

Authority: Toronto East York Community Council Report No. 1, Clause No. 10, as adopted by City of Toronto Council on February 4, 5 and 6, 2003, and Notice of Motion J(5), moved by Councillor McConnell, seconded by Councillor Rae, as adopted by City of Toronto Council on June 24, 25 and 26, 2003  
Enacted by Council: June 26, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 587-2003**

#### **To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 311 Bay Street.**

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 the by-law in return for the provision of such facilities, services and 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 and matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height or density of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is 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 the lands and the City of Toronto (hereinafter referred to as the "City");

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

1. None of the provisions of Sections 2, definitions of *community services and facilities*, *hotel*, *height*, *grade*, *loading space - type G*, *parking stacker*, and *parking space* and Sections 4(2)a(i) and (ii), 4(5)b, 4(5)c, 4(5)d, 4(8)(b), 4(12), 4(13), 4(14)(a)(ii), 8(3) PART I 1, 8(3) PART I 2, 8(3) PART I 3, 8(3) PART II 1, 8(3) PART III 1(a), 8(3) PART XI 2, and 12(2)276 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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 and use of a *mixed-use building* on the lands municipally known in the year 2002 as 311 Bay Street (hereafter referred to as the "*lot*") provided:
  - (1) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1;
  - (2) notwithstanding section 8(1) of By-law No. 438-86, a *parking stacker* and *corporate suites* are permitted uses on the *lot*:

- (3) the total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 68,200 square metres, provided that:
  - (a) the *non-residential gross floor area* is not less than 22,000 square metres;
  - (b) the above *grade* portion of the building used for parking purposes does not exceed an aggregate *residential gross floor area* and *non-residential gross floor area* of 8,500 square metres;
- (4) the aggregate total *dwelling units*, *corporate suites* and guest rooms in the *mixed use building* does not exceed 538, provided that the total number of *corporate suites* does not exceed 39;
- (5) the *non-residential gross floor area* shall comprise a *hotel* of at least 170 guest rooms and may include *accessory* uses and uses permitted in sections 8(1)(f)(b)(i), (iv) and (vi) of By-law No. 438-86;
- (6) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on the attached Map 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, bay windows, wheel chair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (7) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H shown on the attached Map 2, except for safety railings, parapets, chimneys and a structure on the roof of the building used for safety or wind protection purposes;
- (8) a maximum aggregate of 283 *parking spaces*, which may be provided and maintained on the *lot* in a combination of *parking stackers* and *parking spaces* for the occupants of, and visitors to the building are provided and maintained on the *lot* of which:
  - (a) 149 *parking spaces* are provided and maintained for the *dwelling units* together with 19 visitor *parking spaces*;
  - (b) 88 *parking spaces* are provided and maintained for the *hotel* exclusive of any *corporate suites*;
  - (c) 27 *parking spaces* shall be provided for *corporate suites*;

- (d) a maximum of 30 *parking spaces* may be provided with a minimum width of 2.6 metres and a minimum length of 5.6 metres, a maximum of 10 *parking spaces* may be provided with a minimum width of 2.6 metres and a minimum length of 5.5 metres, and a maximum of 5 *parking spaces* may be provided with a minimum width of 2.6 metres and a minimum length of 4.6 metres;

except that a further 12 parking spaces shall be provided and maintained for the purposes of valet parking operations.

