

Authority: Ontario Municipal Board Decision issued on November 24, 2016 in Board File PL160145

CITY OF TORONTO

BY-LAW 853-2017(OMB)

To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 411 Church Street.

Whereas the Ontario Municipal Board pursuant to its Order dated November 24, 2016 in Board File PL160145, upon hearing the appeal of Church/Wood Residences Limited Partnership, under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013; 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 provisions of such facilities, services or matters as are set out in this 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;

The Ontario Municipal Board orders:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law 569-2013 continue to apply to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
3. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by amending the zone label of the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black line to CR 2.0 (c1.0, r2.0) SS1 (x97) as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception number 97, so that it reads as follows:

Exception CR 97

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) If Section 6 and Schedule 'A' of By-law 853-2017(OMB) are complied with, none of the provisions of regulations, 40.5.40.40 (1), (2), (3) and (4), 40.10.40.10, 40.10.40.50(1), 40.10.40.50(2), 40.10.40.60, 40.10.40.70, 40.10.90.40(3), will apply to prevent the erection or use of a **building** or **structure** in compliance with regulations (B) to (S) below;
- (B) The **lot** is the lands outlined by heavy lines on Diagram 1 of By-law 853-2017(OMB);
- (C) The **gross floor area** of the **building** must not exceed 36,690 square metres of which a minimum of 600 square meters and a maximum of 690 square metres is for commercial uses;
- (D) Height is measured from Canadian Geodetic Datum elevation 101.9 metres;
- (E) Despite 40.5.40.10, the height of a **building** or **structure** must not exceed the maximum height in metres as indicated by the numbers following the letter H on Diagram 3 of By-law 853-2017(OMB);
- (F) Despite (E) above, the following elements of a **building** may exceed the maximum height permitted in (E) by 6.0 metres:
 - (i) **Structures** used for outside or open air recreation, maintenance, safety, or wind protection purposes, elements of a **green roof**, railings, parapets, window washing equipment, ornamental or architectural features, electrical and mechanical equipment and rooms, stair enclosures, elevator overruns, chimney stacks, vents and air intakes, communications equipment, lightning rods, trellises;
- (G) Despite 5.10.40.70(1) and (2), there is no setback requirements for the **building**, and portions of the **building** must be stepped back as shown on Diagram 3 of By-law 853-2017(OMB);
- (H) A minimum of 1,074 square metres of indoor **amenity space** and a minimum of 1,074 square metres of outdoor **amenity space** must be provided;
- (I) A maximum of 575 **dwelling units** is permitted;
- (J) Despite 200.5.10.1 (1) and (5) and 200.15.20, a minimum of 82 **parking spaces** must be provided for the residents of the **dwelling units** of which 3 **parking spaces** may be used as car-share **parking spaces** and a minimum of 4 **parking spaces** must be accessible **parking spaces**;
- (K) Despite 200.5.10.1 (1) and (5), 18 **parking spaces** must be provided for **gross floor area** used for uses other than **dwelling units** or for visitor **parking spaces**;

