

Authority: Toronto and East York Community Council Item 19.8,
as adopted by City of Toronto Council on October 29 and 30, 2008
Enacted by Council: October 30, 2008

CITY OF TORONTO

BY-LAW No. 1167-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street, Roy's Square, 709 Yonge Street and 711 Yonge 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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands 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 in 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 lands and the City of Toronto (hereinafter referred to the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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 in 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 *lot* 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 *lot* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the *lot* 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. None of the provisions of Section 2 with respect to *lot*, *grade*, *height*, *parking space*, and *bicycle parking space* and Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4 (13)(a), 4(17), 8(2)7, 8(3), and 12(2) 260 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 land and the erection and use of a mixed-use building on the lands delineated by heavy lines on the attached Map 1 and the lands beneath Part 2 on Reference Plan 66R-20477 (being the lands beneath the 1.5 metre widening on Hayden Street), provided:
 - (a) the *lot* consists of at least the lands delineated by heavy lines on the attached Map 1 and the lands beneath Part 2 on Reference Plan 66R-20477 (being the lands beneath the 1.5 metre widening on Hayden Street);
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 81,000 square metres, of which:
 - (i) the *residential gross floor area* does not exceed 55,910 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 27,939 square metres;
 - (c) not less than 2,000 square metres of *residential amenity space* shall be provided on the lot;
 - (d) the *heights* of any building or structures erected on the *lot* shall not exceed the *heights* in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
 - (i) parapets extending to a maximum vertical projection of 1.5 metres above the *height* limits shown on Map 2;
 - (ii) aircraft warning lights; and
 - (iii) window washing equipment.
 - (e) No portion of any building or structure erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, subject to the following,
 - (i) balconies are permitted to project a maximum of 2.5 metres beyond the heavy lines shown on Map 2;

- (ii) canopies, awnings and building cornices are permitted outside the heavy lines shown on Map 2; and
 - (iii) lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (f) At least 60% of the aggregate length of the portion of the combined frontage of the lot abutting Yonge Street and Bloor Street provide *street-related retail and service uses*;
- (g) Not less than 541 below *grade parking spaces* are provided on the lot which 370 shall be exclusively for use by residents of the building erected on the *lot* and 134 *parking spaces* shall be designated for non-residents of the building erected on the *lot*; and where the 541 below *grade parking spaces* includes 90 undersized parking spaces;
- (h) the following shall be provided and maintained on the *lot*:
- (i) one *loading space-type C*;
 - (ii) one *loading space-type G*; and
 - (iii) two *loading spaces-type B*;
- (i) a minimum of 434 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
- (i) for residents, not less than 404 *bicycle parking spaces - occupant*, of which at least 357 shall be in a secure room or area and not to be combined with a storage locker facility;
 - (ii) for visitors, not less than 30 *bicycle parking spaces - visitor* of which at least 10 shall be provided at *grade*, and the remainder shall be provided at the P1 level.
4. For the purposes of this By-law:
- (a) “*grade*” means 115.90 metres Canadian Geodetic Datum CGD); and
 - (b) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2.
5. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in the By-law.

6. By-law No. 762-2003, a by-law applicable to the portion of the lot municipally known as 1 Bloor Street East, 23 Bloor Street East, 14 Hayden Street and Roy's Square, is hereby repealed.

ENACTED AND PASSED this 30th day of October, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

