

Authority: Toronto and East York Community Council Item 35.6,
as adopted by City of Toronto Council on July 6, 7 and 8, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1046-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor 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 as 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor Street; 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*; 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, 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, shall continue to apply to the *lot*.
4. None of the provisions of Sections 2(1) definitions "*bicycle parking space*", "*grade*", 4(2)(a), 4(5)(b), 4(8)(b), 8(2) 7(a)(ii), 8(3) Part I 1 of By-law 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 or 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 apply to prevent the erection and use of a building or buildings including a *parking garage* on the lands municipally known as 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor Street (hereinafter referred to as the *lot*), provided:
 - (a) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (b) the total *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 80,350 square metres;
 - (c) the total *net floor area* of the building or buildings erected on the *lot* shall not exceed 74,800 square metres;
 - (d) the maximum *non-residential gross floor area* of a typical tower floor of the building shall not exceed 2,352 square metres;
 - (e) the maximum tower floor plate shall not exceed 84.2 metres by 28.2 metres;
 - (f) the *height* of all buildings or structures erected within the *lot* shall not exceed 192 metres above *grade*;
 - (g) provide a minimum 60% of the ground floor frontage of the tower portion along Bay Street and to continue on Grosvenor Street for a minimum of 17 metres for a maximum non-residential gross floor area of 350 square metres for uses permitted in accordance with the chart of Section 8(1)(b)(iv) of Zoning By-law No. 438-86.

- (h) structures on the roof of any building used for outside or open air recreation, maintenance, safety, or wind protection purposes, including roof top chimney stacks, vents and air intakes are permitted, provided:
 - (i) the maximum *height* of the top of such structures is no higher than the maximum *height* pursuant to Section 4(c) of this By-law; and
 - (ii) the structure does not enclose space so as to constitute a form of penthouse.
- (i) no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 exclusive of the rooftop structures and equipment permitted by paragraphs 4(h) of this By-law;
- (j) at least three *loading space – type B* shall be provided and maintained on the *lot*;
- (k) at least four *loading space - type C* shall be provided and maintained on the *lot*;
- (l) a minimum of 1 *parking space* per 166.5 square metres of *net floor area* shall be provided and maintained below *grade* on the *lot*;
- (m) a minimum of .49 *bicycle parking space* per 100 square metres of *non-residential gross floor area* shall be provided and maintained on the *lot*;
- (n) a *public garage* be permitted;
- (o) the *owner* of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37(3) of the *Planning Act*, to the City Solicitor's satisfaction, to secure the matters in Appendix 1.

5. For the purposes of this By-law,

- (a) "*height*" shall mean the vertical distance in metres between *grade* and the highest point of the building or structure,
- (b) "*grade*" means 106.6 metres above Canadian Geodetic Datum;
- (c) "*owner*" means the owner of the fee simple of the site or any part thereof,
- (d) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
- (e) 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.

