

Authority: Toronto East York Community Council Report No. 8, Clause No. 12, adopted as amended, by City of Toronto Council on September 22, 23, 24 and 25, 2003  
Enacted by Council: September 25, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 1015-2003**

#### **To amend General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands known as 56 Queen Street East and 51 Bond Street.**

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 that 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 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 56 Queen Street East and 51 Bond Street have elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increases in height and density of development permitted hereunder, beyond that otherwise permitted 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 to be secured by one or more agreements amongst 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 Section 2(1) definitions of “*lot*”, “*grade*” and “*owner*”, Sections 4(2)(a), 4(2)(b), 12(2)132, 12(2)216 and 12(2)260 of 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 area of the City of Toronto” shall apply to prevent the erection and use of *mixed-use buildings* on the *lot* provided that:
  - (1) the *lot* consists of at least the lands outlined by solid dark lines on Map 1, attached hereto and forming part of this By-law;
  - (2) no portion of the *mixed-use buildings* located above *grade* is located otherwise than wholly within the areas outlined by the solid dark lines on Map 4, attached to and forming part of this By-law;

- (3) within Part A-1 on Map 2, attached to and forming part of this By-law, the combined aggregate of the *non-residential gross floor area* and *residential gross floor area* does not exceed 32,060 square metres, provided that:
  - (i) the *non-residential gross floor area* does not exceed 10,000 square metres; and
  - (ii) the *residential gross floor area* does not exceed 31,160 square metres.
- (4) within Part A-2 on Map 2, the combined aggregate of the *non-residential gross floor area* above and below *grade* of any additions or renovations to the existing building does not exceed 3,000 square metres, provided that:
  - (i) the *non-residential gross floor area* above *grade* does not exceed 1,000 square metres; and
  - (ii) the *non-residential gross floor area* below *grade* (contained wholly within Part B-2 of Map 3) does not exceed 2,000 square metres.
- (5) within Part A-2 on Map 2, the floor area of the access facilities to permit pedestrian ingress and egress to the underground *parking garage* does not exceed 150 square metres, provided that:
  - (i) the floor area of the access facilities located on the east side of the existing building does not exceed 50 square metres; and
  - (ii) the floor area of the access facilities located on the west side of the existing building does not exceed 100 square metres.
- (6) Part A-3 on Map 2 shall be used for no other purpose than landscaped open space;
- (7) the *heights* of the *mixed-use buildings* do not exceed the *heights* shown on the respective areas on Map 4, excepting that:
  - (i) a mechanical penthouse may be provided on that portion of the building that extends above a *height* of 92.0 metres provided:
    - (a) that the mechanical penthouse does not exceed a *height* of 8 metres above the roof level shown on Map 4 and a *height* of 114 metres above *grade*; and
    - (b) the area of the mechanical penthouse is no greater than 70% of the area of that portion of the building that extends above the 92 metres level;
  - (ii) the *height* of the decorative elements, including spires, extended columns and piers, on the any *mixed-use building* within Part A-1 on Map 2 does not exceed the sum of 2 metres and the *height* limit shown on Map 4;

- (8) an underground *commercial parking garage* is permitted within Part B-1 on Map 3, attached to and forming part of this By-law;
- (9) *parking spaces* shall be provided on the following basis:
- (i) 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	<i>parking spaces</i> per unit
1 Bedroom Unit	0.5	<i>parking spaces</i> per unit
2 Bedroom Unit	0.75	<i>parking spaces</i> per unit
3+ Bedroom Unit	1.2	<i>parking spaces</i> per unit
Residential Visitors	0.15	<i>parking spaces</i> per unit;
  - (ii) parking for non-residential uses, in accordance with Section 4(5)(b) of By-law No. 438-86; and
  - (iii) a maximum total of *parking spaces*, inclusive of non-residential uses, is not to exceed 815 spaces.
- (10) The following projections are permitted in the setback areas provided that the restrictions set out opposite the structure in the following chart, entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with:

CHART

STRUCTURE		MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	Eaves, cornices, balustrades, mullions and parapets	1.5 metres	None
B.	Uncovered platform or canopy attached to the building	not more than 1.5 metres from the wall where it is attached	None
C.	a balcony attached to the building	not more than 1.5 metres from the wall where it is attached	None

