

CITY OF TORONTO

BY-LAW No. 58-2011(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 6-18 Church Street and 51-63 Front Street East.

WHEREAS the Ontario Municipal Board, by way of Orders issued on February 22, 2007, April 30, 2010, and December 6, 2010, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2008 as 6-18 Church Street and 51-63 Front Street East; and

WHEREAS authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law 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 or matters in return for an increase in the height or density of development, a 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 lands known at the date of enactment of this By-law as 6-18 Church Street, and 51-63 Front Street East (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

THEREFORE the Ontario Municipal Board orders as follows:

1. None of the provisions of Section 2 with respect to the definition of *grade* and *height*, Sections 4(2)(a), 8(3) Part I 1, 8(3) Part I 3(a), 8(3) Part II 1(a), 8(3) Part III 1(a), 8(3) Part XI 2, 12(2) 259, and 12(2) 260 of Zoning By-law No. 438-86, 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 one or more *mixed-use buildings* on the lands shown on Plan 1, attached to and forming part of this By-law, provided that:
 - (1) the *lot* on which the proposed building(s) are to be located comprises not less than the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law;

- (2) no portion of any building or structure erected or used above grade is located otherwise than wholly within the *lot* delineated by heavy lines as shown on Plan 2, attached to and forming part of this By-law;
- (3) Section 1(2) hereof does not apply to the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
parapets and piers	maximum 1.0 metre projection, provided the height of such "STRUCTURE" is not greater than 1.0 metre above the height limits established in Section 0 of this By-law
eaves, cornices, ornamental or architectural elements, balustrades, mullions, window sills, bay windows	maximum 1.0 metre projection, provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
fences, safety railings, privacy screens, wind screens, handrails, and guardrails	no restriction on the extent of the projection provided the height of such "STRUCTURE" does not exceed 3.0 metres
canopies	maximum 3.0 metre projection, provided the height of the canopy is no higher than that portion of the building to which it is attached
ramps, wheelchair ramps, and/or stairs (and associated structures) servicing an underground <i>parking garage</i>	no restriction, provided the height of such "STRUCTURE" does not exceed 2.0 metres above finished ground level
balconies	maximum 2.0 metre projection, provided the balcony is no higher than that portion of the building to which it is attached
structural columns and support beams	no restriction, provided the height of such "STRUCTURE" does not exceed 8.5 metres above finished ground level
stairs, stair enclosures, landings, and associated railings	no restriction, provided the height of such "STRUCTURE" does not exceed 3.0 metres
public art features, light standards, and landscape features	no restriction on extent of projection or height of "STRUCTURE"
existing walls and their supporting structures located along the <i>lot</i> line adjacent to the abutting properties	no restriction on extent of projection or height of "STRUCTURE"
uncovered patios and outdoor amenity areas	no restriction, provided the height of such "STRUCTURE" does not exceed 1.0 metre above <i>grade</i>

- (4) the *height* of any building or structure, or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed the *height* in metres specified by the numbers following the symbol H on Plan 2, attached to and forming part of this By-law, except for the following:
 - (a) the structural projections identified in Section 0, including structural projections permitted outside the heavy lines on the attached Plan 2, subject to the limitations contained therein; and
 - (b) unenclosed heating, cooling, ventilating, or window washing equipment, provided the maximum vertical dimension of any such elements shall not exceed the sum of 2.0 metres and the applicable maximum *height* in metres as specified on the attached Plan 2;
- (5) notwithstanding Section 1(4),
 - (a) the *height* of those portions of the building or buildings identified as Area A on Plan 2 shall not exceed the *height* of such portions of the existing building as they existed on the *lot* in the year 2008, including parapets, but not including chimneys and guardrails which are permitted to exceed such *height* by an additional 1.0 metre;
 - (b) the *height* in *storeys* of the building shall not exceed thirteen *storeys*, but mezzanines containing only mechanical equipment shall not be counted in the number of *storeys*.
- (6) the combined *residential gross floor area* and *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 18,900 square metres, provided.
- (7) not less than 1,000 square metres of *non-residential gross floor area* shall be provided and maintained on the *lot*.
- (8) the maximum aggregate number of *dwelling units* erected and maintained on the *lot* shall not exceed 180 *dwelling units*.
- (9) *residential amenity space* shall be provided pursuant to Section 4(12) of Zoning By-law No. 438-86, as amended, except that indoor *residential amenity space* may be provided in a multi-purpose room or rooms, whether or not such rooms are contiguous.
- (10) *parking spaces* shall be provided and maintained in accordance with the minimum requirements pursuant to Sections 4(5) of By-law No. 438-86, as amended, and subject to the maximums set out in Section 1(11) of this By-law.

