

CITY OF TORONTO

BY-LAW No. 355-2003(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto as amended, respecting lands known municipally as 180 Queen Street West.

WHEREAS the Ontario Municipal Board in a Decision issued March 6, 2003, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to certain lands known as 180 Queen Street West; 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 provision of such facilities, services or matters as are set out 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 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;

NOW THEREFORE pursuant to the Order No. 0514 of the Ontario Municipal Board issued on April 25, 2003 in Board File No. PL020658 By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Sections 1 and 3 of By-law No. 1997-0599 and none of the provisions of Section 2 with respect to *height*, *grade* and *parking space*, and Sections 4(2)(a), 4(5)(b), 4(5)(c), 4(5)(d), 4(5)(i)(ii), 4(10)(a), 4(13)(a), 4(13)(c), 8(3) PART I 2, 8(3) PART II 4, 8(3) PART XI 2 and 12(2)259 of Zoning 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 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 *non-residential building* including courthouse uses, and uses *accessory* thereto, including a *parking garage*, on the *lot*, provided:

- (1) the *lot* comprises at least those lands delineated by a heavy line on Map 1 attached hereto;
- (2) the *non-residential gross floor area* of the building does not exceed 25,200 square metres of which at least 300 square metres consists of one or more of the uses listed in Sections 8(1)(f)(b)(I), (ii) and (iv);
- (3) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (4) the *height* of the building shall not exceed 15 *storeys* excluding *storeys* exclusively for mechanical and service uses, above *grade*, nor those *heights*, in metres above *grade*, following the symbol “H”, shown on Map 2, but this paragraph does not prevent the erection or use of:
 - (i) rooftop elements and their enclosures, provided the maximum *height* of such elements and enclosures is no higher than the sum of 3.0 metres and the *height* limits of the building;
 - (ii) cornices and decorative screens, provided the maximum *height* of such cornices and decorative screens is no higher than the sum of 1.5 metres and the *height* limits of the building; and
 - (iii) minor building elements that are affixed to the exterior walls of the building including lighting fixtures, parapets, cornices, awnings, canopies, eaves, window sills, guardrails and balustrades;
- (5) the owner or occupant of the building provides and maintains *parking spaces* for the office and courthouse uses in an underground parking facility on the *lot* at a ratio of not less than 1.0 *parking spaces* for each 300 square metres of *net floor area*, or fraction equal to or greater than one-half thereof, contained therein;
- (6) *bicycle parking spaces* are provided and maintained on the *lot* as defined in By-law No. 1997-0599 for the use of the occupants of the building at least to the extent of one *bicycle parking space* for every 1,250 square metres of *net floor area* or fraction thereof equal to or greater than 0.5;
- (7) one *shower - change facility* for each gender in association with the required *bicycle parking spaces* are provided and maintained on the *lot*;
- (8) at least 38% of the aggregate length of the portion of the *frontage* of the *lot* abutting Queen Street West is provided and maintained as *street related retail and service uses*;

- (9) the height and density of development herein before set out is permitted subject to compliance with the conditions of this By-law and the provision by the owner of the *lot* of the following facilities, services and matters to the City of Toronto:
 - (i) a payment of \$800,000.00 on terms set out in the Section 37 Agreement, of which:
 - A. \$150,000.00 is for the explicit purpose of a Heritage Study for Queen Street West, from University Avenue to Bathurst Street;
 - B. \$650,000.00 is for the sole purpose of providing artists' housing in the Queen Street West area in a proportion which has been determined by the Commissioner of Urban Development Services to be \$490,000.00 to Artscape and \$160,000.00 to Beaver Hall;
 - C. in respect of such payment to the City, the Owner shall pay \$400,000.00 prior to the issuance of the first above grade building permit and \$400,000.00 upon the determination of the Commissioner of Urban Development Services that the building is substantially completed.
 - (i) provide for a public art contribution in the amount of 1% of the gross construction costs; and
 - (ii) in the event that the building proposed at 180b Simcoe Street and described as part of Phase Two of the Phasing Plans contained in the Section 37 Agreement associated with By-law No. 1997-0599 is not substantially completed within 5 years of an above grade building permit being issued for the non-residential building permitted by this By-law, the owner will not object to the City reopening that part of Simcoe Street north of Pullan Place, shown as Part 1 on Phase One of the Phasing Plans;
- (10) the owner of the lot 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 required to be provided by subsection (9).

