

Authority: Toronto and East York Community Council Report 7, Clause 13, adopted as amended, by City of Toronto Council on September 25, 26 and 27, 2006
Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 1073-2006

To amend By-law No. 1994-0805 of the former City of Toronto, with respect to lands in the Railway Lands West municipally known as Blocks 32 and 36.

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this by-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

NOW THEREFORE By-law No. 1994-0805 of the former City of Toronto, being a by-law “To regulate the use of lands 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 Railway Lands West”, as amended, is hereby further amended as follows:

1. By-law No. 1994-0805, as amended, is further amended by:
 - (1) amending District Map 50G-321 contained in Appendix “A”, Height and Minimum Lot Frontage Map 50G-321 contained in Appendix “B”, in respect of *block 32* and *block 36* as shown on Plans 1 and 2, respectively, attached to this By-law;
 - (2) amending Maps 2, 3, 4, 5, 6 and 7, in respect of *block 32* and *block 36* as shown on Maps 2, 3, 4, 5, 6 and 7 attached hereto; and
 - (3) deleting Map 4A and renumbering Map 4B as 4A, as shown on Map 4A attached hereto.

DEFINITIONS

2. The definition of *grade* set out in subsection (1) of Section 2 entitled **DEFINITIONS** is amended by:
 - (1) replacing the phrase “*block 33* and *block 37*” in the two places it appears with the phrase “*block 32, block 33, block 36* and *block 37*”;
 - (2) deleting the word “and” at the end of clause (2) and renumbering clauses (1), (2) and (3) as (2), (3) and (5), respectively; and

(3) inserting new clauses (1) and (4) as follows:

“(1) with respect to *block 32*, the elevation of the sidewalk of Fort York Boulevard adjacent to *block 32* at the point where such elevation is highest;”

“(4) with respect to *block 36*, the elevation of the sidewalk of Fort York Boulevard adjacent to *block 36* at the point where such elevation is highest; and”

3. The definition of *social housing* set out in subsection (1) of Section 2 entitled **DEFINITIONS** is amended by deleting the phrase “City of Toronto Non-Profit Housing Corporation” and replacing it with the phrase “Toronto Community Housing Corporation”.

PARKING SPACES

4. Subsection (5) of Section 4 entitled **PARKING SPACES: WHEN REQUIRED, NUMBER, LOCATION AND TYPE** is amended by:

(1) replacing the phrase “paragraphs (b) to (o)” in paragraph (a) thereof with the phrase “paragraphs (b) to (r)”;

(2) deleting paragraph (p) and replacing it with the following new paragraph (p):

“(p) In respect of *block 26E*, *block 26W*, *block 29* or *block 32*, in calculating the minimum number of *parking spaces* required to be provided for the use described as “*dwelling unit* in a building (other than *alternative housing* or *social housing*) containing more than 6 *dwelling units* including those that are *alternative housing*” in the Column entitled “Type of Use”, the prescribed number of *parking spaces* set out in the Column entitled “Minimum Required” for each one-bedroom *dwelling unit* and each two-bedroom *dwelling unit* shall be deemed to be 0.7 *parking space* and 1.0 *parking space*, respectively, and in all other respects Schedule 1 and the provisions of this Section 4(5) shall apply.”;

(3) adding the following new paragraph (q):

“(q) In respect of *block 32*, in calculating the minimum number of *parking spaces* required to be provided for the use described as “*public library*” in the Column entitled “Type of Use”, the prescribed number of *parking spaces* set out in the Column entitled “Minimum Required” for such use shall be deemed to be 1 *parking space* for each 250 square metres of *non-residential gross floor area*, or fraction equal to or greater than one-half thereof, contained therein, and in all other respects Schedule 1 and the provisions of this Section 4(5) shall apply.”

- (4) adding the following new paragraph (r):

“(r) Despite paragraph (e) of regulation (5) of Section 4 and the location set out in the column entitled “Type and Location of Parking Facility” of Schedule 1 following regulation (6) of Section 4, the *parking spaces* required to be provided in respect of a *dwelling unit* or *social housing* in a building on *block 32* or *block 36* may be provided in a permitted parking facility located anywhere within *block 32* or *block 36*.”

DENSITY

5. The table in Regulation 1 of Section 7 PART I entitled **MAXIMUM FLOOR AREA: MIXED USE, NON-RESIDENTIAL AND RESIDENTIAL BUILDINGS** is amended by:

- (1) deleting the two rows with the phrases “*block 32*” and “*block 36*” in COLUMN A and replacing them with the two rows set out in the following table:

COLUMN A BLOCK	COLUMN B MAXIMUM NON- RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
<i>block 32</i>	750	51 675	52 425
<i>block 36</i>	0	27 825	27 825

6. The table following paragraph (ii) of Regulation 2 of Section 7, PART I, entitled **EXCEPTION: ADDITIONAL NON-RESIDENTIAL GROSS FLOOR AREA: NON-RESIDENTIAL OR MIXED USE BUILDINGS: COMMUNITY SERVICES AND FACILITIES** is amended by deleting the two rows with the phrases “*block 32*” and “*block 36*” in COLUMN A and replacing them with the two rows set out in the following table:

COLUMN A BLOCK	COLUMN B ADDITIONAL NON-RESIDENTIAL GROSS FLOOR AREA (square metres)
<i>block 32</i>	0
<i>block 36</i>	2 500

7. Regulation 4 of Section 7, PART I, entitled **EXCEPTION: NON-RESIDENTIAL GROSS FLOOR AREA; STREET-RELATED RETAIL AND SERVICE USES** is amended by:

- (1) deleting the phrase “, *block 36*” in paragraph (b);

- (2) inserting the word “and” at the end of subparagraph (i) of paragraph (c) and deleting subparagraph (iii) of paragraph (c);
- (3) deleting paragraph (d) and re-lettering paragraph (e) as (d); and
- (4) re-lettering paragraph (f) as (e) and replacing the phrase “*block 33* and/or *block 37*” in that paragraph with the phrase “*block 32, block 33 and/or block 37*”.

