

CITY OF TORONTO

Bill 500

BY-LAW -2020

To amend City of Toronto Zoning By-law 569-2013, 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;

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/or 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 lands outlined by heavy black lines to CR 3.0 (c2.0; r3.0) SS1 (241), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 241 so it reads:

Exception CR 241

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 191, 193, 195, 197, 199 and 201 Church Street, if the requirements of Section 6 and Schedule A of By-law -2020 (Clerks to insert number) are complied with, a **mixed-use building** may be constructed in compliance with (B) to (S) below;
- (B) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** must not exceed 28,500.0 square metres, of which:
 - (i) a maximum of 27,500.0 square metres may be used for residential uses; and
 - (ii) no residential **gross floor area** shall be located above a Canadian Geodetic Datum elevation of 213.20 metres;
- (C) Despite regulations 40.10.40.10(1) and 40.5.40.10(4) and (5), the height of the **building** or **structure**, including a mechanical penthouse containing equipment and **structures** used for the functional operation of the **building**, must not exceed the height as specified in metres by the numbers following the symbol HT on Diagram 3 and within the applicable coordinates identified on Diagram 4 of By-law -2020 (Clerks to insert number) 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 **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) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 89.70 metres (CGVD2013) and the highest point of the **building** or **structure**;
- (E) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 39, excluding the mechanical penthouse;

- (F) The total number of **dwelling units** must not exceed 486;
- (G) 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;
- (H) Despite regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown on Diagram 3 of By-law -2020 **(Clerks to insert number)**;
- (I) Despite regulation 40.5.40.60(1) and Clause 40.10.40.60, the following are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law -2020 **(Clerks to insert number)**:
- (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 encroach up to a maximum of 1.5 metres;
- (J) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided in accordance with the following:
- (i) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit** must be provided;
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** must be provided;
 - (iii) **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;
- (K) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for the **mixed-use building** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.16 **parking spaces** per **dwelling unit** must be provided and maintained for the use of residents;
 - (ii) a minimum of 5 **parking spaces** must be provided for visitors;
 - (iii) the required **parking spaces** for visitors may be provided within a **public parking** facility; and

- (iv) no **parking spaces** are required for the non-residential uses;
- (L) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (M) Despite regulations 200.15.1.5(1) and 200.15.1(4), 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 **building**;
- (N) Despite regulation 220.5.10.1(2), one Type "G" **loading space** must be provided and maintained on the **lot**;
- (O) Despite regulations 230.5.1.10(4) and (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:
 - (i) both long-term and short-term **bicycle parking spaces** may be provided in a stacked **bicycle parking space**;
 - (ii) short-term **bicycle parking spaces** may be located indoors or outdoors in an enclosed or secured room or enclosure;
 - (iii) 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
 - (iv) 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 200.5.1.10(2)(D) provided that no portion of the adjacent vertically-positioned **bicycle parking space** exceeds a horizontal clearance from the wall of 1.2 metres;
- (P) Regulation 230.5.1.10(9) with respect to the location of long term **bicycle parking spaces** does not apply;
- (Q) Regulation 230.40.1.20(2) with respect to the location of short term **bicycle parking spaces** does not apply;
- (R) Section 600.10 with respect to Building Setback Overlay District "A", does not apply; and

- (S) 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.

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. 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.
- (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 , 2020.

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

- (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 Councillor, 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

