

Attachment 7: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 833-2021, being a by-law to amend Zoning by-law 569 2013, with respect to the lands municipally known in the year 2025 as 1075 Bay Street.

Whereas Council of the City of Toronto has the authority pursuant to 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, as amended; 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council enacted By-law 833-2021, being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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 has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein in addition to those secured through By-law 833-2021; 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;

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, as amended, Chapter 800 Definitions.
3. By-law 833-2021, is amended by deleting and replacing Paragraph 3 with the following:

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 heavy lines on Diagram 1 to CR 6.0 (c1.0; r6.0) SS1 (x410), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number 410 in Zoning By-law 569-2013 and Section 4 of By-law 833-2021, so that it reads:

(410) Exception CR (410)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands municipally known as 1075 Bay Street, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) below;
- (B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **mixed use building** is 54,000 square metres, of which:

- (i) the permitted maximum **gross floor area** for residential uses is 50,895 square metres, provided no **dwelling units** are located below a Canadian Geodetic Datum elevation of 156.5 metres;
 - (ii) the required minimum of **gross floor area** for non-residential uses is 12,100 square metres;
- (C) In addition to regulations 40.5.40.40(1), (3), and (5), **gross floor area** is reduced by areas in the **building** used for **public parking** below-ground;
- (D) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 25 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
 - (iv) an additional 5 percent of the total number of **dwelling units** must be any combination of 2 bedroom and 3 bedroom **dwelling units**;
 - (v) **dwelling units** required in (iv) above may be satisfied in part or in whole by **dwelling units** with 2 or more bedrooms, that can be provided through the conversion of other, smaller dwelling units using accessible or adaptable design measures such as knock-out panels; and
 - (vi) if the calculation of the number of required **dwelling units** in accordance with each of (i), (ii), and (iv), results in a number with a fraction, the number is rounded up to the nearest whole number, but there may not be less than **one dwelling unit**;
- (E) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 112.50 metres and the highest point of the **building** or **structure**;
- (F) Despite regulations 40.5.40.10(4), (5), and (8), and 40.10.40.10(1) and (7), the permitted maximum height of any **building** or **structure**,

including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol, and the number of **storeys** following the symbol ST, as shown on Diagram 3 of By-law [Clerks to insert By-law number];

(G) For the purposes of this exception, the following portions of a **building** are not a **storey**:

- (i) a partial mezzanine level located above the **first floor** and below the second floor of a **building**, with a maximum **gross floor area** of 400.0 square metres;
- (ii) the mechanical penthouse levels of the **building** located above "ST 62" as shown on Diagram 3 of By-law [Clerks to insert By-law number];

(H) Despite regulations 40.5.40.10(4) to (7) and (F) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law [Clerks to insert By-law number]:

- (i) lightning rods and window washing equipment, by a maximum of 5.0 metres;
- (ii) wind mitigation features, by a maximum of 3.0 metres;
- (iii) **structures** and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;
- (iv) safety railings, guard rails, railings, parapets, terraces, cabanas, patios, planters, balustrades, bollards, stairs, ancillary structures, wheelchair ramps, pergolas, trellises, and ornamental features, by a maximum of 3.8 metres;
- (v) landscape features, privacy screens, covered stairs or stair enclosures, and fences, by a maximum of 2.5 metres;
- (vi) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material, by a maximum of 2.0 metres; and
- (vii) elevator overrun and associated screens, by a maximum of 5.0 metres;

(I) Despite regulations 40.5.40.70, 40.10.40.70(1), 40.10.40.80(1) and Section 600.10.10(1), the required minimum **building setbacks** for a

building or **structure** are shown on Diagram 3 of By-law [Clerks to insert By-law number];

