Euro-Canadian shoreline infrastructure present on the site. An Archaeological Monitoring and Mitigation Strategy will be secured through the Site Plan Agreement for the development.

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. Performance measures for Tier 1 development features secured through the zoning by-law process include Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

While not meeting the Tier 2 requirements of the TGS, the proposed building is proposed to be designed to be Leed Gold certified.

Design Review Panel

The proposal was considered by a joint Waterfront Toronto and City Design Review Panel on both April 18, 2018 and March 20, 2019. At the March 20th, 2019 meeting, the panel was shown revisions that were partially based on the comments received from the first panel meeting and voted in full support of the project. The panel commented that they were appreciative of the project's environmental goals, the strong use of colour and that the building is a statement for the City and the skyline of Toronto. The panel was supportive of the proposed water feature and encouraged further work on the public realm, particularly the area underneath the Gardiner Expressway.

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 \$850,000.00 to be used towards the provision of affordable housing in Ward 10;
2. A cash contribution of \$850,000.00 to be used towards capital repairs to existing Toronto Community Housing buildings in Ward 10;
3. A cash contribution of \$6,800,000.00 for:
 - i) Community Services and Facilities within Ward 10, which may include the Jack Layton Ferry Terminal; and/or
 - ii) Local parkland improvements and/or public realm improvements in Ward 10, which may include improvements to the City owned lands north of 30 Bay Street and Lakeshore Boulevard West pedestrian improvements, and/or PATH improvements along the Bay Street corridor; and
4. A public art contribution in accordance with the City of Toronto's Percent for Public Art Program;
5. The payment amounts referred to in Recommendations 1-3 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;
6. In the event the cash contributions referred to in Recommendations 1-3 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 10; and

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

1. The owner shall provide, at its own expense, an approximate area of 208 m² of privately-owned publicly-accessible space (POPS) and grant access easements to the City for the purpose of access to and use of the POPS for members of the public. This POPS area is to be located fronting Harbour Street. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS;
2. The owner will be required to pay all costs associated with the proposed boulevard extension along the Bay Street frontage of the property between Lake Shore Boulevard West and Harbour Street;

3. The owner shall be responsible for the design, construction, provision and maintenance of above grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;
4. The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and,
5. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
6. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management and Community Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management and Community Communication Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, alternate parking arrangements for existing residents for the duration of any affected parking spaces used by existing residents, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community and existing tenants, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.

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 jobs in areas well served by surface transit and rapid transit stations. Staff recommend that Council approve the application and the amending by-law.

CONTACT

Leontine Major, Senior Planner,
Tel. No. (416) 397-4079, E-mail: Leontine.Major@toronto.ca

SIGNATURE

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: Location Map
Attachment 3: Existing Zoning By-law Map
Attachment 4: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6: South Elevation
Attachment 7: East Elevation
Attachment 8: 3D Model of Proposal in Context - Looking Northeast
Attachment 9: 3D Model of Proposal in Context - Looking Southwest

Attachment 1: Application Data Sheet

Municipal Address: 30 BAY ST Date Received: February 23, 2018
 Application Number: 18 120884 STE 28 OZ
 Application Type: OPA / Rezoning, Rezoning
 Project Description: Proposal for a rezoning application related to a 60 storey office tower

Applicant	Agent	Architect	Owner
URBAN STRATEGIES			30 BAY ORC HOLDINGS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	42-87, Central Waterfront Secondary Plan
Zoning:	CR T6.7 C5.1 R1.7	Heritage Designation:	Y
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,259 Frontage (m): 78 Depth (m): 99

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	561	561	2,957	3,518
Residential GFA (sq m):				
Non-Residential GFA (sq m):	3,213	3,213	135,029	138,242
Total GFA (sq m):	3,213	3,213	135,029	138,242
Height - Storeys:	6	6	59	59
Height - Metres:	40	40	247	247

Lot Coverage Ratio (%): 48.47 Floor Space Index: 19.04

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

Residential GFA:

Retail GFA: 2,886

Office GFA: 135,356

Industrial GFA:

Institutional/Other GFA:

Parking and Loading

Parking Spaces: 280 Bicycle Parking Spaces: 571 Loading Docks: 9

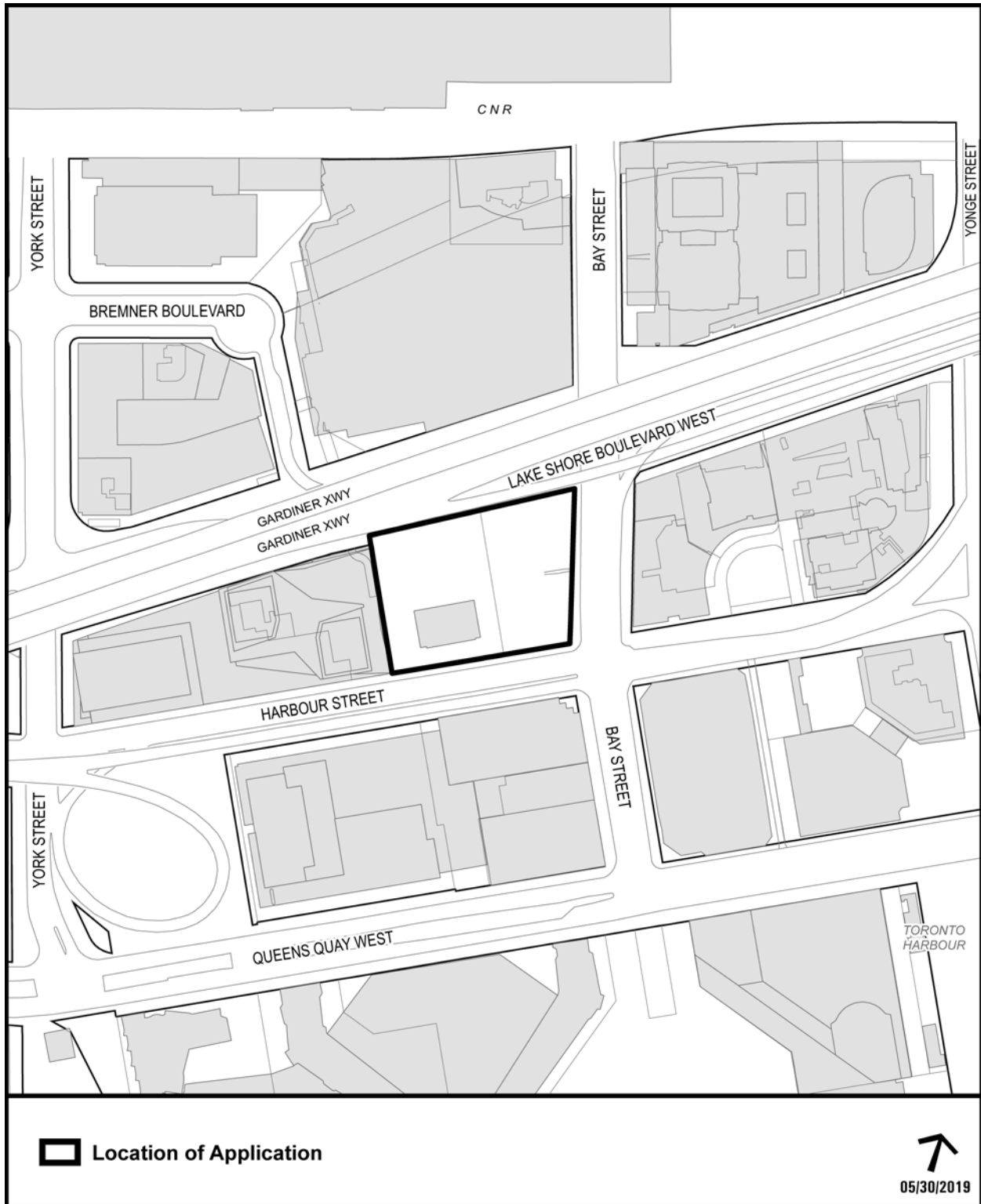
CONTACT:

Leontine Major, Senior Planner

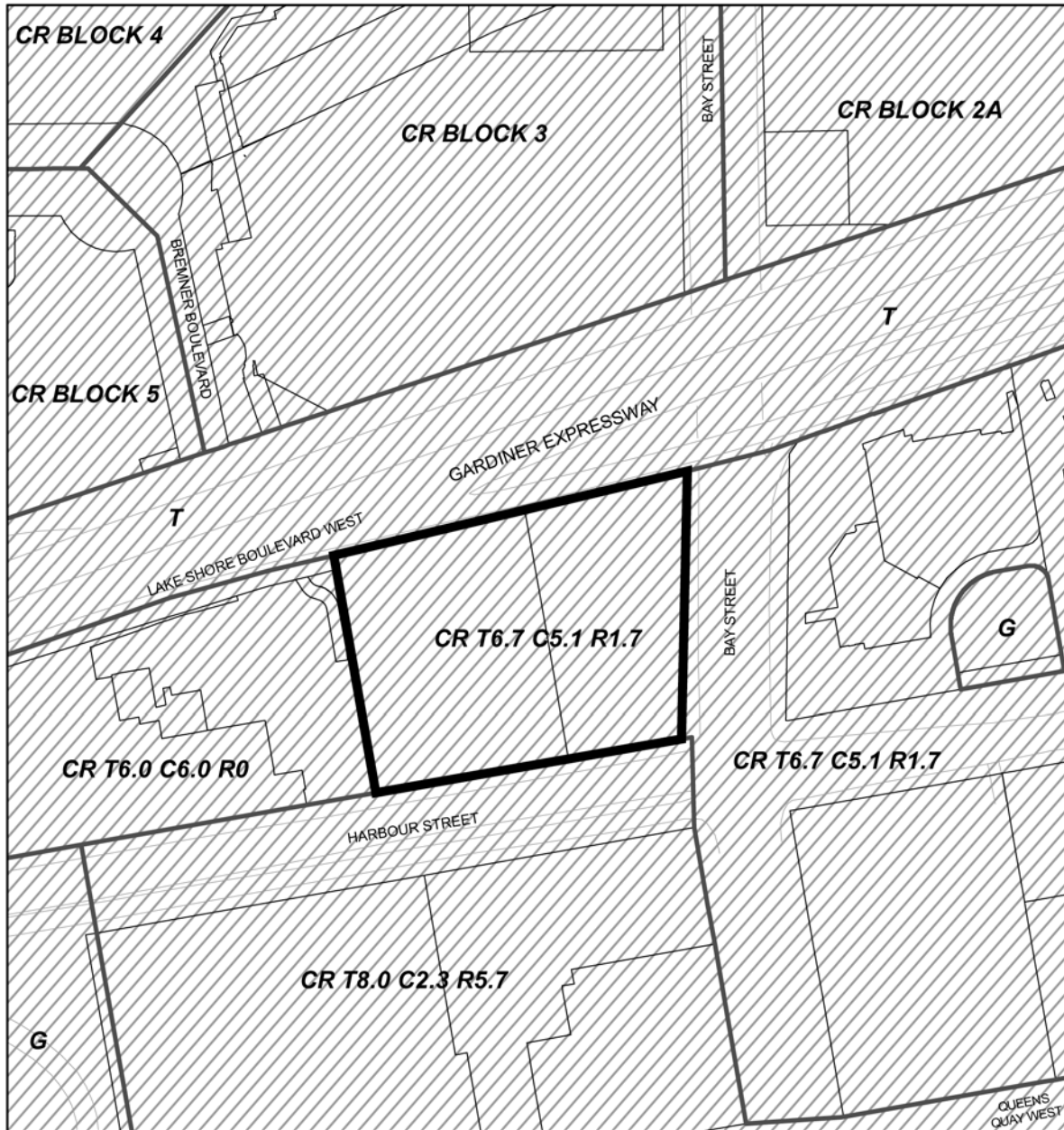
(416) 397-4079

Leontine.Major@toronto.ca

Attachment 2: Location Map




Attachment 3: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

30 Bay Street

File # 18 120884 STE 28 OZ

 Location of Application

 See Former City of Toronto By-Law No. 438-86

- CR Mixed-Use District
- T Industrial District
- G Parks District


 Not to Scale
 Extracted: 05/16/2018

Attachment 4: Draft Zoning By-law Amendment

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 as,
30 Bay St and 60 Harbour St

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;

WHEREAS the Official Plan of the City of Toronto contains such 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 matter 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 height or density of development, the municipality, and Local Planning Appeal Tribunal on appeal, the owner may be required to enter into one or more agreements with the municipality dealing in respect of facilities, services and matters; and

WHEREAS the increase in height and 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 is secured by one or more agreements between the owner of the land and the City of Toronto; 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 HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law on the lot 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 lot of the facilities, services and matters set out in Schedule A of this By-law, 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 lot pursuant to Section 37 of the Planning Act, securing the provision of the

facilities, services and matters set out in Appendix 1 of this By-law, the lot 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. This By-law applies to lands delineated by the heavy black lines on Map 1 attached to and forming part of this By-law.

4. None of the provisions of Section 2(1) with respect to the definitions of “*grade*”, “*height*”, “*lot*”, and Sections 4(2)(a), 4(5), 4(6), 4(13), 8(3) Part I, 8(3) Part III, 8(3) Part XI 2, 12(2)132, and 12(2)(208), of Zoning By-law 438-86, as amended, and By-laws 42-87, 763-87 and 362-98, shall apply to prevent the erection of a *non-residential building* 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) except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply;
- c) the total *non-residential gross floor area* of buildings and structures on the lot, shall not exceed a maximum of 136,405 square metres, excluding the *existing building* on the *lot*;
- d) no portion of any building or structure erected above grade on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - i. cornices, sills, eaves, window-washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, fencing, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, ramps associated with an underground parking garage; wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, street furniture, elevated pedestrian walkways, and art installations;
