

**45 Bay Street – Application to remove the Holding Symbol from the Zoning By-law – Final Report**

<b>Date:</b>	April 24, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	14 209662 STE 28 OZ

**SUMMARY**

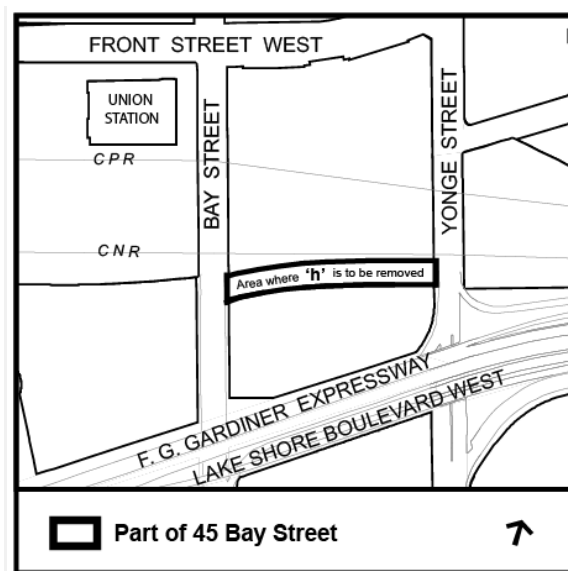
This application proposes to remove the Holding Symbol (h) from a portion of the lands at 45 Bay Street to permit the development of an office building with a bus terminal located in the podium of the building. The proposal also involves the construction of publicly accessible open space above the rail corridor, with an access building on the north side of the rail tracks.

The owner has submitted a Site Plan Approval application on the property that includes all of the studies and documentation required as conditions for the removal of the holding provision from the Zoning By-law. The owner therefore has satisfied the conditions of removing the holding symbol.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 168-93 within the 45 Bay Street lands substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the report (April 24, 2015) from the Director, Community Planning, Toronto and East York District.



2. City Council authorize the City Solicitor to make stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of January 28, 2015, the Committee of Adjustment granted the necessary variance to permit the construction of the proposed office building at 45 Bay Street, a railway overbuild to permit publicly accessible open space above the rail corridor and small building at 141 Bay Street that will give access to the publicly accessible open space from the north side of the rail corridor. The Committee of Adjustment decision included the requirement for a Section 45 Agreement to secure protection for the platform for a potential LRT station for the future East Bayfront LRT. There were no appeals to the decisions.

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes to remove the Holding Symbol (h) from a portion of the lands at 45 Bay Street in Railway Lands East Area A Zoning by-law for the lands that are located at 45 Bay Street. These lands were formerly owned by Canadian National Railways and were purchased by Ivanhoe Cambridge for inclusion in the 45 Bay Street development. The remainder of the 45 Bay Street property is not subject to a holding provision.

The development proposal for the 45 Bay Street property is for a 48-storey office building with a new bus terminal proposed at the podium level with access off of Lake Shore Boulevard East. The proposed development also involves an overbuild over the railway for a publicly accessible open space, new PATH connections and the protection for a potential LRT station for the future East Bayfront LRT. The proposed development, replacing a surface parking lot, is a major employment use and will greatly enhance transportation infrastructure adjacent to Union Station.

#### **Site and Surrounding Area**

The site is located between Yonge Street and Bay Street, north of Lake Shore Boulevard West and south of the Rail Corridor.

Surrounding uses include:

- North: The CNR Rail corridor is located to the north of the site. The existing GO bus terminal is located on the north side of the rail corridor.
- South: Directly south of the site is Lakeshore Boulevard East and the Gardiner Expressway.
- East: To the east of the site is a residential condominium at 18 Yonge Street.
- West: The Air Canada Centre is located to the west of the site, which connects to Union Station located to the north with PATH connections.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is governed by the Railway Lands East Secondary Plan approved in 1993. The Secondary Plan designates the portion of the property subject to the Removal of the 'h' application as Mixed Use Areas and Utility Corridor. The removal of the holding symbol does not change the Secondary Plan Designation.

