

Authority: Local Planning Appeal Tribunal Decision issued on October 5, 2018 and Local Planning Appeal Tribunal Order issued on May 27, 2019 in File 170328

CITY OF TORONTO

BY-LAW 1622-2019(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 89, 97 and 99 Church Street.

Whereas the Owner of the lands known municipally in the year 2019 as 89, 97 and 99 Church Street appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decision issued on October 5, 2018 and its Order issued on May 27, 2019 in File PL170328 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the Planning Act as a mechanism to secure capital facilities required to support 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 lands and the City of Toronto;

The Local Planning Appeal Tribunal Orders:

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 4.0 (c2.0; r4.0) SS1 (x180) 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 [180] so that it reads:

Exception CR 180

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 89, 97 and 99 Church Street, if the requirements of Section 5 and Schedule A of By-law 1622-2019(LPAT) are complied with, a **mixed use building** may be constructed in compliance with (B) to (V) below;
- (B) The **lot** comprises those lands outlined by heavy lines on Diagram 1 of By-law 1622-2019 (LPAT);
- (C) Despite regulation 40.10.40.40(1), the total **gross floor area** of the **building** must not exceed a maximum of 29,550 square metres of which:
 - (i) no more than 29,250 square metres may be residential uses (**dwelling units**); and
 - (ii) no more than 300 square metres may be for non-residential uses;
- (D) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 85.45 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite clause 40.10.40.10(1) and regulation 40.5.40.10(4), the height of the **building** or **structure**, including a mechanical penthouse, must not exceed the height in metres specified by the numbers following HT as shown on Diagram 3 of By-law 1622-2019(LPAT);
- (F) Despite Regulation 40.5.40.10(4) and (E) above:
 - (i) lightning rods may project above the height limits shown as 149.5 metres on Diagram 3 of By-law 1622-2019(LPAT);
 - (ii) elements of outdoor amenity space, landscape features, elements of a **green roof**, roofing materials including elements of exterior flooring and parapets may project above the height limits shown on Diagram 3 by no more than 2.0 metres;

- (iii) guardrails and safety railings may project above the height limits shown on Diagram 3 by no more than 2.1 metres;
- (iv) bollards, fences, mechanical screening, terrace lighting, privacy screens, acoustical screens and wind mitigation screens may project above the height limits shown on Diagram 3 by no more than 3.0 metres;
- (v) vents, stacks, mechanical elements, heating/cooling towers, stair enclosures, lighting fixtures, elevator overrun and window washing equipment may project above the height limits shown on Diagram 3 by no more than 5.0 metres; and
- (vi) despite F (ii), (iii), (iv) and (v) above, in the area with a height limit of 140.5 metres on Diagram 3, the only projections permitted within a distance of 12.5 metres from the east **lot line** abutting 70 Lombard Street are:
 - (a) Guardrails or safety railings that are generally transparent or translucent, elements of a **green roof**, roofing materials including elements of exterior flooring, and parapets provided they project no more than 1.1 metres above the height limit of 140.5 metres on Diagram 3;
- (G) Despite clause 40.5.40.70 and regulation 40.10.40.70(1), the required minimum **building setbacks** must be provided as shown on Diagram 3 of B By-law 1622-2019(LPAT);
- (H) Despite (G) above and clause 40.10.40.60 building elements are permitted to encroach into the required building setbacks as follows:
 - (i) on the south façade, balconies are permitted to project no more than 1.5 metres into the **building setbacks**, below a Canadian Geodetic Datum elevation of 167.9 metres;
 - (ii) on the east façade, balconies are not permitted to project into the **building setbacks**;
 - (iii) on the west façade, balconies are permitted to project no more than 1.5 metres into the **building setbacks**, above a Canadian Geodetic Datum elevation of 119.9 metres;
 - (iv) despite 5(H)(i) and (ii), on the south and east façades, Juliette balconies may project no more than 0.3 metres into the **building setbacks**;
 - (v) architectural design features, cladding, wind mitigation features, canopies, awnings, building cornices, window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, railings, stairs, stair enclosures, air intakes and vents,

ventilating equipment, landscape and **green roof** elements, partitions, dividers, outdoor recreation or amenity areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues, and projecting exterior walls that do not enclose space may project no more than 1.5 metres into the **building setbacks**; and

