

Authority: Toronto and East York Community Council Report No. 1, Clause No. 1,  
as adopted by City of Toronto Council on February 1, 2 and 3, 2005  
Enacted by Council: February 24, 2005

## CITY OF TORONTO

### BY-LAW No. 180-2005

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2005 as 30 Mutual Street and 88 Queen Street East.**

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, with respect to lands known municipally in the year 2005 as 30 Mutual Street and 88 Queen Street East; 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 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 and density of development beyond those otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS the owner of the land that is the subject of this by-law has elected to provide the facilities, services and matters as hereinafter set out; and

WHEREAS the increases in the density or height permitted hereunder, beyond those 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 are to be secured by one or more agreements between the owner of such land and the City of Toronto; and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; 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 Section 2 with respect to the definition of “grade”, “height” or “lot” and Sections 4(2)(a), 4(5)(b), 4(12), 4(13), 4(16), 8(3) PART I, 8(3) PART II 1(a)(ii), 8(3) PART III 1(a), and 12(2) 259 of Zoning By-law No. 438-86, as amended, shall apply to prevent the erection and use of *mixed-use buildings* and *residential buildings* on the lands shown on Map 1 attached to and forming part of this By-law, provided that:
  - (a) the *lot* comprises not less than the lands outlined by heavy lines on Map 1, attached to and

- forming part of this By-law;
- (b) no above *grade* portion of any building or structure is located otherwise than wholly within the areas identified as *Parcel A*, *Parcel B* or *Parcel C* and as delineated by heavy lines and shown on Maps 3A, 3B and 3C, attached to and forming part of this By-law, except for the following:
- (i) canopies, covered walkways, ramps for underground parking garages, stairs, landscaped decks, patios, terraces, ornamental elements, parapets, eaves, window sills, guardrails, service driveways and wheelchair ramps;
  - (ii) open balconies to a maximum horizontal projection of 1.8 metres except that no portion of any open balcony shall extend beyond the limits of the *lot* as shown by heavy lines on Map 1 or beyond any future property line following conveyance of a widening along Dalhousie Street also shown on Map 1; and
  - (iii) public art features.
- (c) the *height* of any building or structure, or portion thereof, does not exceed the *heights* shown on Maps 3A, 3B and 3C, attached to and forming part of this By-law;
- (d) the *height* of any stair tower, elevator shaft, parapet, fan, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements, shall not exceed the sum of 5.0 metres and the applicable *height* limit;
- (e) the total combined *residential gross floor area* and the *non-residential gross floor area* of all buildings or structures erected or used on the *lot* does not exceed 90,372 square metres, of which:
- (i) not more than 88,610 square metres shall be *residential gross floor area*; and
  - (ii) not more than 1,762 square metres shall be *non-residential gross floor area*;
- (f) *non-residential gross floor area* on the *lot* shall be at *grade*, only located within *Parcel A* and *Parcel C* shown on Map 2 and shall front onto Shuter Street or Queen Street East;
- (g) a minimum of 2,330 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multi-purpose room or a number of rooms that have a kitchen and a washroom adjoining or directly accessible thereto;
- (h) a minimum of 2,207 square metres of outdoor *residential amenity space* shall be provided on the *lot*, in accordance with the following:
- (i) in *Parcel B*, a minimum of 44% of the outdoor *residential amenity space* shall be in a location adjoining or directly accessible from the indoor *residential amenity space*; and

- (ii) in *Parcel C*, a minimum of 12% of the outdoor *residential amenity space* shall be in a location adjoining or directly accessible from the indoor *residential amenity space*;
  - (i) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
    - (i) 0.30 *parking spaces* for each *bachelor dwelling unit*;
    - (ii) 0.70 *parking spaces* for each *one bedroom dwelling unit*;
    - (iii) 1.00 *parking spaces* for each *two bedroom dwelling unit*;
    - (iv) 1.20 *parking spaces* for each *three bedroom dwelling unit*; and
    - (v) 0.06 *parking spaces* for every *dwelling unit* for shared use visitors/retail;
  - (j) a minimum of 275 *bicycle parking spaces* shall be provided and maintained on the *lot*, and of the total number of *bicycle parking spaces* provided, 80% shall be designated *bicycle parking space – occupant*, and 20% shall be designated *bicycle parking space – visitor*; and
  - (k) at least one *loading space – type G* shall be provided for each of *Parcel A*, *Parcel B*, and *Parcel C* and at least one *loading space – type B* shall be provided and maintained on the *lot*;
2. For the purposes of this By-law:
- (a) “*grade*” means 89.07 metres Canadian Geodetic Datum for *Parcel A*, 88.80 metres Canadian Geodetic Datum for *Parcel B* and 87.80 metres Canadian Geodetic Datum for *Parcel C*;
  - (b) “*height*” means the vertical distance between *grade* and the top of slab for any building, structure or element;
  - (c) “*lot*” means the lands collectively comprising *Parcel A*, *Parcel B* and *Parcel C*;
  - (d) “*Parcel A*”, “*Parcel B*” and “*Parcel C*” means the area at or above *grade* identified as *Parcel A*, *Parcel B* and *Parcel C* on Map 2; and
  - (e) “*Public pedestrian walkways*” means exterior pedestrian walkways that:
    - (i) are publicly accessible open spaces;
    - (ii) are designed and intended for and are used by the public;