- (J) Despite regulation 40.10.40.60 and regulation (I) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to insert By-law number]:
- (i) balconies at and above the 13th **storey**, by a maximum of 2.4 metres;
 - (ii) despite regulation (i) above, balconies may encroach into a **building setback** by a maximum of 0.6 metres along the east face of the **building** at and above the 13th **storey**, in the area labeled "Juliette Balcony Zone" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
 - (iii) cornices, sills, eaves, balustrades, and architectural trim, by a maximum of 0.75 metres;
 - (iv) wind mitigation, by a maximum of 1.2 metres;
 - (v) window washing equipment, by a maximum of 3.0 metres;
 - (vi) trellises, canopies, and associated supporting **structures**, by a maximum of 3.0 metres;
 - (vii) despite regulation (vi) above, canopies located below the 2nd **storey** on the west and north side of the building may encroach into a **building setback**;
 - (viii) privacy screens and balcony guards, by a maximum of 2.4 metres; and
 - (ix) railings around the roof of the **building**, to the same extent as the roof below;
- (K) Within "Area A", as shown on Diagram 3 of By-law [Clerks to insert By-law number], no portion of the **building** shall be located between the heights of 0.0 metres to 7.0 metres, as measured from the Canadian Geodetic Datum elevation of 112.50 metres;
- (L) Despite regulation (J) above, structural and architectural elements that support the **building**, including columns, beams and soffits, may be located within "Area A", as shown on Diagram 3 of By-law [Clerks to insert By-law number], between the heights of 0.0 metres to 7.0 metres, as measured from the Canadian Geodetic Datum elevation of 112.50 metres;

- (M) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided at a minimum rate of 4.0 square metres per **dwelling unit**, of which:
- (i) at least 0.91 square metres for each **dwelling unit** is outdoor **amenity space**; and
 - (ii) no more than 25 percent of the outdoor component may be a **green roof**;
- (N) Despite regulations 40.10.90.40(1) and (3) and 40.10.100.10(1), **vehicle** access to the lands, including **vehicle** access to a **loading space**, may be from Inkerman Street and St. Mary Street, and more than one **vehicle** access is permitted to the **building**;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, no **parking spaces** are required for residential and non-residential uses;
- (P) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 20 percent of the total provided **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (Q) Despite regulation 200.15.1(4), accessible **parking spaces** must be located no more than 30.0 metres from a barrier free entrance to the **building** and passenger elevator that provides access to the first **storey** of the **building**;
- (R) Despite regulations 220.5.10.1(2) and (3), a minimum of one Type "G" **loading space** and two Type "C" **loading spaces** must be provided;
- (S) Despite Article 200.15.15, if **parking spaces** are provided on the **lot**, a percentage of the provided **parking spaces** must be accessible **parking spaces** in accordance with Section 200.15;
- (T) Despite regulation 230.5.1.10(4), if a stacked **bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required length of each such stacked **bicycle parking space** is 1.7 metres and the minimum required width is 0.4 metres;
- (U) Despite regulation 230.5.1.10(10), both long-term and short-term **bicycle parking spaces** may be provided in a stacked **bicycle parking space**;
- (V) Despite Regulation 40.10.40.10(5), the first floor of the first **storey**

can be less than 3.4 metres in height;

(W) Should the Owner elect to provide a minimum of 1,815 square metres of non-residential **gross floor area** or a combination of non-residential uses and Affordable Housing, provisions (B), (F), (G), (H), (I), and (J) above do not apply, and the following will apply:

- (i) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **mixed use building** is 54,000 square metres, of which:
 - (a) the permitted maximum **gross floor area** for residential uses is 52,350 square metres;
 - (b) at least 1,815 square metres of **gross floor area** must be provided for either non-residential uses or a combination of non-residential uses and Affordable Housing provided (W)(ii) and Section 7 and 8 are complied with;
 - (c) In addition to regulations 40.5.40.40(1), (3), and (5), **gross floor area** is reduced by areas in the **building** used for public **parking** below-ground;
- (ii) Despite regulations 40.5.40.10(4),(5), and 40.10.40.10(1) and (7), the permitted maximum height of any **building** or **structure**, including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol, and the number of **storeys** following the symbol ST, as shown on Diagram 4 of By-law [Clerks to insert By-law number];
- (iii) For the purposes of regulations 40.10.40.10(5) and (W)(ii) above, the following portions of a **building** are not a **storey**:
 - (a) a partial mezzanine level located above the **first floor** and below the second floor of a **building**, with a maximum **gross floor area** of 400.0 square metres;
 - (b) the mechanical penthouse levels of the **building** located above "ST 65" as shown on Diagram 4 of By-law [Clerks to insert By-law number]
- (iv) Despite regulations 40.5.40.10(4) to (7) and (W)(ii) above, the following elements of a **building** may project above the permitted maximum height in Diagram 4 of By-law [Clerks to

