

Authority: Toronto East York Community Council Report No. 8, Clause No. 13,
as adopted by City of Toronto Council on September 22, 23, 24 and 25, 2003
Enacted by Council: September 24, 2003

CITY OF TORONTO

BY-LAW No. 870-2003

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, and By-laws Nos. 1995-0466, as amended, and 1996-0245, as amended, with respect to the Fort York Neighbourhood (formerly known as the Bathurst/Strachan Area).

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

1. 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” is further amended by:
 - (1) deleting the definition of the “*Bathurst/Strachan Area*” in Section 2 (1) and inserting the following after the definition of “*Forest Hill*”:

“*Fort York Neighbourhood* means that part of the City of Toronto shown outlined by heavy lines on the following map;”
 - (2) replacing all references to the “*Bathurst/Strachan Area*”, including those references found in Section 12 (2) 293, with “*Fort York Neighbourhood*”; and
 - (3) deleting Section 12 (1) 379.
2. By-law No. 1995-0466, as amended, being “A By-law to amend the General Zoning By-law No. 438-86, as amended, with respect to the lands generally bounded by Strachan Avenue, Lake Shore Boulevard West, the Frederick G. Gardiner Expressway and Canadian National Railways, also known as the *Bathurst/Strachan Area*”, is further amended by:
 - (1) deleting the “*Bathurst/Strachan Area*” Map and Maps 1, 2 and 3, and replacing them with the maps in Appendix A attached hereto;
 - (2) deleting Section 6; and
 - (3) replacing all references to the “*Bathurst/Strachan Area*” with “*Fort York Neighbourhood*” in the title and in the text.
3. By-law No. 1996-0245, as amended, being “A By-law to amend By-law No. 438-86, the General Zoning By-law, as amended, and By-law No. 1995-0466, with respect to the portions of 640 Fleet Street (known as the Molson Lands), being blocks 3A and 5 and the proposed parks and streets”, is further amended by:
 - (1) deleting Plans 1 through 5 and replacing them with the maps in Appendix B attached hereto;

- (2) deleting Section 1;
- (3) adding “, R4(h)” after “R4” in Section 2;
- (4) adding the words “, *block 3B*” after “*block 3A*” wherever the latter shall occur in the title and in Sections 2, 4, 5 and 6, except in Section 5 (2);
- (5) deleting Section 5(2) and replacing it with the following:

“(2) No person shall, within *block 3A*, *block 3B* and *block 5*, erect or use a building or structure or portion thereof, where:

- (i) the combined *residential gross floor area* of all buildings or structures within *block 3A* exceeds 12,692 square metres, within *block 3B* exceeds 50,281 square metres and within *block 5* exceeds 32,031 square metres; and
- (ii) the combined *non-residential gross floor area* of all buildings or structures within *block 3B* exceeds 2,987 square metres and within *block 5* exceeds 2,821 square metres;

provided that:

- (iii) in no case shall the combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures within *block 3A* exceed 12,692 square metres, within *block 3B* exceed 50,281 square metres and within *block 5* exceed 32,031 square metres; and
- (iv) the *non-residential gross floor area* permitted in subparagraph (ii) shall only be permitted:
 - A. in a building containing *residential gross floor area*; and
 - B. for any of the non-residential uses permitted in section 5(1) herein.”;

- (6) deleting Sections 5 (14) and 5 (15) and replacing them with the following:

“(14) None of the provisions of this by-law or any restrictive by-law shall apply to prevent the use of the building or structures within the area labelled *Molson Building* on Plan 5 attached to and forming part of this by-law and existing on January 1, 1995, for temporary sales showrooms for the purpose of selling residential dwellings on *block 3A*, *block 3B* and *block 5*.

