

Authority: Toronto Community Council Report No. 8, Clause No. 1, as adopted by City of Toronto Council on July 8, 9 and 10, 1998; and Notice of Motion J(14), moved by Councillor Rae, seconded by Councillor Chow, as adopted by City of Toronto Council on January 30, 31 and February 1, 2001  
Enacted by Council: February 1, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 85-2001**

**To amend By-law No. 438-86, the Zoning By-law, and to repeal By-laws Nos. 310-70 and 140-82, all of the former City of Toronto, respecting the property known in the year 2000 as 2 Bloor Street West.**

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 height or density of development beyond those otherwise permitted by the by-law 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 provides that where an owner of land elects to provide facilities, services or matters in return for an increase in height or 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 density and 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, hereinafter referred to as the City; 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands comprising Parcel A and Parcel B shown outlined by heavy lines on Plan 1, attached to and forming part of this By-law, and known municipally in the year 2000 as No. 2 Bloor Street West.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, 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", shall continue to apply to the lands comprising Parcel A and Parcel B on Plan 1.
3. Pursuant to Section 37 of the Planning Act and despite the provisions of Sections 4(2)(a), 4(5)(b) and (h), 4(14)(a), 8(3) Part I, 8(3) Part III 1(a), 8(3) Part IV 1 and 12(2) 260 of

By-law No. 438-86, as amended, the erection and use of a *mixed-use building* containing *dwelling units*, retail uses and above-*grade* parking on the lands comprising Parcel A on Plan 1, together with the use of the building in existence on the lands comprising Parcel B on Plan 1 on January 1, 2001 for commercial office and retail uses, are permitted, provided:

- (1) the aggregate amount of the *residential gross floor area* and the *non-residential gross floor area* erected and used on Parcel A does not exceed 48 145 square metres, of which:
  - (a) not more than 32 610 square metres of *residential gross floor area* is erected or used for residential dwelling purposes;
  - (b) not more than 9710 square metres of *residential gross floor area* is erected or used for above-*grade* parking purposes; and
  - (c) not more than 5825 square metres of *non-residential gross floor area* is erected or used, provided such floor area is used only for *street-related retail and service uses* and publicly accessible pedestrian connections, of which not less than 1600 square metres is used for *street-related retail and service uses* on the concourse level and not less than 1300 square metres is used for *street-related retail and service uses* on the ground floor level of such building;
- (2) the lesser of: (a) 244 *parking spaces*, or (b) the number of *parking spaces* calculated on the basis of 0.7 *parking spaces* for each one bedroom *dwelling unit* and 1.0 *parking spaces* for each two bedroom *dwelling unit* are provided above-*grade* on Parcel A for the residents of the building erected and used on Parcel A;
- (3) not more than 305 *dwelling units* are erected or used on Parcel A;
- (4) no portion of any building or structure above-*grade* erected or used on Parcel A is located outside of the area delineated by heavy lines on Plan 2, attached to and forming part of this By-law;
- (5) subject to the provisions of Subsection 3(6) of this By-law, no portion of any building or structure erected or used on Parcel A is located above the *height* limits shown on Plan 2, exclusive of an elevator room not higher than 8.5 metres and not greater than 5.0 metres by 14.0 metres in area, and exclusive of roof top structures and elements permitted pursuant to Section 4(2)(a)(i) or (ii) of By-law No. 438-86;
- (6) no portion of any building or structure erected or used on Parcel A penetrates the angular plane shown on Plan 3, attached to and forming part of this By-law, exclusive of roof top structures and elements permitted pursuant to Section 4(2) (a)(i) or (ii) of By-law No. 438-86;
- (7) the *non-residential gross floor area* of the building erected on Parcel B, excluding below-*grade* areas, does not exceed 49 450 square metres;

