

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. 698-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 49 to 51 Camden 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to 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 zone label for the lands subject to this By-law on the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CRE (x7) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception 900.212.10 (7) so that it reads:

Exception [CRE] 7

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) If the requirements of By-law 698-2016 are complied with, none of the provisions of regulation 50.5.40.10(3) (4)(5)(6)(7), 50.5.40.60(1), 50.10.20.10(1), 50.10.20.20(1), 50.10.40.1(1), 50.10.40.10(1),(3), 50.10.40.60, 50.10.40.70(1)(2)(3)(5), 50.10.40.80(2),(3), 50.10.90.40(1), 220.5.10.1(3),(6), 220.5.20.1(1),(3), apply to prevent the erection or use of a **building**, structure, addition or enlargement permitted in By-law 698-2016 for the purposes of a **hotel, eating establishment, outdoor patio**, and/or **office** uses;
- (B) The maximum **gross floor area** of a **non-residential building** erected or used on the lands must not exceed 8,000 square metres;
- (C) The maximum area that may be used for an **outdoor patio** on the lands must not exceed 100 square metres and such **outdoor patio** may be located at the penthouse level of the **building**;
- (D) The **floor** area devoted to the preparation of food and beverages, for any **eating establishment** on the lands, including associated **outdoor patio** space, need not be contiguous, connected to or located on the same floor as the premises where such food and beverages are consumed by the public provided that such **eating establishments** are **ancillary** to a **hotel** on the **lot** as outlined by heavy lines on Diagram 1 of By-law 698-2016;
- (E) The height of a **building** or **structure** on the lands must not exceed the height in metres specified by the numbers following the symbol "HT" on Diagram 3 of By-law 698-2016 including any vertical projections;
- (F) Despite (E) above, parapets, sky-lights, green roof elements, railings and ventilation equipment, may exceed the 5.0 metre and 9.0 metre height limits as indicated by the numbers following the symbol "HT" in Diagram 3 of By-law 698-2016 permitted in (E) above by By-law 698-2016 by not more than 1.5 metres;
- (G) The above grade portion of any **building** or **structure** must be wholly located within the areas delineated by the heavy lines shown on Diagram 3 of By-law 698-2016;

- (H) Despite (G) above, the following elements may be located on the lands outside of the heavy lines on Diagram 1 of By-law 698-2016, up to a maximum of 1.5 metres;
- i) Canopies, awnings, cornices, light fixtures, ornamental or architectural elements, parapets, window sills, bicycle racks, wheelchair ramps, mechanical air shafts, landscape features;
- (I) The required minimum above-ground distance between windows is 8.8 metres for windows located on the south façade of a **building** on the lands and on the north façade of a **building**;
- (J) No windows are permitted on the east façade of a **building** on the lands within 14 metres of the east **lot line**;
- (K) Despite 200.5.10.1, no **parking spaces** are required;
- (L) Despite 230.5.10.1(1), a minimum of seven (7) long term **bicycle parking spaces** must be provided and maintained on the lands and all such **bicycle parking spaces** must be provided at ground level or on any level below-ground;
- (M) Despite 230.5.10.1(1), a minimum of ten (10) short-term **bicycle parking spaces** must be provided and maintained on the lands or in the public right-of-way adjacent to the lands;
- (N) Despite 230.5.1.10(7), no shower and change room facilities are required;
- (O) Despite 220.5.1.10(7) and (8), a minimum of one (1) **loading space** must be provided and maintained with the following minimum dimensions:
- i) Minimum length of 8.2 metres;
- ii) Minimum width of 4.3 metres; and
- iii) A minimum vertical clearance of 4.0 metres; and
- (P) Access to the **loading space** must be from a **lane** or private right-of-way with a minimum width of 4.57 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. 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 will be dependent on satisfaction of the same.
- (C) The owner will 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 July 15, 2016.