insert By-law number]:

- (a) lightning rods and window washing equipment, by a maximum of 5.0 metres;
 - (b) wind mitigation features, by a maximum of 3.0 metres;
 - (c) structures and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;
 - (d) safety railings, guard rails, railings, parapets, terraces, cabanas, patios, planters, balustrades, bollards, stairs, ancillary structures, wheelchair ramps, pergolas, trellises, and ornamental features, by a maximum of 3.8 metres;
 - (e) landscape features, privacy screens, covered stairs or stair enclosures, and fences, by a maximum of 2.5 metres;
 - (f) elements on the roof of the **building** or **structure** used for green roof technology and related roofing material, by a maximum of 2.0 metres;
 - (g) elevator overrun and associated screens, by a maximum of 5.0 metres;
- (v) Despite regulations 40.5.40.70, 40.10.40.70(1), 40.10.40.80(1) and Section 600.10.10(1), the required minimum **building** setbacks for a **building** or **structure** are shown on Diagram 4 of By-law [Clerks to insert By-law number];
- (vi) Despite regulation 40.10.40.60 and regulation (W)(v) above, the following may encroach into the required minimum **building** setbacks on Diagram 4 of By-law [Clerks to insert By-law number]:
- (a) balconies at and above the 13th storey, by a maximum of 2.4 metres;
 - (b) despite regulation (a) above, balconies may encroach by a maximum of 0.6 metres along the east face of the **building** at and above the 16th storey, in the area labeled "Juliette Balcony Zone" as shown on Diagram 4 of By-law [Clerks to insert By-law number];

- (c) cornices, sills, eaves, balustrades, and architectural trim, by a maximum of 0.75 metres;
- (d) wind mitigation features, by a maximum of 1.2 metres;
- (e) window washing equipment, by a maximum of 3.0 metres;
- (f) trellises, canopies, and associated supporting structures, by a maximum of 3.0 metres;
- (g) despite regulation (f) above, canopies located below the 2nd storey on the west and north side of the **building** may encroach into a **building setback**;
- (h) privacy screens and balconies, by a maximum of 2.4 metres; and
- (i) railings around the roof of the **building**, to the same extent as the roof below;

5. Prevailing By-laws and Prevailing Sections: (None Apply)
6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. Should the Owner elect to provide Affordable Housing as outlined in this By-law, then the Owner is required to, at their sole cost and expense, enter into an amended Section 37 agreement with the City, to construct (or cause the construction of), provide, and maintain in a mixed use building on the Lands, residential gross floor area as affordable housing units, on such terms and conditions satisfactory to the Chief Planer and Executive Director, City Planning, and, where appropriate, with such agreement registered on title to the lands in priority and in a manner satisfactory to the City Solicitor, and the below new Section (11) is added to Schedule A:

(11) The Owner shall, at their sole cost and expense, construct (or cause the construction of), provide, and maintain in a mixed use building on the Lands, residential gross floor area as affordable housing units, on such terms and conditions satisfactory to the Chief Planer and Executive Director, City Planning.
8. Should the Owner elect to provide Affordable Housing as outlined in this By-law, prior to the issuance of any building permit, the owner shall enter into an amending Section 37 agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before

