

Authority: Toronto and East York Community Council Item \_\_\_\_\_

**CITY OF TORONTO  
BY-LAW No. \_\_\_\_-2022**

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 483-491 Bay Street & 20 Albert Street in the year 2022**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2019 as 483-491 Bay Street & 20 Albert Street; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development

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 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, a 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;

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

1. This By-law applies to the lands delineated by a heavy line on Map 1 attached to and forming part of this By-law;
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, and By-law No 708-82, shall continue to apply;
3. Map 50H-313 of the Former City of Toronto By-law 438-86, as amended is hereby amended in accordance with Map 2;
4. Section 12(1) of By-law 438-86, as amended of the Former City of Toronto is amended by adding the following Subsection:

None of the provisions of Sections 2(1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot*, and Sections 4(2)(a), 4(5), 4(5) Schedule 1, 4(8), 4(10), 4(12), 4(13) (a), (c), and (d), 4(16), 4(17), 8(3)Part I, 8(3)Part II, 8(3)Part III(1)(a), 8(3)(XI)(2), 12(1)334, 12(1)335,, 12(2)132, 12(2) 260, 12(2)380, of Zoning 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, and none of the provisions of Sections 3 with respect to the definition of *lot*, 5(1)(d), 6, 9(2), 12(1), 13, 14(c), 19 of Zoning By-law No. 708-82 being "A By-law applying to certain lands within the blocks bounded generally Yonge Street, Queen Street West, James Street, Albert Street, Bay Street and Dundas Street West, in the City of Toronto", as amended, shall apply to prevent the erection and use of a *new mixed-use tower* on Parcel C on the *lot*, including uses *accessory* thereto, provided that:

- (a) For the purposes of this By-law, the *lot* consists of the lands delineated by heavy lines on Map 1 attached to this By-law;
- (b) On the lands outlined on Map 1 attached to this By-law, a *temporary construction office/sales office* is permitted;
- (c) No portion of the *new mixed-use tower* erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (d) *New residential gross floor area* and *new non-residential gross floor area* is permitted for the *new mixed-use tower* in accordance with the following:
  - i. 40,100 square metres of *new residential gross floor area* ; and
  - ii. 6,000 square metres of *new non-residential gross floor area* for office uses
- (e) No portion of the *new mixed-use tower* erected or used above *grade* on the *lot* is located above the maximum *heights* in metres as indicated by the following letters "HT" as shown on Map 2, attached to and forming part of this Bylaw;
- (f) Notwithstanding Section 1(e) of this By-law, no portion of the *new mixed-use tower* shall extend above the *heights* in metres shown on Map 2 attached hereto, with the exception of:
  - i. architectural features, air intake and air handling units, awnings, balconies, bicycle racks, bollards, canopies, chimneys, communication equipment, cooling tower, cornices, eaves, elevator enclosures and overruns, fences, flues, green roof, guardrails, insulation and roof surface materials, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment may project up to a maximum of 5.0 metres above the permitted maximum heights;
  - ii. mechanical penthouse may project up to a maximum of 9.0 metres above the permitted maximum heights; and

- iii. elements or structures on any portion of a roof used for outside or open air recreation, including required *residential amenity space* may project up to a maximum of 5.0 metres above the permitted maximum heights;
- iv. Notwithstanding sections (i) (ii) and (iii) above, the only building elements, structures or projections that are permitted to project above the permitted maximum heights within the hatched area on Map 2 and 2A are as follows:
  - a. Air intake and air handling units, chimneys, cornices, eaves, flues, green roof, guardrails, insulation and roof surface materials, landscape, lighting fixtures, ornamental elements, parapets, pipes, planters, railings, screens, stacks, terraces, vents, wind protection, window sills and window washing equipment to a maximum of 1.8m.
- (g) the minimum setbacks of the *new mixed-use tower* above *grade*, erected on the *lot* from all lot lines shall be as shown on Map 2 attached hereto and forming part of this By-law;
- (h) The provisions of this By-law respecting the height and projections of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2;
- (i) Notwithstanding 1(c) above, no portion of the *new mixed-use tower* shall extend beyond the solid and dashed lines delineating the tower envelope, with the exception of:
  - i) Lighting fixtures, balconies and guards, balcony roof or canopies, privacy screens, mechanical and architectural screens, window sills, chimneys, window washing equipment, mechanical fans, retaining walls and curbs, monitor wells, structural columns, fences and safety railings, balustrades, bollards, underground garage ramps and their associated structures, and public art features by no more than 5.0 metres;
  - ii) Despite section (i) above, no elements, structures or encroachments are permitted to encroach into the required building setbacks on the south façade of any building or structure above 177.0 metres ASL (CGVD 2013) except for window washing equipment by no more than 2.0 metres
- (j) *Parking spaces* for residents of the *new mixed-use tower* on the *lot* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
  - i. A minimum 53 *parking spaces* and 3 *car-share parking spaces* for residents of the *new mixed-use tower* on the *lot*;