- (15) Notwithstanding section 5 (13) herein, parking shall be permitted above *grade*, provided the *parking spaces* are associated with a use which is located within the building or a portion of the building within the area shown as *Molson Building* on Plan 5 and existing on January 1, 1995 and:
- (i) the *parking spaces* are located in a *parking station* or a *parking area*; and
 - (ii) the number of *parking spaces* provided for such use shall not exceed the minimum number of *parking spaces* prescribed in Schedule 1 of Section 4(5) of By-law 438-86, as amended.”
- (7) deleting Sections 6 (1) through 6 (9) and replacing them with the following:
- “(1) agrees to enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by Section 6 of this By-law herein and consents to the registration on title of such agreement against *block 3A*, *block 3B* and *block 5*, said agreement to include provisions relating to the indexing of funds to be received pursuant to this section by way of an adjustment either upwards or downwards, annually, since May 21, 1996, in accordance with the change in the latest available Construction Price Index provided by the City’s Chief Financial Officer and Treasurer during such one-year period, with the proviso that the amounts payable shall not be less than the dollar amounts set out in this by-law;
 - (2) provides to the City, prior to the issuance of each *building permit* respecting development of *block 3A*, *block 3B* and *block 5*, funds in the amount of \$392.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, towards parks improvements;
 - (3) provides to the City, prior to the issuance of each *building permit* respecting development of *block 3A*, *block 3B* and *block 5*, funds in the amount of \$403.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, and \$0.44 per square metre of *non-residential gross floor area*, indexed in accordance with section 6(1) herein, towards community centre facilities;
 - (4) provides to the City, prior to the issuance of each *building permit* respecting development of *block 3A*, *block 3B* and *block 5*, funds in the amount of \$250.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, towards daycare facilities;

- (5) provides to the City, prior to the issuance of each *building permit* respecting development of *block 3A*, *block 3B* and *block 5*, funds in the amount of \$277.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, and \$1.00 per square metre of *non-residential gross floor area*, indexed in accordance with section 6(1) herein, towards library facilities;
- (6) provides to the City, prior to the issuance of each *building permit* respecting development of *block 3A*, *block 3B* and *block 5*, funds in the amount of \$154.00 per residential *dwelling unit*, indexed in accordance with section 6(1) herein, toward improvements to Fort York buildings, grounds, programming or marketing;
- (7) provides and maintains works of public *art* within *block 3A*, *block 3B* and *block 5*, or cash in lieu thereof, of a value of not less than one percent of the cost of construction of development proposals exceeding 20,000 square metres of *residential gross floor area*, *non-residential gross floor area*, or a combination of both, provided that the costs related to the provision of parks improvements, Fort York improvements, daycare facilities, community centre facilities, library facilities and a *district heating and cooling facility* pursuant to this section shall not be included in such valuation;
- (8) ensures that the agreement to be entered with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting a process for the consideration by the *owner* of a proposal by Enwave District Energy Limited to service the development with a *district heating and cooling facility*, as well as the provision of funds in the amount of up to \$100,000;
- (9) provides not less than 30 percent of the *dwelling units* within *block 3A* and *block 3B* combined, and within *block 5* with the following size restrictions, and pursuant to the provisions of the agreement to be entered with the City pursuant to Section 37 of the *Planning Act*:
 - (i) *bachelor dwelling units* or *one-bedroom dwelling units* shall not be greater than 62 square metres of *residential gross floor area*;
 - (ii) *two-bedroom dwelling units* shall not be greater than 82 square metres of *residential gross floor area*; and
 - (iii) *three-bedroom dwelling units* shall not be greater than 98 square metres of *residential gross floor area*;”;
- (8) deleting Section 6 (10);

- (9) deleting Section 6 (11) and replacing it with the following:

“(11) ensures:

- (i) the City is provided with funds secured by a letter of credit in an amount and a form satisfactory to the City to construct the *local street* listed in the Table below prior to the first *building permit* issued on the associated development block or portion thereof listed in the Table;
- (ii) the *local street* referred to in (i) is decommissioned to the satisfaction of the City;
- (iii) the *local street* referred to in (i) is constructed prior to the *owner* giving notice respecting the completion of, or occupancy of the first building on the associated development block or portion thereof listed in the Table;
- (iv) the *local street* referred to in (i) is conveyed thereafter to the City for a nominal consideration in fee simple; and
- (v) *Street F (southern half)* is constructed when development proceeds on the development blocks adjacent to the proposed *street* in accordance with the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*;