SETBACKS

8. Regulation 3 of Section 7, PART II, entitled **REQUIRED SETBACKS** is amended by:

- (1) deleting the phrase “, *block 32* and *block 36*” in paragraph (a);
- (2) deleting the phrase “Maps 4, 4A and 4B” and replacing it with the phrase “Maps 4 and 4A” in subparagraph (a)(i), clause (a)(i)A and clause (a)(i)B;
- (3) deleting the phrase “and 4B” in clause (a)(ii)A and in clause (a)(ii)B; and
- (4) replacing the phrase “*block 33* and *block 37*” in paragraph (b) with the phrase “*block 32, block 33, block 36 and block 37*”.

9. Regulation 4 of Section 7, PART II, entitled **REQUIRED SETBACKS** is amended by:

- (1) deleting paragraph (b) and re-lettering paragraphs (c), (d), (e), (f) and (g) as (b), (c), (d), (e) and (f), respectively;
- (2) deleting the phrase “Maps 4, 4A and 4B” and replacing it with the phrase “Maps 4 and 4A” in paragraph (c);
- (3) deleting the phrase “Maps 4, 4A and 4B” and replacing it with the phrase “Maps 4 and 4A” in the heading and the first sentence of paragraph (d);
- (4) deleting the phrase “Blocks 26E, 26W and 29” in the heading of the re-lettered paragraph (e) and replacing it with the phrase “Blocks 26E, 26W, 29, 32 and 36”; and
- (5) deleting the phrase “*block 26E, block 26W and block 29*” in the re-lettered paragraph (e) and replacing it with the phrase “*block 26E, block 26W, block 29, block 32 and block 36*”.

10. The Table within Regulation 5 of Section 7, PART II, entitled **EXCEPTION: PERMITTED PROJECTIONS INTO REQUIRED SETBACK AREA** is amended by inserting the following new row H immediately following row G:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
H. stairs or an elevated terrace attached to the exterior wall of a building which provide direct access to a dwelling unit and which project into the required setback from Fort York Boulevard	2.0 metres provided that the height thereof does not exceed 1.0 metre above the level of the finished grade of the adjacent sidewalk

OPEN SPACE

11. Regulation 1 of Section 7, PART III, entitled **COMMON OUTDOOR SPACE: NON-RESIDENTIAL AND MIXED USE BUILDINGS** is amended by:

- (1) adding the phrase “ - BLOCKS 24, 25, 26E, 26W, 29, 31, 33 & 37” at the end of the heading so that it states “**COMMON OUTDOOR SPACE: NON-RESIDENTIAL AND MIXED USE BUILDINGS - BLOCKS 24, 25, 26E, 26W, 29, 31, 33 & 37**”; and
- (2) adding the phrase “within *block 24, block 25, block 26E, block 26W, block 29, block 31, block 33 or block 37*” immediately following the phrase “on a *lot*” in that regulation.

EXCEPTIONS TO PERMITTED USES AND RESTRICTIONS ON USE

12. Regulation 5 of Section 7, PART IV, entitled **ADDITIONAL NON-RESIDENTIAL GROSS FLOOR AREA: DAY NURSERY – BLOCKS 31, 32, 33, 36** is amended by:

- (1) replacing the phrase “BLOCKS 31, 32, 33, 36” with the phrase “BLOCKS 31 & 33” in the heading so that it states “**ADDITIONAL NON-RESIDENTIAL GROSS FLOOR AREA: DAY NURSERY – BLOCKS 31 & 33**”; and
- (2) replacing the phrase “*block 31, block 32, block 33 and block 36*” in that regulation with the phrase “*block 31 and block 33*”.

EXCEPTIONS

13. Exception (4) in Section 10, entitled **COURTYARD SPACE REQUIREMENT: BLOCKS 31, 32 AND 36** is amended by:

- (1) replacing the phrase “BLOCKS 31, 32, 36” with the phrase “BLOCK 31” in the heading so that it states “**COURTYARD SPACE REQUIREMENT: BLOCK 31**”;