- (9) loading spaces are provided and maintained on the *lot* in accordance with the following:
  - (a) three *loading spaces - type C* are provided and maintained in the above *grade* portion of the parking garage;
  - (b) one *loading space - type G*, two *loading spaces - type B* and one *loading space type C* are provided and maintained in the below *grade* portion of the parking garage;
- (10) at least 85 square metres of *non-residential gross floor area* on the ground floor of the building shall be used for no purpose other than one or more of a *retail store, service, rental or repair shop, restaurant or take-out restaurant*;
- (11) indoor *amenity space* shall be provided and maintained within the building at a rate of 2 square metres per *dwelling unit*;
- (12) the owner of the *lot* enters into an agreement, pursuant to section 37 of the *Planning Act* to secure the following facilities, services and matters:
  - (a) the contribution by letter of credit in the amount of \$500,000 towards the construction of *community services and facilities* which may be drawn upon at the time this zoning by-law and related official plan amendment are in full force and effect;
  - (b) a contribution of funds in the amount of \$1,500,000 towards the construction of *community services and facilities* to be provided at the time this zoning by-law and related official plan amendment are in full force and effect;
  - (c) a contribution of funds in the amount of \$300,000 towards the construction of Dundas Square to be provided at the time of building permit issuance;
  - (d) 1% of the gross construction costs of the project devoted to the provision of public art;

subject to the agreement providing that if this amendment and the implementing zoning by-law and related official plan amendment does not come into full force and effect the agreement shall terminate as provided for therein and the letter of credit referred to in clause (a) herein above shall be returned to the Owner.

2. For the purposes of this By-law:

- (1) “*corporate suites*” shall mean *dwelling units* which may be used for either residential or *hotel* purposes. For the purposes of this by-law *corporate suites* shall be deemed to be *residential gross floor area*;
- (2) “*community services and facilities*” shall be as defined in By-law No. 438-86, as amended, which may include, but is not limited to, a public pool at Lord Dufferin School;
- (3) “*amenity space*” shall mean space which may include, but is not limited to, recreational and/or spa facilities, meeting rooms, ballrooms, group dining facilities and kitchen facilities related thereto which may be used by residents for recreational or social purposes on a non-exclusive basis;
- (4) “*hotel*” shall mean a building or part thereof comprising *non-residential gross floor area* used within the meaning of the *Hotel Registration and Guest Act*, R.S.O. 1990, Chapter H17, but does not include a *hostel*, a *rooming house*, or a *tourist or guest home*, or a mechanical or electronic game machine for gambling purposes, and shall include a lobby and guest registration area, hotel administration offices, guest service facilities, recreational facilities, at least one meeting, conference or ballroom, at least one *restaurant*, valet parking facilities, and *accessory* uses;
- (5) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in section 1(6);
- (6) “*grade*” shall mean 85.4 metres Canadian Geodetic Datum;
- (7) “*loading space - type G*” shall mean a loading space with a length of at least 13.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;
- (8) “*parking stacker*” means a mechanical motor vehicle parking facility with parking spaces which are positioned above each other and may not be readily accessible at all times without manoeuvring another vehicle or a device;
- (9) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinbefore provided.

3. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

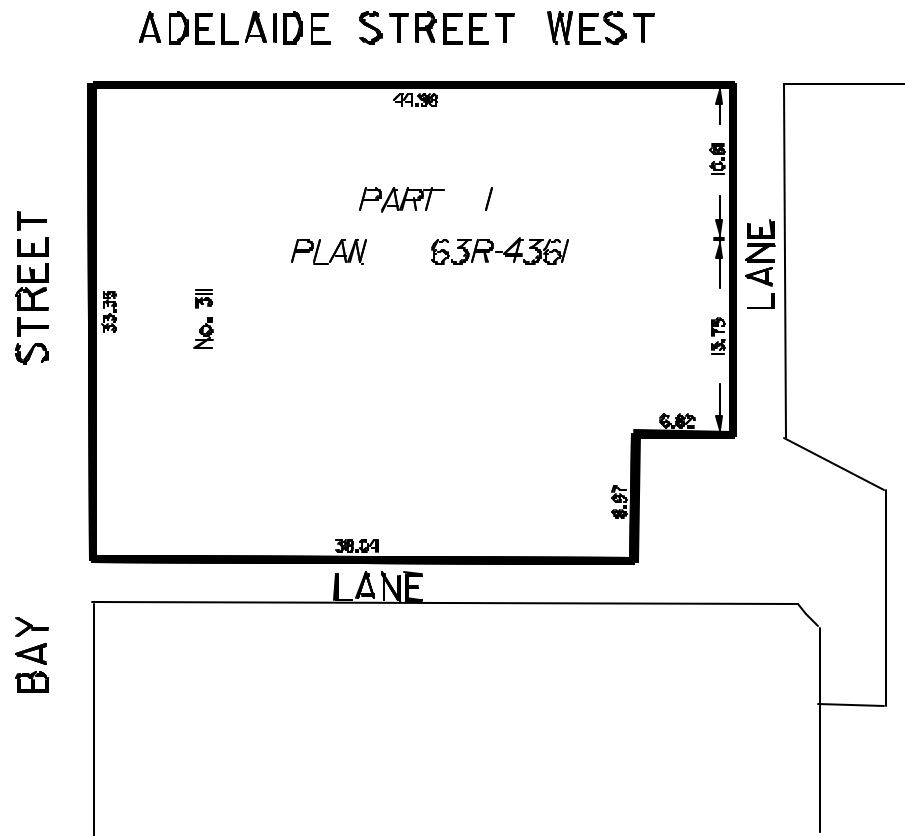
ENACTED AND PASSED this 26th day of June, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