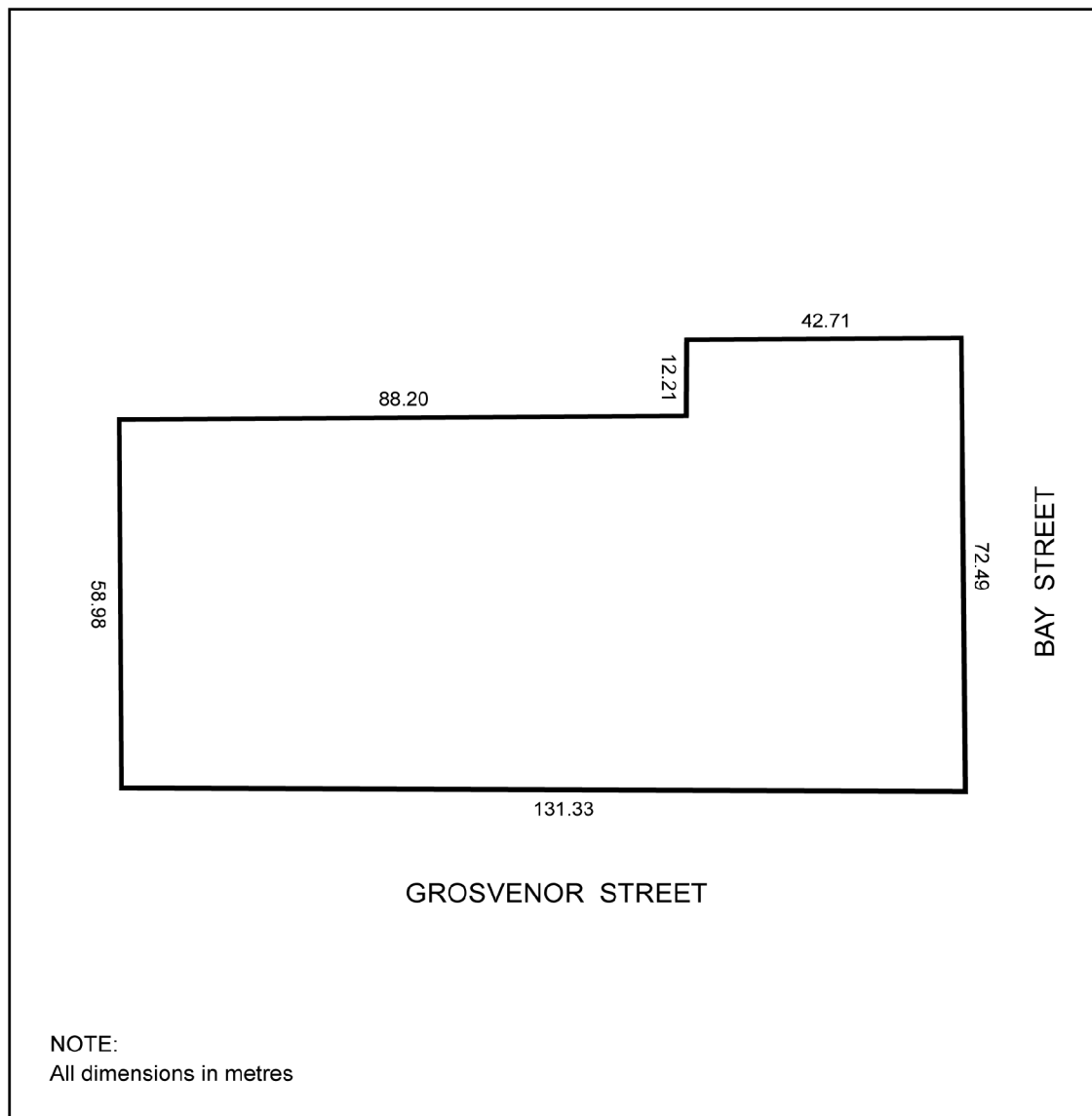
6. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

