

Authority: Toronto East York Community Council Report No. 11, Clause No. 24,
as adopted by City of Toronto Council on October 29, 30 and 31, 2002
Enacted by Council: October 31, 2002

CITY OF TORONTO

BY-LAW No. 874-2002

To amend By-law No. 255-69 of the former City of Toronto, respecting lands known as 85 Harbour Street.

WHEREAS the Council of the City of Toronto has proposed an amendment to its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O, 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2002 as No. 85 Harbour Street; and

WHEREAS the Toronto East York Community Council conducted a public meeting on October 15, 2002, under Section 34 of the *Planning Act* regarding the zoning amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on October 29, 30 and 31, 2002, determined to amend By-law No. 255-69, as amended, of the former City of Toronto;

NOW THEREFORE the Council of the City of Toronto hereby enacts as follows:

This By-law applies to the lands known as 85 Harbour Street shown outlined on Plan 3 Alternate attached.

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

1. By-law No. 255-69, being “A By-law to amend By-law No. 20623 respecting certain lands abutting Harbour Street and Queens Quay”, as amended by By-laws Nos. 263-69, 214-82 and 508-84, is further amended:

- (a) by adding to the aforesaid By-law a new Plan 3 Alternate in the form and with the content of Plan 3 Alternate contained in Schedule 1, attached to and forming part of this By-law;
- (b) by adding to the aforesaid By-law new subsection 2(1.1) as follows:

“2(1.1)None of the provisions of Subsection 2(1) shall apply to prevent the erection or use of one or more buildings or structures within Parts 4 and 5 delineated on Plan 3 Alternate, attached to and forming part of this By-law, for the purposes of a *non-residential building* or for the purposes of *live-work units*, provided that:

- (a) the aggregate amount of *gross floor area* erected or used on the aforesaid Parts 4 and 5 does not exceed 84,633 square metres of which not more than,

- (i) 55,044 square metres may be erected or used for the purposes of *offices uses* and uses *accessory* thereto;
 - (ii) 2,266 square metres may be erected or used for the purposes of one or more *local retail and services shops, general retail and service shops, community services and facilities*, and uses *accessory* to any one or more of them;
 - (iii) 29,728 square metres may be erected or used at or above grade for the parking of motor vehicles including ramps, driveways, and passageways which provide access thereto; and
- (b) none of the provisions of Sections 2(1)(a)(i) and 2(1)(b)(iv) shall apply to permit the use of any portion of the building for the purposes of *dwelling units* or uses *accessory* thereto;
- (c) buildings or structures erected or used for the purposes of a *non-residential building* only or for the purposes of a *non-residential building* and *live-work units* satisfy each of the following provisions:
- (i) each building or structure erected on the whole or any one or more portions of Parts 4 and 5 delineated on Plan 3 Alternate, attached to and forming part of this By-law, shall be set back a minimum of 7.62 metres and a maximum of 28 metres from the property line on Queens Quay West;
 - (ii) each building or structure erected on the whole or any one or more portions of Parts 4 and 5 delineated on the aforesaid Plan 3 Alternate shall be set back a minimum and maximum of 4.57 metres from the property line on Harbour Street;
 - (iii) no portion of a building or structure which is located within 7.62 metres from the exterior face of an exterior wall of such building or structure which faces Queens Quay West shall be erected or used for the purpose of *above-grade parking*, excluding driveways and passageways which provide access thereto;
 - (iv) each building or structure erected on the whole or any one or more portions of Parts 4 and 5 delineated on Plan 3 Alternate, erected or used for the purpose of *above grade parking* shall have the *parking spaces* on the roof-top level screened using a trellis or other architectural feature, from overhead views from adjacent properties;