“ <i>local street</i> ”	Associated Development Block or portion thereof as shown on Plan 1
C	west 1/2 of <i>block 3A</i>
C	west 1/2 of <i>block 3B</i>
D	east 1/2 of <i>block 3A</i>
D	east 1/2 of <i>block 3B</i>
D	west 1/2 of <i>block 5</i>
E	east 1/2 of <i>block 5</i>
E	<i>block 7</i>
F	<i>block 3A</i>
F	<i>block 3B</i>
F (southern half)	<i>block 5</i>

- (10) deleting Section 6 (15) and replacing it with the following:

- “(15) (i) conveys Part 15 on Plan 64R-16736 to the City in escrow, upon execution of the agreement to be entered into pursuant to Section 37 of the *Planning Act*, for a *public park*;
- (ii) decommissions the lands referred to in (i) above prior to its release from escrow;

- (iii) provides a letter of credit in an amount to decommission the lands referred to in (i) above at a time to be set out in the agreement to be entered into pursuant to Section 37 of the *Planning Act*; and
 - (iv) conveys the lands referred to in (i) above upon the earlier to occur of:
 - A. the date upon which *building permits* are issued allowing at least fifty percent of the total *residential gross floor area* permitted for *blocks 3A, 3B* and *5*; and
 - B. ten years from the date of passage of this by-law;with the timing of the actual release from escrow of the lands to be set out in the agreement to be entered into pursuant to Section 37 of the *Planning Act*”;
- (11) deleting Section 6 (16)(i);
- (12) deleting the words “*Streets B and C*” and replacing it with “*Street C*” in section 6 (17);
- (13) deleting Section 6 (18) and replacing it with the following:
 - “(18) (i) provides to the City, upon execution of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*, a letter of credit in a form satisfactory to the City in an amount not less than forty per-cent (40%) of two-thirds (2/3) of the cost of constructing that portion of Fort York Boulevard shown on Plan 1 and labelled “Portion of Fort York Boulevard to be Cost Shared” to secure a payment in the same amount indexed in the manner described in Section 6(1) above, and due in ten annual instalments beginning one year from the date of execution of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*; and
 - (ii) provides to the City, despite the provisions of Section 6(18)(i) above, the full forty per-cent (40%) amount referred to in (i) upon the issuance of *building permits* representing residential development of one-third (1/3) of the total of the *residential gross floor area* of *block 3A* and *block 5*”;
- (14) adding a new Section 6 (19) as follows:
 - “(19) unless previously completed and approved by the City, prior to approval of plans and drawings pursuant to Section 41 of the *Planning Act*, prepares, at its own expense and in consultation with staff of the City’s

Urban Development Services Department, *Public Realm Master Plan and Architectural Design Guidelines* for the lands in the *Fort York Neighbourhood* described as Blocks 3 to 10 inclusive in the *Fort York Neighbourhood Part II Plan* or the *Fort York Neighbourhood Secondary Plan*, together with the link park, for approval by the City prior to the site plan approval of any development on *block 3A, block 3B or block 5*. The owner will make reasonable efforts to consult with the other owners of those lands in preparing the *Public Realm Master Plan and Architectural Design Guidelines*,”

- (15) adding a new Section 6(20) as follows:

“(20) prior to issuance of the first *building permit* on any of *block 3A, block 3B or block 5*, submits a sum in an amount to be determined by the Commissioner of Works and Emergency Services, representing the owner’s contribution towards the cost of constructing improvements associated with the Bathurst Street/Fort York Boulevard/Bremner Boulevard intersection;” and

- (16) adding a new Section 6(21) as follows:

“(21) at its own expense, installs and maintains in good working order and operation, an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services.”

