

Authority: Toronto and East York Community Council Item TE26.8, adopted as amended, by City of Toronto Council on July 14, 15 and 16, 2021 and MM36.43, by Councillor Kristyn Wong-Tam, seconded by Councillor Mike Layton, as adopted by City of Toronto Council on October 1 and 4, 2021

CITY OF TORONTO

BY-LAW 833-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1075 Bay Street.

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an 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 and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy lines on Diagram 1 to CR 6.0 (c1.0; r6.0) SS1 (x410), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 410 so that it reads:

(410) Exception CR 410

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 1075 Bay Street, if the requirements of Section 5 and Schedule A of By-law 833-2021 are complied with, a **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (T) below;
- (B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **mixed use building** is 50,105 square metres, of which:
 - (i) a maximum of 36,220 square metres of **gross floor area** may be used for residential uses;
 - (ii) a minimum of 12,100 square metres of **gross floor area** must be used for office uses; and
 - (iii) **gross floor area** does not include areas in the **building** used for **public parking** below-ground;
- (C) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 25 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (D) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 112.50 metres and the highest point of the **building** or **structure**;

- (E) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(1), the permitted maximum height of any **building** or **structure**, including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol, and the number of **storeys** following the symbol ST, as shown on Diagram 3 of By-law 833-2021;
- (F) For the purposes of regulations 40.10.40.10(5) and (E) above, the following portions of a **building** are not a **storey**:
- (i) a partial mezzanine level located above the first floor and below the second floor of a **building**, with a maximum **gross floor area** of 400 square metres; and
 - (ii) the mechanical penthouse levels of the **building** located above "ST 59" as shown on Diagram 3 of By-law 833-2021 are not a **storey**;
- (G) Despite regulations 40.5.40.10(4) to (7) and (E) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law 833-2021:
- (i) lightning rods and window washing equipment may project above the height limits;
 - (ii) wind mitigation features may project above the height limits by no more than 3 metres;
 - (ii) **structures** and elements related to outdoor flooring and roofing assembly may project above the height limits by no more than 0.5 metres;
 - (iv) safety railings, guard rails, railings, parapets, terraces, cabanas, patios, planters, balustrades, bollards, stairs, ancillary structures, wheelchair ramps, pergolas, trellises, and ornamental or architectural features may project above the height limits by no more than 3.8 metres;
 - (v) landscape features, privacy screens, covered stairs or stair enclosures, and fences may project above the height limits by no more than 2.5 metres;
 - (vi) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres; and
 - (vii) elevator overrun, cooling towers, generators and associated screens may project above the height limits no more than 5.0 metres;

- (H) Despite regulations 40.5.40.70, 40.10.40.70(1), 40.10.40.80(1) and Section 600.10.10(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law 833-2021;
- (I) Despite regulation 40.10.40.60 and regulation (H) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law 833-2021:
- (i) balconies at and above the 13th **storey** may encroach into a **building setback** by a maximum of 2.4 metres;
 - (ii) despite regulation (i) above, balconies may encroach into a **building setback** to a maximum of 0.6 metres along the east face of the **building** at and above the 13th **storey**, in the area labeled "Juliette Balcony Zone" as shown on Diagram 3 of By-law 833-2021;
 - (iii) cornices, sills, eaves, balustrades, and architectural trim may encroach into a **building setback** by a maximum of 0.75 metres;
 - (iv) window washing equipment may encroach into a **building setback** by a maximum of 3.0 metres;
 - (v) trellises, canopies, and associated supporting structures may encroach into a **building setback** by a maximum of 3.0 metres;
 - (vi) despite regulation (v) above, canopies located below the 2nd **storey** on the west and north side of the **building** may encroach into a **building setback**;
 - (vii) privacy screens and balcony guards may encroach into a **building setback** by a maximum of 2.4 metres; and
 - (viii) railings around the **building's** roof may encroach into a **building setback** to the same extent as the roof below;
- (J) Within "Area A", as shown on Diagram 3 of By-law 833-2021, no portion of the **building** shall be located between a height of 0.0 to 7.0 metres, as measured from **the Canadian Geodetic Datum elevation of 112.50 metres**;
- (K) Despite regulation (J) above, structural and architectural elements that support the **building**, including columns, beams and soffits, may be located within "Area A", as shown on Diagram 3 of By-law 833-2021, between a height of 0.0 to 7.0 metres, as measured from **the Canadian Geodetic Datum elevation of 112.50 metres**;
- (L) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided at a minimum rate of 4.0 square metres per **dwelling unit**, of which:

- (i) at least 0.95 square metres per **dwelling unit** is outdoor **amenity space**; and
 - (ii) no more than 25 percent of the outdoor component may be a **green roof**;
- (M) Despite regulations 40.10.90.40(1) and (3) and 40.10.100.10(1), **vehicle** access to the lands, including **vehicle** access to a **loading space**, may be from Inkerman Street and St. Mary Street, and more than one **vehicle** access is permitted to the **building**;
- (N) Despite clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 0.18 **parking spaces** per **dwelling unit** must be provided for the use of residents of the **mixed use building**;
 - (ii) a minimum of 55 **parking spaces** must be provided for the use of residential visitors and non-residential uses in the **mixed use building**, which may be provided as **public parking**; and
 - (iii) a minimum of 4 **parking spaces** must be provided for car-share **vehicles**;

For the purposes of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit car-sharing organization and such car-share motor **vehicles** are made available to at least the occupants of the **building** or short term rental, including hourly rental; and

"car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;

- (O) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 20 percent of the total **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (P) Despite regulation 200.15.1(4), accessible **parking spaces** must be located within 30 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (Q) Despite regulations 220.5.10.1(2) and (3), a minimum of one Type "G" **loading space** and two Type "C" **loading spaces** must be provided;
- (R) Despite Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained in accordance with the following:

- (i) a minimum of 3 plus 0.2 short-term **bicycle parking spaces** for each 100 square metres of **interior floor area** used for non-residential uses in the **mixed use building**; and
- (ii) a minimum of 0.2 long-term **bicycle parking spaces** for each 100 square metres of **interior floor area** used for non-residential uses in the **mixed use building**;
- (S) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required length of each such **stacked bicycle parking space** is 1.7 metres and the minimum required width is 0.4 metres; and
- (T) Despite regulation 230.5.1.10(10), both long-term and short-term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division occurred.
- 6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on October 4, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A

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 Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (1) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City a cash contribution of \$9,000,000 to be allocated as follows:
 - A. \$3,000,000 towards new and/or existing affordable housing within Ward 13, in consultation with the Ward Councillor;
 - B. \$3,000,000 towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, Parks, Forestry and Recreation, and the General Manager, Transportation Services; and
 - C. \$3,000,000 towards community, cultural, or recreational facilities capital improvements within Ward 13, in consultation with the Ward Councillor.
- (2) The cash contribution outlined in (1) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, and calculated from the date from the date of the Agreement to the date of payment.
- (3) In the event the cash contribution has not been used for the intended purpose within three years of the Zoning By-law Amendments coming into full force and effect, the cash contribution may be directed for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the City's Official Plan and will benefit the community in the vicinity of the lands outlined by heavy lines on Diagram 1 attached to this By-law.
- (4) At the election of the Chief Planner and Executive Director, City Planning, all or part of the cash contribution referred to in (1) B. above may instead be secured by the owner as a letter of credit satisfactory to the City Treasurer for the provision of streetscape improvements within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.

Privately-Owned Publicly Accessible Space (POPS) and Pedestrian Walkway

- (5) The owner will construct and maintain a privately-owned publicly accessible space (POPS) with a minimum area of 265 square metres, and a mid-block connection with a minimum width of 2.5 metres and a minimum vertical clearance of 5.0 metres, in the locations generally identified in Diagram 4, attached to this by-law, with specific configuration and design of the POPS and the mid-block connection to be determined in the context of Site Plan approval all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (6) The owner will prepare all documents and convey a public access easement in perpetuity in favour of the City over the POPS and the mid-block connection, including support rights, free and clear of encumbrances, and for nominal consideration, as a condition of Site Plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

