

Authority: Toronto and East York Community Council Item TE10.7, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015

## **CITY OF TORONTO**

### **BY-LAW No. 1042-2015**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 270-288 Church Street, 101-105 Bond Street and 111 Bond 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 such 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 matter 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, 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 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, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are 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. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted 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 1 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.
2. Where Appendix 1 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 same.

3. 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 1 are satisfied.
4. 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*, *non-residential gross floor area*, *residential amenity space*, *student residence*, Sections 4(2)(a), 4(5), 4(8), 4(10)(a), 4(12), 4(13), 4(16), 4(17), 8(1), 8(3)PART I, 8(3)Part II, 8(3)Part III, 8(3)PART XI 2., 12(2)132., 12(2)216., 12(2)256. and 12(2)260. of By-law No. 438-86, of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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, and any provisions of By-law No. 97-80, as amended by By-law No. 527-89, shall apply to prevent the erection or use of a *mixed-use building* containing university uses, a *university residence*, a *commercial parking garage*, commercial and office uses and uses *accessory* to the foregoing uses, including a *parking garage*, on the *lot* provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) permitted residential uses on the *lot* shall be limited to a *university residence*;
  - (c) permitted non-residential uses on the *lot* shall be limited to the uses listed in Section 8(1)(b) of By-law No. 438-86 and a *commercial parking garage*;
  - (d) the total *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot*, excluding those portions of the building used for the purposes of a *commercial parking garage*, shall not exceed 25,800 square metres, provided:
    - (i) the maximum *residential gross floor area* shall not exceed 10,700 square metres; and
    - (ii) the maximum *non-residential gross floor area* shall not exceed 15,100 square metres;
  - (e) no portion of any building erected above finished ground level on the *lot* is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following, located wholly within the *lot*:
    - (i) lighting fixtures, cornices, sills, eaves, canopies, parapets, railings, privacy screens, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, window washing equipment, mechanical and architectural screens and covers, guards, guardrails, chimneys, vents, stacks, ducts, mechanical fans, retaining walls, wheel chair ramps, ornamental or architectural features, aircraft

- warning lights, landscape features, landscaped berms, and art installations may extend beyond the heavy lines shown on the attached Map 2; and
- (ii) the erection or use of the structures, elements and enclosures permitted by Section 3(f) of this By-law;
- (f) no person shall erect or use a building or structure on the *lot* having a greater height, in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not apply to prevent:
- (i) the erection or use of the structures, elements and enclosures permitted by Section 3(e) of this By-law;
  - (ii) enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated structures, provided that:
    - A. all such structures and elements are located within the portion of the *lot* subject to a *height* limit of 34.5 metres as shown on Map 2; and
    - B. all such structures and elements are limited to a maximum vertical projection of 4.8 metres above the *height* limit of 34.5 metres;
  - (iii) the erection or use of structures on any roof used for outside or open air recreation, maintenance, safety, wind or green roof purposes;
- (g) no portion of the building or structure between finished ground level and 4.0 metres above finished ground level shall be located within the hatched area shown on Map 2 attached to this By-law with the exception of the following structures and elements:
- (i) canopies, soffit and fascia, window and door sills, door swings, elements for utilities, fixed seating, patio tables and chairs, *bicycle parking spaces* and lighting; and
  - (ii) signage, excluding signage affixed to the ground;
- (h) the number of *storeys* in the building on the *lot*, must not exceed the numbers shown following the symbol "ST" on Map 2 attached to this By-law for the corresponding portion of the building, excluding ramps and floors containing mechanical and roof top elements;
- (i) *residential amenity space* shall be provided and maintained as follows:
- (i) a minimum of 460 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multi-purpose room or rooms, at least one of which shall contain a washroom; and

