

Authority: Toronto South Community Council Report No. 2, Clause No. 4a,  
as adopted by City of Toronto Council on April 15 and 16, 2004  
Enacted by Council: April 16, 2004

## CITY OF TORONTO

### BY-LAW No. 254-2004

#### **To amend General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known municipally in the year 2004 as 825, 855 and 863 Bay Street.**

WHEREAS authority is given to Council by 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*;

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

1. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *street-related retail and service uses*, and Sections 4(2)(a)(i) and (ii), 4(5)(b), (c), (d), 4(12), 4(13), 4(14), 8(3) PART I, 8(3) PART II, 8(3) PART XI 2(ii), 12(2) 259, 12(2) 260 of 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, shall apply to prevent the erection and use of one or more *mixed-use buildings*, including *accessory uses* and a *parking garage*, on the lands municipally known in the year 2004 as 825, 855 and 863 Bay Street (hereafter referred to as the “*lot*”) provided:
  - (1) the *lot* on which the proposed buildings are to be located comprises the lands outlined by heavy lines as shown on Plan 1, attached hereto and forming part of this By-law;
  - (2) the combined *residential gross floor area* and *non-residential gross floor area* on *Parcel A* shall not exceed 22,580 square metres, of which not more than 22,150 square metres shall be *residential gross floor area* and not more than 500 square metres shall be *non-residential gross floor area*;
  - (3) the combined *residential gross floor area* and *non-residential gross floor area* on *Parcel B* shall not exceed 27,500 square metres, of which not more than 27,000 square metres shall be *residential gross floor area* and not more than 500 square metres shall be *non-residential gross floor area*;
  - (4) notwithstanding Sections 1(2) and 1(3) herein, the total *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 46,780 square metres and 870 square metres respectively;

- (5) no portion of the buildings above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2 with the exception of the following:
- (i) cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, public art features, wheel chair ramps, underground garage ramps and associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Plan 2; and
  - (ii) balconies may extend up to 1.85 metres beyond the heavy lines on the attached Plan 2, provided no balconies are located on the east or west elevations of those portions of a building designated with a *height* limit of 16.0 metres, 111.0 metres and 134.0 metres as shown on Plan 2;
- (6) any building or structure on the *lot* shall not have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Plan 2, except for the following:
- (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes, chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of the building, ornamental elements, parapets, stairs, stair enclosures and safety railings may exceed the *height* limit on the attached Plan 2 by no more than 3 metres; and
  - (ii) balconies;
- (7) *street-related retail and service uses* shall be provided on the ground floor level and the area occupied by *street-related retail and service uses* shall have a depth of not less than 6.5 metres measured from the main front wall of the building that is parallel with the Bay Street *frontage* and the *street related retail and service uses* shall have an aggregate width of at least 75 percent of the Bay Street *frontage* of *Parcel A*;
- (8) *street-related retail and service uses* shall be provided on the ground floor level and the area occupied by *street-related retail and service uses* shall have a depth of not less than 6.5 metres measured from the main front wall of the building that is parallel with the Bay Street *frontage* and the *street related retail and service uses* shall have an aggregate width of at least 75 percent of the Bay Street *frontage* of *Parcel B*;

