

Authority: Toronto and East York Community Council Item 28.6,
as adopted by City of Toronto Council on December 16, 17 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1725-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street.

Whereas authority is given to 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 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* regarding the proposed Zoning By-law amendment;

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 including the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *site* 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. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height* and *lot* and Sections 4(2)(a); 4(5)(b); 4(8)(b); 4(13)(a); 4(17); 8(3)Part I 1 and 2; 8(3) Part III 1; 8(3) Part XI 2; 12(2)132; 12(2)208; and 12(2)260; of *By-law No. 438-86*, and *By-law No. 522-79*, as amended by *By-law Nos. 43-79, 428-82, 636-82, 715-82 and 1997-0194*, shall apply to prevent the erection, enlargement and use of a *non-residential building*, and *accessory* uses thereto including a *parking garage* on the *lot*, provided that all of the provisions of this By-law are complied with:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) the total aggregate *non-residential gross floor area* erected on the *lot* shall not exceed 132,825 square metres;

- (c) no above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following:
 - (i) awnings, balustrades, canopies, cornices, eaves, fences, guardrails, landscape features including planters, lighting fixtures, media tower, ornamental elements, parapets, railings, safety railings, screens, stairs, stair enclosures, underground garage ramps and their associated structures including retaining walls and curbs, vents, wheelchair ramps and window sills.
- (d) the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed the *heights* indicated by the numbers following the symbol H on the attached Map 2 of this By-law, with the exception of the following elements which may project above the *height* limits:
 - (i) structures on any roof used for outside or open air recreation, maintenance, safety, or wind protection purposes, green roofs, parapets, guardrails, screens, and window washing equipment, provided:
 - (1) the maximum height of the top of such structures is no higher than the sum of 3.0 metres and the *height* limits specified on Map 2; and
 - (2) the structures do not enclose space so as to constitute a form of penthouse.
 - (ii) awnings, balustrades, canopies, cornices, eaves, fences, landscape features including planters, lighting fixtures, ornamental elements, railings, skylights, stairs, stair enclosures, telecommunication equipment, underground garage ramps and their associated structures including retaining walls and curbs, vents, wheelchair ramps, and window sills; and
 - (iii) on the portion of the *lot* known municipally as 306 Yonge Street, a media tower with a maximum *height* the sum of 52.0 metres and the *height* limit specified on Map 2.
- (e) *parking spaces* required by By-law No. 438-86, or By-law No. 522-79, both as amended or varied *shall* be provided and maintained in a *public garage*, a *private commercial garage*, a *private parking garage* or a *parking station*, any and all of which shall be located on the *lot* or within a 200 metres radius distance thereof, to the extent at least prescribed therein;
- (f) the maximum number of *parking spaces* shall be 525;
- (g) the minimum dimensions of a *parking space* accessed by a one-way or two-way drive aisle shall be 5.9 metres in length and 2.75 metres in width;

- (h) ingress and egress to and from the underground parking facility shall be provided by an unobstructed driveway or passageways providing access to a public highway and having a minimum width of 3.0 metres for one-way operations and a minimum width of 5.5 metres for two-way operation;
- (i) loading spaces shall be provided and maintained on the *lot* in accordance with the following:

Use	Range of <i>Total Floor Area (sq.m.)</i>	Number of Loading Spaces Required	
		<i>Loading space - Type B</i>	<i>Loading space - Type C</i>
Office purposes, including Government Office; Clinic; Medical/Dental Office	28,000-51,999	2	3
	52,000-75,999	3	3
	76,000-99,999	3	4
	100,000-123,999	4	4
	124,000-147,999	4	5

- (j) notwithstanding the provisions of section 1.(i) of this By-law, the maximum number of loading spaces required to be provided and maintained on the *lot* shall not exceed in number and shall have the characteristics and dimensions set out below:

1 space 18.3 metres x 3.7 metres x 4.3 metres (vertical)
 3 spaces 12.2 metres x 3.7 metres x 4.3 metres (vertical)
 4 spaces 6.1 metres x 3.05 metres x 2.44 metres (vertical)

loading spaces are required to be provided and maintained at *grade* on the *lot* and four shall have access directly from Edward Street;

- (k) a minimum of 14 *bicycle parking space-occupant* shall be provided within the first floor level of the parking garage below *grade* ; and a minimum of 4 *bicycle parking spaces-visitor* shall be provided at *grade*;
- (l) a minimum of 1,555 square metres shall be provided as *common outdoor space* on the *lot*; and
- (m) for clarity, indoor and outdoor public walkways which are directly accessible from the adjoining public sidewalks shall continue to be provided and maintained as required by By-law No. 522-79, as amended.

- 4. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, partition or division occurred.

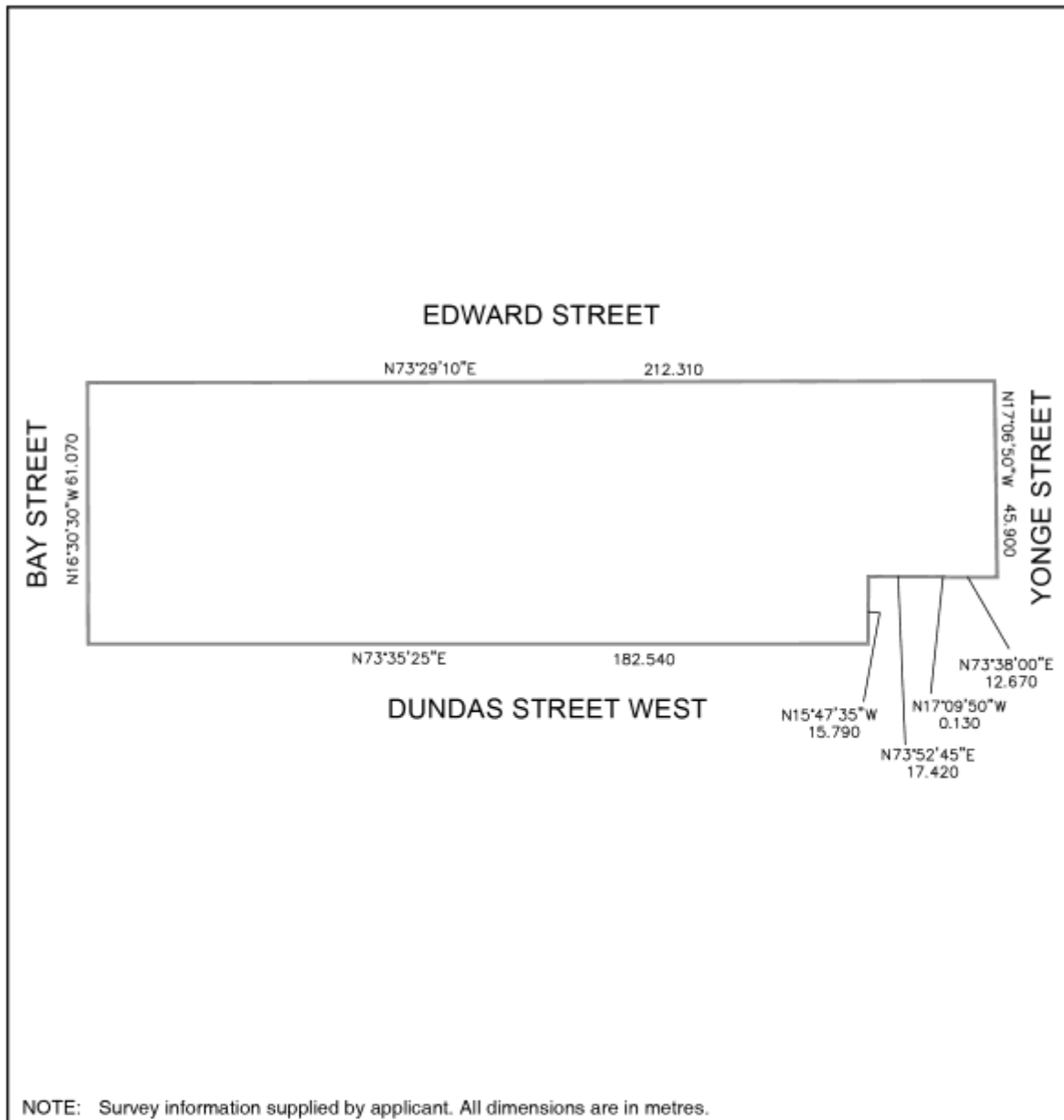
5. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of *By-law No. 438-86*, as amended, except that the following definitions shall apply:
- (a) "*By-law No. 438-86*" means By-law No. 438-86, as amended titled "A By-law to 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";
 - (b) "*grade*" means the Canadian Geodetic Datum elevation of 93.74 metres;
 - (c) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
 - (d) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law; and
 - (e) "*parking garage*" means a building or portion of a building, other than a *private garage* that is used for the temporary parking of motor vehicles.
6. Except as provided herein, the provisions of *By-law No. 438-86*, as amended, and By-law No. 522-79, as amended, shall continue to apply to the *lot*.
7. Within the *lot*, 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.