- (vi) for clarity, no balconies are permitted to project into the required **building setbacks** on the north façade;
- (I) Regulation 600.10.10 with respect to Building Setbacks does not apply;
- (J) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.19 parking spaces per **dwelling unit**;
 - (ii) a minimum of 7 **parking spaces** for visitors of the **dwelling units**; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (K) Despite Section 200.15, of the **parking spaces** required by (J) above, a minimum of 4 **parking spaces** must be provided as accessible **parking spaces**, which must 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;
- (L) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
 - (i) despite regulations 230.5.10.1(1), (2) and (5), a minimum of 1.0 **bicycle parking spaces** per **dwelling unit**, in accordance with the following ratio:
 - (a) 0.90 long-term **bicycle parking spaces** per **dwelling unit** and
 - (b) 0.10 short-term **bicycle parking spaces** per **dwelling unit**;
 - (ii) despite regulations 230.5.10.1(1), (2) and (5), no **bicycle parking spaces** are required for any non-residential use on the **lot**;
 - (iii) despite 230.5.1.10(2), the number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction;
 - (iv) despite regulation 230.5.1.10(4), where **stacked bicycle parking spaces** are provided in groups of 8, each group of 8 must have a minimum length

- of 1.8 metres, a minimum width of 1.8 metres and a minimum vertical clearance of 2.5 metres;
- (v) despite regulation 230.5.1.10(4), **stacked bicycle parking spaces** not provided in groups of 8, and **bicycle parking spaces** parked in a horizontal position must have a minimum length of 1.8 metres, a minimum width of 0.45 metres and a minimum vertical clearance of 1.2 metres;
 - (vi) despite regulation 230.5.1.10(4), **bicycle parking spaces** parked in a vertical position must have a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.45 metres and a minimum horizontal clearance from the wall of 1.2 metres;
 - (vii) despite regulation 230.5.1.10(9), required "long-term" **bicycle parking space** for a **dwelling unit** in a **mixed-use building** may be located on any level of the **building** above or below ground;
 - (viii) despite regulation 230.5.1.10(10), "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**; and
 - (ix) despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room;
- (M) Despite regulation 40.10.40.50, **amenity space** must be provided and maintained for the **dwelling units** on the **lot** at a minimum rate of 4.0 square metres per **dwelling unit**, of which:
- (i) a minimum of 0.88 square metres of outdoor **amenity space** must be provided per **dwelling unit**;
 - (ii) a minimum of 3.11 square metres of indoor **amenity space** must be provided per **dwelling unit**, located in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom; and
 - (iii) no more than 25 percent of the outdoor **amenity space** may be a **green roof**;
- (N) Despite regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** must be provided;
- (O) In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building**:
- (i) below-ground used for hallways and elevator vestibules; and
 - (ii) mechanical rooms on any level of the **building**;

