

Authority: Toronto and East York Community Council Report 1, Clause 5,  
as adopted by City of Toronto Council on January 31, February 1 and 2, 2006  
Enacted by Council: March 30, 2006

## CITY OF TORONTO

### BY-LAW No. 215-2006

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 108-116 George Street and 234 Adelaide Street East.**

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 2006 as 108-116 George Street and 234 Adelaide Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held January 31, February 1 and 2, 2006, determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the 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 provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. 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 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 *site*.
4. The uses permitted on the *site* are one or more of the uses permitted within a RA zone pursuant to Section 7(3) Part I of By-law No. 438-86, as amended, which for clarity include *dwelling units*, *retail* and *office* uses, and *accessory* uses thereto including a *parking garage*.
5. The maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected within the *site*, shall not exceed 49,895 square metres, of which the maximum *residential gross floor area* shall not exceed 48,550 square metres and the maximum *non-residential gross floor area* shall not exceed 1,345 square metres.

6. None of the provisions of Section 7(3) Part II 1 and Section 12(2) 246(c) of By-law No. 438-86 shall apply to prevent the erection and use of a *mixed-use building* including a below grade *parking garage* on the *site* and no part of any building or structure erected within the *site* shall be located above finished ground level other than within a *building envelope*.
7. Section 6 hereof does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets	maximum 1.0 metre projection, provided the height of such “STRUCTURE” is not greater than 1.5 metres above the height limits established in Section 8 of this By-law
eaves, lighting fixtures, cornices, ornamental or architectural elements, balustrades, mullions, window sills	maximum 1.0 metre projection, provided the height of the “STRUCTURE” is no higher than that portion of the building to which it is attached
fences, safety railings, guardrails and landscape features, including trellises	no restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 3.0 metres
canopies	maximum 2.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such “STRUCTURES” does not exceed 2.0 metres above finished ground level
balconies	maximum 1.5 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
stairs, stair enclosures, landings and associated railings	no restriction, provided the height of such “STRUCTURE” does not exceed 3.0 metres
public art features	no restriction in extent of projection or height of “STRUCTURE”

8. Notwithstanding Section 4(2)(a), and Section 12(2) 246(a) of By-law No. 438-86, as amended, after the passage of this By-law:
- (a) each component of a building or structure erected within the *site* may, in respect of each corresponding area as identified and shown on Plans 2A and 2B, have the maximum *height* as shown following the corresponding symbol “H” on Plans 2A and 2B; and
- (b) no building or structure shall be erected above finished ground level within the *site* outside the *building envelope*, other than a structural projection permitted outside a *building envelope* by Section 7 hereof.

9. The preceding Section hereof does not apply to prevent the erection or use above the said maximum *height* limits of:
- (a) the structural projections identified in Section 7 of this By-law, subject to the limitations contained therein;
  - (b) a *roof-top architectural feature*, provided that the highest part of the *roof-top architectural feature* does not exceed 11.0 metres above the *height* limits shown on Plan 2A;
  - (c) parapets, provided that the highest part of any such parapet does not exceed 1.5 metres above the *height* limits shown on Plans 2A and 2B;
  - (d) the structures identified in Section 4(2)(a)(ii) of By-law No. 438-86, as amended, provided that:
    - (i) the maximum height to the top of the structure is not higher than the sum of 3.0 metres and the *height* limits shown on Plans 2A and 2B; and
    - (ii) the structure does not enclose space so as to constitute a form of penthouse or other room or rooms.
10. Within the areas identified as “Mechanical Penthouse” and “Mechanical Room” on Plans 2A and 2B:
- (a) the area identified as “Mechanical Penthouse” on Plan 2A may be used, above a *height* of 78.0 metres, for and only for any or all of the elements identified in Section 4(2)(a)(i) of By-law No. 438-86 and shall have a maximum *height* of 83.5 metres;
  - (b) the area identified as “Mechanical Room” on Plan 2A may be used, above a *height* of 28.4 metres, for and only for any or all of the elements identified in Section 4(2)(a)(i) of By-law No. 438-86 and shall have a maximum *height* of 31.4 metres; and
  - (c) the area identified as “Mechanical Penthouse” on Plan 2B may be used, above a *height* of 49.0 metres, for and only for any or all of the elements identified in Section 4(2)(a)(i) of By-law No. 438-86 and shall have a maximum *height* of 54.5 metres.
11. Notwithstanding Section 4(5)(b), Sections 7(3) Part IV 3 and 5, and Section 12(2) 246(e) of the By-law No. 438-86, as amended, *parking spaces* for uses within the *site* shall be provided and maintained in accordance with the following minimums:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit* located on the *site*;
  - (ii) 0.7 *parking spaces* for each one *bedroom dwelling unit* located on the *site*;
  - (iii) 1.0 *parking spaces* for each two *bedroom dwelling unit* located on the *site*;