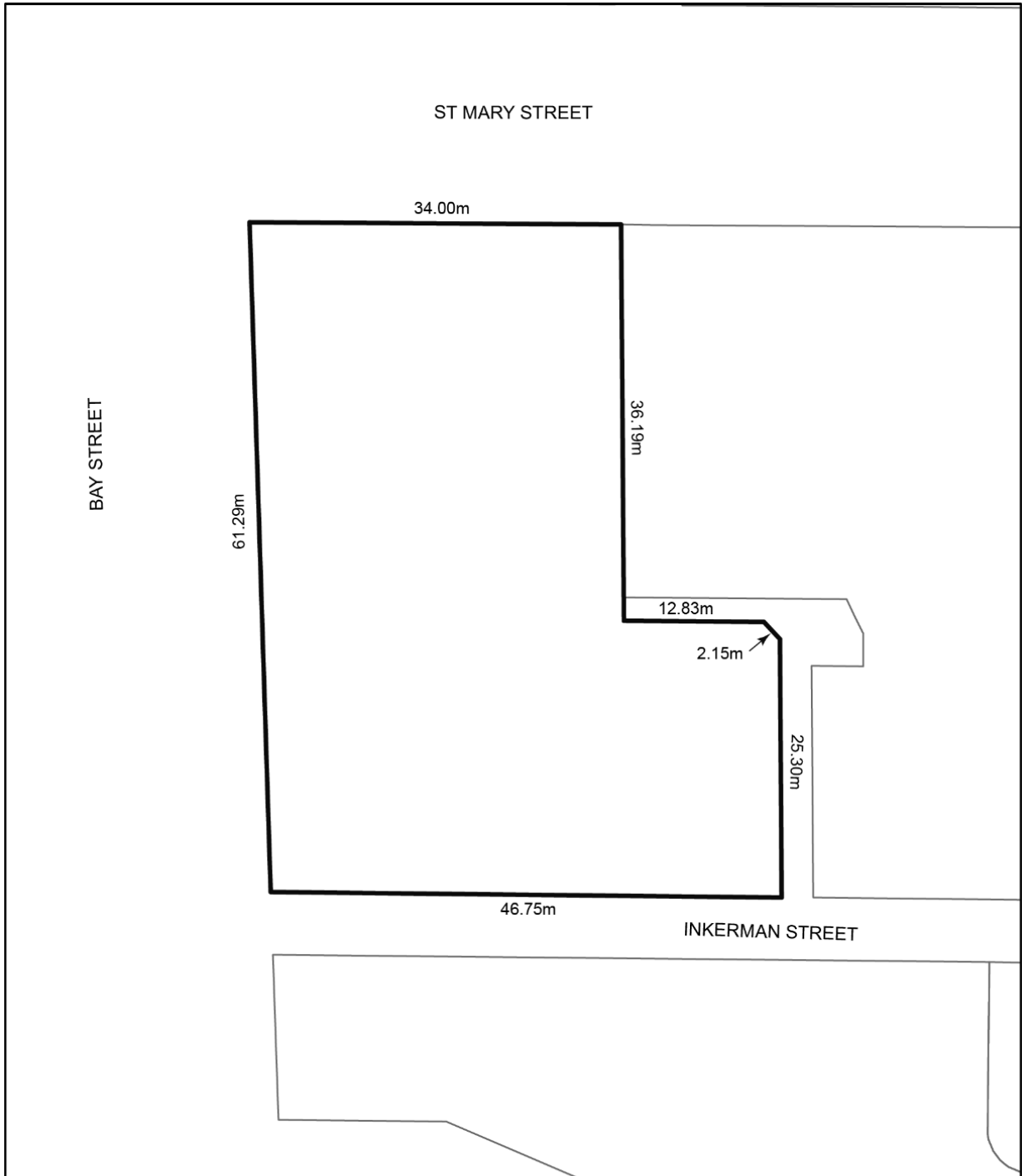
Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020
came into force to secure the affordable housing units.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