Frances Nunziata,
Speaker

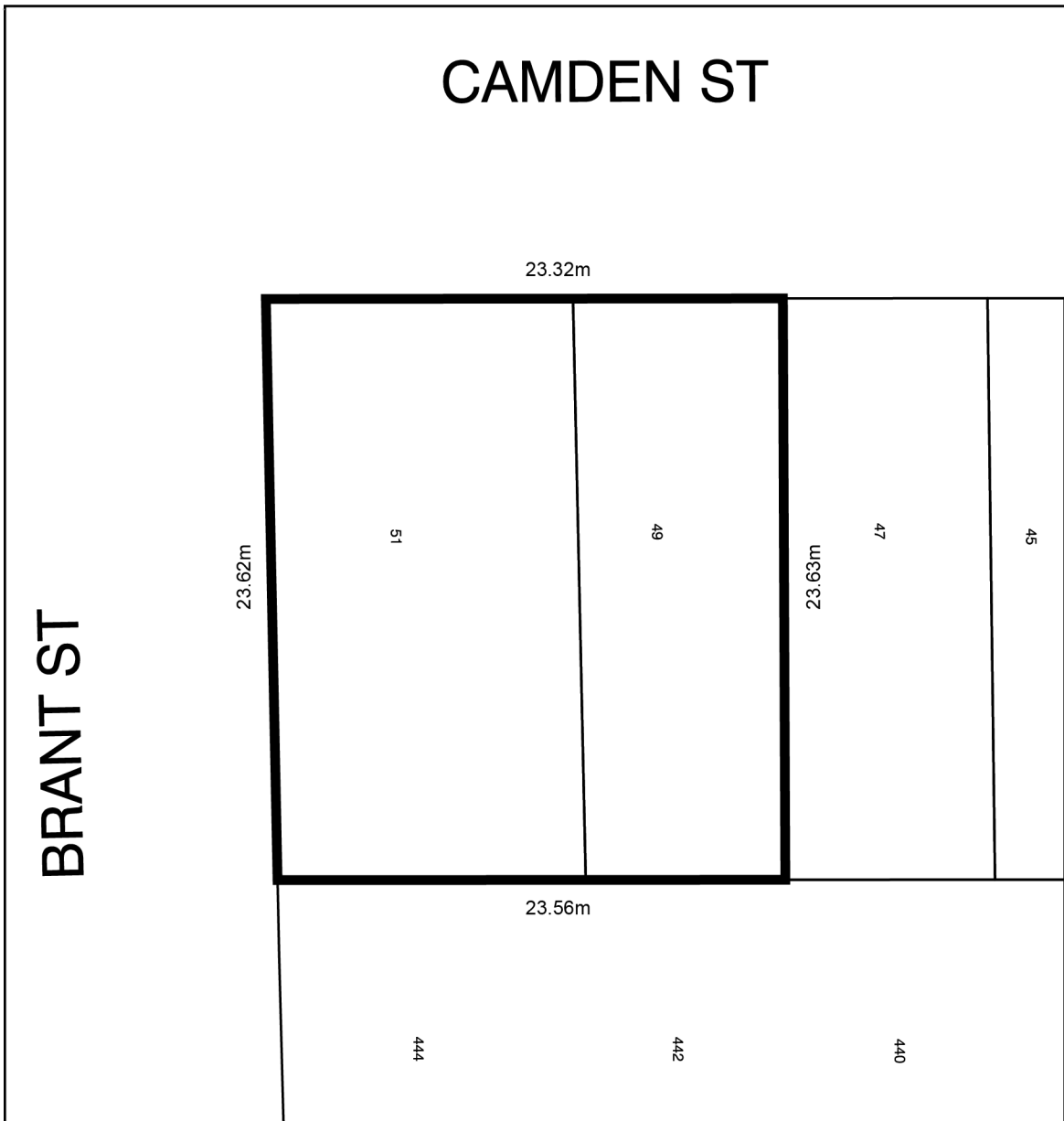
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
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 Diagram 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 of Transportation Services, and the Chief Building Official, 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 be 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.

