

Authority: Toronto South Community Council Report No. 2, Clause No. 2,
adopted as amended, by City of Toronto Council on March 1, 2 and 3, 2004
Enacted by Council: March 3, 2004

CITY OF TORONTO

BY-LAW No. 235-2004

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands known municipally in the year 2004 as 33 Charles Street East, 26 Isabella Street, 32 Isabella Street and 34 Isabella 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*;

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

1. Except as otherwise provided herein, the provisions of 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 continue to apply to the *lot*.
2. None of the provisions of Section 2(1) with respect to the definitions of *grade* and *lot* and of Sections 4(2)(a), 4(5), 4(12), 4(16), 6(1)(a), 6(3)PART I 1, 6(3) PART II 2, 3, 4, 5 and 6, 6(3) PART III 1(a), 1(b), 3(a) and 3(c), 6(3) PART IV 2 and 6(3) PART IX 1(a) and 1(b), of 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, shall apply to prevent the erection and use on the *lot* of one or more buildings or structures containing *residential gross floor area* or *non-residential gross floor area*, provided:
 - (1) the *lot* comprises those lands delineated by a heavy line and consisting of *Parcels A, B* and *C*, all as shown on Plan 1, attached hereto;
 - (2) no building or structure on *Parcel A* may be erected or used for any purpose other than an *office, retail and service shops, a charitable institution, non-profit institution, day nursery* and uses *accessory* thereto;
 - (3) the *retail and service shops* use will not exceed 300 square metres of *non-residential gross floor area* on the ground floor of the building or structure on *Parcel A*;
 - (4) no building or structure on *Parcel B* may be erected or used for any purpose other than a residential *apartment building* and uses *accessory* thereto;

- (5) none of the provisions of Subsection 2(2) and 2(4) of this By-law shall apply to prevent the sharing of pedestrian and vehicular access, vehicular parking, loading and services between the buildings or structures to be erected and used on *Parcel A* and *Parcel B*;
- (6) no building or structure on *Parcel C* may be erected or used for any purpose other than premises of a *charitable institution, non-profit institution* and uses *accessory* thereto;
- (7) the *non-residential gross floor area* erected or used on *Parcel A* does not exceed 14,000 square metres;
- (8) the *residential gross floor area* erected or used on *Parcel B* does not exceed 32,700 square metres;
- (9) the *non-residential gross floor area* erected or used on *Parcel C* does not exceed 350 square metres;
- (10) no person shall erect or use a building containing 20 or more *dwelling units* on *Parcel B* unless *residential amenity space* is provided in accordance with the following table:

TYPE OF RESIDENTIAL AMENITY SPACE REQUIRED	AMOUNT OF RESIDENTIAL AMENITY SPACE REQUIRED
<i>Residential amenity space</i> located indoors:	1.45 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>Residential amenity space</i> located outdoors:	1.25 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>

and provided that a minimum of 600 square metres of *residential amenity space* is located outdoors and 750 square metres of *residential amenity space* is located indoors.

- (11) *parking spaces* for the residential uses on *Parcel B* shall be provided and maintained on *Parcel A* and *Parcel B* in accordance with the following:
- (a) 0.26 *parking spaces* for each bachelor *dwelling unit*;
- (b) 0.44 *parking spaces* for each one-bedroom *dwelling unit*;
- (c) 0.66 *parking spaces* for each two-bedroom *dwelling unit*; and,
- (d) 1.05 *parking spaces* for each three-bedroom *dwelling unit*;

Notwithstanding the ratios noted above, there shall be a minimum of 274 *parking spaces* provided for the residential uses and a maximum of 40 *parking spaces* which are permitted to be shared with the building to be erected and used on *Parcel A* during the morning and afternoon;

- (12) *parking spaces* for the non-residential uses on *Parcel A* shall be provided and maintained on *Parcel A* and *Parcel B* at a ratio of not less than 1.0 *parking space* for each 75 square metres of *non-residential gross floor area*, provided that a maximum of 40 *parking spaces* are shared with the building to be erected and used on *Parcel B* during the evening;
- (13) no person shall erect or use a building or structure, on a *lot* having a greater *height* in metres, than the *height* limit specified by the numbers following the symbol “H” shown on Plan 2, provided that:
- (a) the height of the mechanical penthouse for the building to be erected and used on *Parcel A*, in addition to the height shown on Plan 2, does not exceed 8.0 metres and that the aggregate horizontal area of the mechanical penthouse does not exceed 20 percent of the area of the main roof of the building;
 - (b) all floors above the fourth floor on the building to be erected and used on *Parcel B* do not exceed 790 square metres in area, except the top six floors of the building, which shall not exceed 604 square metres in area;
 - (c) the height of the mechanical penthouse for the building to be erected and used on *Parcel B* within the height shown on Plan 2, does not exceed 6 metres and the area of the mechanical penthouse extends the full area of the building below;
- (14) Section 2(13) of this By-law does not prevent the erection or use of an architectural feature on top of the mechanical penthouse located on the roof of the building to be erected and used on *Parcel B* provided that the height of the architectural feature does not exceed 2 metres.
- (15) no portion of the buildings above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, with the exception of:
- (a) an entrance canopy located on the north face of the building to be erected and used on *Parcel B* provided that the canopy does not project greater than 5 metres from the wall to which it is attached;
 - (b) an architectural feature located on top of the mechanical penthouse located on the roof of the building to be erected and used on *Parcel B* provided that the architectural feature does not project greater than 7 metres from the wall to which it is attached; and,