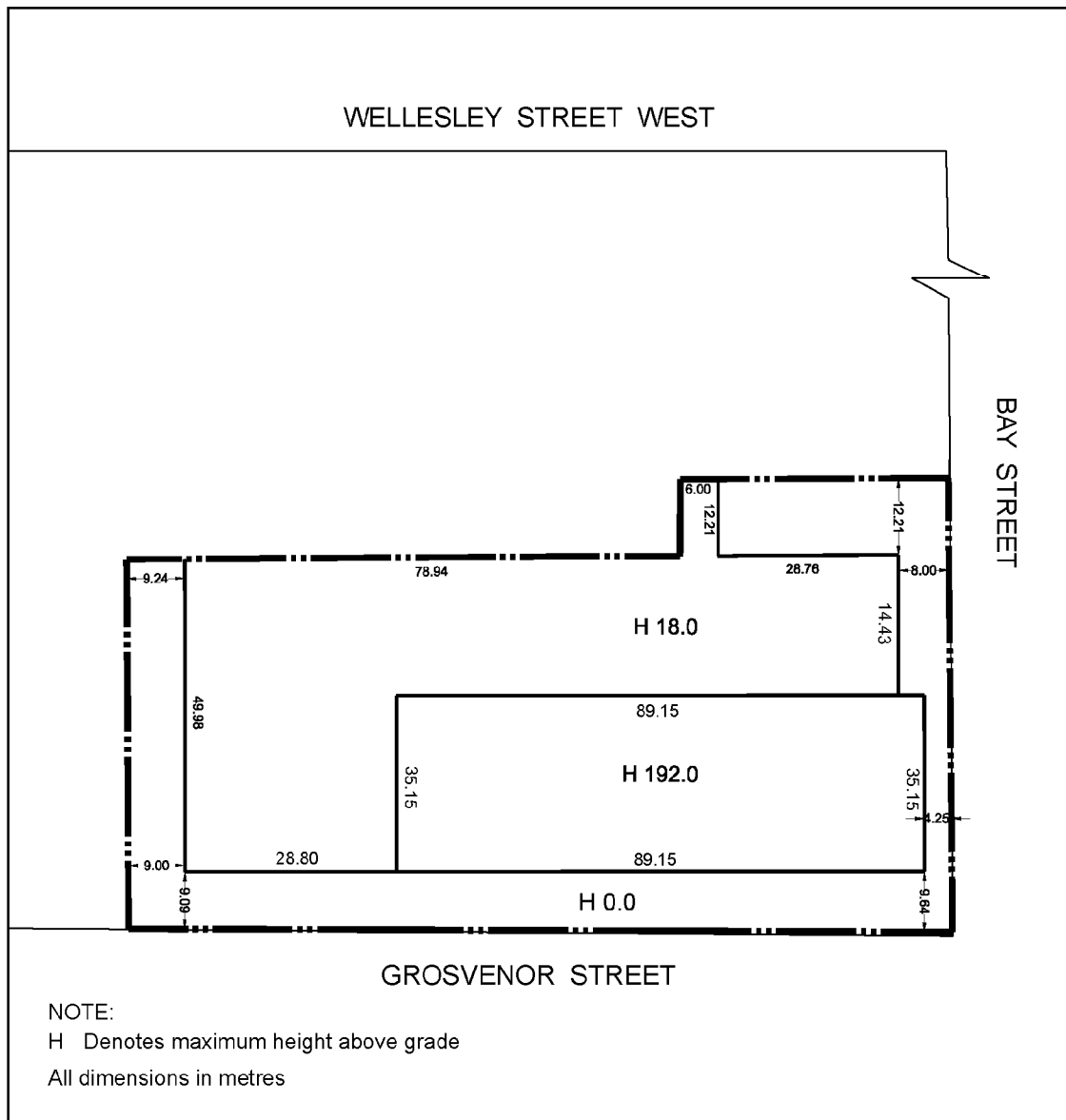
ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)





APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services or matters required to be provided by the *owner* of the *lot* 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:

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- (a) Prior to the issuance of the first building permit, pay to the City the sum of \$50,000 for public art to be located on a publicly accessible portion of the lot to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (b) Incorporate in the construction of the building and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning;
- (c) Architectural plans, elevations and landscaping including 1:50 scale elevations will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required, in conjunction with the Site Plan Application to submit 1:50 scale drawings in conformity with this requirement;
- (d) Provide and maintain trees and a continuous soil trench within the Bay Street and Grosvenor Street road allowance to the satisfaction of the Director of Urban Forestry;
- (e) Provide and maintain an irrigation system for 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 irrigation system for all new trees in the public rights-of-ways satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (f) Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on January 29, 2010;
- (g) Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the *City of Toronto Act, 2006*; and
- (h) Prior to final site plan approval the owner will:
 - (i) Retain a consultant a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the *Ontario Heritage Act* (R.S.O 1990 as amended), to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or

resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2- 4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.

- (ii) Submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk.
- (iii) Incorporate significant archaeological resources and findings into the proposed development through either in-situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, commemorative plaquing.
- (iv) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
- (v) Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.