- (iii) provide direct access between streets, public buildings and/or other public spaces and/or common outdoor spaces; and
  - (iv) are not used for commercial purposes, including retail areas, commercial display areas or other rentable space within the walkway, but which may be adjacent to it.
  - (f) with the exception of the words or expressions referred to in subparagraphs (a) to (e) above, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
- 3.** Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the owner of the *lot* of the following facilities, services and matters to the City at the owners sole expense and in accordance with and subject to the agreement referred to in section 3 (j) hereof:
- (a) the owner agrees to pay \$900,000.00 to the City as a contribution towards the following community improvement initiatives:
    - (i) the establishment and/or the improvement of a community facility at 261 Jarvis Street;
    - (ii) off-site streetscape improvements within the Shuter Street right-of-way; and
    - (iii) other local community services determined necessary by the Commissioner of Urban Development Services;which payment may be divided into three equal instalments with each instalment being payable prior to issuance of the first building permit for any building to be constructed on *Parcel A*, *Parcel B* or *Parcel C*, respectively;
  - (b) the owner agrees to provide and maintain works of public art within the *lot*, or provide cash in lieu thereof, of a value not less than one percent (1%) of the gross construction costs of proposed development on the *lot*, in compliance with the City's public art program;
  - (c) the owner agrees to incorporate into the proposed development on the *lot* architectural design and exterior building materials to the satisfaction of the Commissioner of Urban Development Services;
  - (d) the owner agrees to undertake and pay all costs related to the improvements to municipal lighting required to support the proposed development on the *lot*, to the satisfaction of the

Commissioner of Works and Emergency Services;

- (e) the owner agrees to convey to the City, at nominal cost and free and clear of encumbrances, of a 0.6 metre wide strip of land to the full extent of the westerly limit of the *lot* for the widening of Dalhousie Street;
  - (f) the owner agrees to undertake improvement of the street rights-of-way abutting the *lot*, including streetscaping and tree installation, to the satisfaction of the Commissioners of Urban Development Services, Works and Emergency Services and Economic Development, Culture and Tourism;
  - (g) the owner agrees to provide an irrigation system for all street trees in the public right-of-way which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain the entire system in continuing good order and operation;
  - (h) the owner agrees to provide and maintain *public pedestrian walkways* extending the width of the *lot* between Dalhousie and Mutual Streets, to the satisfaction of the Commissioner of Urban Development Services;
  - (i) the phasing of the development of the lands and the timing of the contributions set out above shall be in a manner satisfactory to the Commissioner of Urban Development Services; and
  - (j) the owner enters into an agreement with the City, satisfactory to the City Solicitor, pursuant to Section 37 of the *Planning Act* to secure all the facilities, services and matters required by section 3 of this By-law, as well as those matters deemed appropriate for the orderly development of the lands, and such agreement shall be registered against title to the *lot*.
4. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
5. By-law No. 699-92 of the former City of Toronto is repealed upon the coming into force of the balance of this By-law.