- (ii) a minimum of 200 square metres of outdoor *residential amenity space* shall be provided on the *lot*;
- (j) a minimum of 900 square metres of outdoor *landscaped open space*, which may include outdoor *residential amenity space* and green roof areas, will be provided on the *lot* and such *landscape open space* may be provided on the roof of the building;
- (k) the provisions of section 4(17) of By-law No. 438-86, shall apply with respect to minimum *parking space* dimensions, with the exception that:
  - (i) a maximum of 16 *parking spaces*, notwithstanding that such spaces may be obstructed on one or two sides in accordance with Section 4(17)(e) of By-law No. 438-86, as amended, may have the following minimum dimensions:
    - A. Length - 5.2 metres;
    - B. Width - 2.6 metres; and
    - C. Vertical clearance - 2.0 metres;
  - (ii) a maximum of 3 *parking spaces* may have the following minimum dimensions:
    - A. Length - 5.6 metres;
    - B. Width - 2.4 metres; and
    - C. Vertical clearance - 2.0 metres;
- (l) a minimum of 90 *parking spaces* are maintained on the *lot*;
- (m) a minimum of one *loading space - type 'G'* shall be provided and maintained on the *lot*;
- (n) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) the minimum number of long-term *bicycle parking spaces(resident only)* shall be 100;
  - (ii) the minimum number of short-term *bicycle parking spaces(resident only)* shall be 15;
  - (iii) the minimum number of short-term *bicycle parking spaces (institutional, commercial, retail)* shall be 68 of which 30 must be located at the finished ground level;

## General

- (iv) long-term *bicycle parking spaces* are for use by the occupants or tenants of a building; and
- (v) short term *bicycle parking spaces* are for use by visitors to a building;
- (o) for the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended except that the following definitions shall apply:
  - (i) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
    - A. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
    - B. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
    - C. notwithstanding A and B above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.4 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
  - (ii) "*City*" means the City of Toronto;
  - (iii) "*grade*" means 90.5 metres above Canadian Geodetic Datum;
  - (iv) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
  - (v) "*lot*" means at least the lands delineated by heavy lines shown on Map 1;
  - (vi) "*non-residential gross floor area*" shall have the same meaning as provided in Section 2 of By-law No. 438-86, as amended, with the exception that the floor area occupied by a *parking garage* shall be excluded from the calculation of *non-residential gross floor area*;
  - (vii) "*residential amenity space*" means a common area or areas within a *lot* which are provided for the use of the residents of a building for

recreational or social purposes, with the exception that outdoor *residential amenity space* may also be used by other occupants and visitors to the building;

- (viii) "*storey*" means a level of a building, located between any floor and the floor, ceiling or roof immediately above it, with the first *storey* being that *storey* with a floor closest in elevation to *grade*; and
- (ix) each other word or expression which is italicized in this By-law shall have the same meaning as each such word or expression is defined in By-law No. 438-86, as amended.

