

## CITY OF TORONTO

### BY-LAW No. 362 -1998 (OMB)

#### **To amend By-laws Nos. 438-86, 42-87 and 763-87 with respect to certain lands bounded by Yonge Street, Harbour Street, Bay Street and Lake Shore Boulevard West.**

WHEREAS the Ontario Municipal Board in a decision dated April 20, 1994 approved an Official Plan Amendment and Zoning By-law Amendment as a result of an official plan referral and zoning by-law appeal with respect to certain lands known as 33 Bay Street and requested that the form of such amendment and by-law be finalized for inclusion in an Order of the Board; and

WHEREAS this by-law is drawn pursuant to the decision of Ontario Municipal Board for inclusion in its Order;

#### THEREFORE:

1. By-law No. 42-87, being "A By-law to amend By-law No. 438-86 as it applies to certain lands bounded by York Street, Lake Shore Boulevard West, Bay Street and Harbour Street, to certain lands bounded by Bay Street, Lake Shore Boulevard West, Yonge Street and Harbour Street and to a portion of the City block bounded by Bay Street, Harbour Street, Yonge Street and Queens Quay West", as amended by By-law No. 763-87, is amended by:

- (1) deleting Plans 2.1, 2.2 and 2.3 of Schedule 1 and substituting Plan 2 of Schedule 1 attached hereto;
- (2) deleting Plans 5.1, 5.2 and 5.3 of Schedule 1 and substituting Plan 5 of Schedule 1 attached hereto;
- (3) deleting from Section 3(a)(ii), the numbers "6a" and "2.1" and substituting the numbers "5" and "2" respectively;
- (4) deleting subsections (b) and (c) of Section 3 and substituting the following:

"(b) in the case of Parts 6, 7, 8, 9 and 10 on Plan 2 of Schedule 1, the *gross floor area* of the building or buildings does not exceed 140 960 square metres of which:

1. the *gross floor area* of such building or buildings used for the purpose of *dwelling units* does not exceed 120 630 square metres and such building or buildings contain not more than 1 500 *dwelling units* and the maximum size of at least 25 per cent of such *dwelling units* meets the following requirements: bachelor - 55 square metres, one bedroom - 62 square metres and two bedroom - 82 square metres;
2. the *gross floor area* used for *non-residential purposes* of such building or buildings does not exceed 26 500 square metres, of which:

- (i) not more than 5 200 square metres of *gross floor area* is erected or used for *office uses* and uses *accessory* thereto;
  - (ii) not more than 14 800 square metres of *gross floor area* is erected or used for a *hotel*;
  - (iii) not more than 3 000 square metres of *gross floor area* is erected or used for the purposes of one or more *local retail and service shops, general retail and service shops, community services and facilities*, and uses *accessory* to any one or more of them;
  - (iv) not more than 4 000 square metres of *gross floor area* is erected or used for *above-grade parking*; and
  - (v) at least 625 square metres of *gross floor area* is erected or used for a day care facility and for which an agreement is entered into pursuant to Section 37 of the Planning Act, R.S.O. 1990;"
- (5) deleting Sections 3(f) and 3(k)(ii);
- (6) deleting clause (iii) of Section 3(k) and substituting the following:
- “(iii) in respect of the erection or use of buildings or structures on any of Parts 6, 7, 8, 9 and 10 on Plan 2 of Schedule 1, at least 2 050 square metres of *gross floor area* is erected on the combination of Parts 6, 7, 8 and 10 for the purpose of *street-related retail and service uses*;”;
- (7) deleting from Section 3(k)(ix)2, the word and numbers “2.1, 2.2 and 2.3” and substituting the number “2” and by deleting from the table the words and numbers, “Part 5 - 125 metres above *grade*” and “Part 11 - 125 metres above *grade*” and substituting respectively “Part 7 - 125 metres above *grade*, Part 9 - 115 metres above *grade*, Part 10 - 85 metres above *grade*”;
- (8) adding at the beginning of Section 3(k)(xi) of the following:
- “1. except in respect of Parts 5, 6, 7, 8, 9 and 10 on Plan 2 of Schedule 1,”;
- and adding at the end of Section 3(k)(xi) the following:
- “2. in respect of Parts 5, 6, 7, 8, 9 and 10 on Plan 2 of Schedule 1, no person shall erect or use any one or more buildings which contain *dwelling units* alone or in combination with any other permitted use, if less *recreation space* is provided on the *lot* than an amount equal

to 4 square metres per unit, of which a minimum of 2 square metres shall be located within the buildings;”;