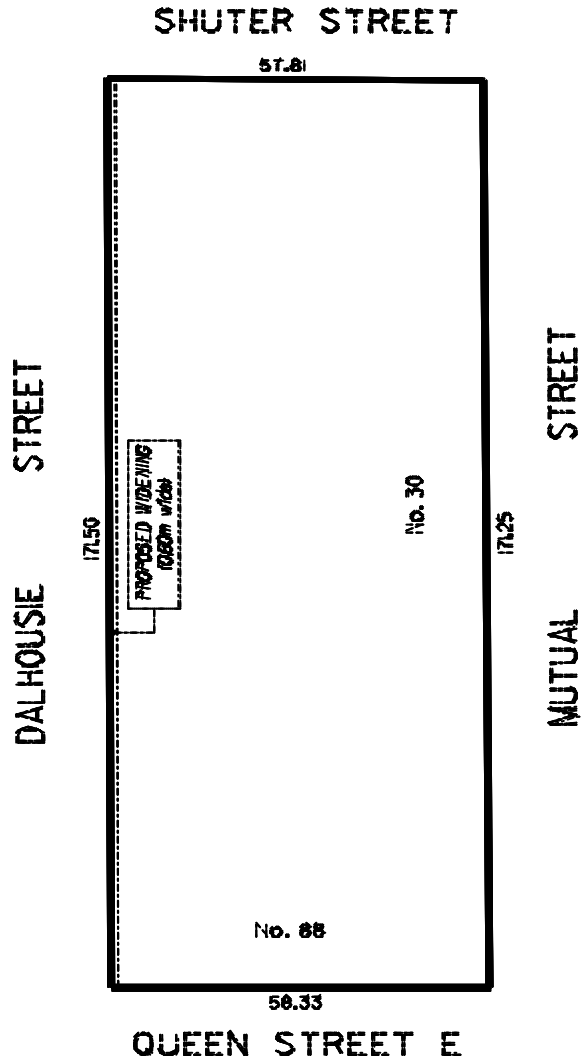
ENACTED AND PASSED this 24th day of February, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

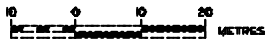
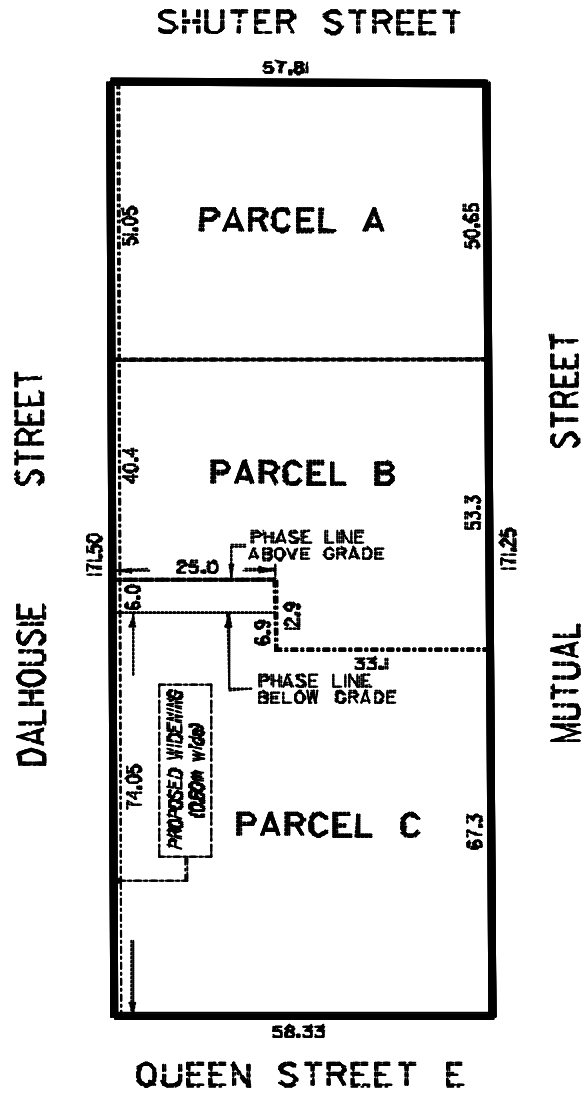
(Corporate Seal)

