

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 1169

BY-LAW -2019

To amend Zoning By-law 569-2013, 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 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 by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.0 (c1.0; r2.0) SS1 (x196), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 196 so that it reads:

(196) Exception CR 196

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 55-61 Charles Street East, if the requirements of Section 5 and Schedule A of By-law -2019 [Clerks to insert number] are complied with, an **apartment building** may be constructed, used or enlarged in compliance with Sections (B) to (R) below;
- (B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **apartment building** is 45,000 square metres;
- (C) For the purpose of this exception, an **apartment building** may include a **public parking** use and any portion of the **building** below ground used for such purpose is excluded from the calculation of **gross floor area**;
- (D) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 114.7 metres and the highest point of the **building** or **structure**;
- (E) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(1), the permitted maximum height of any **building** or **structure**, including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol as shown on Diagram 3 of By-law -2019 [Clerks to insert number];
- (F) Despite regulations 40.5.40.10(4) to (7) and (E) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law -2019 [Clerks to insert number]:
 - (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 **amenity space** may project above the height limits to a maximum of 3.0 metres;
- (G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 48;
- (H) For the purposes of regulation (G) above and regulation (K), 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 **amenity space**;
- (I) 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 regulation (I), the phrase "rental replacement **dwelling unit**" means one of the 100 rental **dwelling units** erected on the lands, as referenced in Schedule A of By-law -2019 [**Clerks to insert number**] and secured by an agreement pursuant to Section 37 of the Planning Act;
- (J) Despite regulations 40.5.40.70 and 40.10.40.70(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law -2019 [**Clerks to insert number**];

- (K) Despite regulation 40.10.40.60 and regulation (J) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law -2019 [Clerks to insert number]:
- (i) canopies and awnings may encroach up to a maximum of 3.0 metres;
 - (ii) cornices, architectural elements, pilasters and eaves, window sills and light fixtures may encroach 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 stairs may encroach any **building setback**; and
 - (iv) balconies and terraces located at and above the 9th **storey** may encroach up to a maximum of 1.5 metres only within the balcony projection areas shown on Diagram 3 of By-law -2019 [Clerks to insert number];
- (L) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of:
- (i) 2.14 square metres of indoor **amenity space** per **dwelling unit**; and
 - (ii) 1.17 square metres of outdoor **amenity space** per **dwelling unit**;
- (M) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 0.2 **parking spaces** per **dwelling unit** must be provided for the use of residents of the **apartment building**;
 - (ii) a minimum of 0.035 **parking spaces** per **dwelling unit** must 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 **apartment building** and the remainder may be used for the purpose of **public parking**; and
 - (iii) a minimum of 2 **parking spaces** must be provided for car share vehicles;

For the purposes of this exception, "car share" means 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 cars 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, and "car share **parking space**" means a **parking space** exclusively reserved and used for car share purposes where the **vehicle** is accessible to at least the occupants of the **building**;

- (N) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 30 **parking spaces** may be obstructed on one side in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (O) Regulations 200.15.1.5(1) and 200.15.1(4) with respect to the location of accessible **parking spaces** do not apply;
- (P) Despite regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided, the minimum width for each **bicycle parking space** is 0.45 metres;
- (Q) Prevailing Sections 12(2) 80 and 12(2) 132 of former City of Toronto By-law 438-86 do not apply; and
- (R) Article 600.10.10 Building Setback Overlay District "A", does not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 80 of former City of Toronto By-law 438-86.
- (B) Section 12(2) 132 of former City of Toronto By-law 438-86.

5. 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 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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 Diagram 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.