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- ii. A minimum of 4 visitor *parking spaces* for the *new mixed-use tower* on the *lot*; and
  - iii. No *parking spaces* are required for the non-residential uses in the *new mixed-use tower*; and
  - iv. No accessible *parking spaces* shall be provided.
- (k) *Bicycle parking spaces* shall be provided and maintained on the *lot* for the *new mixed-use tower* in accordance with the following rates:
- i. A minimum of 0.9 *bicycle parking spaces – occupant* per *dwelling unit* shall be provided on the *lot* for residential occupants of the *new mixed-use tower*;
  - ii. A minimum of 0.1 *bicycle parking spaces – visitor* per *dwelling unit* shall be provided on the *lot* for residential visitors to the *new mixed-use tower*;
  - iii. For the *new non-residential gross floor area* in the *new mixed-use tower* provided for in section (d)(ii) of this By-law:
    - A. A minimum of 0.2/100 square metres of interior floor area for long-term office uses
    - B. A minimum of 3 plus 0.2/100 square metres of interior floor area for short-term office uses
- (l) *Bicycle parking spaces* may be provided in a *stacked bicycle parking space* arrangement in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on any floor of a building, may be located below, at or above *grade* and may be located more than 30 metres from a pedestrian entrance;
- (m) *Shower-change* facilities shall not be required on the *lot*;
- (n) A minimum of two *loading spaces – Type “B”* and two *loading spaces – Type “C”* shall be provided and maintained on the *lot*;
- (o) Indoor and outdoor *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i. A minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit*; and
  - ii. A minimum of 2.0 square metres of outdoor *residential amenity space* per *dwelling unit*
- (p) A minimum of 10% of the *dwelling units* in the *New mixed-use tower* must be three-bedroom *dwelling units* or greater, and a minimum of 30% of the *dwelling units* in the *New mixed-use tower* must be two-bedroom *dwelling units* or greater.
- (q) No land may be used and no *building* or *structure* may be erected or used on the land unless:
- i. The land abuts an existing *street*, or is connected to an existing *street* by a *street* or *streets*, constructed to a minimum base curb and base asphalt or concrete; and

- ii. All Municipal water mains and Municipal sewers, and their appurtenances, are installed to a *lot line* of the property and are operational.
5. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86,, as amended, or By-law 708-82, as applicable with the exception of the following:
- (a) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
    - i. Where bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
    - ii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - iii. in the case of a bicycle rack, is located in a secure room, enclosure, or area
  - (b) “*bicycle parking space – visitor*” means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
    - i. Where bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.5 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
    - ii. Where the bicycles are to be parked in a *stacked bicycle parking space*, has horizontal dimensions of at least 0.5 metres by 1.2 metres, and a vertical dimension of at least 1.2 metres;
    - iii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.5 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - iv. may be located indoors or outdoors including within a secured room or enclosure
  - (c) “Car-share” *parking spaces* are permitted on the *lot* in accordance with the following:

For the purposes of this exception, “car share” means the practice where a number of people share the use of one or more cars that are owned by a profit or nonprofit car sharing organization and where the organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee which may or may not be refundable, and “car share parking space” means a parking space exclusively reserved and used for car share purposes where the vehicle is accessible to at least the occupants of the building;

- (d) “*grade*” means 89.98 metres Above Sea Level (ASL)(CGVD2013);
- (e) “*New mixed-use tower*” means the area delineated by the dashed lines on Map 2
- (f) “*New Residential Gross Floor Area*” means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) Parking, loading and bicycle parking below *grade*;
  - (ii) Required *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
  - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*; Amenity space required by this by-law;
  - (iv) Elevator shafts;
  - (v) Garbage chutes;
  - (vi) Stair shafts;
  - (vii) exit stairwells in the building
- (g) “*New Non-Residential Gross Floor Area*” means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) Parking, loading and bicycle parking below *grade*;
  - (ii) Required *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
  - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
  - (iv) Shower and change facilities
  - (v) Elevator shafts;
  - (vi) Garbage shafts;
  - (vii) Mechanical penthouses; and
  - (viii) Exit stairwells in the building.
- (h) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure, exclusive any elements described in Section 1(g);
- (i) “*lot*” means the lands outlined by heavy lines on Map 1 attached to this By-law;
- (j) “*stacked bicycle parking space*” shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and is equipped with a mechanical device providing floor level access to both *bicycle parking spaces*. A *stacked bicycle parking space* has horizontal dimensions of at least 0.5 metres by 1.2 metres, and a vertical dimension of at least 1.2 metres;
- (k) “*temporary construction office/sales office*” shall mean a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*

and/or the administration and management of construction activity related to construction on the *lot*.

