

Authority: Toronto and East York Community Council Item 34.23,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1040-2014

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 50-60, 62 and 64 Charles Street East and 47 and 61 Hayden 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 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 No. 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. This By-law applies to those lands shown outlined by broken lines on Diagram 1 attached and forming part of this By-law and includes *Part A*, *Part B* and *Part C* as defined in this By-law, however for the purposes of this exception, the "**lot**" is the lands comprising *Part A* and *Part B* as shown on Diagram 1 of By-law No. 1040-2014.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception number 1469 so that it reads:

Exception CR 1469

Site Specific Provisions

- (A) on 50-60, 62 and 64 Charles Street East, and 47 and 61 Hayden Street, if the requirements of this By-law 1040-2014 are complied with, none of the provisions of 40.5.40.10(1), 40.5.40.10(2), 40.5.40.10(5)(A), 40.10.40.10(1), 40.10.40.10(5), 40.10.40.40(1)(A), 40.10.40.40(1)(B), 40.10.40.40(1)(C), 40.10.40.50, 40.10.40.70(1)(A), 40.10.40.70(1)(B), 40.10.40.70(4), 40.10.40.80(1)(A), 40.10.40.80(1)(B), 40.10.90.40(3), 200.5.1(2), 200.5.10.1(1), 200.5.1.10(3), 200.5.10.1(2), 200.15.1.5, 220.5.10.1(2), 220.5.10.1(5), 220.5.20, 230.5.1.10(9), 230.40.1.20(2), and 900.11.10 (1454) apply to prevent the erection or use of a **mixed use building**, including **townhouses** and **public parking** if the **building** or **structure** complies with the following:
- (i) the **gross floor area** of the **building** on the **lot** does not exceed 46,000 square metres of which the maximum permitted **gross floor area** for residential uses on the **lot** is 37,000 square metres and the minimum required **gross floor area** for non-residential uses on the **lot** is 9,000 square metres;
 - (ii) a maximum of 622 **dwelling units** are permitted on the **lot**;
 - (iii) the *height* of any **building** or **structure** erected above *grade* on the **lot**, in respect of each **building envelope** area, having a *height* that does not exceed the *height* in metres specified by the numbers following the symbol "H" on Diagram 2 of By-law 1040-2014, with the exception of the following:
 - (a) the maximum height for terraces and balcony guards, railings, parapets, window washing equipment, stair towers, terrace guards and dividers, planters, ornamental elements, architectural features, chimney stacks and structures used for safety or wind protection purposes must be the sum of 2.0 metres and the applicable *height* limit shown on Diagram 2; and
 - (b) the maximum height of roof canopy and columns shall be the sum of 4.5 metres and the applicable *height* limit shown on Diagram 2;
 - (iv) the maximum number of commercial and/or residential **storeys** of any **building** erected above grade on the **lot**, must not exceed the number of storeys specified by the numbers following the symbol ST on Diagram 2 of By-law 1040-2014, excluding mechanical and roof top elements;
 - (v) no portion of any **building** or **structure** to be erected or used above *grade* on the **lot** may extend beyond the lines delineated by the heavy lines on Diagram 2 attached to and forming part of this By-law, with the exception of the following:

- (a) cornices, eaves, vents, safety or wind protection, lighting fixtures, ornamental elements, trellises, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, railings, landscape and public art features, awnings and canopies, all of which may project beyond the *building envelope*;
 - (b) balconies and balcony piers located above grade may project beyond the *building envelope* to a maximum of 1.8 metres; and
 - (c) ornamental cladding on the roof may project beyond the **building envelope** to a maximum of 1.0 metres;
- (vi) medical offices shall not exceed forty percent of the total **gross floor area** for non-residential uses on the **lot**;
 - (vii) **parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:

Non-Residential

- (a) a minimum of 26 **parking spaces** must be provided for the non-residential uses on the **lot** and may be located as part of **public parking** that is paid;

Residential

- (b) a minimum of 0.19 **parking spaces** per bachelor **dwelling unit**;
- (c) a minimum of 0.31 **parking spaces** per one bedroom **dwelling unit**;
- (d) a minimum of 0.47 **parking spaces** per two bedroom **dwelling unit**;
- (e) a minimum of 0.74 **parking spaces** per **dwelling unit** containing three or more bedrooms;
- (f) provided further that a reduction of 5 resident **parking spaces** will be permitted for each **car-share parking space** up to a maximum of **10 car-share parking spaces** provided that the maximum reduction permitted by this means be capped by the application of the following formula:
 - (1) $5 \times (\text{Total No. of residential units divided by } 60)$, rounded down to the nearest whole number;