- (17) adding “, *“block 3B”* ” after “ *“block 3A”*”, and “,”BLOCK 3B” ” after ““BLOCK 3A” ” in Section 8(ii);

- (18) deleting “Urban Design Guidelines” and replacing it with “*Public Realm Master Plan and Architectural Design Guidelines*” in Section 8(iv)B.;

- (19) deleting Section 8(v) and replacing it with the following:

“(v) “*district heating and cooling facility*” means a facility operated by Enwave District Energy Limited on a non-profit basis for the purposes of providing heating and cooling of buildings and structures located within *block 3A, block 3B and block 5*;”;

- (20) deleting “A” in Sections 8 (vi) and 8 (xi) and adding “, *F*” after “*E*” wherever it appears in Sections 8(vi) and 8(xi);

- (21) deleting Section 8 (viii) and renumbering the remaining sections accordingly;

- (22) adding “, *block 3B*” after “*block 3A*” in Section 8 (x); and

- (23) adding a new Section 8 (xi) as follows and renumbering the remaining sections accordingly:

“(x) “*Public Realm Master Plan and Architectural Design Guidelines*” means a comprehensive plan that sets out the design framework for new development in the *Fort York Neighbourhood* and addresses issues including the following:

- relationship to Fort York;
- parks and open space linkages;
- interim and long-term solutions for the area beneath the Gardiner Expressway;
- streetscapes on all area streets;
- building setbacks and profiles;
- landmarks and special locations;
- continuity of building frontages;
- designing for safety/eyes on the street;
- appropriate transition from the public to the private realm;
- minimizing the impact of vehicular and service entrances;
- architectural character;
- historical references;
- environmental objectives, such as incorporating green building concepts;
- mid-block pedestrian routes; and
- building access and entrances”.

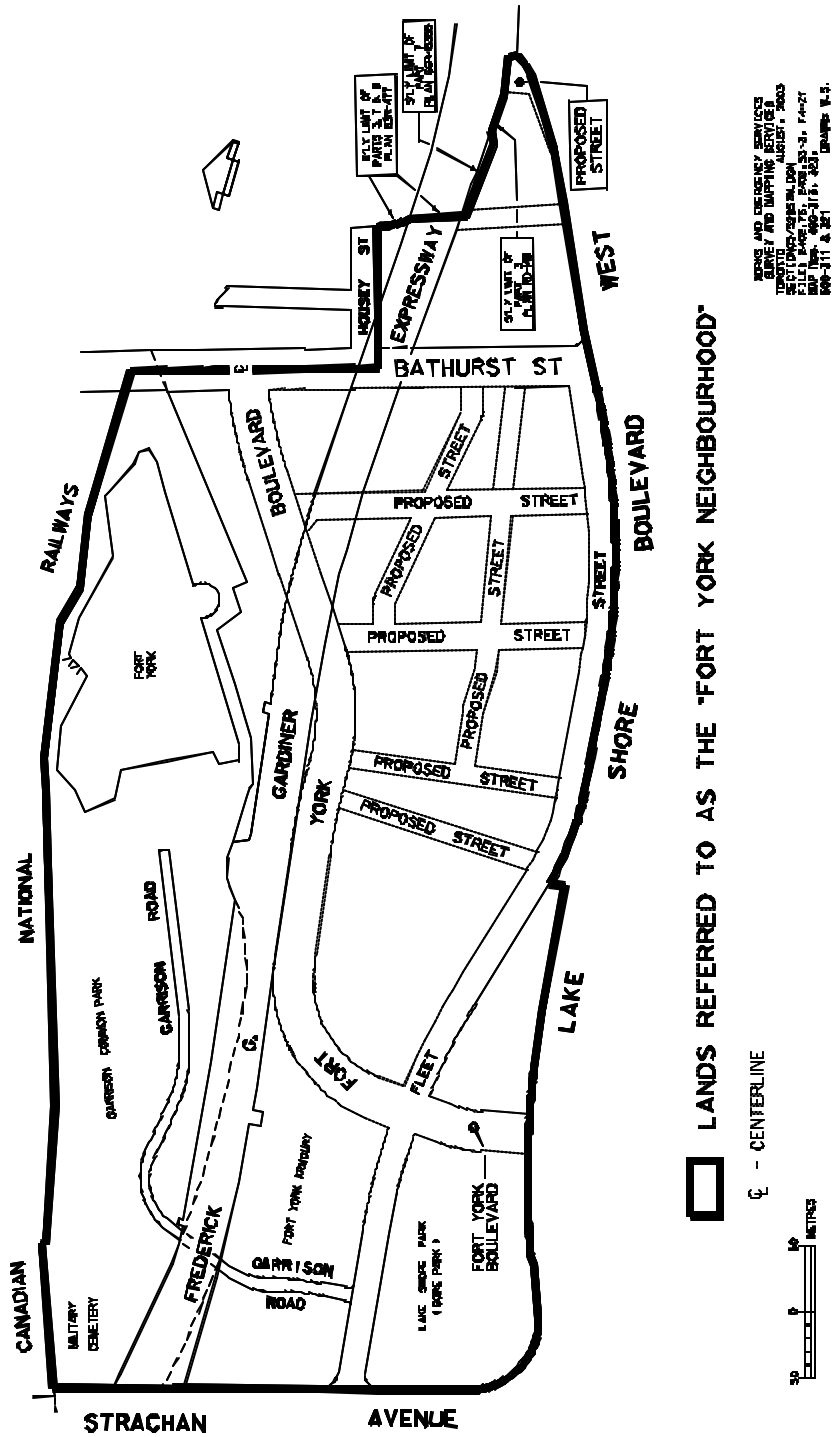
ENACTED AND PASSED this 24th day of September, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

