

Authority: Toronto Community Council Report No. 11, Clause No. 8,
as adopted by City of Toronto Council on July 27, 28, 29 and 30, 1999
Enacted by Council: September 29, 1999

CITY OF TORONTO

BY-LAW No. 664-1999

To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting 1115 and 1121 Bay Street and to repeal By-law No. 311-78 of the former City of Toronto, respecting lands known as 1121 Bay Street.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law.

Now Therefore the Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 4(2), 8(3) Part I 1 and 12(2)259 of By-law No. 436-86, 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, shall apply to prevent the erection and use on the *lot of a mixed-use building*, including below-grade parking, containing not more than 154 *dwelling units*, provided:

- (1) the *lot* on which the building is located comprises at least those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law;
- (2) no portion of any building located above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Plan 2 attached to and forming part of this By-law;

- (3) the maximum *height* of the building, as shown on Plan 2, does not exceed 76.8 metres, which *height* shall be inclusive of:
 - (a) a mechanical penthouse to a maximum of 10.9 metres, which may include *residential amenity space* and decorative building elements, and
 - (b) structural elements referred to in section 4(2)(a)(i) and (ii) of By-law No. 438-86, as amended;
- (4) the *residential gross floor area* does not exceed 11,655 square metres;
- (5) the *non-residential gross floor area* does not exceed 280 square metres;
- (6) there are not more than 154 residential *dwelling units* in the building;
- (7) not less than 30 per cent of the Bay Street *frontage* shall be for *street-related retail and services uses*;
- (8) 107 *parking spaces* are provided and maintained in a below-grade garage for the exclusive use of the residents of the *mixed-use building*; and
- (9) the owner of the *lot*, at its expense and in accordance with and subject to the agreement referred to in section 1(9)(f) of this By-law:
 - (a) contributes \$500,000 to the City which shall be expended as follows:
 - (i) a maximum of \$150,000 toward the provision and maintenance of works of public art in publicly accessible portions of the lands or on adjacent lands owned by the City;
 - (ii) a maximum of \$50,000 toward off-site streetscape improvements in the vicinity east of the site, to the satisfaction of the Commissioner of Urban Planning and Development Services in consultation with the Commissioner of Works and Emergency Services;
 - (iii) \$100,000 shall be provided to the City by way of a cash contribution for the provision of parkland in the vicinity of the site;
 - (iv) at least \$200,000 shall be provided to the City by way of a cash contribution for the provision of affordable housing; and

- (v) any funds remaining from the \$500,000 contribution after expenditures have been made pursuant to Sections 1(9)(a)(i) to (iv) herein, shall be added to the affordable housing contribution set out in Section 1(9)(a)(iv).
- (b) provides maintains and operates the development in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
- (c) provides improvements to the public boulevard and public sidewalk or payment for the improvements to be provided;
- (d) provides any environmental review and performs remediation required by the Medical Officer of Health, including a Dust Control Plan, all in accordance with Ministry of Labour and Ministry of the Environment and Energy Guidelines;
- (e) provides space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes, sewer maintenance holes and any other collateral matters which are required in connection with this development; and
- (f) enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in subsection 1(9) of this By-law, and such agreement or agreements are appropriately registered against the title to the lands.

2. For the purposes of this By-law each word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

3. Section 13 of By-law No. 438-86, as amended, is further amended by deleting the reference “By-law No. 311-78 respecting 1121 Bay Street” and By-law No. 311-78 is hereby repealed.

ENACTED AND PASSED this 29th day of September, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

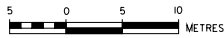
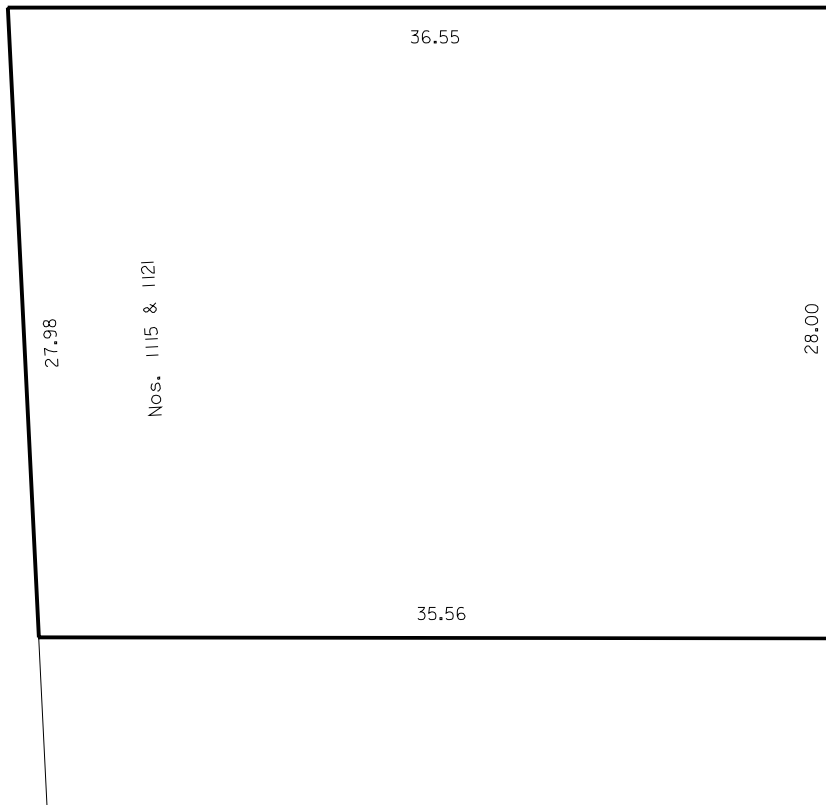
(Corporate Seal)

