

Authority: Toronto East York Community Council Report No. 12, Clause No. 6,
as adopted by City of Toronto Council on November 26, 27 and 28, 2002
Enacted by Council: November 29, 2002

CITY OF TORONTO

BY-LAW No. 1090-2002

To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as Nos. 76 to 98 Charles Street West, No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Sections 4(2)(a), 4(12) and 8(3) PART I 3(a) of Zoning By-law No. 438-86, as amended, 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”, shall apply to the use of existing buildings known in the year 2002 as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street and to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of an *apartment building*, four *row houses* and a *semi-detached house*, provided:

- (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;

Notwithstanding the definition of “*lot*” contained in Section 2 of By-law No. 438-86, as amended, the lands delineated by heavy lines on Map 1 attached hereto, shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances made or easements granted after the date of enactment of the By-law;

- (2) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Maps 2A and 2B attached hereto except cornices, canopies, ornamental elements, balconies, fences, retaining walls, ramps to underground garages, stairways and railings;
- (3) the *height* of any building to be erected shall not exceed those *heights*, in metres, following the symbol “H”, shown on Maps 2A and 2B exclusive of rooftop facilities, elements and structures otherwise permitted in Section 4(2)(a)(i) of By-law No. 438-86, as amended;
- (4) the *residential gross floor area* of the *apartment building* does not exceed 19,997.2 square metres and contains not more than 93 *dwelling units*;
- (5) the *residential gross floor area* of each of the four *row houses* does not exceed 353 square metres and each row house contains not more than one *dwelling unit*;
- (6) the *residential gross floor area* of each of the two attached buildings of the *semi-detached house* does not exceed 287.7 square metres and each attached building contains not more than one *dwelling unit*;
- (7) the owner or occupant of the buildings to be erected provides and maintains at least 116 and not more than 221 *parking spaces* on the *lot* in an underground parking facility for the exclusive use of the residents and of which at least 6 *parking spaces* are for residential visitors;
- (8) notwithstanding the size provisions of the definition of *loading space – Type G* of By-law No. 438-86, as amended, the owner or occupant provides and maintains at least one *loading space – Type G* which shall have a length of at least 13 metres, a width of at least 6.0 metres and a vertical clearance of at least 7.4 metres;
- (9) the height and density of development hereinbefore set out is permitted subject to compliance with the conditions of this By-law and the provision by the owner of the *lot* of the following facilities, services and matters to the City of Toronto:
- A. enter into a heritage easement agreement drawn pursuant to Section 37 of the *Ontario Heritage Act* for each of the existing buildings on the lands and known as Nos. 11 St. Thomas Street, 1 Sultan Street and 3 Sultan Street;

- B. provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the lands of a value not less than one per cent of the cost of construction of all new buildings, structures and additions erected thereon on or after the date of passing of this By-law, provided that the costs related to obligations under the agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art shall not be included in such valuation;
 - C. provides, in addition to the requirements of paragraphs A and B, payments of:
 - (i) \$500,000.00 for the Bloor Street revitalization;
 - (ii) \$300,000.00 for the Toronto Heritage Grant Program or its equivalent as determined by the Manager of Heritage Preservation Services of which \$50,000.00 is set aside for the explicit purpose of assisting in the restoration of the Firehall No. 3 clock tower located at 484 Yonge Street;
 - D. agrees to provide and maintain building materials and design of the buildings to be erected satisfactory to the Commissioner of Urban Development Services, such design and materiality to be substantially in accordance with the plans, as amended by red-lining dated November 8, 2002, prepared by Robert Stern Architects in collaboration with Young and Wright Architects and on file with the Commissioner;
 - E. shall provide and maintain a publicly accessible walkway from Charles Street to Sultan Street satisfactory to the Commissioner of Urban Development Services;
 - F. shall provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*.
- (10) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (9) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges, indemnity, termination and unwinding, and registration and priority of agreement.
2. Except as otherwise provided, for the purpose of this By-law, each word or expression which is italicized herein shall have the same meaning as each word and expression as defined in the aforesaid By-law No. 438-86, as amended.

3. By-law No. 543-93 being “A By-law To amend By-law No. 438-86 respecting lands known as Nos. 76, 78, 80, 86, 92 to 98 inclusive Charles Street West, 11 St. Thomas Street, and 1 and 3 Sultan Street together with a private lane located east of St. Thomas Street between Sultan Street and Charles Street West”, is hereby repealed.

