

Authority: Toronto and East York Community Council  
Item TE13.3, as adopted by City of Toronto Council on  
February 26, 2020

## CITY OF TORONTO

### Bill 499

### BY-LAW -2020

**To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2019 as 191, 193, 195, 197, 199 and 201 Church Street.**

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 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 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 No. 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;

The Council of the City of Toronto enacts:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the lot.
2. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space – occupant, bicycle parking space – visitor, grade, height, lot, residential gross floor area, and non-residential gross floor area* and 4(2)(a), 4(5), 4(8), 4(10), 4(12), 4(13), 4(14), 4(17)(d) and (e), 8(3)Part I, 8(3)Part II, 12(2)132, 12(2)259, 12(2)260 and 12(2)380 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 of a *mixed-use building* on the *lot*, including a *temporary sales office* and uses *accessory* thereto, provided that:

- (a) The *lot* on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (b) The total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 28,500.0 square metres, of which:
  - i. a maximum of 27,500.0 square metres may be used as *residential gross floor area*; and
  - ii. no *residential gross floor area* shall be located above a Canadian Geodetic Datum (CGVD2013) elevation of 213.20 metres.
- (c) No portion of a *mixed-use building* erected on the *lot*, including a mechanical penthouse containing equipment and structures used for the functional operation of the building, shall be located above the *heights* shown on Map 2 and within the applicable coordinates identified on Map 3 attached to and forming part of this By-law, with the exception of the following:
  - i. lighting rods, window washing equipment, stair enclosures, elevator overruns, *green roof*, parapets, and architectural features, may project above the *height* limits to a maximum of 3.0 metres; and
  - ii. trellises, pergolas, railings, cornices, lighting fixtures, ornamental elements, planters, landscaping, partitions dividing outdoor amenity spaces, guard rails, wheelchair ramps, fences, screens, furniture, and elements or structures providing safety or wind protection to rooftop *residential amenity space*, may project above the *height* limits to a maximum of 3.0 metres on any portion of the 4th *storey* podium roof.
- (d) The maximum permitted number of *storeys* in a *mixed-use building* is 39, excluding the mechanical penthouse;
- (e) The total number of *dwelling units* must not exceed 486;
- (f) The provision of *dwelling units* is subject to the following:
  - i. a minimum of 19 percent of the total number of *dwelling units* must have two bedrooms; and
  - ii. a minimum of 10 percent of the total number of *dwelling units* must have three or more bedrooms.

- (g) No portion of a *mixed-use building* erected on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
- i. Canopies, site servicing features, lighting fixtures, awnings, ornamental elements, architectural features, window sills, planters, guardrails, railings, stairs, wheel chair ramps, vents, screens and landscape features may extend beyond the heavy lines shown on Map 2 of this By-law up to a maximum of 1.5 metres.
- (h) *Residential amenity space* shall be provided in accordance with the following:
- i. a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit*;
  - ii. a minimum of 2.0 square metres of outdoor *residential amenity space* per *dwelling unit*;
  - iii. *residential amenity space* may include up to 3 guest suites that do not exceed an aggregate gross floor area of 100.0 square metres; and
  - iv. guest suites do not constitute *dwelling units* for purposes of this exception.
- (i) *Parking spaces* shall be provided on the *lot* in accordance with the following:
- i. a minimum of 0.16 *parking spaces* per *dwelling unit* shall be provided and maintained for the use of residents;
  - ii. a minimum of 5 *parking spaces* shall be provided for the use of visitors;
  - iii. the required *parking spaces* for the use of visitors may be provided within a commercial and/or public parking facility with or without a fee;
  - iv. no *parking spaces* for non-residential uses are required;
  - v. notwithstanding Section 4(17) of By-law No. 438-86, as amended, a maximum of 10 *parking spaces* may be obstructed on one or two sides without a requirement to increase the width by 0.3 metres; and
  - vi. The nearest point of an accessible *parking space* must be located no more than 10.0 metres, from the nearest point of a barrier-free elevator that provides access to the first *storey* of the *mixed-use building*.
- (j) *Accessible parking spaces* must be provided and maintained on the *lot* in accordance with the following minimum dimensions:
- i. minimum length of 5.6 metres;

