

Authority: Toronto and East York Community Council Item TE24.4 as adopted by City of Toronto Council on May 24, 25 and 26, 2017

CITY OF TORONTO

BY-LAW 789-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 60 Shuter Street, 187 and 189 Church 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 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; 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 pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are municipally known as 60 Shuter Street and 187 and 189 Church Street, as outlined by heavy black 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 569-2013, Chapter 800 Definitions, unless otherwise defined in this By-law.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.0 (c2.5, r3.0) SS1 (x107) as shown on Diagram 2 attached to and forming part of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 107 so that it reads:

Exception CR 107

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 60 Shuter Street and 187 and 189 Church Street, if the requirements of By-law 789-2017, Section 4 and Schedule A are complied with, none of the provisions of 5.10.40.70(2), 40.5.40.10, 40.10.40.1 (1) and (2), 40.10.40.10(1) and (5), 40.10.40.40(1), 40.10.40.60, 40.10.40.70, 40.10.40.80, 40.10.90.40(3), 200.5.1.10(12)(C), Table 200.5.10.1, 200.15.1.5(1), 200.15.1, 200.15.10(1)(C), 220.5.10.1, 230.5.1.10(9), 230.40.1.20(2) and 600.10.10(1)(A) and 900.11.10 (2166) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law 789-2017;
- (B) The total **gross floor area** of all **buildings** and **structures** must not exceed 23,850 square metres and:
 - (i) The total **gross floor area** for residential uses must not exceed 23,250 square metres; and
 - (ii) The total **gross floor area** for non-residential uses must not exceed 2,000 square metres, exclusive of a portion of the below grade **parking garage**;
- (C) The height of any **building** or **structure** erected on the **lot** must not exceed the maximum height in metres as indicated by the numbers following the letter H as shown on Diagram 3 of By-law 789-2017;
- (D) Despite (D) the height of any **building** or **structure**, for those portions of the building below a height of 85 metres, must not exceed the height in metres as shown following the symbol H on Diagram 3 of By-law 789-2017, with the exception of the following:
 - (i) railings, parapets, balconies, cornices, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters

partitions dividing outdoor recreational areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, elements of a green roof, roof assemblies, lightning rods, and exhaust flues, located above the height of each of the roof levels of the building, to a maximum of 3 metres;

- (E) The **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 89.7 metres (CGVD2013);
- (F) No portions of a **building** or **structure** above grade may encroach into a required **building setback** indicated by the heavy lines on Diagram 3 of By-law 789-2017, with the exception of:
 - (i) cornices, light fixtures, ornamental or architectural features, canopies, awnings, parapets, architectural flutes, patios, pillars, trellises, window sills, planters, guardrails, balustrades, retaining walls, vents, railings, stair enclosures, wheelchair ramps, fences, and screens;
- (G) No part of the **building** may be constructed at a **height** between 7.5 metres and 62 metres below the cantilever (floors 24 to 29), in the grey area shown on Diagram 3 of By-law 789-2017, except for those items listed in 4(F);
- (H) Despite clause 40.10.40.50(1) and 40.10.40.50(2), **amenity space** must be provided and maintained as follows:
 - (i) a minimum of 2 square metres of indoor **amenity space** for each **dwelling unit**; and
 - (ii) a minimum of 0.76 square metres of outdoor **amenity space** for each **dwelling unit**;
- (I) **Parking spaces** must be provided and maintained on the **lot** as follows:
 - (i) a minimum of 0.21 **parking spaces** for each **dwelling unit** for the residential use;
 - (ii) a minimum of 0.06 **parking spaces** for each **dwelling unit** for visitors;
 - (iii) a minimum of 2 **parking spaces** must be provided for car-share;
 - (iv) visitor parking spaces may be provided within a parking **garage** with or without a fee; and
 - (v) no **parking spaces** are required for the non-residential uses permitted in regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A);
- (J) Despite regulation 200.5.1.10(9), if the number of parking spaces results in a fraction the number is rounded up to the nearest whole number;

