

Authority: Toronto East York Community Council Report No. 6, Clause No. 12,  
adopted as amended, by City of Toronto Council on June 24, 25 and 26, 2003  
Enacted by Council: July 24, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 762-2003**

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

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted 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 the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands known at the date of enactment of this By-law as 1 Bloor Street East, 23 Bloor Street East and 14 Hayden Street (the "Lands") have elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owners of the Lands and the City of Toronto; 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*;

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

1. None of the provisions of Sections 4(2), 4(5), 4(8), 4(12), 4(13), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 12(2) 259, 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 an 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 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* does not exceed 62,000 square metres, of which
  - (i) the *residential gross floor area* does not exceed 45,000 square metres; and
  - (ii) the *non-residential gross floor area* does not exceed 22,000 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 permitted in subsection 4(2) of By-law No. 438-86, as amended except for,
  - (i) parapets extending to a maximum vertical projection of 0.5 metres above the height limits shown on Map 2; and
  - (ii) decorative elements extending to a maximum vertical projection of 18.0 metres above the height limits shown on Map 2;
- (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 and awnings 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, wheel chair 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 471 below grade *parking spaces* are provided on the *lot* of which 300 shall be exclusively for use by residents of the building erected on the *lot* and 32 *parking spaces* shall be designated for residential visitor use;

- (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) the owner of the *lot* at its own expense and in accordance with and subject to the agreement referred to in Section 1(j) herein, to the satisfaction of the City,
  - (i) constructs improvements to Bloor Street in the vicinity of the *lot* to a value of not less than \$2,000,000.00, or pays to the City the sum of \$2,000,000.00 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 northwest corners of Bloor and Yonge Streets;
  - (ii) provides not less than 20.5 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, the location and design to be to the City's satisfaction;
  - (iii) provides an easement, if so requested by the Commissioner of Works and Emergency Services and/or the Commissioner of Urban Development Services at the time of site plan approval of this development, that would provide for vehicular access to the property at the northeast corner of Hayden Street and Yonge Street; and
  - (iv) conveys to the City for nominal consideration a 1.5 metre road widening adjacent to Hayden Street;
- (j) the owner of the *lot* enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services or matters required in paragraphs (i), (ii), (iii) and (iv) of Section 1(i) above and agrees to the registration of such agreement against the *lot* as a first charge prior to this Zoning By-law Amendment coming into full force and effect.

**2. For the purposes of this By-law:**

- (a) "grade" means 115.90 m. Canadian Geodetic Datum; and
- (b) "height" means the vertical distance between grade and the highest point of the roof, building or structure shown on Map 2.

3. 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 this By-law.

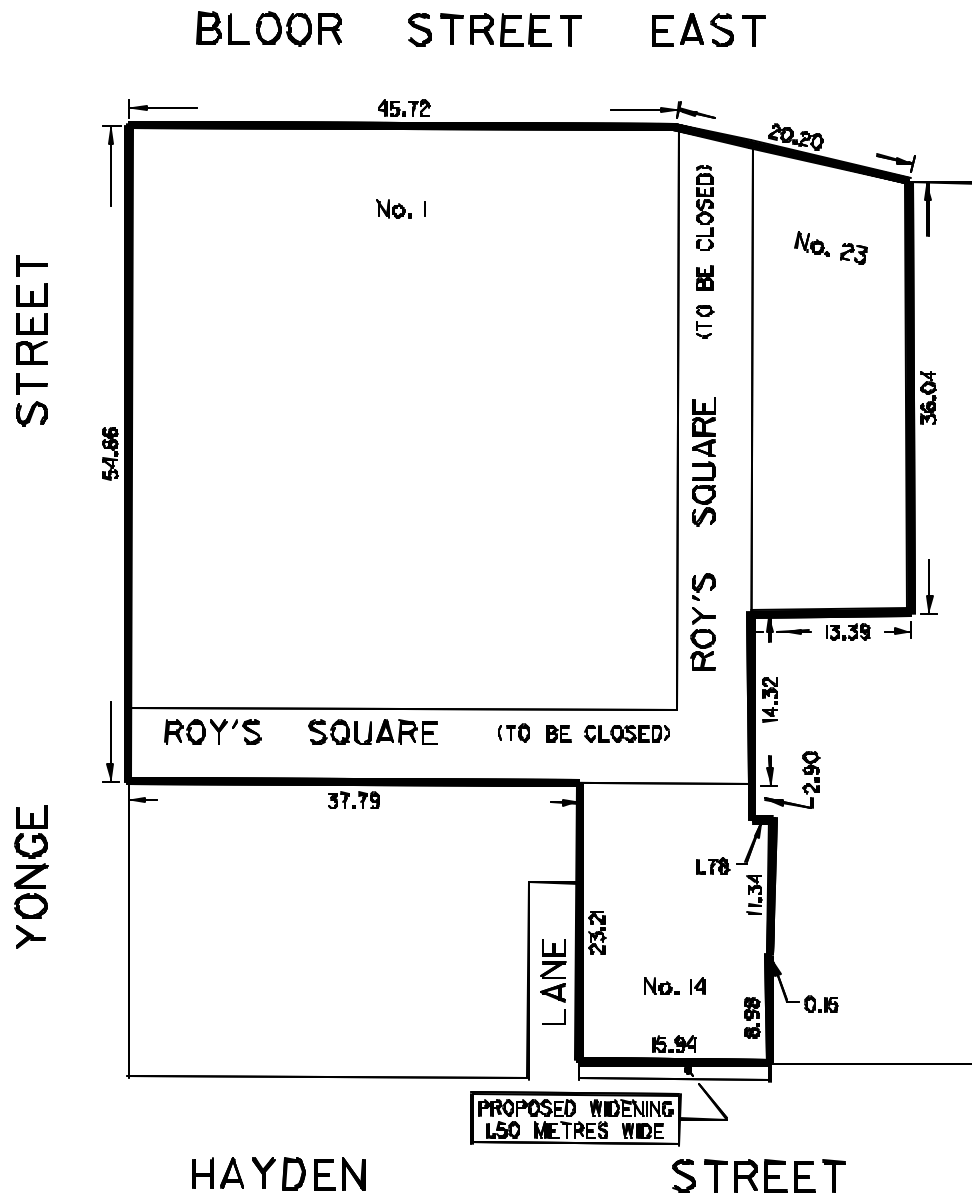
ENACTED AND PASSED this 24th day of July, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## MAP 1