- ii. minimum width of 3.9 metres; and
  - iii. minimum vertical clearance from the ground of 2.1 metres.
- (k) One *loading space* - Type "G" shall be provided and maintained on the *lot*;
- (l) *Bicycle parking spaces* shall be provided on the *lot* in accordance with the following:
- i. a minimum of 0.9 *bicycle parking spaces* – *long-term* per *dwelling unit*;
  - ii. a minimum of 0.1 *bicycle parking spaces* – *short-term* per *dwelling unit*;
  - iii. the minimum dimensions of a *bicycle parking space* placed in a horizontal position are:
    - A. minimum length of 1.8 metres;
    - B. minimum width of 0.6 metres; and
    - C. minimum vertical clearance from the ground of 1.9 metres; or 1.2 metres for each *bicycle parking space* if a stacked *bicycle parking space* is provided.
  - iv. the minimum dimensions of a *bicycle parking space* placed in a vertical position on a wall, structure, or mechanical device are:
    - A. minimum length or vertical clearance of 1.9 metres;
    - B. minimum width of 0.6 metres; and
    - C. minimum horizontal clearance from the wall of 1.2 metres.
  - v. *Bicycle parking spaces* may be located within all levels of the building consisting of horizontal, vertical and/or stacked *bicycle parking spaces*;
  - vi. both *bicycle parking spaces* – *long term* and *bicycle parking spaces* – *short term* may be provided in a stacked *bicycle parking space*;
  - vii. *bicycle parking spaces* – *short term* may be located indoors or outdoors in an enclosed or secured room or enclosure;
  - viii. *bicycle parking spaces* – *long term* may be located indoors and may be located within a secured room or enclosure;
  - ix. Despite subsection 2(l)iv of this by-law, if a vertically-positioned *bicycle parking space* located in a parking level down to and including parking

level P2, is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such vertically-positioned *bicycle parking space* is 0.35 metres; and

- x. A vertically-positioned *bicycle parking space* may be located adjacent to and within 0.3 metres of a *parking space* in parking levels down to and including parking level P2 provided that the vertically-positioned *bicycle parking space* does not encroach into the *parking space* and such *parking space* is not considered to be obstructed in accordance with regulation 4(17) of By-law No. 438-86, as amended, provided that no portion of the adjacent vertically-positioned *bicycle parking space* exceeds a horizontal clearance from the wall of 1.2 metres.
3. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
  4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
    - (a) “*bicycle parking space – long term*” means an area that is equipped with a bicycle rack, caged locker or bicycle stacker for the purpose of parking and securing bicycles for residents,
    - (b) “*bicycle parking space – short term*” means an area that is equipped with a bicycle rack, caged locker or bicycle stacker for the purpose of parking and securing bicycles for visitors;
    - (c) “*grade*” shall mean 89.70 metres Canadian Geodetic Datum (CGVD2013);
    - (d) “*green roof*” shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;
    - (e) “*height*” shall mean, the vertical distance between *grade* and the highest point of the structure, excluding any elements described in subsection 2(c)i and ii of this By-law;
    - (f) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
    - (g) “*non-residential gross floor area*” shall mean the sum of the total area of each floor level of a building, that is solely for non-residential uses, above and below the ground, measured from the exterior of the main wall of each floor level, exclusive of any areas in a building or structure used for:

- i. Parking, loading and bicycle parking below *grade*;
  - ii. *Loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
  - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
  - 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.
- (h) “*residential gross floor area*” shall mean the sum of the total area of each floor level of a building, that is solely for residential uses, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
- i. Parking, loading and bicycle parking below *grade*;
  - ii. *Loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
  - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
  - 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.

- (i) “*temporary 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* and/ or the administration and management of construction activity related to the construction on the *lot*.

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

5. Despite any severance, partition or division of the lands as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. The provisions of this By-law respecting the *height* of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
7. 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 Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix I 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 Appendix I 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 density pursuant to this By-law unless all provisions of Appendix I are satisfied.

Enacted and passed on June , 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**APPENDIX I**  
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

- (A) A financial contribution in the amount of \$5.5 million payable to the City prior to issuance of the first above-grade building permit, with such amount to be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date of payment. The funds shall be directed to capital improvements in the ward for one or more of the following:
- (i) affordable housing, including Toronto Community Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and/or
  - (ii) community service and facilities space, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councilor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.
- (B) The following matter(s) are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

Limiting Distance Agreement

- (i) Before introducing the necessary Bills to City Council for enactment, the owner shall enter into a Limiting Distance Agreement between the landowners of 191-201 Church Street, 86 Dalhousie Street and the City, to be registered on title to the 86 Dalhousie Street property, that would prevent the erection of a building above the existing height permissions of the building, for the entirety of the 86 Dalhousie Street lot, to the satisfaction of the Chief Planner, and Executive Director, City Planning and the City Solicitor.

