

Authority: Toronto and East York Community Council Item TE12.7, adopted as amended, by City of Toronto Council on December 9 and 10, 2015

CITY OF TORONTO

BY-LAW No. 1364-2015

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in 2015 as 661, 663, 669 and 677 Queen Street East and 77, 79 and 79A East Don Roadway.

Whereas authority is given to Council by 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/or 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is to be 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 (hereinafter referred to as the "City"); and

Whereas the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

Whereas Council of the City of Toronto, at its meeting on December 9 and 10, 2015, determined to amend the City of Toronto Zoning By-law No. 569-2013 with respect to lands known municipally in the year 2015 as 661, 663, 669 and 677 Queen Street East and portions of 677 Queen Street East and 77, 79 and 79A East Don Roadway;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are municipally known in 2015 as 661, 663, 669 and 677 Queen Street East and 77, 79 and 79A East Don Roadway, as delineated by heavy lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the 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 the zoning label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy lines on Diagram 2 attached to and forming part of this By-law to CR 2.5 (c2.0; r2.0) SS2 (x32), CR 2.0 (c2.0; r0.0) SS2 (x32) and O, as shown on Diagram 2 to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by a heavy line on Diagram 4 attached to and forming part of this By-law, to the Zoning By-law Map in Section 990.10, and applying the following zone labels to the lands delineated by heavy black lines on Diagram 4 attached to a forming part of this By-law: CR 2.0 (c2.0; r0.0) SS2 (x32) , as shown on Diagram 2 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by a heavy line on Diagram 4 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by a heavy line on Diagram 5 attached to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to said lands: HT 18.0, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by a heavy line on Diagram 6 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 as shown on Diagram 6 attached to this By-law.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by a heavy line on Diagram 4 attached to this By-law to the Lot Coverage Overlay Map in Section 995.30.1.
9. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (32) so that it reads:

Exception CR 32

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 661, 663, 669 and 677 Queen Street East and 77, 79 and 79A East Don Roadway, if the requirements of By-law 1364-2015, including the portions relating to agreements pursuant to section 37 of the *Planning Act*, are complied with, none of the provisions of Clauses and Regulations 5.10.40.70 (1) to (4), 40.5.40.10 (1), (2), (3), (4), (5), (6) and (7), 40.5.40.40, 40.10.20.100 (13), (17), (26) and (39), 40.10.40.1 (1), 40.10.40.10 (2) and (5), 40.10.40.11, 40.10.40.40 (1), 40.10.40.50 (1), 40.10.40.60, 40.10.40.70 (2), 40.10.40.80 (2), 40.10.100.10 (1), 150.90.20.1 (1), 150.94.30.1, 150.94.40.1 (1), 150.94.50.1, 200.5.10.1, 200.15.1.5, 220.5.1 (2), 220.5.10.1, 230.5.1.10 (9), 230.5.10.1 (1), (2), and (5), and 230.40.1.20 (2), apply to prevent the erection or use of a **building, structure**, addition or enlargement, uses **ancillary** thereto, permitted by (B) to (V) below;
- (B) The total **gross floor area** of all **buildings and structures** on the **lot** must not exceed 117,800.0 square metres; and:
- (i) the total **residential gross floor area** must not exceed 65,650.0 square metres; and
 - (ii) the total **non-residential gross floor area** must not exceed 52,150.0 square metres;
- (C) Height is measured from 81.0 metres above sea level based on the Canadian Geodetic elevation datum, to the highest point of the building or structure;
- (D) No portion of any **building or structure** on the **lot**, excluding canopies, awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, balconies, terraces, stairs, stair enclosures, wheel chair ramps, underground garage ramps, landscape and green roof elements, swimming pools and jacuzzis including associated decks, partitions dividing outdoor recreation areas, wind mitigation and public art elements, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues and garbage chute overruns and associated structures may have a height of 1.0 metres greater than the height in metres specified by the number following the H symbol as shown on Diagram 3 of By-law 1364-2015;
- (E) The portions of a **building or structure** above grade must be located within the areas outlined in Diagram 3 of By-law 1364-2015, except that canopies, awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, terraces, stairs, stair enclosures, wheel chair ramps, underground garage ramps, landscape and green roof elements, swimming pools and jacuzzis including associated decks, partitions dividing outdoor recreation areas, wind mitigation and public art elements, air intakes, vents and ventilating equipment, chimney stacks, exhaust flues and garbage chute overruns and

associated structures may extend 1.0 metre beyond the areas outlined in heavy lines shown on Diagram 3 of By-law 1364-2015;

