

Authority: Toronto and East York Community Council Item 13.10,  
as adopted by City of Toronto Council on March 3, 4 and 5, 2008  
Enacted by Council: September 25, 2008

## CITY OF TORONTO

### BY-LAW No. 1023-2008

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands forming part of lands municipally known as 50 St. Joseph Street.**

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 forming part of lands known municipally in the year 2008 as 50 St. Joseph 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 on March 3, 4 and 5, 2008, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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 provision 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 requirement.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *site*.
4.
  - (a) District Map 50H-323 contained in Appendix A of Zoning By-law No. 438-86 is amended by re-designating the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law, from UOS to G and from CR to G as shown on the said Map 1, and
  - (b) Height Map 50H-323 contained in Appendix B of Zoning By-law No. 438-86 is amended by re-designating the maximum height designation applicable to the lands outlined by heavy lines on Map 2, attached to and forming part of this By-law, from H 46.0 to H 18.0, as shown on the said Map 2.

5. Notwithstanding Section 8(1)(f) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *site* for any purpose except one or more of the following uses:
- (a) within each of *Parcel A* and *Parcel B*,
    - (i) an *apartment building*, and
    - (ii) uses *accessory* thereto, including an underground *parking garage* which may contain *car-share parking spaces*,
  - (b) within *Parcel C*,
    - (i) a *row house*,
    - (ii) any of the non-residential uses permitted within a CR district by Subsections 8(1)(b)(iv) and (vi) of By-law No. 438-86, and
    - (iii) uses *accessory* thereto, including an underground *parking garage* which may contain *car-share parking spaces*,
  - (c) within each of *Parcel D1*, *Parcel D2* and *Parcel E*,
    - (i) a *row house*, and
    - (ii) uses *accessory* thereto, including an underground *parking garage* which may contain *car-share parking spaces*,
  - (d) within *Parcel F*,
    - (i) a *public park*, and
    - (ii) uses *accessory* thereto,
- all of which buildings or structures within *Parcels A, B, C, D1, D2* and *E* may be connected and may share the use of an underground *parking garage*.
6. Notwithstanding any provision of By-law No. 438-86 or any other provision of this By-law,
- (a) any portion of the *site* other than *Park Area B* may also be used for a *sales office* for the buildings or structures permitted by the preceding section, and
  - (b) *Park Area A* may also be used for any of the following uses,
    - (i) temporary construction staging for the buildings or structures permitted by the preceding section, and

- (ii) any surface parking of motor vehicles as may have legal conforming status on *Park Area A* on the day prior to the passage of this by-law provided such surface parking ceases upon the development of *Park Area A* for park purposes.
- 7. Notwithstanding Section 8(3) Part I of By-law No. 438-86, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *site* shall not exceed 74,000 square metres, of which,
  - (a) the maximum *residential gross floor area* shall not exceed 74,000 square metres,
  - (b) the maximum *non-residential gross floor area* shall not exceed 1,500 square metres, and
  - (c) the *non-residential gross floor area* shall be located only within *Parcel C*.
- 8. No person shall erect or use any building within *Parcel A* or *Parcel B* unless the first storey of the building, being the finished ground level storey, has a minimum floor to ceiling height of 6.0 metres.
- 9. Notwithstanding Section 8(3) Part II of By-law No. 438-86, no part of any building or structure erected within the *site* shall be located above finished ground level other than within a *Building Envelope*, except for the following,
  - (a) cornices, lighting fixtures, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, guardrails, balustrades, railings, wind mitigation screens and features, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, and landscape features, and
  - (b) balconies, which may extend within the *site* to a maximum horizontal projection from an exterior building wall of 1.5 metre beyond the heavy lines as shown on Map 4.
- 10. Notwithstanding Section 4(2)(a) of By-law No. 438-86,
  - (a) a building or structure erected within the *site* shall, in respect of each corresponding area as identified and shown on Map 4 within each *Building Envelope*, have a maximum *height* in metres above *grade* as shown following the symbol “H” on Map 4,
  - (b) the maximum *height* in metres above *grade* for a building within the *Parcel C Building Envelope* may be increased to 15.0 metres, provided the building is erected and used exclusively as a *non-residential* building, and
  - (c) no building or structure shall be erected above finished ground level within the *site* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Subsections 9(a) and 9(b) hereof.