Helicopter Flight Path



- (ii) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from both Sick Children's and St. Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path to the satisfaction of Toronto Buildings.

#### Toronto Green Standard

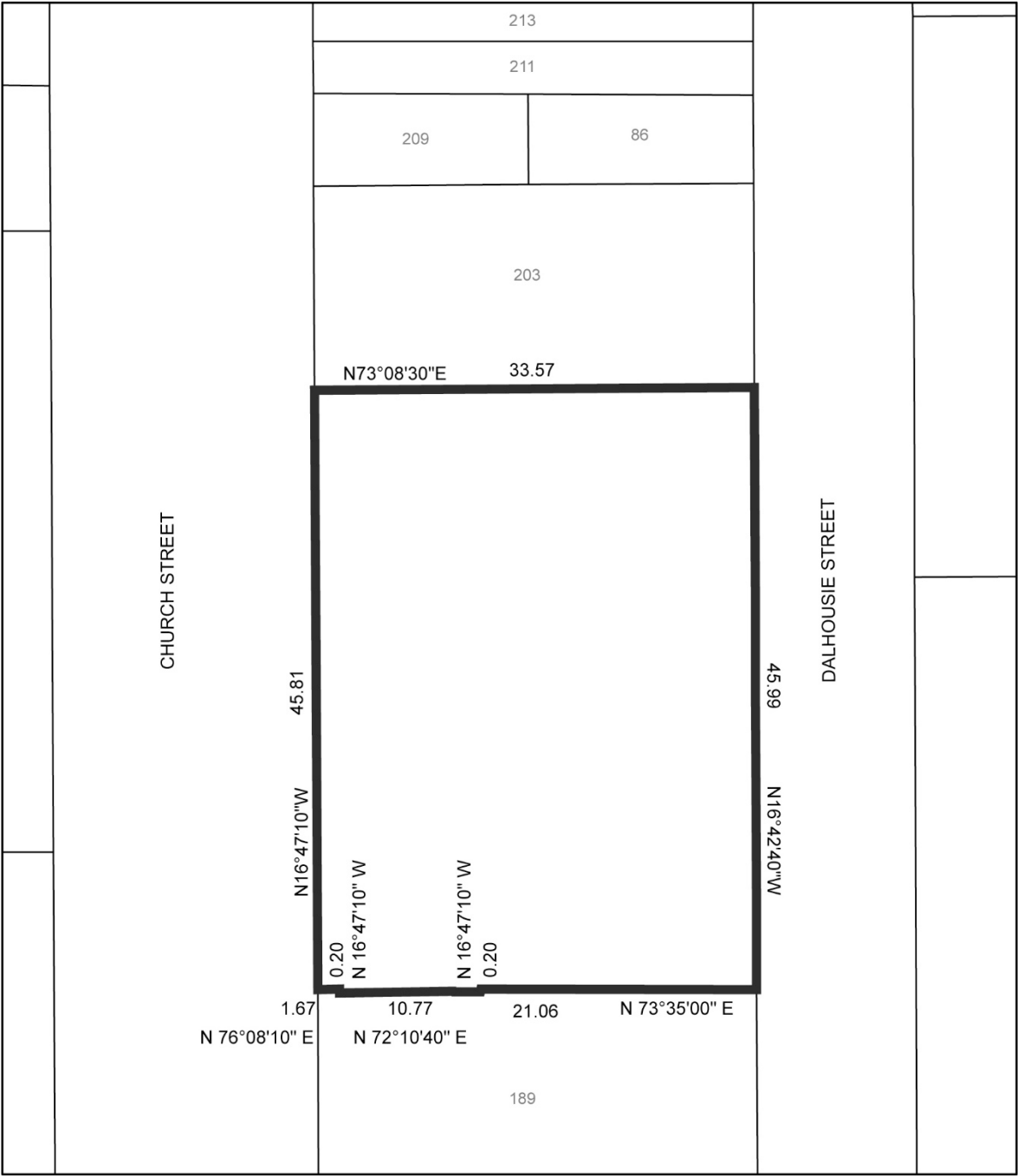
- (iii) The Owner shall construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.