- (F) The portions of a **building** or **structure** above grade must be located within the areas outlined in Diagram 3 of By-law 1364-2015, except that balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Diagram 3 as measured perpendicular to the exterior walls of the building;
- (G) **Amenity space** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 1.55 square metres of indoor residential **amenity space** per **dwelling unit** must be provided and maintained on the **lot** in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
 - (ii) a minimum of 1.35 square metres of outdoor **amenity space** per **dwelling unit** must be provided and maintained on the **lot**, a minimum of 40 square metres of which must be in a location adjoining or directly accessible from a portion of the indoor residential **amenity space**;
- (H) **Parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) a minimum of 0.52 **parking spaces** per **dwelling unit** for residents;
 - (ii) a minimum of 0.15 **parking spaces** per **dwelling unit** for residential visitors;
 - (iii) a minimum of 1 **parking space** per 100 square metres of non-residential **gross floor area**, excluding the **gross floor area** of a **vehicle dealership** and a **vehicle service shop**;
 - (iv) a minimum of 1 **parking space** 100 square metres of **gross floor area** used for a **vehicle dealership** or **vehicle service shop** that is located above grade;
 - (v) **parking spaces used for** an automobile showroom, automobile servicing, or automobile inventory associated with a **vehicle dealership** or **vehicle service shop** on the **lot**, may be provided in tandem despite the definition of **parking space** in By-law 569-2013 and may have dimensions which are smaller than otherwise required by section 200.5.1.10(2) of By-law 569-2013;
 - (vi) a minimum of 5 **auto-share parking spaces** in a publicly-accessible location on the **lot**; and

- (vii) The required **auto-share parking spaces** may replace the **parking spaces** otherwise required for residential occupants, up to a maximum of 15 **auto-share parking spaces**;
- (I) Sharing of parking spaces required under (H)(ii), (H)(iii) and (H)(iv) above can permitted in accordance with the Parking Space occupancy rates outlined in Table 200.5.10.10 of By-law 569-2013;
- (J) Despite the parking occupancy rates in Table 200.5.10.1 - the following uses may have morning occupancy rates of:
 - (i) Residential Visitor 0 percent;
 - (ii) **Retail Store** 20 percent; and
 - (iii) **Vehicle Dealership** 20 percent;
- (K) A minimum of amount of **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
 - (i) 0.9 long-term **bicycle parking spaces** per **dwelling unit** for residents;
 - (ii) 0.1 short-term **bicycle parking spaces** per **dwelling unit** for residential visitors;
 - (iii) 5 long-term **bicycle parking spaces** for retail occupants/employees located in **Parcel A**;
 - (iv) 10 long-term **bicycle parking spaces** for retail occupants/employees for **retail stores** or **retail services** located in **Parcel B**;
 - (v) 9 short-term **bicycle parking spaces** for retail visitors for **retail stores** or **retail services** located in **Parcel A**;
 - (vi) 16 short-term **bicycle parking spaces** for retail visitors for **retail stores** or **retail services** located in **Parcel B**;
 - (vii) 20 **bicycle parking spaces** for **vehicle dealership** and **vehicle service shop** occupants and visitors; and
 - (viii) the location of the required long-term **bicycle parking spaces** must be located on the **lot** in a weather protected location either at grade or one level below grade and the location of required short-term **bicycle parking spaces** must be located on the **lot** at grade;
- (L) A minimum of two Type "B" **loading spaces**, one Type "C" **loading space**, one Type "G" loading space, and one lay-by for a car-carrier vehicle must be provided on **Parcel A**;

- (M) A minimum of two Type "B" **loading spaces** must be provided on **Parcel B**;
- (N) A minimum of one Type "G" **loading space** must be provided on **Parcel B**, unless already provided on **Parcel A**;
- (O) In addition to the permitted uses identified in Section 40.10.20.10 of By-law 569-2013, **auto-share**, **auto-share parking space**, and **public parking** are also permitted uses on the **lot**;
- (P) A minimum of three (3) non-residential units must have **frontage** on Queen Street East and be directly accessible from Queen Street East;
- (Q) **Dwelling units** are not permitted on the **first floor** or any level below grade;
- (R) A **vehicle dealership** and **vehicle service shop** are only permitted on Parcel A;
- (S) The **first floor** of the **building or structure** on **Parcel A** must be setback a minimum of 0.815 metres from the property line along East Don Roadway;
- (T) Despite any other provisions of this By-law, if construction proceeds in phases, the first phase of construction must occur on **Parcel A** and despite Sections (E), (F), (G), (H) and (I) herein, prior to the completion of construction on **Parcel B**:
- (i) the combined **residential gross floor area** and **non-residential gross floor area** erected or used on Parcel A must not exceed 89,000.0 square metres, of which not more than 48,200.0 square metres can be **residential gross floor area** and not more than 40,800.0 square metres can be **non-residential gross floor area**;
- (U) **Parcel A** and **Parcel B** mean the lands identified as **Parcel A** and **Parcel B** respectively on Diagram 1 of By-law 1364-2015;
- (V) Exception CR (x32) shall apply to all of the lands collectively regardless of future severance, partition or division;
- (W) For the purpose of this Exception CR (x32), all bold-type words and expressions have the same meaning as defined in By-law 569-2013, as amended, with the exception of the following:
- (i) **Auto-share** means the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit automobile-sharing organization and where such organization may require that use of automobiles reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the automobile-sharing organization, including the payment of a membership fee that may or may not be refundable; and