- (iv) 1.2 *parking spaces* for each three or more *bedroom dwelling unit* located on the *site*;
- (v) 0.06 *parking spaces* for visitors for each *dwelling unit* located on the *site*; and
- (vi) no *parking spaces* shall be required for any non-residential use located on the *site* where the *non-residential gross floor area* does not exceed 1,345 square metres.

12. Notwithstanding Section 4(12) of By-law No. 438-86, as amended, no person shall erect or use a building, located within the *site* unless *residential amenity space* is provided and maintained in accordance with the following table:

Type of Residential Amenity Space Required	Amount of Residential Amenity Space Required
<i>residential amenity space</i> in a multi-purpose room(s), at least one of which contains a kitchen and a washroom:	a minimum of 2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:	a minimum of 2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> of which at least 40 square metres shall be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i> .

13. For clarity, the *site* shall be deemed to be a *lot* for the purposes of the *proposed building*.
14. For clarity, Appendix 1 attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
15. For the purposes of the By-law, the following expressions shall have the following meanings:
- (a) “*building envelope*” means a building envelope as delineated by heavy lines on Plans 2A and 2B attached hereto;
  - (b) “*City*” means the City of Toronto;
  - (c) “*grade*” shall mean an elevation of 84.12 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment);
  - (d) “*height*” shall mean the vertical distance in metres between *grade* and the highest point of the roof;
  - (e) “*owner*” means the owner of the fee simple of the *site* or any part thereof;
  - (f) “*proposed building*” means a *mixed-use building*, including an *accessory* below grade *parking garage*, erected on the *site* after the passage of this By-law;

- (g) “*roof-top architectural feature*” means a decorative, structural element located on the roof of the residential tower adjacent to Jarvis Street that is not used for human habitation’
- (h) “*site*” means those lands outlined by heavy lines on Plan 1 attached hereto; and
- (i) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 30th day of March, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

APPENDIX 1

SECTION 37 PROVISIONS

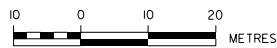
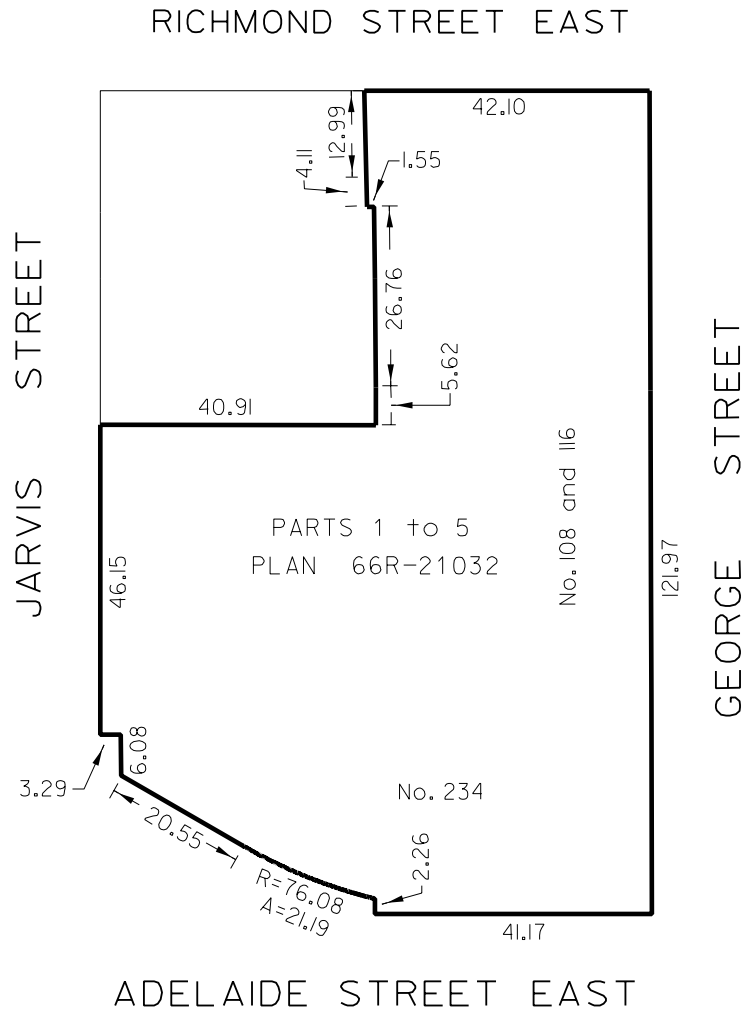
The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *site* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(1) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) contributions in the amount of \$400,000.00, as directed by the Chief Planner and Executive Director, City Planning Divisions, for the following local community improvement initiatives:
  - (i) \$150,000.00 towards the design and implementation of streetscape improvements to George Street between King Street East and Adelaide Street East;
  - (ii) \$150,000.00 towards heritage interpretation in the King-Parliament area, including:
    - A. \$75,000.00 towards the design and implementation of a heritage interpretation feature at the southwest corner of Adelaide Street East and George Street, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
    - B. \$75,000.00 towards the Heritage Interpretation Fund for the King-Parliament area.
  - (iii) \$100,000.00 towards community improvements, including:
    - A. safety improvements in St. James Park as detailed in the Community Safety Audit;
    - B. improvements to the lighting in St. James Park; and
    - C. improvements to the lighting on Frederick Street.
- (b) a public art contribution to the *City* of a value not less than one percent of the gross construction cost of the development, in compliance with the *City*'s public art program, and provided the public art plan shall be approved by the *City*'s public art committee prior to the issuance of the first building permit and the implementation of the plan shall be completed prior to the occupancy of any *dwelling unit* on the lot;
- (c) improvement to the street right-of-way abutting the *lot*, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division;

