

Authority: Toronto and East York Community Council Item 19.7,
as adopted by City of Toronto Council on October 29 and 30, 2008
Enacted by Council: December 3, 2008

CITY OF TORONTO

BY-LAW No. 1308-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 45 Charles Street East.

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 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 the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; 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 increase in the density and 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 lands and the City of Toronto; 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 all of 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, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3(h) of this By-law.
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 provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this Bylaw, 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 Sections 4(2)(a), 4(5)(b), 4(13)(a), 4(13)(c) and 8(3) PART I 3(a) of Zoning By-law No. 438-86, as amended, 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 lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *residential building* on the lands municipally known as 45 Charles Street East (hereinafter referred to as the *lot*), provided that:
- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto, with the exception of the following:
 - (i) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, guardrails, downspouts, and balustrades, which may project 0.4 metres beyond the heavy lines on Map 2;
 - (ii) bollards, underground garage ramps, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements, landscape and public art features, subject to the height restrictions in Section 3(c); and
 - (iii) a canopy provided for the purposes of wind protection;
 - (c) the *height* of any building or structure or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed the *heights* in metres shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) the maximum height for parapets, terrace and balcony guards and dividers, planters, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.5 metres and the applicable height limit shown on Map 2;
 - (ii) the maximum height for chimney stacks shall be the sum of 3.0 metres and the applicable height limit shown on Map 2;
 - (iii) the maximum height for elevator machinery shall be the sum of 2.0 metres and the applicable height limit shown on Map 2; and
 - (iv) the maximum height for accessory uses and structures located outside of the areas delineated by heavy lines on Map 2 shall be as follows:
 - a. 1.4 metres for bollards, planters, retaining walls, and underground garage ramps;

- b. 2.1 metres for fencing, decks, railings, decorative screens, and free-standing architectural elements; and
 - c. 1.8 metres above established grade for ground floor fences, walls and planters;
- (d) the *residential gross floor area* erected or used shall not exceed 24, 200 square metres;
- (e) *residential amenity space* is provided on the lot as follows:
- (i) a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided in a multi-purpose room or rooms in the building, at least one of which is located at *grade* level, contains a kitchen and a washroom and is not less than 284 square metres in area; and
 - (ii) a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors on the *lot*, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space* required in clause (i) to be located at *grade* level;
- (f) a minimum of 213 *parking spaces* shall be provided and maintained below *grade* on the *lot* for the residents of and visitors to the building in accordance with the following:
- (i) not less than 194 *parking spaces* for residents; and
 - (ii) not less than 19 *parking spaces* for visitors, which spaces shall be signed exclusively for the use of visitors to the building;
- (g) a minimum of 200 *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 160 *bicycle parking spaces - occupant*, of which at least 89 shall be in a secure bicycle room at the P1 or the second level above grade level and not to be combined with a storage locker facility;
 - (ii) for visitors, not less than 40 *bicycle parking spaces - visitor* of which at least 10 shall be provided at *grade*, and the remainder shall be provided at the P1 level; and
- (h) the *owner* of the *lot* has entered into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 1 of this By-law and that such agreement is registered on title to the *lot*.

4. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the *lot*.
5. For the purposes of this By-law:
- (a) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of the first *dwelling units* to be erected on the *lot*;
 - (b) *grade* means 114.6 metres Canadian Geodetic Datum;
 - (c) *height* means the height above *grade* as shown on Map 2; and
 - (d) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law.
6. Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 3rd day of December, A.D. 2008.

