

Authority: Toronto and East York Community Council
Item TE7.15, as adopted by City of Toronto Council on
July 16 and 17, 2019

CITY OF TORONTO

Bill 1168

BY-LAW -2019

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 55-61 Charles 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 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86 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; and

The Council of the City of Toronto enacts:

1. This By-law applies to the lands delineated by heavy black lines and identified as 55 and 61 Charles Street East as shown on Map 1 attached to and forming part of this By-law
2. None of the provisions of Section 2(1) with respect to the definition of "*grade*", "*height*", "*residential gross floor area*", and "*lot*", and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13)(a) and (c), 4(16), 8(3) Part I, 8(3) Part II, 8(3) Part III, 12(2)80, and 12(2)132 of By-law 438-86 of the former City of Toronto, 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", as amended, shall apply to prevent the erection and use of a *residential building* on the *lot*, provided that:

- a. the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- b. except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply to the *lot*;
- c. the total *residential gross floor area* erected and used on the *lot* shall not exceed 45,000 square metres;
- d. a *commercial parking garage* is a permitted use on the *lot*;
- e. for the purposes of subsection (c) above, any portion of the building below ground used for a *commercial parking garage* is excluded from the calculation of *residential gross floor area*;
- f. the permitted maximum number of *storeys* is 48;
- g. for the purposes of subsection (f) above and subsection (k) below, the following portions of a building are not a *storey*:
 - i. A partial mezzanine level located above the first floor and below the second floor of a building, limited in use to areas used for the functional operation of the building and access thereto, or the second level of *dwelling units* which contain two levels; and
 - ii. An upper and lower mechanical penthouse level located above the 48th *storey*, the lower level of which may include *residential amenity space*;
- h. no building or structure or portion thereof, inclusive of a mechanical penthouse containing equipment and structures used for the functional operation of the building, shall have a *height* in metres greater than the *height* in metres specified by the number following the letters **HT** on Map 2, attached to and forming part of this By-law;
- i. nothing in subsection (h) above shall apply to prevent the following elements from projecting above the *height* limits shown on Map 2:
 - i. Equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the *height* limits to a maximum of 2.0 metres;

- ii. Architectural features, parapets, and elements and structures associated with a green roof may project above the *height* limits to a maximum of 1.0 metre;
 - iii. Building maintenance units and window washing equipment may project above the *height* limits to a maximum of 6.5 metres;
 - iv. Planters, landscape features, guard rails, and divider screens on a balcony and/or terrace may project above the *height* limits to a maximum of 2.5 metres; and
 - v. Trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop *residential amenity space* may project above the *height* limits to a maximum of 3.0 metres;
- j. no portion of any building or structure above finished ground level is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law;
- k. nothing in subsection (j) above shall apply to present the following elements from projecting horizontally beyond the heavy lines shown on Map 2:
- i. Canopies and awnings may project up to a maximum of 3.0 metres;
 - ii. Cornices, architectural elements, pilasters and eaves, window sills and light fixtures may project up to a maximum of 0.5 metres;
 - iii. Stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures; and
 - iv. Balconies and terraces located at and above the 9th storey may project up to a maximum of 1.5 metres only within the balcony projection areas shown on Map 2;
- l. the provision of *dwelling units* is subject to the following:
- i. A minimum of 25 percent of the total number of *dwelling units*, excluding any rental replacement *dwelling units*, must have two or more bedrooms;
 - ii. A minimum of 10 percent of the total number of *dwelling units*, excluding any rental replacement *dwelling units*, must have three or more bedrooms;
 - iii. Any *dwelling units* with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - iv. For the purpose of this subsection (h), the phrase "rental replacement *dwelling unit*" means one of the 100 rental *dwelling units* erected on the

lands, as referenced in Schedule A of this By-law and secured by an agreement pursuant to Section 37 of the Planning Act;

- m. *residential amenity space* shall be provided on the *lot* in accordance with the following:
 - i. A minimum of 2.14 square metres per *dwelling unit* of indoor *residential amenity space* shall be provided; and
 - ii. A minimum of 1.17 square metres per *dwelling unit* of outdoor *residential amenity space* shall be provided;
- n. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. A minimum of 0.2 *parking spaces* per *dwelling unit* shall be provided for the use of residents of the *residential building*;
 - ii. A minimum of 0.035 *parking spaces* per *dwelling unit* shall be provided for visitors and public use, of which a minimum of 7 *parking spaces* must be provided for the exclusive use of visitors of the *residential building* and the remainder may be used for the purpose of *commercial parking garage*; and
 - iii. A minimum of 2 *parking spaces* must be provided as *car share parking spaces*;
- o. when the calculation of the number of *parking spaces* required under subsection (n) above results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space;
- p. a maximum of 30 *parking spaces* may be obstructed on one side in accordance with Section 4(17)(e) of By-law 438-86, as amended, without a requirement to increase the minimum width by 0.3 metres;
- q. *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. A minimum of 0.9 *bicycle parking spaces residential - occupant* shall be provided per dwelling unit which may be provided in bicycle parking stackers;
 - ii. A minimum of 0.1 *bicycle parking spaces residential - visitor* shall be provided per dwelling unit which may be provided in bicycle parking stackers;
- r. when a *bicycle parking space* is provided in a bicycle parking stacker the minimum width for each *bicycle parking space* is 0.45 metres;