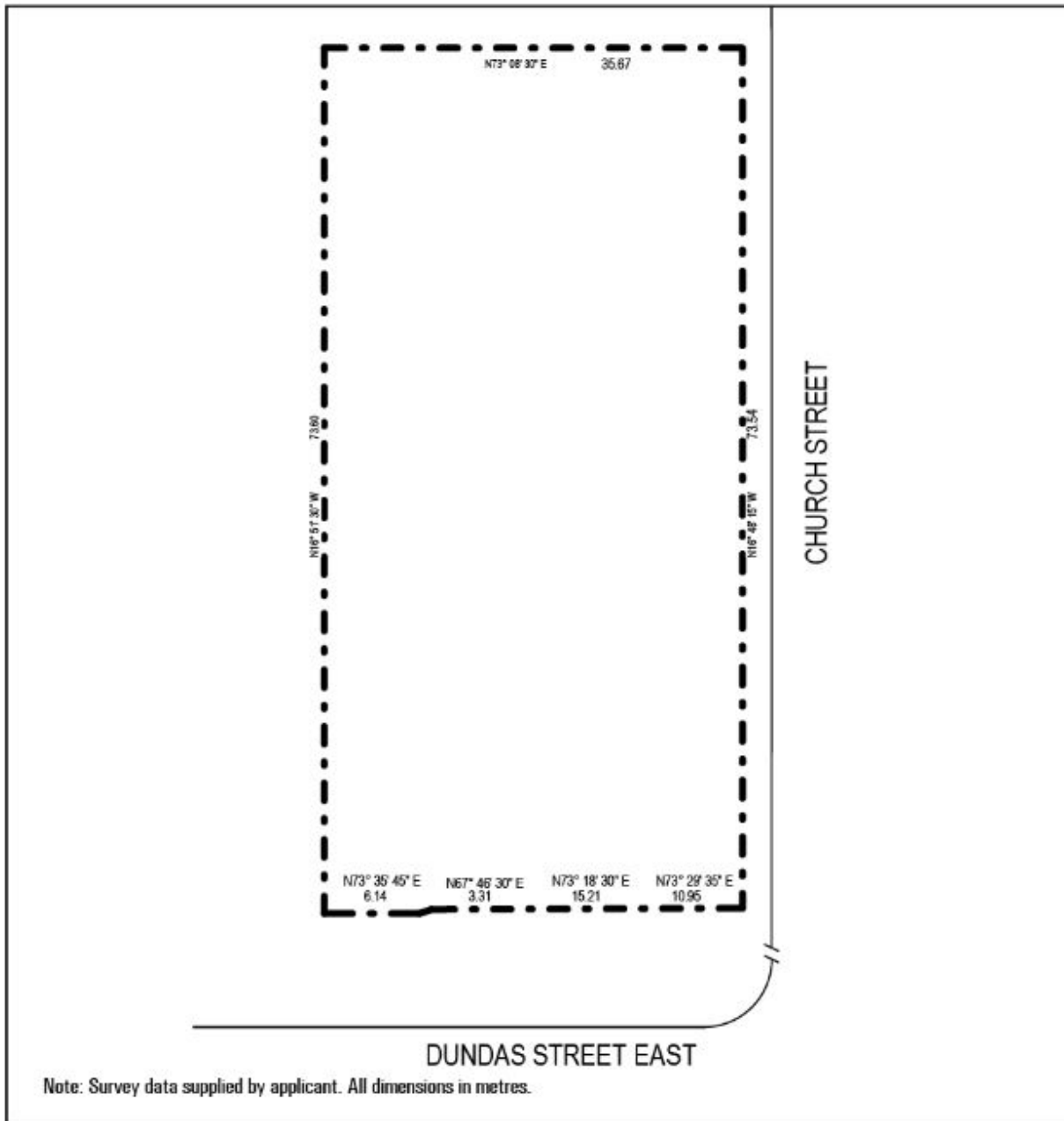
- 5. None of the provisions of By-law No. 97-80, as amended by By-law No. 527-89, shall apply to prevent the development of the *lot* in accordance with the provisions of this By-law, and any of the *parking spaces* provided on the *lot* may be used to satisfy the number of *parking spaces* required pursuant to Section 5 of By-law No. 97-80, as amended by By-law No. 527-89.
- 6. Notwithstanding any provisions of this By-law or By-law No. 438-86 as amended, to the contrary, the existing loading spaces provided on the lands municipally known as 101 and 105 Bond Street in the year 2014, may be shared with uses on the *lot*.
- 7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