- (2) deleting the phrase “, *block 32* or *block 36*” in the first line of that exception;
 - (3) replacing the phrase “Maps 4, 4A and 4B” with the phrase “Maps 4 and 4A” in paragraph (i) of that exception;
 - (4) delete clause A, and subclauses (i) and (ii) of clause A of that exception; and
 - (5) delete clause B, and re-letter subclauses (i) and (ii) of clause B as clauses A and B, respectively, such that they become clauses A and B of paragraph (iii) of exception (4).
- 14. Exception (5) in Section 10, entitled **PARKING BELOW COURTYARD SPACE: BLOCK 31, BLOCK 32, BLOCK 36** is amended by:**
- (1) deleting the phrase “BLOCK 32, BLOCK 36” from the heading so that it states “**PARKING BELOW COURTYARD SPACE: BLOCK 31**”; and
 - (2) deleting the phrase “, *block 32* and *block 36*” in the first line of that exception.
- 15. Exception (11) in Section 10, entitled **BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37 BUILDING TOWERS**, is amended by:**
- (1) replacing the heading with “**BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37 BUILDING TOWERS**”;
 - (2) re-lettering paragraph (h) as (j) and replacing the phrase “*block 26E, block 26W* and *block 29*” in subparagraph (ii) of the re-lettered paragraph (j) with the phrase “*block 26E, block 26W, block 29, block 32* and *block 36*”;
 - (3) re-lettering paragraph (i) as (k);
 - (4) adding new paragraphs (h) and (i) as follows:
- “BLOCK 32
- (h)
- (i) Despite Section 4(3)(a), no person shall erect or use a building or structure on *block 32* having a *height* of more than 20 metres;
 - (ii) Section (i) shall not apply to prevent the erection or use of a portion of a building exceeding the said *height* limit, provided:
 - A. the *height* of such portion of the building does not exceed 28 metres other than rooftop structures and elements permitted by and complying with

sub-paragraphs (i), (ii) and (iii) of Section 4(3)(a), subject to the provisions of sub-paragraph (iv) of this Section 10(11)(h); and

- B. that portion of the building above such *height* limit is stepped back on all sides facing a *street*, such that no portion of the building above such *height* limit is located within the area measured 2.0 metres back horizontally from all points on the face of each *exterior wall* facing a *street* of the portion of the building below such *height* limit;
- (iii) Sections (i) and (ii) shall not apply to prevent the erection or use of a building tower that exceeds the said *height* limits within the portion of *block 32* having a *height* limit of 92 metres as shown on the Appendix 'B' Map, provided:
- A. each floor in the tower, located above a *height* of 28 metres and below a *height* of 62 metres, contains no more than 785 square metres of *residential gross floor area*;
 - B. each floor in the tower, located above a *height* of 62 metres, contains no more than 750 square metres of *residential gross floor area*;
 - C. no more than one such building tower is located within this portion of *block 32*;
 - D. no part of the tower exceeds the applicable *height* limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with sub-paragraphs (i), (ii) and (iii) of Section 4(3)(a), subject to the provisions of sub-paragraph (iv) of this Section 10(11)(h);
 - E. no portion of the building above a *height* of 28 metres is located within the area measured 3.0 metres back horizontally from all points on the face of each *exterior wall* facing Fort York Boulevard of the portion of the building below 18 metres;
 - F. no portion of the building above a *height* of 28 metres is located within the area measured 2.0 metres back horizontally from all points on the face of each *exterior wall* facing any other *street* of the portion of the building below 18 metres; and

- G. no portion of a tower located above a *height* of 28 metres shall be located within 25 metres of any portion of a tower on *block 29* or *block 36* which exceeds a *height* of 28 metres; and
- (iv) Despite Section 4(3)(a)(i)A, on *block 32* the maximum *height* of the top of any rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) measured above the applicable *height* limit of the portion of the building on which it is located shall be as follows:
 - A. 8.5 metres for any rooftop structure accommodating an elevator, and related machinery or equipment, that provides direct access onto a rooftop terrace and is located no closer than 5 metres from any *lot line* adjacent to a public *street*;
 - B. 7.5 metres for any other rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) that are located on a building tower that exceeds the said 28 metre *height* limit within the portion of *block 32* having a *height* limit of 92 metres as shown on the Appendix 'B' Map; and
 - C. 5 metres for any other rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) located on a building within *block 32*.

BLOCK 36

(i)

- (i) Despite Section 4(3)(a), no person shall erect or use a building or structure on *block 36* having a *height* of more than 20 metres;
- (ii) Section (i) shall not apply to prevent the erection or use of a portion of a building exceeding the said *height* limit, provided:
 - A. the *height* of such portion of the building does not exceed 28 metres other than rooftop structures and elements permitted by and complying with sub-paragraphs (i), (ii) and (iii) of Section 4(3)(a), subject to the provisions of sub-paragraph (iv) of this Section 10(11)(i); and

- B. that portion of the building above such *height* limit is stepped back on all sides facing a *street*, such that no portion of the building above such *height* limit is located within the area measured 2.0 metres back horizontally from all points on the face of each *exterior wall* facing a *street* of the portion of the building below such *height* limit;
- (iii) Sections (i) and (ii) shall not apply to prevent the erection or use of a building tower that exceeds the said *height* limits within the portion of *block 36* having a *height* limit of 62 metres as shown on the Appendix 'B' Map, provided:
 - A. each floor in the tower, located above a *height* of 28 metres, contains no more than 750 square metres of *residential gross floor area*;
 - B. no more than one such building tower is located within this portion of *block 36*;
 - C. no part of the tower exceeds the applicable *height* limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with sub-paragraphs (i), (ii) and (iii) of Section 4(3)(a), subject to the provisions of sub-paragraph (iv) of this Section 10(11)(i); and
 - D. no part of the tower above a *height* of 28 metres is located within the area measured 3.0 metres back horizontally from all points on the face of each *exterior wall* facing Fort York Boulevard of the portion of the building below 18 metres;
 - E. no part of the tower above a *height* of 28 metres is located within the area measured 2.0 metres back horizontally from all points on the face of each *exterior wall* facing any other *street* of the portion of the building below 18 metres; and
 - F. no portion of a tower located above a *height* of 28 metres shall be located within 25 metres of any portion of a tower on *block 32* which exceeds a *height* of 28 metres; and
- (iv) Despite Section 4(3)(a)(i)A, on *block 36* the maximum *height* of the top of any rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) measured above

the applicable *height* limit of the portion of the building on which it is located shall be as follows:

- A. 8.5 metres for any rooftop structure accommodating an elevator, and related machinery or equipment, that provides direct access onto a rooftop terrace and is located no closer than 5 metres from any *lot line* adjacent to a public *street*;
- B. 7.5 metres for any other rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) located on a building tower that exceeds the said 28 metre *height* limit within the portion of *block 36* having a *height* limit of 62 metres as shown on the Appendix 'B' Map; and
- C. 5 metres for any other rooftop structures, elements or enclosures permitted by Section 4(3)(a)(i) located on a building within *block 36*."