STRUCTURE		MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
D.	Erection of a bay window	0.75 metres from the wall where it is attached	(I) width not to exceed three metres measured where the window joins the wall  (II) regulations respecting minimum distances between buildings such distances to be measured from the external face of the window or windows

(11) the *owners* enter into an agreement with the City of Toronto pursuant to section 37 of the *Planning Act*, registered against title of the *lot*, including but not limited to providing the facilities, services and matters set out below, within ten (10) calendar days after notice pursuant to the *Planning Act* has been given of the enactment of this By-law:

- (i) redevelop private open space as shown on Part A-3 on Map 2 in accordance with plans to be approved by the City of Toronto pursuant to Section 41 of the *Planning Act*, at a cost not to exceed \$1,600,000.00, for use as publicly accessible space, accessible to the public at least between the hours of 7:30 a.m. and dusk;
- (ii) to provide to the City of Toronto, an easement over the publicly accessible space registered on title of the *lot*, pursuant to Section 1(11)i) of this By-law;
- (iii) to enter into an agreement with the City of Toronto to maintain the private open space at the *owners* expense, referred to in Section 1(11)i) for a period of at least 70 years from the issuance of the building permit for the *mixed-use building* on Part A-1 on Map 2;
- (iv) the *owners* agree that, prior to Site Plan Approval, all elements of the exterior of the proposed *mixed-use building* will be subject to review and approval of the Commissioner of Urban Development Services in consultation with the Commissioner of Economic Development, Culture and Tourism, including, among others, the building massing, architectural stepbacks, architectural treatment and finishes and materials, proportions of openings and colours on the exterior of the building;

- (v) to construct and maintain a decorative fence around the perimeter of the publicly accessible private open space in a manner having historical reference to the fence which formerly enclosed this area and including a public art component, all of which to be approved by the City of Toronto;
  - (vi) the *owners* ensure that a cash contribution of at least \$1,000,000 is made to the Metropolitan United Church for renovations, restoration and maintenance of the Church building shown on Part A-2 on Map 2 prior to the issuance of any building permit for the *lot*;
  - (vii) the *owners* ensure the provision of a non-interest bearing loan of at least \$1,200,000 for a term of five years, which funds will be used for the renovation, restoration and maintenance of the Church building including but not limited to the renovations to the Church building, below *grade*, for use as community outreach programmes, the Bond Street Nursery and Metropolitan United Church programmes, prior to the issuance of any building permit for the *lot*;
  - (viii) make streetscape improvements on the public boulevards abutting the *lot*, in accordance with plans to be approved by the City of Toronto pursuant to Section 41 of the *Planning Act*;
  - (ix) provide an irrigation system at the *owners*' expense for all street trees in the public right of way in accordance with plans approved by the City of Toronto;
  - (x) to pay the cost of any changes which are made necessary as a result of the adjustment of the flight path to the helipad at St. Michael's Hospital, which are required, prior to the issuance of an building permit for the *mixed-use building* on Part A-1 on Map 2;
  - (xi) enter into a Heritage Easement Agreement(s) with the City of Toronto pursuant to the Ontario Heritage Act with respect to the Metropolitan United Church and Parsonage and such agreement is appropriately registered against the title to the *lot*; and
  - (xii) provide a meeting room, at a location satisfactory to the City of Toronto, having a floor area of not less than 46.5 square metres within Part A-1 on Map 2, to Toronto East Downtown Neighbourhood Alliance with a lease having a term of five years without payment of rent.
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* is reduced by 33,060 square metres and the remaining permitted *residential gross floor area* permitted on the *lot*, inclusive of any *residential gross floor area* or *non-residential gross floor area* of the buildings existing on the *lot* in 2003 is 19,990.73 square metres.