- (9) deleting from Section 3(k)(xii), the numbers and word “6, 7 and 8” and “2.1, 2.2 and 2.3” and substituting respectively, the word and numbers “7, 8 and 9” and the number “2”;
- (10) deleting Sections 3(k)(xiv), 3(k)(xv) and 3(k)(xvi);
- (11) deleting from the introductory paragraph of Section 3(k)(xvii), the words and numbers “Parts 5 and 6 shown on Plan 5.1 of 1 contained in the aforesaid Schedule 1” and substituting the words and numbers “Parts 5, 6 and 7 shown on Plan 5 of Schedule 1” and by deleting from Section 3(k)(xvii) the number “5.1” wherever it appears and substituting the number “5”;
- (12) deleting from Section 3(k)(xviii) the word and numbers “5.1, 5.2 and 5.3” wherever they appear and substituting the number “5”, and by deleting the word and numbers “9, 10 and 11” wherever they appear and substituting the number “8” and by deleting the words “Underpass” and “underpass” wherever they appear and substituting the words “Bridge” and “bridge” respectively;
- (13) deleting from Section 3(k)(xviii)3, the word “below” and substituting the word “above”;
- (14) adding Section 3(k)(xix) as follows:
 

“(xix) for any one or more buildings which contain dwelling units alone or in combination with any other use permitted by Section 3 on any of Parts 6, 7, 8, 9 and 10 shown on Plan 2 in the aforesaid Schedule 1, no *personal recreation space* is required.”;
- (15) deleting from Section 4(10)(b), the words and numbers “Parts 5, 6, 7, 8, 9, 10 and 11 shown on Plans 2.1, 2.2 and 2.3” and substituting the words and number “those Parts shown on Plan 2”;
- (16) deleting the comma and word “and” after Section 4(10)(a) and substituting a semi-colon;
- (17) deleting the period at the end of Section 4(10)(b) and substituting a semi-colon and the word “and”;
- (18) adding to Section 4(10), paragraph (c) as follows:
 

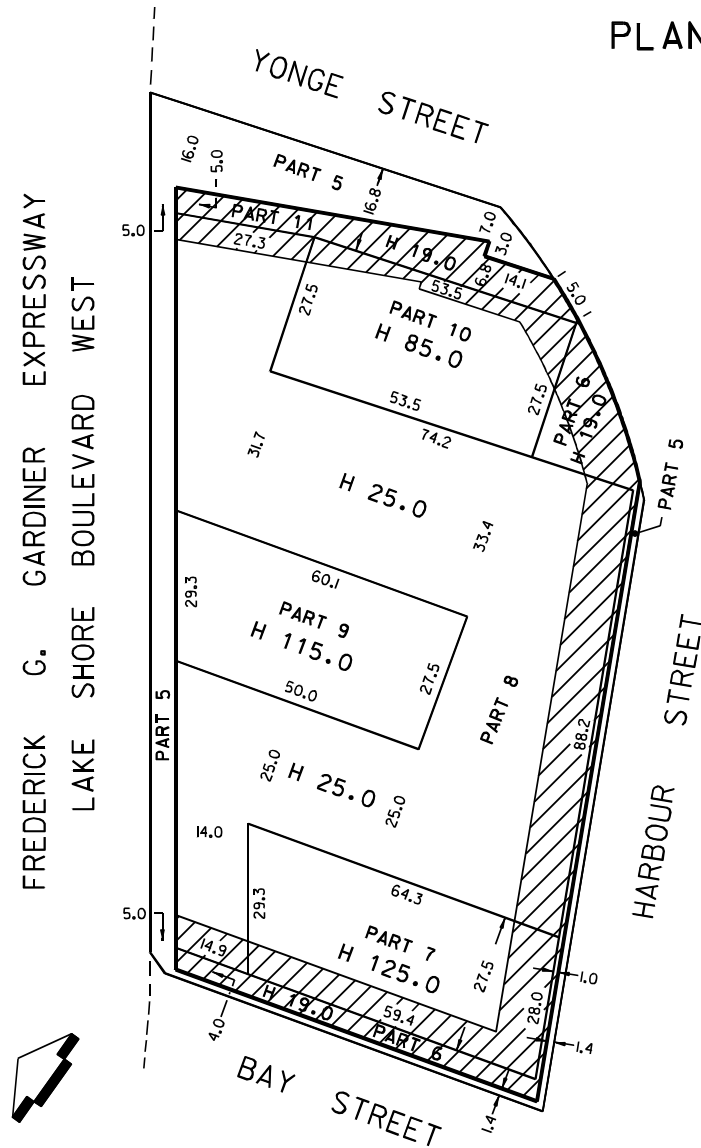
“(c) in the case of those Parts shown on Plan 2, at least 303 *parking spaces* are provided and maintained for the purposes of the Convention Centre Site and 25 *parking spaces* are provided and maintained for residential visitors to the building known in the year

1995 as No. 10 Yonge Street shown on Schedule 3 and in accordance with the agreement entered into pursuant to Section 37 of the Planning Act, R.S.O. 1990.”;

