

Authority: Toronto and East York Community Council Item 36.15, adopted as amended,
by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: September 22, 2011

CITY OF TORONTO

BY-LAW No. 1133-2011

**To amend By-law No. 1009-2010, being a by-law "To amend the General Zoning
By-law No. 438-86 of the former City of Toronto with respect to the lands municipally
known as 1000 Bay Street".**

WHEREAS authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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 Council of the City of Toronto passed By-law No. 1009-2010 on August 27, 2010; and

WHEREAS the Council of the City of Toronto wishes to add Appendix 1 which deals with the section 37 provisions in By-law No. 1009-2010;

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

1. By-law No. 1009-2010 is amended by adding Appendix 1, attached hereto, to the said By-law No. 1009-2010.

ENACTED AND PASSED this 22nd day of September, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

APPENDIX 1
Section 37 Provisions

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development permitted by this By-law on the *lot* is permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner's* sole expense:
 - (1) the owner must enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure the following:
 - (a) Prior to the issuance of the first above-grade permit, pay to the City the sum of \$1,500,000 consisting of \$500,000 towards the upgrade of Queen's Park and \$1,000,000 towards Public Art for the Gateway Feature on St. Joseph Street and the narrowing of the roadway of St. Joseph Street, so that the park on the north side of St. Joseph Street is extended to the south side of St. Joseph Street.
 - (b) Require that the cash amounts identified in (a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
 - (c) Provide 1:50 scale drawings for the St. Joseph Street, Bay Street and west facing elevations of the three-storey podium and two floors above with building materials labelled.
 - (d) Incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (e) Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on February 4, 2010.
 - (f) 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*.
 - (g) Prior to final Site Plan approval the owner shall:
 - (i) Retain 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) 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.