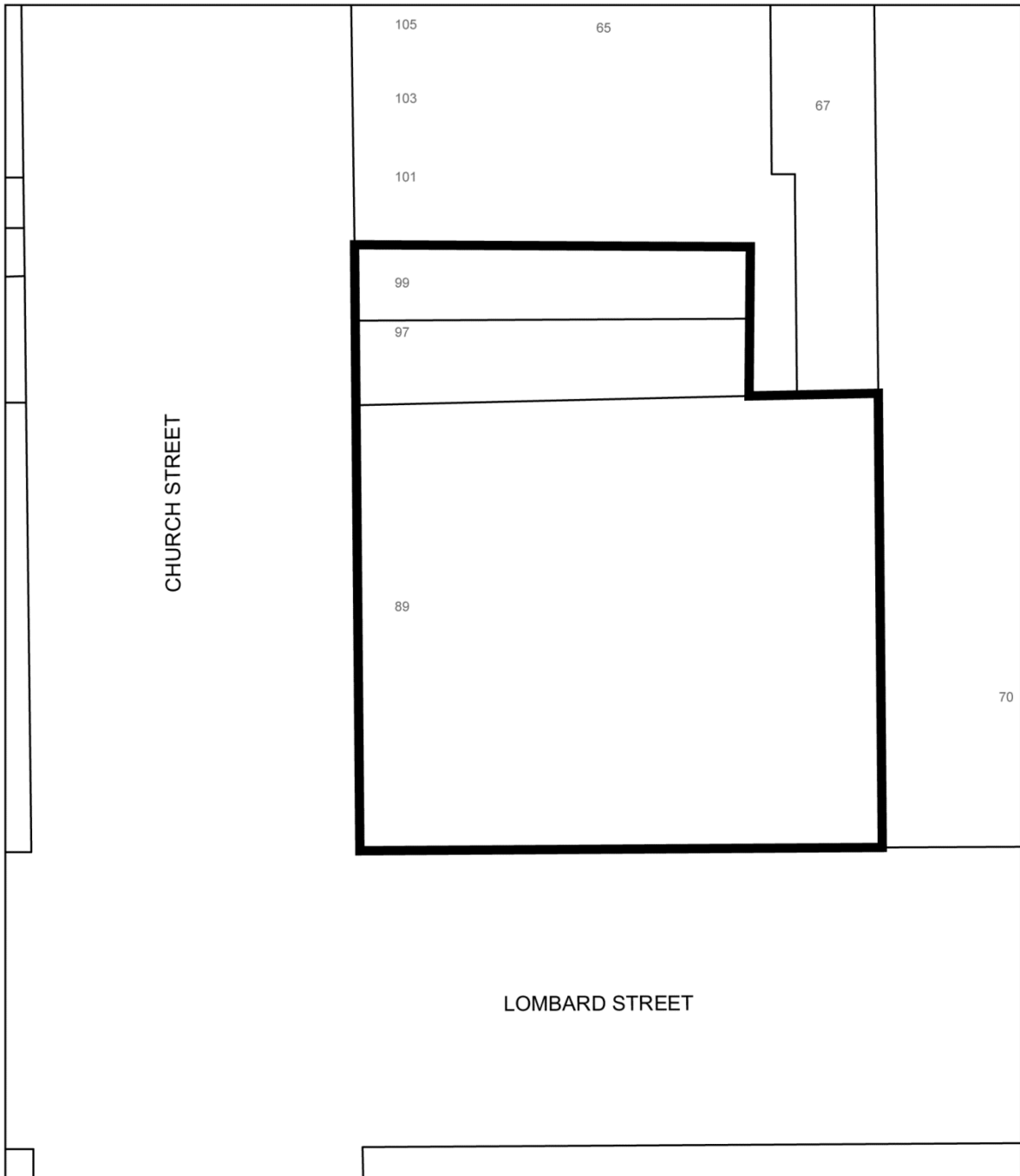
- (P) Despite 40.10.40.10(5), the minimum height of the first storey must be at least 2.75 metres;
- (Q) Despite regulation 40.5.40.10(6), **structures** providing safety or wind protection to rooftop **amenity space** can be closer than 2 metres from an interior face of a **main wall**;
- (R) Regulation 40.5.40.10(5) with respect to Limits on Elements for Functional Operation of a Building does not apply;
- (S) Despite regulation 40.5.40.60(1), a canopy, awning or similar **structure** may be located more than 5.0 metres above the elevation of the ground directly below it;
- (T) Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level as non-residential use portions;
- (U) Despite regulation 40.10.90.40(3), access to a **loading space** may be provided through **main wall** facing a street; and
- (V) Despite any severance, partition or division of the lands, the provision of this By-law apply to the whole of the lands as if no severance, partition or division occurred.