- (8) a publicly accessible pedestrian connection having a width of not less than 3.0 metres at its narrowest point, not including escalators, stairs, doorways and elevators, and providing continuous access from Yonge Street to the building on Parcel A is provided and maintained on the concourse level of the building erected on Parcel B;
- (9) despite the loading requirements set forth in By-law No. 438-86, an *at-grade* loading facility comprising 1 *loading space - type G* and 2 *loading spaces - type B* is provided and maintained on Parcel A for the shared use of the building erected on Parcel A pursuant to this By-law and the existing building located on Parcel B;
- (10) despite Section 12(2) 259(ii) of By-law No. 438-86, at least 40 per cent of the aggregate length of the Bay Street *frontage* of Parcel A shall be used for *street-related retail and service uses*;
- (11) the *owner* of the lands comprising Parcel A, at its expense and in accordance with and subject to the agreement referred to in Subsection 3(12) of this By-law:
- (a) pays to the City a sum of not less than \$250,000.00 for off-site streetscape and parkland improvements in the vicinity of Parcel A;
  - (b) provides and maintains works of public art in publicly accessible portions of the lands comprising Parcel A, or on lands owned by the City in the vicinity, of a value not less than one per cent of the cost of construction of all buildings and structures erected on Parcel A;
  - (c) provides and maintains continuous publicly accessible pedestrian connections on Parcel A from Bay Street and from Cumberland Street, *at-grade*, to the concourse level of any building erected on such lands and connecting to the TTC subway station entrance access below Bay Street;
  - (d) provides and maintains a continuous publicly accessible pedestrian connection through Parcel A at the concourse level, having a width of not less than 3.0 metres at its narrowest point, not including escalators, stairs, doorways and elevators, which connects to the continuous publicly accessible pedestrian connection located on Parcel B, the TTC subway entrance access located below Bay Street and the pedestrian connections required in paragraph (c) herein;
  - (e) provides and where applicable maintains any collateral matters required by the City in connection with the development of Parcel A pursuant to this By-law, including providing space within the lands for transformer vaults, electrical and communication utility maintenance holes and sewer maintenance holes; and
  - (f) implements the facilities, services and matters set forth in this By-law within the time frames provided for each such facility, service or matter in the agreement required by Subsection 3(12) herein; and

- (12) the *owner* of the lands comprising Parcel A enters into an agreement with the City pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to in Subsection 3(11) of this By-law and such agreement is registered on title as a first charge against the lands comprising Parcel A.

**4. Definitions**

- (1) For the purposes of this By-law, the terms set forth in italics shall, subject to Subsection 4(2), have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
- (2) For the purposes of this By-law, the terms:
- (a) “public art” includes works of plastic art, works of graphic art, sculptured landscaping, fountains and artistic treatment of walls or other building elements, clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
  - (b) “*height limits*” means the level above-*grade* for each area shown outlined by heavy lines on Plan 2;
  - (c) “*owner*” does not include the City of Toronto; and
  - (d) “*street-related retail and service uses*” shall, in addition to having the same meaning as in By-law No. 438-86, as amended, include a *post office*. For uses on the concourse level of Parcel A the provisions of paragraphs (i), (ii), (iii) and (iv) of such definition shall not apply.
- 5.** By-laws Nos. 310-70 and 140-82 of the former City of Toronto are hereby repealed on the coming into force of this By-law.

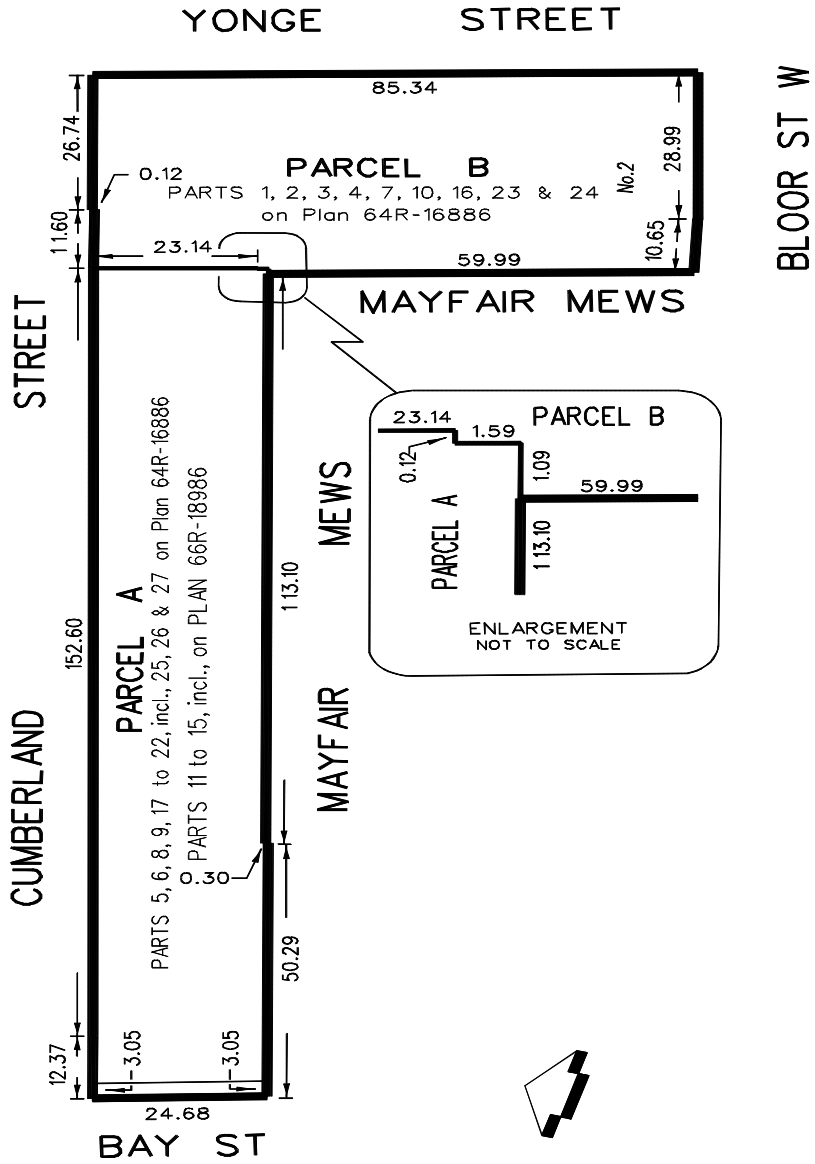
ENACTED AND PASSED this 1st day of February, A.D. 2001.

CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)

# PLAN 1



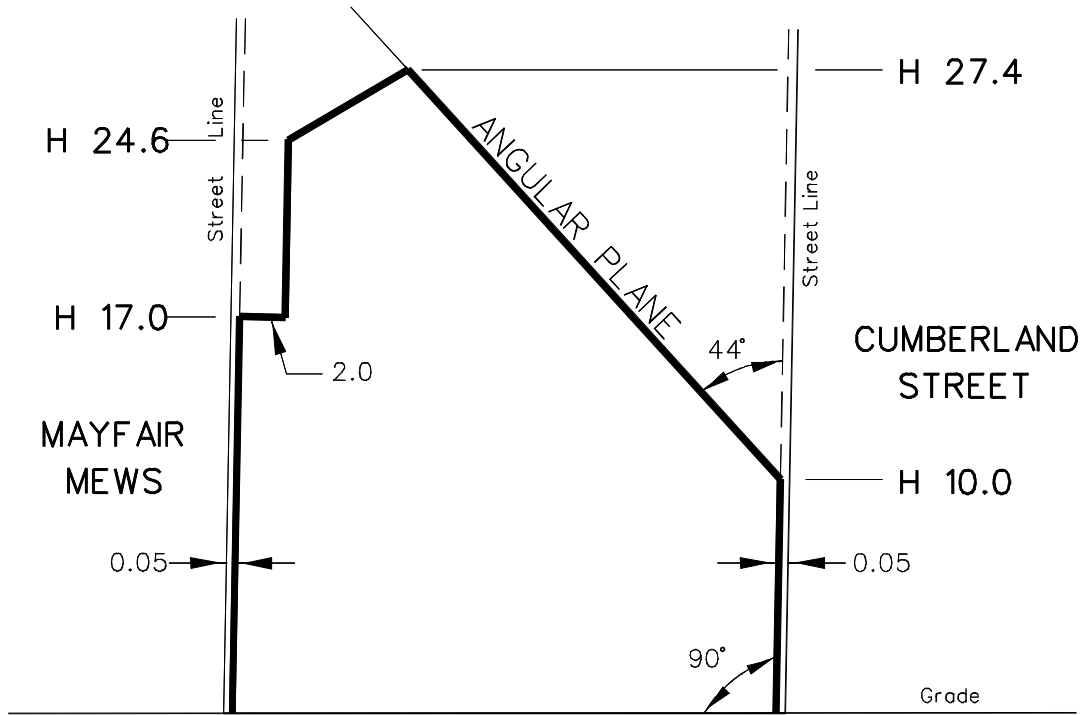
WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SECTION  
 TORONTO  
 BLD1/2BLOOR1.DGN  
 FILE: B22-Z13  
 MAP No. 50J-313

JANUARY, 2001

DRAWN: WL



PLAN 3



SECTION A-A



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO JANUARY, 2001  
BL01/2BL00R3.DGN  
FILE: B22-Z13  
MAP No. 50J-313 DRAWN: WL