Toronto Green Standard

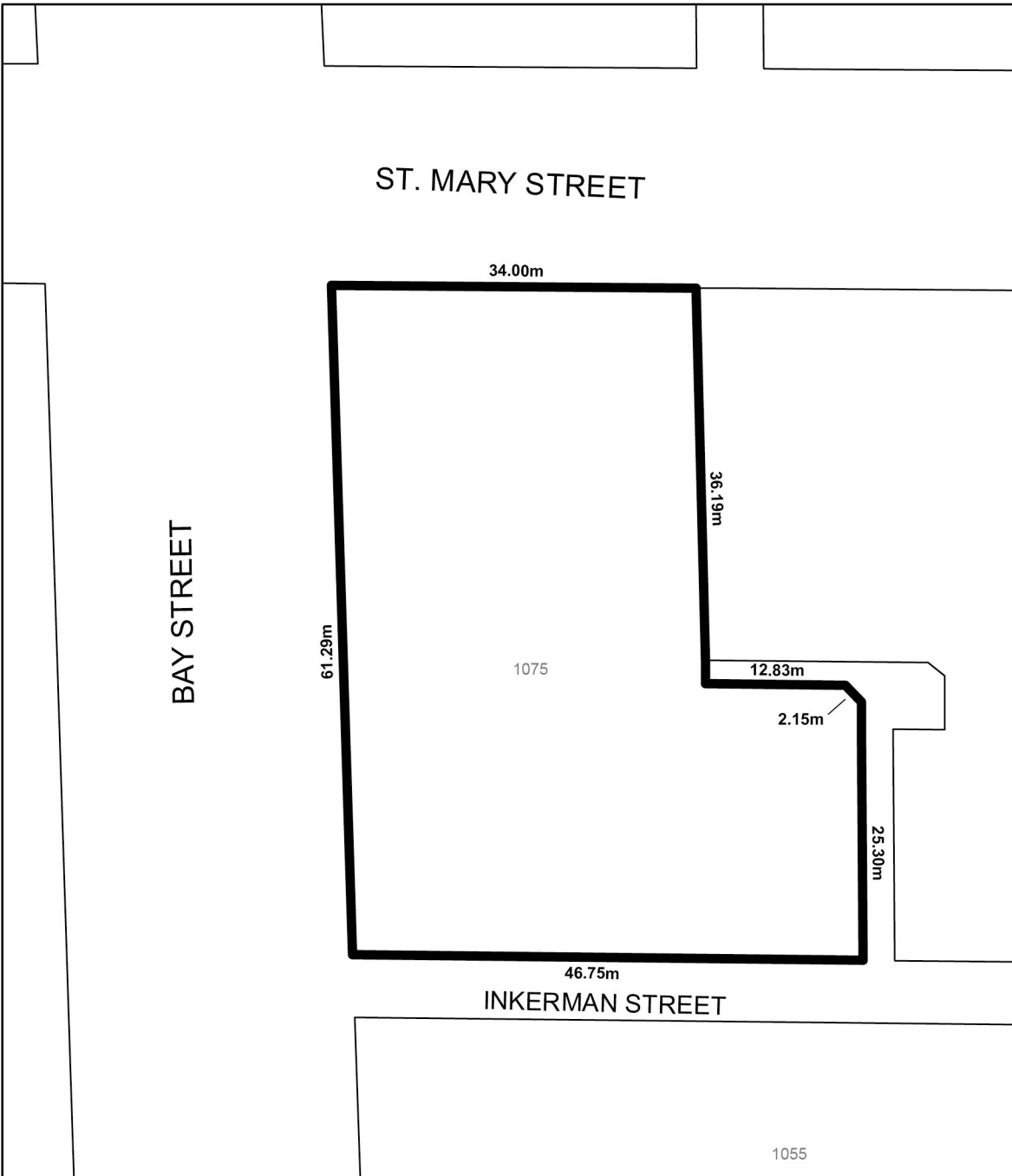
- (7) The owner will construct and maintain the development in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate.

Falling Snow and Ice

- (8) The owner will incorporate measures in the detailed design of the building which mitigate the risk of snow and ice falling from the building as part of Site Plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Public Art Contribution

- (9) The owner shall commission public art at a minimum value of \$500,000 to be located near the corner of Bay Street and St. Mary Street on the subject lands, in accordance with the City of Toronto's Percent for Public Art Program.
- (10) At the sole discretion of the Chief Planner and Executive Director, City Planning, the public art contribution in (9) above may be made by way of a cash contribution in the amount of \$500,000 to the City's capital budget for Public Art programs.



 **TORONTO**
Diagram 1

1075 Bay Street

File #: 19 115511 STE 13 OZ

