

Authority: Toronto and East York Community Council Item TE23.7, as adopted by City of Toronto Council on April 26, 27 and 28, 2017

## CITY OF TORONTO

### BY-LAW 740-2017

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known as 48-58 Scollard Street and 1315-1325 Bay Street.**

Whereas authority is given to Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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 Council of the City of Toronto, at its meeting on April 26, 27 and 28, 2017, determined to amend Zoning By-law 438-86 of the former City of Toronto with respect to lands known municipally in the year 2017 as 48-58 Scollard Street and 1315-1325 Bay Street; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *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 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 dealing with the facilities, services or matters; and

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City");

The Council of the City of Toronto enacts:

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 and in return for the provision by the *owner* of the *lot* of the following 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 *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and 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 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definitions of *amenity space*, *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade* and *height* and Sections 4(2)(a), 4(5)(b) and (i), 4(8), 4(10)(c), 4(12), 4(17), 4(17)(b), 8(3) Part I 1-3, 8(3) Part II 1, 8(3) Part III, 8(3) Part XI(2) and 12(2)380 of By-law 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection and use of a *mixed-use building* which may contain *dwelling units* and non-residential uses, including uses *accessory* thereto, on the lands municipally known as 48-58 Scollard Street and 1315-1325 Bay Street (hereinafter referred to as the *lot*) provided that:
  - (a) the *lot* comprises the lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 21,250 square metres, subject to the following:
    - (i) the *residential gross floor area* of buildings and structures shall not exceed 19,500 square metres; and
    - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 1,750 square metres;
  - (c) no portion of the building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
    - (i) despite 4(c), lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, privacy screens, terraces, patios, cabanas, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, underground garage ramps and accessory structures, guardrails, chimneys, vents, flues, stacks and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, structures and elements related to outdoor patios, roofing assembly, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2 by no more than 2.0 metres;
  - (d) the *height* of any building, structure or portion thereof shall not exceed those *heights* as indicated by the H symbol on Map 2, provided this does not prevent:
    - (i) the erection or use of the structures, elements and enclosures permitted by Section 4(c) of this By-law as well as garbage chutes and roofs, provided the height does not exceed 2.0 metres;
    - (ii) lightning rods;

- (iii) elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 0.6 metres above the height limits shown on Map 2; and
  - (iv) mechanical equipment such as, but not limited to, elevator and associated overrun, heating or cooling towers/heating or cooling tower stacks, makeup air units, emergency generator, lighting fixtures, ornamental elements, trellises, wind mitigation features and walls, penthouse or structures enclosing mechanical equipment provided the maximum vertical projection of such elements is no higher than 7.0 metres above the height limits shown on Map 2;
- (e) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 0.3 *parking spaces* per bachelor *dwelling unit*;
  - (ii) a minimum of 0.5 *parking spaces* per 1-bedroom *dwelling unit*;
  - (iii) a minimum of 0.8 *parking spaces* per 2-bedroom *dwelling unit*;
  - (iv) a minimum of 1.0 *parking spaces* per 3+bedroom *dwelling unit*;
  - (v) a minimum of 0.1 *parking spaces* per *dwelling unit* for visitors;
  - (vi) a maximum of 1.0 *parking spaces* per *dwelling unit* for the residents of the *dwelling units*;
  - (vii) no *parking spaces* are required for the non-residential uses; and
  - (viii) if the calculation of parking spaces results in a number containing a fraction, the number is rounded down to the nearest whole number, but there may not be less than a requirement of one parking space;
- (f) despite (e), a maximum of 5 *parking spaces* shall be permitted with a minimum length of 5.4 metres and minimum width of 2.5 metres;
- (g) despite (e), *parking spaces* accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres must have a minimum width of 2.9 metres, with the exception of 2 *parking spaces*, which may have a minimum width of 2.6 metres;
- (h) one *loading space - type "G"* shall be provided and maintained on the *lot*;
- (i) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

- (i) *bicycle parking spaces – occupant* may or may not be parked in a secured room;
  - (ii) *bicycle parking spaces – occupant* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in horizontal positions;
  - (iii) *bicycle parking spaces – occupant* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.1 metres when parked in horizontal positions in a bicycle stacker;
  - (iv) *bicycle parking spaces – occupant* must have a minimum length of 1.0 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked vertical positions;
  - (v) *bicycle parking space – visitor* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in horizontal positions;
  - (vi) *bicycle parking space – visitor* must have a minimum length of 1.8 metres, minimum width of 0.4 metres and minimum height of 1.1 metres when parked in horizontal positions in a bicycle stacker; and
  - (vii) *bicycle parking space – visitor* must have a minimum length of 1.0 metres, minimum width of 0.4 metres and minimum height of 1.9 metres when parked in vertical positions;
- (j) *amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- (i) A minimum of 2 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided; and
  - (ii) A minimum of 1 square metre per *dwelling unit* of outdoor *residential amenity space* shall be provided.

## Definitions

5. For the purposes of this By-law:

- (a) "grade" means 116.75 metres Canadian Geodetic Datum; and
- (b) each other 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 438-86, as amended.

6. None of the provisions of Section 12(2)380 of former City of Toronto By-law 438-86, as amended, or By-law 1106-2016, as amended, shall apply to the *lot*.

7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
8. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.