- e) 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 2 attached to and forming part of this By-law, with the exception of the following:
 - i. structures, elements and enclosures permitted by regulation d) above;
 - ii. the erection or use of structures on any roof used for outdoor amenity space, maintenance, safety, wind protection purposes, green roof purposes, vestibules providing access to outdoor amenity or recreation space, parapets, elevators and related structural elements, structures and

elements associated with green energy and renewable energy facilities, provided such projections are limited to a maximum vertical projection of 5.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;

iii. the erection or use of structures on any roof used for cooling towers, mechanical and architectural screens, chimneys, vents, stacks, and mechanical fans, provided such projections are limited to a maximum vertical projection of 10.0 metres above the permitted building heights shown on Map 2 attached to and forming part of this By-law;

iv. the erection or use of structures on the tower roof identified with a "T" on Map 2 attached to and forming part of this By-law, used for one or more antennae, lightning rods, architectural spires, or their unenclosed supporting structures, and incorporated signage, provided such structures are limited to a maximum vertical *height* of 305.2 metres;

f) notwithstanding any provision of this By-law, the *existing building* is permitted within the area identified as the Existing Building on Map 2, attached to and forming part of this By-law;

g) a minimum number of *parking spaces* for the non-residential building shall be provided and maintained on the lot in accordance with the following:

i. a minimum of 0.2 *parking space* per 100 square metres of *non-residential gross floor area*;

h) despite 4(17), up to 43 *parking spaces* may be obstructed on one side and have a minimum width of 2.6 metres and a minimum length of 5.6 metres;

i) despite 4(17), up to 12 *parking spaces* of the obstructed *parking spaces* permitted by section (h) above may be undersized *parking spaces* with a minimum width of 2.4 metres and a minimum length of 5.0 metres accessed by a 5.5 metre drive aisle;

j) despite 8(1)(f)(b)(vii) a *commercial parking garage* is permitted on the *lot*, the *parking spaces* required by section (g) above may be provided in a *commercial parking garage*, and the floor area of any *commercial parking garage* is excluded from the calculation of *non-residential gross floor area*;

k) no *parking spaces* are required for the *existing building* on the *lot*;

l) despite 4(13) no *bicycle parking spaces* are required for the existing building on the lot;

m) despite 4(13) *bicycle parking spaces - occupant* may be provided in *bicycle parking stackers*;

n) four *loading space – type "B"* and five *loading space – type "C"* shall be provided and maintained on the *lot*;

5. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, attached to and forming part of this By-law, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. 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) "*bicycle stacker*" means a device which provides *bicycle parking spaces* in a horizontal position above or below another *bicycle parking space* and equipped with a mechanism providing floor level access to both *bicycle parking spaces* with each *bicycle parking space* to have horizontal dimensions of at least 0.4 metres by 1.8 metres and a minimum vertical dimension of at least 1.2 metres.

b) "*existing building*" means the building existing on the lands in the year 2018 municipally known as 60 Harbour Street.

c) "*grade*" means 77 metres Canadian Geodetic Datum;

d) "*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; and

e) "*lot*" means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.

7. 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.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
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 \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards the provision of affordable housing in Ward 10;
2. A cash contribution of \$850,000.00, prior to the issuance of the above-grade building permit, to be used towards capital repairs to existing Toronto Community Housing buildings in Ward 10;
3. A cash contribution of \$6,800,000.00, prior to the issuance of the above-grade building permit, for:
 - a. Community Services and Facilities within Ward 10, which may include the Jack Layton Ferry Terminal; and/or
 - b. Local parkland improvements and/or public realm improvements in Ward 10, which may include improvements to the City owned lands north of 30 Bay Street and Lakeshore Boulevard West pedestrian improvements and/or PATH improvements along the Bay Street corridor.
4. A public art contribution in accordance with the City of Toronto's Percent for Public Art Program;
5. The payment amounts referred to in Recommendations 1-3 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;
6. In the event the cash contributions referred to in Recommendations 1-3 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 10; and
7. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The owner shall provide, at its own expense, an approximate area of 208 m² of privately-owned publicly-accessible space (POPS) and grant access

easements to the City for the purpose of access to and use of the POPS for members of the public. This POPS area is to be located fronting Harbour Street. The POPS easements are to be conveyed to the City for nominal consideration and are to be free and clear of all physical and title encumbrances, other than those acceptable to the City Solicitor. The owner shall own, operate, maintain and repair the POPS;

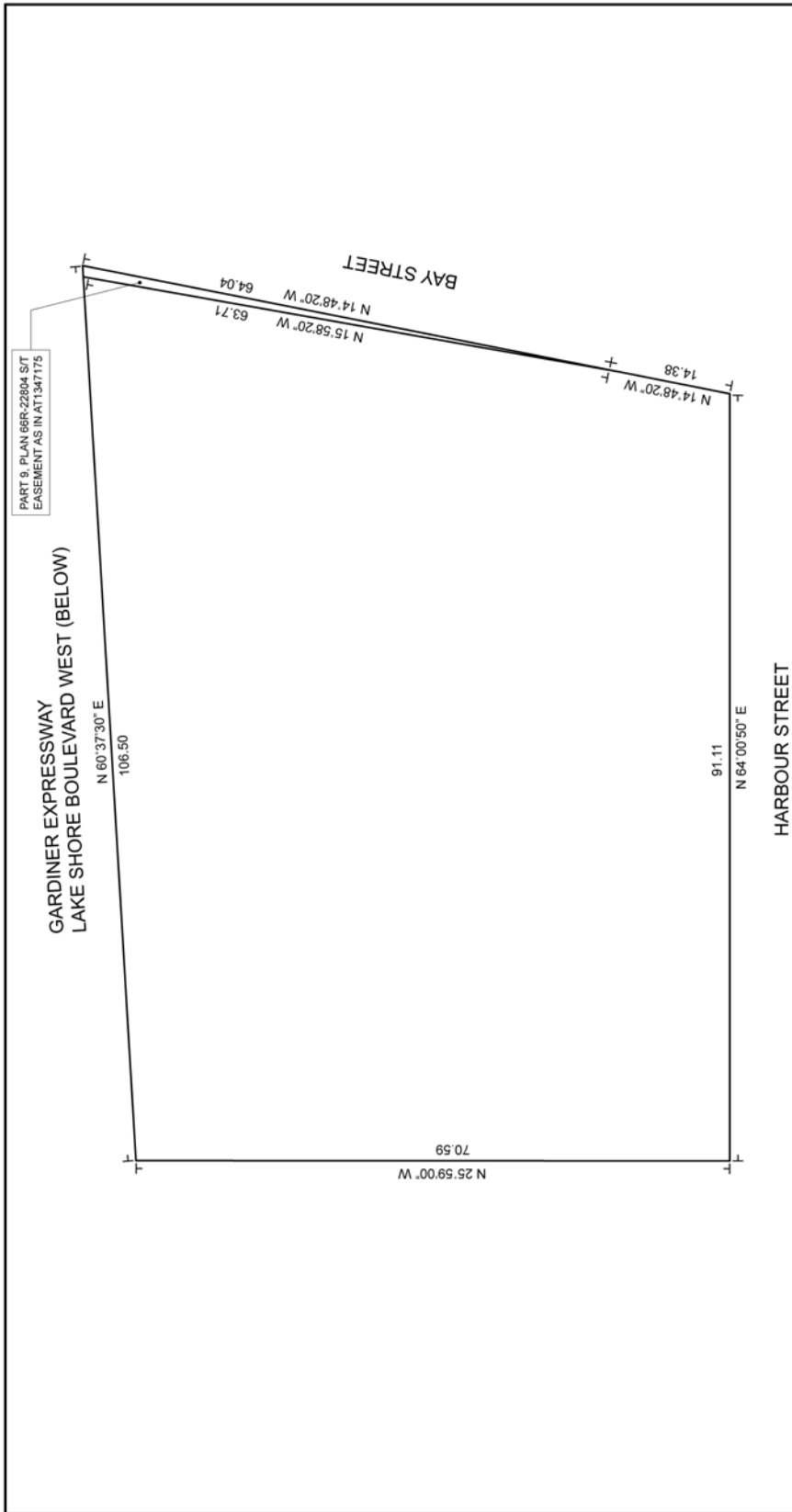
ii. The owner will be required to pay all costs associated with the proposed boulevard extension along the Bay Street frontage of the property between Lake Shore Boulevard West and Harbour Street;