16. Exception (12) in Section 10, entitled **ABOVE GRADE PARKING - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37, is amended by:**

- (1) replacing the title with "**ABOVE GRADE PARKING - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37**";
- (2) replacing the phrase "*block 33* and *block 37*" in paragraph (a) of that exception with the phrase "*block 32, block 33, block 36* and *block 37*";
- (3) replacing the phrase "*blocks 33* and *37*" in subparagraph (iv) of paragraph (a) of that exception with the phrase "*block 32, block 33, block 36* and *block 37*"; and
- (4) adding the phrase "or facing the northerly boundary of *block 36* adjacent to Garrison Way" at the end of subparagraph (x) of paragraph (a) of that exception.

17. Exception (13) in Section 10, entitled **ADDITIONAL RESIDENTIAL USES - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37, is amended by:**

- (1) replacing the title with "**ADDITIONAL RESIDENTIAL USES - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37**"; and
- (2) replacing the phrase "*block 33* and *block 37*" in that exception with the phrase "*block 32, block 33, block 36* and *block 37*".

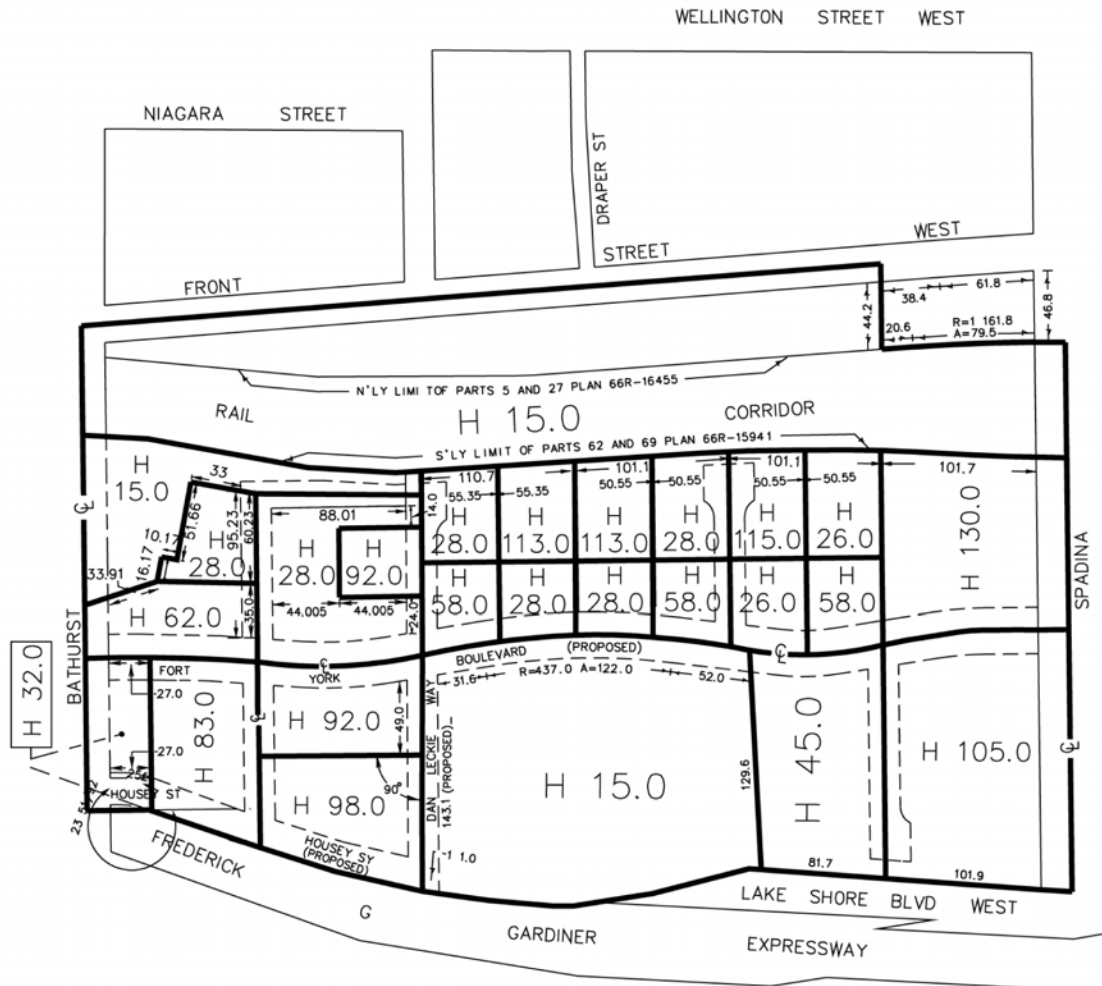
18. Exception (14) in Section 10, entitled **TEMPORARY OFFICE FOR SALES & MANAGEMENT OF REAL ESTATE – BLOCK 26E, 26W, 33 & 37**, is amended by:
- (1) replacing the title with “**TEMPORARY OFFICE FOR SALES & MANAGEMENT OF REAL ESTATE - BLOCKS 26E, 26W, 32, 33, 36 & 37**”; and
 - (2) replacing the phrase “*block 33 and block 37*” in paragraphs (a) and (b) of that exception with the phrase “*block 32, block 33, block 36 and block 37*”.
19. Exception (16) in Section 10, entitled **TERRACES & COLONNADES - BLOCKS 24, 25, 26E, 26W, 29, 33 & 37** is amended by:
- (1) replacing the title with “**TERRACES & COLONNADES - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37**”; and
 - (2) replacing the phrase “*block 33 and block 37*” in paragraph (a) and paragraph (b) of that exception with the phrase “*block 32, block 33, block 36 and block 37*”.
20. Exception (17) in Section 10, entitled **PARKING IN FRONT OF A BUILDING - BLOCKS 24, 25, 26E, 26W, 29, 33 & 37** is amended by:
- (1) replacing the title with “**PARKING IN FRONT OF A BUILDING - BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 & 37**”; and
 - (2) replacing the phrase “*block 33 and block 37*” in that exception with the phrase “*block 32, block 33, block 36 and block 37*”.
21. Section 10 is amended by adding a new exception (19) as follows:
- “(19) Section 7 PART IV (1) shall not apply to prevent the erection or use of a building on *block 36* containing *dwelling units* located below *grade* provided that such *dwelling units* have exterior windows that face the adjacent G district and are above the level of the finished grade adjacent to the building wall in which they are located”.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)



