

Authority: Toronto and East York Community Council Item TE23.7, as adopted by City of Toronto Council on April 26, 27 and 28, 2017

## CITY OF TORONTO

### BY-LAW 741-2017

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2017 as 48-58 Scollard Street and 1315-1325 Bay Street.**

Whereas authority is given to Council 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*; 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 black 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 the heavy lines to CR 3.0 (c1.75; r3.0) SS1 (x103) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 103 so that it reads:

**Exception CR (103)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 48-58 Scollard Street and 1315-1325 Bay Street, if the requirements of Section 5 and Schedule A of By-law 741-2017 are complied with, none of the provisions of Sections 40.5.1.10(3) and (4), 40.10.20.100(21), 40.10.40.1(1) and (2), 40.10.40.40(1), 40.10.40.40(2), 40.10.100.10(1), 150.100, 200.5.1.10.(12)(C) and 600.10 apply to prevent the erection or use of a **building, structure**, addition or enlargement if it is in compliance with regulations (B) to (N) below;
- (B) Despite regulation 5.10.40.70(1) and 600.10.10, a **building** or **structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law 741-2017;
- (C) Despite regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 116.75 metres in the year 2017;
- (D) Despite regulations 40.5.40.10(3)-(6) and 40.10.40.10(1) and (5), no portion of any **building** may exceed the **height** in metres specified by the numbers following the symbol H on Diagram 3 of By-law 741-2017, with the exception of the following:
  - i. lighting fixtures, terraces, patios, cabanas, planters, balustrades, bollards, fences, trellises, roofing assembly, landscape features, art installations, garbage chutes, roofs, window washing equipment, parapets, privacy screens, safety railings, guardrails, chimneys, vents, flues, stacks and exhaust stacks, and ornamental or architectural features may extend a maximum of 2.0 metres above the heights shown on Diagram 3 of By-law 741-2017;
  - ii. Lightning rods;
  - iii. **building** elements or **structures** used for **green roof** technology or alternative roofing system may extend a maximum of 0.6 metres above the heights shown on Diagram 3 of By-law 741-2017; and
  - iv. mechanical equipment such as, but not limited to, elevator and associated overrun, heating or cooling towers/heating or cooling tower stacks, air units, emergency generator, lighting fixtures, ornamental elements, trellises, wind mitigation features and walls, penthouse or structures enclosing mechanical equipment may extend a maximum of 7.0 metres above the heights shown on Diagram 3 of By-law 741-2017;

- (E) Despite clause 40.10.40.60 and regulation 40.10.40.70(1), no portion of any **building** or **structure** above-grade may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law 741-2017, with the exception of:
- i. Window washing equipment, privacy screens, chimneys, vents, flues, stacks and exhaust stacks, art installations, lighting fixtures, cornices, sills, eaves, canopies, stairs, covered stairs or stair enclosures, awnings, underground garage ramps and ancillary **structures**, retaining walls, wheelchair ramps, ornamental or architectural features, and structures and elements related to **outdoor patios** may extend a maximum of 1.0 metres beyond the heavy lines shown on Diagram 3 of By-law 741-2017;
- (F) The maximum permitted **gross floor area** of all **buildings** and **structures** on the lands as shown on Diagram 3 of By-law 741-2017, must not exceed 21,750 square metres, of which:
- i. residential uses must not exceed 20,000 square metres; and
  - ii. non-residential uses must not exceed 1,750 square metres;
- (G) Despite regulation 40.10.20.100(17), the maximum permitted **interior floor area** of all **retail services** must not exceed 550 square metres;
- (H) Despite clause 40.10.40.50(1) and (40.10.40.50(2)) **amenity space** shall be provided in accordance with the following minimum amounts:
- i. At least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
  - ii. A least 1.0 square metres for each **dwelling unit** is outdoor **amenity space**, provided:
    - a. An outdoor Privately Owned Publicly-Accessible Space (POPS) of at least 523 square metres is provided on the **lot**; and
    - b. A publicly accessible outdoor area of at least 461 square metres be provided on the **lot**;
- (I) A maximum of 7 **parking spaces** are not required to comply with the minimum **parking space** dimensions in regulation 200.5.1.10(2), of which:
- i. A maximum of 5 **parking spaces** may have a minimum length of 5.4 metres and minimum width of 2.5 metres; and
  - ii. a maximum of 2 **parking spaces** may have a minimum width of 2.6 metres if accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres;