- (c) any other canopies, parapets, cornices, balustrades, underground garage ramps and associated ramp structures, stairs, stair enclosures, mullions, ornamental elements, fences, landscape features, eaves, guard-rails, retaining walls, patios, decks, surface driveways and wheel chair ramps which may extend beyond the heavy lines shown on Plan 2;
 - (16) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act* to secure the facilities, services and matters referred to in Section 3 of this By-law and such an agreement be registered on title to the *lot*.
3. Pursuant to Section 37 of the *Planning Act*, the increased heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the owner of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 2(15) of this By-law, agreeing to:
- (1) to build a new office building for the Children's Aid Society of Toronto, the cost of which is partially funded by proceeds from the sale and development of *Parcel B*;
 - (2) conserve and maintain portions of the building located on *Parcel C* and enter into an agreement under Section 37 of the *Ontario Heritage Act* with the City;
 - (3) convey *Parcel C* to the Canadian Lesbian and Gay Archives for a nominal amount upon occupancy of the building on *Parcel A*;
 - (4) use reasonable commercial efforts to obtain approval and funding from the Province of Ontario and other sources for a period of ten years to construct and operate a daycare centre in the building to be erected and used on *Parcel A*;
 - (5) provide access to a meeting room in the building to be erected and used on *Parcel A* to local community groups;
 - (6) agree to satisfy the requirements of the Commissioner of Works and Emergency Services with respect to:
 - (a) the provision of an transformer vaults, Hydro and Bell maintenance holes;
 - (b) complete, at its sole expense, a third-party peer review in respect of (6) c);
 - (c) provide a statement from a Professional Engineer confirming various environmental requirements and enter into agreement to carry out any remedial work which is deemed to be necessary; and
 - (d) provide a Record of Site Condition for the *Parcel A* and *Parcel B*.

4. Upon execution and registration of an agreement or agreements by the owner of the *lot*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law.
5. For the purpose of this By-law:
- (1) "*Parcel A*", "*Parcel B*" and "*Parcel C*" mean the areas identified as "*Parcel A*", "*Parcel B*" and "*Parcel C*" on Plan 1;
 - (2) "*grade*" shall mean:
 - (a) 112.46 metres Canadian Geodetic Datum for *Parcel A* on Plan 1 and *Parcel A* on Plan 2;
 - (b) 114.80 metres Canadian Geodetic Datum for *Parcel B* on Plan 1 and *Parcel B* on Plan 2; and
 - (c) 112.86 metres Canadian Geodetic Datum for *Parcel C* on Plan 1 and *Parcel C* on Plan 2;
 - (3) "*lot*" comprises those lands delineated by a heavy line and consisting of *Parcel A*, *Parcel B* and *Parcel C* as shown on the attached Plan 1. *Parcel A*, *Parcel B* and *Parcel C* shall be deemed to be one *lot* regardless of whether or not two or more buildings or structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this By-law comes into force;
 - (4) each other word or expression which is italicized in the By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