Height Map

Applicant's Submitted Drawing

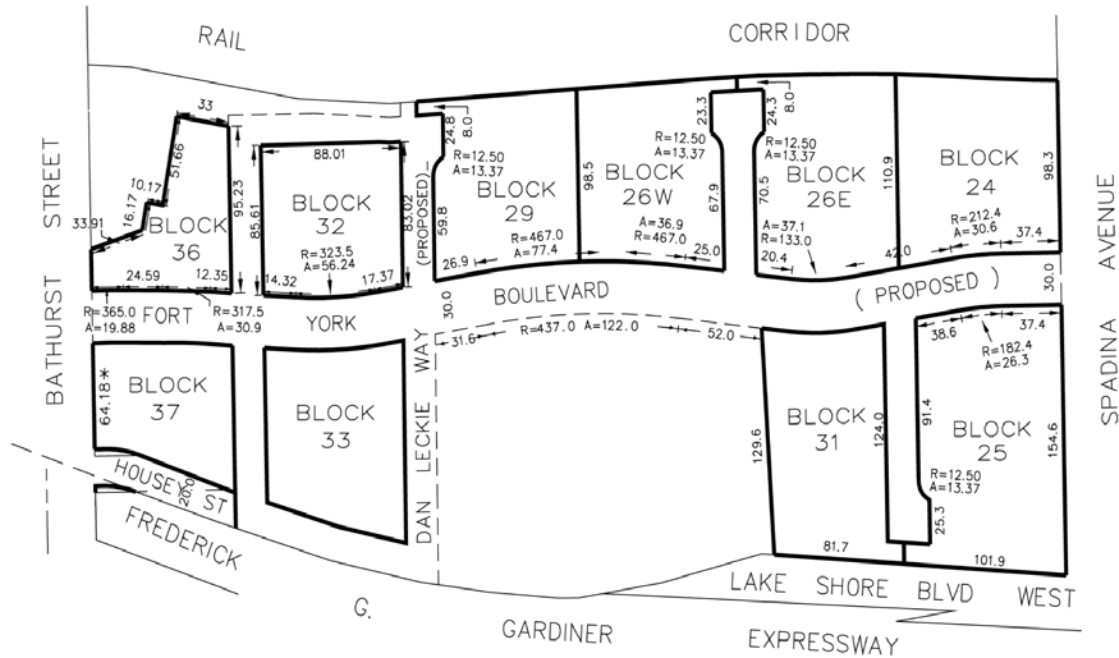
Not to Scale
08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730

