

Authority: Toronto and East York Community Council Report No. 7, Clause No. 4a,  
adopted as amended, by City of Toronto Council on October 26, 27,  
28 and 31, 2005  
Enacted by Council: October 28, 2005

## **CITY OF TORONTO**

### **BY-LAW No. 954-2005**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 77 Charles Street West.**

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this by-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; 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 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 height and density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands 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 lands and the City of Toronto; 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 lands as permitted in this By-law;

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

1. None of the provisions of Sections 2(1) *grade*, 4(2)(a), 4(5)(b), 4(12), 8(1)(f)(a), 8(3) Part I 1, 8(3) Part III 1(a), 12(2) 310(a) of Zoning 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”, shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed-use building* containing *dwelling units*, a *private academic, philanthropic or religious school*, *dwelling rooms* accessory to the

*private academic, philanthropic or religious school* and the premises of a *charitable institution or non-profit institution* and *accessory* uses provided:

- (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
- (2) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto except cornices, canopies, awnings, skylights, ornamental elements, trellises, lighting fixtures, balconies, fences, landscape planters and seating areas, retaining walls, ramps to an underground garage, stairways and railings;
- (3) no portion of the *building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H”, shown on Map 2, including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
  - (i) a railing or railings located at each of the roof levels of the building provided the maximum vertical dimension of any such railing does not exceed 1.1 metres;
  - (ii) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres;and having a maximum combined vertical dimension of 1.8 metres above the *height* of each of the roof levels of the building;
  - (iii) window washing equipment, stair towers, partitions dividing outdoor recreation areas and trellises located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres, except above the mechanical penthouse roof level *height* of 61.9 metres; and
  - (iv) window washing equipment, lightning rods and exhaust flues located above the mechanical penthouse roof level *height* of 61.9 metres provided the maximum vertical dimension of any such element does not exceed 1.2 metres;
- (4) the *residential gross floor area* of the *mixed-use building* does not exceed 10,255 square metres, excluding *dwelling rooms* accessory to the *private academic philanthropic, or religious school*, and the building contains not more than 72 *dwelling units*;
- (5) the combined *non-residential gross floor area* of the *mixed use building* and *residential gross floor area* of the *dwelling rooms* accessory to the *private academic, philanthropic or religious school* does not exceed 2,945 square metres, and a maximum of 24 *dwelling rooms* accessory to the *private academic, philanthropic or religious school* are permitted;

- (6) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
    - (i) 0.7 *parking space* for each 1 bedroom *dwelling unit*;
    - (ii) 1.0 *parking space* for each 2 bedroom *dwelling unit*;
    - (iii) 1.2 *parking spaces* for each 3 or more bedroom *dwelling unit*;
    - (iv) 0.06 *parking space* for every *dwelling unit* for visitors;
    - (v) 1.0 *parking space* for every 6 *dwelling rooms*; and
    - (vi) 1.0 *parking space* for every 850 *square metres* of *total floor area* of a *private academic philanthropic* or *religious school*, excluding *dwelling rooms* accessory thereto;
  - (7) a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom, and a minimum of 2 square metres of *residential amenity space* for each *dwelling unit* shall be provided outdoors, of which at least 40 *square metres* shall be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and
  - (8) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(8) of this By-law, agreeing to:
- (1) to provide and maintain a work of art pursuant to a public art program in a publicly visible portion of the building having a value, including implementation of the public art program, not less than \$225,000;
  - (2) provide a contribution of \$100,000 for area streetscape improvements, prior to the issuance of an above *grade* building permit for any development;
  - (3) utilize granite paving in the landscape plan between the main front wall of the building and the *front lot line* and utilize limestone on the front exterior elevation of the three-storey podium of the *mixed-use building*;

- (4) to pay for any improvements / upgrades to the municipal infrastructure should it be determined that improvements / upgrades are required to support the development, according to the submitted site servicing assessment as reviewed and accepted by the Executive Director, Technical Services;
  - (5) to incorporate any measures into the building design should it be determined that measures are to required to mitigate the impact of wind conditions, according to the pedestrian level windy study as reviewed and accepted by the Chief Planner and Executive Director, City Planning;
  - (6) to pay for the cost of relocating the curb and all its associated work on Charles Street West along the frontage of the site, and restoration of the public boulevards to the satisfaction of the Executive Director, Technical Services;
  - (7) to submit, prior to site plan approval, to the Executive Director, Technical Services, a certified cheque in the amount of \$2,796.29, payable to the Treasurer, City of Toronto, for City staff to upgrade two of the existing luminary from 70W MH Acorn to 150W MH Acorn and install a new 150W MH Acorn luminaire on an existing pole on the public right-of-way of Charles Street West; and
  - (8) to install, at their expense, an irrigation system with automatic timer for all new street trees in the Charles Street West right-of-way adjacent to the site, to the satisfaction of the Executive Director, Technical Services, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation; and
3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
4. For the purpose of this By-law:
  - (1) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
  - (2) *grade* means 114.0 metres Canadian Geodetic Datum; and
  - (3) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended.
5. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the *lot* is subject to the provisions of this By-law.

- 6.** Issuance of a building permit for the proposed development shall be dependant upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this 28th day of October, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## MAP 1



## MAP 2