Enacted and passed on December 18, 2013.

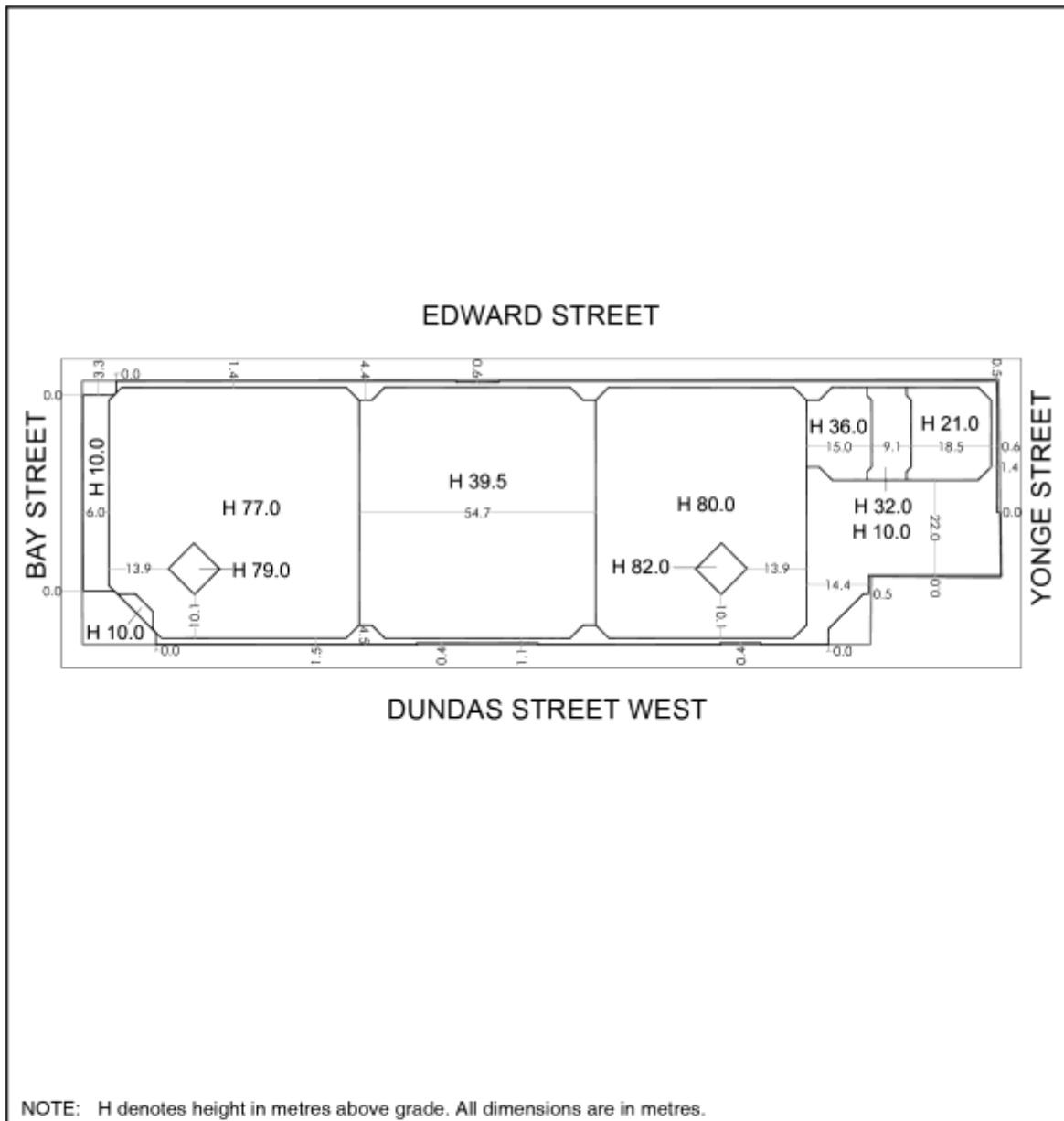
Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Map 1