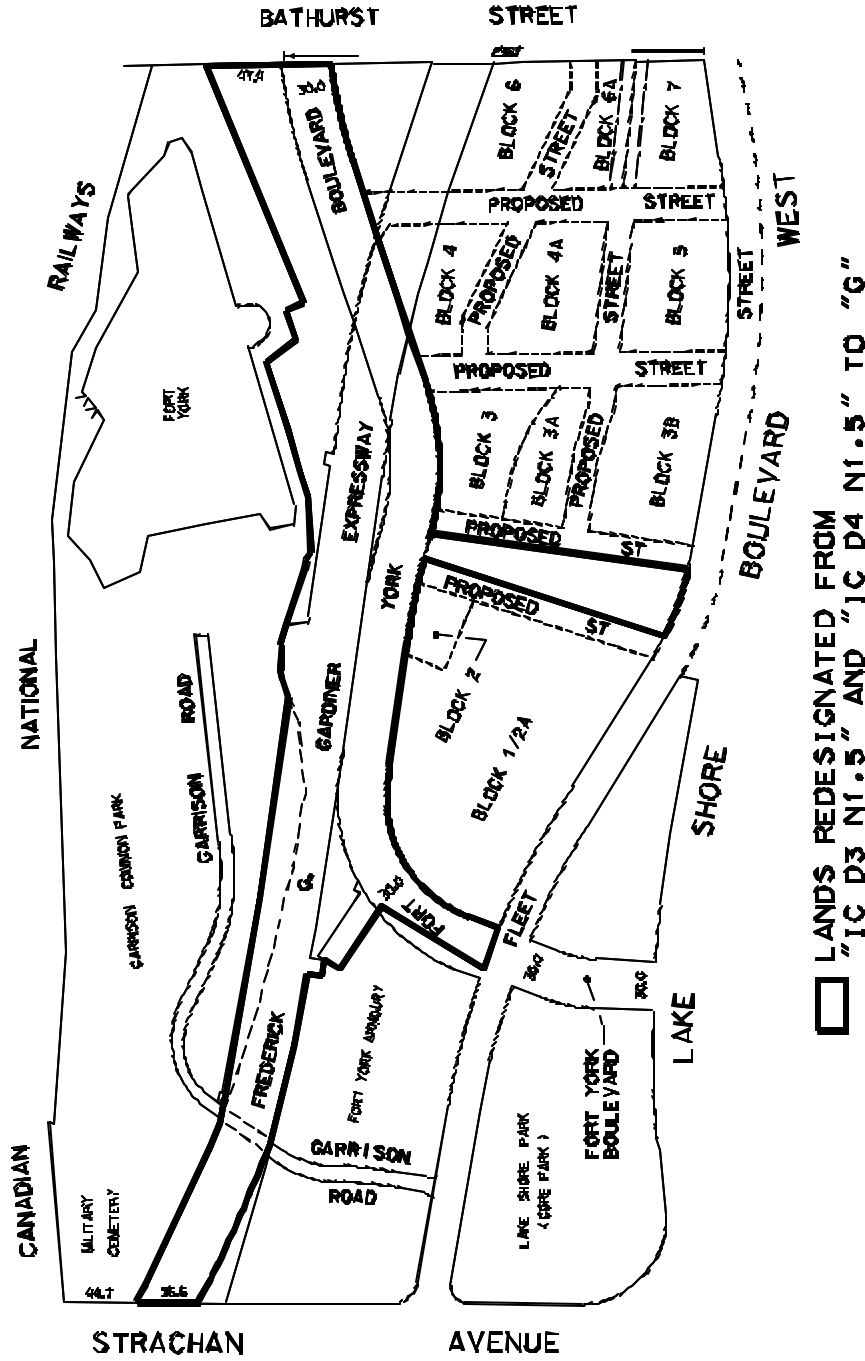
APPENDIX A



APPENDIX A

MAP I

