

Authority: Toronto and East York Community Council Item 36.15,
adopted as amended, by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1009-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1000 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 municipally known as 1000 Bay Street; and

WHEREAS the 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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, 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 any increase in the 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 or matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted subject to the provision of the facilities, services or matters set out in this By-law and to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services or matters in connection with the aforesaid lands set forth in the By-law;

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 in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services or matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense

and in accordance with and subject to the agreement referred to in Section 4(n) of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, services 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, shall continue to apply to the *lot*.
4. None of the provisions of Sections 2(1) definitions *grade*, 4(2)(a), 4(8)(b), 4(12), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(A), 8(3) Part III 1(a), 12(2) 259 of By-law No. 438-86 of the former City of Toronto, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land 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 or use of a mixed use *building* on the lands municipally known as 1000 Bay Street (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the *residential gross floor area* shall not exceed 6,830 square metres;
 - (c) the *non-residential gross floor area* shall not exceed 6,550 square metres;
 - (d) the *residential gross floor area* and *non-residential gross floor area* shall not exceed 13,400 square metres;
 - (e) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2;
 - (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features and gateway features which may extend beyond the heavy lines shown on the attached Map 2; and
 - (iii) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.0 metres beyond the heavy lines shown on

Map 2, provided that such balcony does not project beyond the dashed line on Map 2 indicating the boundary of the *lot*.

- (f) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated on the attached Map 2 except those items listed in Section 4(e)(i)(ii)(iii);
- (g) a minimum of 100 *parking spaces* shall be provided and maintained below *grade* on the *lot* in accordance with the following:
 - (i) a minimum of 77 *parking spaces* for the residents;
 - (ii) a minimum of 6 shared *parking spaces* for residential visitors and the retail space; and
 - (iii) a minimum of 17 *parking spaces* for the hotel;
- (h) a minimum of 116 *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) for residents, not less than a minimum of 80 *bicycle parking spaces-occupant* to be provided on the P1 and P2 levels;
 - (ii) for *hotel* employees, not less than a minimum of 10 *bicycle parking spaces* to be provided on the third floor;
 - (iii) for visitors, not less than 26 *bicycle parking spaces-visitor* to be provided and maintained only at *grade* and be weather protected;
 - (iv) *bicycle parking spaces-occupant* shall be common element and not combined with storage lockers for *dwelling units*;
- (i) a minimum of 107.49 square metres of outdoor *amenity space* be provided;
- (j) at least one *loading space-type G* shall be provided and maintained on the *lot*;
- (k) at least one *loading space-type C* shall be provided and maintained on the *lot*;
- (l) a *commercial parking garage* is not permitted within the *lot*;
- (m) a continuous weather protection with a minimum depth of three metres and a minimum height of 4.1 metres along St. Joseph Street and Bay Street shall be provided and maintained on the lot; and

- (n) 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 or matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.
- 5. None of the provisions of By-law No. 438-86 as amended shall apply to prevent a *temporary sales office* on the *lot*.
- 6. Notwithstanding Section 8(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the *lot* for any purpose except for one or more of the following uses,
 - (a) *mixed-use building*;
 - (b) *hotel* having a maximum *non-residential gross floor area* of 6,505 square metres;
 - (c) a *retail store, restaurant, take-out restaurant* having a maximum of 430 square metres on the first floor and second floor; or
 - (d) uses *accessory* thereto, including a *parking garage* located below finished ground level.
- 7. For the purposes of this By-law,
 - (a) *grade* means 108.85 metres Canadian Geodetic Datum;
 - (b) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of sale of *dwelling units* to be erected on the *lot*; and
 - (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
- 8. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities. (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