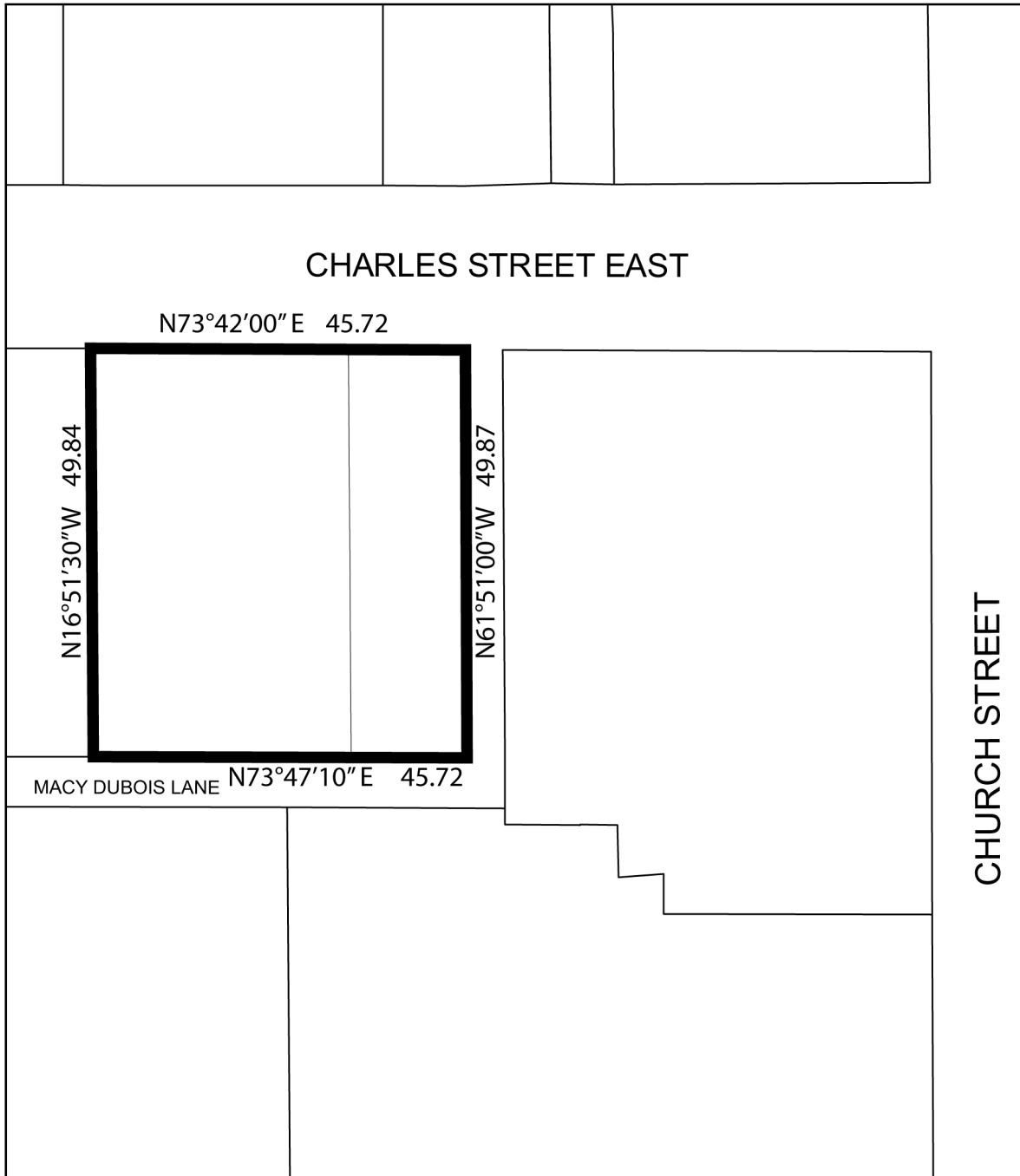
Toronto Green Standard

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