- s. A minimum of one *loading space – type G* and one *loading space – type C* shall be provided and maintained on the *lot*; and
 - t. none of the provisions of By-law 438-86, as amended, shall apply to prevent the erection or use of a *temporary sales office* on the *lot*.
3. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in *height* and/or density of development on the *lot* contemplated herein beyond the otherwise permitted in By-law 438-86, as amended, is permitted in return for the provision by the owner, at the owner's expense certain facilities, services and matters set out in Schedule A hereof subject to and in accordance with an agreement pursuant to Section 37(3) of the Planning Act that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
6. 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.
7. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following:
- a. "*car share*" shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where the organization may require that use of carts to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee which may or may not be refundable;
 - b. "*car share parking space*" means a *parking space* exclusively reserved and one used for *car share* purposes where the vehicle is accessible to at least the occupants of the building;
 - c. "*grade*" shall mean an elevation of 114.7 metres Canadian Geodetic Datum;

- d. "*height*" shall mean the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
- e. "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- f. "*residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the residential building is reduced by the area in the building used for:
- i. Parking, loading and bicycle parking below-ground;
 - ii. *Loading spaces* at the ground level and *bicycle parking spaces* at or above-ground;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *Residential amenity space* required by this By-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building; and
- g. "*temporary sales office*" means a building, structure, facility or trailer on the lot used exclusively for the initial sale and/or initial leasing of *dwelling units* permitted on the *lot*;

Enacted and passed on July , 2019.

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 and density of the proposed development on the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

1. The owner of 218 Carlton Street, shall transfer to the City the property at 218 Carlton Street, renovated and furnished at no cost to the City, for use as affordable rental housing units prior to the earlier of January 6, 2022 or registration of a plan of condominium for 55-61 Charles Street East substantially on the terms and conditions outlined in Attachment 10 to the June 13, 2019 report from the Director, Community Planning, Toronto and East York District and to the satisfaction of the Executive Director, Housing Secretariat, the value for which shall be \$6,400,000.00.
2. Prior to February 12, 2020, the owner shall pay to the City the sum of \$200,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for pre-development funding at 218 Carlton Street, to the satisfaction of the Executive Director, Housing Secretariat.
3. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,470,000.00 to be allocated towards the Capital Revolving Reserve Fund for Affordable Housing (XR1058) for existing and/or new affordable housing that may be owned by Toronto Community Housing within Ward 13, to the satisfaction of the Executive Director, Housing Secretariat.
4. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,660,000.00 to be allocated towards local area park or streetscape improvements located within Ward 13 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, the General Manager, PF&R and the General Manager, Transportation Services.
5. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,670,000.00 to be allocated towards community, cultural, or recreational facilities capital improvements within Ward 13.
6. The cash contributions outlined in (2), (3), (4) and (5) above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor, and calculated from the date that the Section 37 Agreement is registered on title.
7. In the event the above-noted cash contributions have not been fully used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building

permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject lands.

Rental Housing

8. The owner shall provide and maintain one-hundred (100) replacement rental dwelling units, comprised of twenty (20) bachelor units, seventy-five (75) one-bedroom units, and five (5) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 55 Charles Street East, Rental Floor Plans, dated June 6, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
9. The owner shall, as part of the one-hundred (100) replacement rental dwelling units required above, provide at least three (3) one-bedroom replacement rental dwelling units at affordable rents, and twenty (20) bachelor units, seventy-two (72) one-bedroom units, and five (5) two-bedroom units replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement dwelling unit is first occupied.
10. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings.
11. The owner shall provide at least 35 replacement rental dwelling units with a balcony or terrace.
12. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building.
13. The owner shall make common storage areas available to tenants, with a combined area of no less than 51 metres, with the final number of lockers to be determined at Site Plan Approval.
14. The owner shall make available a clothes laundry room to all tenants, containing at least nine (9) washing machines and seven (7) drying machines, to the satisfaction of the Chief Planner and Executive Director, City Planning.
15. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

- 16.** The owner shall enter into and register on title one or more agreement(s), pursuant to the City of Toronto Act, 2006, to secure the conditions outlined in (8) through (16) above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

Limiting Distance Agreement

- 17.** Before introducing the necessary Bills to City Council for enactment, a restriction on the property at 620 Church Street will be secured through a Limiting Distance Agreement between the owner of 55-61 Charles Street East, the owner of 620 Church Street, and the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 620 Church Street where no new building or structure may be constructed within 25 metres of the building at 55-61 Charles Street East, above a height of 24.5 metres.

