

Authority: Toronto and East York Community Council Report 7, Clause 16,  
as adopted by City of Toronto Council on September 25, 26 and 27, 2006  
Enacted by Council: September 27, 2006

**CITY OF TORONTO**

**BY-LAW No. 1044-2006**

**To amend former City of Toronto By-law No. 258-71 respecting certain lands south of  
Howard Street, between Sherbourne and Bleecker Streets.**

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 respecting the lands municipally known in the year 2004 as 555 Sherbourne Street; and

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 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 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 and density of development beyond those otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS the owner of the land 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 land and the City of Toronto; and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization for the of the height and density of development;

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

1. Former City of Toronto By-law No. 258-71, being “A By-law to amend By-law No. 20623 respecting certain lands south of Howard Street, between Sherbourne and Bleecker Streets.”, as amended, is hereby further amended by:
  - (a) attaching Plan 3 attached to and forming part of this by-law;
  - (b) attaching Plan 4 attached to and forming part of this by-law;
  - (c) deleting “894,937” in paragraph 1 and substituting “906, 937”;
  - (d) inserting the words “and the area designated “E” on Plan 3, both” in paragraph 1.(2) between the words “Plan 1” and “attached”;

- (e) deleting the word “and” between the words “podium” and “supporting columns” in paragraph 1(2) and substituting a comma;
  - (f) inserting the words “window casements, roof projections,” in paragraph 1(2) between the words “supporting columns,” and “ventilator housings”;
  - (g) deleting the words “to such facilities” in paragraph 1(2);
  - (h) inserting the words “columns, roof projections,” in paragraph 1(4) between the words “landscaping features,” and “ventilator housings”;
  - (i) inserting the words “and the area designated “E” on Plan 4, both” in paragraph 1.(4) between the words “Plan 2” and “attached”;
  - (j) deleting “40,000” in paragraph 1(7) and substituting “53,000”;
  - (k) deleting “67” in paragraph 1(10) and substituting “59”;
  - (l) adding paragraph 1(13) as follows: no part of such *apartment house* erected within the area designated “E” on the aforesaid Plan 4 exceeds the height of 7.75 metres;
  - (m) adding paragraph 1(14) as follows: the area designated E on Plan 4 shall only be used for one or more of the uses set out in paragraph 1.(8)(ii) of this by-law;
  - (n) adding paragraph 1(15) as follows: a minimum 83 square metres of *residential amenity space – indoor* is provided and maintained on the *lot* within the area designated “C” on Plan 2;
  - (o) adding paragraph 1(16) as follows: a minimum 850 square metres of *residential amenity space - outdoor* is provided and maintained on the *lot* within the area designated “C” on Plan 2;
  - (p) adding paragraph 1(17) as follows: a minimum of 60 *bicycle parking spaces – occupant* are provided and maintained on the *lot*; and
  - (q) adding paragraph 5 as follows: none of the provisions of Section 4(8) of By-law No. 438-86 shall apply to prevent the addition to the *apartment house* as it existed as of August 24, 2006 of up to 1200 square metres of non-residential *gross floor area* on the *lot* within the areas designated “C” and “E” on Plan 4 attached to and forming part of this By-law.
2. The owner of the *lot* at its expense and in accordance with and subject to the agreement referred to in paragraph (3) herein shall:
- (a) provide a lease for a minimum term of 5 years for Art City in St. James Town, or other non-profit arts organization, for 120 square metres of at-grade space within the property municipally known as 545 Sherbourne Street, at a monthly rate of

\$1000 plus applicable Goods and Services Tax, to the satisfaction of the General Manager of Economic Development, Culture and Tourism;

- (b) construct improvements to St. James Town West Park to the satisfaction of the General Manager of Parks, Forestry and Recreation up to a maximum value of \$44,500, and provide a letter of credit in that amount prior to Site Plan Approval to the satisfaction of the General Manager of Parks, Forestry and Recreation; and
  - (c) provide and maintain exterior design, materials, and landscaping for the north façade and for the roof of the portion of the building in the area designated “E” on Plan 3 and on Plan 4, both attached to and forming part of this by-law, to be secured in an agreement pursuant to Section 41 of the *Planning Act*.
3. The owner of the *lot* shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required in paragraph (2) herein and those matters deemed appropriate for the orderly development of the Lands, and shall registers such agreement at its sole expense against the title to the Lands as a first charge, all to the satisfaction of the City Solicitor prior to this Zoning By-law coming into full force and effect.
4. For the purpose of this by-law, the following terms are defined as they are defined in Section 2 of By-law No. 438-86 as it read on April 27, 2006: *residential amenity space*, *bicycle parking space – occupant*.