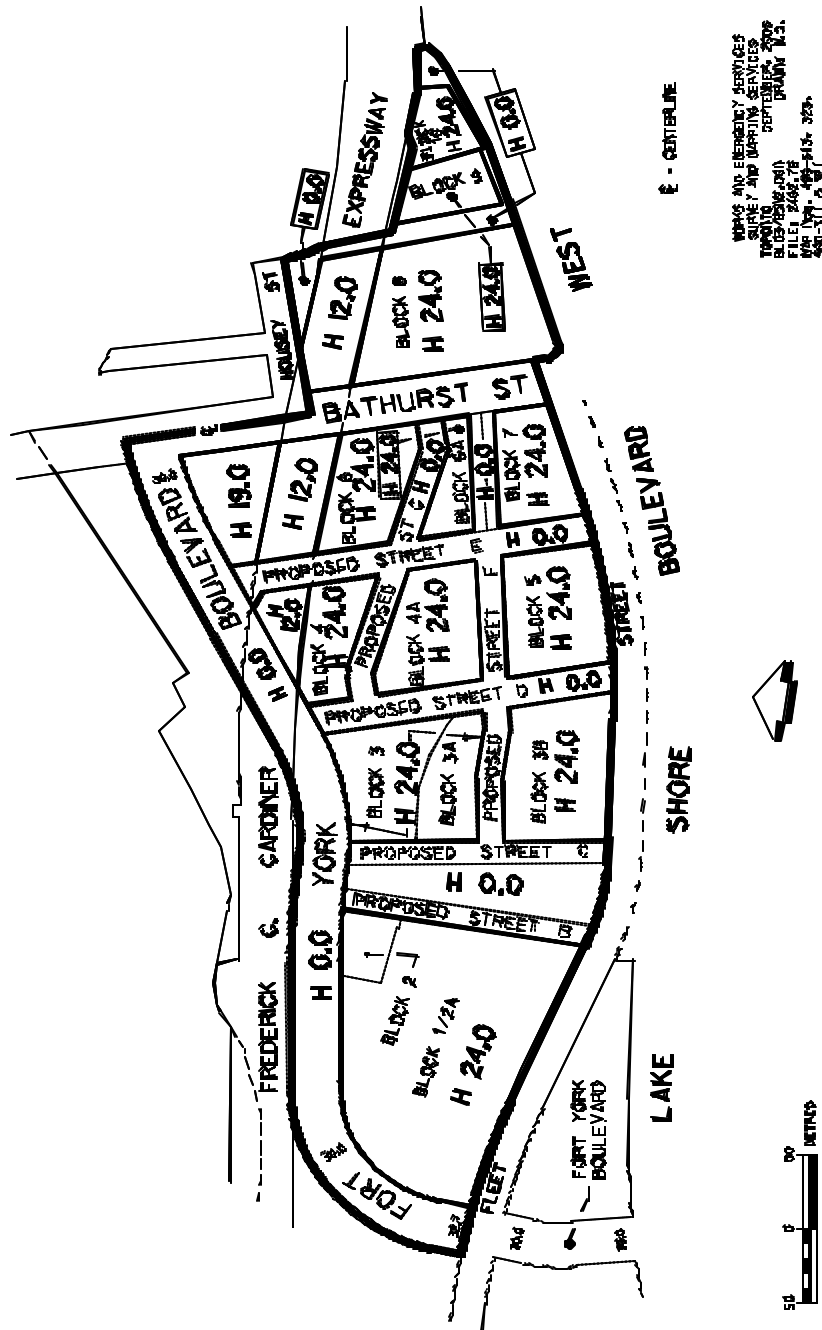
(AMENDING BY-LAW 1995-0466)