PLAN 2



□ BLOCK BOUNDARIES

* : MEASURED FROM THE NORTH LIMIT OF
PART 61 PLAN 64R-14891

--- PROPOSED PUBLIC HIGHWAYS

Map 2

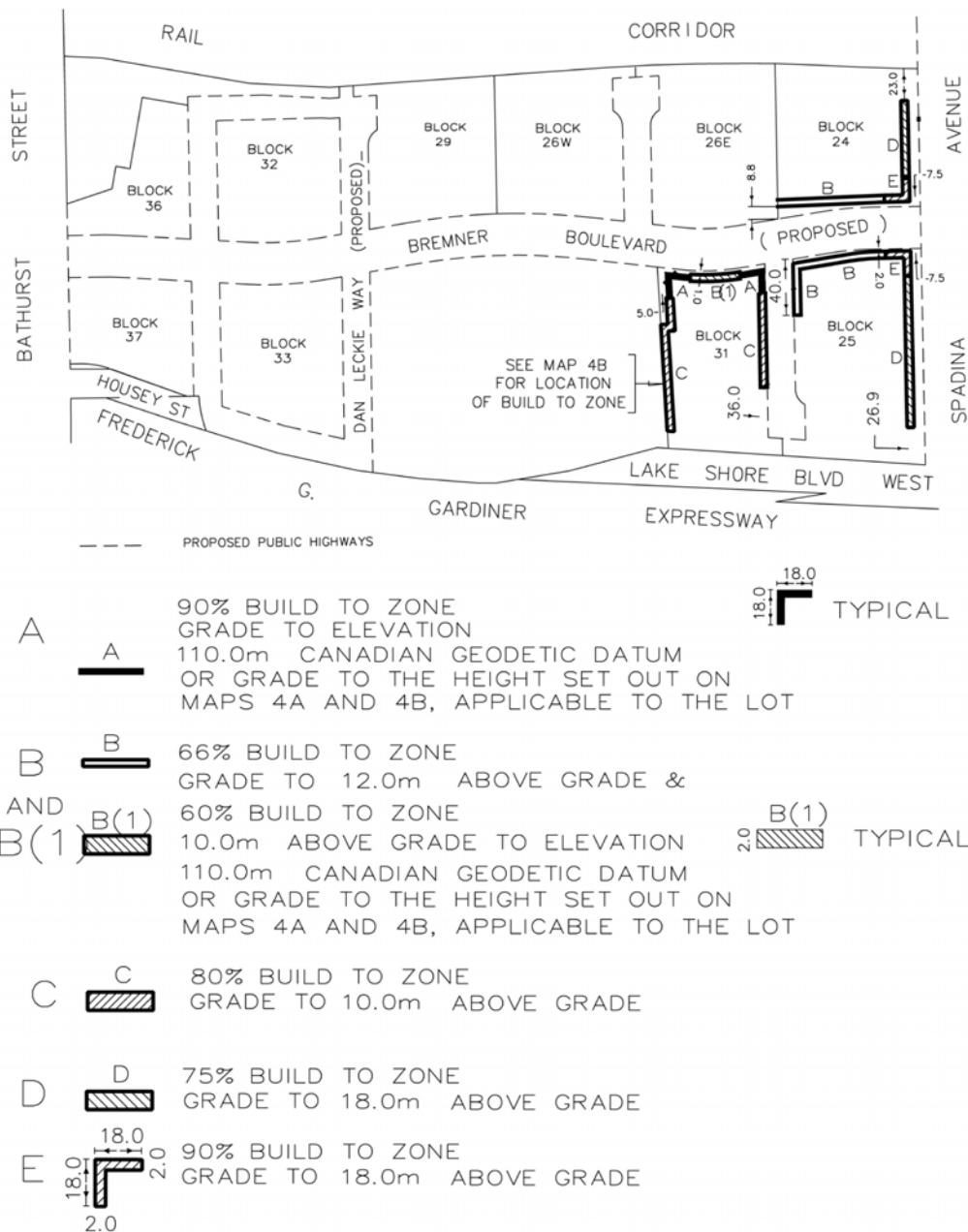
Applicant's Submitted Drawing

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08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730



Map 3

Applicant's Submitted Drawing

Not to Scale
08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730



FROM GRADE TO ELEVATION 110.0M

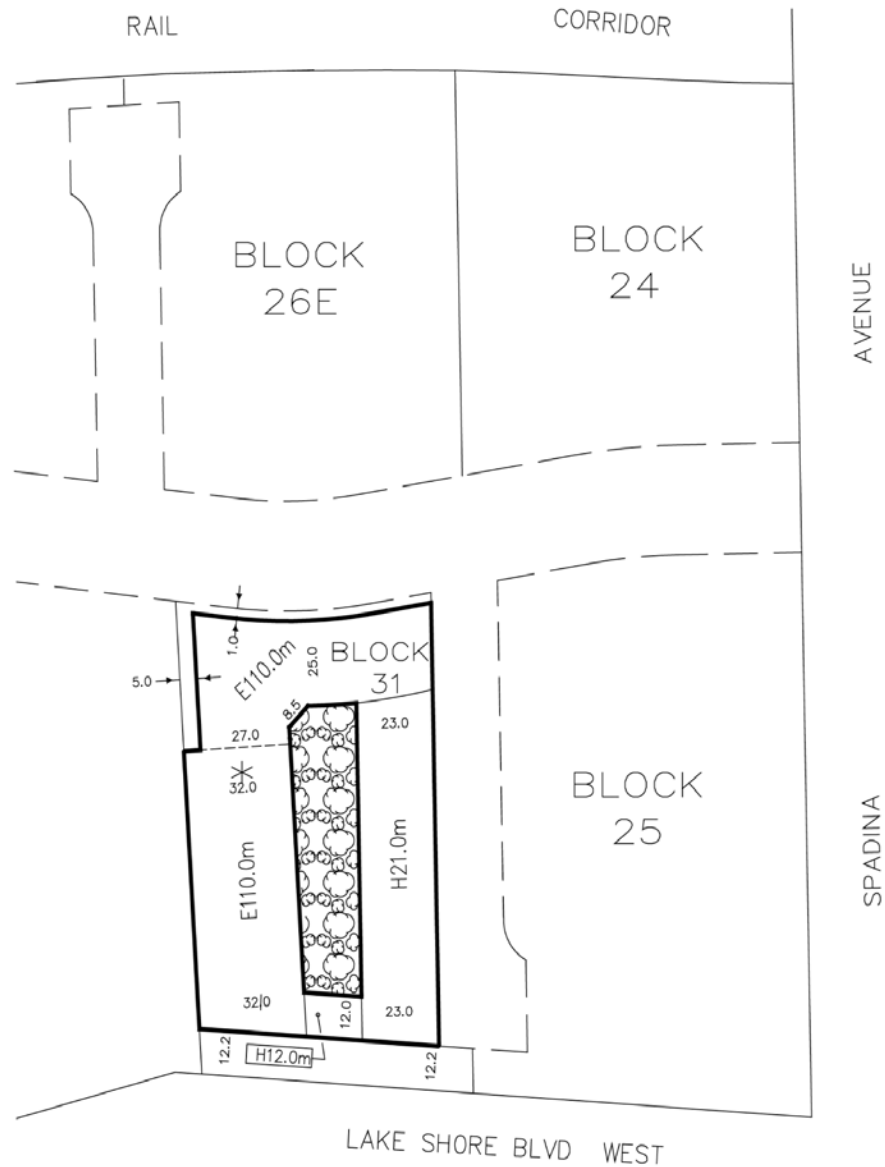
FOR BLOCKS 24, 25, 26E, 26W, 29, 32, 33, 36 AND 37,
THE "BUILDING ENVELOPE LINE" APPLIES TO ANY HEIGHT
UP TO THAT ON THE APPENDIX "B" MAPS APPLICABLE TO THE LOT