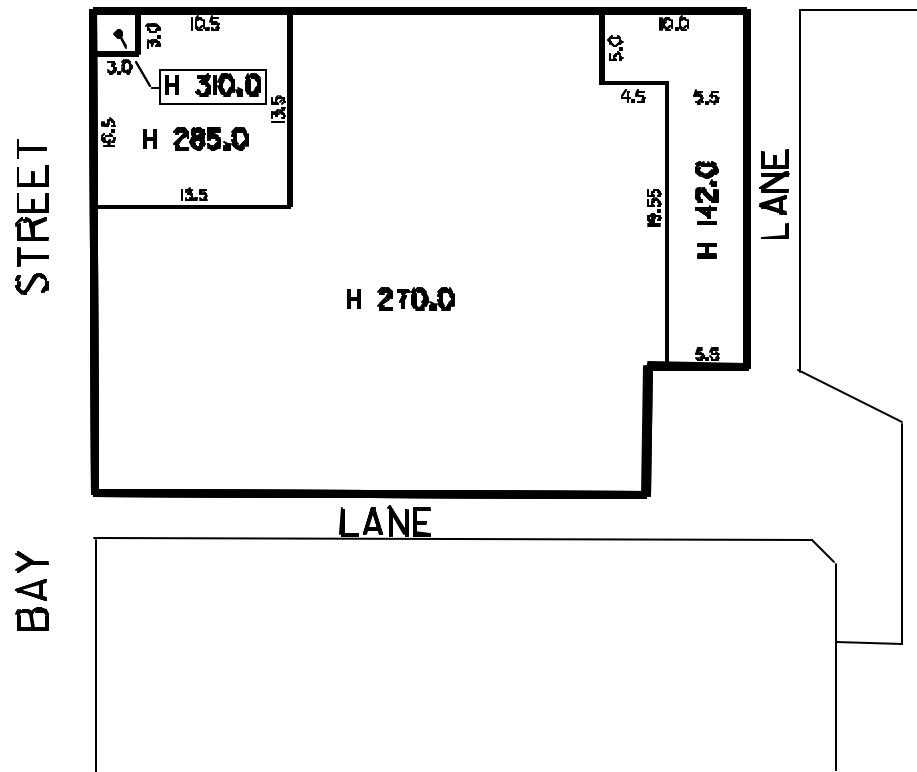
## MAP 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO JANUARY - 2003  
BLOS/S11BAY1.DGN  
FILE: B7-Z35  
MAP No. 506-23 DRAWN: WS

## MAP 2

ADELAIDE STREET WEST



**H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE**



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO JANUARY, 2005  
BLOS/311BAY2.DGN  
FILE: 07-235  
MAP No. 506-23 DRAWN: WS