- (11) the maximum number of *parking spaces* provided and maintained shall not exceed the aggregate of the following:
- (a) for residents and visitors:
 - (i) 0.30 *parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.70 *parking spaces* for each one *bedroom dwelling unit*;
 - (iii) 1.0 *parking spaces* for each two *bedroom dwelling unit*;
 - (iv) 1.20 *parking spaces* for each three or more *bedroom dwelling unit*;
and
 - (v) 0.06 *parking spaces* for each *dwelling unit* for visitors.
 - (b) for non-residential uses:
 - (i) the maximums set out in Schedule 1 to Section 4(5) of By-law No. 438-86, as amended, for any non-residential uses permitted on the *lot*;
- (12) *bicycle parking spaces – occupant* shall not be combined with storage lockers for residential units.
- (13) **INTENTIONALLY DELETED.**
- (14) in exchange for the increase in density provided herein, the owner of lands shall enter into an agreement pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to be registered on title to the lands, to secure facilities, services and matters, on the terms set out therein as follows:
- (a) a lease for a minimum of 90 square metres of ground floor non-residential space on the *lot* for a term of 5 years commencing upon the first residential occupancy of the building on the *lot*, at a nominal cost to the City, or cash-in-lieu thereof, for the purposes of a senior citizen's facility;
 - (b) a shoreline commemoration feature on the *lot* to the satisfaction of the Chief Planner, at a value of not less than one percent of the gross construction costs of the development, with detailed design to be reviewed in conjunction with Site Plan Approval and an artist to be included on the design team;
 - (c) provision for the maintenance of reasonable public pedestrian access through the vehicular courtyard on the *lot* between 7 a.m. and 11 p.m. daily in the event that Scott Lane is extended to the *lot*;
 - (d) reasonable streetscape improvements, including tree installation on the public right-of-way adjacent to the *lot*;

- (e) an irrigation system for all street trees in the public right-of-way adjacent to the *lot*, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the City's General Manager of Parks, Forestry and Recreation prior to the first occupancy of the development, provides a Letter of Credit to secure such work to the City's satisfaction prior to the issuance of the first *foundation building permit*, and maintains the entire system in continuing good order and operation provided that the City provides all easements necessary for the construction, maintenance and operation of such irrigation system in the public right-of-way at no cost;
 - (f) exterior design and materials for the development, including final plans for the exterior design and detailing of the Front Street façade, to be secured in an agreement pursuant to Section 41 of the *Planning Act* having due regard to the context, including the heritage character of the neighbourhood;
 - (g) reasonable commercial efforts to obtain LEED Certification of the building and the provision of documentation to the City respecting certification for the development and the marketing materials that will include information on LEED certification; and
 - (h) the owner shall make a cash payment to the City on the amount of \$150,000 for heritage conservation initiatives within the St. Lawrence Neighbourhood, such payment to be made prior to execution of the section 37 agreement or December 31, 2009, whichever occurs first.
- (15) the provisions of this By-law shall continue to apply to the *lot* notwithstanding its division into one or more parcels.

2. For the purposes of this By-law:

- (1) "*foundation building permit*" means a building permit that permits the erection of any below ground concrete structure;
- (2) "*grade*" means 79.90 metres Canadian Geodetic Datum;
- (3) "*height*" means the vertical distance between *grade* and the highest point of a roof or structure;

3. Each word or expression that is italicized in the By-law herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined herein.

PURSUANT TO ORDERS/DECISIONS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON FEBRUARY 22, 2007, APRIL 30, 2010 AND DECEMBER 6, 2010 IN BOARD FILE NO. PL051070.