"COURTYARD SPACE" REFERRED TO
IN SECTION 10(11)

* REFER TO SECTION 1 1(5)

Applicant's Submitted Drawing

File # 06 116730



- *: LOCATION OF BUILDING ENVELOPE LINE
AS SHOWN ON MAP 5
- H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE
- E: DENOTES MAXIMUM CANADIAN GEODETIC DATUM
ELEVATION IN METRES

Map 4A

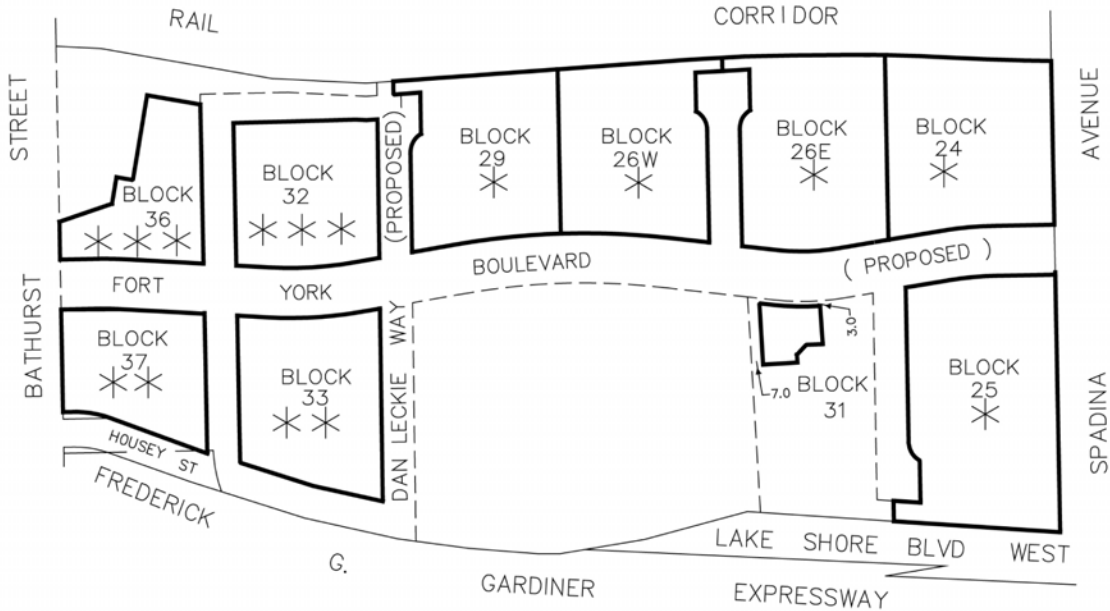
Applicant's Submitted Drawing

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08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730



"BUILDING ENVELOPE LINE" AT AND ABOVE:

- (i) ELEVATION 110.0m CANADIAN GEODETIC DATUM; OR
- (ii) THE HEIGHT SET OUT ON MAP 4A APPLICABLE TO THE LOT OR PORTION OF THE LOT

* REFER TO SECTION 10(11) TO DETERMINE THE FLOORPLATE RESTRICTIONS ABOVE A HEIGHT OF 26.0 AND 35.0 METRES

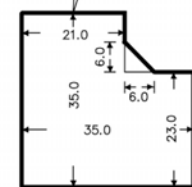
** REFER TO SECTIONS 10(11)(e) AND 10(11)(f)

*** REFER TO SECTIONS 10(11)(h) AND 10(11)(i)

TYPICAL
(not to scale)

BUILDING LINE AT 90° TO ADJACENT STREET LINE OR BLOCK LIMIT (35.0M AT CENTRE POINT)

NORTH/SOUTH STREET LINE OR BLOCK LIMIT



BUILDING LINE AT 90° TO BREMNER BOULEVARD (PROPOSED) (35.0M AT CENTRE POINT)

BREMNER BOULEVARD (PROPOSED)