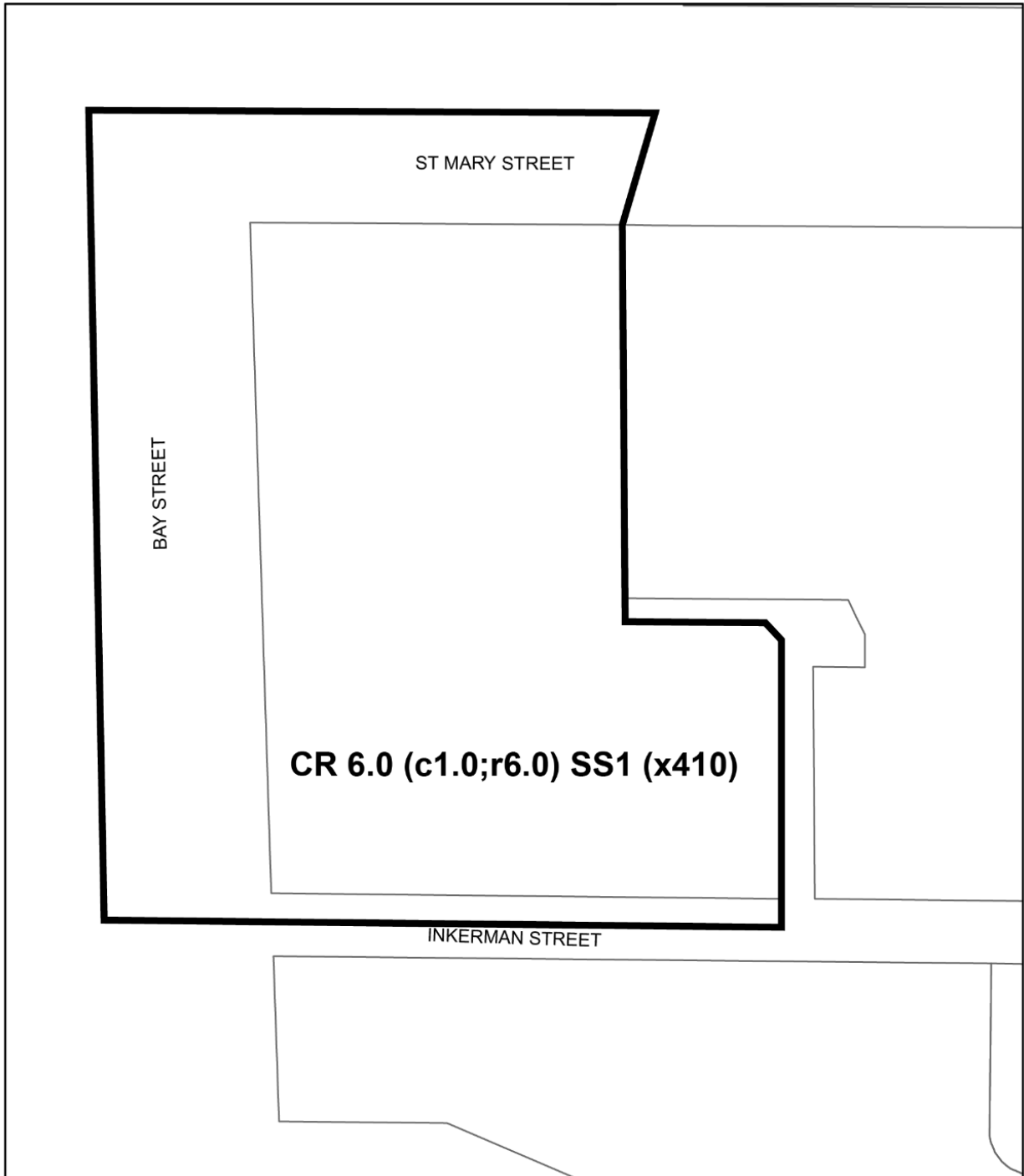
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Toronto
Diagram 1