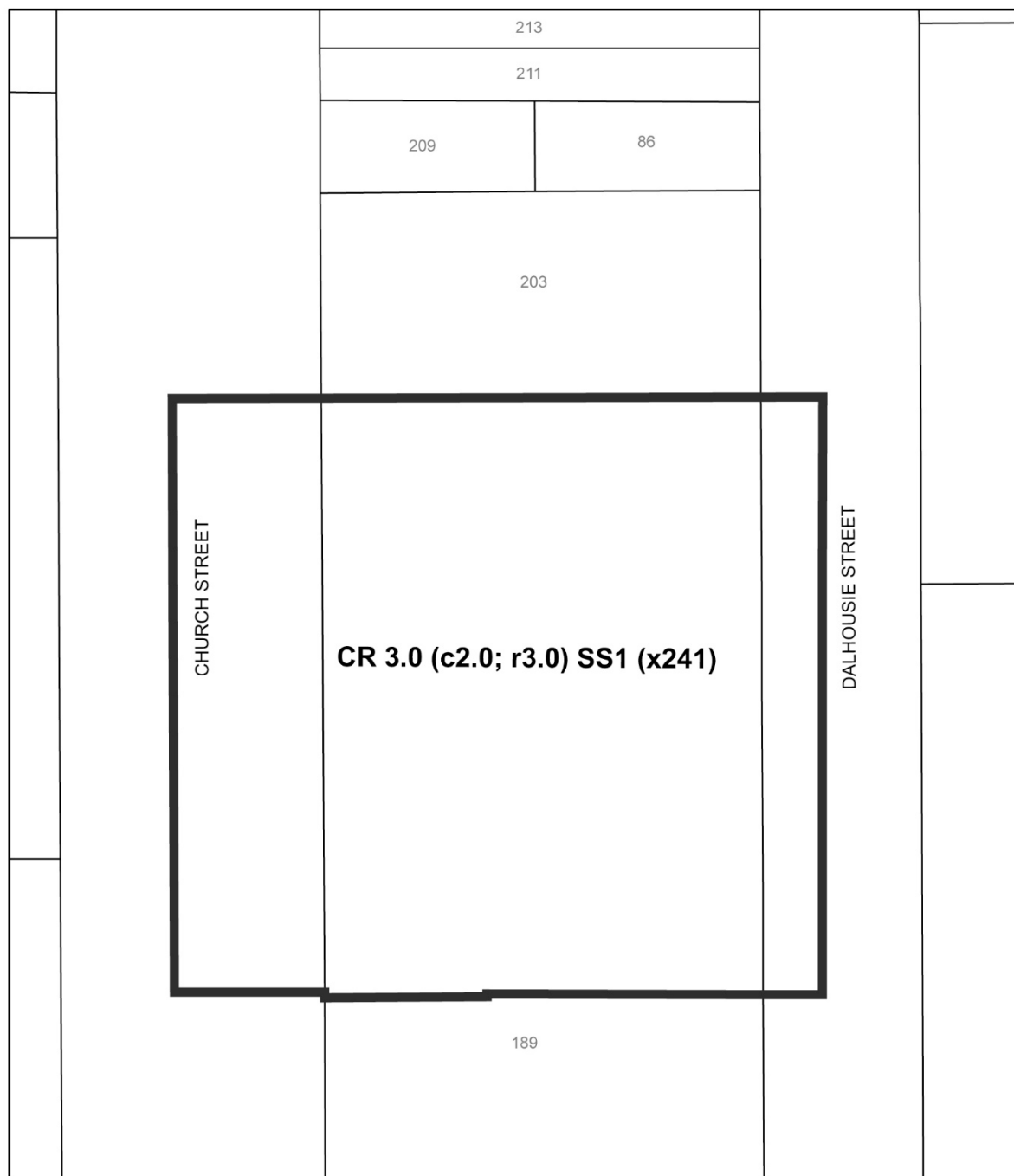
- (iii) the Owner shall construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;