Map 5

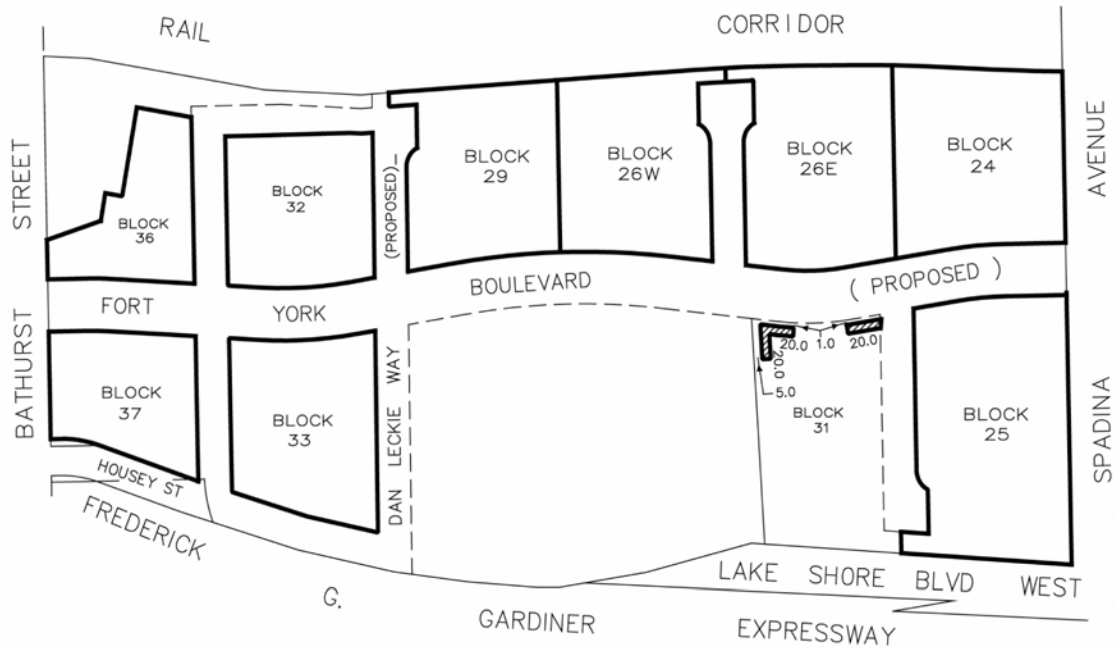
Applicant's Submitted Drawing

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08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730



Map 6

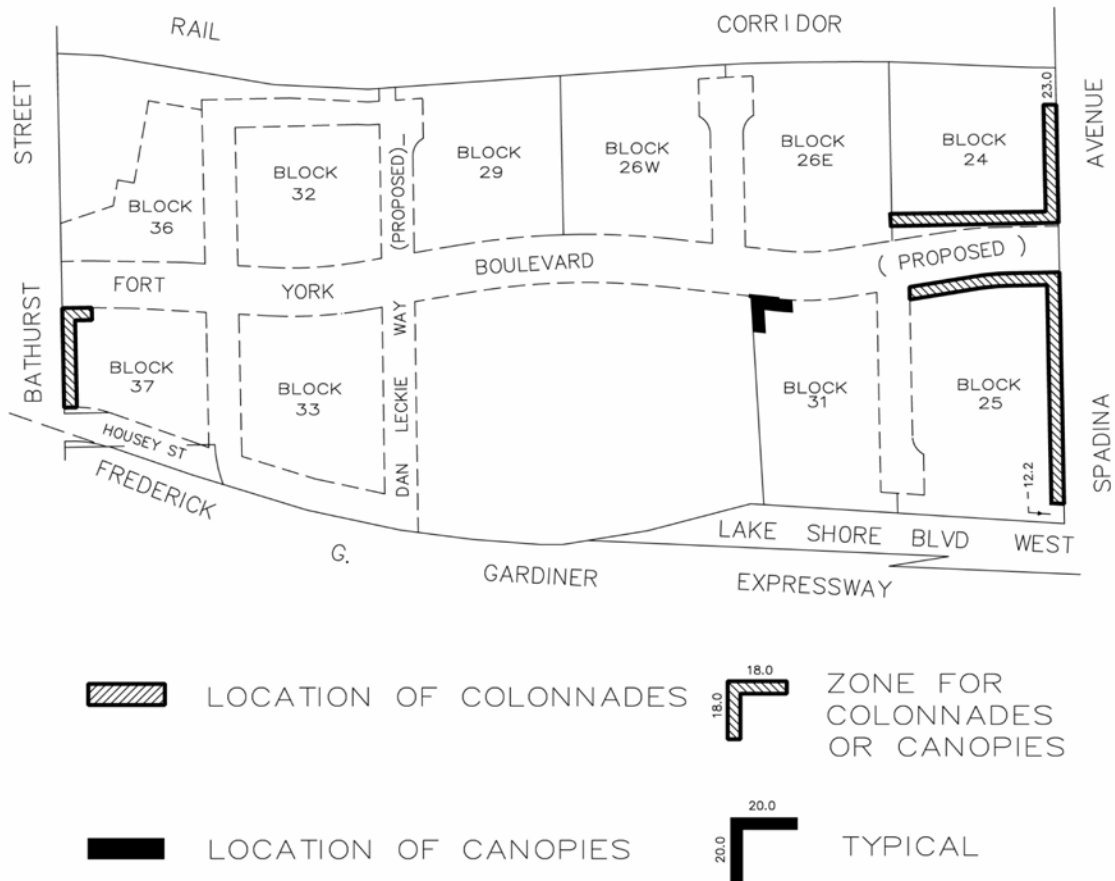
Applicant's Submitted Drawing

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08/16/06



155 Dan Leckie Way and
170 Fort York Boulevard

File # 06_116730



Map 7

Applicant's Submitted Drawing

Not to Scale
08/16/06



**155 Dan Leckie Way and
170 Fort York Boulevard**

File # 06_116730