iii. The owner shall be responsible for the design, construction, provision and maintenance of above grade PATH connections to the subject property and through the proposed development, including the conveyance at nominal costs to the City of easement(s) for use by the general public;

iv. The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program; and

v. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

vi. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management and Community Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management and Community Communication Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, alternate parking arrangements for existing residents for the duration of any affected parking spaces used by existing residents, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community and existing tenants, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager of Transportation Services, in consultation with the Ward Councillor.



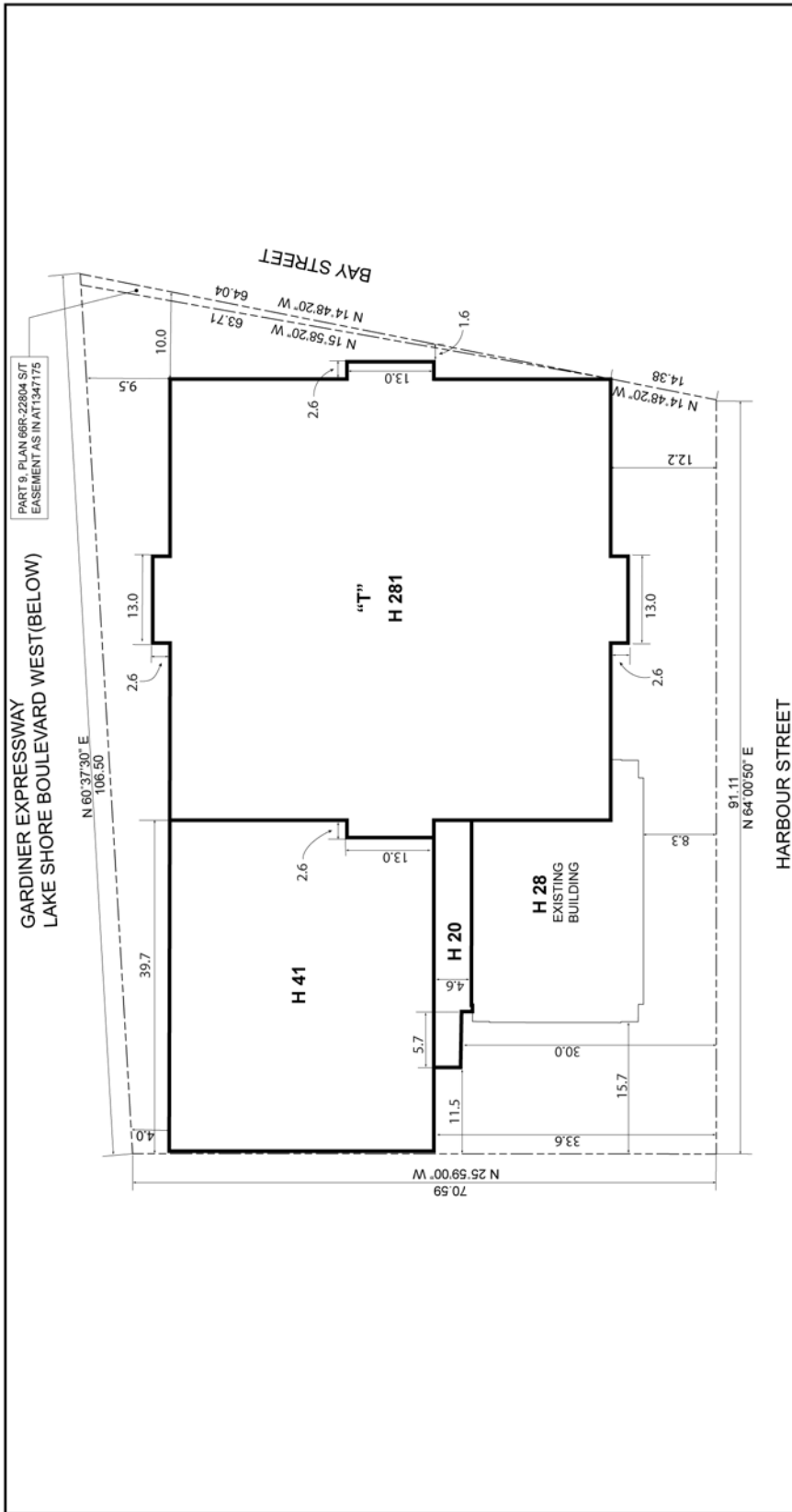
30 Bay Street

Map 1

File # 18 1208884 STE 28 0Z



City of Toronto By-law 438-86
Not to Scale
06/03/2019



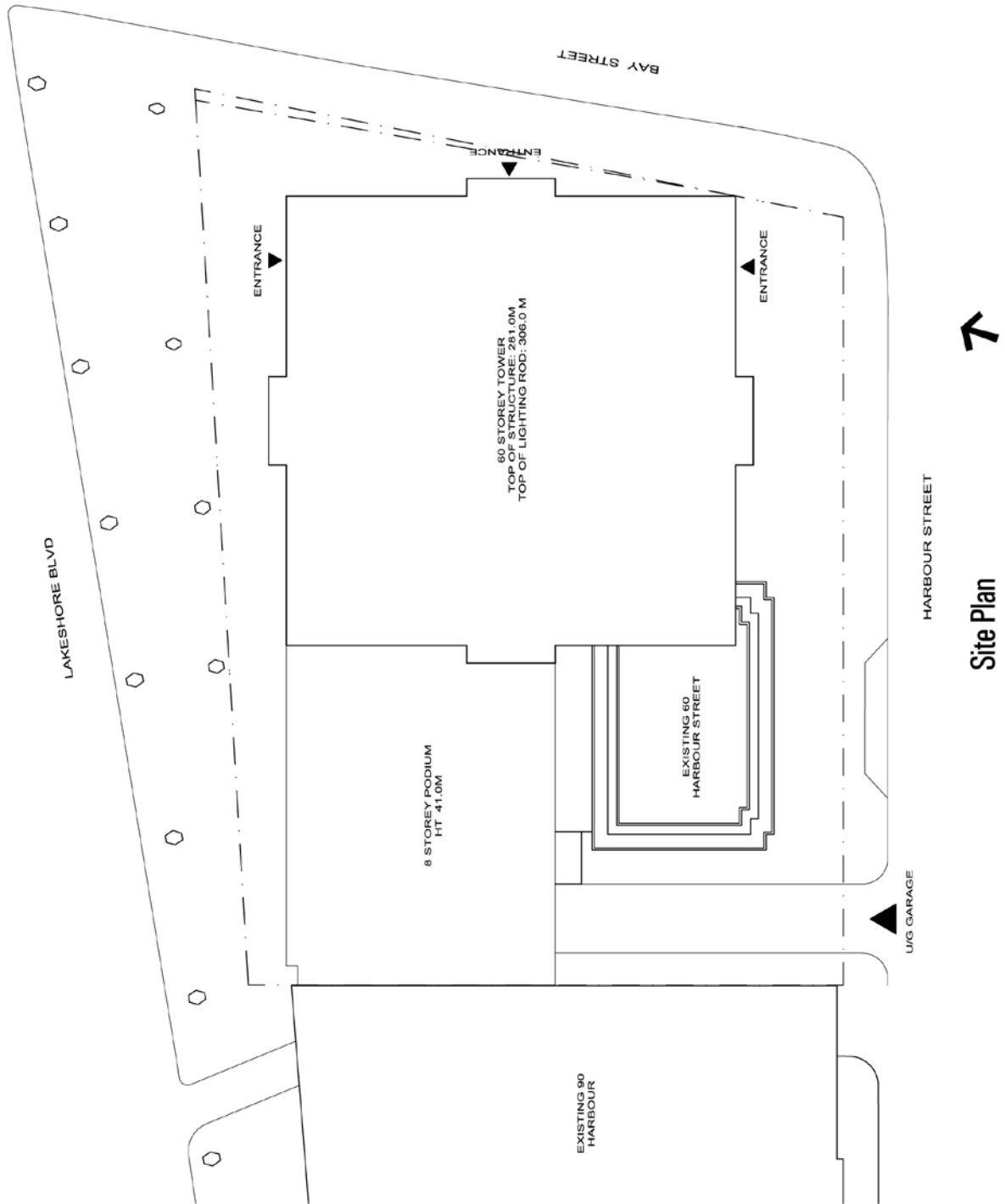
30 Bay Street

Map 2

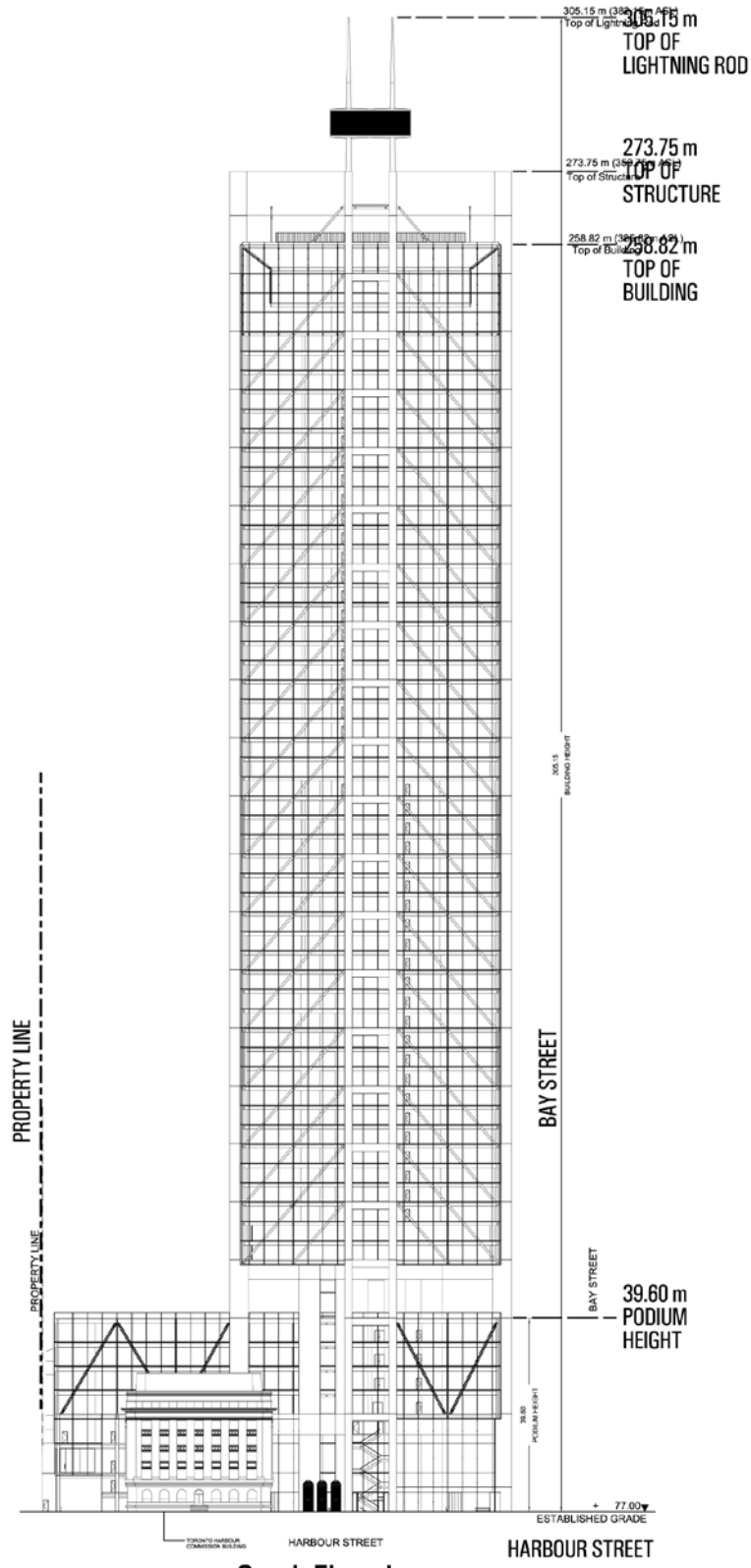
File # 18 1208884 STE 28 0Z

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 City of Toronto By-law 438-86
 Not to Scale
 06/03/2019