- (g) the requirement for residential visitor **parking spaces** is satisfied by the provision of non-residential **parking spaces** listed under A(vii)(a);

Shared Parking

- (h) the total number of **parking spaces** provided under A(vii)(a) must be provided for the shared use of residential visitors and non-residential uses on the **lot** and all such **parking spaces** may be provided as **public parking** that is paid;
- (viii) access to all **parking spaces** to be provided directly from an adjacent drive aisle that has a maximum slope of 5.0%;
- (ix) a maximum of 25 **parking spaces** which are obstructed on one or two sides in accordance with regulation 200.5.1.10(2), may have minimum dimensions of 5.6 metres in length and 2.6 metres in width;
- (x) a minimum of one Type "B" **loading space**, one Type "C" **loading space**, and one Type "G" **loading space** must be provided and maintained on the **lot**;
- (xi) a minimum of 1.7 square metres for each **dwelling unit** of outdoor **amenity space** must be provided on the **lot**;
- (xii) a minimum of 523 square metres of privately owned publicly accessible open space must be provided on the **lot**, and a privately owned publicly accessible walkway at ground level must be provided on the **lot** having a minimum width of 5.0 metres and a minimum length of 25 metres;
- (xiii) a minimum of 2.0 square metres for each dwelling unit of indoor **amenity space** must be provided on the **lot**;
- (xiv) a sales presentation centre may be permitted on the **lot**, and none of the other provisions of By-law 1040-2014 apply to such use;
- (xv) for the purposes of this exception the "**lot**" is the lands comprising *Part A* and *Part B* as shown on Diagram 1 of By-law 1040-2014;
- (xvi) for the purposes of this exception "**amenity space**" includes 4 guest suites each having a maximum area of 46.5 square metres;
- (xvii) for the purposes of this exception, the following defined terms also apply:
- (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Diagram 2 attached hereto;

- (b) "*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 such 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 that may or may not be refundable;
 - (c) "*car-share parking space*" means a parking space that is reserved and actively used for *car-sharing*;
 - (d) "*grade*" means 115.5 metres above Canadian Geodetic Datum;
 - (e) "*height*" means the vertical distance between *grade* and the highest point of the **building** or **structure** except for those elements otherwise expressly prescribed on By-law 1040-2014;
 - (f) "*Part A*" means those parts of the lands shown hatched on Diagram 1 of By-law 1040-2014 which parts are located below the Canadian Geodetic Datum of 114.2 metres and above the Canadian Geodetic Datum of 125.7 metres;
 - (g) "*Part B*" means the lands shown as *Part B* on Diagram 1 of By-law 1040-2014; and
 - (h) "*Part C*", means that part of the lands shown hatched on Diagram 1 of By-law 1040-2014 which is located between Canadian Geodetic Datum of 114.2 metres and Canadian Geodetic Datum of 125.7 metres;
- (xviii) none of the provisions of By-law No. 569-2013, as amended, of the City of Toronto and none of the provisions of this By-law shall apply to prevent the continued maintenance and use of the existing non-residential **buildings** located at 62 and 64 Charles Street East, provided the **buildings** are not enlarged; and
- (xix) 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.

4. 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 permitted in By-law 1040-2014, is permitted beyond that otherwise permitted on the land 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;

