

Authority: Toronto and East York Community Council Item TE26.11, adopted as amended, by City of Toronto Council on October 2, 3 and 4, 2017 and MM35.47, by Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon

CITY OF TORONTO

Bill 1474

BY-LAW -2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 25 Ontario Street and part of 280 King Street East.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; 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*; and

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, to impose the holding symbol (h) and to remove the holding symbol (h) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (h) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and/or density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended to add the lands at 25 Ontario Street to the Zoning By-law Map in Section 990.10, and to amend the Zoning By-law Map in Section 990.10 for part of the lands at 280 King Street East, by applying the following zone label to these lands subject to this By-law: CRE (x15)(H) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area "PA1" label to these lands, as shown on Diagram 3 attached to this By-law;
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying a height and storey label of HT 26.0 as shown on Diagram 4 attached to this By-law;
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 and applying a Rooming House label of "B3" as shown on Diagram 5 attached to this By-law;
7. Zoning By-law 569-2013, as amended, is further amended by adding a new Exception 15 to Article 900.12.10 so that it reads:

Exception CRE 15

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 25 Ontario Street and 280 King Street East, if the requirements of Section 8 and Schedule 'A' of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 5.10.40.70(1) and (2), 50.5.40.10, 50.10.40.10, 50.10.40.60, 50.10.40.70, 50.10.40.80, 50.10.90.40, 200.15.1, 200.15.1.5, 230.5.1.10.(9), 600.10.10.(1), apply to prevent the erection or use of a **non-residential building** meeting the requirements of (B) to (T) below;
- (B) Height is measured from the Canadian Geodetic Datum elevation of 82.5 metres;
- (C) No portion of a **building** or **structure** may have a greater height in metres than the heights in metres specified by the numbers following the symbol HT and the number of storeys specified by the numbers following the symbol ST on Diagram 6 of By-law [Clerks to supply by-law ##];

- (D) For the purposes of determining the number of **storeys** of the **building** permitted by (C) above, the following will not be considered a **storey**:
- (i) one mezzanine floor level which is located above the first floor level above-ground, not exceeding 1,000 square metres in floor area, and used for no other purpose than storage, mechanical, electrical and the functional operation of the building; and,
 - (ii) a maximum of two mechanical penthouse floor levels, which are to be the uppermost floor levels of the **building**, and are to be restricted in use to mechanical, electrical, heating, cooling and other areas dedicated to the functional operation of the building, with the exception that the lower of the two mechanical penthouse levels may have a maximum of 580 square metres of floor area comprising indoor **amenity space** that may include collaborative, venue and meeting spaces dedicated to the office uses;
- (E) No portion of any **building** or **structure** erected or used above ground will be located otherwise than wholly within the heavy lines delineating the height areas on Diagram 6 of By-law [Clerks to supply by-law ##];
- (F) Despite (C) above, **structures** used for window washing equipment may exceed the maximum height permitted in (C) by 6.5 metres;
- (G) Despite (C) above, **structures** used for elevator overruns, chimney stacks, vents and air intakes, communications equipment, lightning rods, parapets, green roof elements, railings, and screens may exceed the maximum height permitted in (C) by 3.0 metres;
- (H) Despite (E) above, eaves, cornices, window sills, wheel chair ramps, light fixtures, railings, awnings, window mullions, canopies, raised planters, fences, vents, green roof elements, screens, underground garage ramp and associated structures are permitted to project horizontally from the **building** beyond the heavy lines specified on Diagram 6 of By-law [Clerks to supply By-law ##];;
- (I) The maximum **gross floor area** must not exceed 43,650 square metres, of which all of the non-residential gross floor area from the second storey ascending upward through the building to the uppermost storey shall be restricted to office uses and ancillary uses to the office;
- (J) Despite 50.10.20, **public parking** is a permitted use;
- (K) **Parking spaces** must be provided on the **lot** in accordance with 200.5.10.1(1), with the exception that a maximum of 3 **parking spaces** may be designated for the exclusive use of couriers and deliveries;
- (L) Despite 200.5.1.10(2), a maximum of 4 **parking spaces** may be obstructed on one side and have a minimum width of 2.60 metres;

