

Authority: Toronto and East York Community Council
Item TE34.46, as adopted by City of Toronto Council
on July 19 and 20, 2022

CITY OF TORONTO

Bill 993

BY-LAW -2022

To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 483-491 Bay Street & 20 Albert Street in the year 2021.

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, a by-law under Section 34 of the Planning Act may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the *owner* of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density 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 which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are delineated by a heavy line on Map 1 attached to and forming part of this By-law;
2. Except as otherwise provided herein, the provisions of By-law 438-86, and By-law 708-82, shall continue to apply;

3. None of the provisions of Sections 2(1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot*, and Sections 4(2)(a), 4(5), 4(5) Schedule 1, 4(8), 4(10), 4(12), 4(13) (a), (c), and (d), 4(16), 4(17), 8(3)Part I, 8(3)Part II, 8(3)Part III(1)(a), 8(3)(XI)(2), 12(2)132, 12(2) 260, 12(2)380, of Zoning By-law 438-86 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 various areas of the City of Toronto", as amended, and none of the provisions of Sections 3 with respect to the definition of *lot*, 5(1)(d), 6, 9(2), 12(1), 13, 14(c), 19 of Zoning By-law 708-82 being "A By-law applying to certain lands within the blocks bounded generally Yonge Street, Queen Street West, James Street, Albert Street, Bay Street and Dundas Street West, in the City of Toronto", as amended, shall apply to prevent the erection and use of a *new mixed-use tower* on Parcel C on the *lot*, including uses *accessory* thereto, provided that:
- (a) For the purposes of this By-law, the *lot* consists of the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (b) No portion of the *new mixed-use tower* erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 and 2A;
 - (c) *New residential gross floor area* and *new non-residential gross floor area* is permitted for the *new mixed-use tower* in accordance with the following:
 - i. 40,100 square metres of *new residential gross floor area*; and
 - ii. 6,000 square metres of *new non-residential gross floor area* for office uses.
 - (d) No portion of the *new mixed-use tower* erected or used above *grade* on the *lot* is located above the maximum *heights* in metres as indicated by the following letters "HT" as shown on Map 2 and Map 2a, attached to and forming part of this By-law;
 - (e) Notwithstanding Section 3(d) of this By-law, no portion of the *new mixed-use tower* shall extend above the *heights* in metres shown on Map 2 and Map 2a attached hereto, with the exception of:
 - i. architectural features, air intake and air handling units, awnings, canopies, chimneys, communication equipment, cooling tower, elevator enclosures and overruns, flues, green roof, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, platforms, screens, stacks, stairs, stair enclosures, trellises, vents, walkways, wind protection, and window washing equipment may project up to a maximum of 5.0 metres above the permitted maximum heights;

- ii. mechanical penthouse may project up to a maximum of 9.0 metres above the permitted maximum heights;
 - iii. elements or structures on any portion of a roof used for outside or open air recreation, including required *residential amenity space* may project up to a maximum of 5.0 metres above the permitted maximum heights; and
 - iv. Notwithstanding sections (i), (ii) and (iii) above, the only building elements, structures or projections that are permitted to project above the permitted maximum heights within the hatched area on Map 2 and 2A are as follows:
 - a. Air intake and air handling units, chimneys, cornices, eaves, flues, green roof, guardrails, insulation and roof surface materials, landscape, lighting fixtures, ornamental elements, parapets, pipes, planters, railings, screens, stacks, terraces, vents, wind protection, window sills and window washing equipment to a maximum of 1.8 metres.
- (f) The provisions of this By-law respecting the height and projections of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2;
- (g) Notwithstanding 3(b) above, no portion of the *new mixed-use tower* shall extend beyond the solid and dashed lines delineating the tower envelope, with the exception of:
- i) Lighting fixtures, guards, balcony roof or canopies, privacy screens, mechanical and architectural screens, chimneys, window washing equipment, mechanical fans, retaining walls and curbs, monitor wells, structural columns, fences and safety railings, balustrades, bollards, underground garage ramps and their associated structures, and public art features by no more than 5.0 metres; and
 - ii) Despite section (i) above, no elements, structures or encroachments are permitted to encroach into the required building setbacks on the south façade of any building or structure above 177.0 metres ASL (CGVD 2013) except for window washing equipment by no more than 2.0 metres.
- (h) *Parking spaces* for residents of the *new mixed-use tower* on the *lot* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- i. A minimum 53 *parking spaces* and 3 *car-share parking spaces* for residents of the *new mixed-use tower* on the *lot*;
 - ii. A minimum of 4 visitor *parking spaces* for the *new mixed-use tower* on the *lot*;

