

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

CITY OF TORONTO

BY-LAW 639-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 68 and 70 Charles Street East and 628, 634, 636 and 638 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 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;

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, referred to herein as the "lands".
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
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 2147, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by deleting Article 900.11.10 (2146).

5. Zoning By-law 569-2013, as amended, is further amended by removing the existing content of Article 900.11.10 Exception Number 2147 and replacing with the following:

Exception CR 2147

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 68 and 70 Charles Street East and 628, 634, 636 and 638 Church Street, if the requirements of By-law 639-2018 are complied with, none of the provisions of 40.10.20.100(21), 40.10.40.40(1), 40.10.40.1.(1), 40.10.40.1.(2), 40.10.40.10.(1)(A), 40.10.40.10.(5), 40.10.40.70(1), 40.10.40.70.(4), 40.10.40.80.(1), 40.10.90.40.(1)(B), 40.10.100.10.(1)(B), 40.10.40.50.(1)(C), 40.10.40.50.(2), 200.5.1.(3)(A), 200.5.1.10.(2)(A)(iv), 200.15.1.5(1), 200.5.10.1.(1), 200.15.10(1)(C), 220. 5.10.1(2), 230.5.1.10.(9)(B), 230.40.1.20.(1)(C), 230.40.1.20.(2), 600.10 and 600.10.10, apply to prevent the erection or use of a commercial/residential **building, structure**, addition or enlargement permitted in By-law 639-2018 and the regulations below;
- (B) Any **building** or **structure** erected on the lands must not exceed the height in metres specified by the numbers following the symbol "H" on Diagram 3 of By-law 639-2018, with the exception of:
- (i) parapet, fences, skylights, railings, terrace guards and dividers, decorative screens, light monitors, light fixtures, ornamental elements, trellises, landscape elements, elements of a green roof, wind mitigation features, privacy screens, planters, balustrades, open air recreation, window washing equipment, enclosed heating, ventilation or cooling equipment such as chimneys, stacks, flues, vents, and air intakes—which may exceed the maximum **building** height by 2.5 metres;
- (C) The number of **storeys** of each portion in a **building** must not exceed the number following the symbol ST on Diagram 3 of By-law 639-2018;
- (D) In addition to encroachments permitted in Section 40.10.40.60, the following encroachments are permitted to extend beyond the areas delineated by the heavy lines on Diagram 3 of By-law 639-2018:
- (i) canopies, awnings, cornices, ornamental or architectural elements, stairs, public art and wheelchair ramps to a maximum encroachment of 2.5 metres;
- (ii) balconies are permitted a maximum encroachment of 1.7 metres;
- (iii) window sills are permitted to a maximum encroachment of 0.7 metres; and

- (iv) the outdoor amenity space roof deck located above storey 47 is permitted to a maximum of 2.0 metres beyond the heavy lines shown on Diagram 3 of By-law 639-2018;
- (E) For the purpose of this exception the portion of the **building** facing Church Street is considered to be the front of the **building**. Balconies are only permitted:
 - (i) above floor 7 along the front tower **building** face and the Charles Street tower **building** face;
 - (ii) above floor 4 the north tower **building** face; and
 - (iii) balconies on floors 5 and 6 along the west tower **building** face are only permitted within a distance of 18 metres commencing at the northernmost portion of such west face;
- (F) The **gross floor area** of the **building** must not exceed 32,000 square metres, of which:
 - (i) A maximum of 31,650 square metres of **gross floor area** may be used for residential uses;
 - (ii) A maximum of 350 square metres of **gross floor area** may be used for non-residential uses; and
 - (iii) For the purposes of this exception, in addition to Regulation 40.5.40.40(1), the calculation of **gross floor area** excludes the floor area used for mechanical rooms and indoor **amenity space**;
- (G) The total number of **dwelling units** permitted must not exceed 428;
- (H) A minimum of 10 percent of the **dwelling units** constructed on the lands must be provided as three-bedroom dwelling units, exclusive of the 20 replacement rental dwelling units;
- (I) A minimum of one type "G" **loading space** must be provided on the lands;
- (J) No outdoor **amenity space** is required for the non-residential uses;
- (K) Despite Article 40.10.40.50 (1)(a), for 428 **dwelling units** a minimum of 793 square metres of indoor **amenity space** is required and must:
 - (i) be provided in a multi-purpose room or rooms, whether or not such rooms are contiguous; and
 - (ii) contain a kitchen and washroom in a minimum of one of the rooms referred to in subsection (i) above;
- (L) A maximum of 2 **bed-sitting rooms** are permitted at a maximum inclusive size of 70 square metres;