- (M) Despite 200.5.1.10(2), a maximum of 4 **parking spaces** may have a minimum length of 5.35 metres;
- (N) The **parking spaces** required under (K) above may be provided within a **public parking** facility;
- (O) A minimum of 8 **parking spaces** provided under (K) above must be provided as accessible **parking spaces** and must:
 - (i) be located no more than 10 metres from a barrier-free passenger elevator that provides access to the first **storey** of the building, measured on a horizontal plane from the nearest point of the **parking space**;
 - (ii) in the case of an accessible **parking space** which is perpendicular to a **drive aisle**, have a minimum unobstructed width of 3.9 metres, a minimum length of 5.6 metres and a minimum vertical clearance of 2.1 metres; and,
 - (iii) in the case of an accessible **parking space** which is parallel to a **drive aisle**, have a minimum unobstructed width of 3.9 metres, a minimum length of 6.7 metres and a minimum vertical clearance of 2.1 metres;
- (P) Despite 220.5.10.1, a minimum of two Type B **loading spaces** and two Type C **loading spaces** must be provided and maintained;
- (Q) Despite 230.5.10.1(1), a minimum of 90 short-term **bicycle parking spaces** and a minimum of 83 long-term **bicycle parking spaces** must be provided and maintained;
- (R) Despite 230.5.10.1(10), short-term **bicycle parking spaces** and long-term **bicycle parking spaces** may be located in a **stacked bicycle parking space**.
- (S) Despite 230.5.1.10(7)(C), a minimum of 1 shower and change facility must be provided for each gender; and,
- (T) Despite any existing or future severance, partition or division of the **lot** as shown on Diagram 1 of by-law [Clerks to supply by-law ##], the provisions of this by-law apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections: (None Apply)

8. Holding Provisions:

The lands zoned with the "(h)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of December 1, 2017 until the "(h)" symbol has

been removed. An amending by-law to remove the "(h)" symbol shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council.

- (A) The owner shall submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services.
- (B) The owner shall submit a revised Hydrogeology Report and enter into a sanitary discharge agreement for discharging to the sanitary sewer in accordance with Toronto Municipal Code 681-6, By-law No. 868-2010, if required, to the satisfaction of the General Manager, Toronto Water.

9. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the **owner**, at the **owner's** expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the **owner** to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The **owner** shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on December , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

