

Authority: Toronto and East York Community Council Item TE17.6, adopted as amended, by City of Toronto Council on July 12, 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 697-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 49 to 51 Camden Street.

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 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 increase in the height or 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 pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height or 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, 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. Pursuant of Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.
2. 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 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.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. Height and Minimum Lot Frontage Map District Map No. 50G-321 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended in accordance with Map 2 attached hereto and forming part of this By-law.
5. None of the provisions of Sections 2(1) with respect to the definitions of *bicycle parking space - occupant*, *bicycle parking space - visitor*, *loading space - type "C"*, *lot*, *patio*, and *restaurant*, 4(2), 4(5), 4(8), 4(13), 7(1), 7(3) Part II, 7(3) Part III, 7(3) Part IV, 7(3) Part VI, 12(2)246, 12(2)270 of By-law No. 436-86 of the former City of Toronto, 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 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 or use of a *hotel*, *restaurant*, *patio*, or *office* uses, including any *accessory* uses thereto, within the *lot* provided that all the provisions of this By-law are complied with:
 - (a) The *lot* on which the building is to be located comprises those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
 - (b) The maximum *non-residential gross floor area* permitted on the *lot* is 8,000 square metres;
 - (c) The maximum *area* that may be devoted to *patio* space on the *lot* must not exceed 100 square metres on the *lot* as outlined by heavy lines on Map 1 of By-law No. 697-2016 and such *patio* space may be provided on the penthouse level of the building;
 - (d) No portion of any building or structure erected or used above *grade* on the *lot* is located otherwise than wholly within the *building envelope*, with the exception of the following:
 - (i) Canopies, awnings, cornices, light fixtures, ornamental or architectural elements, parapets, window sills, bicycle racks, wheelchair ramps, mechanical air shafts, landscape features which may be located on the *lot* projecting a maximum of 1.5 metres from the *building*;
 - (e) The *height* of any building or structure, or portion thereof including any proposed projections, may not exceed those *heights* as indicated by the numbers following the symbol "HT" on the attached Map 2, with the exception of the following

elements which may exceed the 5.0 metre and 9.0 metre height limits indicated by the number following the symbol "HT" shown on Map 2 of this By-law:

- (i) Parapets, sky-lights, green roof elements, ventilation, extending no more than 1.5 metres above the applicable height limit;
 - (f) The required minimum above-ground distance between windows is 8.8 metres for windows located on the south façade of a *building* and on the north façade of a *building*;
 - (g) No windows are permitted on the east façade of a *building* on the *lot* within 14 metres of the east *lot line*;
 - (h) No *parking spaces* are required to be provided and maintained for the use of the *lot*;
 - (i) A minimum of one *loading space - type "C"* must be provided on the *lot*;
 - (j) A minimum of 17 *bicycle parking spaces* must be provided for the use of the *lot*, to consist of:
 - (i) A minimum of 7 *bicycle parking spaces - occupant* provided on the *lot* which may be provided in a stacked bicycle parking system or in a horizontal bicycle parking rack; and
 - (ii) A minimum of 10 *bicycle parking spaces - visitor* provided on the *lot* or on the public right-of-way adjacent to the *lot*; and
 - (k) No open space, *landscaped open space* or amenity space is required on the *lot*.
6. Definitions: For the purposes of this By-law, each word or expression that is italicized in this By-law has the same meaning as each such word or expression as defined by By-law No. 438-86, as amended, except for the following:
- (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
 - (i) Where the bicycles are to be stacked and parked horizontally, such *bicycle parking spaces* must have horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.2 metres; and
 - (ii) In the case of a bike rack, is located in a secured room or area;
 - (b) "*building envelope*" means a building envelope for each height area as shown by an "HT", and as delineated on Map 2 attached hereto;
 - (c) "*loading space - type C*" means a *loading space* with a length of 8.2 metres, a width of at least 4.3 metres and a minimum vertical clearance of at least

4.0 metres that is accessed via a private right-of-way with a minimum vehicle two-way access width of 4.57 metres;

- (d) "*lot*" means the whole of the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law and identified municipally as "49 to 51 Camden Street";
 - (e) "*patio*" means an outdoor area that is used in conjunction with a permitted non-residential use where meals or refreshments or both may be served to patrons; and
 - (f) "*restaurant*" means a building or portion of a building used for the preparation and cooking of meals and the sale of food and beverages to the public, for consumption on the premises inclusive of *patio* space, and which may include an incidental take-out service. The preparation and cooking of meals may take place in a portion of the building that is not contiguous, connected to, or located on the same floor as the area where the meals and refreshments are offered for sale and are consumed by the public, provided any *restaurant* is *accessory* to the *hotel* use of the *lot*.
7. Within the lands shown on Map 1 attached to this By-law, no person will 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 July 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the Lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. Prior to site plan approval, the *owner* must provide a Loading Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and the Garment District Neighbourhood Association.
2. The *owner* is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
3. Prior to the issuance of the first building permit, the *owner* will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary by the Chief Planner and Executive Director, City Planning.
4. Prior to site plan approval, the *owner* must provide a letter from an acoustician detailing noise mitigation measures for the proposed hotel and associated uses and an undertaking to implement the mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and the Garment District Neighbourhood Association.
5. Prior to site plan approval, the *owner* must submit a Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning.