The Railway Lands East Secondary Plan contains the criteria for the removal of the holding symbol. Section 11.15 of the Railway lands states that "Council may reduce the requirements for the removal of the Holding (h) Symbol and may enact a by-law removing the Holding (h) Symbol to permit the development of an individual site in the Railway Lands East, provided that:

- (a) the site has been or will be provided with access and municipal services adequate to service the proposed development of the site;
- (b) the development is consistent with the other provisions of this Plan;
- (c) subject to the removal of the Holding (H) Symbol, the proposed development of the site is permitted by the Zoning By-law for the Railway Lands East;
- (d) the site has been included in an Environmental Report and the safeguards and measures identified in the Environmental Report are satisfactory to the City and the Ministry of the Environment and have been adequately secured;
- (e) the development proposed for the site is of major public significance; and
- (f) appropriate agreements which are sufficient to secure the provision of community services and facilities, consistent with the requirements of Section 5 of the Plan, have been secured."

## **Zoning**

The property subject to the Removal of the 'h' application is zoned h (CR BLOCK 2A) in the Railway Lands East Area Zoning By-law 168-93. The Zoning By-law permits commercial use to a maximum of 26,760 square metres of commercial gross floor area on these lands. This Gross floor Area has been incorporated into the overall 45 Bay Street development. The Committee of Adjustment granted additional variance related to height and other zoning matters for the office building and as a separate variance application permitted the publicly accessible open space above the rail corridor. The portion of the property subject to this application will be partially within the area of the proposed building and the open space.

## **Site Plan Control**

The site is subject to site plan control. City Planning received a site plan control application on September 29, 2014 to permit the construction of a 48 storey office building with a bus terminal.

## **Reasons for Application**

The application proposes to remove the Holding Symbol ('h') from the lands zoned h(CR Block 2A) on District Map 50G-323 of by-law 168-93. Development cannot proceed until the Holding Symbol is removed.

## **COMMENTS**

The Railway Lands East Secondary Plan outlines requirements to lift the 'h'. All of the conditions have been met as follows:

- (a) The lands are part of the proposed development at 45 Bay Street. All municipal services will be provided through the 45 Bay Street property and the proposed connections are being accessed, with appropriate conditions, as part of the Site Plan Approval application.
- (b) The development is consistent with the land use provisions of the Secondary Plan. The portion of the property designated as Mixed-use will be incorporated into the proposed office building.

The portion that is designated as Utility Corridor will continue to operate as a rail corridor.

The development of publicly accessible open space above the rail corridor is permitted provided that it will not affect the safety of train operations; future flexibility of the track system will not be reduced; all environmental and development concerns have been addressed; and, that the primary objective of the Rail Corridor and Union Station will not in any way be compromised. All of these conditions will be satisfied upon approval of the construction of the rail overbuild. Metrolinx, who own the rail corridor are party to the Site Plan Approval application and have also been circulated the application to ensure that there is no negative impact on rail operations, both during construction and on an ongoing basis.

- (c) The proposed development is permitted by the Zoning By-law. The necessary variances were granted by the Committee of Adjustment on January 28, 2015. The Committee of Adjustment decision is final and binding.
- (d) The site has been included in an environmental report that was submitted to the City with the Site Plan Approval application. Since the adoption of the Railway lands East Secondary Plan, the process for the approval of environmental reports has changed in response to changes in Provincial legislation and regulation. The City no longer reviews environmental reports as it did in 1993, with sole responsibility for approval now with the Ministry of the Environment. In accordance with the requirements of the Environmental Protection Act, Toronto Building will determine if a Record of Site condition from the Ministry of the Environment is required prior to the issuance of a building permit.
- (e) The proposed development is of public significance. In addition to the inclusion of a new bus terminal and the creation of new publicly accessible open space above the rail corridor, the introduction of new PATH connections and the protection for a future LRT station, the proposed office building will contribute significantly to the City's employment base and the downtown office inventory.
- (f) Agreements, dating back to the late 1990's, are in place for the proposed development at 45 Bay Street to secure required community services and other matters on the site as required by the Railway Lands East Secondary Plan. These matters include public art, provision of daycare, public access and pedestrian improvements among other conditions.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

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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. 168-93, as amended,  
With respect to the lands municipally known as,  
45 Bay 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; 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:

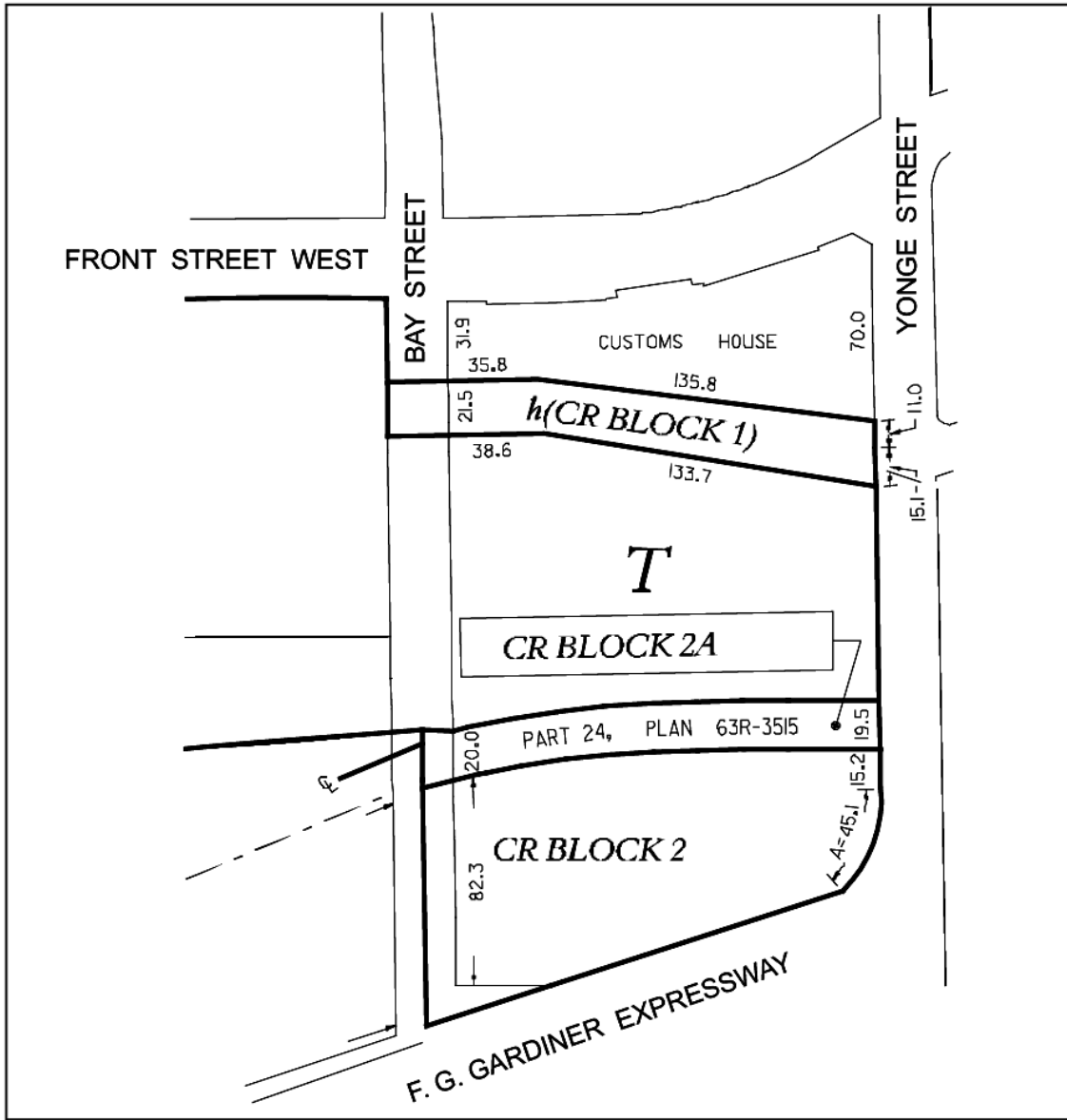
1. By-law No. 168-93 being a by-law "To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the Railway Lands East Area A", as amended, is further amended by removing the holding symbol ("h") from the lands shown on the attached Map 1.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



'h' removed from CR BLOCK 2A, part 24, plan 63R-3515