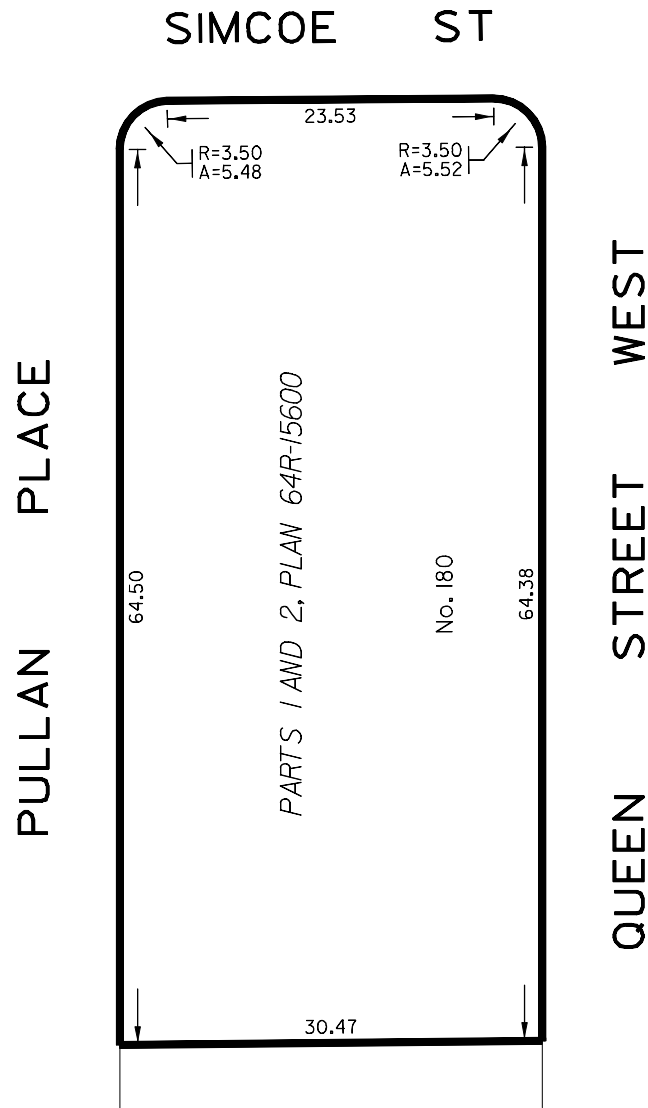
2. For the purposes of this By-law:

- (1) “*grade*” means 89.9 metres Canadian Geodetic Datum;
- (2) “*height*” means the vertical distance measured between *grade* and the highest point of the roof except for those elements prescribed in section 1(4);

- (3) “*parking space*” means an unobstructed area, at least 5.9 metres in length and at least 2.6 metres in width that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle except that no more than 14 *parking spaces* may be provided and maintained on the *lot* with dimensions of at least 5.18 metres in length and at least 2.6 metres in width; and
- (4) each word or expression appearing in italics shall have the same meaning as each word and expression have for the purpose of the aforesaid By-law No. 438-86, as amended, except as hereinbefore provided.

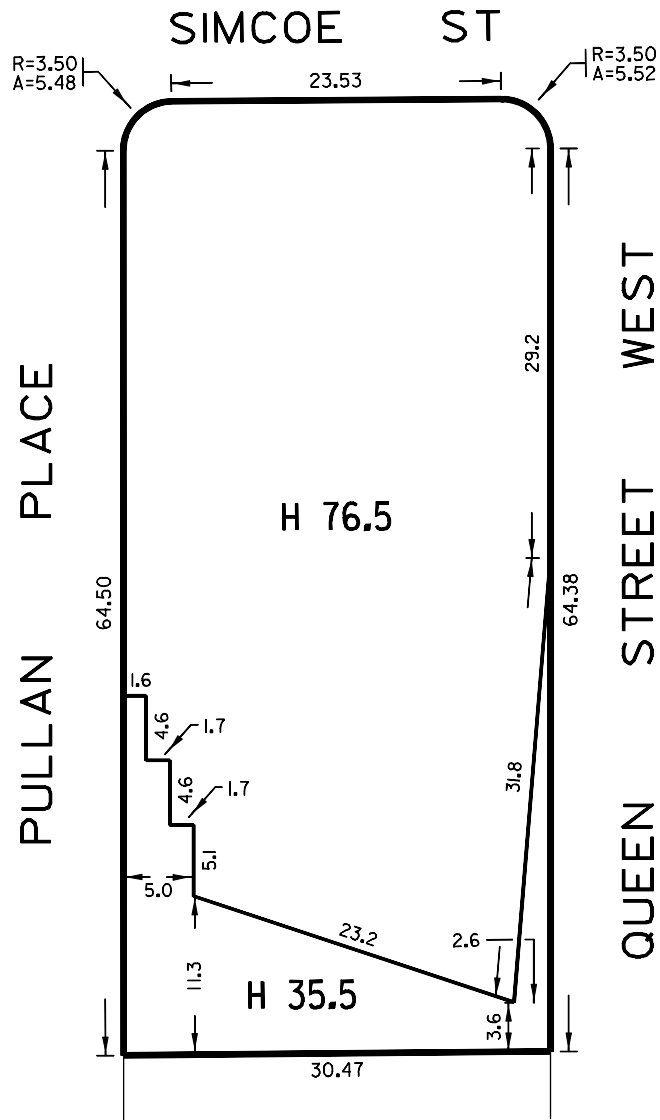
PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON APRIL 25, 2003 IN BOARD FILE NO. PL020658.

MAP 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO APRIL, 2003
BLO3/180QUEW1.DGN
FILE: S69-Z4
MAP No. 50H-312 DRAWN: D.R

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO
 BLO3/180QUEW2.DGN
 FILE: S69-Z4
 MAP No. 50H-312
 APRIL, 2003
 DRAWN: D.R.