

Authority: Toronto Community Council Report No. 11, Clause No. 4,
as adopted by City of Toronto Council on July 4, 5 and 6, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 847-2000

To adopt an amendment to the Official Plan for the former City of Toronto respecting certain lands bounded by Elizabeth Street, Dundas Street West and Bay Street known as 532, 560, 566, 570 Bay Street, 101, 109, 111, 127, 129, 131, 137, 141 Dundas Street West, 91, 99, 105, 109, 111 Elizabeth Street and 9 Foster Place.

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.

2. Official Plan Amendment No. 603, adopted by By-law No. 169-93 being "A By-law To adopt an amendment to Part I of the Official Plan for the City of Toronto respecting certain lands bounded by Elizabeth Street, Dundas Street West and Bay Street known as 532, 560, 570 Bay Street, 101, 109, 111, 127, 129, 131, 137, 141 Dundas Street West, 91, 99, 105, 111 Elizabeth Street, Cuttle Place and 9 Foster Place." is hereby repealed upon the coming into force of the balance of this Amendment.

3. This is Official Plan Amendment No. 172.

ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.516 as follows:

“18. 516 Certain lands bounded by Elizabeth Street, Dundas Street West and Bay Street known as 532, 560, 566, 570 Bay Street, 101, 109, 111, 127, 129, 131, 137, 141 Dundas Street West, 91, 99, 105, 109, 111 Elizabeth Street, and 9 Foster Place.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands shown delineated by heavy lines on Map 18.516 to permit an increase in the height and density of development otherwise permitted for the erection and use of a mixed-use building and a below grade parking garage on *Lot A*, provided that:

- (1) the lands consist of *Lot A* and *Lot B* as shown on Map 18.516;
- (2) the total *residential gross floor area* and *non-residential gross floor area* on *Lot A* does not exceed 66,410 square metres, and the total amount of *residential gross floor area* and *non-residential gross floor area* on each parcel of *Lot A*, as shown on Map 18.516, does not exceed the following limits:

Parcel A – 20,000 m²
Parcel B – 23,000 m²
Parcel C – 29,000 m²
- (3) no additional *non-residential gross floor area* may be erected and used on the lands comprising *Parcel D* than existed thereon on the date of enactment of this By-law, being 2,749 square metres of *non-residential gross floor area* provided that nothing herein shall be taken to detract from the provisions of Section 16.5 of the Official Plan;
- (4) the *owner* of the lands is required by by-law to:
 - (a) ensure that 30 percent of the dwelling units constructed on *Lot A* qualify as *low-end-of-market housing*, and this requirement shall be applied to each building containing *residential* uses including live/work units;

- (b) provide and maintain one or more works of art pursuant to a *public art* program, in publicly accessible portions of *Lot A*, of a value of not less than one percent of the cost of construction of all new buildings, structures and additions erected on *Lot A* on or after the date of passing of this By-law, provided that the costs related to the value of parks facilities to be constructed on *Lot B* and the provision of *publicly accessible open space*, shall not be included in such valuation;
- (c) provide and maintain a *public pedestrian walkway* in a location to the satisfaction of the City;
- (d) provide and maintain on or adjacent to *Parcel D*, a continuous fence compatible with the historic elements of the building located on *Parcel D* upon the construction of any building permitted on *Lot A*;
- (e) provide and maintain a fence compatible with both the historic elements of the building located on *Parcel D* and the fence required to be constructed pursuant to Subsection 4(d) herein, on that portion of *Parcel D* having frontage on Bay Street, upon the construction of any building on *Parcel A*, *Parcel B*, or *Parcel C* permitted by this By-law, which fence shall be indicated and approved on any landscape plan required for approval by the City for any such building;
- (f) pay for improvements to the public sidewalks and boulevards immediately adjacent to *Lot A* and *Lot B*, generally as shown on the landscape plan as approved by the City;
- (g) submit an application for such streetscape improvements to the Commissioner of Works and Emergency Services and carry out the improvements within a reasonable period of time and provide a letter of credit to secure the foregoing in an amount satisfactory to the Commissioner of Works and Emergency Services;
- (h) provide *publicly accessible open space* on *Lot B*, and funds to provide parks facilities on *Lot B*;
- (i) provide to the City an option to purchase *Lot B* at a nominal price;
- (j) satisfy the City, following the submission of any material which the City requires, including criteria, methods and sufficient and appropriately secured funds for clean-up if the City so requires, that *Parcel A*, *Parcel B*, *Parcel C* and *Lot B* are environmentally suitable for the uses set forth in this By-law;

