

Authority: Toronto East York Community Council Report No. 7, Clause No. 14, as adopted by City of Toronto Council on July 22, 23 and 24, 2003, and Notice of Motion J(42), moved by Councillor McConnell, seconded by Councillor Rae, 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. 984-2003**

#### **To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 33-45 Lombard Street, 98-110 Church Street and 106 King Street East.**

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 the by-law in return for the provision of such facilities, services and 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 any increase in the height or density of development, the 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 owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height or density of development permitted hereunder, beyond that otherwise permitted on the lands 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 owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council of the City of Toronto has provided adequate information to the public and held at least one public meeting in accordance with the *Planning Act*;

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

1. None of the provisions of Sections 4(2), 4(4)(b), 4(5)(b), 4(12), 4(14)(a), 8(3) PART I 1, 8(3) PART I 3 (a), 8(3) PART II (a)(ii) and the definitions of *lot*, *parking space* and *parking garage*, of 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 and use of a building containing *dwelling units* and any use permitted in subparagraphs (b)(iv) and (b)(vi) of the chart in paragraph (f) of subsection 8(1) of the aforesaid by-law on the lands described in Schedule 1 to this by-law and hereafter referred to as the "lot", provided that:

- (1) the lot consists of at least the lands described in Schedule 1 hereto;

- (2) the *non-residential gross floor area* of the building does not exceed 600 square metres;
- (3) the combined aggregate of the *non-residential gross floor area* and *residential gross floor area* of the building does not exceed 28,225 square metres;
- (4) the building above *grade*, and including the mechanical penthouse, is wholly located within the solid dark lines shown on Map 2 and is within the height limits shown therein, provided that, for the portion of the building located within the portion of the lot subject to the 14.3 metre height limit as shown on Map 2, elements permitted by Section 4(2)(a)(i) of By-law No. 438-86 and structures on the roof of the building, used for outside or open air recreation, safety, sound attenuation or wind protection measures, trellises, gazebos and light standards, shall be permitted above such height limit, provided any such elements or structure comply with clauses A, B and C of the aforesaid Section 4(2)(a)(i);
- (5) despite Section 1(4) of this By-law, ramps, curbs, handrails, decorative/privacy walls, retaining walls, enclosed and unenclosed stairs and stairwells, trellises, gazebos, gates, fences, refuse receptacles/recycling bins, outdoor seating, planting boxes, vents, playground equipment, bicycle racks, landscape structures, fountains, signage and light standards, are permitted outside the solid dark lines shown on Map 2, provided that such elements do not exceed a height of 4 metres above the finished ground level, except in the case of light standards, which cannot exceed a height of 6 metres above the finished ground level;
- (6) at least 95 two *bedroom dwelling units* are provided and maintained;
- (7) one *Type G loading space* is provided and maintained on the lot;
- (8) at least 325 square metres of indoor *residential amenity space* and 325 square metres of outdoor *residential amenity space* is provided and maintained within the area shown on Map 1, and none of the outdoor *residential amenity space* will be required to be adjoining or directly accessible from the indoor *residential amenity space*;
- (9) *parking spaces* for the dwelling units are provided and maintained on the lot to at least the minimum standards as set out below:

Bachelor Unit	0.3 parking spaces per unit
1 Bedroom Unit	0.5 parking spaces per unit
2 Bedroom Unit	0.75 parking spaces per unit
3+ Bedroom Unit	1.2 parking spaces per unit
Residential Visitors	0.06 parking spaces per unit

of which no more than 45 *parking spaces* shall be less than 5.0 metres in length;