- (K) Despite regulation 200.5.1.10(2), a maximum number of 5 **parking spaces** are permitted to have a minimum vertical clearance of 1.75 metres and a width of 2.6 metres, despite any obstructions;
- (L) Despite regulations 230.5.1.10(4) and (10), 230.5.10, a **bicycle parking spaces** must be provided and maintained as follows:
- (i) a minimum of 0.9 **bicycle parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.1 **bicycle parking spaces** for each **dwelling unit**;
 - (iii) both long term and short term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**; and
 - (iv) the minimum width of a **stacked bicycle parking space** is 0.45 metres;
- (M) Despite the definition of **storey** in Chapter 800, a mezzanine level is part of the ground level **storey** for the purposes of identifying the maximum number of **storeys** as specified on Diagram 3 of By-law 789-2017 and for identifying the maximum area of tower floor plates as described in (N) below;
- (N) The maximum area of the tower floor plate as measured from the exterior of the **main wall** on each storey is as follows:
- (i) 1,031 square metres for **storeys** 6-10;
 - (ii) 750 square metres for storeys 11-23; and
 - (iii) 835 square metres for storeys 24-29;
- (O) The **vehicle** entrance and exit in the **main wall** of a **building** must be set back a minimum of 2.05 metres from a **lot line** abutting a **street**;
- (P) A minimum of one Type "G" **loading space** must be provided and maintained on the lands;
- (Q) A temporary sales office is permitted for a maximum of 3 years from the date of enactment of By-law 789-2017; and
- (R) This exception applies to all of the lands collectively regardless of severance, partition or division.

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

5. Section 37 Provisions

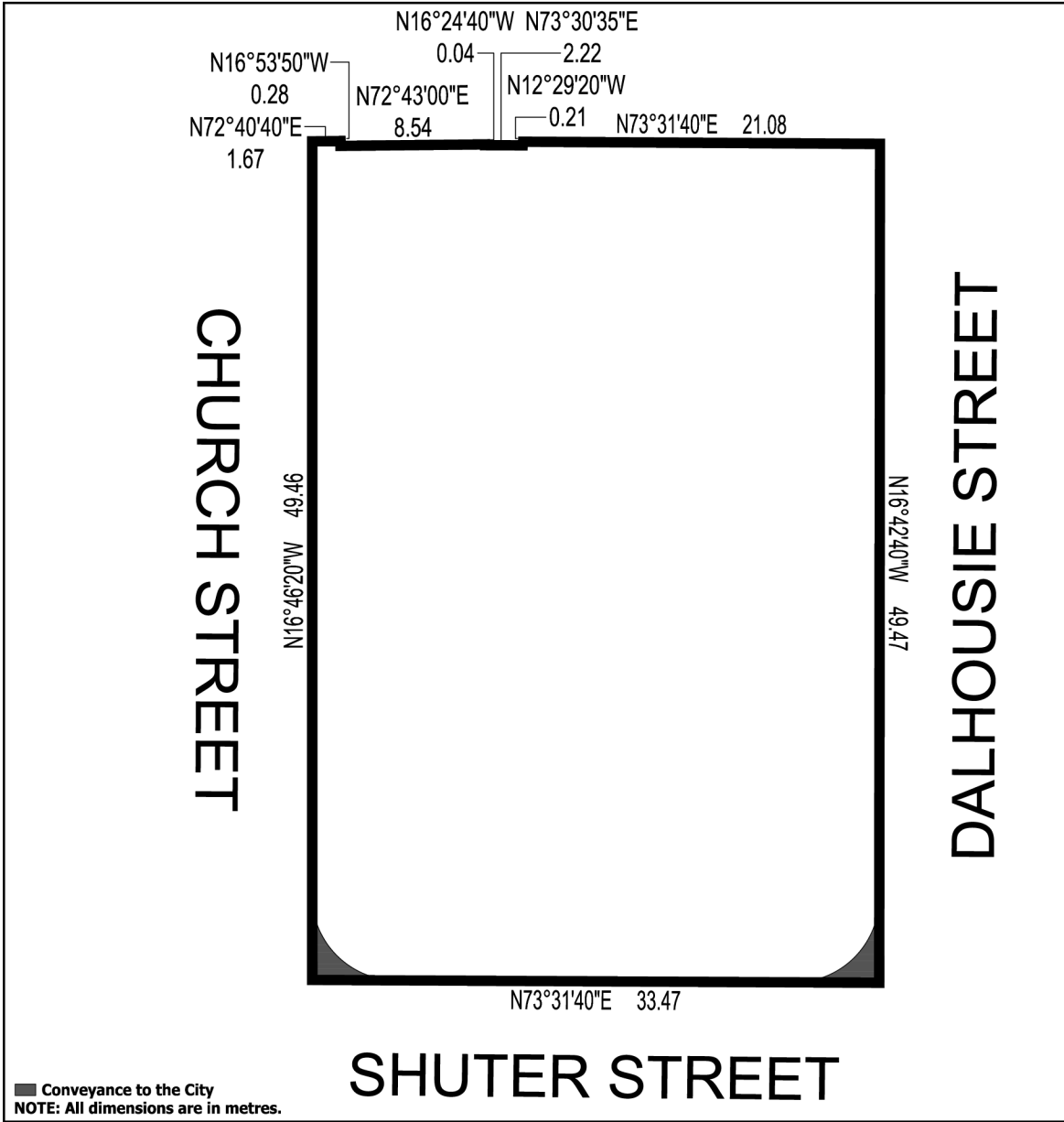
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, 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 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 July 7, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