- (M) **Parking spaces** must be provided on the lands in accordance with the following minimum requirements:
- | | |
|-------------------|---------------------------|
| Residential Units | 135 parking spaces |
| Visitors | 4.0 parking spaces |
| Non-Residential | 0 parking spaces |
- (N) Out of the required 135 residential **parking spaces**, a minimum of 2 **parking spaces** must be provided for the residents of the rental replacement dwelling units;
- (O) Out of the required 135 residential **parking spaces**, a minimum of 6 car-share **parking spaces** must be provided for the residents;
- (P) Despite 200.5.10(2)(A)(iv) the **parking spaces** and drive dimensional requirements must comply with the requirements of Zoning By-law 569-2013, except that 36 **parking spaces** do not have to provide an additional 0.3 metres in width when obstructed on one side by the following:
- (i) A column located to a maximum of 2.35 metres from the front of the **parking space**; or
 - (ii) A stairway located to a maximum of 2.5 metres from the rear of the **parking space**;
- (Q) A minimum of 5 accessible **parking spaces** must be provided and may be located on underground parking levels;
- (R) Vehicular access and **loading space** access must be from Church Street;
- (S) An outdoor patio as shown in Diagram 4 of By-law 639-2018 is permitted in combination with the uses identified in Regulation 40.10.20.100 (21)(A) as well as a retail store or retail services;
- (T) For 428 **dwelling units**, a minimum of 51 short-term and 456 long-term bicycle **parking spaces** are required:
- (i) A maximum of 360 long-term **bicycle parking spaces** may be located on below-grade levels of the **building**;
- (U) The requirements of this By-law shall prevail over the requirements of Section 600.10.10;
- (V) Despite 40.5.40.10, height is measured from the Canadian Geodetic Datum elevation of 115.0 metres;
- (W) The Manhattan Apartments located on the lands and shown on Diagram 3 attached to and forming part of this By-law are retained in situ subject to such alterations as are permitted pursuant to a heritage easement agreement or amending agreement thereto entered into by the owner with the City for such

buildings pursuant to Section 37 of the Ontario Heritage Act together with any permit issued pursuant to Section 33 of the Ontario Heritage Act;

- (X) The Bernard Haldan Houses located on the lands and shown on Diagram 3 attached to and forming part of this By-law may be altered and relocated to the area shown on Map 2 provided such alterations and relocation are in accordance with a heritage easement agreement or amending agreement thereto entered into with the City pursuant to Section 37 of the Ontario Heritage Act;
- (Y) **rental replacement dwelling unit** means one of the twenty (20) rental **dwelling units** in the **building** erected on the lands, as referenced in Schedule A of this By-law and secured by an agreement pursuant to Section 37 of the Planning Act.

Enacted and passed on May 24, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

