

## **141 Bay Street - Public Art Plan**

Date: June 23, 2020  
To: Toronto East York Community Council  
From: Director, Urban Design  
Wards: Ward 10 - Spadina Fort York

**Planning Application Number:** 15-208844 STE 28 OZ

### **SUMMARY**

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The purpose of this staff report is to seek City Council approval of 141 Bay Street Public Art Plan. The Plan, which is included as Attachment 1 of this report, outlines the method by which the owner will commission public art on a publicly-accessible area of the development site.

The Public Art Plan provides a framework and description of the commissioning of public art including: development overview; public art sites and opportunities; selection process; programme budget; timelines; project team and role of the public art consultant.

The attached plan meets the objectives of the City Planning's Percent for Public Art Guidelines and is supported by the Toronto Public Art Commission.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council approve 141 Bay Street Public Art Plan as attached (Attachment 1) to the report dated June 23, 2020 from the Director, Urban Design.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## PROPOSAL

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The development site is at 141 Bay Street. The proposed office building is the second phase of a two phased development, connected by an air rights development via a publically accessible open space above the rail corridor, POPS site.

The development review process has resulted in a commitment to public art, resulting in the Public Art Plan (Attachment 1).

## APPLICATION BACKGROUND

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The development site is located in the downtown Financial District of Toronto. The site boundaries are Front Street to the north, Yonge Street to the east, Lakeshore Boulevard and the Gardiner Expressway to the south and Bay Street to the west.

The Site Plan Approval Application No 14 229173 STE 28 SA was submitted on September 29, 2014.

Notice of Decisions, Minor Variance/ Permission, (Section 45 of the Planning Act) Notice was given and a Public Hearing was held on Wednesday, January 28, 2015, as required by the Planning Act. The Minor Variance Applications were approved with Conditions.

Imagination, Manufacturing, Innovation, Technology (IMIT) Program Application - 45 and 141 Bay Street

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.ED13.5>

City Council adopted this item on July 12, 2016 without amendments.

Phase two development at 141 Bay Street across the rail corridor to 45 Bay Street. 141 Bay St – Zoning Amendment – Final Report

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-97180.pdf>

City Council adopted this item on November 8, 2016 with amendments.

45 Bay Street - Public Art Plan

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.37>

City Council adopted this item on March 26, 2018 without amendments.

This proposal is the second phase of a two phase, two-tower development that includes the properties at 45 Bay Street and 141 Bay Street, as well as a connecting privately-owned publicly-accessible elevated open space (POPS) over the rail corridor that connects both buildings.

The Section 37 agreement dated November 9, 2016 was signed between the "Owner" and the "City", including requirements for the provision of a public art contribution. The owner has opted for Option 2 as defined in the Section 37 agreement, to commission art on-site with a contribution equal to one percent (1%) of the Gross Construction Costs of the Development in accordance with the Public Art program set forth in the Section

37 agreement. In accordance with the Public Art Program as set forth in the Section 37 agreement. The owner with the City have determined that the public art contribution will be on the subject site in a privately-owned, publically accessible area of the site.

## **Toronto Official Plan**

Public art was secured when this application was reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

Section 3.1.4 Public Art

Policy 1. e) encouraging the inclusion of public art in all significant private sector developments across the City.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **COMMENTS**

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The proposed Art sites, which are both physically and visually accessible to the public are located in the two POPS that span the rail corridor and the Elevator Niches within the office building. Connecting 141 Bay Street, to the south, with 45 Bay (currently under construction) and spanning the railway corridor which connects to Union Station to the west, is a one acre, elevated, publicly accessible POPS. The Elevated Niches are located at the end of each bank of elevators are five niches, approximately 3.5 storeys tall.

The artists for the railway corridor POPS site has been previously selected through a competition process identified in the previously approved Public Art Plan for 45 Bay Street, the first phase of this two phase development. It has been proposed that the art budget will be increased in this POPS that spans the rail corridor. The POPS site had a seven (7) person jury composition, composed of four (4) independent art experts and one (1) resident of the Ward, with the other jury members being the project Architect and owner representatives. The Elevator Niches will have a five (5) person jury with the majority being art experts and one (1) representative from the ward.

In accordance with City policy, City Planning continues to encourage the developer to seek artistic excellence and expertise with broad representation from the art community in the selection of artists and jury members.

A mentorship opportunity has been provided for an artist who has yet to create a permanent art installation. The owner will be looking to select an individual with gender and minority equity in mind.

The estimated budget allocation for the art, administration and maintenance is described in the Public Art Plan which is in compliance with the City's Percent for Public Art Guidelines.

This proposal is supported by City Planning staff and was presented to the Toronto Public Art Commission at its meeting on February 19, 2020, which recommended approval of the proposed Plan.

## **Conclusion**

141 Bay Street – Public Art Plan is in compliance with the City's objectives for the provision of public art associated with development. This on-site program is in accordance with the City Planning Percent for Public Art Program, and is supported by the Toronto Public Art Commission. Upon City Council's approval, the owner will commence with the artist selection process as scheduled in the attached plan.

## **CONTACT**

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## **SIGNATURE**

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Lorna Day, Director Urban Design  
City Planning Division

## **ATTACHMENTS**

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Attachment 1: Public Art Plan