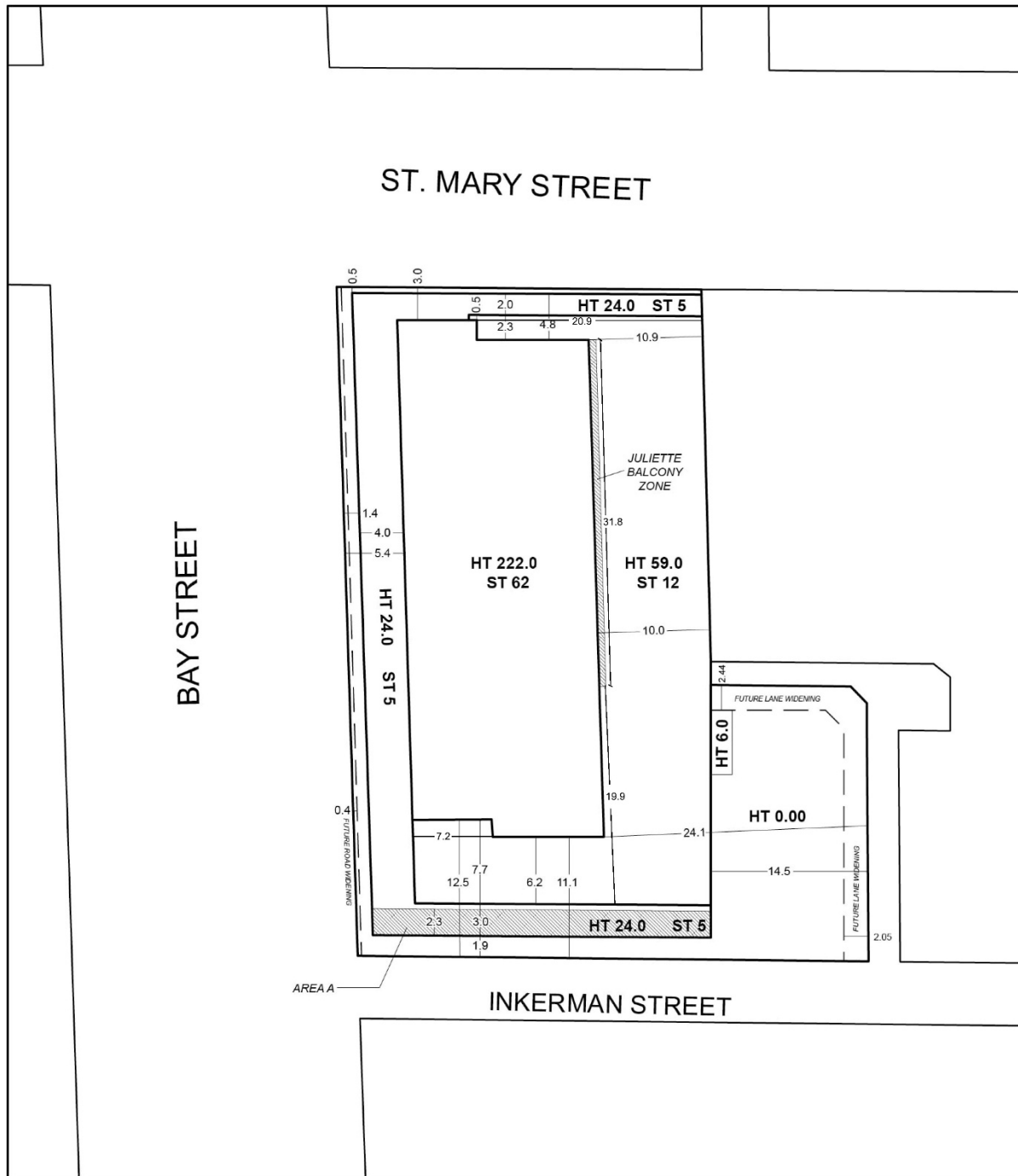
1075 Bay Street

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 **TORONTO**
Diagram 2

File # 25 213516 STE 13 0Z

