

Authority: Toronto and East York Community Council Item 15.9,  
as adopted by City of Toronto Council on May 26 and 27, 2008  
Enacted by Council: May 27, 2008

## CITY OF TORONTO

### BY-LAW No. 519-2008

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 832 and 860 Bay Street.**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2008 as 832 and 860 Bay Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on May 26 and 27, 2008, determined to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended;

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

1. Pursuant to Section 37 of the *Planning Act*, the 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 provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix "1" hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix "1" hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. 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 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 *site*.
4. Notwithstanding Section 8(1) of By-law No. 438-86, as amended, the uses permitted on the *site* after the passage of this By-law are the *proposed building* and a lane.

5. Notwithstanding Sections 8(3) Part I 1 and 8(3) Part I 3(a) of By-law No. 438-86, as amended, the maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site*, shall not exceed 37,287 square metres, of which the maximum *residential gross floor area* shall not exceed 36,337 square metres and the maximum *non-residential gross floor area* shall not exceed 950 square metres.
6. Notwithstanding Sections 4(14) and 12(2)260 of By-law No. 438-86, or any other provision thereof regarding set-backs, no part of any building or structure erected within the *site* after the passage of this By-law shall be located above finished ground level other than within a *building envelope*.
7. Section 6 hereof does not apply to the type of structure listed in the column entitled “Structure” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “Maximum Permitted Projection” are complied with:

Structure	Maximum Permitted Projection
parapets, planters, flower boxes, ornamental or architectural elements, roof build up and finishes, exhaust fans and flues, and doors	maximum 1.0 metre projection, provided the height of such “Structure” is not greater than 2.0 metres above that portion of the building to which it is attached
eaves, lighting fixtures, cornices, ornamental or architectural elements, balustrades, mullions, window sills	maximum 1.0 metre projection, provided the height of the “Structure” is no higher than that portion of the building to which it is attached
fences, safety railings, guardrails and landscape features, including trellises, wind mitigation screens and features and window washing equipment	no restriction on the extent of the projection provided the height of such “Structure” does not exceed 3.0 metres
Canopies and awnings	maximum 2.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “Structures” does not exceed 2.0 metres above finished ground level
balconies	(a) balconies are permitted only at the locations noted for “BALCONY” on Map 2, (b) on the Bay Street side of the building, balconies are only permitted above the third storey of the tower element, (c) with a maximum 1.6 metre projection, and (d) no higher than the <i>height</i> noted for the “BALCONY” locations on Map 2
wheelchair ramps, stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “Structure” does not exceed 3.0 metres
public art features	no restriction in extent of projection or height of “Structure”

8. Notwithstanding Section 4(2)(a) of By-law No. 438-86, as amended:
- (a) each component of a building or structure erected within the *site* shall, in respect of each corresponding area as identified and shown on Map 2, have the maximum *height* as shown following the corresponding symbol “H” on Map 2, and
  - (b) the preceding subsection (a) does not apply to prevent the erection or use above the said maximum *height* limits of the structural projections permitted outside a *building envelope* by Section 7 hereof, subject to the limitations set out in Section 7.
9. Notwithstanding any other provision of this By-law or of By-law No. 438-86, as amended, no part of any building or structure erected within the *site* after the passage of this By-law shall contain a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the said building or structure, or a fence, wall or structure enclosing such roof elements, unless the said roof elements are located entirely within the portion of the building or structure identified on Map 2 as “Mechanical Penthouse” and, for clarity, no component of any such roof element shall be higher than 154.12 metres above *grade*, provided that a screen may be erected on the roof having a maximum height of 3.0 metres above the mechanical penthouse roof *height* of 154.12 metres.
10. Notwithstanding Section 4(5)(b) of By-law No. 438-86, as amended, *parking spaces* for uses within the *site* shall be provided and maintained in accordance with the following minimums:
- (a) at least 2 *car-sharing parking spaces* shall be provided within the *site* and used at all times for the provision of *car-share motor vehicles*, and
  - (b)
    - (i) 0.18 *parking spaces* for each one bedroom *dwelling unit* located on the *site*,
    - (ii) 0.98 *parking spaces* for each two bedroom *dwelling unit* located on the *site*,
    - (iii) 1.0 *parking spaces* for each three or more bedroom *dwelling unit* located on the *site*,
    - (iv) 0.035 *parking spaces* for visitors for each *dwelling unit* located on the *site*,and
  - (v) such *parking spaces* as required by By-law No. 438-86 shall be required for any non-residential use located on the *site*.

11. All *parking spaces* shall be accessed as required by By-law No. 438-86 and have the minimum dimensions of a *parking space* as required by By-law No. 438-86, with the exception of:
- (i) 12 *parking spaces* which may have minimum dimensions of 2.6 metres in width by 5.1 metres in length, and
  - (ii) 68 *parking spaces* which may have minimum dimensions of 2.9 metres in width by 5.1 metres in length.
12. Within the *site*,
- a. *Parcel A* shall be used for and only for the purposes of the *proposed building*, and
  - b. *Parcel B* shall be used for and only for the purposes of a lane accessible to the public, for the *proposed building*, and for an underground *parking garage* and *accessory* uses to the *proposed building*.
13. Notwithstanding Section 4(12) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *residential amenity space* is provided and maintained in accordance with the following table:

Type of Residential Amenity Space Required	Amount of Residential Amenity Space Required
<i>residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a washroom:	a minimum of 932 square metres of <i>residential amenity space</i>
<i>residential amenity space</i> located outdoors	a minimum of 875 square metres of <i>residential amenity space</i> of which at least 40 square metres is to be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i> , including accessible by stairs

14. Notwithstanding Section 8(3) Part III 1(a) of By-law No. 438-86, as amended, *common outdoor space* shall not be required on the *site*.
15. For clarity, the *site* shall be deemed to be a *lot* for the purposes of the *proposed building* and despite any existing or future severance, partition, or division of any part of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division occurred.
16. For clarity, Appendix “1” attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.