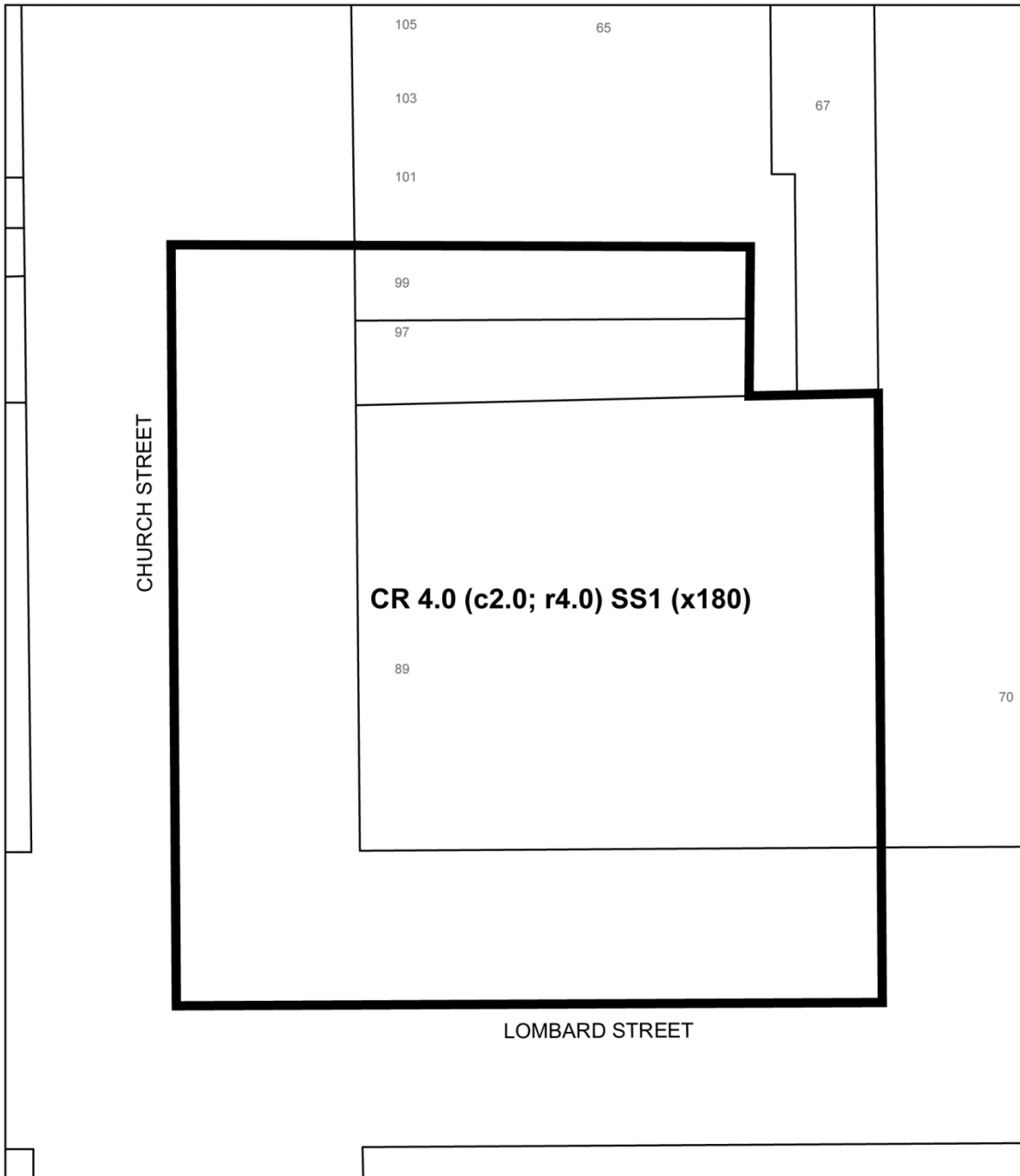
Prevailing By-laws and Prevailing Sections: (None Apply)