- (19) deleting Section 6;
- (20) deleting from Section 9, the number “42-86”, wherever it appears, and substituting the number and words “42-87, as amended”;
- (21) amending Sections 9(3)(a) and (c), as introduced by By-law No. 763-87, by deleting the word “underpass” and substituting the word “bridge”;
- (22) deleting from Section 10(2)(f)(ii), the words and numbers “Plans 2.1, 2.2 and 2.3 of 5” and substituting the word and number “Plan 2”;
- (23) adding to Section 10(2)(g) before the definition of “*gross floor area*” the symbol (i) and adding subparagraph (ii) as follows:
  - “(ii) *hotel* means a building or part of a building containing a hotel within the meaning of The Hotel Registration of Guests Act, R.S.O. 1970, Chapter 212, but does not include a *hostel*, a *rooming house*, or a *tourist or guest home* as defined in By-law No. 438-86, as amended;”;
- (24) adding to Section 10(2)(x) before the definition of “*recreation space*” the symbol (i) and adding subparagraph (ii) as follows:
  - “(ii) *recreation space* in respect of any Part on Plan 2 means a common area or areas within any Part on Plan 2 which are provided for the exclusive use of residents of a building for recreational or social purposes; and may include, but is not limited to a landscaped area, a garden, a terrace, an outdoor swimming pool, an outdoor games or play area, a tot lot, a covered sitting area, an indoor swimming pool, a sauna, a shower and change room, an exercise room, a hobby room, a workshop, a lounge or a meeting room.”; and
- (25) deleting Schedule 4.

**2.** By-law No. 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, is amended by deleting from Section 13, the following words and numbers, “By-laws Nos. 42-87 and 763-87” and substituting the words and numbers “By-laws Nos. 42-87, 763-87 and 362-1998 (OMB)”.

SCHEDULE 1  
PLAN 2



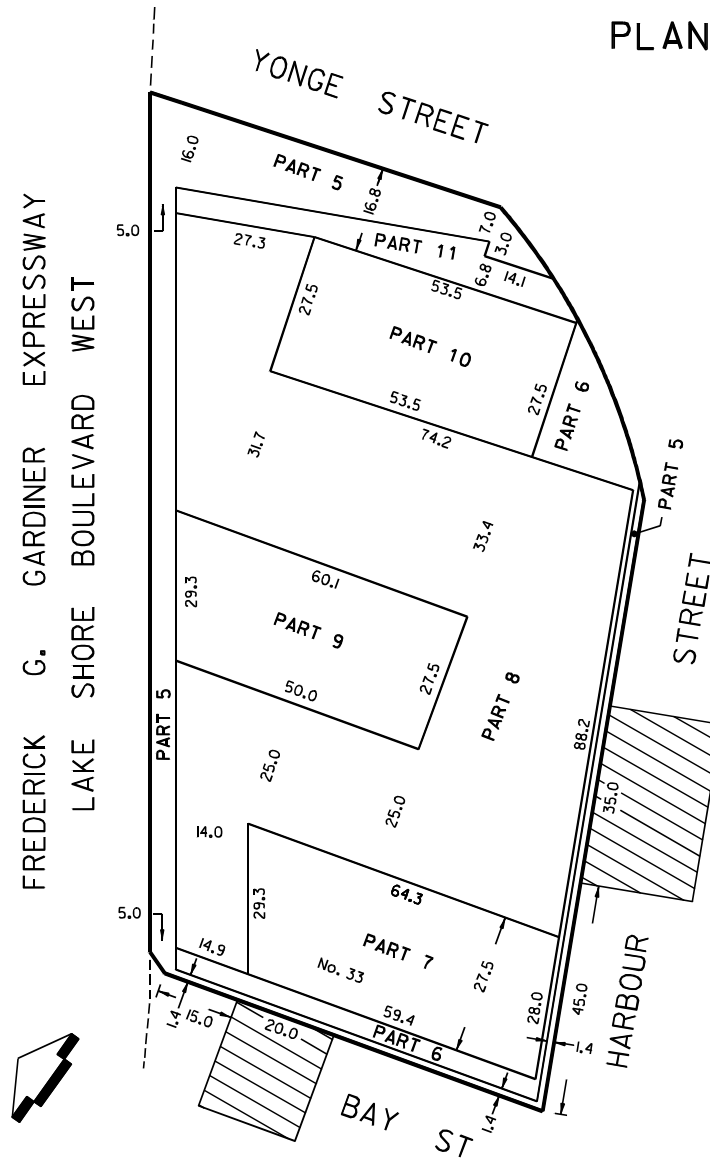
LOCATION OF COLONNADE  
MINIMUM HEIGHT 4.0 METRES  
MINIMUM WIDTH 3.0 METRES  
-EXCLUDES PART 5 AS SHOWN



CITY WORKS SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO  
BL2/33BAY1D.DGN  
FILES: B7-Z32, H15-Z1  
MAP NO. 50G-313  
AUGUST, 1997  
DRAWN: PG

# SCHEDULE 1

## PLAN 5



LOCATION OF BRIDGE  
MINIMUM WIDTH 2.0 METRES



CITY WORKS SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO  
BL2/33BAY1E.DGN  
FILES: B7-232, H15-Z1  
MAP No. 50G-313  
AUGUST, 1997  
DRAWN: PG