- (10) nothing shall prevent the provision and maintenance of up to 50 *parking spaces* within a *parking garage* within the building for the use of parishioners, visitors and employees of St. James Cathedral, the Parish House and Diocesan Centre, or the Anglican Church of Canada or any affiliated body thereof, and further nothing shall prevent the shared use of those parking spaces with the residential visitors to the building on the lot;
  - (11) the owner enters into an agreement or agreements with the City pursuant to Section 37 of the *Planning Act*, registered against title, to provide for the following facilities, service and matters as set out below:
    - (i) no later than the by-laws becoming final and binding, a cash contribution of at least \$2.7 million to St. James Cathedral for revitalization, conservation, restoration and improvement of the Parish House and Diocesan Centre, and associated landscape features, be secured, such monies to be provided to St. James Cathedral no later than coincident with issuance of a building permit for the modifications or additions to the Parish House and Diocesan Centre;
    - (ii) prior to the occupancy of any *residential gross floor area* or *non-residential gross floor area* within the lands shown on Map 1, the provision of a publicly accessible open space to be maintained by the owner, provided the Commissioner of Urban Development Services may permit an extension to completion should weather conditions not permit completion prior to occupancy and provided the cost of the unfinished work is secured through a Letter of Credit deposited with the City; and
    - (iii) public accessibility to the open spaces on the lands referred to in paragraph (i) above are secured against the title of the property;
2. Notwithstanding the provisions of Section 8 of By-law No. 438-86, as amended, that regulate permitted floor area, the combined aggregate *residential gross floor area* and *non-residential gross floor area* permitted on the lot known municipally in 2002 as 106 King Street East is deemed to be reduced by 15,100 square metres and the remaining combined aggregate *residential gross floor area* and *non-residential gross floor area* permitted on the lot known municipally in 2002 as 106 King Street East, inclusive of any *residential gross floor area* or *non-residential gross floor area* of buildings existing on 106 King Street East in 2002, shall be 25,400 square metres.
3. Notwithstanding the provisions of Section 2 above and the provisions of Section 8 of By-law No. 438-86, as amended, that regulate permitted floor area on a lot, no further *residential gross floor area* or *non-residential gross floor area* beyond the *residential gross floor area* and *non-residential gross floor area* of the buildings existing on 106 King Street East in 2002, shall be erected or used on the property known municipally in 2002 as 106 King Street East, other than any renovations or additions to the Parish House and Diocesan Centre of St. James Cathedral, which renovations or additions are:

- (i) located within the solid dark lines and heights shown on Map 3 of this By-law; and
  - (ii) in accordance with the provisions of a Heritage Easement Agreement entered into between the owner and the City pursuant to the *Ontario Heritage Act* and registered on title.
4. For the purposes of this By-law, all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as herein provided.

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

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE 1**

**FIRSTLY:**

Part of PIN 21402-0027 (LT).

Block A, Registered Plan D-150, designated as Part 1, Plan 66R-19730, saving and excepting that part of Block A on Registered Plan D-150 designated as Part 1, Plan 66R-20627, subject to a right of support over that part of Block A on Registered Plan D-150 designated as Part 2, Plan 66R-20627;

**SECONDLY:**

Part of PIN 21402-0026 (LT).

Blocks B, C, D and Part of Block E, Registered Plan D-150, designated as Part 2, Plan 66R-19730, saving and excepting Part of Blocks D and E, Registered Plan D-150, designated as Parts 3 and 5, Plan 66R-20627, subject to a right of support over Part of Blocks D and E, Registered Plan D-150, designated as Part 4, Plan 66R-20627;

**THIRDLY:**

Lane (west side of Block B and south side of Block A), Registered Plan D-150, designated as Parts 1, 2 and 3, Plan 66R-20132, saving and except that part of the Lane on Registered Plan D-150 designated as Part 6, Plan 66R-20627, subject to a right of support over that part of the Lane on Registered Plan D-150 designated as Part 7 Plan 66R-20627, subject to a Bell easement over that part of the Lane on Registered Plan D-150 designated as Part 8, Plan 66R-20627.