- iii. No *parking spaces* are required for the non-residential uses in the *new mixed-use tower*; and
 - iv. No accessible *parking spaces* shall be provided.
- (i) *Bicycle parking spaces* shall be provided and maintained on the *lot* for the *new mixed-use tower* in accordance with the following rates:
- i. A minimum of 0.9 *bicycle parking spaces – occupant per dwelling unit* shall be provided on the *lot* for residential occupants of the *new mixed-use tower*;
 - ii. A minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit* shall be provided on the *lot* for residential visitors to the *new mixed-use tower*; and
 - iii. For the *new non-residential gross floor area* in the *new mixed-use tower*:
 - A. A minimum of 0.2 *bicycle parking spaces/100 square metres* of interior floor area for long-term office uses; and
 - B. A minimum of 3 plus 0.2 *bicycle parking spaces/100 square metres* of interior floor area for short-term office uses.
- (j) *Bicycle parking spaces* may be provided in a *stacked bicycle parking space* arrangement in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on any floor of a building, may be located below, at or above *grade* and may be located more than 30 metres from a pedestrian entrance;
- (k) A minimum of two *loading spaces – Type "B"* and two *loading spaces – Type "C"* shall be provided and maintained on the *lot*;
- (l) A minimum of 10 percent of the *dwelling units* in the *New mixed-use tower* must be three-bedroom *dwelling units* or greater, and a minimum of 30 percent of the *dwelling units* in the *New mixed-use tower* must be two-bedroom *dwelling units* or greater.
4. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law 438-86, as amended, or By-law 708-82, as applicable with the exception of the following:

- (a) *"bicycle parking space – occupant"* means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
- i. Where bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
 - ii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - iii. In the case of a bicycle rack, is located in a secure room, enclosure, or area.
- (b) *"bicycle parking space – visitor"* means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
- i. Where bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
 - ii. Where the bicycles are to be parked in a *stacked bicycle parking space*, has horizontal dimensions of at least 0.5 metres by 1.2 metres, and a vertical dimension of at least 1.2 metres;
 - iii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - iv. May be located indoors or outdoors including within a secured room or enclosure.
- (c) *"Car-share" parking spaces* are permitted on the *lot* in accordance with the following:
- For the purposes of this exception, "car share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where the organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee which may or may not be refundable, and "car share parking space" means a parking space exclusively reserved and used for car share purposes where the vehicle is accessible to at least the occupants of the building;
- (d) *"grade"* means 89.98 metres Above Sea Level (ASL)(CGVD2013);

- (e) "*New mixed-use tower*" means the area delineated by the dashed lines on Map 2 and Map 2a;
- (f) "*New Residential Gross Floor Area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) Parking, loading and bicycle parking below grade;
 - (ii) Required *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*; Amenity space required by this by-law;
 - (iv) Elevator shafts;
 - (v) Garbage chutes;
 - (vi) Stair shafts; and
 - (vii) Exit stairwells in the building.
- (g) "*New Non-Residential Gross Floor Area*" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) Parking, loading and bicycle parking below *grade*;
 - (ii) Required *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - (iv) Shower and change facilities;
 - (v) Elevator shafts;
 - (vi) Garbage shafts;
 - (vii) Mechanical penthouses; and
 - (viii) Exit stairwells in the building.
- (h) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure, exclusive any elements described in Section 3(f);
- (i) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law; and

- (j) *"stacked bicycle parking space"* shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and is equipped with a mechanical device providing floor level access to both *bicycle parking spaces*. A *stacked bicycle parking space* has horizontal dimensions of at least 0.5 metres by 1.2 metres, and a vertical dimension of at least 1.2 metres;
5. Except as provided by Section 4 of this By-law, no provision of this By-law shall be deemed to amend or repeal any of the provisions of By-law 708-82.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
7. No land may be used and no *building* or *structure* may be erected or used on the land unless:
- i. The land abuts an existing *street*, or is connected to an existing *street* by a *street* or *streets*, constructed to a minimum base curb and base asphalt or concrete; and
 - ii. All Municipal water mains and Municipal sewers, and their appurtenances, are installed to a *lot line* of the property and are operational.
8. Section 37 Provisions
- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (b) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