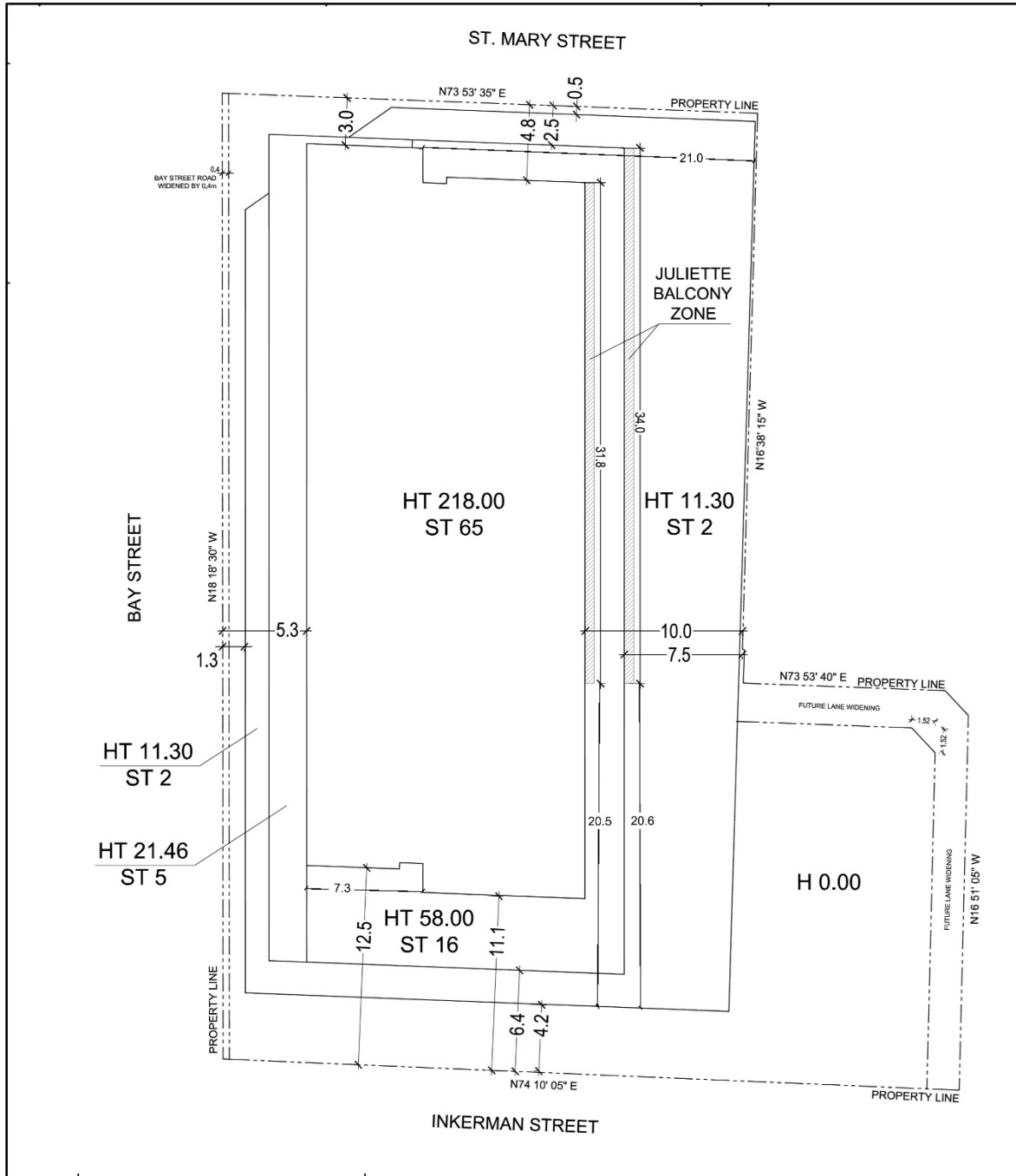


Toronto
Diagram 3

1075 Bay Street

File #: 25 213516 STE 13 0Z





Toronto
Diagram 4

1075 Bay Street

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