

Authority: Local Planning Appeal Tribunal Decision/Order
issued on September 4, 2018 in Tribunal File PL160006

CITY OF TORONTO

BY-LAW 1484-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 215-229 Church Street and 117 Dundas Street East.

Whereas the Local Planning Appeal Tribunal, pursuant to its Decision/Order issued on September 4, 2018, in Tribunal File PL160006, determined to amend By-law 569-2013, as amended, with respect to the lands known municipally as 215-229 Church Street and 117 Dundas Street East; and

Whereas authority is given to the Local Planning Appeal Tribunal under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 and/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;

By-law 569-2013, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

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 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 3.0 (c2.0; r3.0) SS1 (x138), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 138 so that it reads:

(138) Exception CR 138

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 215-229 Church Street and 117 Dundas Street East, if the requirements in Section 5 and Appendix 1 of By-law 1484-2019(LPAT) are complied with, none of the provisions of 40.10.40.1(1), 40.10.40.10, and 40.10.40.40(1) apply to prevent the erection or use of a **building**, structure, addition or enlargement if it complies with (B) to (W) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 89.19 metres and the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(1), any **building** or **structure** erected on the lands must not exceed the height in metres and in **storeys** specified by the numbers following the symbol HT and preceding the symbol ST on Diagram 3 of By-law 1484-2019(LPAT) with the exception of:
 - (i) despite Regulation 40.5.40.10(4) and (5), mechanical equipment and any associated enclosure **structures** or enclosed **building** elements, wind protection screens, pergolas, trellises, stairs, stair enclosures and window washing equipment may project up to a maximum of 6.0 metres above the heights shown on Diagram 3 of By-law 1484-2019(LPAT);
 - (ii) parapets, railings and lightning rods may project up to a maximum of 1.5 metres above the heights shown on Diagram 3 of By-law 1484-2019(LPAT);
 - (iii) terrace dividers, guard rails and outdoor **amenity space** elements may project up to a maximum of 3.0 metres above the heights shown on Diagram 3 of By-law 1484-2019(LPAT);
 - (iv) roof drainage equipment may project up to a maximum of 0.5 metres above the heights shown on Diagram 3 of By-law 1484-2019(LPAT);

- (v) architectural **structures**, features, and/or elements such as walls, screens, cladding and enclosures may project up to a maximum of 13.0 metres above the heights shown on Diagram 3 within any area identified above a height of 162.5 metres as shown on Diagram 3 of By-law 1484-2019(LPAT); and
 - (vi) landscaping and art, but in no event shall landscaping and art be permitted above the height limit of 162.5 metres as shown on Diagram 3 of By-law 1484-2019(LPAT);
- (D) Despite Regulations 5.10.40.70 and 40.10.40.70(1), all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 of By-law 1484-2019(LPAT) subject to (E) below;
- (E) Despite clause 40.10.40.60, the following encroachments are permitted to extend beyond the areas delineated by heavy lines on Diagram 3 of By-law 1484-2019(LPAT):
- (i) subject to clause 4 of Appendix 1 hereto, balconies may project up to a maximum of 2.0 metres beyond the heavy lines shown on Diagram 3 of By-law 1484-2019(LPAT);
 - (ii) awnings, canopies and window washing equipment may project up to a maximum of 3.0 metres beyond the heavy lines shown on Diagram 3 of By-law 1484-2019(LPAT); and
 - (iii) doors, cornices, ornamental elements, parapets, architectural flutes, columns, piers, pillars, exoskeleton **structures**, exoskeleton cladding, window sills, light fixtures, architectural features, art and landscape features and site servicing features may project up to a maximum of 1.2 metres beyond the heavy lines shown on Diagram 3 of By-law 1484-2019(LPAT);
- (F) Despite 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the lands, must not exceed 41,250 square metres, comprised as follows:
- (i) residential uses symbolized by the letter 'r', permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 40,750 square metres; and
 - (ii) non-residential uses symbolized by the letter 'c', permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 500 square metres;
- (G) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.2 square metres for each **dwelling unit**, of which:

- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (H) Despite 40.10.40.50(2), no outdoor **amenity space** is required for non-residential uses on the lands;
- (I) Despite the parking requirements outlined in Table 200.5.10.1, **parking spaces** must be provided and maintained underground on the lands as follows:
- (i) a minimum of 0.265 **parking spaces** per **dwelling unit** for residents of the lands;
 - (ii) no **parking spaces** for residential visitors are required;
 - (iii) no **parking spaces** for non-residential uses are required;
 - (iv) for each **car-share** parking space provided on the lands, the minimum number of required residential **parking spaces** may be reduced by 4 **parking spaces**;
 - (v) a maximum of 6 **car-share parking spaces** may be provided on the lands; and
 - (vi) for the purpose of this exception, **car-share** means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven;
- (J) Despite Regulation 200.5.1(3)(A), the minimum **drive aisle** width is 5.5 metres;
- (K) Despite Regulation 200.5.1.10(2)(B), the minimum dimensions for a **parking space**, accessed by a one-way or two-way **drive aisle** having a width of less than 6.0 metres measured at the entrance to the **parking space**, are:
- (i) length of 5.6 metres;
 - (ii) width of 2.6 metres;
 - (iii) height or 2.0 metres; and

except that the minimum required width of a **parking space** must be increased by 0.3 metres for each side of the **parking space** that is obstructed according to Regulation 200.5.1.10(2)(D);

- (L) Despite (K) above and Regulation 200.5.1.10(2)(A)(iv), a maximum of 12 **parking spaces** are permitted to be obstructed on one side in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum required width by 0.3 metres;
- (M) Despite (K) above and Regulation 200.5.1.10(2)(A)(i), a maximum of 36 **parking spaces** are permitted to have a minimum length of 5.40 metres;
- (N) Regulation 200.5.1.10(12)(C) does not apply;
- (O) Despite Section 200.15, of the **parking spaces** required by (I) above, a minimum of 5 **parking spaces** must be provided as accessible **parking spaces**, which shall meet the following requirements:
 - (i) the minimum required dimensions for an accessible **parking space** are 5.6 metres in length, 3.9 metres in width and 2.1 metres of vertical clearance; and
 - (ii) the minimum required width of 3.9 metres may be reduced to 3.4 metres provided that an accessible barrier-free aisle or path measuring 1.5 metres in width is provided along a side of the **parking space** for its entire length;
- (P) Despite Regulation 230.5.1.10(9)(B)(iii), long-term **bicycle parking spaces** can be located within any **storey** below grade;
- (Q) Despite Regulation 230.5.1.10(10), a long-term **bicycle parking space** and short-term **bicycle parking space** can be located in a **stacked bicycle parking space**;
- (R) Despite regulations 230.5.1.10(4)(A)(ii) and 230.5.1.10(4)(B)(ii), the minimum required width of a **bicycle parking space** is 0.38 metres;
- (S) Regulation 40.10.90.40(3) does not apply;
- (T) For the purposes of this exception, none of the following **building** elements are considered a **storey**:
 - (i) A mezzanine, which means one floor level situated immediately above the first floor, which may be non-contiguous, but may not exceed a cumulative **interior floor area** of 300 square metres and is limited in use to mechanical rooms and accesses thereto; and
 - (ii) A mechanical penthouse comprising a maximum of two floor levels;

- (U) Regulation 600.10.10 does not apply;
- (V) None of the provisions of this By-law shall apply to prevent a temporary sales office on the lands, which shall mean a **building** or **structure** used for the purpose of the initial sale of **dwelling units** to be erected on the lands; and
- (W) Exception CR (x138) shall apply to all of the lands outlined by heavy black lines on Diagram 1 attached to this By-law collectively regardless of any future severance, partition or division.

Prevailing By-law 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 3 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;
- (B) Upon execution and registration of an agreement between the City and the owner of the lands on title to the lands pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lands are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the owner of the lands has satisfied the said requirement;
- (C) Where Appendix 1 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
- (D) 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 Appendix 1 are satisfied.

Pursuant to the Decision/Order of the Local Planning Appeal Tribunal issued on September 4, 2018 in Tribunal File PL160006.

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lands at their expense to the City in accordance with one or more agreements pursuant to 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, HST, termination and unwinding, and registration and priority of agreement:

1. The owner shall pay to the City the sum of THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00) prior to the issuance of the first above-grade building permit for all or any part of the lands, to be allocated towards capital improvements in the vicinity of the lands satisfactory to the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, for one or more of the following:
 - (a) conservation of publicly owned heritage resources and/or including the heritage component of the Seaton House redevelopment project;
 - (b) John Innes Community Recreation Centre/Moss Park Arena;
 - (c) affordable housing; and
 - (d) community/cultural space.
2. The financial contribution identified in Clause 1 herein shall be paid by certified cheque to the City, and the amount set out in Clause 1 herein 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 this Agreement to the date of payment to the City.
3. In the event that the cash contribution identified in Clause 1 has not been used for the intended purpose within three (3) years after the issuance of the first Above-Grade Building Permit for all or any part of the lands, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. The balcony projection permitted in Section 4(E)(i) of this By-law herein, shall be limited as set out in the site plan approval Drawing A004 dated 2018-05-06 to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. Prior to the issuance of any permit for all or any part of the lands, the owner shall 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, 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 be limited to, details regarding size and location of construction staging areas, dates of 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.