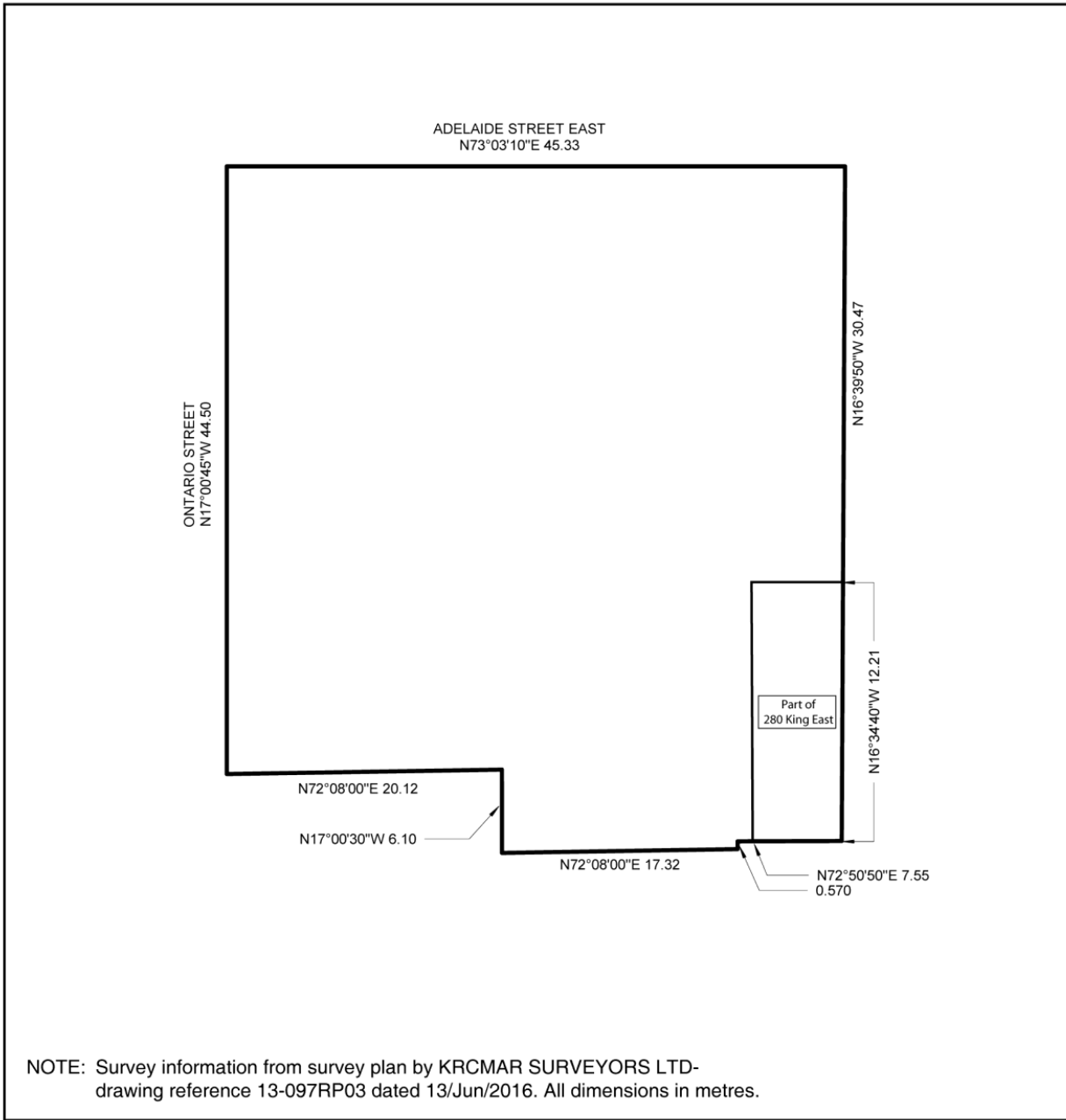
SCHEDULE A
Section 37 Provisions

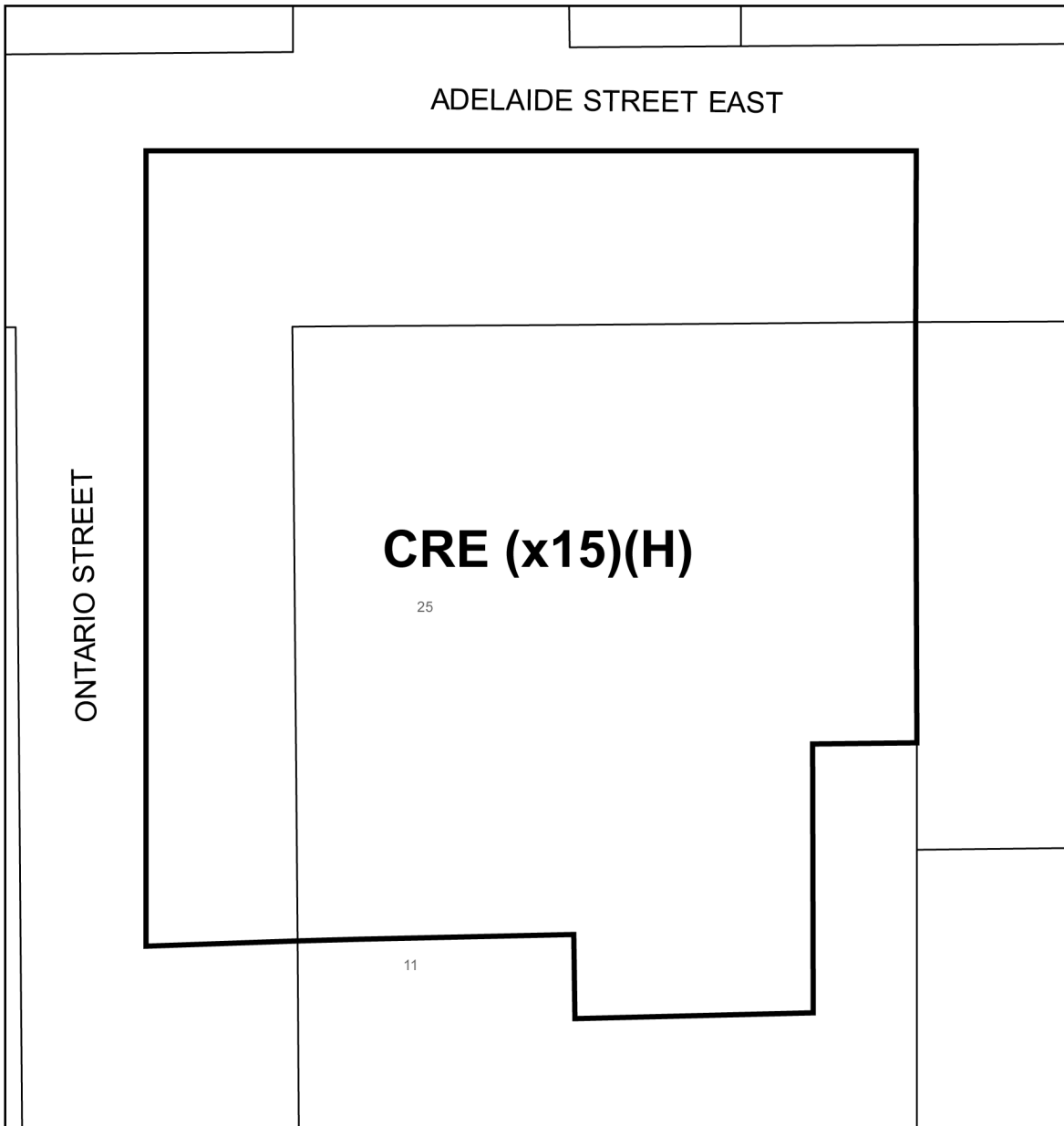
The facilities, services and matters set out below are required to be provided to the City at the **owner's** expense in return for the increase in height of the proposed development on the **lot** and in accordance with an agreement under Section 37(3) of the *Planning Act* whereby the **owner** agrees as follows:

- (1) Prior to issuance of a permit, the **owner** shall provide community benefits in the form of a cash contribution of one million, three hundred thousand dollars (\$1,300,000.00), and indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made towards any combination of the following:
 1. Local streetscape/parkland improvements within the vicinity of the subject site, including but not limited to streetscape improvements on Ontario Street and Adelaide Street East to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
 2. The redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street, 44 Parliament Street and 265 and 271 Front Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the Ontario Heritage Trust, in consultation with the Ward Councillor; and
 3. The preservation of off-site heritage resources that are designated and/or listed on the City of Toronto Heritage Register, including the implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- (2) In the event the cash contributions referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 1. That prior to Final Site Plan approval in connection with the Zoning By-law Amendment for the property at 25 Ontario Street and a portion of 280 King Street East, the **owner** shall:

- a. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.a.2 in the report dated July 31, 2017 from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;
 - c. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - d. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and
 - e. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
2. That prior to the issuance of any permit for all or any part of the property at 25 Ontario Street or a portion of 280 King Street East, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the **owner** shall:
- a. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;
 - b. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2 in the report July 31, 2017 from Chief Planner and Executive Director, City Planning Division, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - c. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan and Interpretation Plan;

3. That prior to the release of the Letter of Credit required in Schedule A Section 3(2)(c) the **owner** shall:
 - a. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - b. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services;
4. A portion of the east wall abutting the property at 284 King Street East be designed as a blank wall during the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
5. The **owner** of 25 Ontario Street shall withdraw their appeal to Official Plan Amendment 231 by the earlier of site plan approval or 30 days following the Zoning By-laws coming into full force and effect; and
6. The **owner** of 25 Ontario Street shall withdraw their appeal to the St. Lawrence Neighbourhood Heritage Conservation District Plan by the earlier of site plan approval or 30 days following the Zoning By-laws coming into full force and effect.





 **TORONTO**
Diagram 2

25 Ontario Street + 280 King Street East

File # 11 327600 STE 28 0Z