3. withstanding 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* shall be erected or used on the *lot* other than any renovations and additions to the Church building and access facilities located on Part A-2 on Map 2 and the *mixed-use building* located on Part A-1 on Map 2, which are:
- (1) located within the solid dark lines and *heights* shown on Map 4 of this By-law;
  - (2) in accordance with the provisions of a Heritage Easement Agreement between the City of Toronto and the *owners* pursuant to Section 37 of the *Ontario Heritage Act* is registered against title; and
  - (3) in accordance with the provisions of a Section 37 Agreement between the City of Toronto and the *owners* pursuant to Section 37 of the *Planning Act*.
4. For the purposes of this By-law:
- (1) “*lot*” means the lands delineated by heavy lines on the attached Map 1 which lands shall be deemed to be one lot, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances or easements made or granted to the City of Toronto after the date of enactment of this By-law;
  - (2) “*grade*” means:
    - (i) for Part A-1 on Map 2, the average elevation of the sidewalk on Shuter Street abutting the *lot*;
    - (ii) for Part A-2 on Map 2, the average elevation of the sidewalk on Bond Street abutting the *lot*; and
    - (iii) For Part A-3 on Map 2, the average elevation of the sidewalk on Queen Street East abutting the *lot*.
  - (3) “*owners*” means, where used in a reference to a *lot*, upon the date of passage of this By-law, a person who owns the fee simple and/or the equity redemption in the lot as a chargee, a person who owns a leasehold estate in the lot the unexpired term of which exceeds 45 years and/or a person who owns an agreement to lease the term of which exceeds 45 years, and/or includes a person the *owner* authorizes to act on their behalf; and
  - (4) each other 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 by this By-law.

5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 25th day of September, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

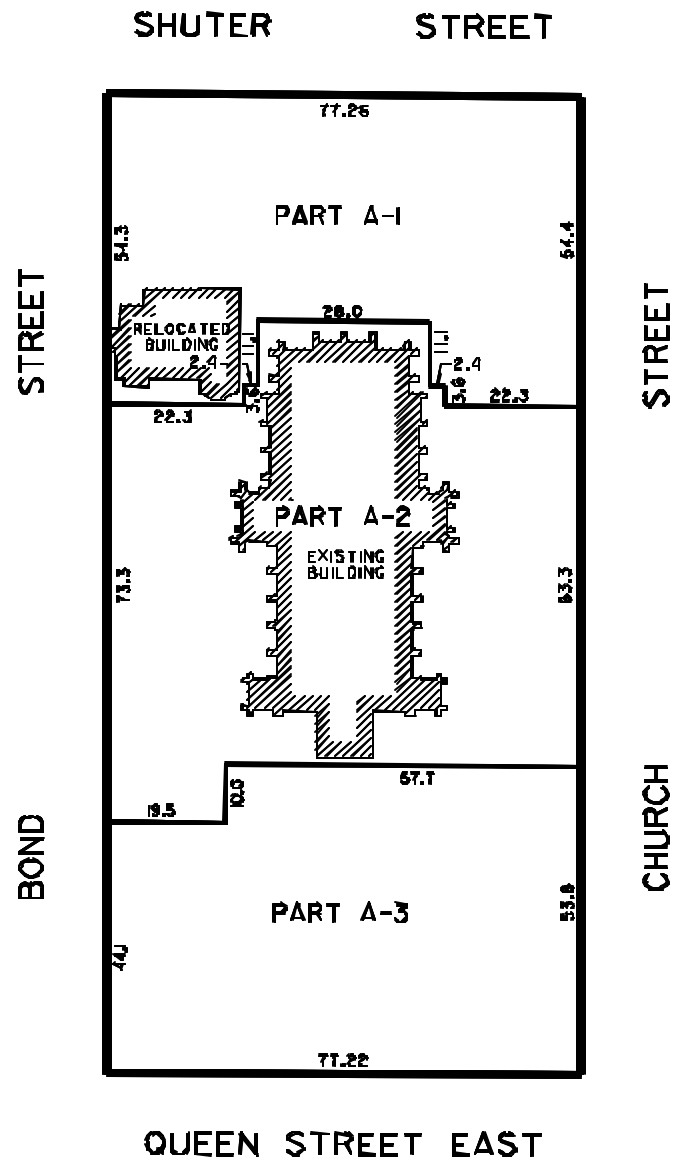
## MAP 1



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO SEPTEMBER 23, 2003  
 BLOS/50001.DGN  
 FILE# 01-2706  
 MAP No. 51H-311 DRAWN: MS