- (ii) **Auto-share parking space** means a parking space that is reserved and actively used for **auto-share**.

Prevailing By-law and Prevailing Sections: (None Apply).

10. 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; and
- (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 December 10, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out herein are 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 the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1.
 - a. Prior to the issuance of the first Above-Grade Permit for all or any part of the **lot**, the Owner shall pay to the City a cash contribution of FIVE MILLION DOLLARS (\$5,000,000.00) by certified cheque to the City, which contribution shall be used towards the provision of affordable rental housing on the **lot**, adjacent to the **lot**, and/or within the local area of Ward 30, to be allocated at the discretion of the Chief Planner in consultation with the Ward Councillor;
 - b. Prior to the issuance of the first Above-Grade Permit for all or any part of the **lot**, the Owner shall pay to the City a cash contribution of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) by certified cheque to the City, which contribution shall be used towards the provision of an off-leash dog area in Ward 30 within the local area of the **lot**, to be located and funding allocated at the discretion of the Chief Planner in consultation with the Ward Councillor. In the event the cash contribution referred to in this section has not been used for the intended purpose within three years of the 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the property; and
 - c. The payment amounts in clauses 1 a. and b. of this Appendix 1 shall 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 execution of the Section 37 Agreement required in this Appendix to the date of each such payment to the City.
2. In order to support development on the **lot**:
 - a. Prior to the earlier of any residential or retail use of all or any part of the **lot** and the first Condominium registration of any part of the **lot**, the Owner shall at its expense, construct, provide and thereafter maintain to the satisfaction of the Chief Planner, a privately owned, publicly-accessible open space having a minimum area of at least 650 square metres, at the southern terminus of the new north-south private lane, to be constructed by the Owner on the Site as part of the Development, including completing the conveyance of the necessary easements, including necessary rights of support, free and clear of encumbrances, to the City for nominal consideration, all to the satisfaction of the Chief Planner and the City

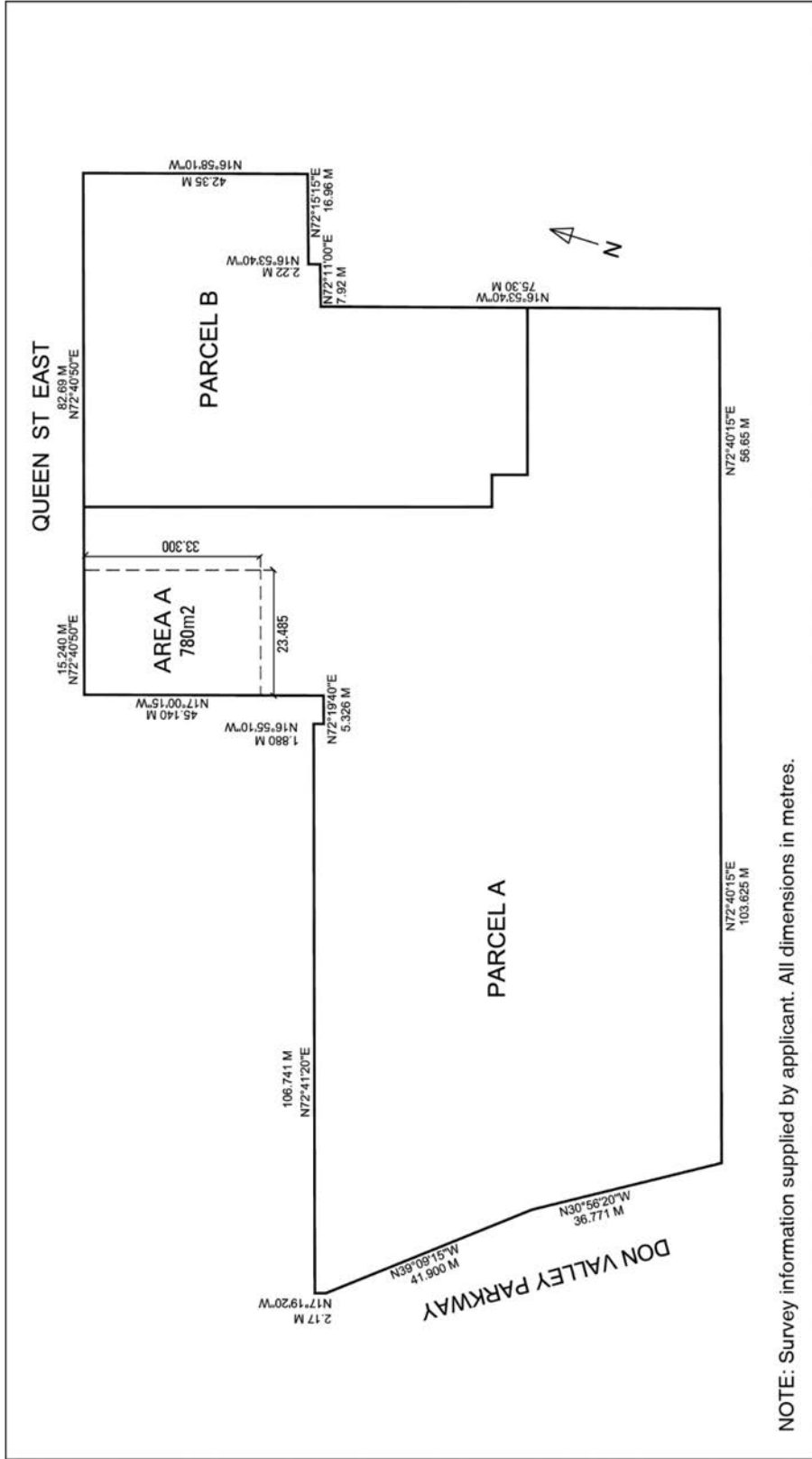
Solicitor, for the purpose of providing a privately-owned, publicly-accessible open space for use by the general public;

