

Authority: Toronto East York Community Council Report No. 4, Clause No. 3,
adopted as amended, by City of Toronto Council on April 16, 17 and 18, 2002
Enacted by Council: April 18, 2002

CITY OF TORONTO

BY-LAW No. 300-2002

To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as Nos. 1280-1290 Bay Street and No. 79 Scollard Street and to repeal By-law No. 731-81 of the former City of Toronto.

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 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 in respect of 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 or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of 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 (the "City"); and

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

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

1. None of the provisions of the definition of *grade* in Section 2 and none of the provisions of Section 4(2)(a), Section 8(3) Part I, Section 8(3) Part II, Section 8(3) Part III, Section 8(3) Part XI 2(ii) and Section 12(2) 259(ii) 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", as amended, shall apply to prevent the erection and use of a mixed-use building on the *lot*, provided:
 - (1) the *lot* comprises the lands outlined by heavy lines on Plan 1 attached to and forming part of this By-law;

- (2) no portion of the *mixed-use building* above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines and within the *height* limits shown on Plan 2 attached to and forming part of this By-law, excepting only that cornices, canopies, ornamental elements, balconies, bay windows, vents, fences, parapets, retaining walls, ramps to underground garages, railings, chimneys, stair towers, heating, cooling or ventilating equipment, and structures on the roof used for outside recreation, safety or wind protection purposes may extend beyond areas delineated by heavy lines and *height* limits shown on Plan 2, but, excepting cornices and canopies, must be wholly within the *lot*;
 - (3) the combined *residential gross floor area* and *non-residential gross floor area* does not exceed 14,750 square metres;
 - (4) the *residential gross floor area* does not exceed 14,415 square metres;
 - (5) the *non-residential gross floor area* does not exceed 500 square metres and is located only at *grade*;
 - (6) there are not more than 141 *dwelling units* within the *mixed-use building*;
 - (7) there is a minimum setback of 4.5 metres from the window of a *dwelling unit*, other than a window of a kitchen or bathroom, to any *lot* line that is not a *street* line;
 - (8) the retail main floor level has a depth of not less than 6.0 metres measured from the main *front wall* of the *mixed-use building* and a width of not less than 35 per cent of any *street* frontage of the *mixed-use building* on Bay Street;
 - (9) the retail main floor level has a depth of not less than 5.0 metres measured from the main *front wall* of the *mixed-use building* and a width of not less than 35 per cent of any *street* frontage of the *mixed-use building* on Scollard Street; and
 - (10) at least 40 per cent of the aggregate length of the portion of the *frontage* of the *lot* abutting Bay Street is used for retail purposes.
2. The density and the *height* of the development permitted by Section 1 are permitted subject to compliance with the conditions set out therein and in return for the provision by the *owner* of the *lot* of the following facilities, services or matters to the City of Toronto, namely that the *owner* pay to the City before the issuance of any building permit in respect of the *lot* the sums of:
- (a) \$125,000.00 for the costs associated with a new heating, ventilation and air conditioning system for the Yorkville Public Library;
 - (b) \$25,000.00 toward the costs of improvements to Jesse Ketchum Park; and

- (c) \$100,000.00 toward the costs of the Bloor Street Transformation Project,
and enter into one or more agreements pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by this Section and the agreement or agreements have been appropriately registered against the title to the *lot*.
3. For the purpose of the By-law,
- (a) *grade* shall mean 116.7 metres Canadian Geodetic Datum; and
- (b) each other italicized word or expression shall have the same meaning as each word or expression as defined in By-law No. 438-86.
4. By-law No. 731-81 of the former City of Toronto is repealed.
5. In cases where there is a conflict between this By-law and the provisions of By-law No. 438-86, as amended, this By-law shall apply.

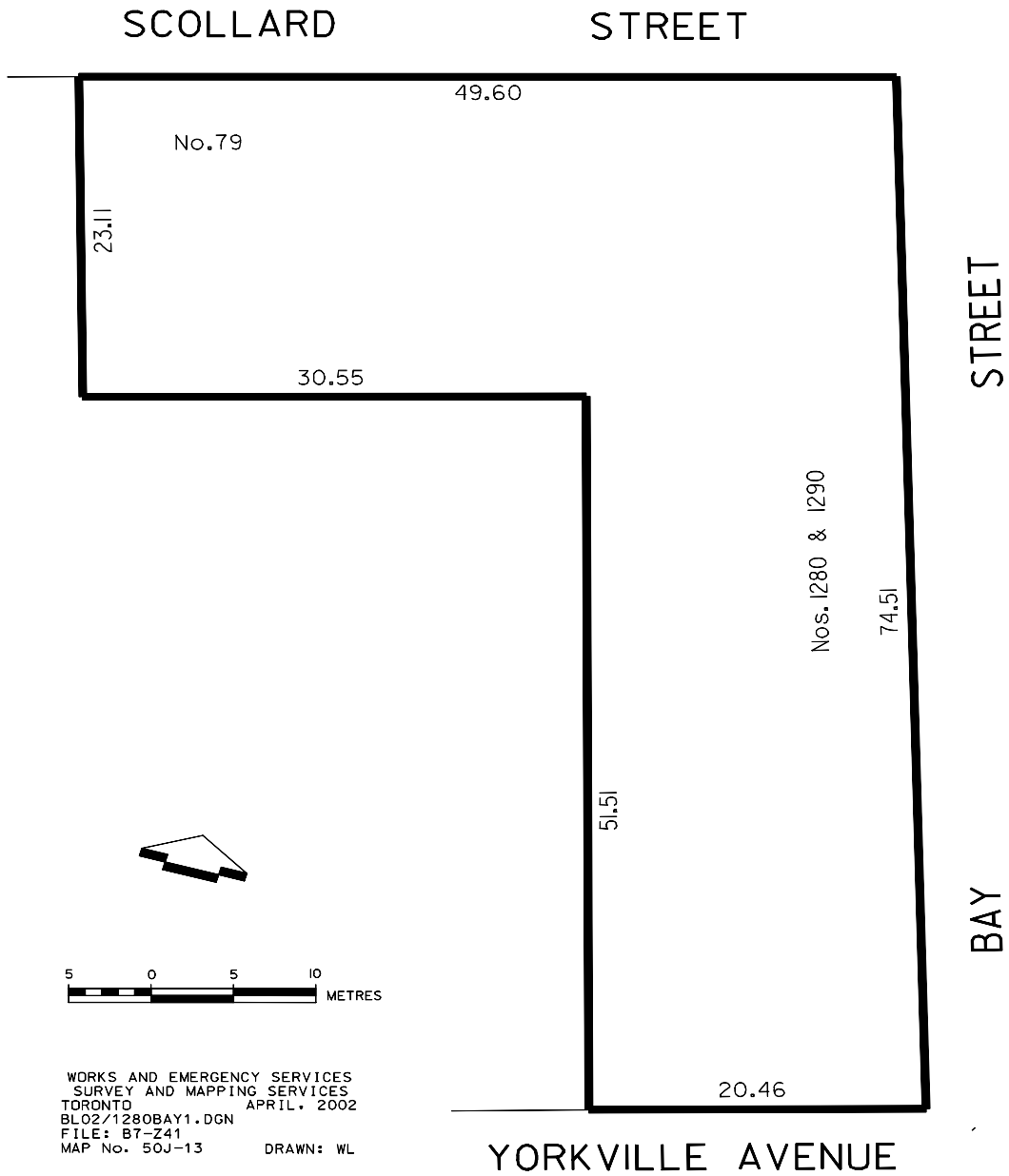
ENACTED AND PASSED this 18th day of April, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN I



PLAN 2