- (9) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
  - (ii) 0.7 *parking spaces* for each one – *bedroom dwelling unit*;
  - (iii) 1.0 *parking spaces* for each two – *bedroom dwelling unit*;
  - (iv) 1.2 *parking spaces* for each three – *bedroom dwelling unit*; and
  - (v) 0.06 *parking spaces* for every *dwelling unit* contained therein for visitors;
- (10) *Parcel C* shall be used for the purposes of a public lane, and for an underground *parking garage* and *accessory* uses in connection with the development of either *Parcel A* or *Parcel B* or both;
- (11) at least one *loading space-type G* shall be provided and maintained on the *lot*;
- (12) minimum number of *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* shall be provided and maintained on the *lot* in accordance with the following:
- (i) 90 *bicycle parking spaces – occupant* and 20 *bicycle parking spaces – visitor* for the residential development on *Parcel A*; and
  - (ii) 146 *bicycle parking spaces – occupant* and 20 *bicycle parking spaces – visitor* for the residential development on *Parcel B*;
- (13) *residential amenity space* shall be provided and maintained as follows:
- (i) for the residential development on *Parcel A*, at least 775 square metres of indoor *residential amenity space* and, for *Parcel B*, at least 1161 square metres of indoor *residential amenity space*, provided that such indoor *residential amenity space* for *Parcel A* and *Parcel B* is provided and maintained in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
  - (ii) for the residential development on *Parcel A*, at least 200 square metres of outdoor *residential amenity space* and, for *Parcel B*, at least 338 square metres of outdoor *residential amenity space*, provided at least 40 square metres of the total outdoor *residential amenity space* for *Parcel A* and *Parcel B* is provided in a location adjoining or accessible by stairs from a portion of the indoor *residential amenity space*;

- (14) the portion of the building above the *height* limit of 134.0 metres, within the area shown as “MECHANICAL PENTHOUSE H139.5” on Plan 2, shall not be used for any habitable space including *dwelling units* and *residential amenity space*; and
  - (15) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(15) of this By-law, agreeing to:
- (i) contributions in the amount of \$780,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 519 Church Street and for capital costs at Dundas Square;
  - (ii) a contribution in the amount of \$20,000.00 as directed by the Commissioner of Urban Development Services for capital improvements at 32 Grenville Street;
  - (iii) a public art contribution in accordance with the City of Toronto’s public art programme for a value of not less than one percent of the cost of construction of all buildings and structures on the *lot*;
  - (iv) architectural design and exterior materials satisfactory to the Commissioner of Urban Development Services; and
  - (v) the phasing of the development of the *lot* and the timing of the contributions set out above in a manner satisfactory to the Commissioner of Urban Development Services.
3. Definitions:
- (1) For the purposes of this By-law, the terms set forth in italics, subject to Section 3(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended;
  - (2) the following definitions shall apply:
    - (i) “*grade*” shall mean 104.8 metres Canadian Geodetic Datum;
    - (ii) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure;

- (iii) “*Parcel A*”, “*Parcel B*” and “*Parcel C*” all mean the areas identified as *Parcel A*, *Parcel B* and *Parcel C* on Plan 1 respectively; and
  - (iv) “*street-related retail and service uses*” shall have the same meaning as provided in Section 2 of By-law No. 438-86, as amended, and shall include office uses.
4. Despite any existing or future severance, partition, or division of any *lot*, the provisions of this By-law shall apply to the whole of a *lot* as if no severance, partition or division occurred.
5. None of the provisions of this By-law or any restrictive By-law, including Section 12(2) 259 of By-law No. 438-86, as amended, shall apply to prevent the erection and use on the *lot* of a temporary sales office for the purpose of selling *dwelling units* permitted by this By-law.
6. Upon execution and registration of an agreement by the *owner* of the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the *lot* is subject to the provisions of this By-law.