- (k) design the development to accommodate a potential PATH connection across Bay Street, and share equitably in the cost of such a connection, if and when it becomes feasible; and
- (l) provide funds to be used for child care purposes within the vicinity of the subject lands; and
- (5) the *owner* enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all of the facilities, services and matters referred to in this By-law, and such agreement or agreements are appropriately registered against the title of the lands.

For the purposes of this amendment:

- (a) “*Lot A*” means the *lot* delineated by a heavy line and identified as “*Lot A*” on Map 18.516 provided that “*Lot A*” shall be deemed to be one *lot* regardless of whether two or more buildings which are not connected below grade are erected thereon, and regardless of any conveyance or easements made or granted to the City on or after the date of enactment of this By-law;
- (b) “*Lot B*” means the *lot* delineated by a heavy line and identified as “*Lot B*” on Map 18.516;
- (c) “*low-end-of-market housing*” means small private housing units suitable for households of various sizes and compositions, the price of which would not be monitored or controlled, but which, by virtue of their modest size relative to other market housing units, would be expected to be priced for households up to the 60th percentile of the income distributions for all households in the Toronto Census Metropolitan Area.

The following size criteria shall apply in the determination of whether the particular type of unit is “*low-end-of-market housing*”:

Dwelling Unit Type	Maximum Size Limit (square metres)
bachelor dwelling unit and one bedroom dwelling unit	62
two bedroom dwelling unit	82
three bedroom dwelling unit	98