CHURCH STREET

STREET EAST

LANE

LANE (TO BE CLOSED)

LANE (TO BE CLOSED)

Nos. 98, 104 and 110

Nos. 33 and 45

73.33

24.48

55.24

27.96

26.81

37.33

LANE

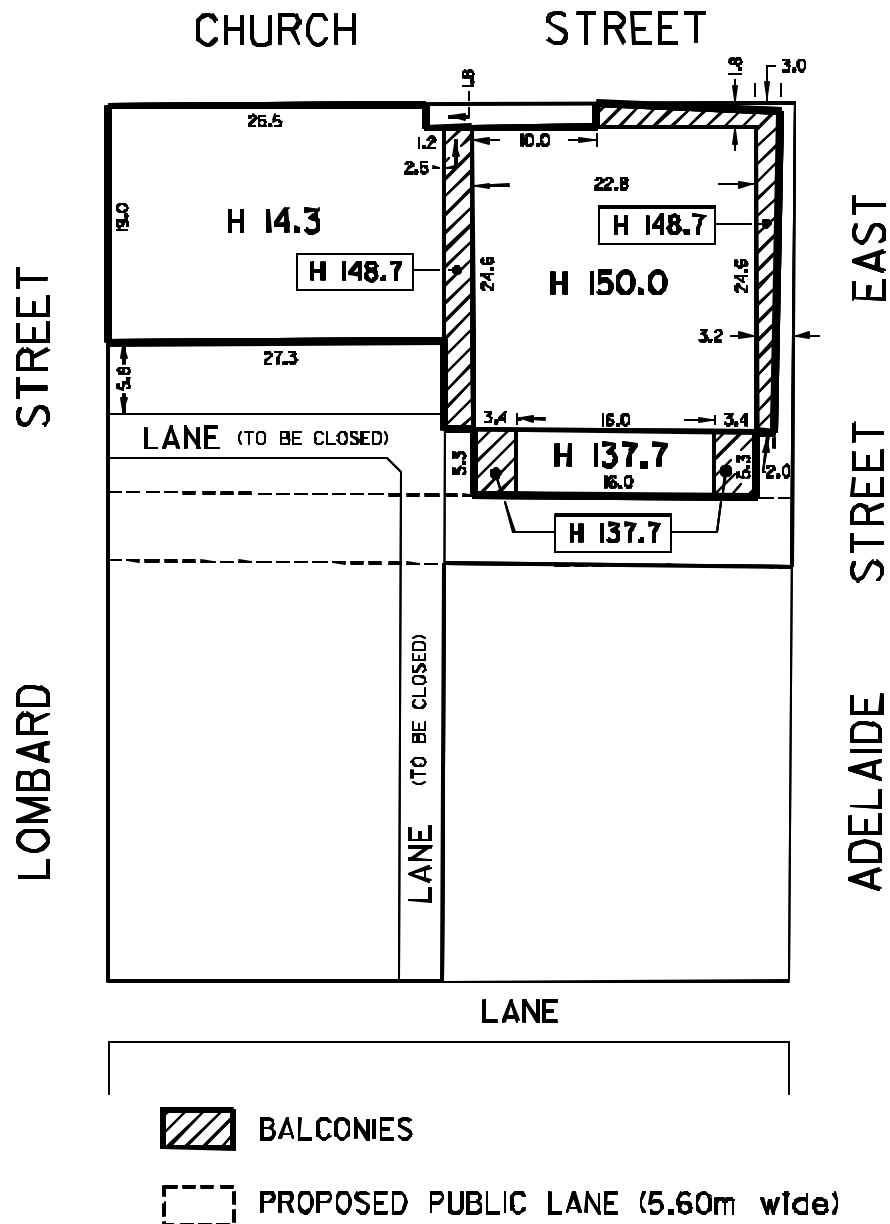
ADELAIDE STREET

☐ PROPOSED PUBLIC LANE (5.60m wide)