Municipal Infrastructure

- 18.** Before introducing the necessary Bills to City Council for enactment, the owner is required to submit a revised Functional Servicing Report satisfactory to the Chief Engineer & Executive Director, Engineering & Construction Services.

Knock-Out Panels

- 19.** The owner shall provide and maintain 140 knock-out panels between units on Levels 9-48 to enable the conversion or combination of two or more units into larger units, and include appropriate provision(s) in any condominium documents to enable any such conversions in the future.

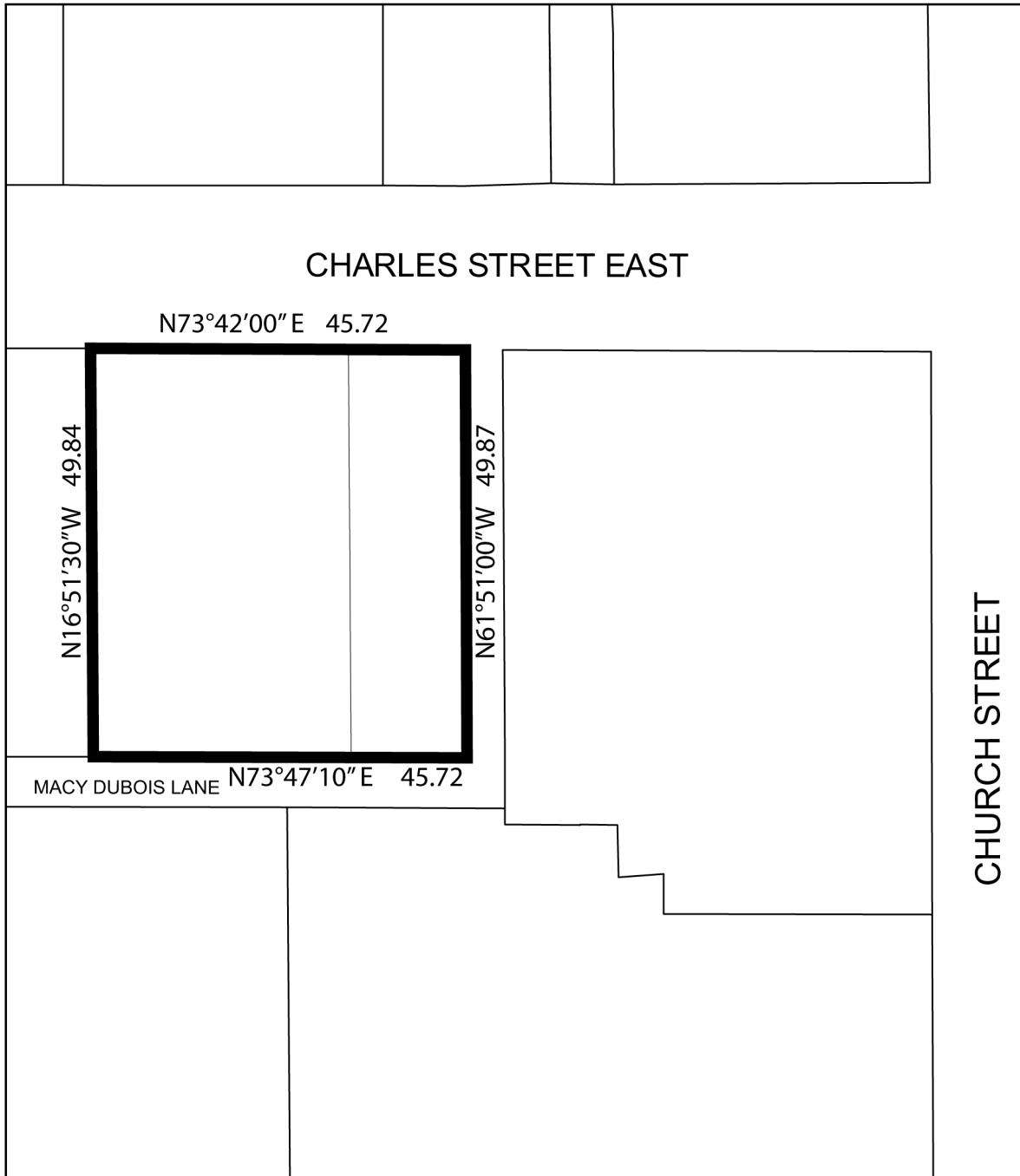
Toronto Green Standard

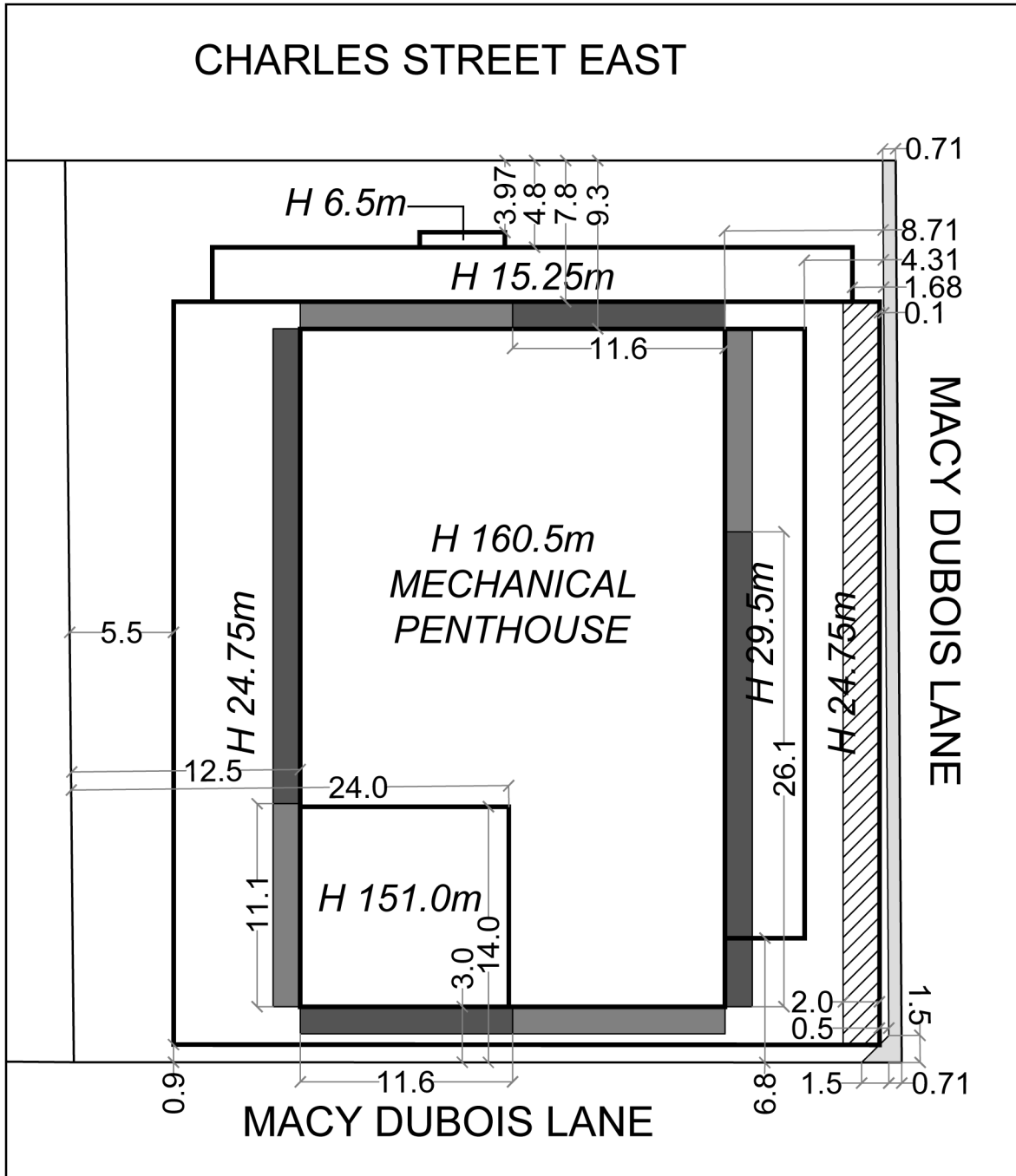
- 20.** The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Construction Management

- 21.** Prior to the issuance of a permit for excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication

strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager of Transportation Services, in consultation with the Ward Councillor.





55-61 Charles Street East

File # 18 144553 STE 27 0Z

- Stratified Conveyance 1.2m depth from finished grade
- ▨ No part of the building shall be located within the hatched area from finished ground level to a height of 5.5 metres above grade
- Balcony projections on storeys 13-20, 25-28, 37-40
- Balcony projections on storeys 9-12,21-24,29-36,41-48

City of Toronto By-law 438-86
 Not to Scale
 6/20/2019