11. The preceding Section hereof,
- (a) does not apply to prevent the erection or use above the said *height* limits of,
    - (i) the projections identified in Section 9 of this By-law, subject to the limitations contained therein,
    - (ii) parapets and ornamental elements on the roof of a building within *Parcel C, Parcel D1, Parcel D2* and *Parcel E*, provided the maximum vertical dimension of any such parapet does not exceed 1.5 metres above the applicable *height* limit
    - (iii) privacy screens on the roof of a building within *Parcel C, Parcel D1, Parcel D2* and *Parcel E*, provided the maximum vertical dimension of any such screen does not exceed 2.2 metres above the applicable *height* limit, or
    - (iv) window washing equipment on the roof of any building within the *site*, provided the maximum vertical dimension of any such equipment does not extend 1.6 metres above the applicable *height* limit, and
  - (b) for clarity, does not permit the erection or use above the said *height* limits of the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86, other than such elements as are set out in subsection 11(a) hereof.
12. The maximum *floor plate area* of each storey within any building erected or used within *Parcel A* or within *Parcel B* shall be 770 square metres.
13. Notwithstanding Section 4(5)(b) of By-law No. 438-86, the number of *parking spaces* provided and maintained on the *site* shall not be less than the number calculated in accordance with the following minimum ratios, (fractions to be rounded down to the closest whole number), and shall be located in the underground *parking garage*,
- |                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| <i>bachelor dwelling unit</i>      | - | 0.30 spaces per <i>dwelling unit</i> |
| one bedroom <i>dwelling unit</i>   | - | 0.50 spaces per <i>dwelling unit</i> |
| two bedroom <i>dwelling unit</i>   | - | 0.75 spaces per <i>dwelling unit</i> |
| three bedroom <i>dwelling unit</i> | - | 1.2 spaces per <i>dwelling unit</i>  |
| visitor parking                    | - | 0.06 spaces per <i>dwelling unit</i> |
- and, for clarity, no *parking spaces* shall be required for any non-residential uses located within *Parcel C*.
14. Notwithstanding the preceding Section, the total number of *parking spaces* required to satisfy parking requirements for residents, but not for visitors, of a building, may be reduced by 10 *parking spaces* for each *car-share parking space*, up to a maximum of three *car-share parking spaces*, provided and maintained in an underground *parking garage* within the *site*.

- 15.** Notwithstanding Section 4(12) of By-law No. 438-86,
- (a) no person shall use more than one building, containing 20 or more *dwelling units*, within the *Parcel A* and *Parcel B* unless *residential amenity space* is provided and maintained as follows a minimum of 320 square metres of outdoor *residential amenity space* shall be provided and maintained on the *site*, and
  - (b) no person shall erect or use a building, containing 20 or more *dwelling units*, within the *Parcel A* and *Parcel B* unless *residential amenity space* is provided and maintained as follows a minimum of 540 square metres of indoor *residential amenity space* shall be provided and maintained within each such building in multipurpose room(s) with at least one room containing a kitchen and a washroom on each such *Parcel*.
- 16.** Notwithstanding Section 4(13) of By-law No. 438-86, no person shall erect or use a building within the *site* unless,
- (a) a minimum of 400 *bicycle parking space – occupant* are provided and maintained on the *site*, of which a minimum of 200 such spaces shall be provided and maintained only on the first and second levels immediately below *grade* in the *parking garage*, and
  - (b) a minimum of 40 *bicycle parking space – visitor* are provided and maintained only at grade or on the ground floor of the *site*.
- 17.** Notwithstanding any provision of this By-law or of By-law No. 438-86,
- (a) no person shall erect or use any building or structure within *Parcel D1* or *Parcel E*, unless at least 10 three bedroom *dwelling units* are provided within these *Parcels*,
  - (b) no person shall erect or use any building or structure within *Parcel D2* unless at least 3 three bedroom *dwelling units* are provided therein, and
  - (c) no person shall erect or use any building or structure within either *Parcel A* or within *Parcel B*, unless at least 10 percent of all *dwelling units* provided on the *site*, (calculated to include the *dwelling units* either constructed or required on *Parcel C*, *Parcel D1*, *Parcel D2* or *Parcel E*) are two bedroom plus den and/or three bedroom *dwelling units*.
- 18.** Neither the definition of *lot* nor Sections 4(11), 4(16) and 8(3) Part II 1(a)(ii) of By-law No. 438-86, shall apply to prevent the erection and use of any building or structure within the *site* that is otherwise permitted by this By-law.