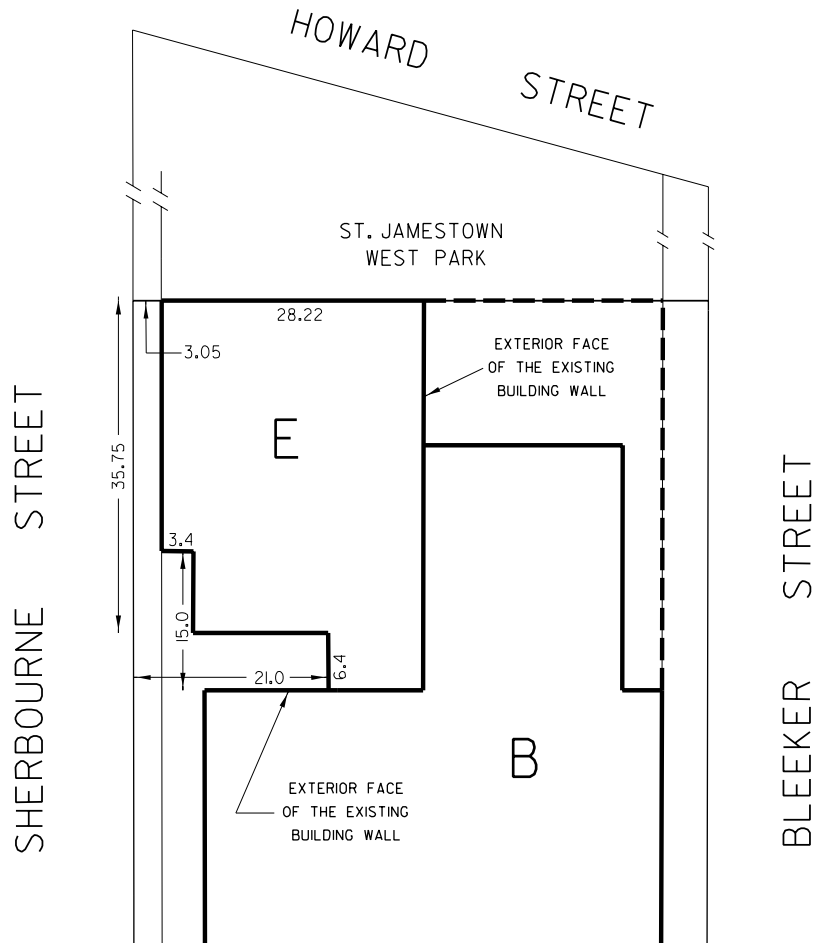
ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

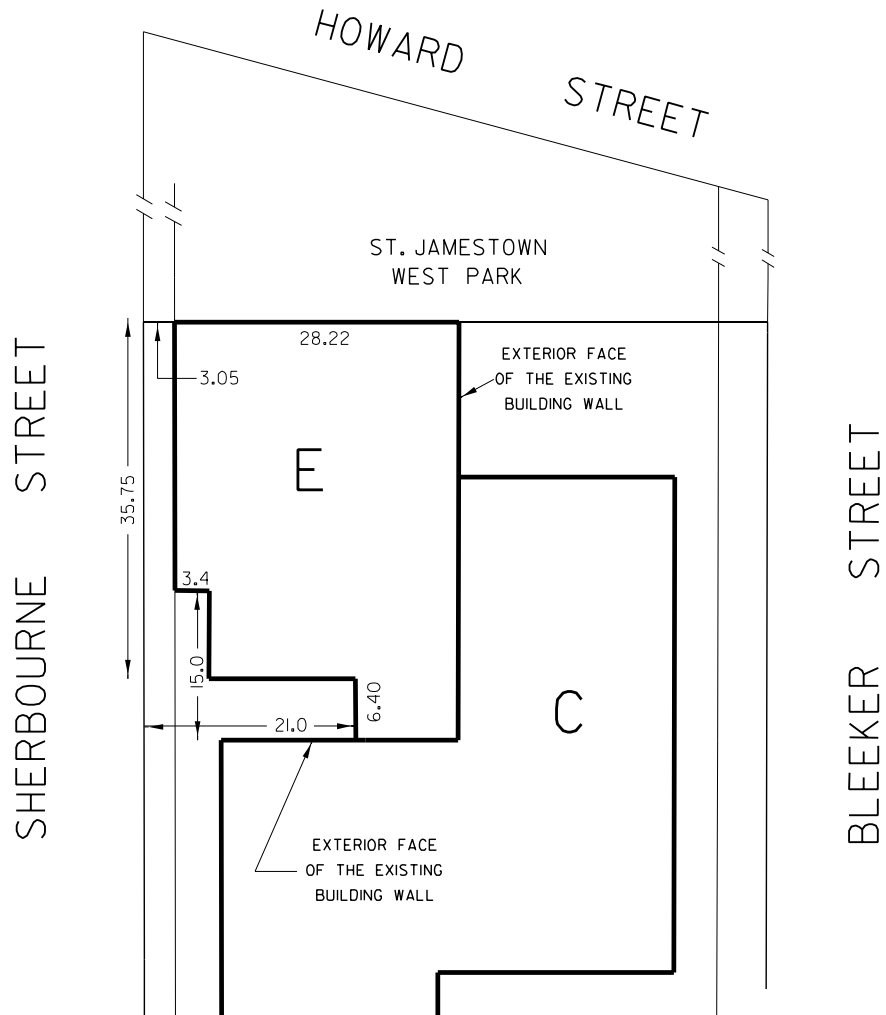
(Corporate Seal)

PLAN 3



SURVEY AND MAPPING SERVICES  
AUGUST 2006  
BL06/555SHER3.DGN  
FILE: S1-Z19  
MAP No. 51H-322  
DRAWN: HM

PLAN 4



SURVEY AND MAPPING SERVICES  
AUGUST 2006 DRAWN: HM  
BL06/555SHER4.DGN  
FILE: S1-Z19  
MAP No. 51H-322