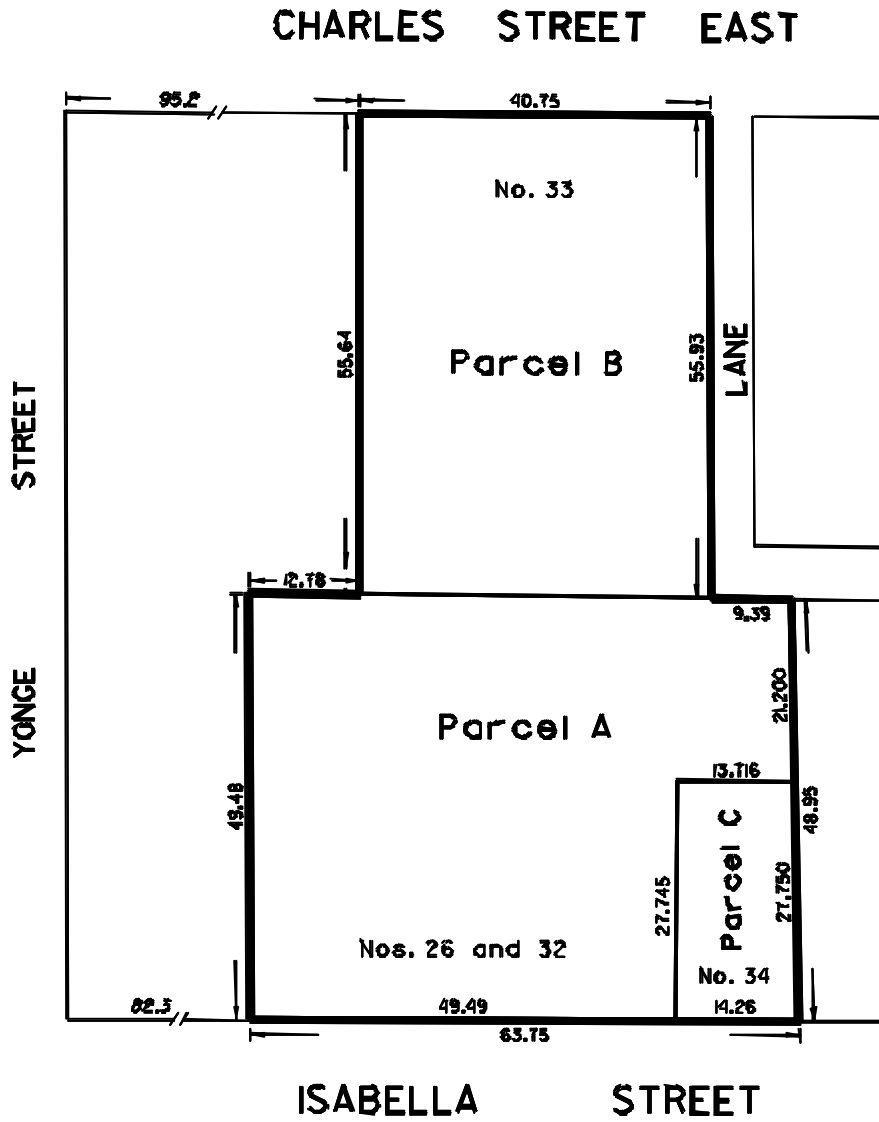
ENACTED AND PASSED this 3rd day of March, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PLAN I



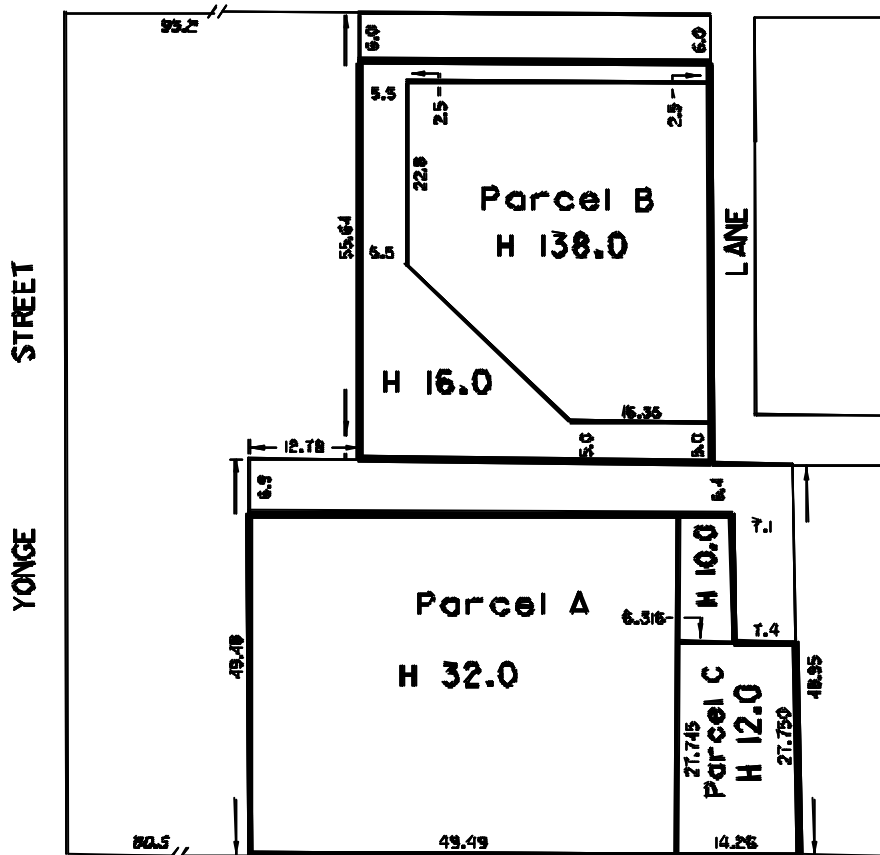
 PARTS 1,3 and 4, PLAN 63R-4568



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO FEBRUARY 27, 2004
 BLO4/33CHAR1.DGN
 FILE: 042-27
 MAP No. 51H-321 DRAWN: D.R

PLAN 2

CHARLES STREET EAST



ISABELLA STREET

H_i DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO FEBRUARY 27, 2004
BLOK/33CHAMP.DWG
FILE: 642-27
MAP No. 51H-321 DRAWN: D.P