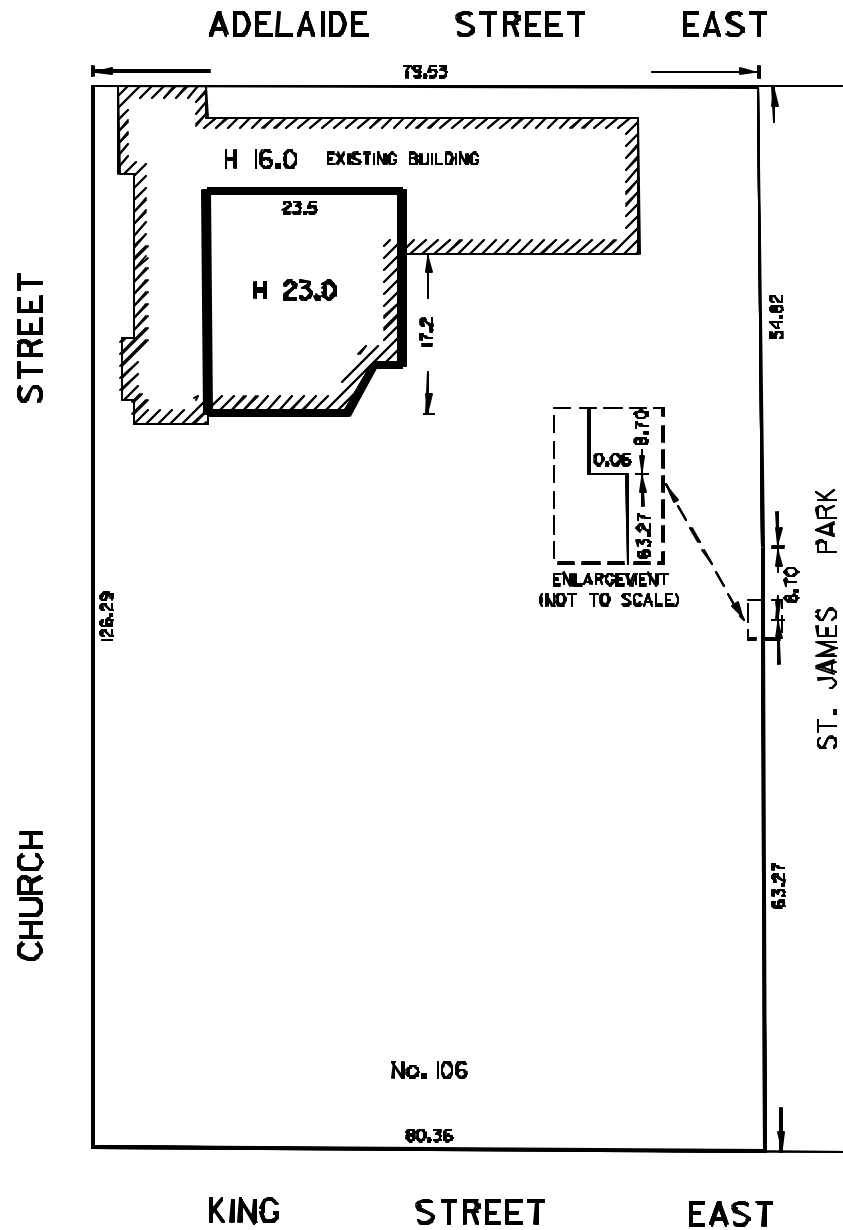
WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER, 2003  
BL03/S00/HU1-DGN  
FILE: C12-Z41  
MAP No. 516-321 DRAWN: D.R

## MAP 2



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER, 2003  
BL03/98CHU2.DGN  
FILE: C12-Z41  
MAP No. 51G-321 DRAWN: WS

## MAP 3



H<sub>1</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

10 0 10  
METRES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO JUNE, 2003  
BL03/106K1W1.DGN  
FILE# C12-241  
MAP No. 510-321 DRAWN: D.R.