- (J) Despite regulations 200.5.1.10(2)(b) and 200.5.10.1(7), the number of residential **parking spaces** provided may be greater than the maximum permitted in By-law 569-2013;
- (K) Despite Section 200.5.1(3), a 47 metre portion of the **drive aisle** on levels B1, B2, B3 and B4 will be 5.5 metres in width;
- (L) Despite regulation 40.10.90.40(3) and clause 220.5.10.1:
  - i. a minimum of one Type G **loading space** is required; and
  - ii. no **loading space** is required for non-residential uses;
- (M) Despite clause 230.5.1.10(4):
  - i. horizontal **bicycle parking spaces** may have the following minimum dimensions: length of 1.8 metres, width of 0.4 metres and height of 1.9 metres;
  - ii. horizontal **bicycle parking spaces** that are provided in a bicycle stacker may have the following minimum dimensions: length of 1.8 metres, width of 0.4 metres and height of 1.1 metres; and
  - iii. vertical **bicycle parking spaces** may have the following minimum dimensions: length of 1.0 metres, width of 0.4 metres and height of 1.9 metres.

Prevailing By-laws and Prevailing Sections (None Apply)

## 5. 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 of this By-law are satisfied.

Enacted and passed on July 7, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
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 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first Above-Grade Building Permit for the Site, the Owner shall provide:
  - (a) An indexed cash contribution to the City in the amount of two million, one hundred and sixty thousand dollars (\$2,160,000) to be allocated towards local area park or streetscape improvements, in consultation with the ward councillor;
  - (b) An indexed cash contribution to the City in the amount of two hundred and seventy thousand dollars (\$270,000) to be allocated towards capital improvements for new or existing Toronto Community Housing and/or affordable housing, in consultation with the ward councillor; and
  - (c) An indexed cash contribution to the City in the amount of two hundred and seventy thousand dollars (\$270,000) to be allocated towards capital improvements for new or existing cultural and/or community space, in consultation with the ward councillor.
2. The financial contributions identified in (1) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the City, calculated from the date of execution of this Agreement to the date of payment.
3. In the event that the cash contributions identified in (1) have not been used for the intended purpose within three (3) years after the date the Amending By-laws come into full force and effect, the cash contributions may be re-directed for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the ward councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the Site.
4. The following matters will also be secured in the Section 37 Agreement as a legal convenience to support development:
  - (a) The owner shall provide and maintain a privately owned and publicly accessible open space (POPS) of 523 square metres at the northeast corner of Bay Street and Scollard Street with the specific location, configuration and design to be determined in the context of a site plan approval process pursuant to Section 114 of the City of Toronto Act, 2006, as amended and as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City to the satisfaction of the City Solicitor;


- (b) The Owner shall provide 10 percent family sized units in the development, containing at least three bedrooms; and
- (c) The Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.