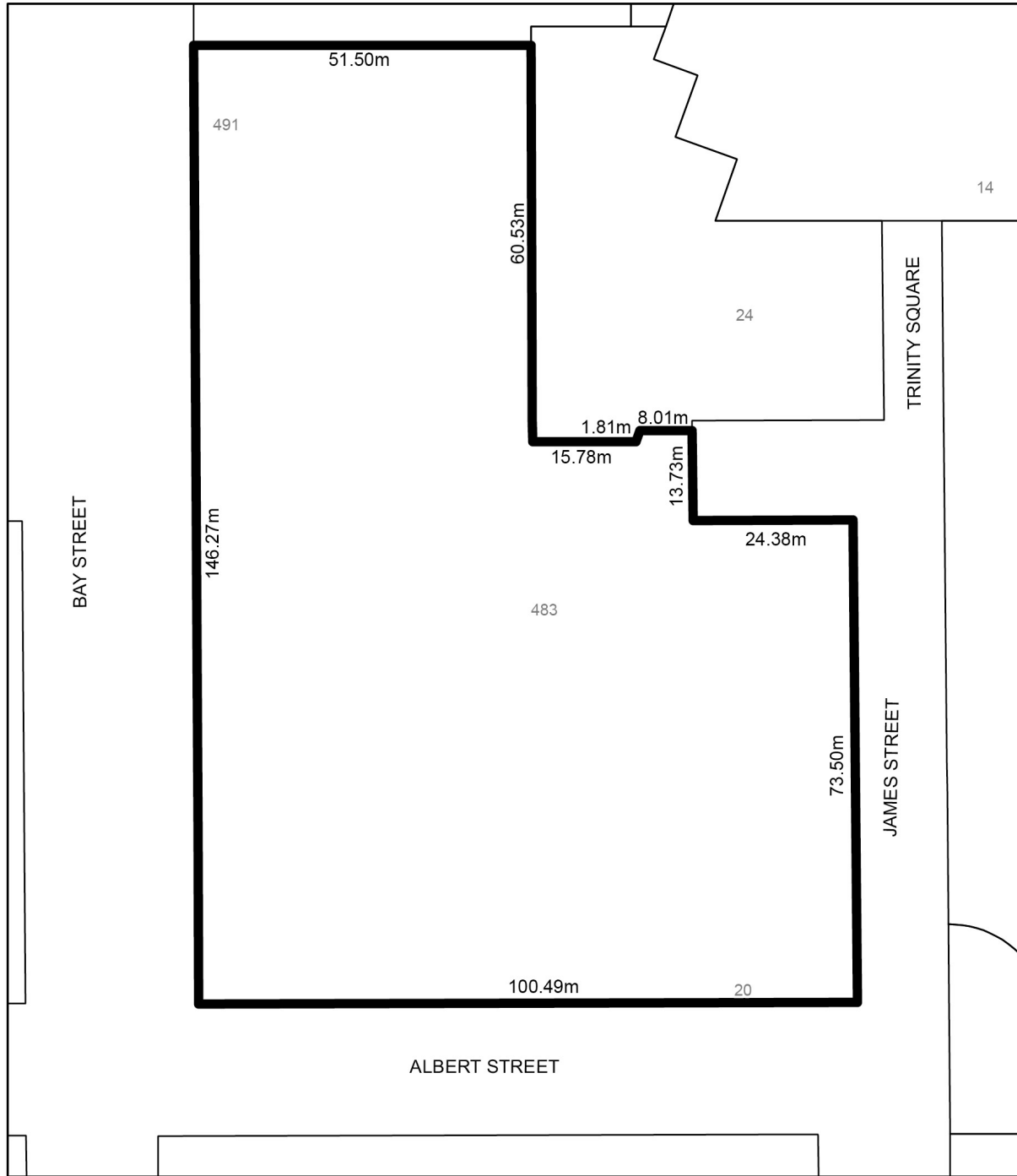
SCHEDULE A**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Map 1 to this By-law, and secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, whereby the owner agrees as follows:

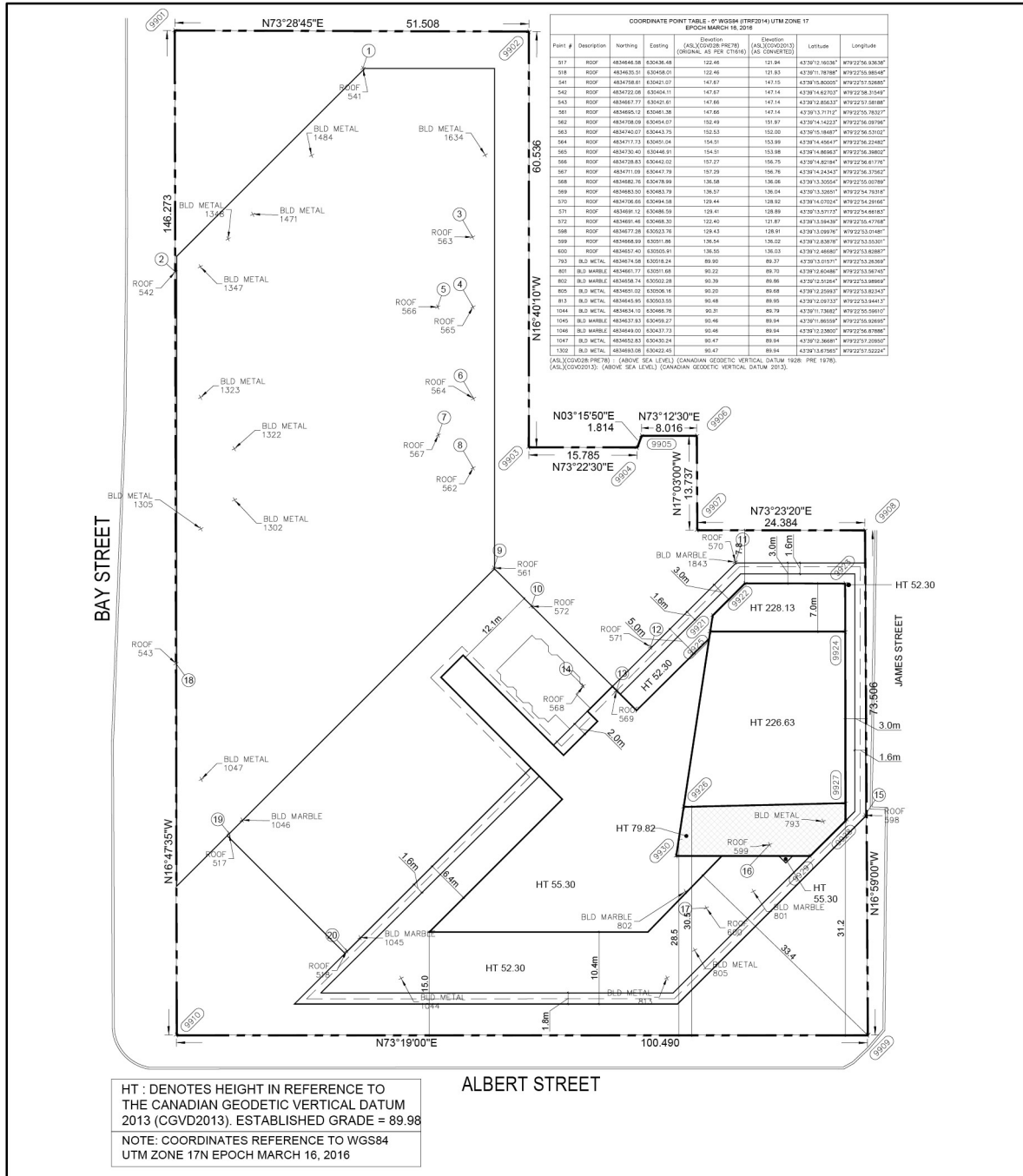
1. Prior to the issuance of the first above grade building permit for the development, the owner shall make a cash contribution to the City in the amount of three million two hundred thousand dollars (\$3,200,00.00) (the "Cash Contribution") to be allocated towards the following capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - i. \$1,200,000.00 for capital improvements to new or existing City-owned affordable housing, community, cultural and/or recreation facilities; and
 - ii. \$2,000,000.00 to local area streetscape and park improvements.
2. The Cash Contribution referred to in Clause 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City;
3. In the event the Cash Contribution referred to in Clause 1 has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity.
4. As a condition of site plan approval and prior to the issuance of any building permit for the development, or commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a

communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and General Manager, Transportation Services, in consultation with the Ward Councillor.

5. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.



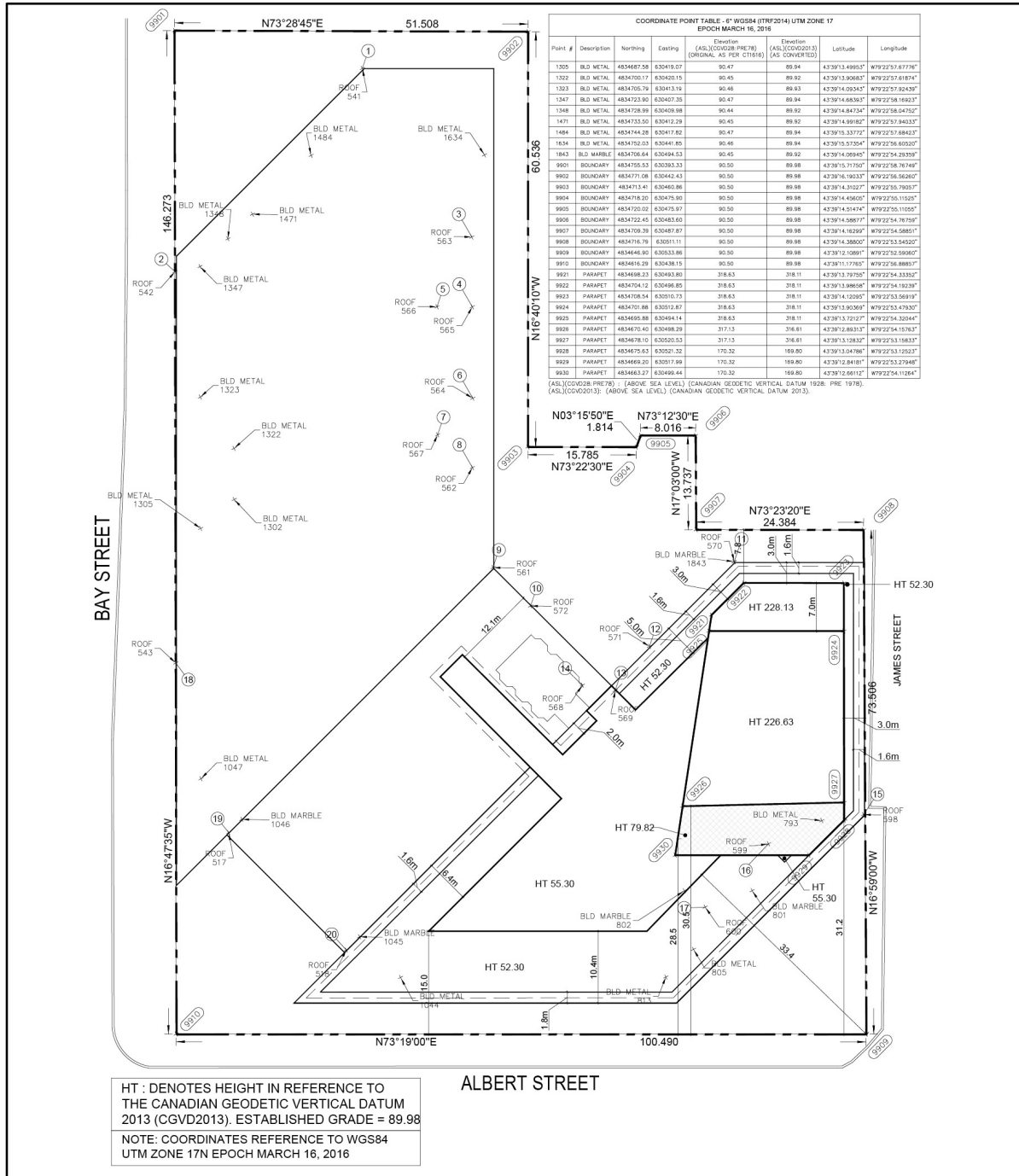
11
City of Toronto By-law -2022



483-491 Bay and
20 Albert Street
File # 19 239929 STE 13 0

City of Toronto By-law 438-86
Not to Scale
07/18/2022

12
City of Toronto By-law -2022



483-491 Bay and
20 Albert Street
File # 19 239929 STE 13 0