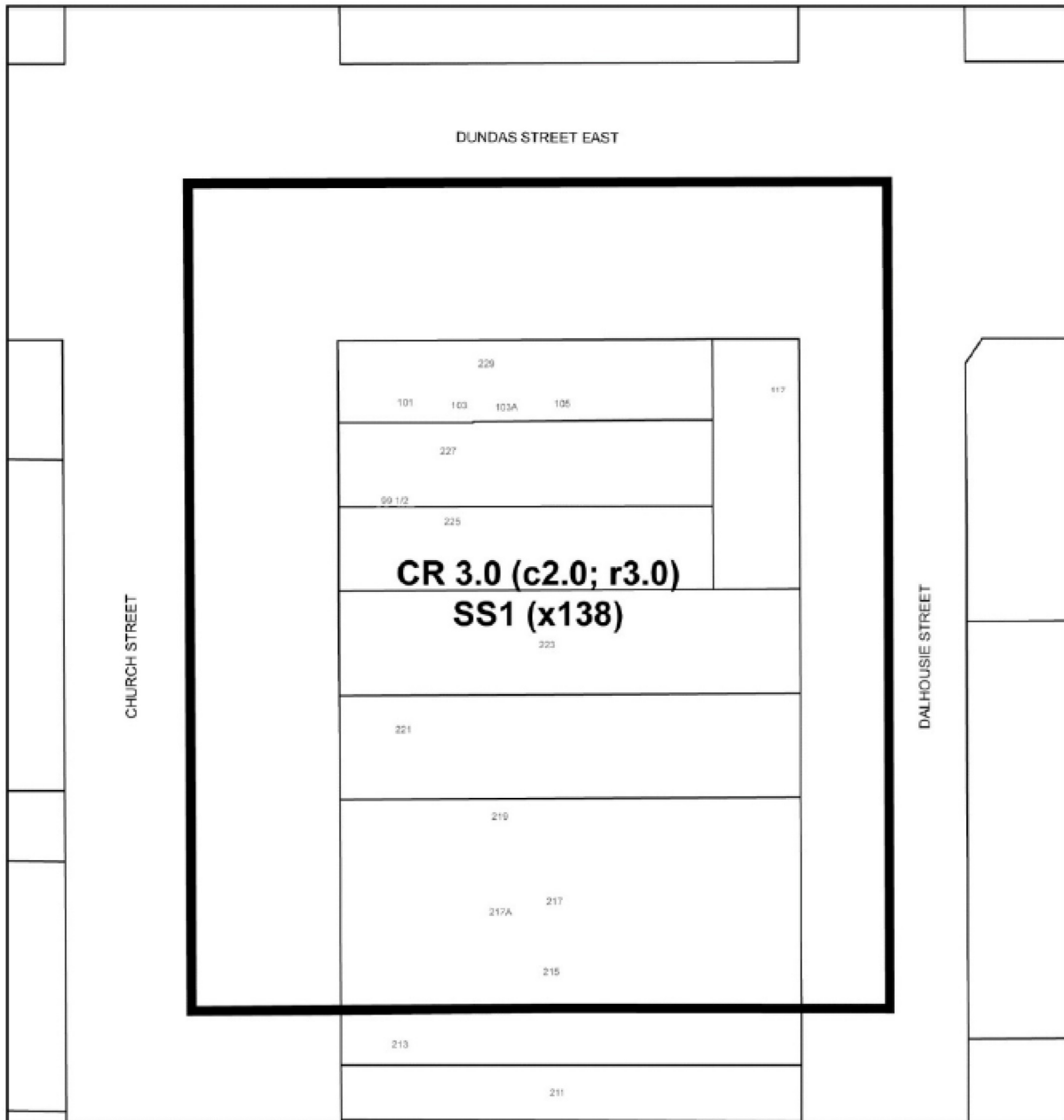
6. Notwithstanding Clause 5, if the Chief Planner and Executive Director, City Planning Division, the General Manager, Transportation Services, and the Chief Building Official, Toronto Building in consultation with the Ward Councillor, determine that any of the matters in Clause 5 are not relevant or necessary for the construction of the Development, then the Construction Management Plan need not include those matters.