- (d) provision of an irrigation system for all street trees in the public right-of-way abutting the *lot* which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer, all to the satisfaction of the Executive Director, Technical Services Division, including requirements to maintain the entire system in continuing good order and operation;
- (e) provision to the *City* of documentation as to LEED certification of the development and the marketing materials that will include information on LEED certification;
- (f) agreements to ensure public access to the interior walkway from 7:00 am to 11:00 pm daily;
- (g) submission, prior to site plan approval, of either:
  - (i) a Letter of Credit in the amount of \$40,000 to the Executive Director, Technical Services Division to ensure the installation of four light standards on the west side of George Street as per the Municipal Lighting Assessment prepared by RTG Systems Corporation, dated October 20, 2005; or
  - (ii) written confirmation satisfactory to the Executive Director, Technical Services Division, from Toronto Hydro that it has received satisfactory securities or payment in connection with the installation of and upgrading of street lighting in support of the Development.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

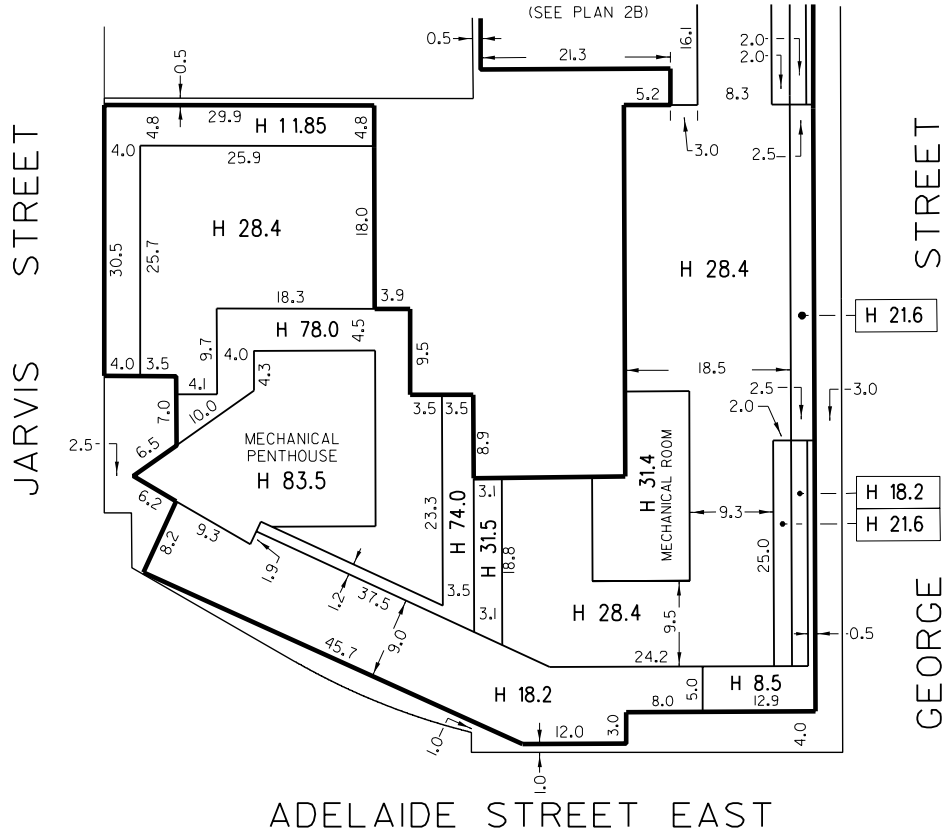
# PLAN I



SURVEY AND MAPPING SERVICES  
 TORONTO JANUARY 2006  
 BLO6/108GEORGE1.DGN  
 FILE: G19-Z9  
 MAP No. 51G-322 DRAWN: VG



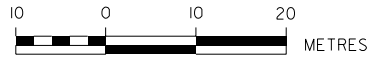
PLAN 2A



ADELAIDE STREET EAST

H<sub>z</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

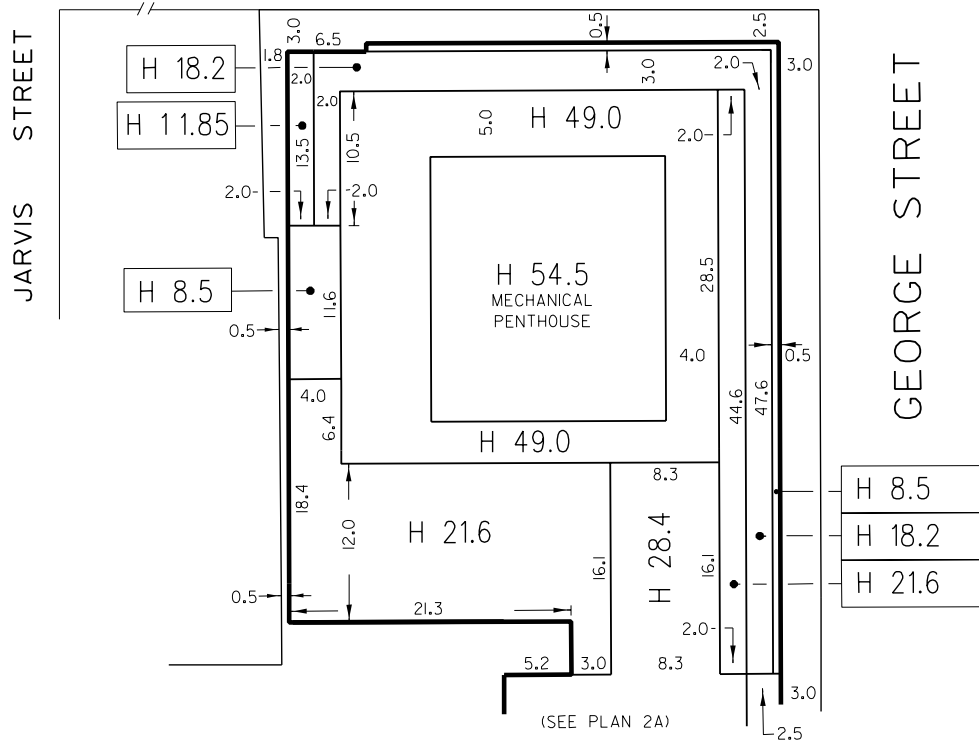
▭ BUILDING ENVELOPE



SURVEY AND MAPPING SERVICES  
 TORONTO FEBRUARY 2006  
 BL06/108GEORGE2A.DGN  
 FILE: G19-Z9  
 MAP No. 516-322 DRAWN: VG

PLAN 2B

RICHMOND STREET EAST



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 BUILDING ENVELOPE



SURVEY AND MAPPING SERVICES  
TORONTO FEBRUARY 2006  
BL06/108GEORGE2B.DGN  
FILE: G19-29  
MAP No. 51G-322 DRAWN: VG