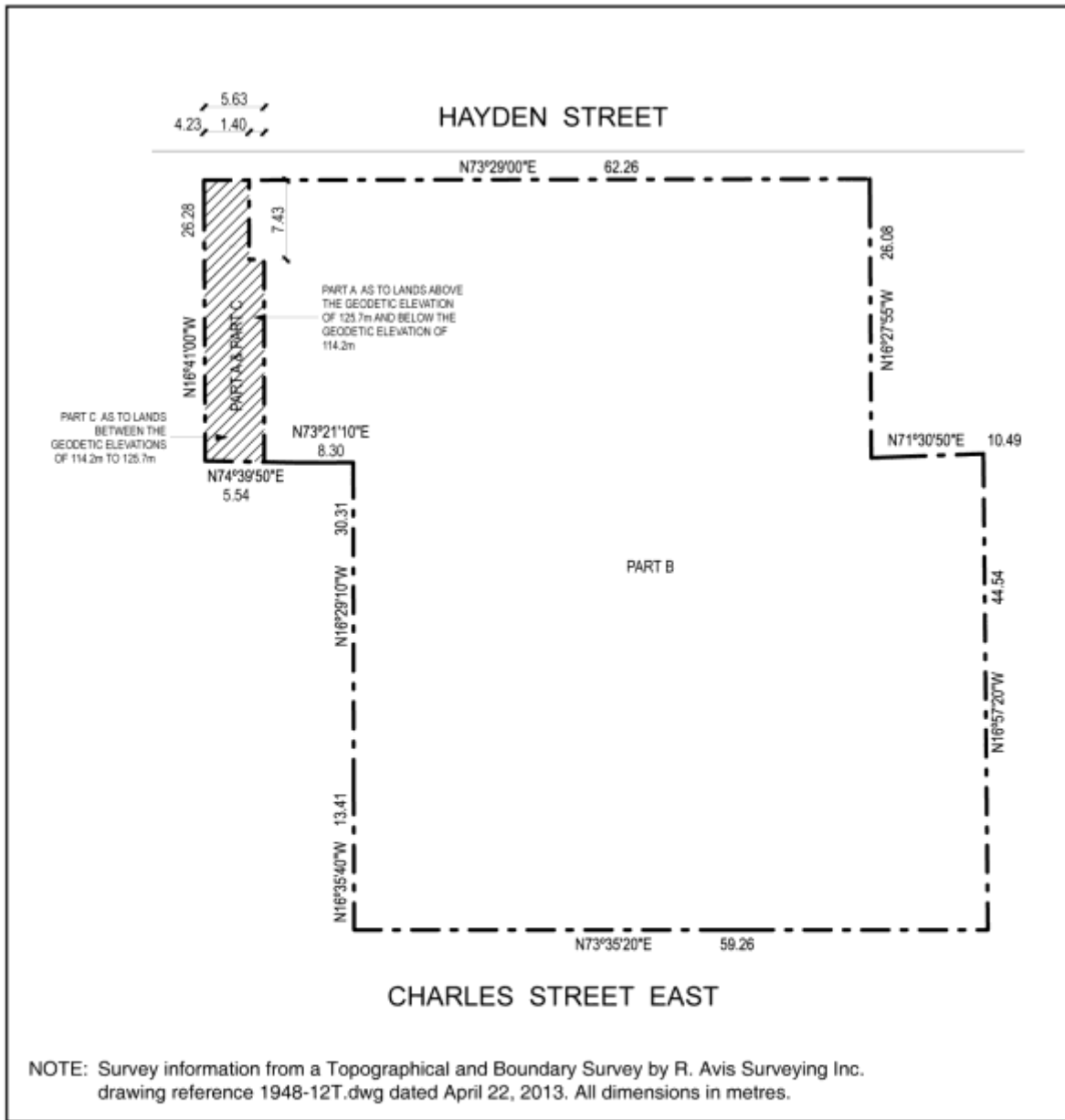
- (B) where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit must be dependent on satisfaction of the same; and
- (C) the owner must not use, or permit the use of, a building or structure 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 August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