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; and

Knock-out panels

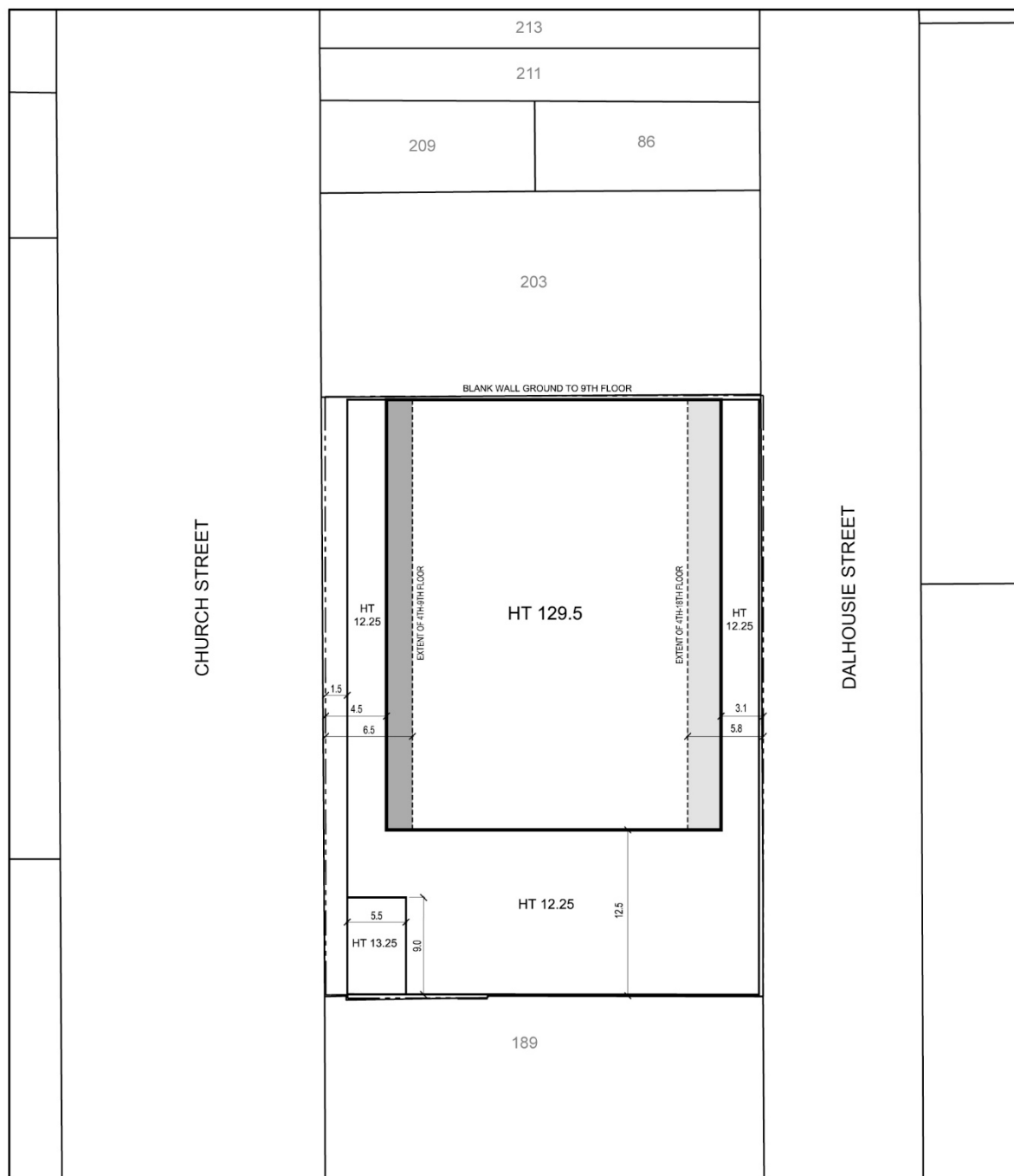
- (v) the owner shall provide and maintain 30 knock-out panels between units on Levels 5-39 to enable the conversion or combination of two or more units into larger units, and include appropriate provision(s) in any condominium documents to enable any such conversions in the future.