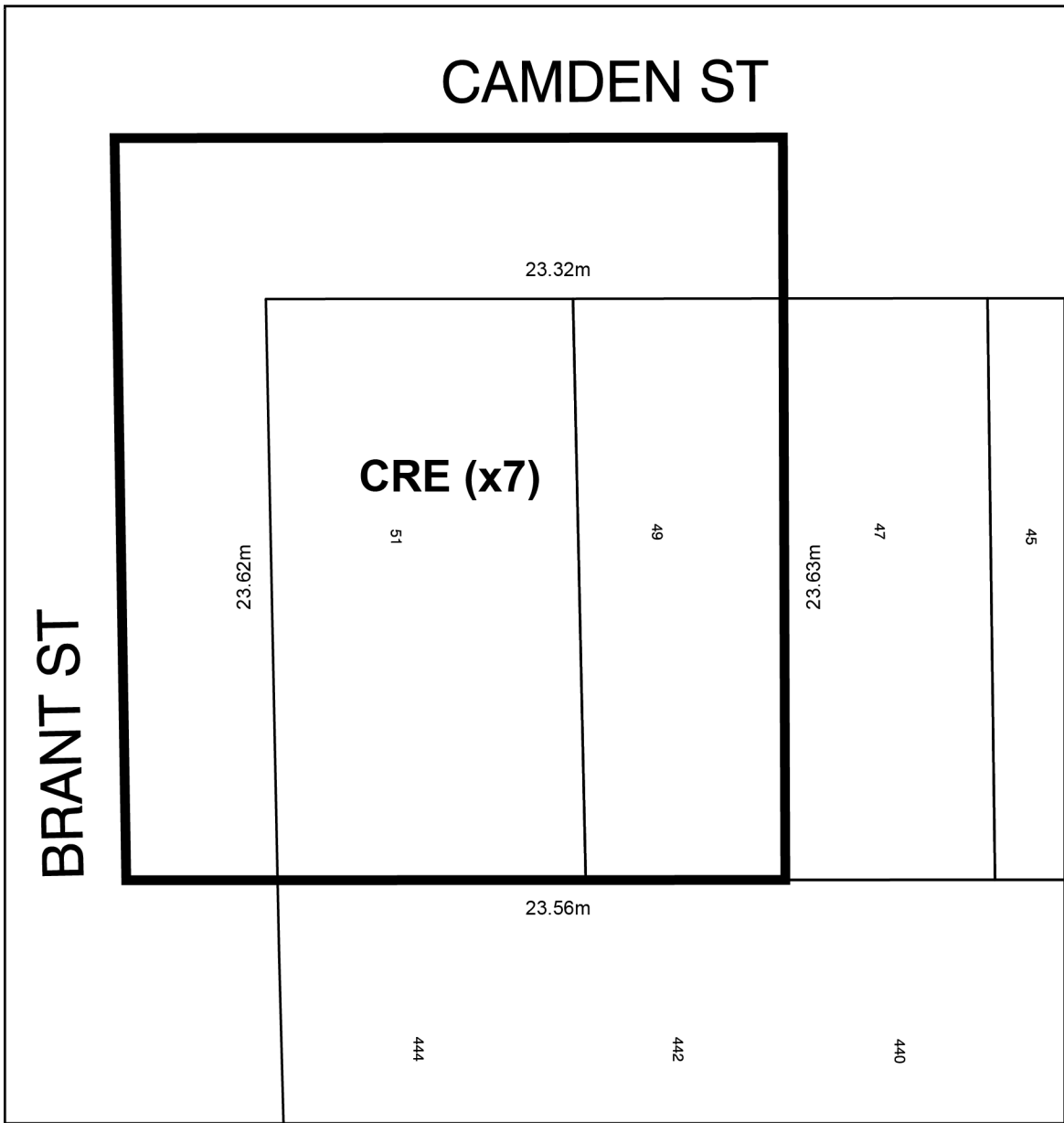


 **TORONTO**
Diagram 1

49-51 Camden Street

File # 15 209675 STE 20 0Z




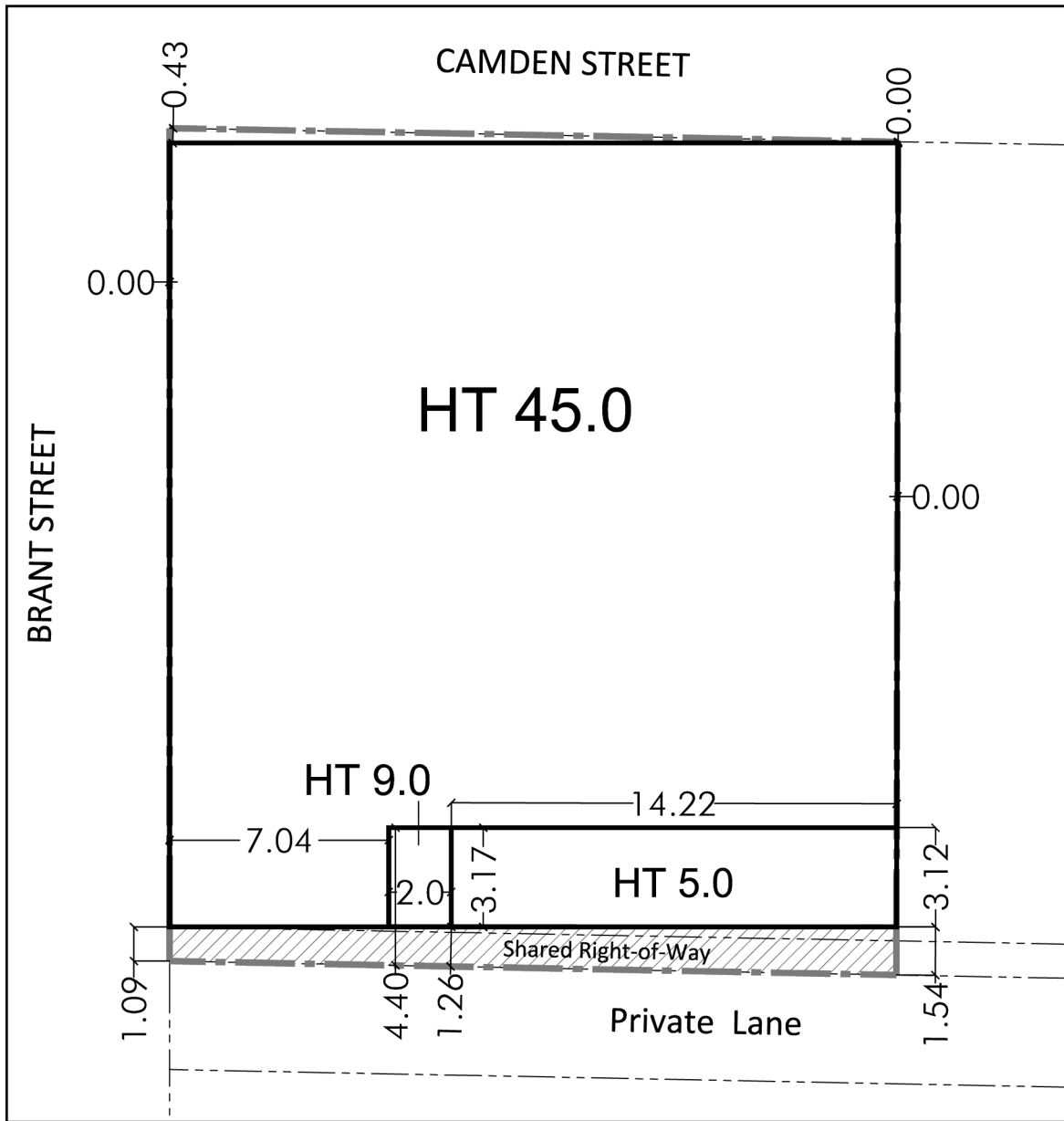


 **TORONTO**
Diagram 2

49-51 Camden Street

File # 15 209675 STE 20 0Z



City of Toronto By-Law 569-2013
Not to Scale
06/13/2016



 **TORONTO**
Diagram 3

49-51 Camden Street

File # 15 209675 STE 20 0Z


City of Toronto By-Law 569-2013
Not to Scale
06/13/2016