#### Construction Management Plan

- (iv) Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and 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, Transportation Services, in consultation with the Ward Councillor.

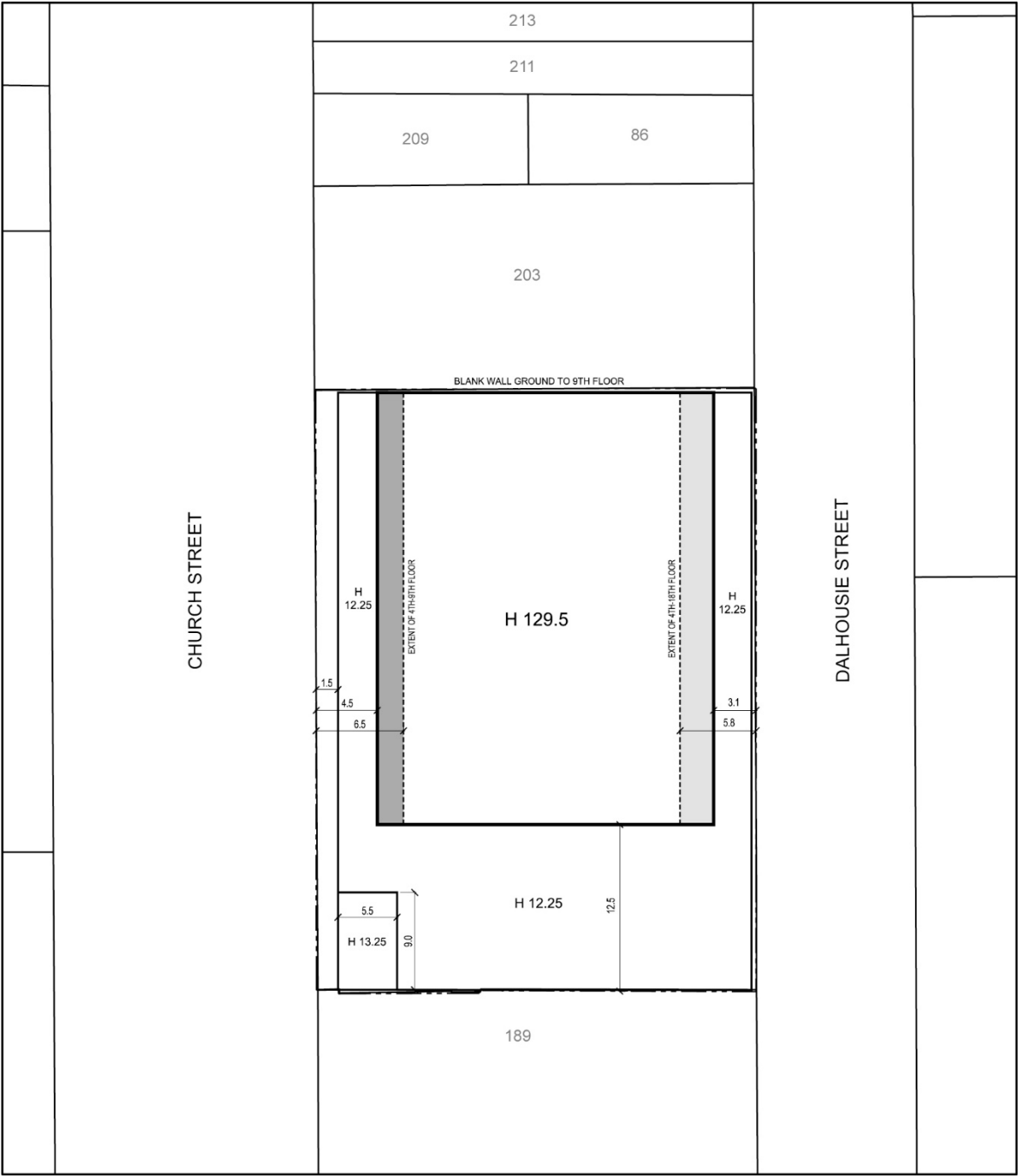
#### Knock-out panels

- (v) The owner shall provide and maintain 30 knock-out panels between units on Levels 5-39 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.