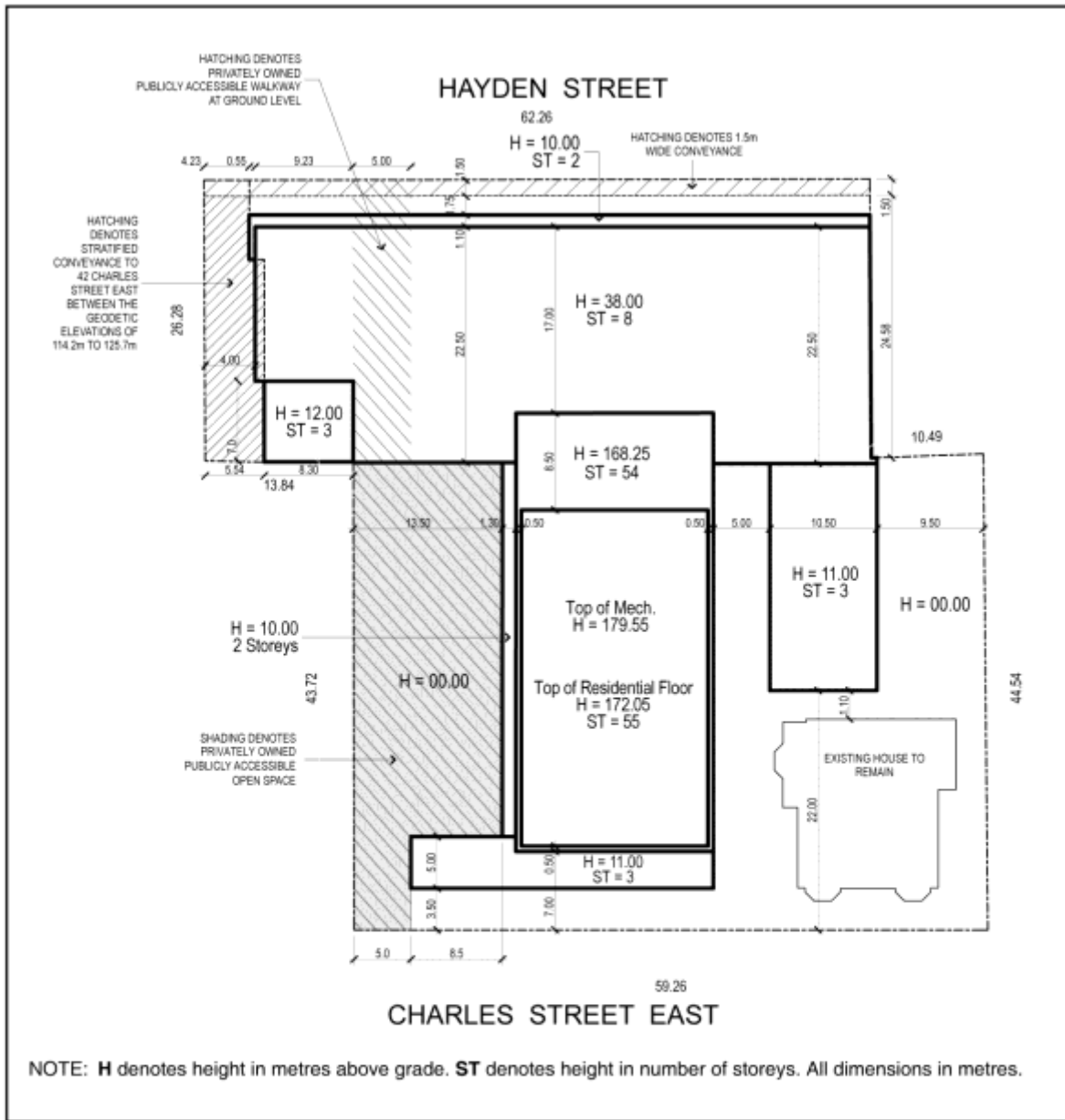


TORONTO City Planning
Diagram 1

**50-60, 62 & 64 Charles Street East and
 47 & 61 Hayden Street**
 File # 13 199558 02



Not to Scale
 08/21/2014



Schedule A**Section 37 Provisions**

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 \$4,000,000.00, 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 final approval of the Bills to the date the payment is made, to be applied toward the following:
 - (i) \$400,000 towards the City's Capital Revolving Fund for Affordable Housing 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) \$1,000,000 for local area park and streetscape improvements in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor. Notwithstanding the foregoing requirement for the submission of a cash contribution, at the discretion of the City, the owner may be required to submit a letter of credit in such amount as the City may require for the streetscape improvements component of this contribution, in which case, the owner shall install such streetscape improvements to the satisfaction of the City and shall be entitled to release of its letter of credit;
 - (iii) \$2,600,000 towards the City's Capital Revolving Fund for Affordable Housing for new affordable housing in Ward 27 and/or community, cultural and/or recreational space improvements in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor; and
 - (iv) the payment amounts referenced above in Section 1(i), (ii) and (iii) to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of final approval of the Bills to the date of each such payment to the *City*.
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 contribution may be redirected for another purpose, at the discretion of the Chief Planner, and Executive Director of City Planning, 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 **lot**.
3. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - (i) a privately owned publicly accessible ground floor courtyard and a privately owned publicly accessible walkway connecting Charles Street East and Hayden

Street as a surface easement, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the local Councillor;

- (ii) a pet care facility on site to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in consultation with the local Councillor;
 - (iii) a minimum 1.5 metre wide conveyance along the Hayden Street frontage to the City, to the satisfaction of the Executive Director, Engineering and Construction Services, the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - (iv) a minimum of 10% of the dwelling units in the development must be 3 bedrooms or 2+1 bedrooms with a minimum size of 83.61 square metres per dwelling unit; and
 - (v) the owner shall enter into a Heritage Easement Agreement with the City for the properties located at 62-64 Charles Street East to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, including registration of such agreement to the satisfaction of the City Solicitor by June 1, 2015.
4. 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.