

Authority: Toronto and East York Community Council Item 28.5,
as adopted by City of Toronto Council on October 26 and 27, 2009
Enacted by Council: January 27, 2010

CITY OF TORONTO

BY-LAW No. 103-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 15 St. Mary Street, 65 and 67 St. Nicholas Street, and the rear portion of 692 Yonge Street.

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 2009 as 15 St. Mary Street, 65 and 67 St. Nicholas Street, and the rear portion of 692 Yonge Street; 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 the Council of the City of Toronto, at its meeting on October 26 and 27, 2009, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the 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 provision by the *owner* of the *site* of the facilities, services and matters set out in Section 6 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Section 6 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *site*.

5. None of the provisions of Section 2 with respect to *grade* and *height*, and Sections 4(2)(a), 4(5)(b), 4(12), 4(14), 4(16), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART XI 1, 8(3) PART XI 2(ii) of *By-law No. 438-86*, shall apply to prevent the erection and use of a *mixed-use building* with underground parking on the *site*, provided that:
- (a) the *lot* on which the building is located comprises at least the *site*;
 - (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 16,200 square metres;
 - (c) the *non-residential gross floor area* shall not exceed 400 square metres;
 - (d) the *height* of each portion of a building or structure erected above *grade* within the *site* shall, in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol "H" on Map 2 for the corresponding *building envelope* area, including mechanical and roof top elements such as decorative elements, except for:
 - (i) parapets, terrace guards and dividers, planters, railings and decorative screens extending to a maximum vertical projection of 1.8 metres above the *height* limits shown on Map 2; and
 - (ii) window washing equipment and aircraft warning lights;
 - (e) no part of any building or structure erected within the *site* shall be located above *grade* other than within a *building envelope*, subject to the following:
 - (i) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, landscape and public art features and safety or wind protection, all of which may extend beyond the *building envelope*; and
 - (ii) balconies and balcony piers above the third *storey*, which can project beyond the heavy lines shown on Map 2 to a maximum of:
 - A. 1.5 metres on the north, west and east faces of the building; and
 - B. 2.0 metres on the south face of the building; and
 - (iii) balconies and balcony piers at the second *storey*, which can project beyond the *building envelop* but only on the west face of the building and only to a maximum of 0.5 metres.

- (f) subject to subsections (g) and (h) below, a minimum number of *parking spaces* shall be provided and maintained on the *site* in accordance with the following:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.7 *parking spaces* for each *one bedroom dwelling unit*;
 - (iii) 1.0 *parking spaces* for each *two bedroom dwelling unit*;
 - (iv) 1.2 *parking spaces* for each *three bedroom dwelling unit*; and
 - (v) 0.06 *parking spaces* for each *dwelling unit* shall be provided for visitors;
- (g) for each *car-share parking space* provided on the *site*, the minimum resident parking required shall be reduced by 10 *parking spaces*;
- (h) the maximum number of *car-share parking spaces* shall be 2;
- (i) *bicycle parking spaces – occupant* shall not be combined with storage lockers for residential units;
- (j) *residential amenity space* shall be provided in accordance with the following table:

TYPE OF RESIDENTIAL AMENITY SPACE REQUIRED		AMOUNT OF RESIDENTIAL AMENITY SPACE REQUIRED
<i>residential amenity space</i> in a multi-purpose or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom:		2 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i>
<i>residential amenity space</i> located outdoors:		0.66 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> , the total amount of which shall not be less than 160 square metres, and of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor <i>residential amenity space</i> .

6. The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner to the City in accordance with an agreement or agreement(s) pursuant to Section 37(1) of the *Planning Act* in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:
- a. the payment of \$685,000.00 to the City to be applied toward the cost of capital improvements to Queen's Park, paid prior to the issuance of the first building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment;
 - b. the on-site reconstruction of the façade and the three-storey south wall return of the brick building known in the year 2009 as 65-67 St. Nicholas Street, to be incorporated into the podium element of the new building;
 - c. the improvement of the street right-of-way abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d. the provision and maintenance at the owner's expense for any proposed trees within the public road allowance, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager, Technical Services;
 - e. the payment of costs for any improvements to the municipal infrastructure in connection with the site servicing assessment, as accepted by the Executive Director of Technical Services, should it be determined that upgrades to such infrastructure are required to support this development;
 - f. the payment for all costs associated with pavement marking and signage as shown on the approved pavement marking and signing plan, including all costs associated with the removal of any on-street parking spaces as deemed necessary by the Toronto Parking Authority;
 - g. the preparation of a Construction Mitigation Plan and Resident Communications Strategy, prior to the issuance of the first building permit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
 - h. Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of the zoning by-law which identify the facilities, services and matters to be secured.

7. The *owner* of the *site* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *site* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade permit, which for clarity shall not include any permit for demolition, excavation or shoring.
8. For the purpose of this By-law, the following expressions shall have the following meaning:
- a. "*building envelope*" means a building envelope for each height area within the *site*, as shown by an "H" and as delineated by the lines on Map 2 attached hereto;
 - b. "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
 - c. "*car-share motor vehicle*" means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
 - d. "*car-share parking space*" means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
 - e. "*City*" means the City of Toronto;
 - f. "*grade*" means 112.5 metres above Canadian Geodectic Datum;
 - g. "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure, and for clarity shall include the highest point of any mechanical penthouse, elevator overruns, stairwell enclosures, or other building elements;
 - h. "*owner*" means the registered owner of the *site* or any part thereof;
 - i. "*site*" means those lands outlined by heavy lines on Map 1 attached hereto; and
 - j. each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

ENACTED AND PASSED this 27th day of January, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



