

Authority: Toronto East York Community Council Report No. 5, Clause No. 1,  
adopted as amended, by City of Toronto Council on May 21, 22 and 23, 2003  
Enacted by Council: May 23, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 452-2003**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect of lands known as Nos. 157A, 163, 167 and 177 Church 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, respecting the lands municipally known in the year 2002 as 157A, 163, 167 and 177 Church 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 held May 21, 22 and 23, 2003 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed 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 land 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 land 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 land as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2 *Definitions - parking space*, 4(2)(a), 4(8)(b), 4(12), 4(13)(a), 4(13)(c), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART II 1(a)(i), 8(3) PART III 1(a) and 12(2)260(iii) shall apply to prevent the erection and use of a *mixed-use building* on the lands shown on Map 1 attached to and forming part of this By-law, provided that:
  - (i) the *lot* comprises not less than the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
  - (ii) no above *grade* portion of the building is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2, attached to and forming part of this By-law;
  - (iii) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as shown on Map 2 attached to and forming part of this By-law, excluding any heating, cooling, ventilating equipment or such other facilities provided in accordance with the provisions of Sections 4(2)(a)(I) and 4(2)(a)(ii) of By-law No. 438-86, as amended;
  - (iv) the *non-residential gross floor area*, *residential gross floor area* or combination thereof erected or used on the *lot*, shall not exceed the amounts listed below;

<i>Total Gross Floor Area (m<sup>2</sup>)</i>	<i>Residential Gross Floor Area (m<sup>2</sup>)</i>	<i>Non-Residential Gross Floor Area (m<sup>2</sup>)</i>
28,000	26,900	1,160

- (v) at least 1 square metre of indoor *residential amenity space* for each *dwelling unit* shall be provided and shall include washroom and kitchen facilities;
  - (vi) not more than 84 of the total number of *parking spaces* required on the *lot* has a length of 5.1 metres, more or less;
  - (vii) not less than 120 *bicycle parking spaces* are provided and maintained on the *lot* of which 20 are *bicycle parking spaces - visitor* and 100 are *bicycle parking spaces - occupant*;
  - (viii) there is a minimum separation distance of 6.0 metres between windows of each *dwelling unit* (other than a window of a kitchen or bathroom) in a building located wholly within the areas delineated by heavy lines as shown on Map 1, attached to and forming part of this By-law; and
  - (ix) at least one *loading space - type G* is provided and maintained on the *lot*.
2. None of the provisions of Section 8(3) PART XI 2(iii) of By-law No. 438-86, as amended, shall apply to prevent exterior entrance doors for access to commercial uses within the building along that portion of the *lot* adjacent to Church Street.

3. None of the provisions of Section 12(2)260(ii) of By-law No. 438-86, as amended, shall apply to prevent those portions of the building having a *height* of 78.2 metres or those portions immediately adjacent thereto having a *height* of 18 metres as shown on Map 2 hereof.
4. Notwithstanding Sections 1, 2 and 3 hereof, the density and height of development permitted by those Sections is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the following facilities, services and matters to the City of Toronto, namely:
  - (i) retain, restore, conserve, reconstruct and maintain the buildings located at Nos. 157A, 163 and 167 Church Street to the extent contemplated by and in accordance with an approved conservation plan detailing any work related to heritage defining features and including the maintenance of the exterior facades, all of which is secured and further defined through one or more agreements with the City pursuant to Section 37 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, registered against title to the lands prior to issuance of any demolition or building permits;
  - (ii) deposit with the City, a letter of credit satisfactory to the Commissioner of Economic Development, Culture and Tourism, with respect to the retention, preservation and conservation of the heritage buildings at Nos. 157A, 163 and 167 Church Street;
  - (iii) provide photographs of the historic buildings located at Nos. 157A, 163 and 167 Church Street, suitable for inclusion in any agreement pursuant to the *Ontario Heritage Act*; and
  - (iv) enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters referred to in this By-law, and register such agreement or agreements against the title to the lands.
5. For the purposes of this By-law:
  - (i) *parking space* shall be defined:
    - (a) for the *parking spaces* referred to in Section 1 (vi) above, as having the same meaning as *parking spaces* in By-law No. 438-86, as amended, except for the length of the spaces shall be not less than 5.1 metres;
    - (b) for all other *parking spaces* located on the *lot*, as having the same meaning as *parking spaces* in By-law No. 438-86, as amended; and

- (ii) each other word or expression that is italicized herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