MAP 1



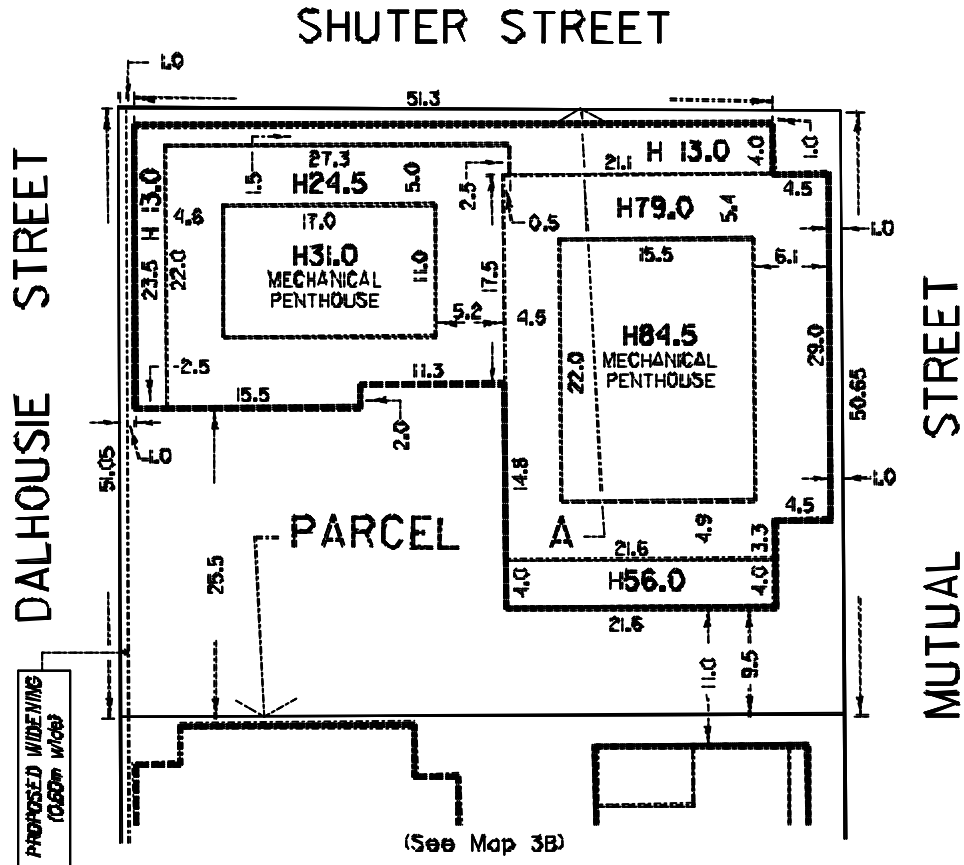
WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO JANUARY, 2005  
FILE: M22-24  
MAP No. 51H-311 DRAWN: VC

MAP 2

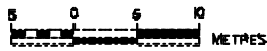


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SURVEY AND MAPPING SERVICES  
TORONTO JANUARY, 2005  
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MAP No. 61H-311 DRAWN# VG

**MAP 3A**  
**(PARCEL A)**



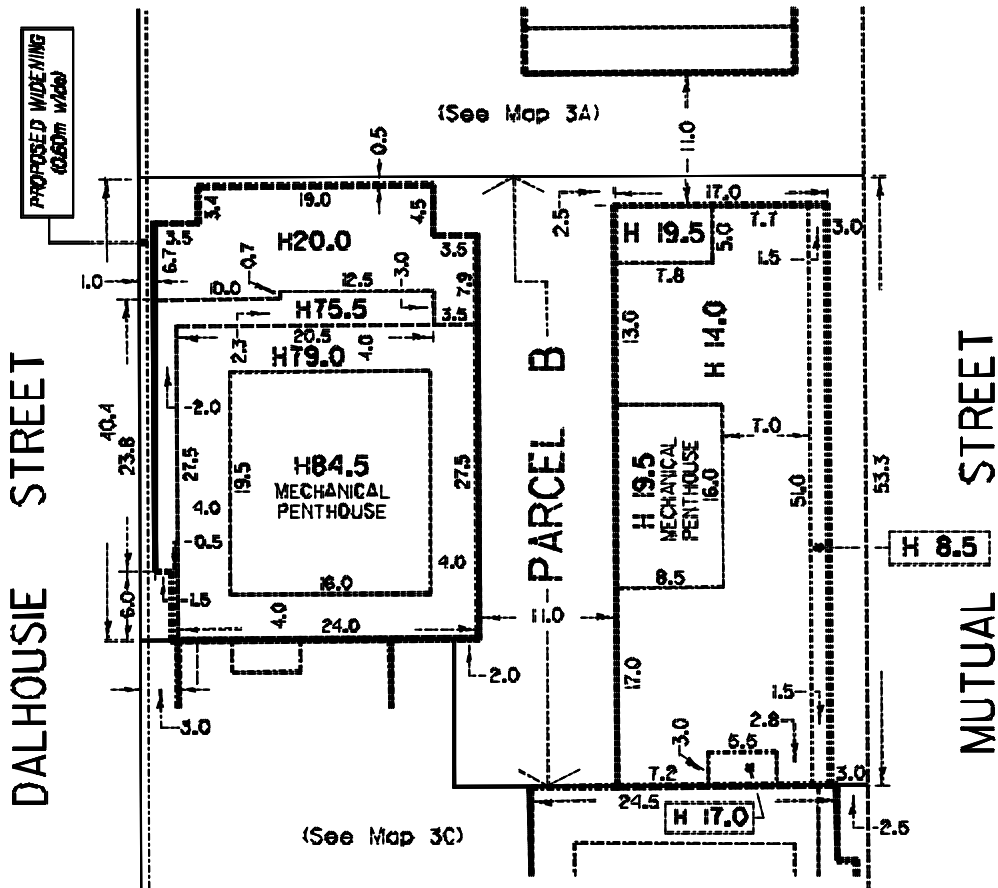
**H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE**