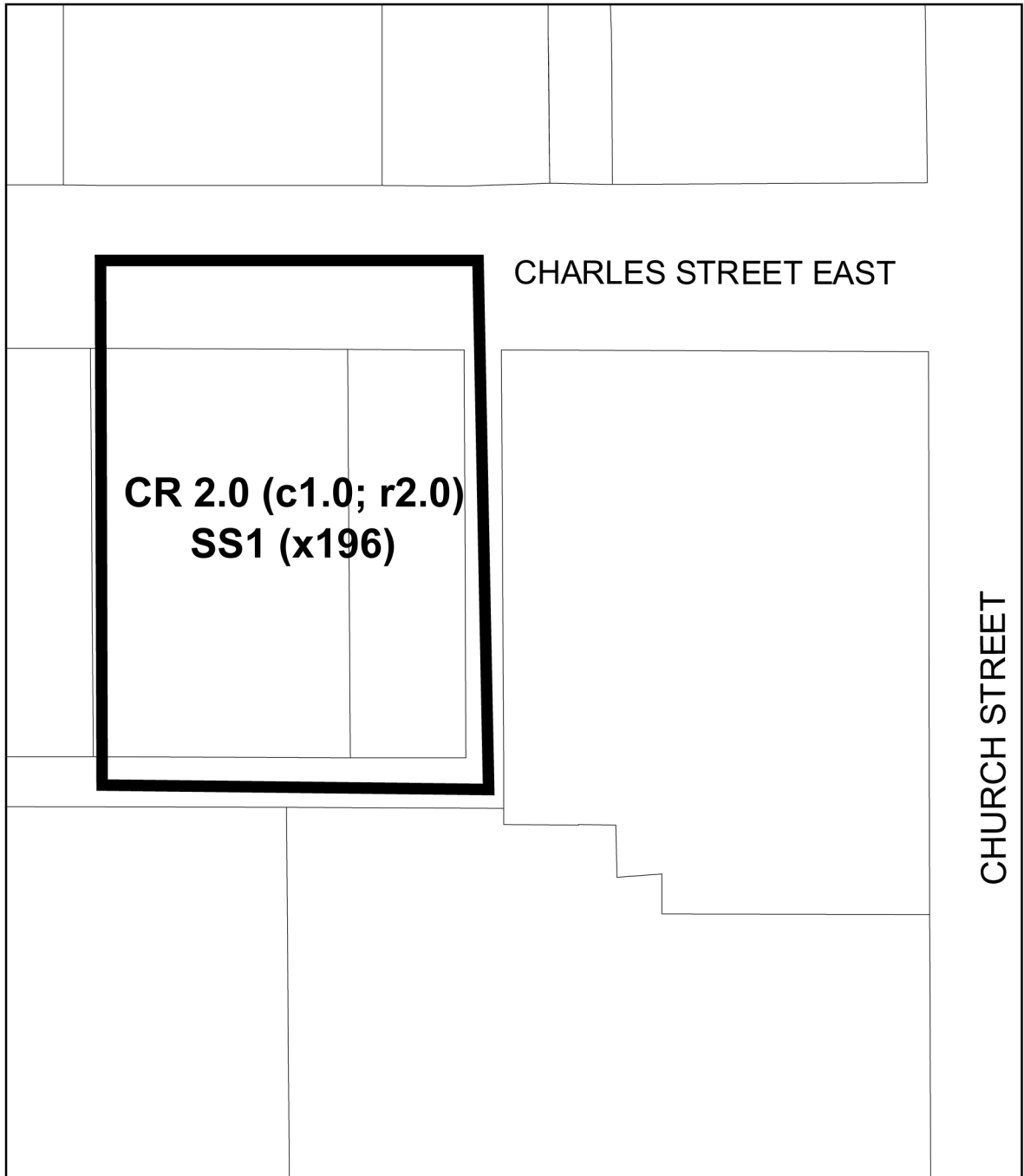
the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, 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.