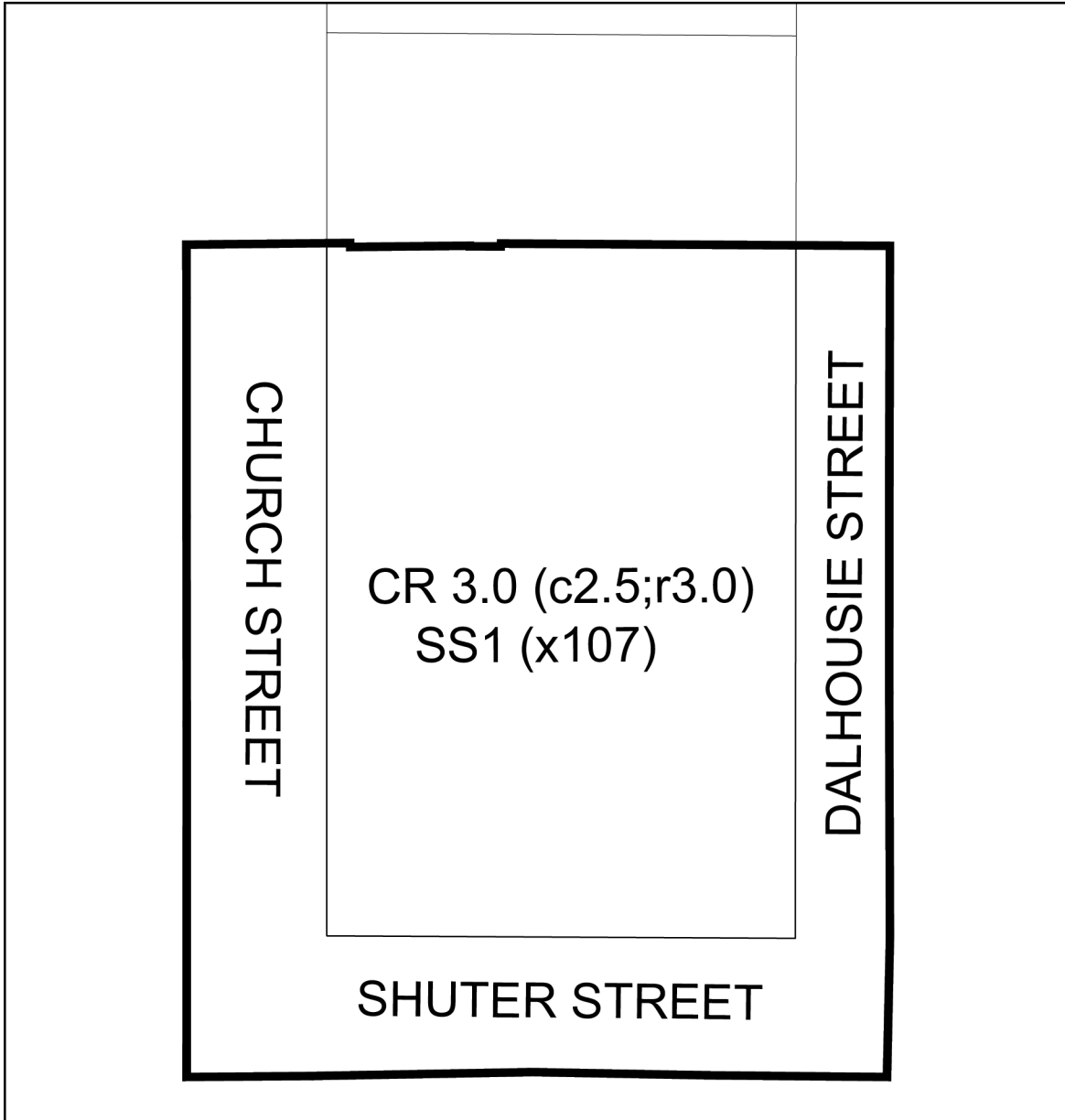


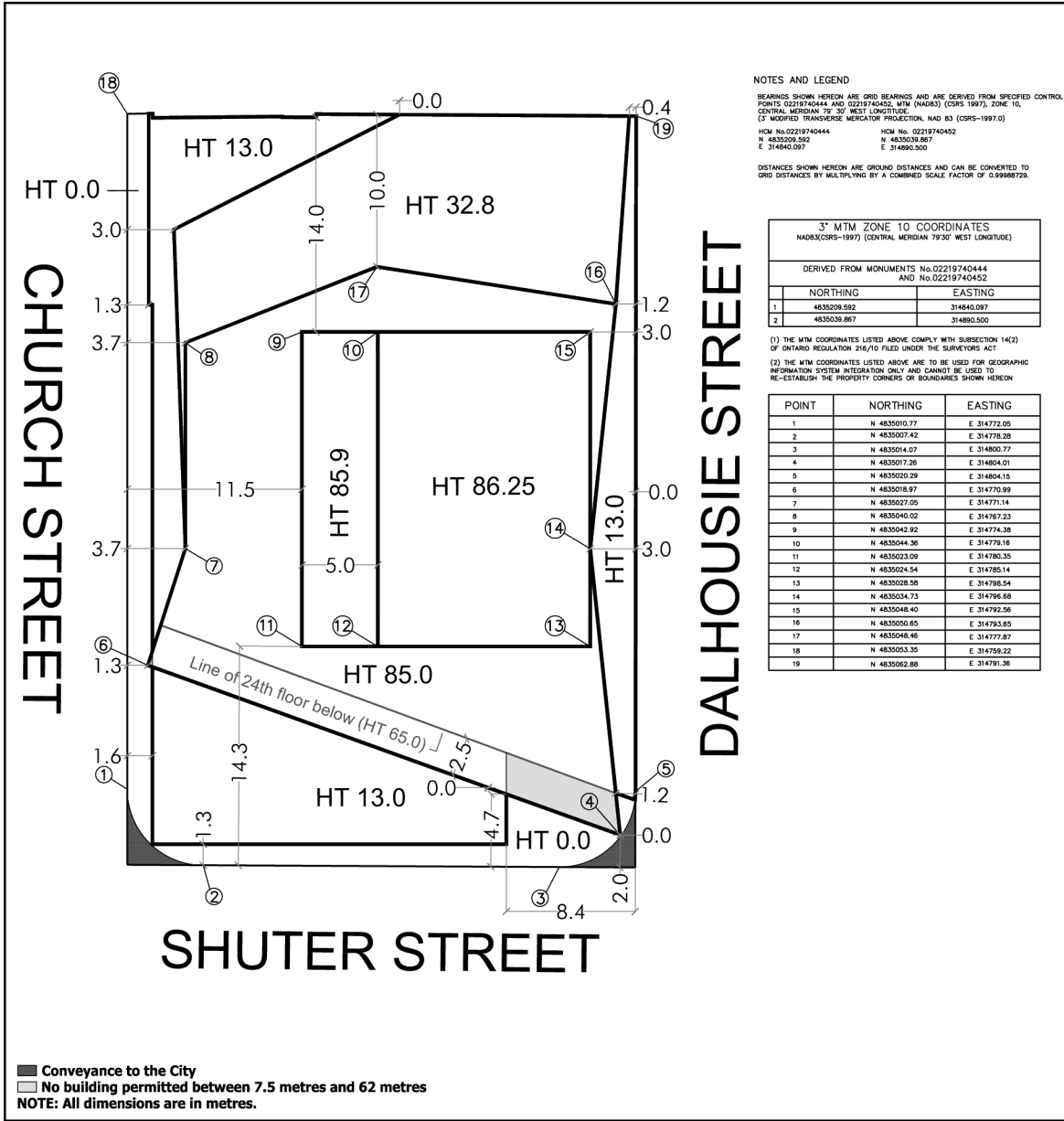

TORONTO
 Diagram 1

60 Shuter Street & 187-189 Church Street

File # 15 236785 STE 27 0Z


 City of Toronto By-Law 569-2013
 Not to Scale
 06/30/2017





NOTES AND LEGEND

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM SPECIFIED CONTROL POINTS 02219740444 AND 02219740452, MTM (NAD83) (CSRS 1997), ZONE 10, CENTRAL MERIDIAN 79° 30' WEST LONGITUDE.
 (3' MODIFIED TRANSVERSE MERCATOR PROJECTION, NAD 83 (CSRS-1997.0))

HCM No.02219740444	HCM No. 02219740452
N 4835039.592	N 4835039.867
E 314840.097	E 314890.500

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99988729.