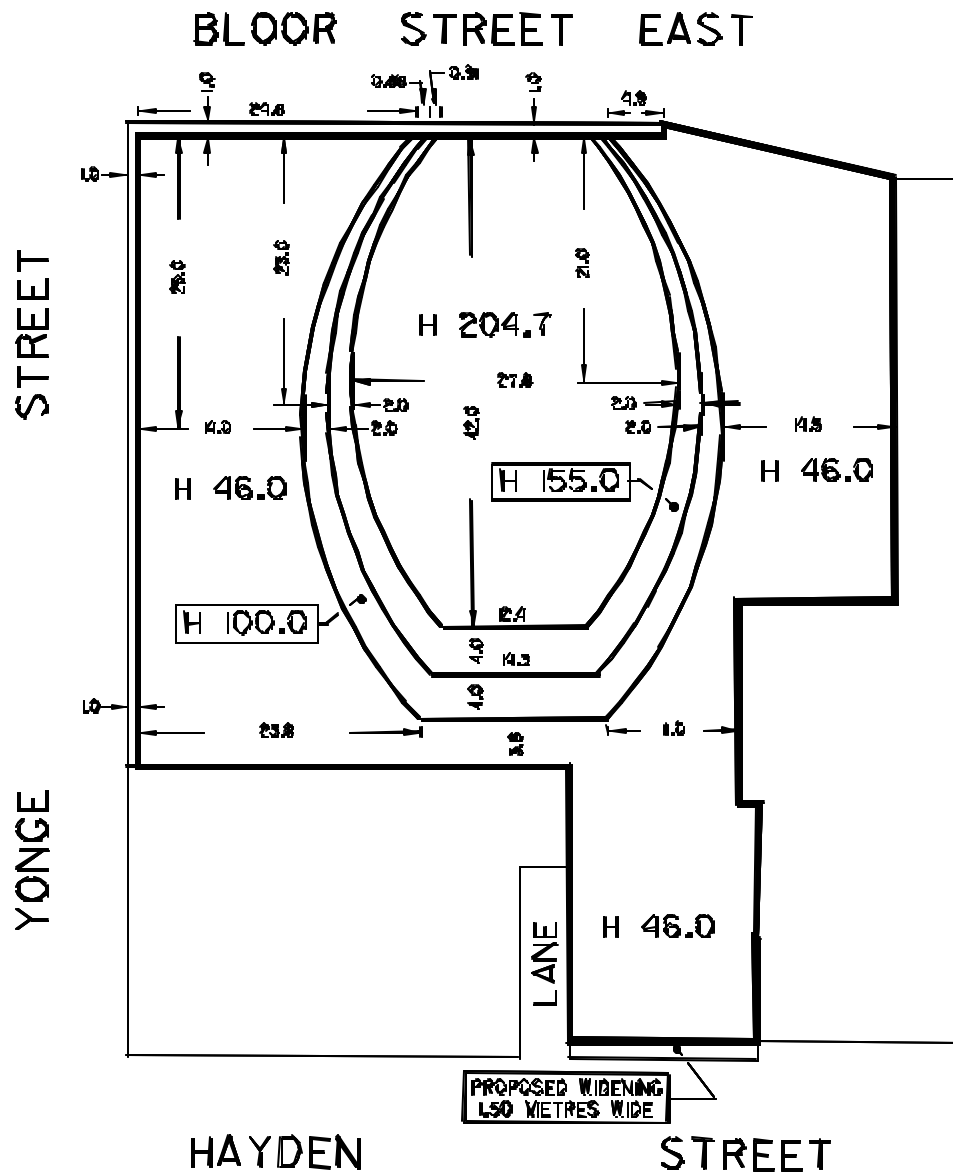


10 0 10 METRES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO JULY, 2003  
BLO3/23BL01.DGN  
FILE: 821-215  
MAP No. 51H-321 DRAWN: WS

## MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

10 0 10 METRES



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SURVEY AND MAPPING SERVICES  
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BLO3/238102.DGN  
FILE# 021-215  
MAP No. 51H-321 DRAWN: W.S.