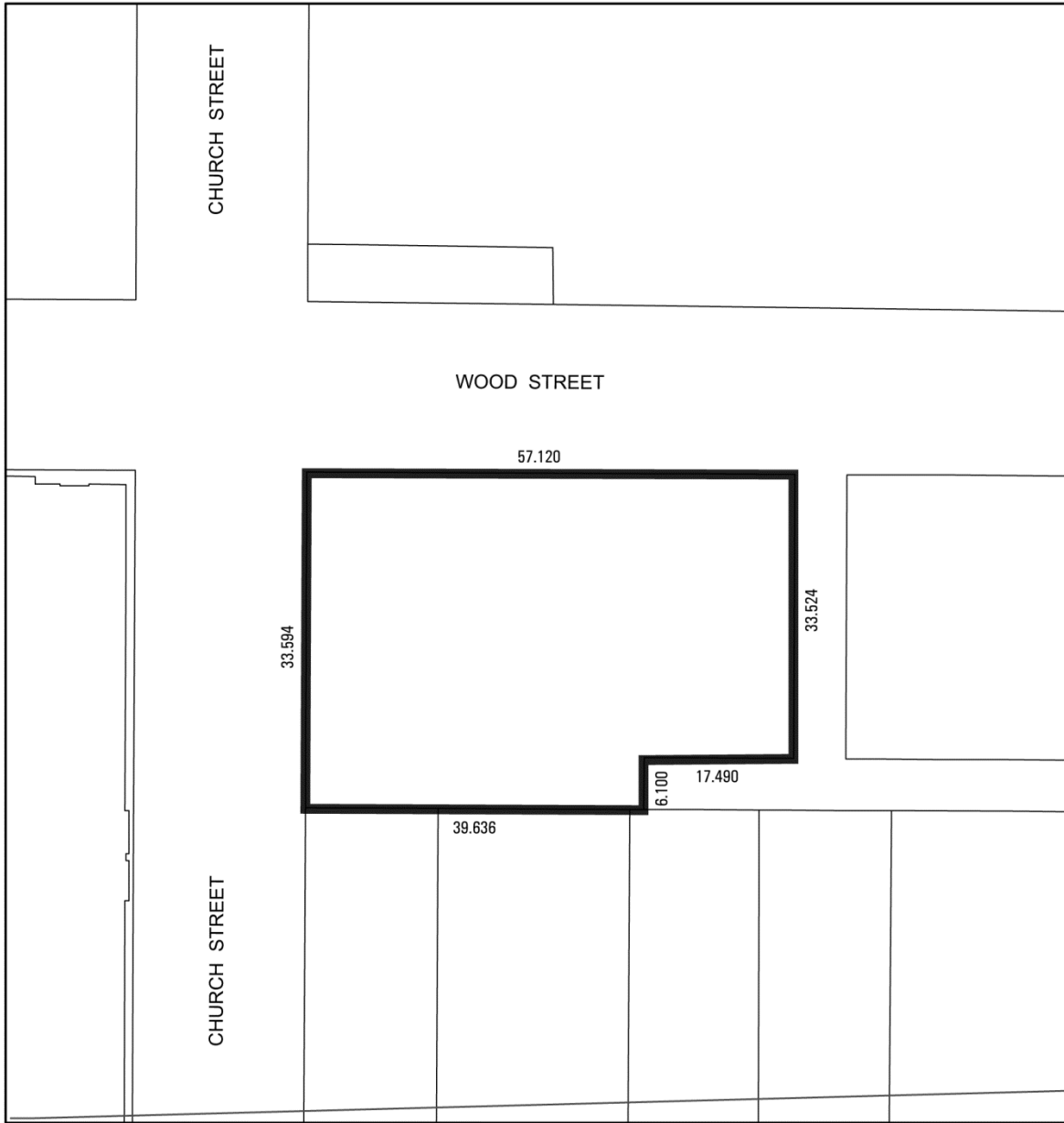
- (L) The **parking spaces** required to be provided under subsection (K) above may be provided within a **public parking** facility;
- (M) Despite 200.15.1(1), accessible **parking spaces** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.9 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (N) Despite 200.5.1.10(2), up to 8 **parking spaces** which are obstructed on one side only need not comply with 200.5.1.10(2)(A)(iv) or (B)(iv);
- (O) Despite 220.5.10.1, a minimum of one Type C **loading space** and one type G **loading space** must be provided and maintained on the **lot**;
- (P) Despite 230.5.1.10 (4):
 - (i) a **bicycle parking space** may have a minimum width of 0.5 metres;
 - (ii) if **bicycle parking spaces** are in a bicycle rack or are **stacked bicycle spaces** and are located in a secured room or area, in bicycle lockers or on a rack/hook on a wall associated with a **parking space** on any parking level so long as such rack/hook does not encroach into a **parking space** the minimum **bicycle parking space** dimensions do not apply; and
 - (iii) **bicycle parking spaces** may be located outdoors or indoors including within a secured room or enclosure;
- (Q) A minimum of 487 long term **bicycle parking spaces** and a minimum of 54 short term **bicycle parking spaces** must be provided on the **lot** for residential uses and a minimum of 9 short-term **bicycle parking spaces** and 6 long term **bicycle parking spaces** must be provided on the **lot** for non-residential uses;
- (R) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this by-law must apply to the whole of the **lot** as if no severance, partition or division occurred; and
- (S) The lands subject to this exception need not comply with the requirements of section 600.10.

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

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this bylaw, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown in Diagram 2 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 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 the by-law requires the owner to provide certain facilities, services or matters prior to the issuance of the building permit, the issuance of such permit shall depend of satisfaction of the same; and
- (C) The owner shall not use, permit the use of, a building or structure erected with an increase in height and density pursuant to the by-law unless all provisions of Schedule A are satisfied.