WORKS AND EMERGENCY SERVICES
CITY OF TORONTO
TORONTO AND TRAFFIC SERVICES
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FILE # 2402-78
MAP No. 480-312, 323,
500-811 A 321

APPENDIX A
(AMENDING BY-LAW 1995-0466)

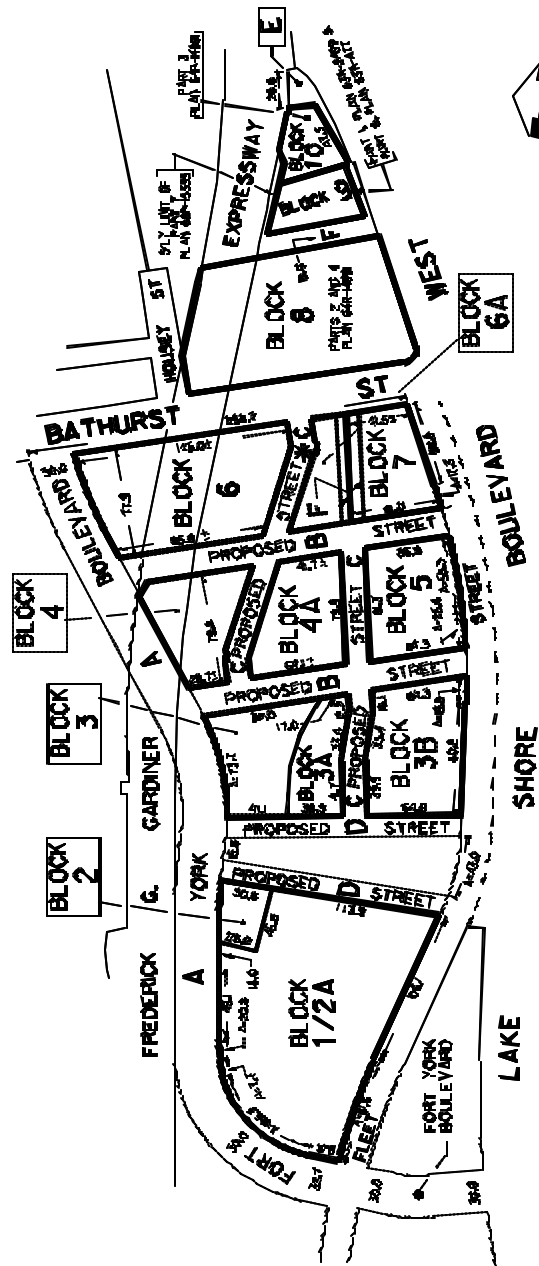
MAP 2



APPENDIX A

MAP 3

(AMENDING BY-LAW 1995-0466)



BLOCK BOUNDARIES

- A FORT YORK BOULEVARD - 30 METRE WIDTH
- B PROPOSED STREETS - 20 METRE WIDTH
- C PROPOSED STREETS - 15 METRE WIDTH MINIMUM
- D PROPOSED STREETS - 10 METRE WIDTH MINIMUM
- E PORTLAND STREET EXTENSION (PROPOSED)
PART S4 PLAN 648-H/01
- F SERVICE AND PEDESTRIAN ACCESS - 15 METRE WIDTH
(ACCESS AT BATHURST STREET WILL BE LIMITED TO PEDESTRIANS)
- * GENERAL LOCATION OF EXISTING SEWER EASEMENT

AREA	DATE ON	DATE OFF
BLOCK 1/2A	1/1/00	1/1/00
BLOCK 2A	1/1/00	1/1/00
BLOCK 3	1/1/00	1/1/00
BLOCK 4	1/1/00	1/1/00
BLOCK 5	1/1/00	1/1/00

NOV 1999 AND PREVIOUS SERVICES
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PLANNING DEPARTMENT
FILE NO. 17-011-1999-21
DATE: 11/11/99
PAGE: 21
FOR INFO: 595-3117 & 321