- b. Prior to the earlier of any residential or any retail use of all or any part of the **lot** and prior to any condominium registration of any part of the **lot**, the owner of the **lot** shall convey to the City free and clear of encumbrances and obstructions, an easement for public access over the north-south and east-west private lane/woonerf, all to the satisfaction of the Chief Planner and the City Solicitor;
- c. Prior to the issuance of the first above-grade permit for any part of **Parcel B**, the owner of the **lot** shall provide a letter of credit to the City, to include provision for upwards indexing, in a form and from a bank satisfactory to the City's General Manager, Transportation Services in the amount of TWO HUNDRED AND THIRTY THOUSAND DOLLARS (\$230,000.00) for a possible installation and maintenance of future signalization of new traffic control signals at the intersection of Queen Street East and Munro Street. Such letter of credit to be returned to the owner of the **lot** if such traffic control signal is not justified and/or required for safety reasons within five (5) years of full occupancy of **Parcel B**, all as determined the satisfaction of the General Manager, Transportation Services;
- d. In the event that the traffic signal referred to in clause 2 c. of this Appendix 1 is installed, the owner of the **lot** is required to provide a further letter of credit to the City, to include provision for upwards indexing, in a form and from a bank satisfactory to the City's General Manager, Transportation Services in the amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) for a possible future removal of the pedestrian cross-over located at Carroll Street. Such letter of credit to be returned to the owner of the **lot** if such signal control at the pedestrian crossover is not justified to be relocated within five (5) years of full occupancy of Phase 2 of this development, all as determined at the discretion of the General Manager, Transportation Services;
- e. Prior to the earlier of issuance of any above-grade building permit and issuance of Notice of Approval Conditions in connection with an application for Site Plan Approval for any part of the **lot**, the owner shall pay to the City by certified cheque the sum determined by the City's Executive Director, Engineering & Construction Services for construction of any improvements to the existing municipal infrastructure required to service the **lot**, as determined by and to the satisfaction of the City's Executive Director, Engineering & Construction Services;
- f. The owner of the **lot** shall convey to the City an on-site parkland dedication of a minimum size of at least 780 square metres, which is identified as Area A in Diagram 1 of By-law No. 1364-2015, to be conveyed to the City in partial fulfilment of the owner's required parkland dedication pursuant to section 42 of the *Planning Act*, and to be secured in the Section 37 Agreement required in this Appendix 1, all to the satisfaction of the Chief Planner, the General Manager, Parks Forestry and Recreation and the City Solicitor in accordance with the following terms and conditions:

- (1) The owner shall in conjunction with the Development, design, construct and provide to the City approved base and above-base park improvements, such above-base park improvements having a value no greater than the remaining cash-in-lieu of parkland contribution owing pursuant to section 42 of the *Planning Act* and the City's Municipal Code, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (2) Prior to the issuance of the first above-grade permit for any portion of the **lot**, the owner of the **lot** shall provide a letter of credit to the City, to include provision for upwards indexing, in a form and from a bank satisfactory to the City, in the amount of the remaining parkland dedication requirement, as determined by the City's Appraisal Services staff, which will be held as security by the City for the satisfactory completion by the owner of the **lot** of the construction of the required above-base park improvements;
- (3) Prior to the earlier of any residential or any retail use of all or any part of the **lot**, issuance of any building permit for **Parcel B** and any condominium registration of any part of the **lot**, the owner of the **lot** shall convey to the City the on-site parkland dedication lands for parkland in base park condition;
- (4) Unless otherwise agreed to by the City's General Manager, Parks, Forestry and Recreation, the owner shall complete the above-base park improvements, as described in 2f.(1) of this Appendix 1 prior to the earlier of any residential or retail use of Parcel B, issuance of any building permit for any part of **Parcel B** or any condominium registration of any part of the **lot**;
- (5) Prior to conveyance of the land for parkland required in (3) , the owner of the **lot** shall be responsible for completing an environmental assessment of the parkland and shall pay any associated costs or remediation works required as a result of that assessment, all to the satisfaction of the City together with the filing of Record of Site Condition (RSC) in accordance with all applicable Ministry of Environment and Climate Change requirements including completion of a satisfactory peer review by an environmental expert retained by the City, at the owner's expense;
- (6) The land to be conveyed to the City for parkland herein shall be conveyed by way of freehold title and shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements; and
- (7) The owner of the **lot** shall pay all costs associated with the conveyance to the City of the land for parkland herein, including all applicable taxes and fees, the cost of preparing all necessary plans, registering all relevant documents, and providing a title opinion demonstrating that the lands are

being conveyed free and clear of all encumbrances, all to the satisfaction of the City Solicitor; and

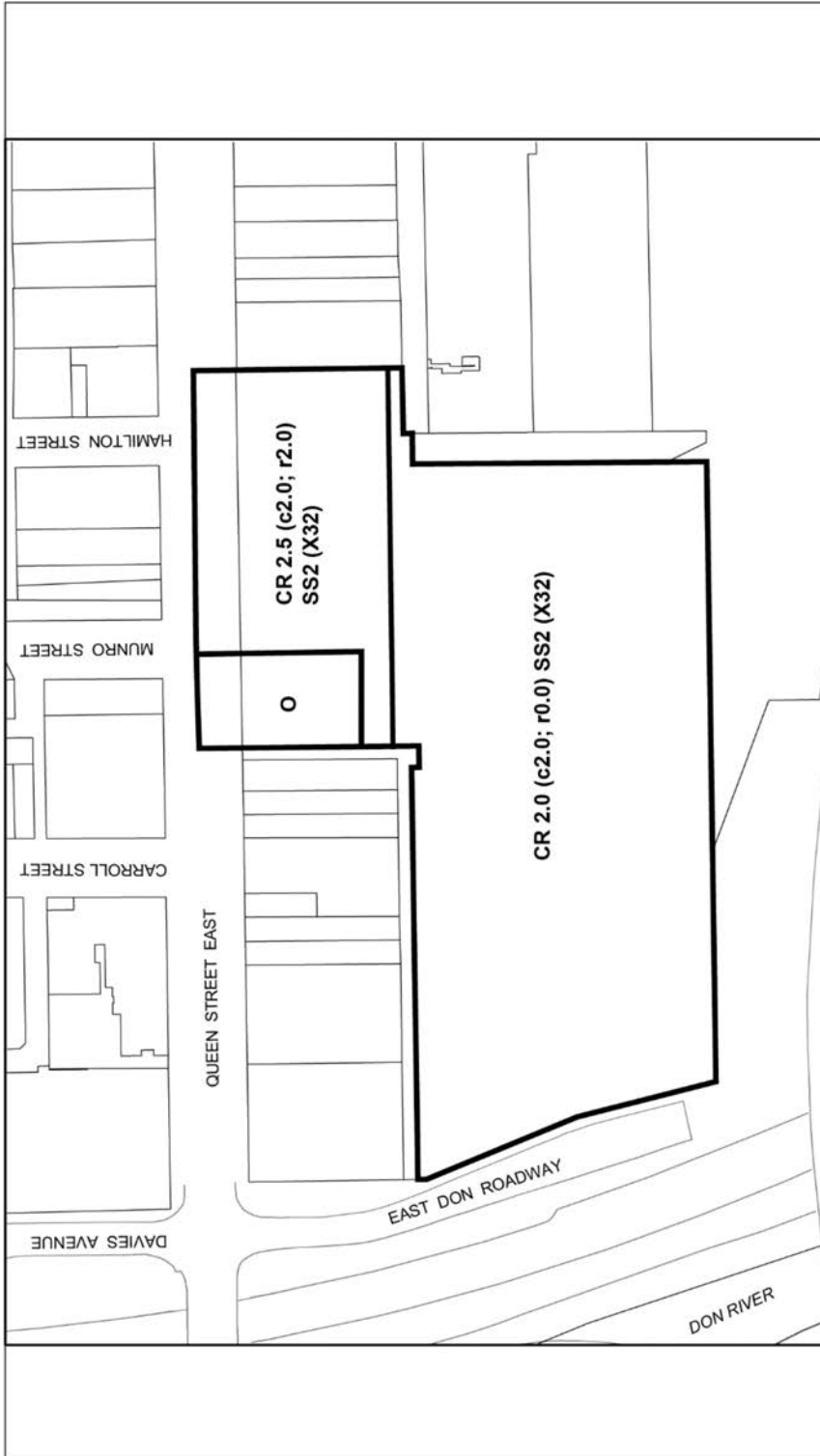
- g. The owners of the **lot** shall enter into and register on title to the lot one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor in consultation with the Chief Planner, to secure the facilities, services and matters set forth in this Appendix 1.