 **TORONTO**
Diagram 1

**215-229 Church Street &
117 Dundas Street East**

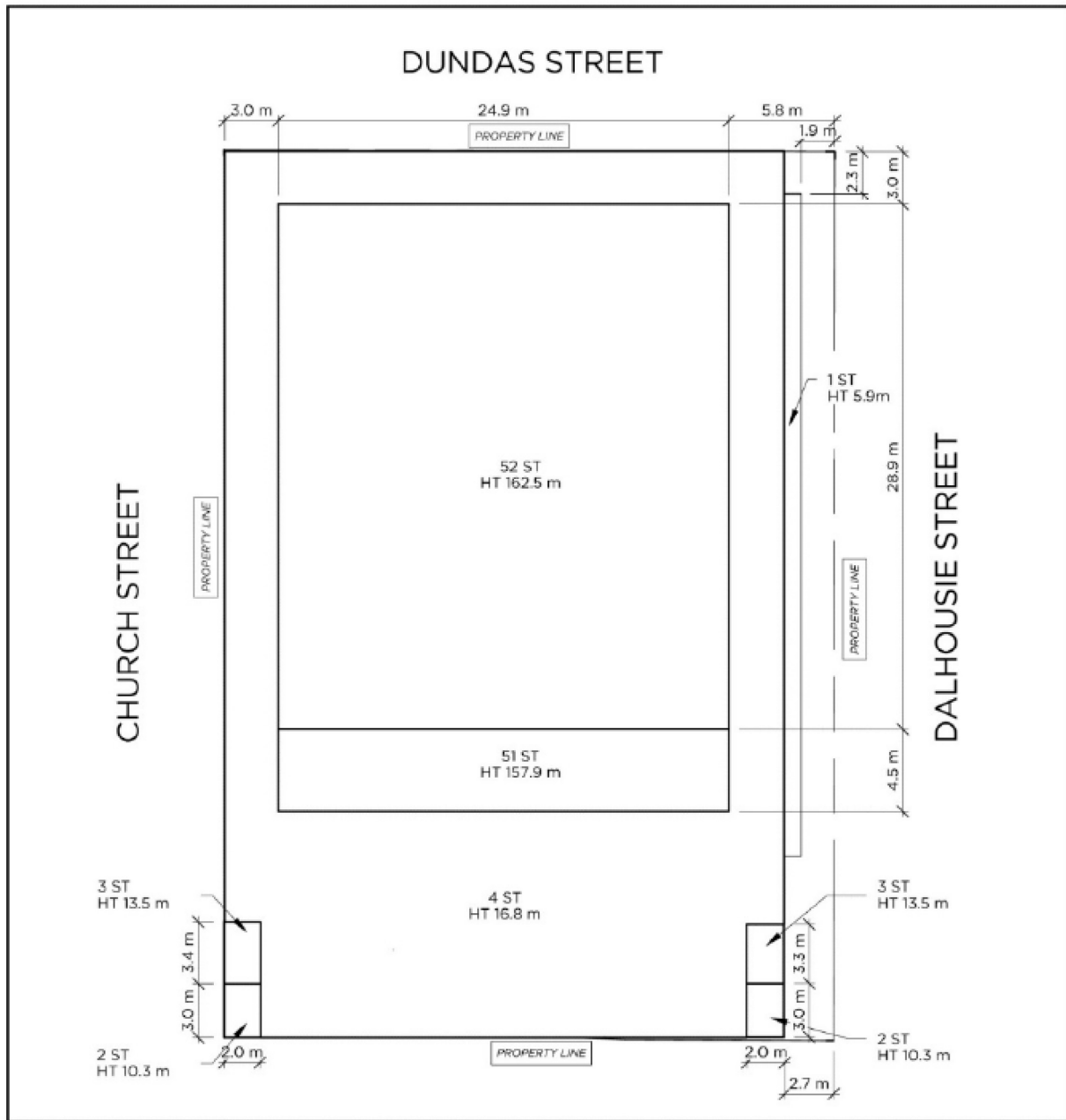
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 **TORONTO**
Diagram 2

**215-229 Church Street &
117 Dundas Street East**

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TORONTO
Diagram 3

**215-229 Church Street &
117 Dundas Street East**

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