Map 2



Appendix 1
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 *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. Prior to the issuance of the first above-grade building permit, other than for a building permit for the repair, maintenance or day-to-day renovation of any building that existed on the *lot* on the date of the enactment of this By-law, the *owner* shall:
 - (i) make a cash contribution to the City in the amount of THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) to be used for streetscape improvements on the north side of Edward Street and area, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (ii) provide the City with an irrevocable standby Letter of Credit, in a form to the satisfaction of the City Solicitor, in the amount of ONE MILLION FIFTY SIX THOUSAND DOLLARS (\$1,056,000), for the relocation of the TTC Staircase at the northwest corner of Yonge Street and Dundas Street West as described in section 2 below;
 - (iii) provide the City with an irrevocable standby Letter of Credit, in a form to the satisfaction of the City Solicitor, in the amount of NINE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$985,000), for the construction of improvements to Edward Street beyond the property line of 595 Bay Street and 306 Yonge Street as described in section 3 below;
 - (iv) submit for approval, to the Chief Planner and Executive Director, City Planning and to the Chief Executive Officer of the Toronto Transit Commission, a set of plans illustrating the work necessary to complete the Dundas Station accessibility improvements described in section 4 below;
 - (v) provide the City with an irrevocable standby Letter of Credit, in a form to the satisfaction of the City Solicitor, in the amount of TWO HUNDRED SIXTY THOUSAND DOLLARS (\$260,000), for the construction of improvements to the below-grade entrance from Dundas Station to 595 Bay Street and 306 Yonge as described in section 4 below; and
 - (vi) the cash amount identified in "(i)" above shall be indexed upwardly 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.
2. Prior to receiving a statement of final approval with respect to the Site Plan Control Application, the *owner* shall submit for approval, to the Chief Planner and Executive

Director, City Planning and to the Chief Executive Officer of the Toronto Transit Commission, a set of plans illustrating the required work necessary to complete the relocation of the TTC staircase at the northwest corner of Yonge Street and Dundas Street West to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission. The Owner agrees to perform such works as are necessary to complete the relocation of the TTC staircase substantially in accordance with the approved plans.

3. The *owner* shall construct streetscape improvements to Edward Street beyond the property line of 595 Bay Street and 306 Yonge Street substantially as shown in Attachment 1 of the report from the Director, Community Planning, Toronto and East York District, titled: "595 Bay Street and 306 Yonge Street - Zoning Amendment Application – Final Report" and dated October 18, 2013, to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. The owner shall make improvements to the below-grade entrance from Dundas Station to 595 Bay Street and 306 Yonge Street to make it accessible to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Executive Officer of the Toronto Transit Commission.