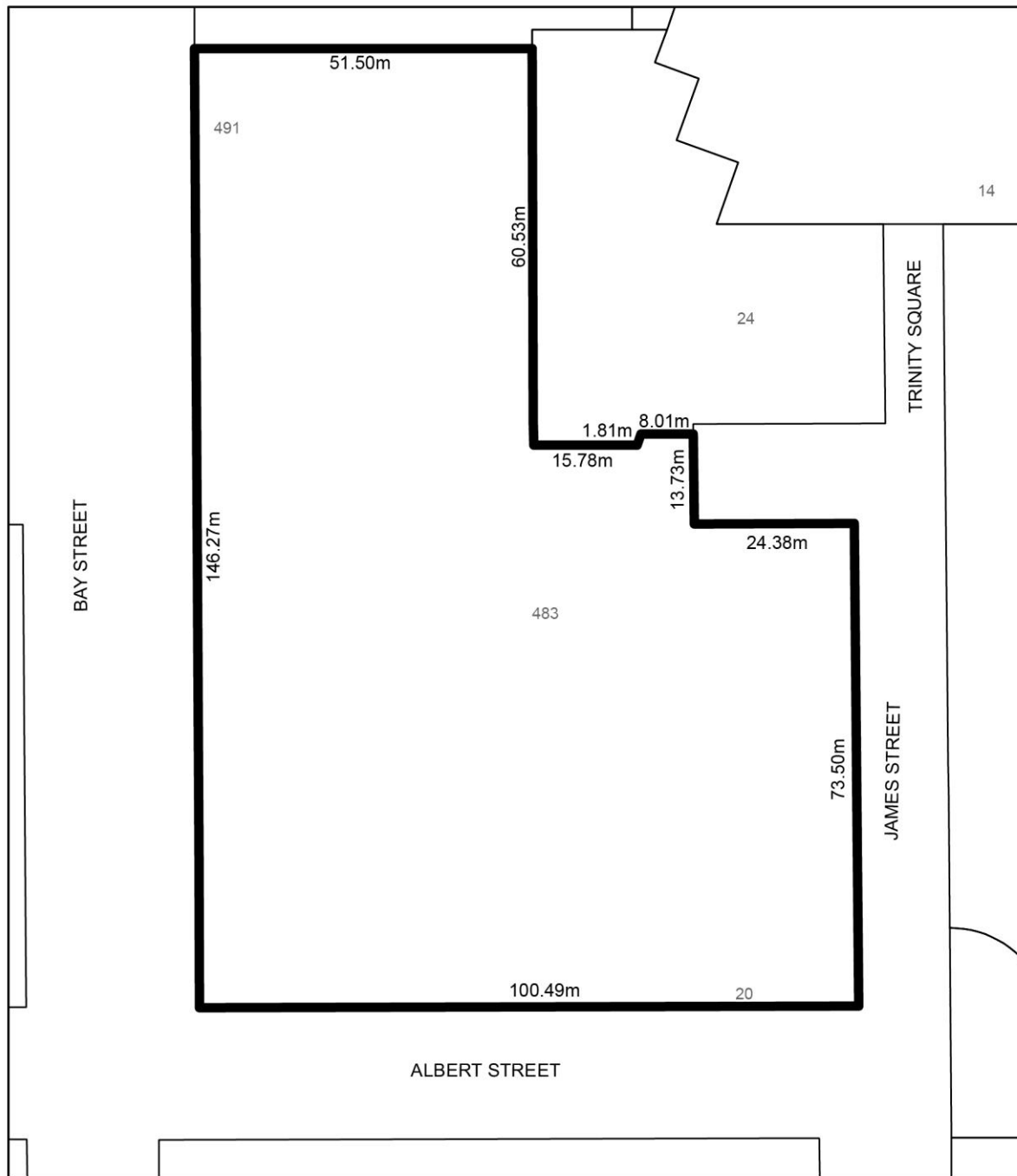
6. Except as provided by Section 4 of this By-law, no provision of this By-law shall be deemed to amend or repeal any of the provisions of By-law No. 708-82
7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this \_\_day of \_\_\_\_\_, A.D. 2022.