- (v) at least 50 per cent of the aggregate length of the *front walls* of buildings facing Queens Quay West at grade shall abut *street-related retail and service uses* or *live-work units*;
 - (vi) the aggregate amount of *gross floor area* erected or used for the purposes of one or more *local retail and services shops, general retail and service shops, community services and facilities*, and uses *accessory* to any one or more of them in a portion of a building located more than 12.19 metres from the property line on Harbour Street shall not exceed 1,666 square metres;
 - (vii) each building or structure erected on the whole or any one or more portions of Parts 4 and 5 delineated on the aforesaid Plan 3 Alternate shall extend above the *minimum required height* for the particular Part which *minimum required height* is specified as “Height (min.)” on the aforesaid Plan 3 Alternate;
 - (viii) no portion of any building or structure shall extend above the *maximum height limit* specified as “Height (max.)” on the aforesaid Plan 3 Alternate for the Part on which it is erected or used, provided that in determining the height of the building or structure for the purpose of this sub-paragraph, there shall be excluded those elements described in sub-paragraphs (aa) and (bb) of Subsection 2(1)(b)(ix) to the limits specified therein;
 - (ix) not less than an aggregate amount of 1,068 square metres of *common outdoor space* is permitted on Part 6 shown on Plan 3 Alternate;
 - (x) the entrances to any *live-work units* are located at *grade*; and
 - (xi) an exit is provided for vehicular traffic on to Harbour Street; and
- (d) the provisions in respect of the lands designated as Parts 4, 5, 6, 7, 8 and 9 on Schedule 1 Plan 3 and Schedule 2 Plan 6, are deleted and replaced by those provisions appearing on Plan 3 Alternate.

- (c) by adding to section 9 of Section 2 of the aforesaid By-law the following term as definition (bb):
- “(bb) *live-work unit* means a *dwelling unit* that is also used for work purposes, provided only the resident or residents of such accommodation work in the *dwelling unit*”.
- (d) by inserting in Schedule C of section 2 of the aforesaid By-law immediately after “a *dwelling unit*,” in the same column entitled “Type of Use” and the same row, the following: “*live-work unit*”.

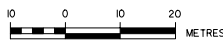
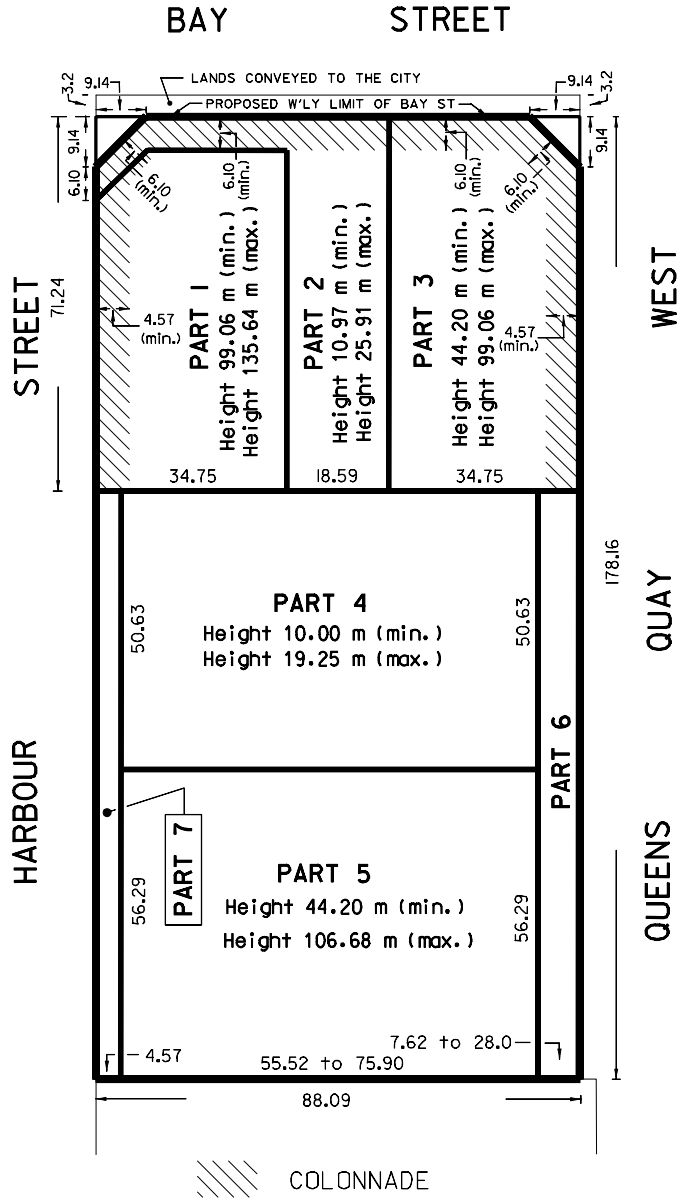
ENACTED AND PASSED this 31st day of October, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE I
PLAN 3 ALTERNATE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
BLO2/85HARB1.DGN
FILE: B7-Z18
MAP No. 50G-13 DRAWN: WL