191-201 Church Street

File # 19 114180 STE 13 0Z

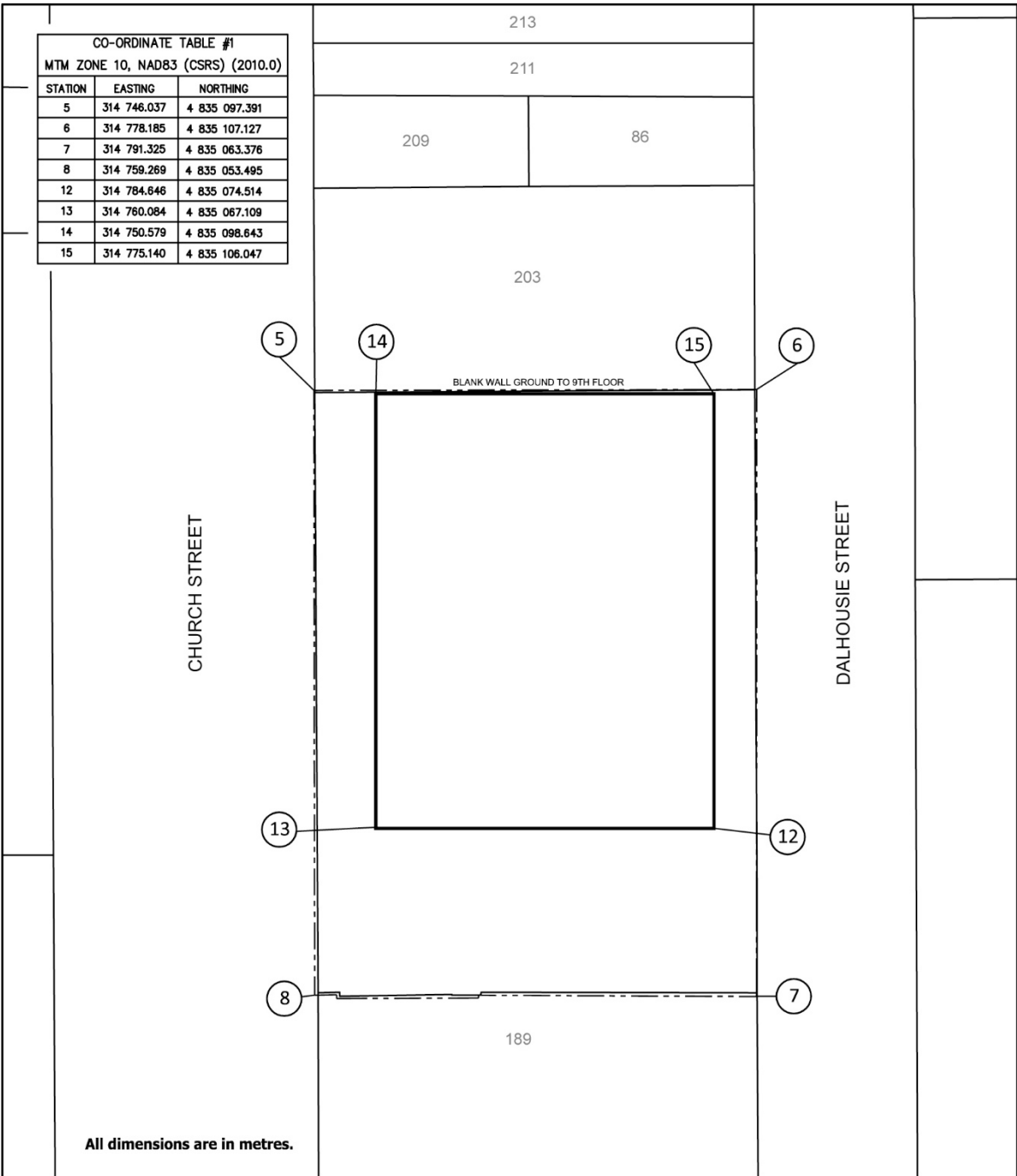


191-201 Church Street

File # 19 114180 STE 13 0Z

- No building Gross Floor Area permitted between 4th - 9th floor
  - No building Gross Floor Area permitted between 4th - 18th floor
- Note: Podium is at zero lot line on North, East and South lot lines.**

City of Toronto By-law 438-86  
 Not to Scale  
 01/16/2020



- No building Gross Floor Area permitted between 4th - 9th floor
  - No building Gross Floor Area permitted between 4th - 18th floor
- Note: Podium is at zero lot line on North, East and South lot lines.**