FRANCES NUNZIATA,  
Speaker

JOHN D. ELVIDGE,  
City Clerk

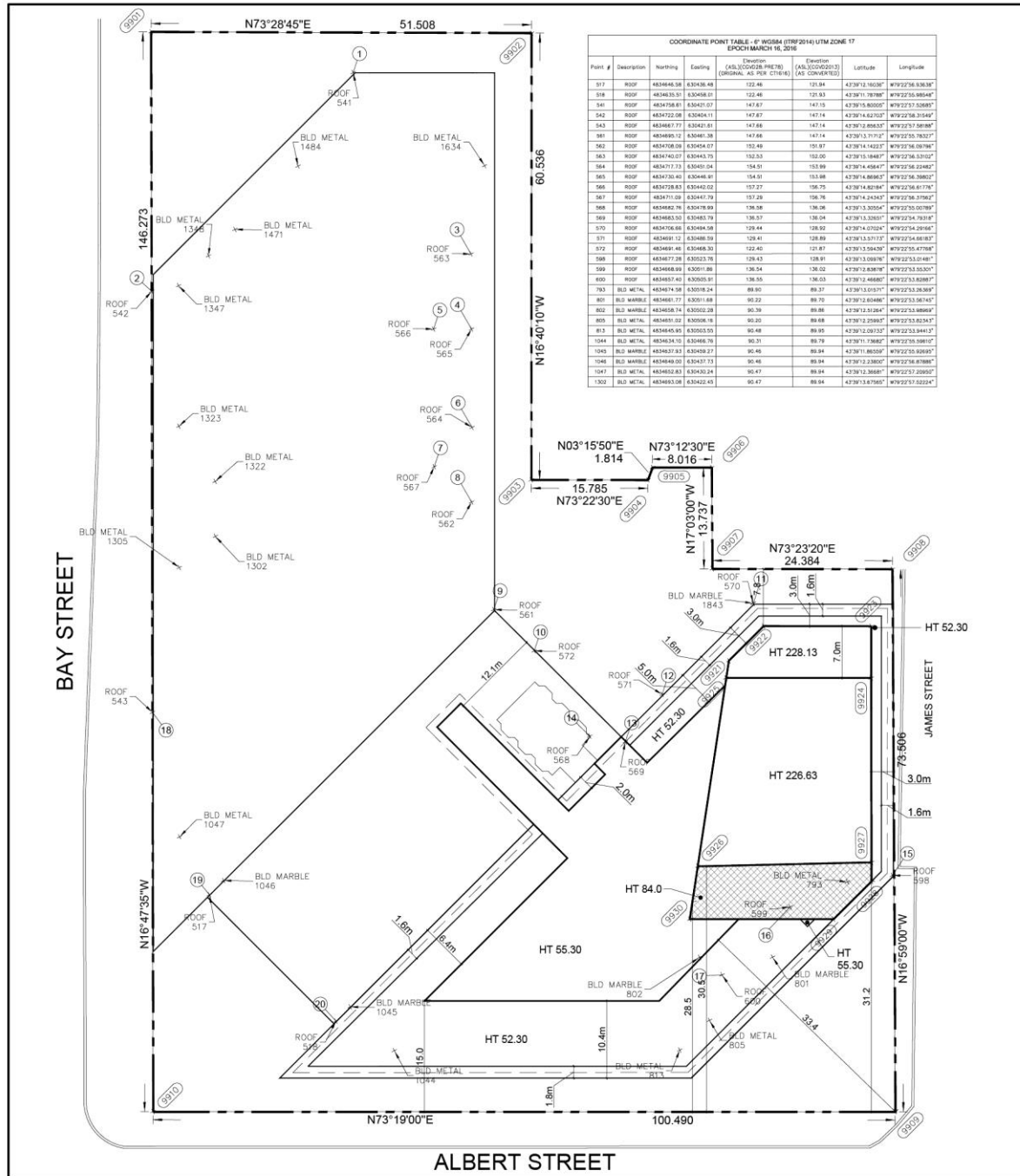
(Corporate Seal)



**Toronto**  
Map 1

**483-491 Bay and  
20 Albert Street**  
File # 19 239929 STE 13 0





**Toronto**  
Map 2

**483-491 Bay and  
20 Albert Street**  
File # 19 239929 STE 13 0

City of Toronto By-law 438-86  
Not to Scale  
06/22/2022