Toronto City Planning
77-79 East Don Roadway and 661-677 Queen Street East

Diagram 1
 File # 14_176221 STE 30 OZ and 14_176212 STE 30 OZ

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 Not to Scale
 10/20/2015

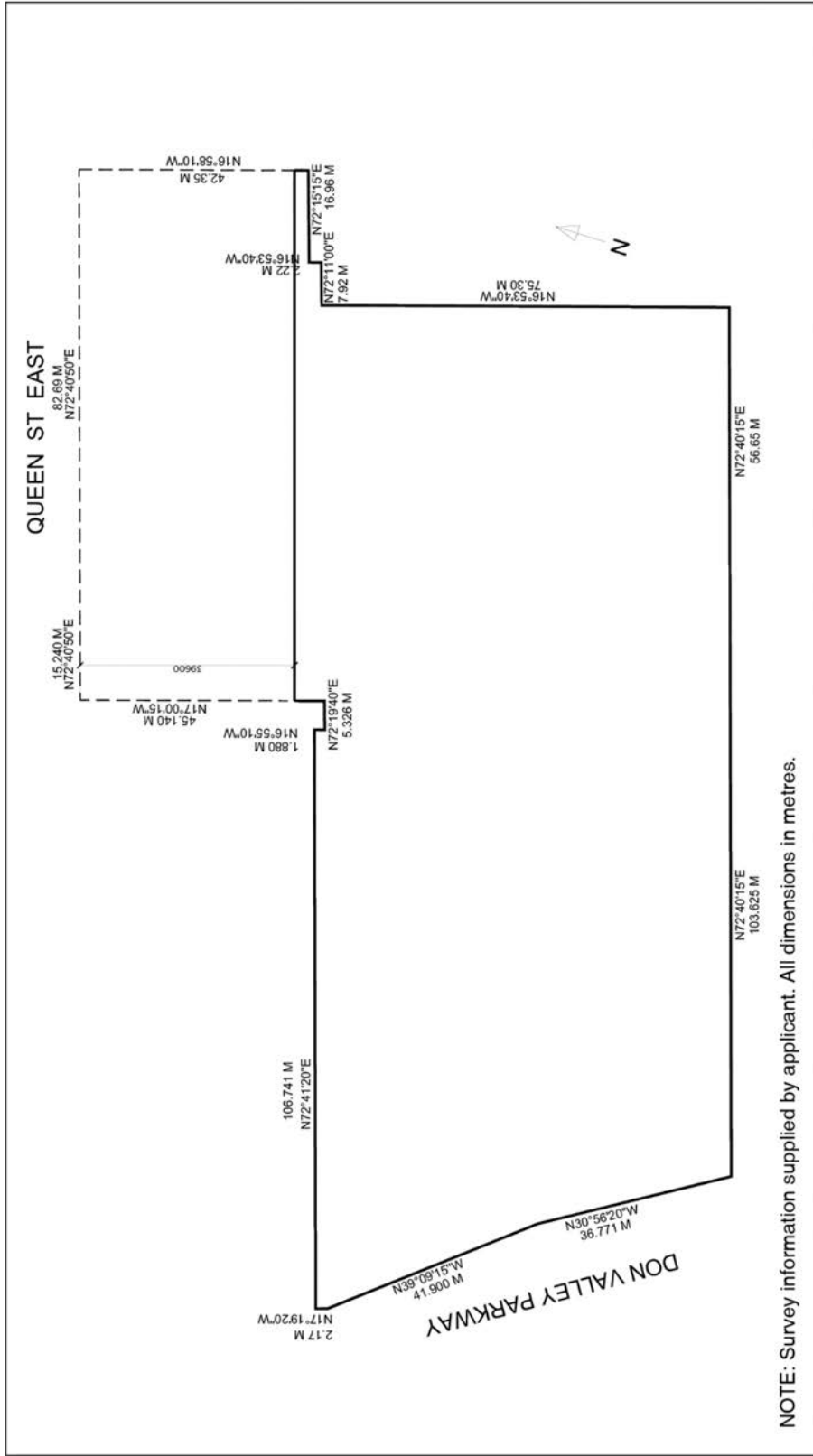


77-79 East Don Roadway and 661-677 Queen Street East

Diagram 2

File # 14_176221 STE 30 0Z and 14_176212 STE 30 0Z