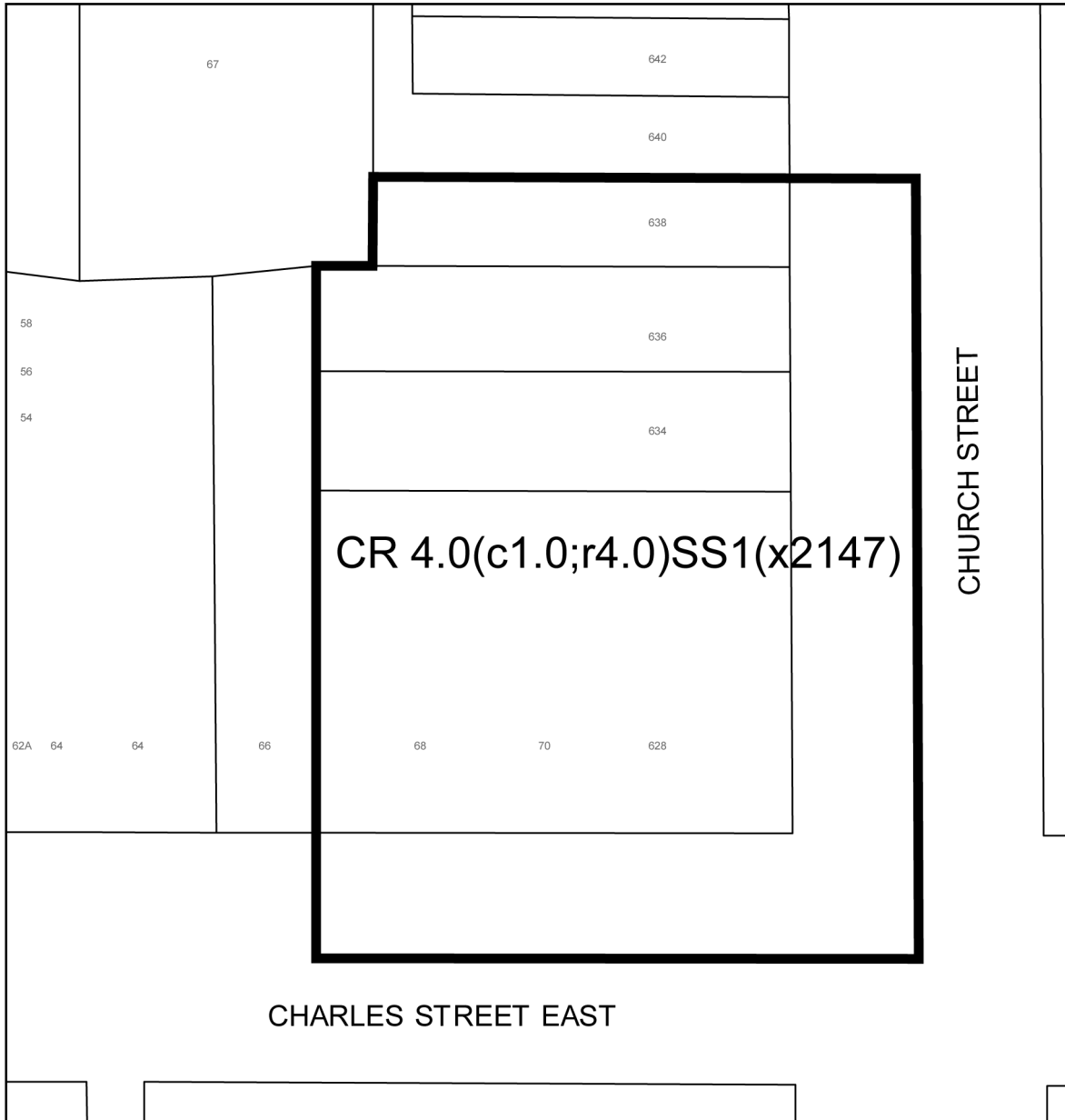
(Seal of the City)