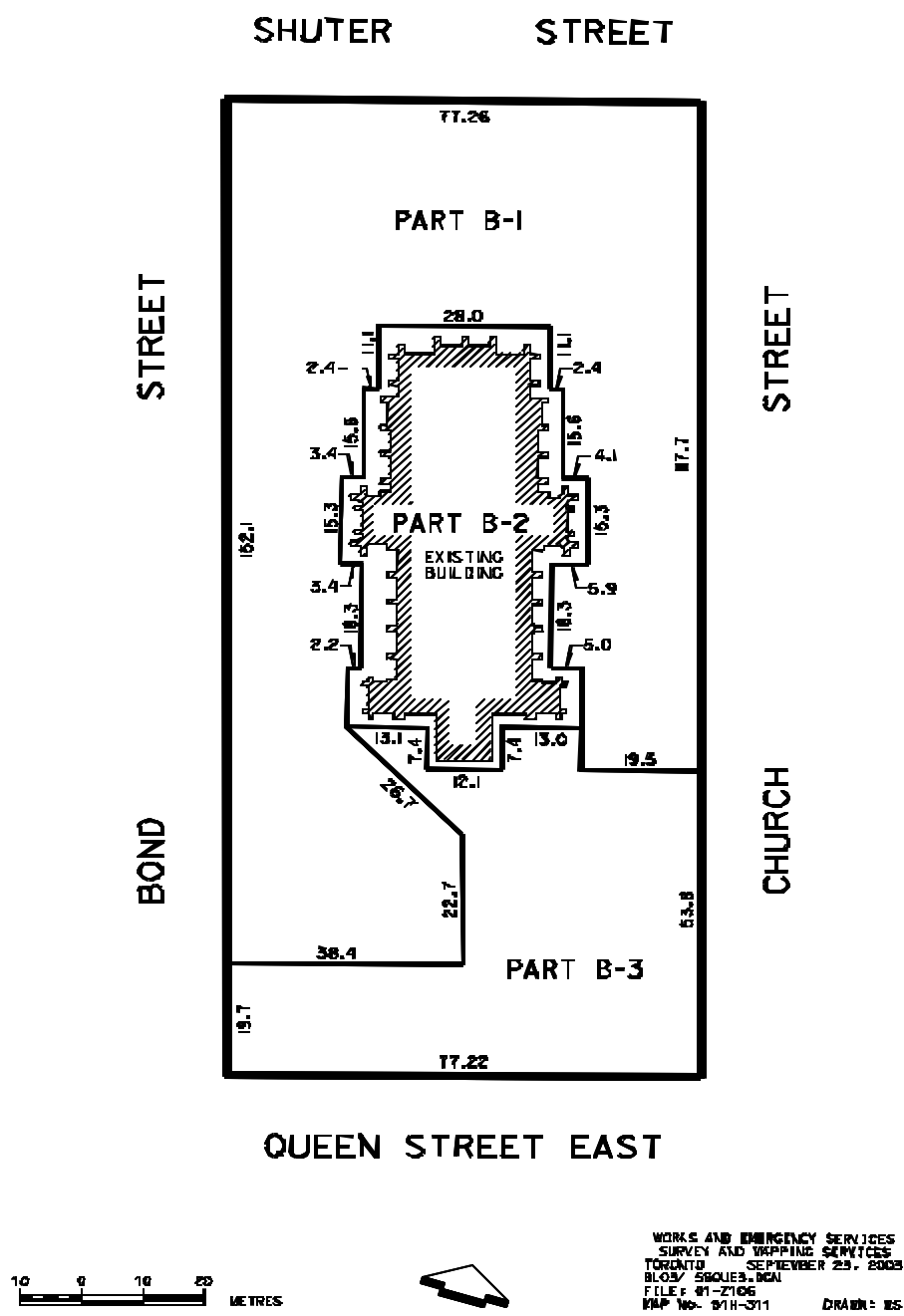


## MAP 2



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER 23, 2003  
BLOS: 000002.DGN  
FILE: 01-2106  
MAP No. 51H-011 DRAWN: WS

MAP 3



[illegible]

10 0 10 20 METERS



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER 25, 2003  
DL0/ BQUE4.DGN  
FILE# 51-2108  
WCP No. 51H-511 BRANK: MS