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12/08/2015



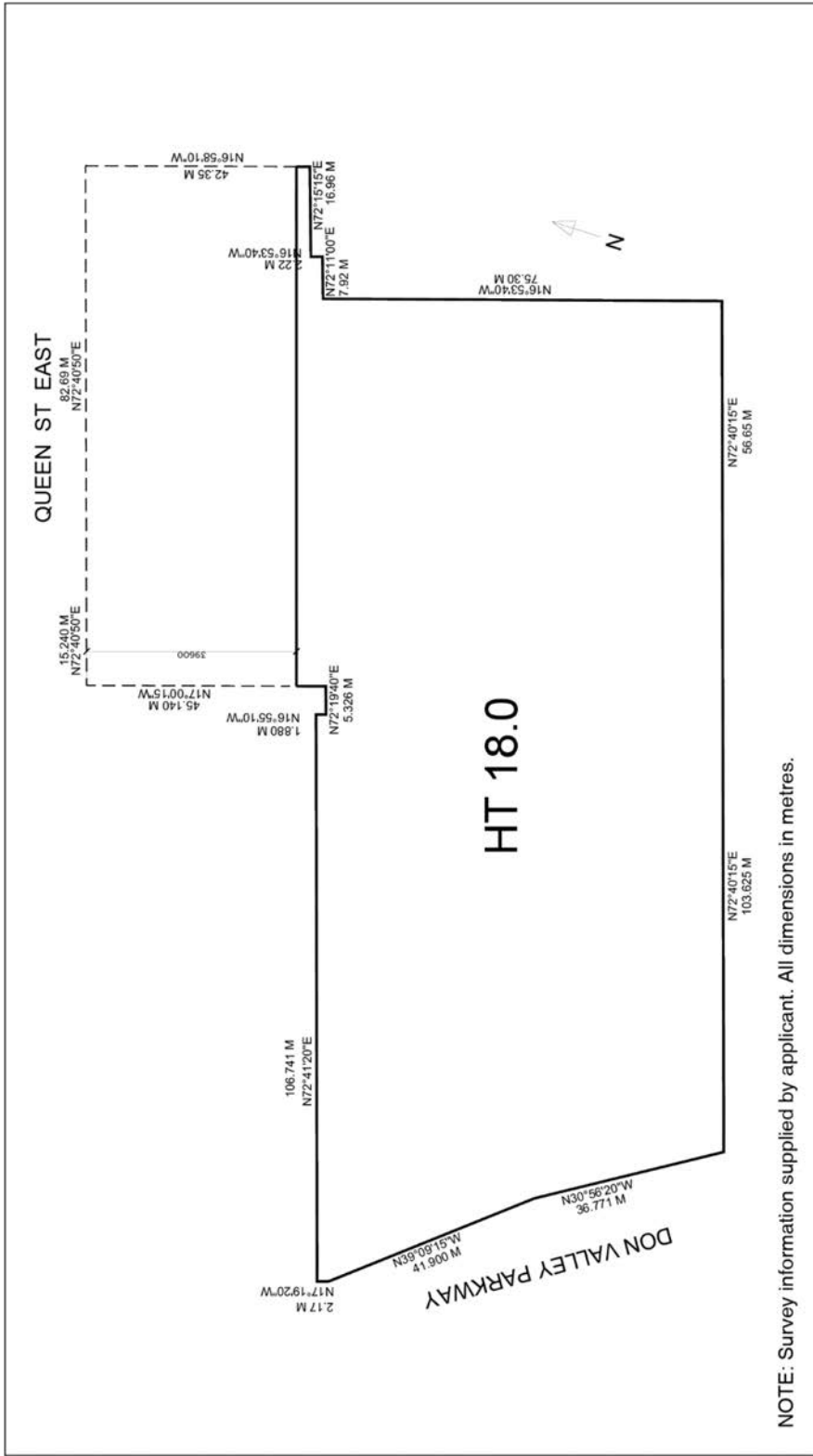
77-79 East Don Roadway and 661-677 Queen Street East

Diagram 4

File # 14_176221 STE 30 OZ and 14_176212 STE 30 OZ



Not to Scale
10/20/2015



NOTE: Survey information supplied by applicant. All dimensions in metres.