SANDRA BUSSIN,
Speaker

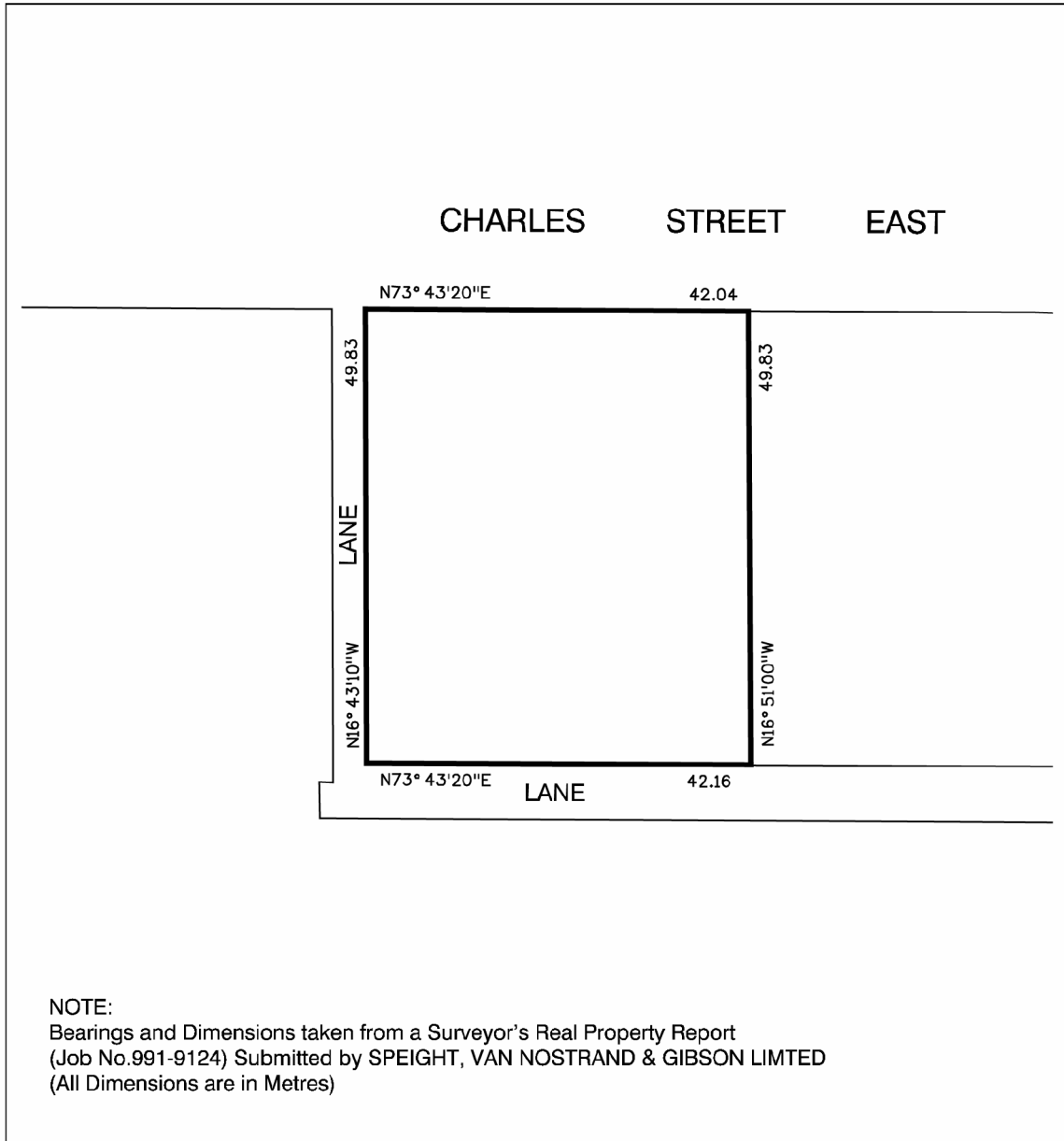
ULLI S. WATKISS
City Clerk

(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* 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:

1. prior to the issuance of the first above grade permit, pay to the City the sum of \$1,500,000 towards the construction of an indoor swimming pool at the Wellesley Community Centre, located at 495 Sherbourne Street, or construction of other community recreation facilities in the vicinity of the *lot*;
2. require that the cash amounts identified in 1. 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 the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
3. provide and maintain an irrigation system at the owner's expense 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 to the satisfaction of the General Manager, Technical Services;
4. 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;
5. convey a 0.95 metre wide strip of land abutting the east limit of the substandard public lane abutting the site on the west;
6. convey a triangular corner splay at the northeast corner of the intersection of the east-west and north-south public lanes;
7. incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director; and
8. build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on July 25, 2008 (originally submitted June 2007), to the satisfaction of the Chief Planner and Executive Director.



NOTE:
Bearings and Dimensions taken from a Surveyor's Real Property Report
(Job No.991-9124) Submitted by SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
(All Dimensions are in Metres)