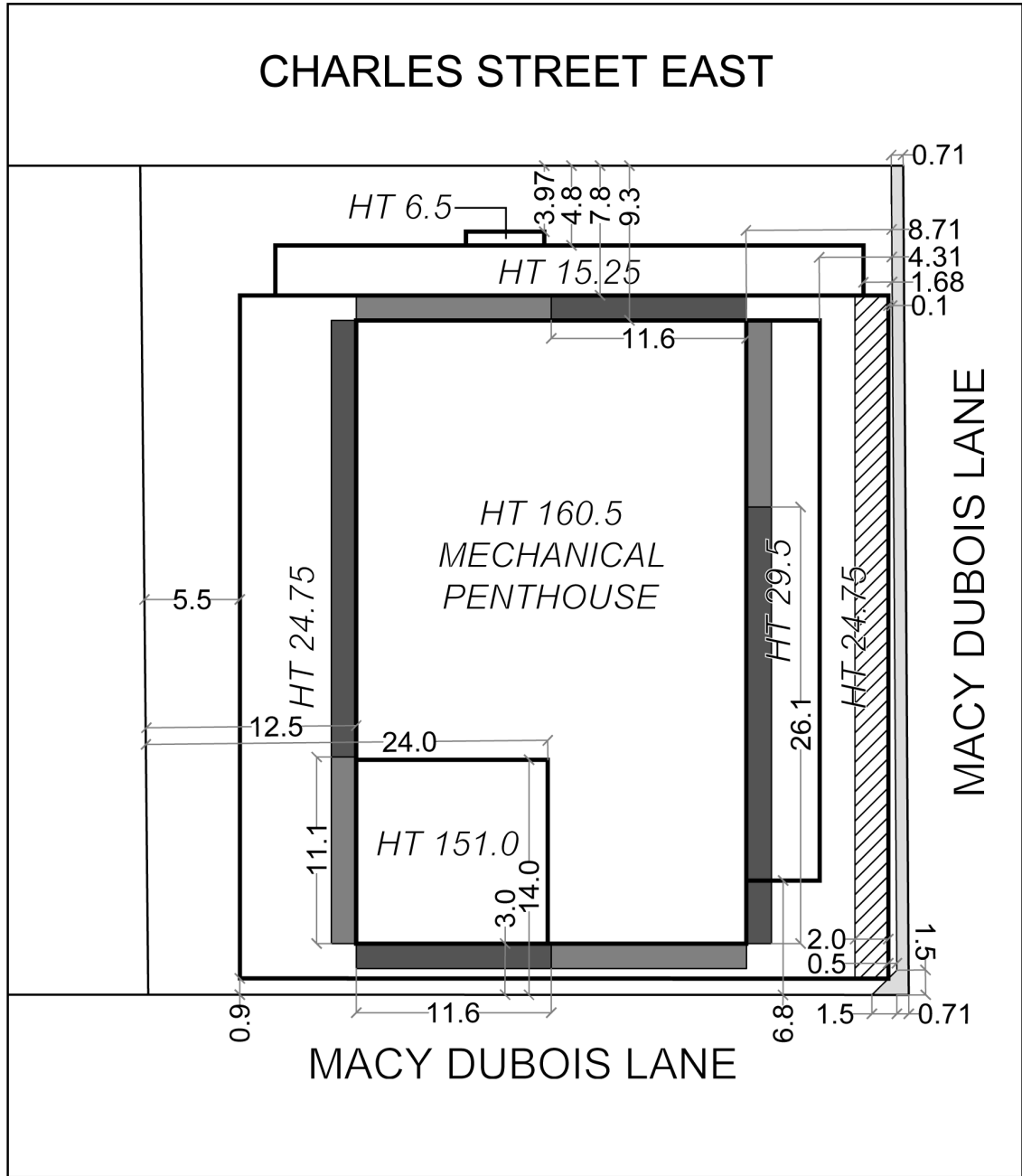


 **TORONTO**
Diagram 1

55-61 Charles Street East

File # 18 144553 STE 27 0Z





Toronto
 Diagram 3

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 569-2013
 Not to Scale
 6/20/2019