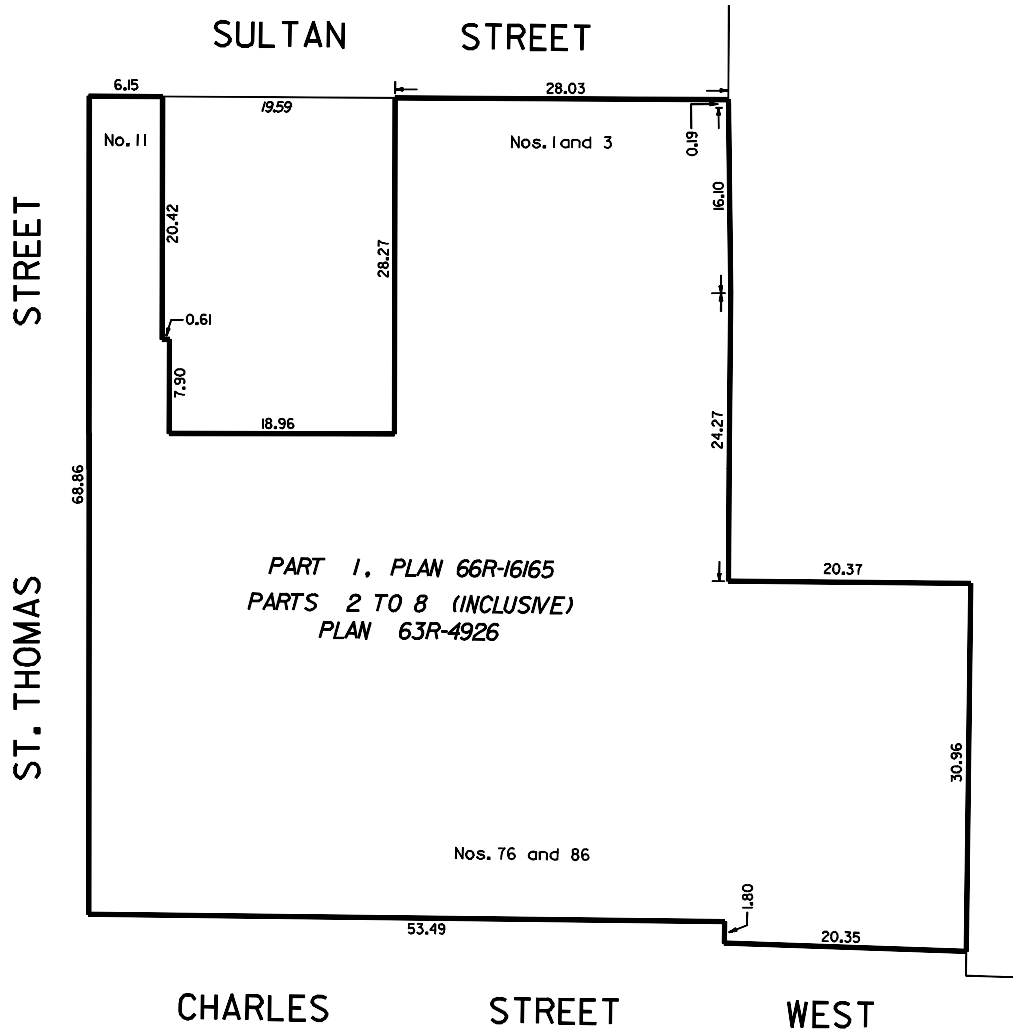
ENACTED AND PASSED this 29th day of November, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

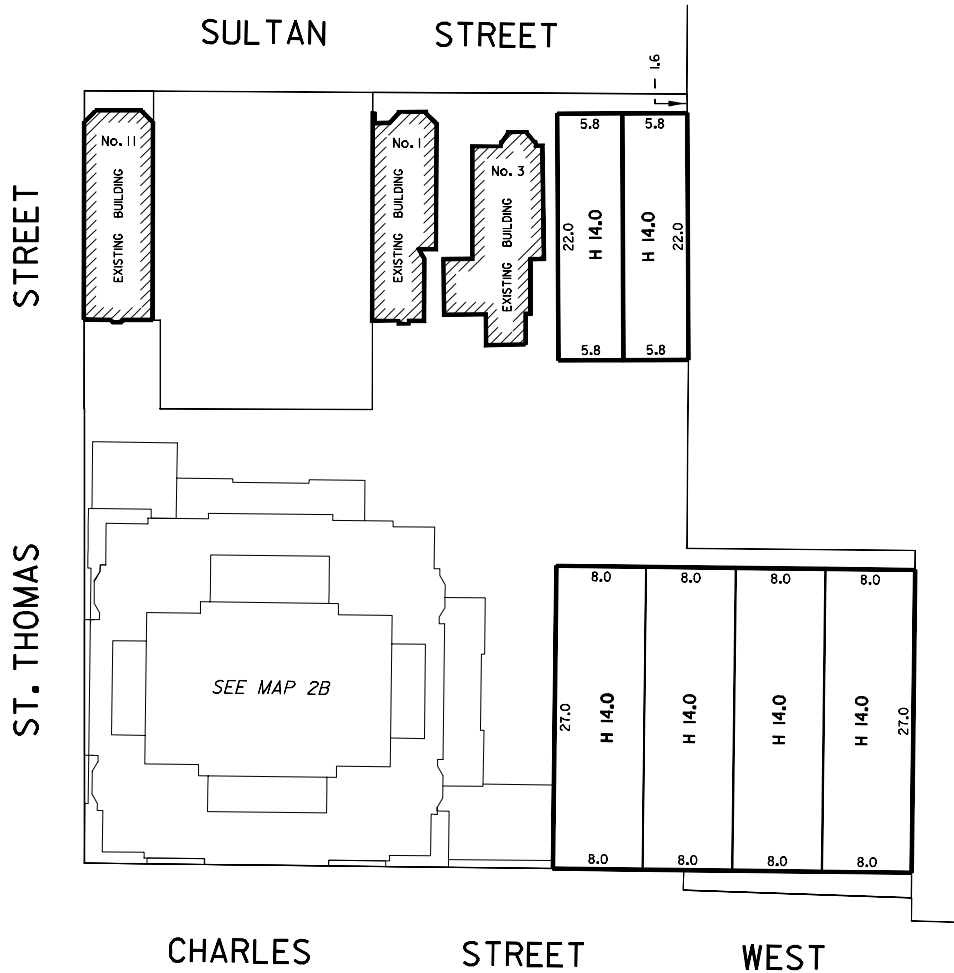
(Corporate Seal)