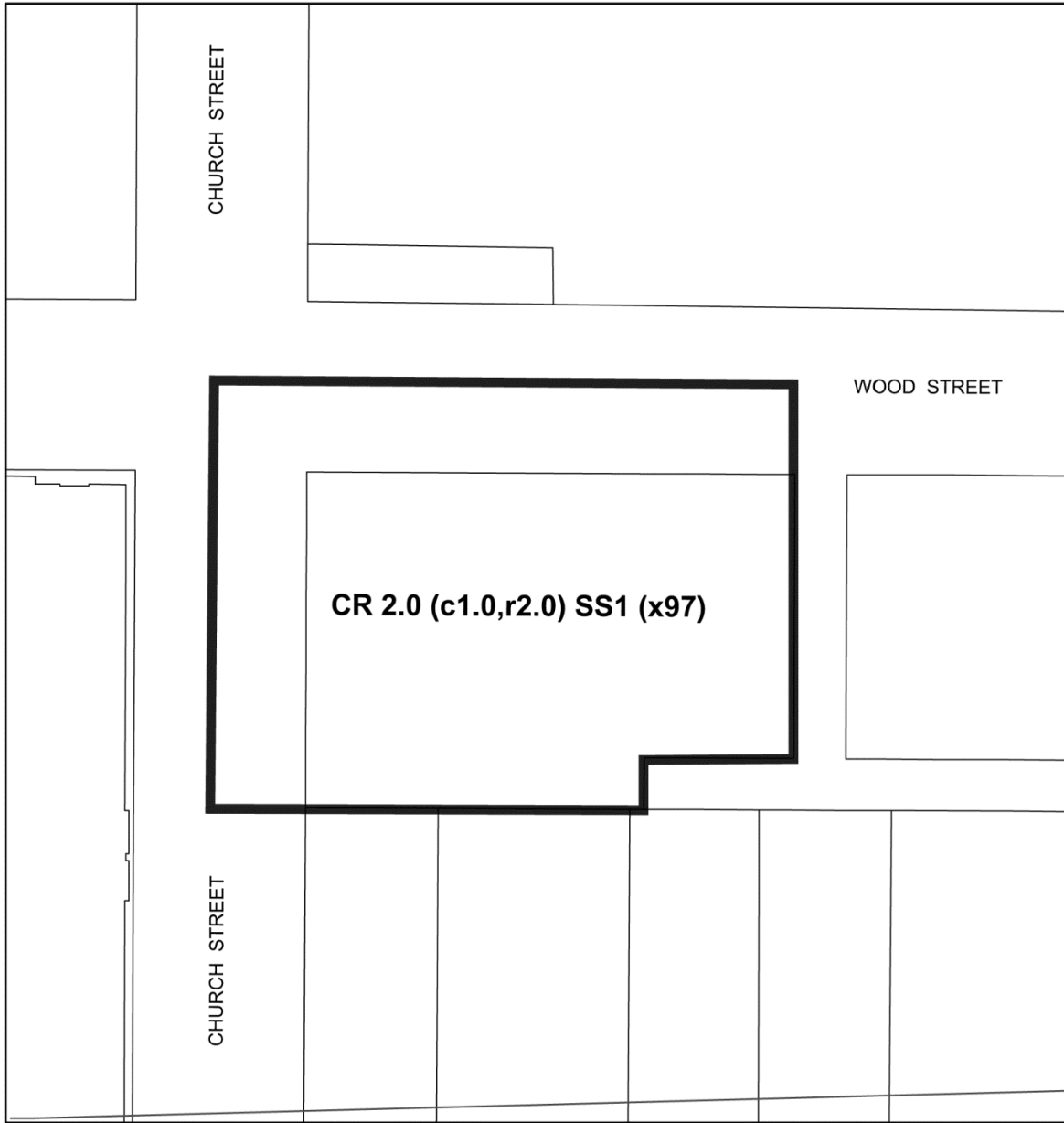
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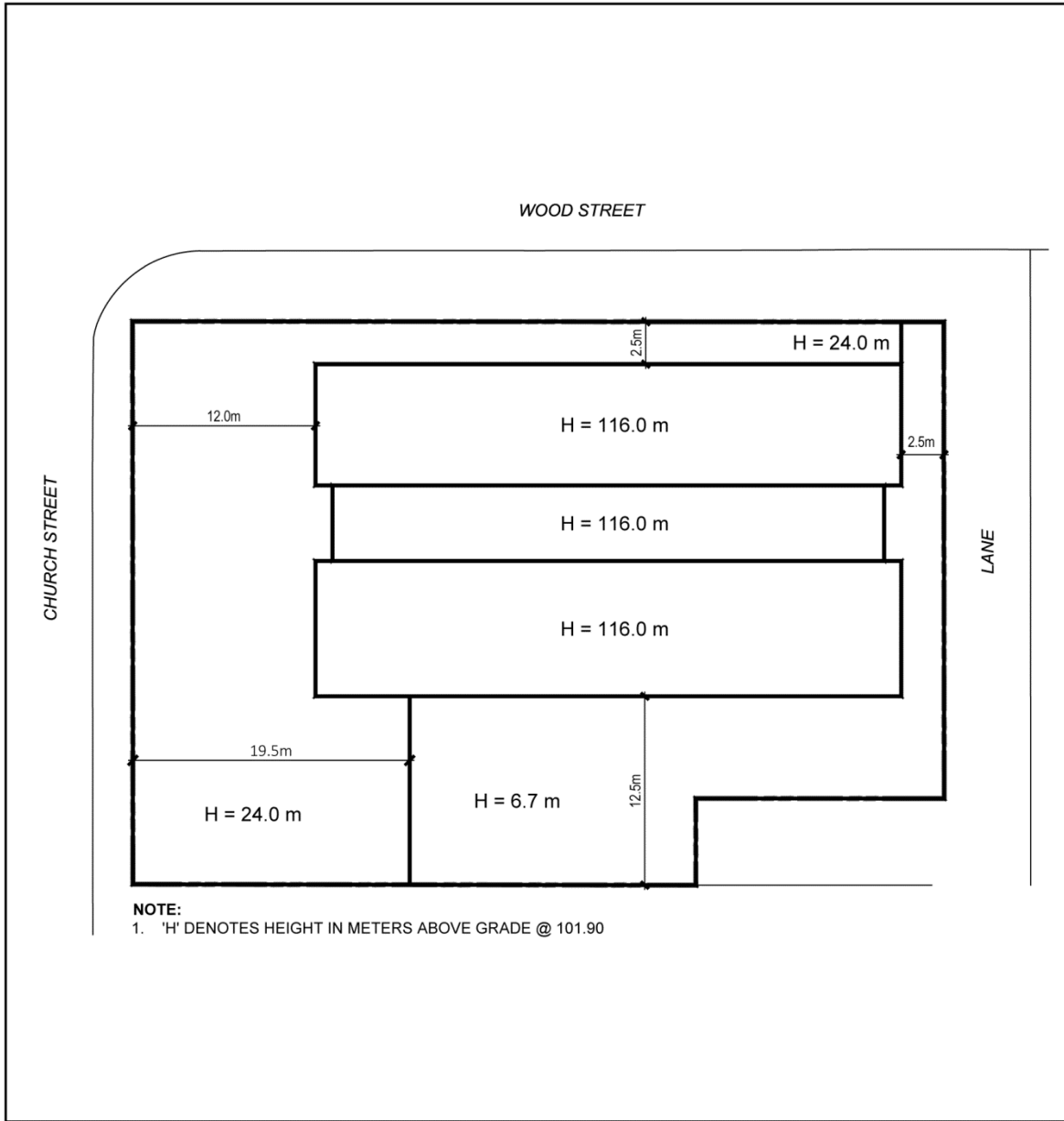


 **TORONTO**
Diagram 1

411 Church Street

File # 15 205116 STE 27 0Z





SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the land at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for the indexing escalation of the financial contributions, and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above grade building permit, the owner must pay to the City a cash contribution in the amount of \$1,000,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made to the City, to be applied toward the following:
 - (i) \$100,000.00 for local Toronto Community Housing capital improvements and/or for the purpose of maintaining and constructing affordable rental housing units in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor;
 - (ii) \$800,000.00 for local area park and/or streetscape improvements in Ward 27, including the public realm directly adjacent to the Church Street Junior Public School in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor; and
 - (iii) \$100,000.00 for local capital improvements in existing and/or new community and cultural facilities in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor.
2. In the event the cash contributions referred to in Section 1 above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
3. The owner of the lands must enter into and register on title to the lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Schedule.