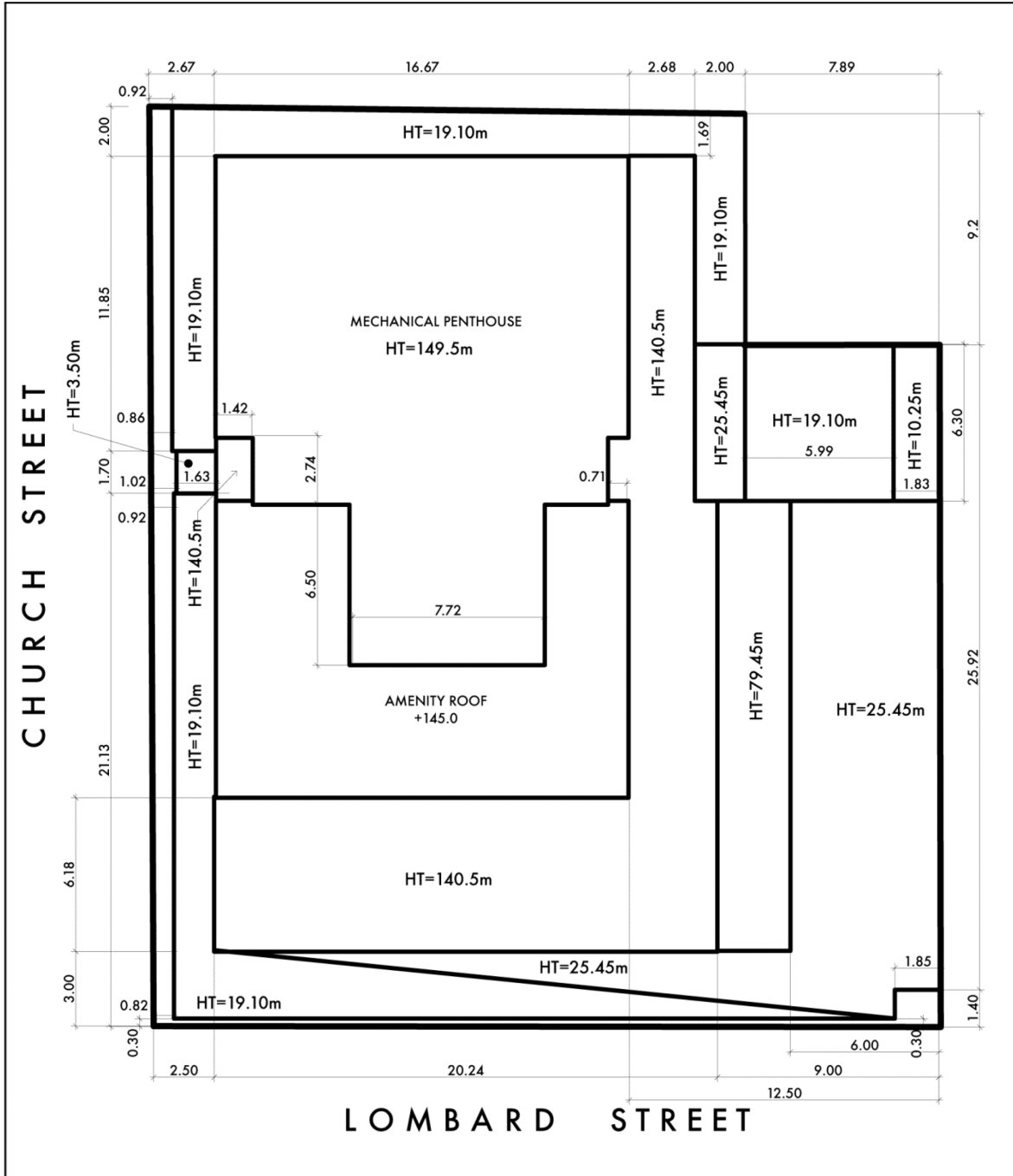
5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on October 5, 2018 and Local Planning Appeal Tribunal Order issued on May 27, 2019 in File 170328.







89 Church Street

File # 16 142844 STE 28 OZ

Schedule A
Section 37

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 **lot** as shown in Diagram 1 in 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.

1. Prior to the issuance of the first above grade building permit, the owner shall make an indexed cash contribution to the City in the amount of three million eight hundred thousand dollars (\$3,800,000) payable by certified cheque to the City of Toronto and to be allocated toward capital improvements at the discretion of the Chief Planner and Executive Director, City Planning, as follows:
 - a. THREE MILLION AND FIFTY THOUSAND DOLLARS (\$3,050,000.00) shall be used for capital projects in the vicinity of the site in conformity with the City's Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - b. SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000) shall be paid to the City's capital budget for Public Art program and is to be used in the vicinity of the site;
 - c. such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment of the funds by the owner to the City; and
 - d. in the event the cash contribution(s) referred to in Section (1) 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 purposes, at the discretion of the Chief Planner and Executive Director, 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 **lot**.
2. Prior to the issuance of any building permit, the owner shall, at its sole expense pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.
3. In support of the development on the **lot**:
 - a. the owner shall provide a pet station of a minimum size of 3.6 square metres;

- b. the owner shall provide a minimum of 10 percent family sized units in the development, containing at least three bedrooms; and
- c. matters related to the materiality and design of the building and amenity spaces will be secured in the Section 37 Agreement registered on title to the lands to ensure a compatible relationship of the development to the St. James Cathedral Clock tower and Spire.