PLAN I

CHARLES STREET WEST

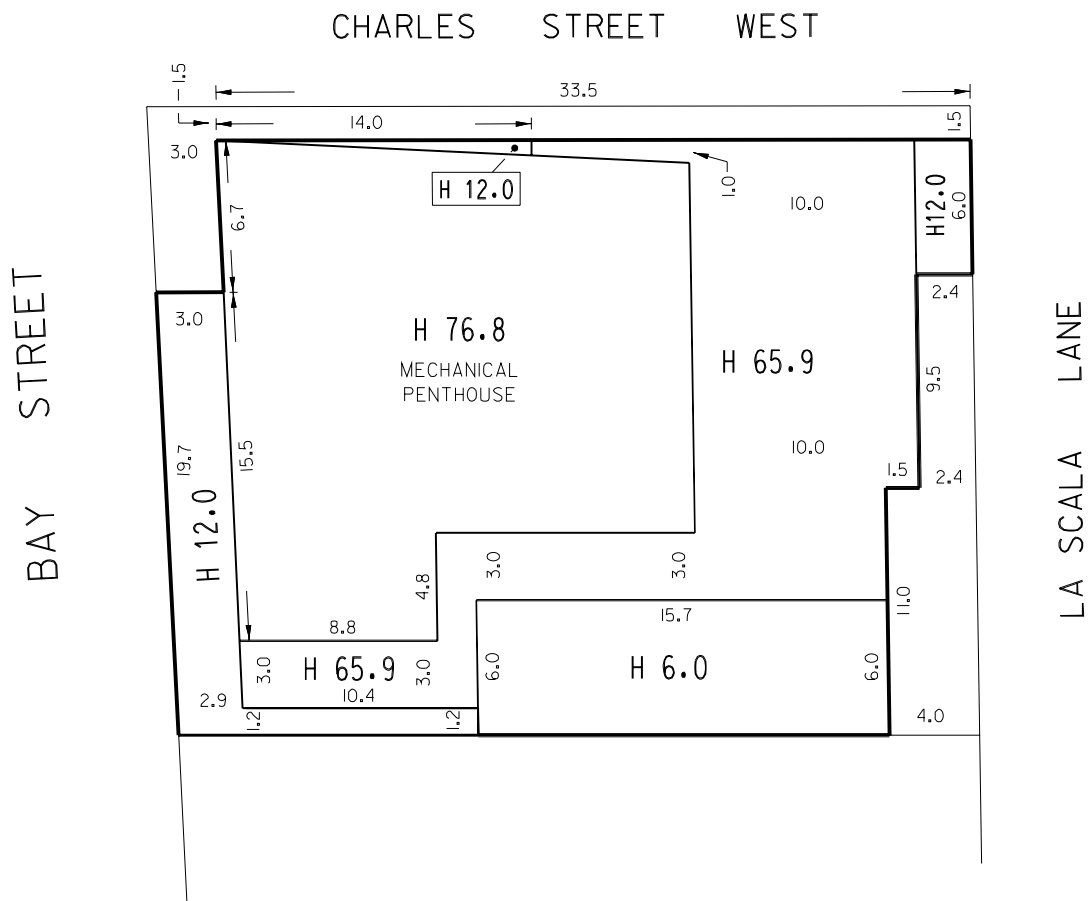
BAY STREET

LA SCALA LANE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 1999
BL2/1115BAY1.DGN
FILE: B7-Z6
MAP No. 50H-323 DRAWN: WL

PLAN 2



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JULY, 1999
BL2/1115BAY2.DGN
FILE: B7-Z6
MAP No. 50H-323 DRAWN: WL