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 TORONTO      FEBRUARY, 2005  
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 FILE: M22-29  
 MAP No. 31H-311      DRAWN: YC



# MAP 3B (PARCEL B)

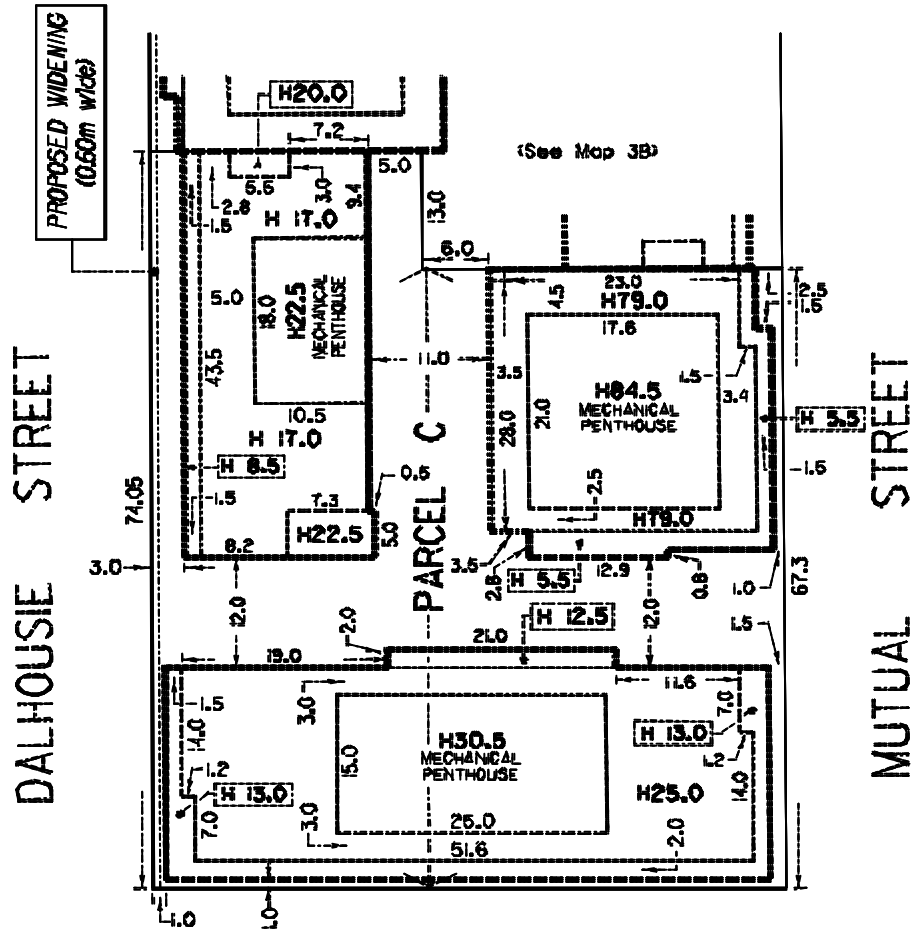


H<sub>z</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



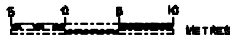
WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO JANUARY, 2005  
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 FILE# M22-24  
 MAP No. 51H-311 DRAWN# VC

# MAP 3C (PARCEL C)



## QUEEN STREET E

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



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 TORONTO JANUARY, 2008  
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 FILE: M22-24  
 MAP No. 51H-311      DRAWN: VC