19. For the purpose of this By-law, the following expressions shall have the following meaning,
- a. “*car-share motor vehicle*” means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*,
  - b. “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*,
  - c. “*Building Envelope*” means a Building Envelope as outlined by heavy lines on Map 4 attached hereto,
  - d. “By-law No. 438-86” means By-law No. 438-86, as amended, of the former City of Toronto 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”,
  - e. “*City*” means the City of Toronto,
  - f. “*floor plate area*” means the aggregate of the floor area of a storey measured between the exterior faces of the exterior walls of the building or structure at such storey, exclusive of balconies and projections,
  - g. “*grade*” shall mean an elevation of 113.00 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment),
  - h. “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure,
  - i. “*owner*” means the owner of the fee simple of the *site* or any part thereof,
  - j. “*Parcel A*”, “*Parcel B*”, “*Parcel C*”, “*Parcel D1*”, “*Parcel D2*” and “*Parcel E*” each means those lands respectively identified as Parcel “A”, Parcel “B”, Parcel “C”, Parcel “D1”, Parcel “D2” and Parcel “E” as shown on Map 3A attached hereto and “*Parcel F*” means both of Parcel F Park Area “A” and Parcel F Park Area “B” as shown on Map 3A attached hereto,
  - k. “*Park Area A*” and “*Park Area B*” each means those lands respectively identified as Parcel F Park Area “A” and Parcel F Park Area “B” as shown on Map 3A attached hereto,
  - l. “*sales office*” means an office located on the *site* in a temporary building, structure, facility or trailer satisfactory to the *City*’s Chief Planner used exclusively for the sale of *dwelling units* to be erected within the *site*,

- m. “*site*” means those lands outlined by heavy lines on Map 3 attached hereto, and
- n. 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.

ENACTED AND PASSED this 25th day of September, A.D. 2008.

SANDRA BUSSIN,  
Speaker

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* to the *City* in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

1. the *owner* shall remediate and convey to the *City* the lands on *Parcel F* for a *public park*, all at no cost to the *City* other than such parkland acquisition payment as may be approved by the *City*,
2. the *owner* shall construct a park on the *Parcel F* lands to be conveyed to the *City*,
  - (i) at no cost to the *City* to base park standards, and
  - (ii) to such finished standards as are required by the *City*, subject to a credit against the Parks and Recreation component of development charges in the amount that is the lesser of the cost to the *owner* of installing the above base park improvements and the Parks and Recreation component of the Development Charge's otherwise payable,
3. the *owner* shall provide and maintain a publicly accessible,
  - (a) open space between the development and the proposed public park in the location shown by the diagonal hatch on Map 4, and
  - (b) public walkway leading from Bay Street in the location shown by the diagonal hatch on Map 4 provided that the width of the walkway shall be at least 5 metres and the height of the right of way over the walkway shall be at least 3.5 metres,
4. the *owner* shall undertake a building assessment of St. Basil's Church and Cloverhill Wing and prepare a construction monitoring program (to run the full period of construction), and carry appropriate insurance to protect these buildings during construction activities associated with the development, all which shall be submitted for review and acceptance by the *City's* Manager of Heritage Preservations Services, prior to the issuance of any permit in connection with the development,
5. the *owner* shall pay for any improvements / upgrades to the municipal infrastructure should it be determined that improvements / upgrades are required to support the development, according to the submitted site servicing assessment as reviewed and accepted by the *City's* Executive Director of Technical Services, prior to the issuance of any permit in connection with the development,
6. the *owner* shall pay for the costs associated with the installation of a new traffic signal at St. Mary and Bay Street intersection to the satisfaction of the *City's* General Manager of Transportation Services,



7. the *owner* shall provide and maintain design and materials for the exterior of the development including the base design of the 45 and 55 storey towers facing St. Michael's playing field and the proposed public park, respectively, and stone-cladding on the three-storey buildings, and submit 1:50 scale drawings of the building design components and materials for review and acceptance by the *City's* Chief Planner and Executive Director of City Planning,
8. the *owner* shall provide a wind assessment from a qualified wind consultant on the specific wind mitigation measures identified through the Site Plan Approval process, and agree to incorporate any measures into the building and landscape design to the satisfaction of the *City's* Chief Planner and Executive Director of City Planning,
9. the *owner* shall provide a continuous tree trench and an irrigation system for all street trees in the public rights-of-way adjacent to the development, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the *City's* General Manager of Parks, Forestry and Recreation and the Executive Director, Technical Services, provided such obligation is conditional on the provision and maintenance of any easement or license necessary therefore at no cost to the *owner*,
10. the *owner* shall uses reasonable commercial efforts to obtain LEED certification of the development and provides to the city documentation respecting certification for the development,
11. the *owner* shall provide tree plantings on either side of the ceremonial driveway leading from St. Joseph Street to St. Basil's Church in consultation with St. Michael's College and St. Basil's Church and to the satisfaction of the *City's* Chief Planner and Executive Director of City Planning,
12. the *owner* shall secure in a manner satisfactory to the City Solicitor an open space requirement for a distance of 20 metres to the west of the western property line of the *site* adjacent to *Parcel A*,
13. the *owner* shall provide a minimum 320 square metres of outdoor *residential amenity space* no later than the earlier of: (1) the occupancy of the second building to be constructed on *Parcel A* and *Parcel B* collectively, and (2) 7 years from the date of the Zoning for the *site* becoming final and binding, and
14. the *owner* shall 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, in a form satisfactory to the City Solicitor with conditions providing for indexed escalation of financial contributions, no credit for development charges unless otherwise specified, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

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.