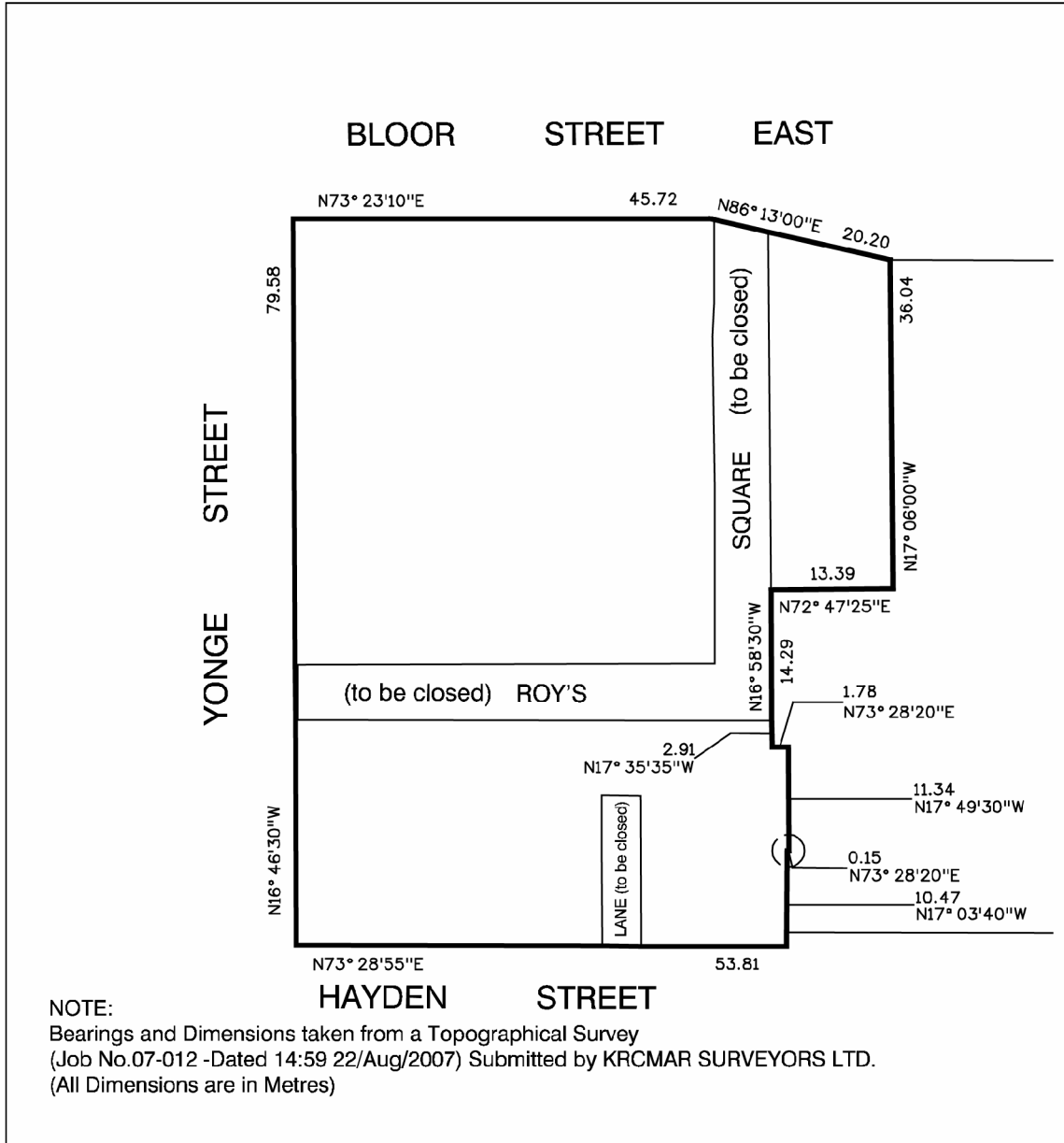
APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) 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. The owner will construct improvements to Bloor Street in the vicinity of the *lot* to a value of not less than \$2,000,000, or pay to the City prior to the issuance of the first above grade building permit for the lot, the sum of \$2,000,000 for the purpose of improvements to Bloor Street in the vicinity of the lot or for such other local improvements as the City may agree to and are beyond the streetscape requirements of the lot and not to limit the foregoing, the whole or any part of that sum may be used by the City for an underground connection independent of the subway, between the southeast and northeast corners of Bloor and Yonge Streets;
- b. The owner will pay to the City, prior to the issuance of the first above grade building permit for the lot, the sum of \$800,000 for the purpose of local streetscape improvements in the vicinity of the lot to the satisfaction of the City;
- c. The owner will provide not less than 40 square metres of publicly accessible open space for pedestrian movement in addition to the public sidewalk at the ground level to be located at the intersection of Yonge Street and Bloor Street East, the location and design to be to the City's satisfaction;
- d. The owner will provide an easement, if so requested by the General Manager of Transportation Services at the time of site plan approval of this development, that would provide for pedestrian access to the property at the southeast corner of Yonge Street and Bloor Street East;
- e. The owner will design, construct and convey to the City, to the satisfaction of the Director of Technical Services, a 1.5 metre widening on the north side of Hayden Street as detailed on the site plan drawings submitted with this application. The estimated value of the widening (to be verified by Development Engineering) is \$80,000 to \$100,000. A letter of credit will be required for that amount;
- f. The Hayden Street widening is to be completed within 6 months (allowing for poor winter weather) of the completion of the building on site;
- g. The owner has agreed to pay Toronto Transit Commission the minimum sum of \$178,000 to an upset of \$300,000 in lieu of constructing a below grade TTC / PATH from Yonge Street to Hayden Street via 33 Bloor Street East if the below-grade connection from Yonge Street to 33 Bloor Street East lower concourse is not constructed;

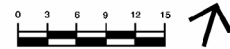
- h. The cash amount identified above shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from, with respect to the \$2,000,000 payment, February 1, 2005 and with respect to the \$800,000, from the date of execution of the Section 37 Agreement, to the date of submission of both payments by the owner to the City;
- i. provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first above-grade building permit;
- j. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
 - 1. provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
 - 2. the owner be required to provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
 - 3. incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
 - 4. build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on September 17, 2008, to the satisfaction of the Chief Planner and Executive Director;
 - 5. provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
 - 6. provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
 - 7. comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;

8. provide continuous weather protection with a minimum clear depth of three metres and maximum height of five metres on Yonge Street;



1 & 23 Bloor St East, 14 Hayden St & 709 & 711 Yonge St

File # 07_277668



Zoning By-law 438-86 as amended
 09/18/08 - DR