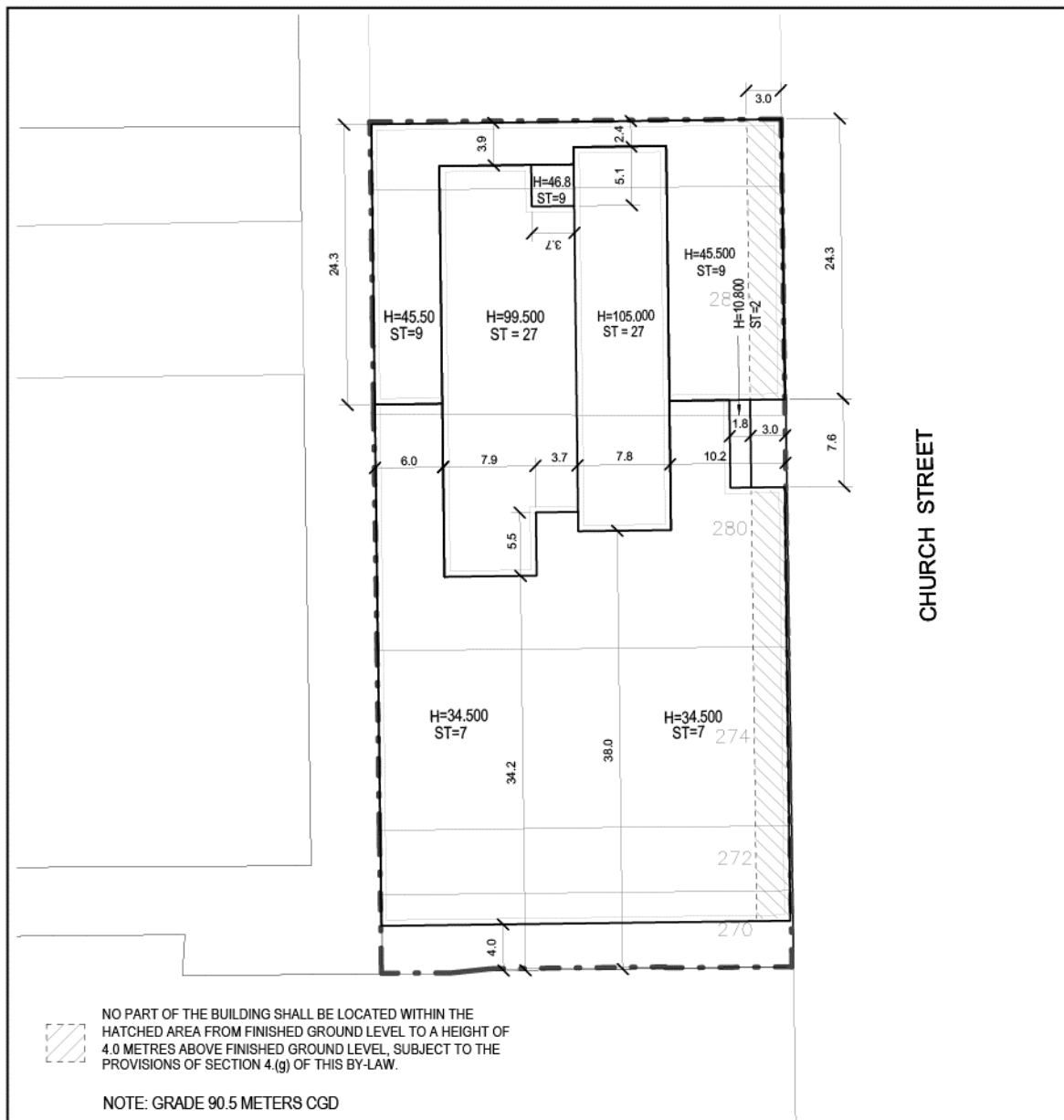
Enacted and passed on October 2, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)







## **APPENDIX 1**

### **Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* 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 indexing escalation of both the financial contributions, and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to introducing the necessary Bills to City Council for enactment, the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
  - a) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property abutting those portions of Church Street that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees or landscaping, with the specific location, configuration and design to be determined in the context of a site plan approval for the development pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City;
  - b) the Owner shall maintain non-standard boulevard improvements in the portion of Church Street abutting the development, with the details secured in the context of site plan approval for the development pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City;
  - c) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian walkway across private property at 111 Bond Street, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City, which may be relocated to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - d) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, improvements to the public laneway adjacent to the site including pavers and lighting with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City;
  - e) the Owner shall have completed construction of the publicly accessible walkway, clearway and laneway improvements referred to in a), b), c), and d) above and

shall convey the publicly accessible clearway easement referred to in a) above to the City for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as set out in the section 37 agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements and the timing related to the completion of the various matters; and

- f) in support of development, the Owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Executive Director Engineering and Construction Services.