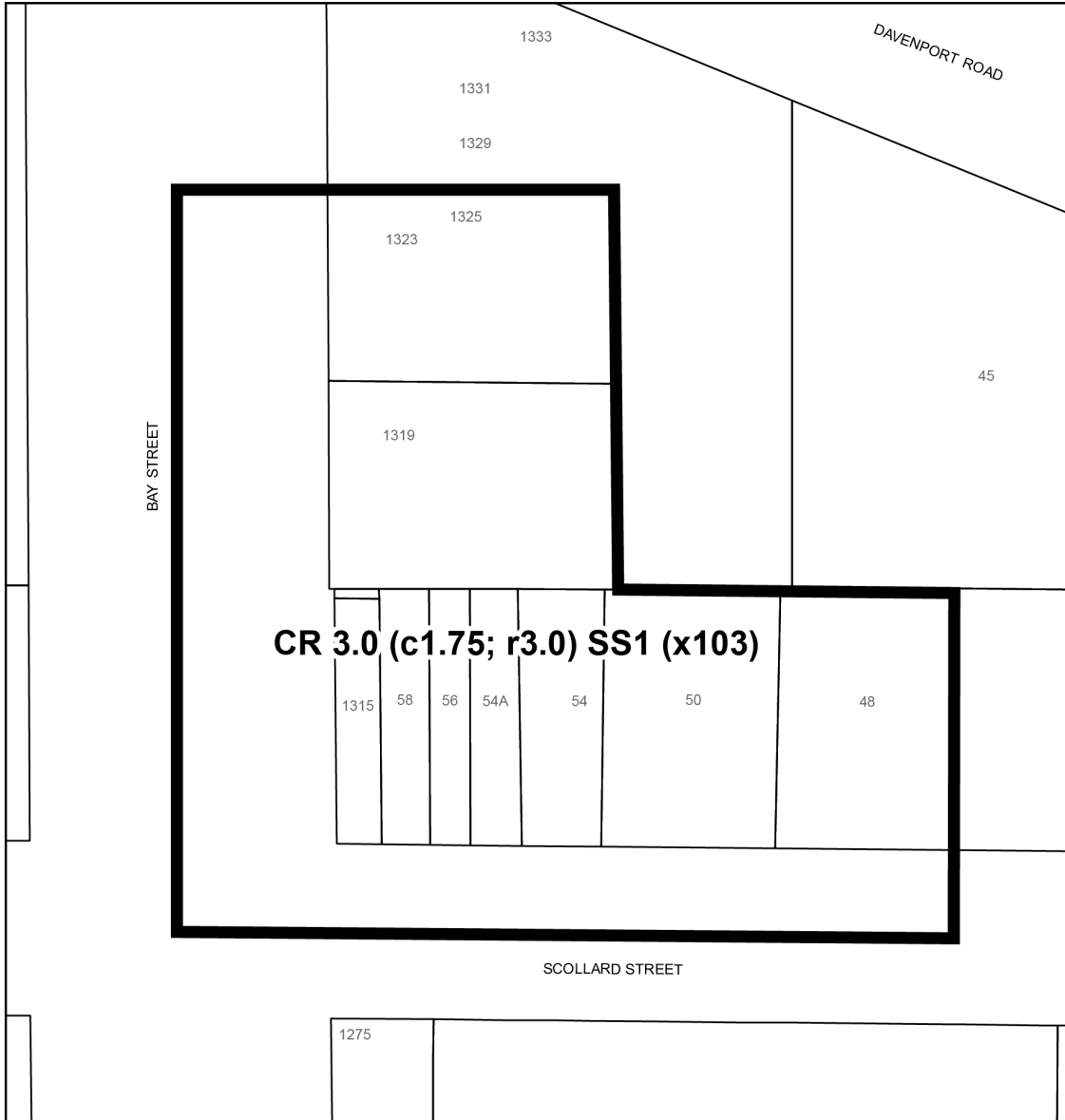
 **TORONTO**  
Diagram 1

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 OZ

  
City of Toronto By-Law 569-2013  
Not to Scale  
3/8/2017




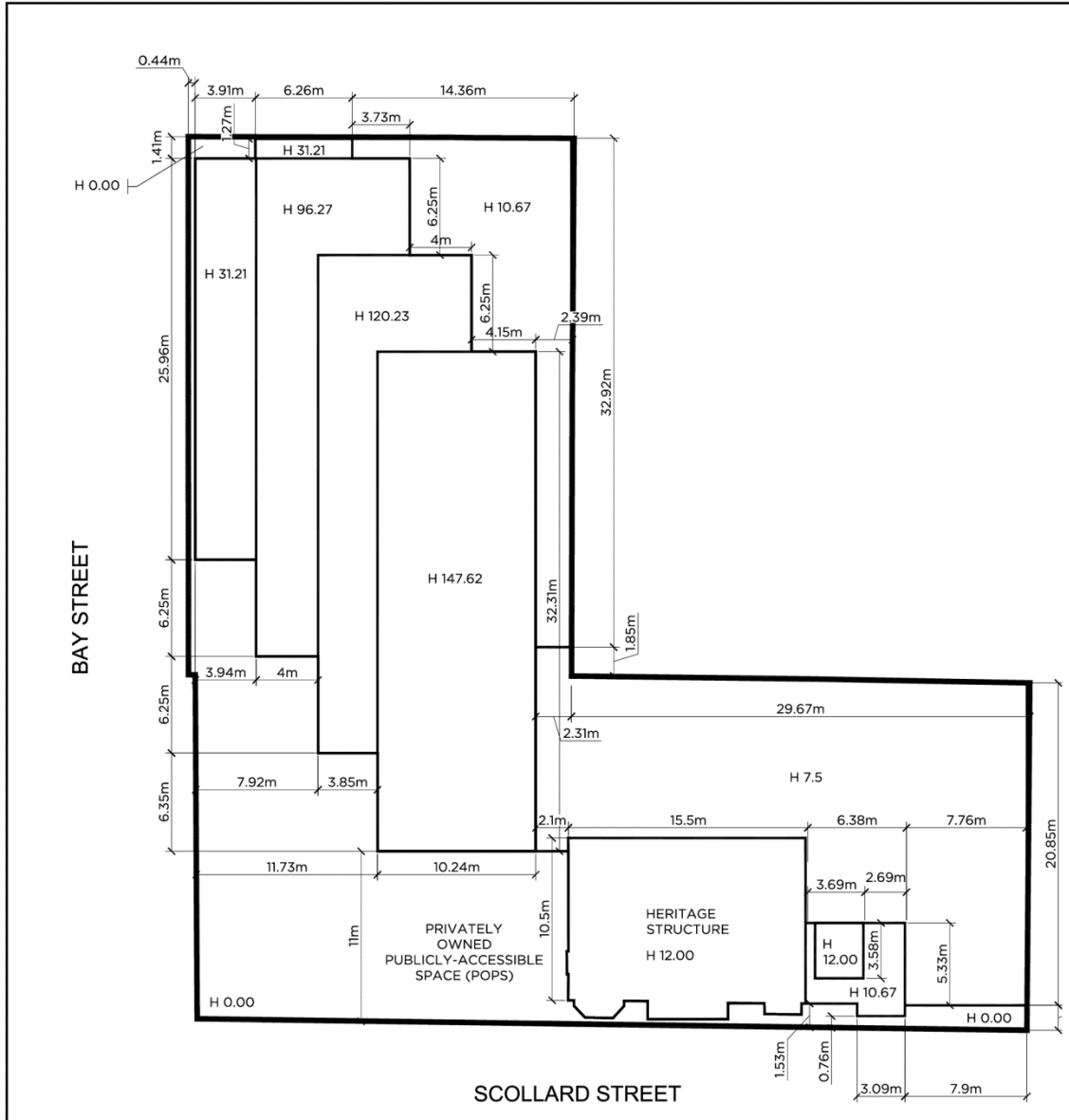


 **TORONTO**  
Diagram 2

**48-58 Scollard Street and  
1315-1325 Bay Street**

File # 15 251277 STE 27 OZ

  
City of Toronto By-Law 569-2013  
Not to Scale  
3/13/2017



**TORONTO**  
 Diagram 3

**48-58 Scollard Street and  
 1315-1325 Bay Street**

File # 15 251277 STE 27 OZ