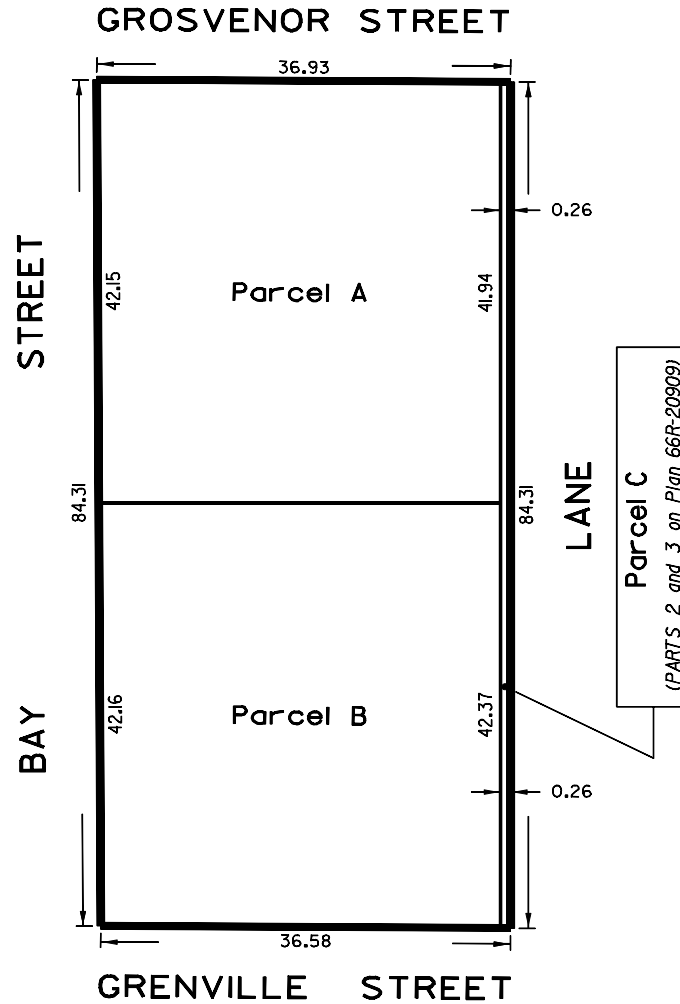
ENACTED AND PASSED this 16th day of April, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# PLAN I

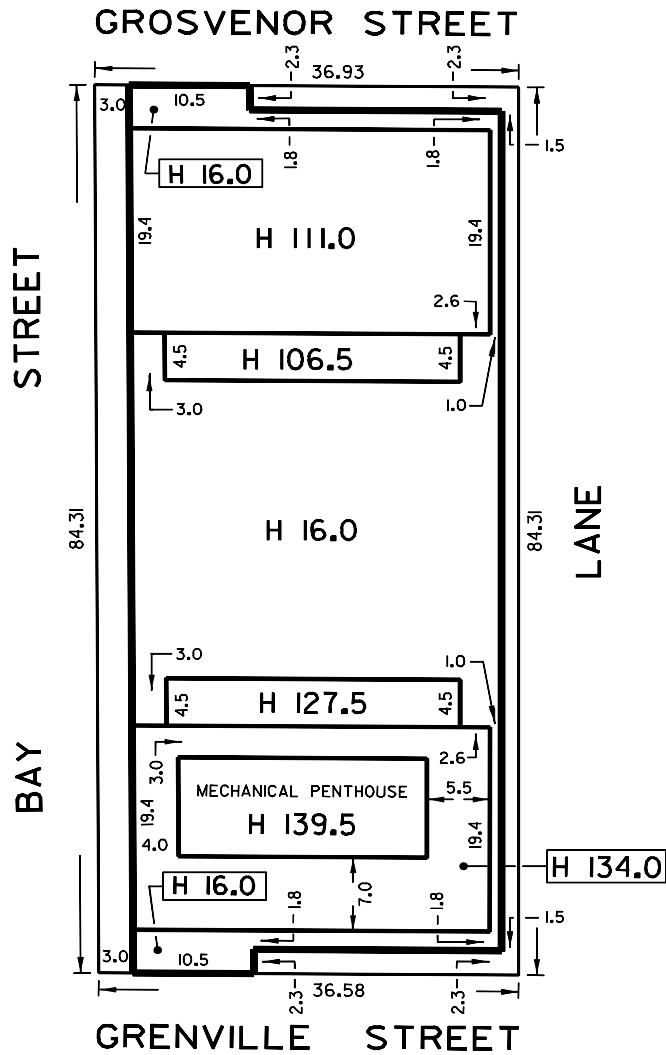


LANDS REFERRED TO AS THE LOT  
 Nos. 825, 855 and 863 BAY STREET  
 (PARTS 1,2 and 3 on PLAN 66R-20909)



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO FEBRUARY, 2004  
 BL04/855BAY1.DGN  
 FILE: B7-244  
 MAP No. 50H-323 DRAWN: D.R

# PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO FEBRUARY, 2004  
 BLO4/855BAY2.DGN  
 FILE: B7-Z44  
 MAP No. 50H-323 DRAWN: D.R