17. For the purposes of the By-law, the following expressions shall have the following meanings:
- (a) “*building envelope*” means a building envelope as delineated by heavy lines on Map 2 attached hereto,
  - (b) “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of the building,
  - (c) “*car-sharing parking space*” means a *parking space* used for, and only for, the parking of a *car-share motor vehicle*,
  - (d) “*City*” means the City of Toronto,
  - (e) “*grade*” shall mean an elevation of 105.6 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment),
  - (f) “*height*” shall mean the vertical distance in metres between *grade* and the highest point of the building or structure,
  - (g) “*owner*” means the owner of the fee simple of the *site* or any part thereof,
  - (h) “*Parcel A*” and “*Parcel B*” mean the areas identified as *Parcel A* and *Parcel B* on Map 1 respectively,
  - (i) “*proposed building*” means a *mixed use-building* containing *dwelling units* and one or more uses permitted under section 8(1)(f)(b)(iv) of By-law No. 438-86 and *accessory* uses thereto including a below grade *parking garage* and *car sharing*,
  - (j) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto, and
  - (k) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 27th day of May, A.D. 2008.

GLORIA LINDSAY LUBY,  
Deputy Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Appendix “1”

Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. prior to the issuance of the first above grade permit the *owner* shall provide a contribution in the amount of \$800,000 to be used for the improvement of local streetscapes, other than those abutting the site, as outlined in the *City’s Streetscape Manual* and satisfactory to the Chief Planner, and/or parks, to be located within the area bounded by Yonge Street, Queen’s Park Crescent East, Wellesley Street and College Street,
2. the *owner* shall provide a public art contribution in accordance with the *City of Toronto’s* public art program for a value of not less than one percent of the cost of construction of all buildings and structures on the *site* with the provision and maintenance of public art works pursuant to a public programme to be located on publicly accessible portions of the *site*,
3. the *owner* shall provide architectural design and exterior materials satisfactory to the Chief Planner and Executive Director,
4. prior to the introduction of Bills in Council, the *owner* shall enter into a Heritage Easement Agreement with the *City* for the retained and reconstructed portion of 832 Bay Street (McLaughlin Motor Car Showroom) including design guidelines for exterior signage,
5. prior to the introduction of Bills in Council, the *owner* shall provide a detailed Conservation and Restoration Plan, prepared by a qualified heritage consultant, detailing the dismantling, storage, restoration and reconstruction of 832 Bay Street (McLaughlin Motor Car Showroom) satisfactory to the Manager, Heritage Preservation Services,
6. prior to the issuance of any building permit for 832 Bay Street (McLaughlin Motor Car Showroom), including a permit for the demolition, excavation, and/or shoring of the subject property, the *owner* shall:
  - (1) provide a Letter of Credit in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all work included in the Conservation and Restoration Plan, and
  - (2) provide a record of the as-found condition of 832 Bay Street (McLaughlin Motor Car Showroom), including all survey documentation and interior casting samples, satisfactory to the Manager, Heritage Preservation Services,

- (3) provide building permit drawings, satisfactory to the Manager, Heritage Preservation Services,
7. prior to the release of the Letter of Credit, the owner shall:
  - (1) complete the heritage conservation and restoration work, satisfactory to the Manager, Heritage Preservation Services,
  - (2) provide and implement an interpretation program for 832 Bay Street (McLaughlin Motor Car Showroom), satisfactory to the Manager, Heritage Preservation Services,
8. the *owner* shall provide for any improvements to the municipal infrastructure required to support the development which may be identified by the Site Servicing Review accepted by the Executive Director of Technical Services,
9. the *owner* shall provide the timing of the contributions set out above in a manner satisfactory to the Chief Planner and Executive Director,
10. the *owner* shall provide the incorporation, in the construction of the building, exterior materials to be shown for the podium level on 1:50 scale drawings along Bay, Grosvenor, and Grenville Streets with building materials to be labelled to the approval of the Chief Planner and Executive Director,
11. the *owner* shall provide for the requirement to make revisions to the development to address the recommendations of the pedestrian level Wind Report as prepared by F. H. Theakston Environmental Control Incorporated, date stamped as received September 24, 2007, which identified areas where mitigation is required, satisfactory to the Executive Director and Chief Planner,
12. the *owner* shall agree to build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received by the Chief Planner and Executive Director on April 2, 2008,
13. prior to the final building permit for the *proposed building*, the remediation and strata conveyance to the City of a 0.51 metres lane widening to a minimum depth of 0.5 metres, and a covenant to provide support for the said lane widening through the provision and maintenance of the proposed below grade parking garage,
14. the owner shall provide and maintain open space at the north end of the site, paved/and or landscaped to the satisfaction of the Chief Planner and Executive Director, and kept free of debris and snow (on hard surfaces) and open to the public 24 hours a day 7 days a week, and

15. the owner shall provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.