 **Toronto**
Diagram 2

191-201 Church Street

File # 19 114180 STE 13 0Z



Toronto
Diagram 3

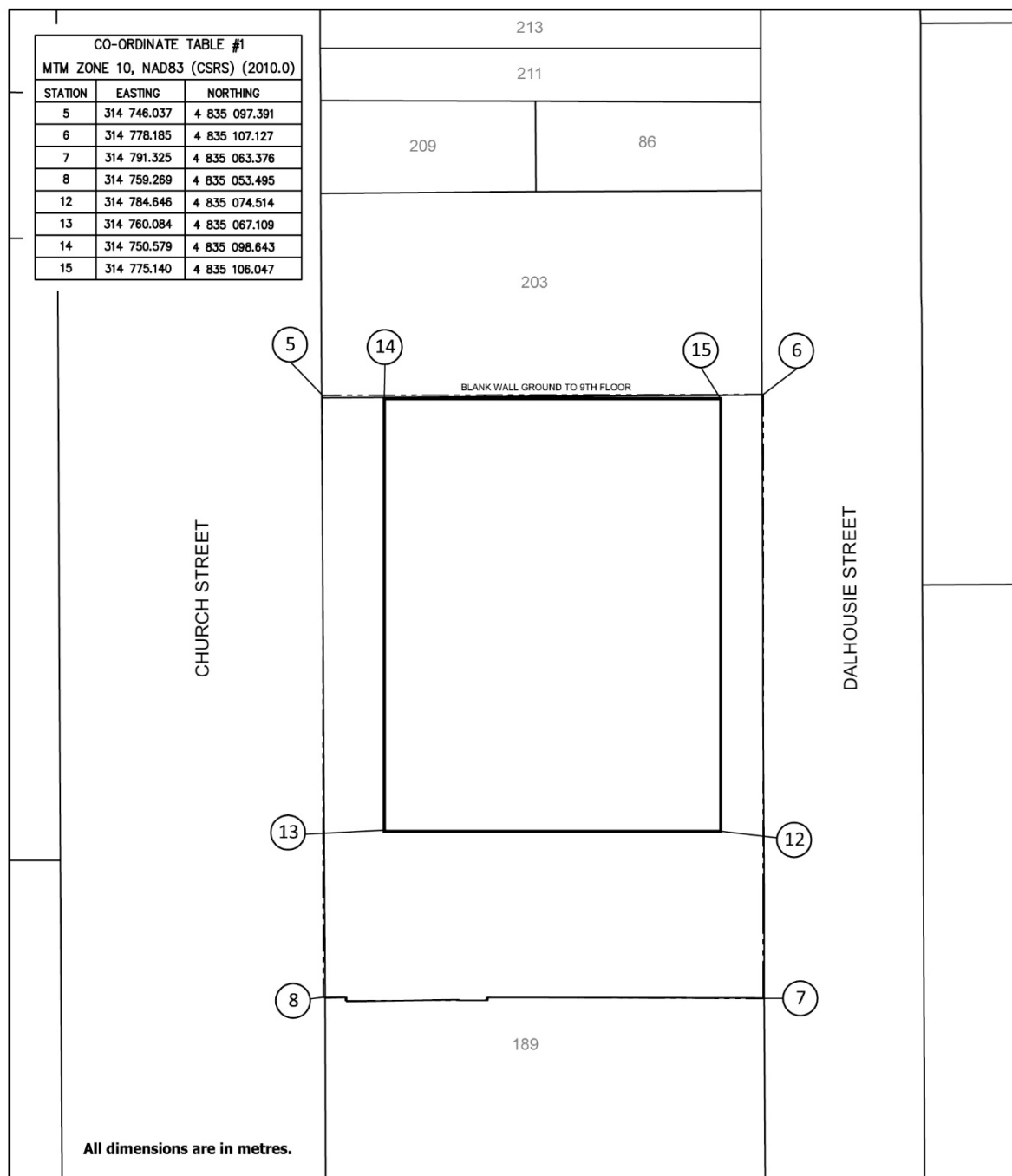
191-201 Church Street

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 569-2013
Not to Scale
01/16/2020



Toronto
Diagram 4

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 569-2013
Not to Scale
03/24/2020