APPENDIX B

PLAN I



ARE A	PARTS ON PARTS ON PARTS ON
	640-11022 640-1628 640-16671
BLOCK 12A	12A-2A-3
BLOCK 12A - PARCEL 1	1, 2, 3
BLOCK 12B - PARCEL 1	1, 2, 3
BLOCK 3A	2, 3
BLOCK 3B	
BLOCK 3	
BLOCK 7	1
PROPOSED PUBLIC PARK	21
PROPOSED PUBLIC PARK	2, 3
PROPOSED STREET B	9
PROPOSED STREET C	7
PROPOSED STREET D	2
PROPOSED STREET E	2
PROPOSED STREET F	
PROPOSED STREET F	
FOUR YORK BLVD	6
FOUR YORK BLVD	8

DRAFT

F. G. GARDINER EXPRESSWAY

FORT YORK & BOULEVARD

PARCEL 1

PARCEL 2

PARCEL 3

PARCEL 4

PARCEL 5

PARCEL 6

PARCEL 7

PARCEL 8

PARCEL 9

PARCEL 10

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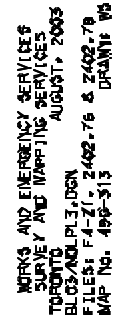
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APPENDIX B

HEIGHT MAP

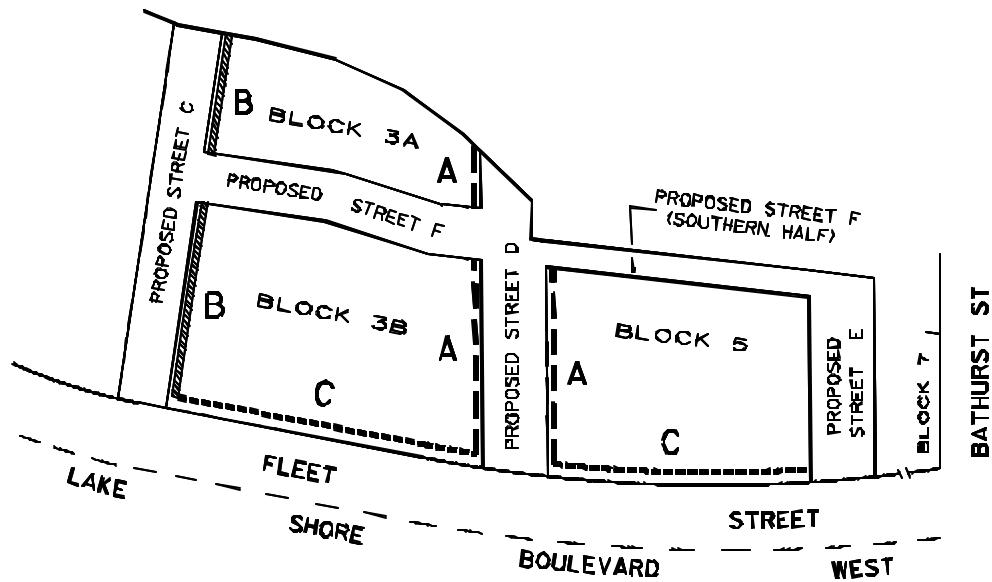
(AMENDING BY-LAW 1996-0245)

PLAN 3



APPENDIX B
SETBACKS MAP
 (AMENING BY-LAW 1996-0245)

PLAN 4



SETBACKS REFERRED TO IN SECTION 5(4)

- A** — — — 2.0 METRE SETBACK LINE WITH PROJECTIONS PERMITTED
- B** ▨ ▨ ▨ 2.5 METRE SETBACK LINE WITH PROJECTIONS PERMITTED
- C** — — — — 4.0 METRE SETBACK LINE WITH PROJECTIONS PERMITTED
 ABOVE 12.0 METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2003
 BLOCK/MOLPL4.DGN
 FILES: F4-21, 2402-76 & 2402-76
 MAP No. 490-313 DRAWN: YS

APPENDIX B
MOLSON BUILDING
(AMENDING BY-LAW 1996-0245)

PLAN 5