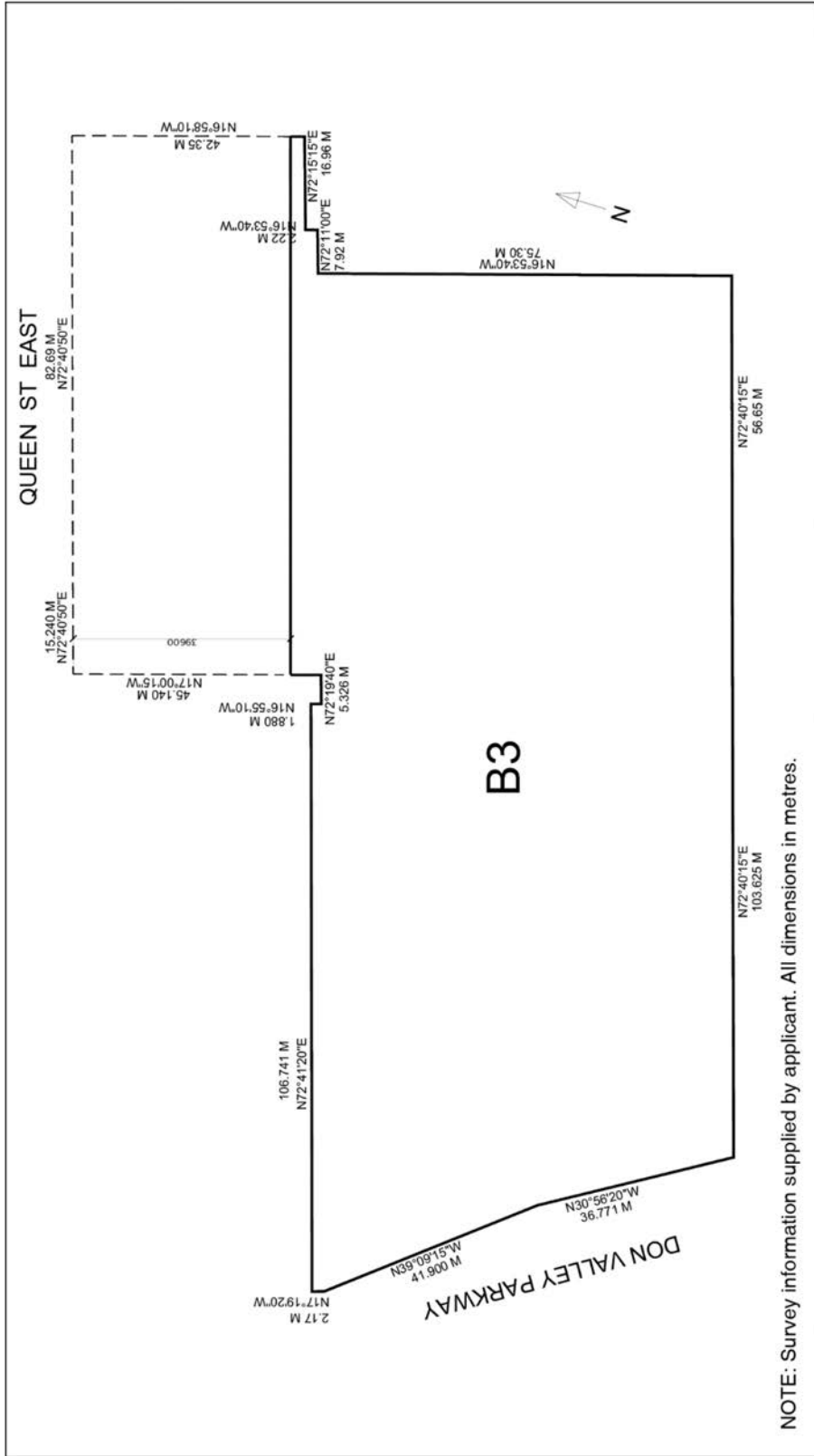


77-79 East Don Roadway and 661-677 Queen Street East

Diagram 5

File # 14_176221 STE 30 0Z and 14_176212 STE 30 0Z

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 Not to Scale
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77-79 East Don Roadway and 661-677 Queen Street East

File # 14_176221 STE 30 OZ and 14_176212 STE 30 OZ



Diagram 6



Not to Scale
10/20/2015