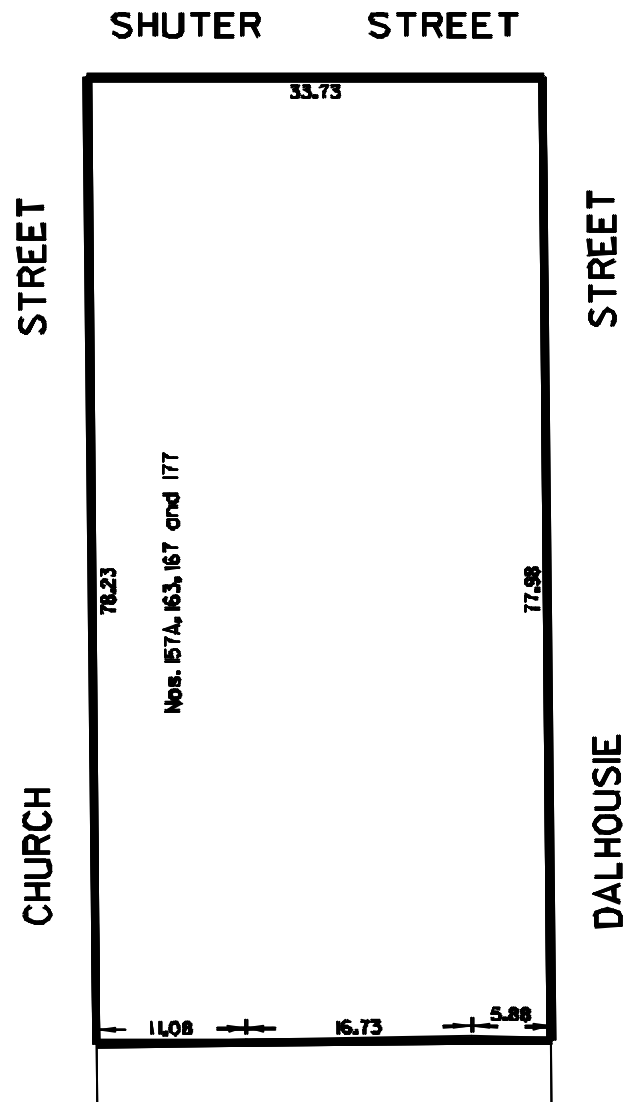
ENACTED AND PASSED this 23rd day of May, A.D. 2003.

MEL LASTMAN,  
Mayor

ULLI S. WATKISS  
City Clerk

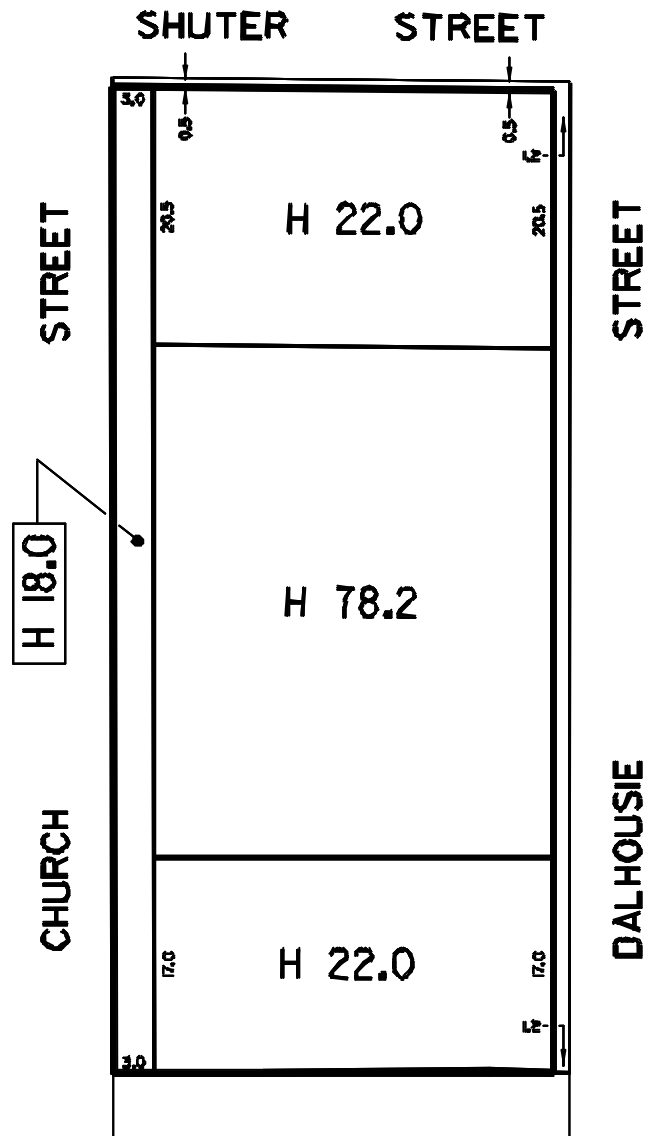
(Corporate Seal)

## MAP 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO MAY, 2003  
B103/177CHU1.DGN  
FILE# C12-211  
MAP No. 31H-311 DRAWN: D.R.

## MAP 2



H<sub>2</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

5 0 5 METRES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO MAY. 2003  
BLOS/177CHU2.DGN  
FILE# C12-Z11  
MAP No. 51H-311 DRAWN: D.R.