Attachment 5: Site Plan

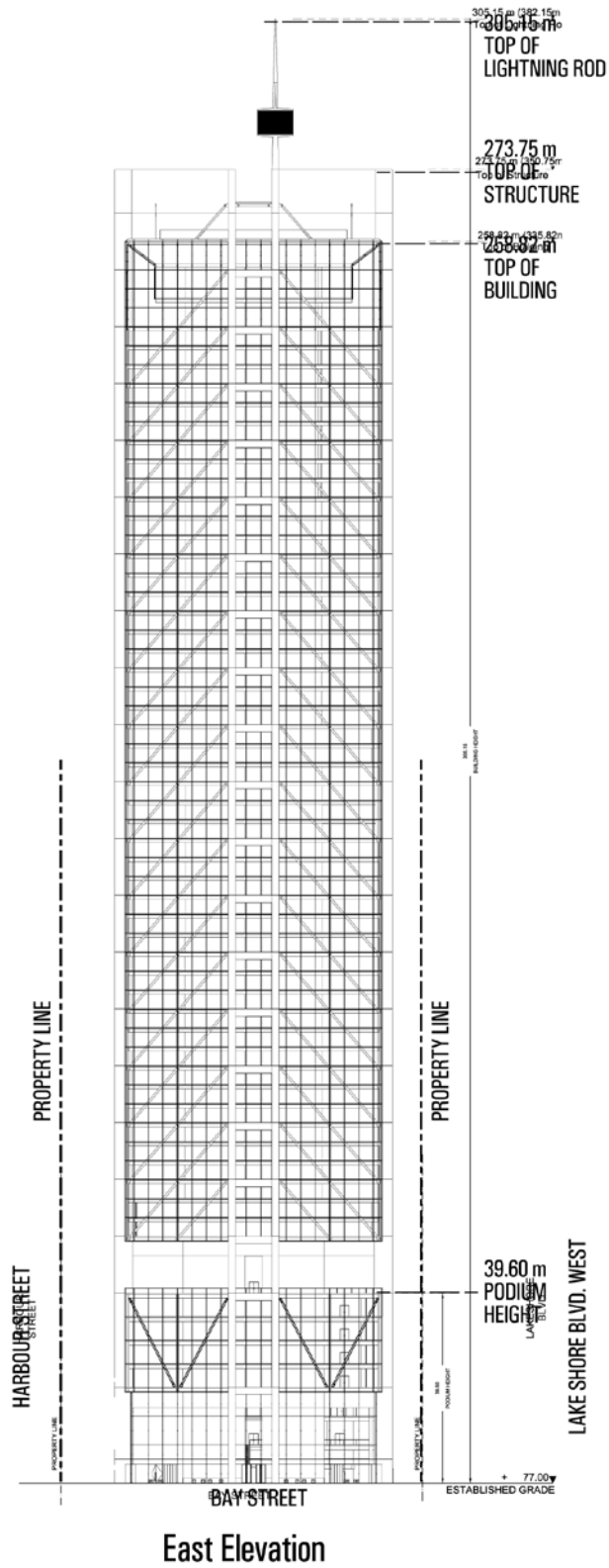


Attachment 6: South Elevation

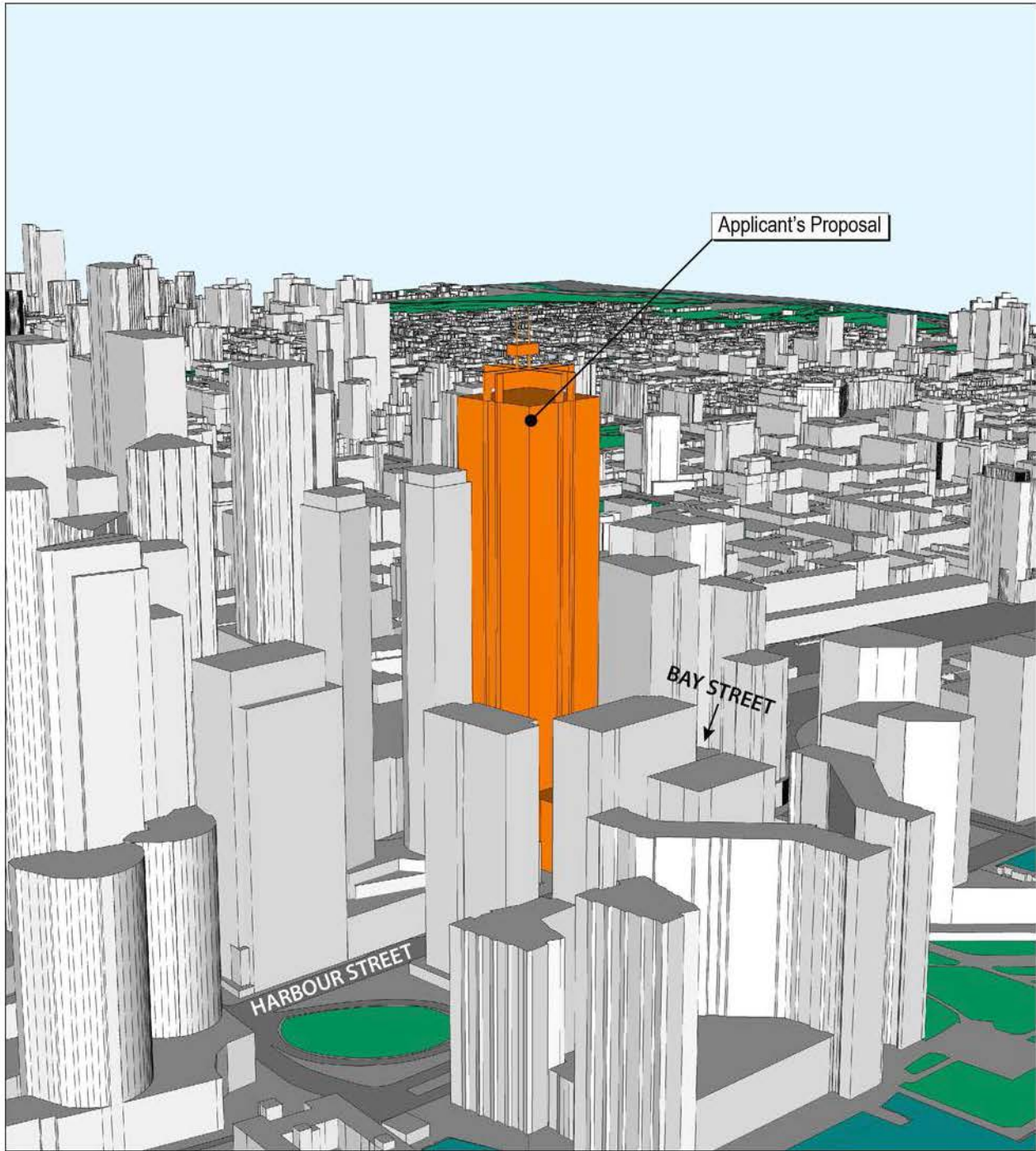


South Elevation

Attachment 7: East Elevation



Attachment 8: 3D Model of Proposal in Context - Looking Northeast



View of Applicant's Proposal Looking Northeast



05/22/2019

Attachment 9: 3D Model of Proposal in Context - Looking Southwest