Enacted and passed on July 7, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix 1: Community Benefits**  
**Section 37 Provisions**

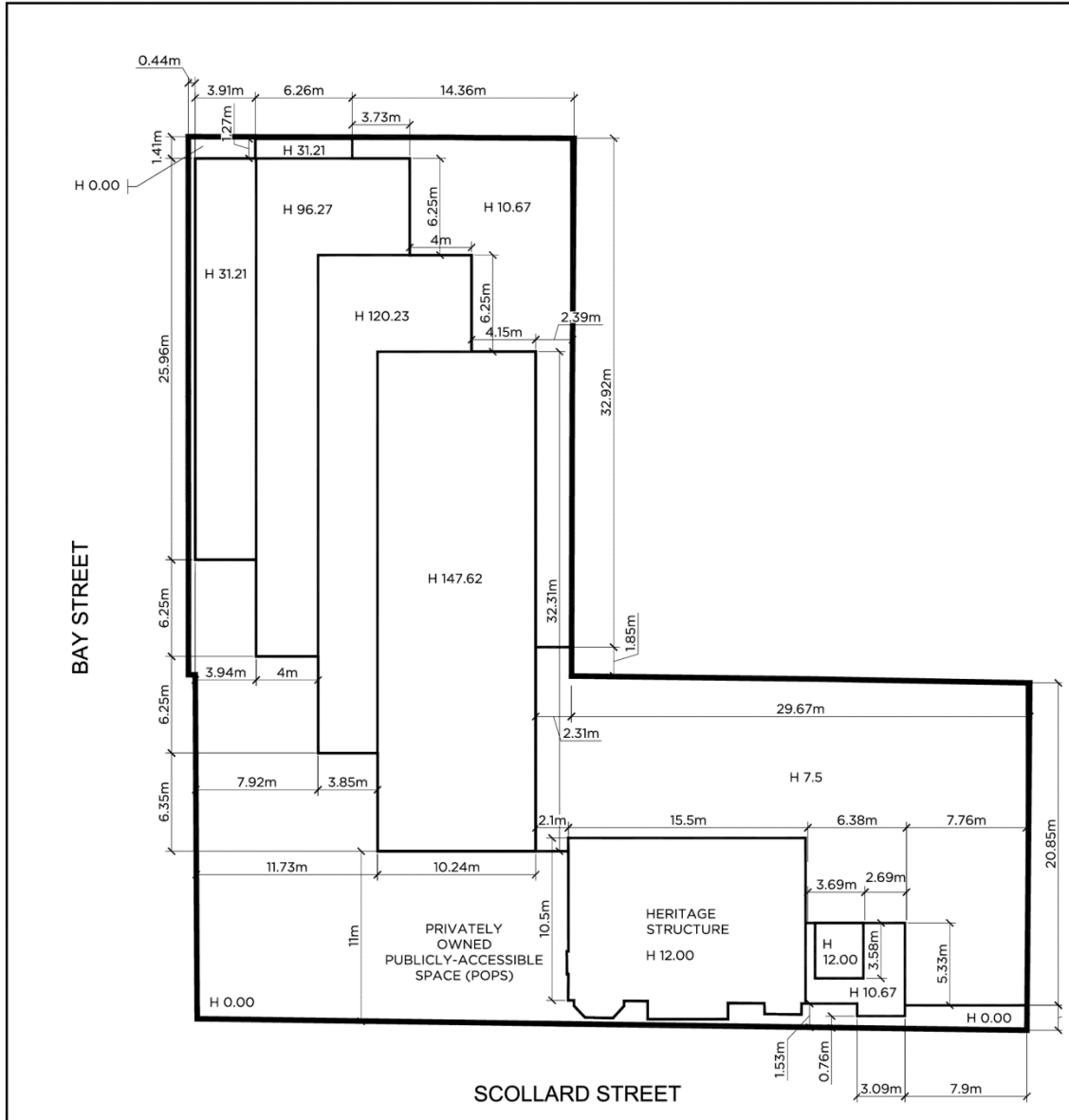
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map 2 of this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first Above-Grade Building Permit for the Site, the Owner shall provide:
  - (a) An indexed cash contribution to the City in the amount of two million, one hundred and sixty thousand dollars (\$2,160,000) to be allocated towards local area park or streetscape improvements, in consultation with the ward councillor;
  - (b) An indexed cash contribution to the City in the amount of two hundred and seventy thousand dollars (\$270,000) to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the ward councillor; and
  - (c) An indexed cash contribution to the City in the amount of two hundred and seventy thousand dollars (\$270,000) to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the ward councillor.
2. The financial contributions identified in (1) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the City, calculated from the date of execution of this Agreement to the date of payment.
3. In the event that the cash contributions identified in (1) have not been used for the intended purpose within three (3) years after the date the Amending By-laws come into full force and effect, the cash contributions may be re-directed for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the ward councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the Site.
4. The following matters will also be secured in the Section 37 Agreement as a legal convenience to support development:
  - (a) The owner shall provide and maintain a privately owned and publicly accessible open space (POPS) of 523 square metres at the northeast corner of Bay Street and Scollard Street with the specific location, configuration and design to be determined in the context of a site plan approval process pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor;

- (b) The Owner shall provide 10 percent family sized units in the development, containing at least three bedrooms; and
- (c) The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.







# 48-58 Scollard Street and 1315-1325 Bay Street

File # 15 251277 STE 27 OZ

City of Toronto By-Law 438-86  
Not to Scale  
5/23/2017