MAP 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2002
BLO2/76CHAR1.DGN
FILE: C43-Z4
MAP No. 50H-323 DRAWN: D.R.

MAP 2A

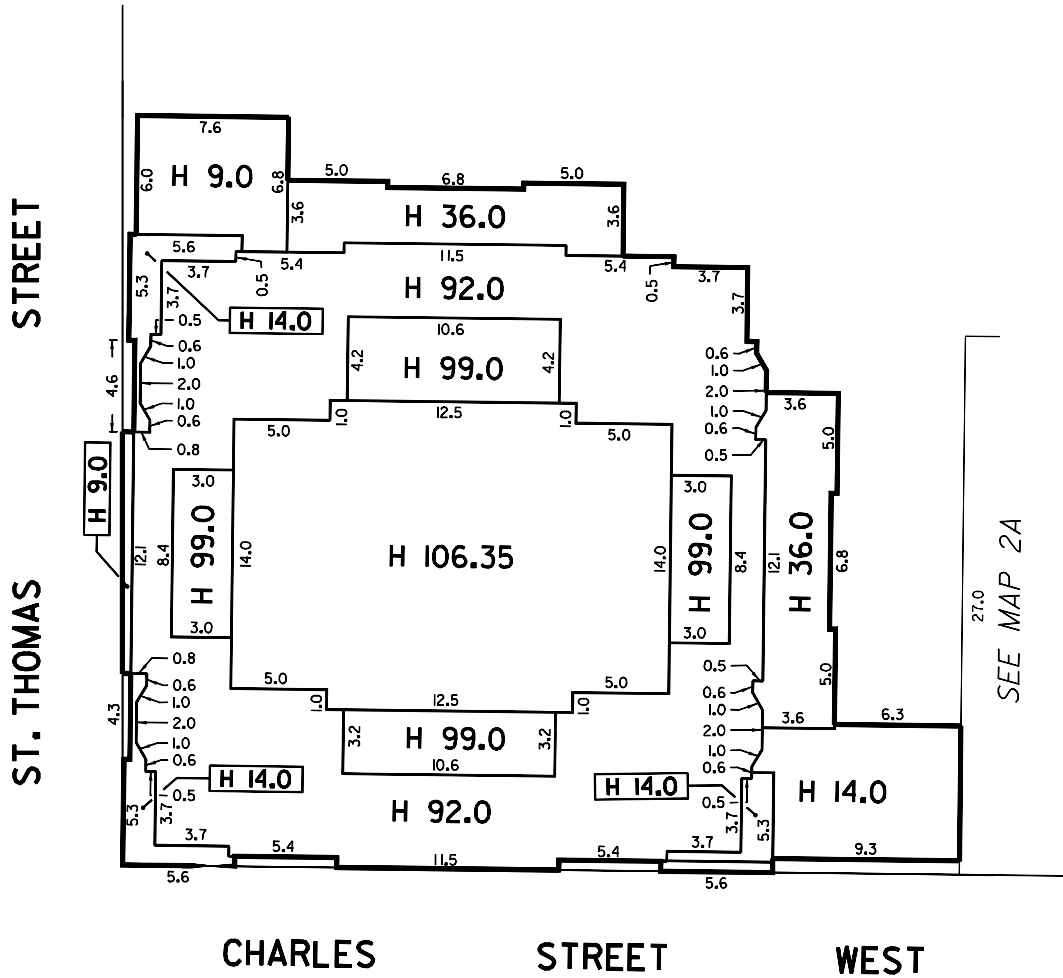


H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2002
 BLO2/T6CHAR2A.DGN
 FILE: C43-Z4
 MAP No. 50H-323 DRAWN: D.R.

MAP 2B



SEE MAP 2A

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2002
 BL02/T6CHAR2B.DGN
 FILE: C43-24
 MAP No. 50H-323 DRAWN: D.R.