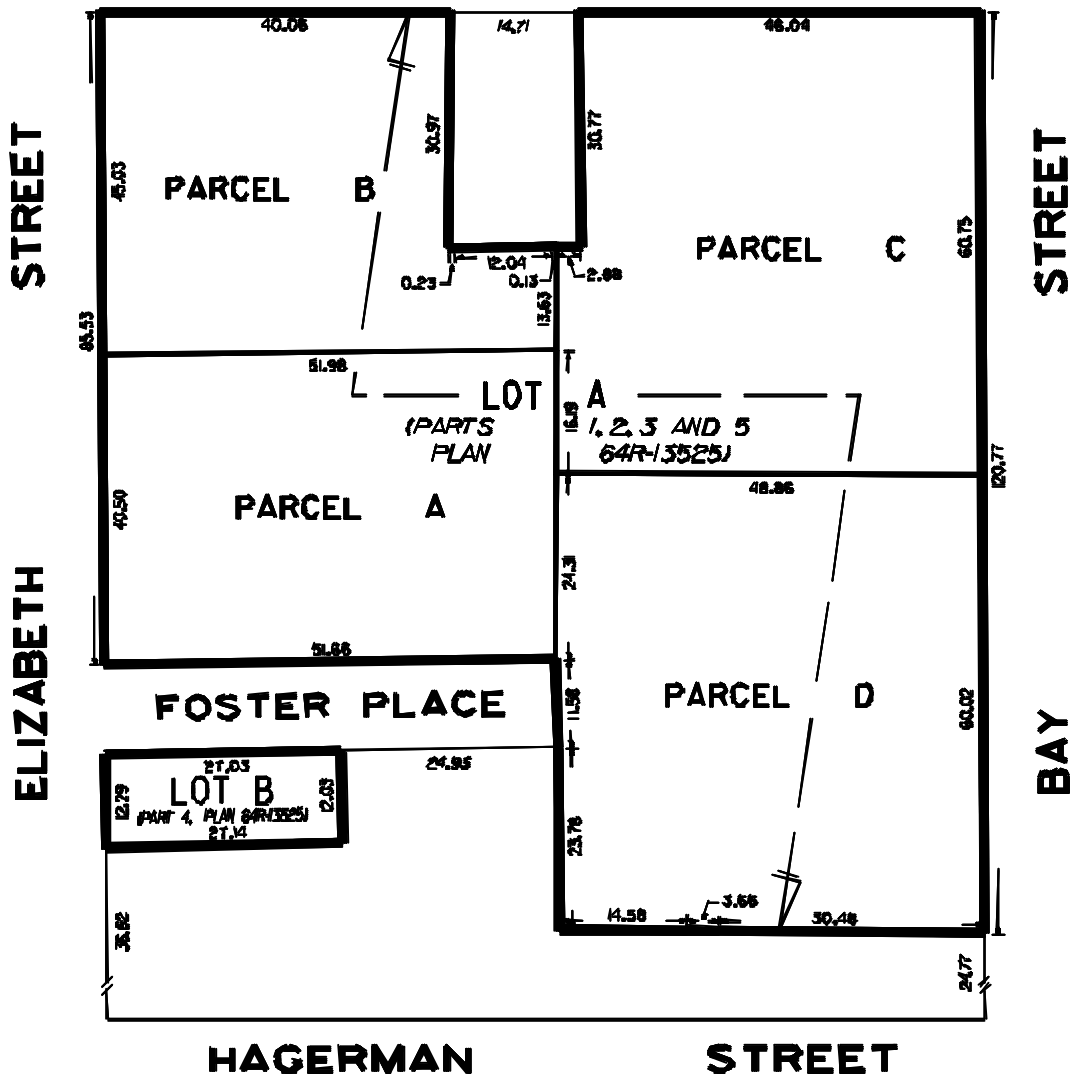
- (d) “*Parcel A*”, “*Parcel B*”, “*Parcel C*” and “*Parcel D*” mean the areas respectively identified as “*Parcel A*”, “*Parcel B*”, “*Parcel C*” and “*Parcel D*” on Map 18.516;
- (e) “*public pedestrian walkway*” means an interior or exterior pedestrian walkway that:
- (i) is a *publicly accessible open space*;
 - (ii) is designed and intended for and is used by the public;
 - (iii) provides direct access between streets, *parks*, public buildings and/or other public spaces, and/or *common outdoor spaces*;
 - (iv) is not narrower than 2.5 metres clear at any point; and
 - (v) is not used for *commercial* purposes, including retail areas, commercial display areas or other rentable space within the walkway, but which may be adjacent to it.
- (f) “*publicly accessible open space*” means an open space which is:
- (i) open and accessible to the public at all times and such access may be refused, or a person required to leave the open space, in the case of any person who:
 - A. unreasonably interferes with the ability of other members of the public or lawful occupants to use the open space;
 - B. carries on an unlawful activity;
 - C. acts in a manner unreasonably inconsistent with the intended use of the open space;
 - D. injures or attempts to injure any person, property or property rights;
 - E. obstructs or injures any lawful business or occupation carried on by the building owner or person in lawful possession of the open space;
 - F. commits any criminal or quasi-criminal offence.
 - (ii) illuminated to a minimum average intensity of 10 lux on the walkway surface; and
 - (iii) maintained clear of snow and ice at all times.

Unless otherwise defined in this amendment, the italicized words in this amendment shall have the same meanings as are provided by the Official Plan for the former City of Toronto.”

2. The designation for the land shown as *Lot B* is hereby changed to *Open Space*.

MAP 18.516

DUNDAS STREET WEST



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2000
 DP00/18516.DGN
 FILE: D11-203
 MAP No. 50H-313 DRAWN: D.P.