3' MTM ZONE 10 COORDINATES
 NAD83(CSRS-1997) (CENTRAL MERIDIAN 79°30' WEST LONGITUDE)

DERIVED FROM MONUMENTS No.02219740444 AND No.02219740452

	NORTHING	EASTING
1	4835209.592	314840.097
2	4835039.867	314890.500

(1) THE MTM COORDINATES LISTED ABOVE COMPLY WITH SUBSECTION 14(2) OF ONTARIO REGULATION 216/10 FILED UNDER THE SURVEYORS ACT

(2) THE MTM COORDINATES LISTED ABOVE ARE TO BE USED FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY AND CANNOT BE USED TO RE-ESTABLISH THE PROPERTY CORNERS OR BOUNDARIES SHOWN HEREON

POINT	NORTHING	EASTING
1	N 4835010.77	E 314772.05
2	N 4835007.42	E 314778.28
3	N 4835014.07	E 314800.77
4	N 4835017.28	E 314804.01
5	N 4835020.29	E 314804.15
6	N 4835018.97	E 314770.99
7	N 4835027.05	E 314771.14
8	N 4835040.02	E 314778.23
9	N 4835042.92	E 314774.38
10	N 4835044.36	E 314779.16
11	N 4835023.09	E 314780.35
12	N 4835024.54	E 314785.14
13	N 4835028.58	E 314798.54
14	N 4835034.73	E 314798.68
15	N 4835048.40	E 314792.58
16	N 4835050.05	E 314793.85
17	N 4835048.46	E 314777.87
18	N 4835053.35	E 314759.22
19	N 4835062.86	E 314791.36



60 Shuter Street & 187-189 Church Street

File # 15 236785 STE 27 OZ

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 of this By-law and secured in an agreement or agreements under 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.

- a. Prior to the issuance of an above grade building permit, the Owner shall make an indexed cash contribution to the City in the amount of \$2,500,000 to be allocated towards the following:
- i. \$1,600,000 towards local area park or streetscape improvements;
 - ii. \$500,000 towards public art;
 - iii. \$200,000 towards existing community, recreation and/or cultural space improvements; and
 - iv. \$200,000 towards new or existing Toronto Community Housing and/or affordable housing;

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- b. The following matters are also recommended to be secured in Section 37 Agreement as a legal convenience to support the development:
- i. The Owner shall provide and maintain a pet relief facility; and
 - ii. The Owner shall provide 10 percent family sized units in the development, containing at least three bedrooms;
- c. In the event the cash contribution referred to in Section A has 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 purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- d. Any site plan agreement pursuant to section 114 of *City of Toronto Act, 2006*, or section 41 of the *Planning Act*, entered into and registered against the Lands include:

- i. Prior to the construction of any *building* or structure, or application for site plan approval in accordance with section 114 of *City of Toronto Act, 2006*, or section 41 of the *Planning Act*, a detailed aeronautical assessment of the final building design will be undertaken and provided to St. Michael's for review and approval to ensure that there is no Impact on the Obstacle Limitation Surfaces as cited in the O. Reg. 114/16 ("Flight Path") and obstruction lighting will be incorporated as required;
- ii. All construction equipment, including cranes and other structural and forming equipment, both permanent and temporary, will be located to ensure that there is no Impact on the Flight Path;
- iii. All operational activities and use on the Lands or associated with the Future Building shall be undertaken such as to ensure that there is no Impact on the Flight Path;
- iv. Prior to any construction, a Land Use Proposal Submission form will be submitted to NAV CANADA for approval, with a copy to St. Michael's Hospital;
- v. Prior to any construction, an Aeronautical Assessment Form for Obstruction Marking and Lighting will be submitted to Transport Canada for approval, with a copy to the St. Michael's Hospital;
- vi. Prior to construction, a Crane/Construction Equipment Study will be undertaken and a Plan of Construction Operations (PCO) will be implemented to coordinate construction activities, if required, and ensure that there will be no Impact on the Flight Path;
- vii. Any *building* or structure on the Lands will fully comply with all requirements and guidelines regarding obstruction marking and lighting in areas adjacent to the Flight Path in accordance with the Canadian Aviation Regulations; and
- viii. The *owner* shall provide a report prepared by a qualified flight path consultant to the City, with a copy to the Hospital, that confirms that the proposed *building* or structure, including but not limited to its lighting and markings, its construction, its operation, and its use and functionality, complies with subsections (i) to (vii) above, prior to the execution and registration of any Site Plan Agreement against the title of the Lands.