 **TORONTO**
Diagram 1

**68, 70 Charles Street East,
628, 634, 636 & 638 Church Street**

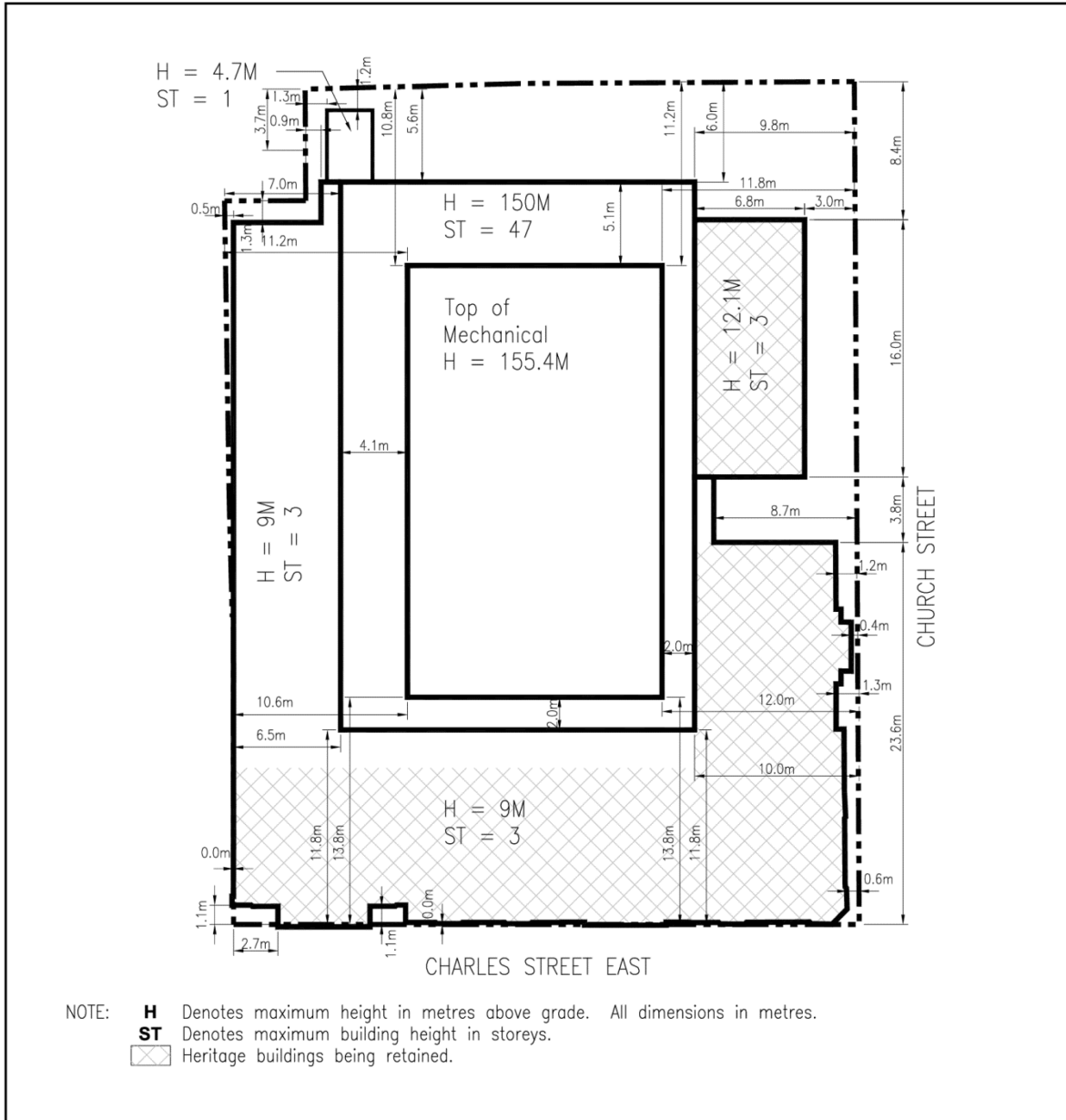
File # 15 227468 STE 27 02



 **TORONTO**
Diagram 2

**68, 70 Charles Street East,
628, 634, 636 & 638 Church Street**

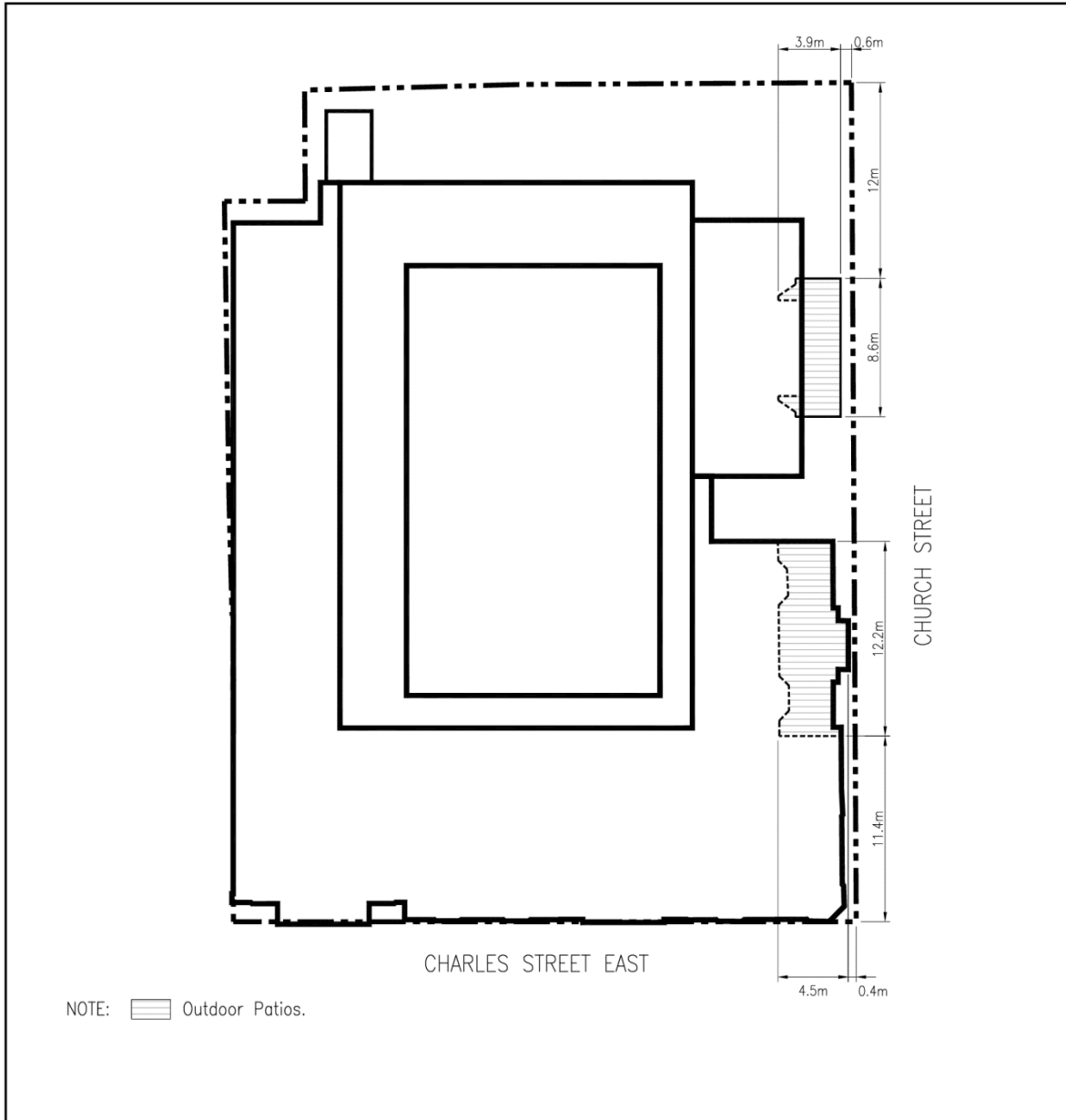
File # 15 227468 STE 27 0Z



TORONTO
 Diagram 3

**68, 70 Charles Street East,
 628, 634, 636 & 638 Church Street**

File # 15 227468 STE 27 OZ



TORONTO
Diagram 4

**68, 70 Charles Street East,
628, 634, 636 & 638 Church Street**

File # 15 227468 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 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:

- a. Prior to issuance of an above grade building permit (other than a building permit for a temporary sales office/pavilion) the owner shall provide a financial contribution to the City to be used for community benefits in the amount of \$3,353,000 to be used towards the following, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor:
 - (i) a cash contribution of \$335,300 towards new or existing affordable housing facilities;
 - (ii) a cash contribution of \$335,300 towards new or existing cultural facilities;
 - (iii) a cash contribution of \$2,682,400 towards local streetscape and park improvements; and
 - (iv) require that the cash amounts identified above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
- b. In the event the cash contribution referred to in Section (i), (ii) and (iii) above has not been used for the intended purpose with 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 purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- c. The matters set forth in Recommendations 1 d.(i)-(iv), 1 e. (i)-(vii), and 1 f. (i) and (ii) of the Report of the Chief Planner and Executive Director, City Planning Division to the Toronto Preservation Board and Toronto and East York Community Council dated May 11, 2016, "Alterations to a Heritage Property, Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act, and Authority to Enter into a Heritage Easement Agreement – 628, 634 and 636 Church Street";
- d. At least 10 percent of the total number of dwelling units to be constructed on the *lands* shall contain at least three or more bedrooms in compliance with the provision of the Ontario Building Code;
- e. Require the owner to pay for an construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements are required to support the development;

- f. The Owner shall enter into a financially secured agreement to pay for and upgrade the municipal watermain system needed to support this development;
- g. The Owner shall provide and maintain twenty (20) residential rental dwelling units on the subject site as rental housing for a period of at least 20 years, comprising eight (8) one-bedroom units and twelve (12) two- bedroom units, as shown on the plans submitted to the City Planning Division dated March, 21, 2016 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Of these units, three (3) one-bedroom and two (2) two bedroom units shall have affordable rent; five (5) one-bedroom and eight (8) two-bedroom units shall have mid-range rent; and two (2) two-bedroom units will have no rent stipulation;
- h. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit. All to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i. The Owner shall enter into, and register on title, one or more Section 111 Agreement(s) to secure the rental replacement units and the tenant relocation provisions outlined above and as detailed in the draft Zoning By-law Amendments to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
- j. The Owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the twenty (20) replacement residential rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.