

Authority: Toronto and East York Community Council
Item TE20.5, adopted by City of Toronto Council on
November 25 and 26, 2020

CITY OF TORONTO

BY-LAW 691-2021

To amend the City of Toronto By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 60 and 64 Queen Street East and 131, 133 and 135 Church Street.

Whereas Council of the City of Toronto has the authority to 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;

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 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 (x252), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 252, so it reads:

(252) Exception CR 252

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 and 64 Queen Street East and 131, 133 and 135 Church Street, if the requirements of Sections 6 and 7, and Schedule A of By-law 691-2021 are complied with, a **mixed use building** and **structure** may be constructed and used in compliance with (B) through (V) below;
- (B) Despite Regulation 40.10.40.40(1) the permitted maximum **gross floor area** on the lands must not exceed 29,900 square metres, of which a maximum of 29,650 square metres may be used for residential uses;
- (C) No residential **gross floor area** may be located above a Canadian Geodetic Datum elevation of 263.55 metres;
- (D) Despite Regulation 40.5.40.40(3), **gross floor area** may also be reduced by 437.74 square metres of space that is to be conveyed to the City and secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as may be amended;
- (E) The space described in (D) above, may be measured on each **storey** from the interior of the main walls and the interior of the demising walls, including lobbies and elevator shafts;
- (F) The total number of **dwelling units** must not exceed 445;
- (G) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 40 percent of the total number of **dwelling units** must have two bedrooms; and
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
- (H) Despite Regulations 40.10.40.50 (1) and (2), **amenity space** must be provided at a minimum of 3.54 square metres for each **dwelling unit**, of which:

- (i) a minimum of 2.26 square metres per **dwelling unit** is indoor **amenity space**;
 - (ii) a minimum of 1.28 square metres per **dwelling unit** is outdoor **amenity space**;
 - (iii) a minimum of 35 square metres of the total outdoor **amenity space** required for the **building** must be dedicated for use by pets; and
 - (iv) guest suites do not constitute **dwelling units** for the purposes of this By-law;
- (I) Despite Regulation 40.10.40.70(1) and Section 600.10, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 691-2021;
- (J) Despite (I) above, Clause 40.10.40.60 and Regulation 40.5.40.60(1), the following are permitted to encroach into the required **building setbacks** as shown on Diagram 3 of By-law 691-2021, as follows:
- (i) parapets, columns and support structures up to a maximum of 1.5 metres;
 - (ii) canopies, light fixtures, awnings, ornamental elements, architectural features, windowsills, planters, guardrails, railings, stairs, wheelchair ramps, vents, screens and landscape features up to a maximum of 1.5 metres; and
 - (iii) provision (J)(ii) above, does not apply to the required **building setback** to the **lot line** abutting Dalhousie Street, as shown on Diagram 3 of this by-law, above the Canadian Geodetic Datum elevation of 121.65 metres;
- (K) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 57, excluding the mechanical penthouse and the mezzanine located between the first and second **storeys**;
- (L) Despite Regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured as the distance from the Canadian Geodetic Datum elevation of 86.65 metres and the elevation of the highest point of the **building** or **structure**;
- (M) Despite Regulation 40.10.40.10(1), the permitted maximum **height** of a **building** or **structure**, including a mechanical penthouse, must not exceed the **height** in metres specified by the numbers following the symbol "HT" as shown on Diagram 3 of By-law 691-2021;
- (N) Despite (M) above and Clause 40.5.40.10 the following elements, **structures**, equipment, or parts of a **building**, are permitted to project above the permitted maximum **height** as shown on Diagram 3 of By-law 691-2021 as follows:

- (i) lightning rods, antennae, satellite dishes, window washing equipment, stair enclosures, parapets, architectural features, and elements of a green insulation and roof surface materials, may project above the **height** limits to a maximum of 3.0 metres; and
 - (ii) wind screens, awnings, guard rails, railings and dividers, structures for open air recreation, pergolas, trellises, balustrades, screens, stairs, roof drainage, chimneys, vents, terraces, light fixtures, landscaping, and planters may project above the **height** limits to a maximum of 3.0 metres on any portion of the second **storey** podium roof and the sixth **storey** podium roof;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for a **mixed use building** must be provided and maintained on the lands in accordance with the following:
 - (i) a minimum of 0.115 **parking spaces** per **dwelling unit** for residents of the **mixed use building** ;
 - (ii) zero (0) **parking spaces** are required for visitors to residents of the **mixed use building**; and
 - (iii) zero (0) **parking spaces** are required for non-residential uses;
- (P) Despite Regulation 200.5.1.10 (2)(A), a maximum of 8 **parking spaces** may have the following minimum dimensions:
 - (i) length of 5.0 metres;
 - (ii) width of 2.6 metres; and
 - (iii) vertical clearance of 2.0 metres;
- (Q) Despite Regulation 200.15.1(4), the nearest point of an accessible **parking space** must be located no more than 10.0 metres, unobstructed by walls, curbs and similar features, from the nearest door of the vestibule or lobby that leads to a barrier-free elevator that provides access to the first **storey** of the **building**;
- (R) Of the **parking spaces** required in accordance with provision (O) above, that must be configured as accessible **parking spaces** in accordance with Article 200.15.10, such accessible **parking spaces** may not be included in the reduction of **parking spaces** permitted by Regulation 200.5.10.1(12);
- (S) Despite Clause 220.5.10.1, one Type "G" **loading space** must be provided;
- (T) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** may be located on the first, second, and third **storeys**, and the mezzanine level between

the first and second **storeys**, but must not be located in any required **amenity space**;

- (U) Despite Regulation 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space**; and
- (V) Regulation 230.40.1.20(2) with respect to the location of "short-term" **bicycle parking spaces** does not apply.

Prevailing By-laws and Prevailing Sections: None apply.

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 6. The provisions of this By-law respecting the height of any **building** or **structure**, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
- 7. 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.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
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:

Community Benefits

- (A) Prior to the issuance of the first above grade **building** permit for the lands, the owners shall pay to the City a cash contribution of \$2,250,000 dollars towards new and existing affordable housing, public realm, street and park improvements in the Ward, in consultation with the Ward Councillor.
- (B) The cash contribution referred to in (A) above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
- (C) In the event the cash contribution referred to in this section has not been used for the determined purpose(s) within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for other purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.
- (D) The Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, at no cost to the City, a minimum 4,712 square feet (437.74 square metres) Community Agency Space located on the mezzanine level and inclusive of the ground floor entrance and elevator in accordance with the Section 37 Agreement, and subject to the following:
 - (i) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - (ii) prior to the issuance of the first above grade **building** permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance

and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

- (iii) prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$353,000.00 towards the operating costs of the community agency space;
- (iv) prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$707,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, to be paid prior to conveyance to the City with the remaining funds to be used for future capital improvements to the community agency space;
- (v) the one time cash contribution referred to in (D)(iii) and (iv) of this section shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and
- (vi) concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space.

Helicopter Flight Path

- (E) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent **structures** are below or outside the protected flight path to the satisfaction Chief Building Official and Executive Director, Toronto Building.

Municipal Infrastructure

- (F) The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

Ontario Line

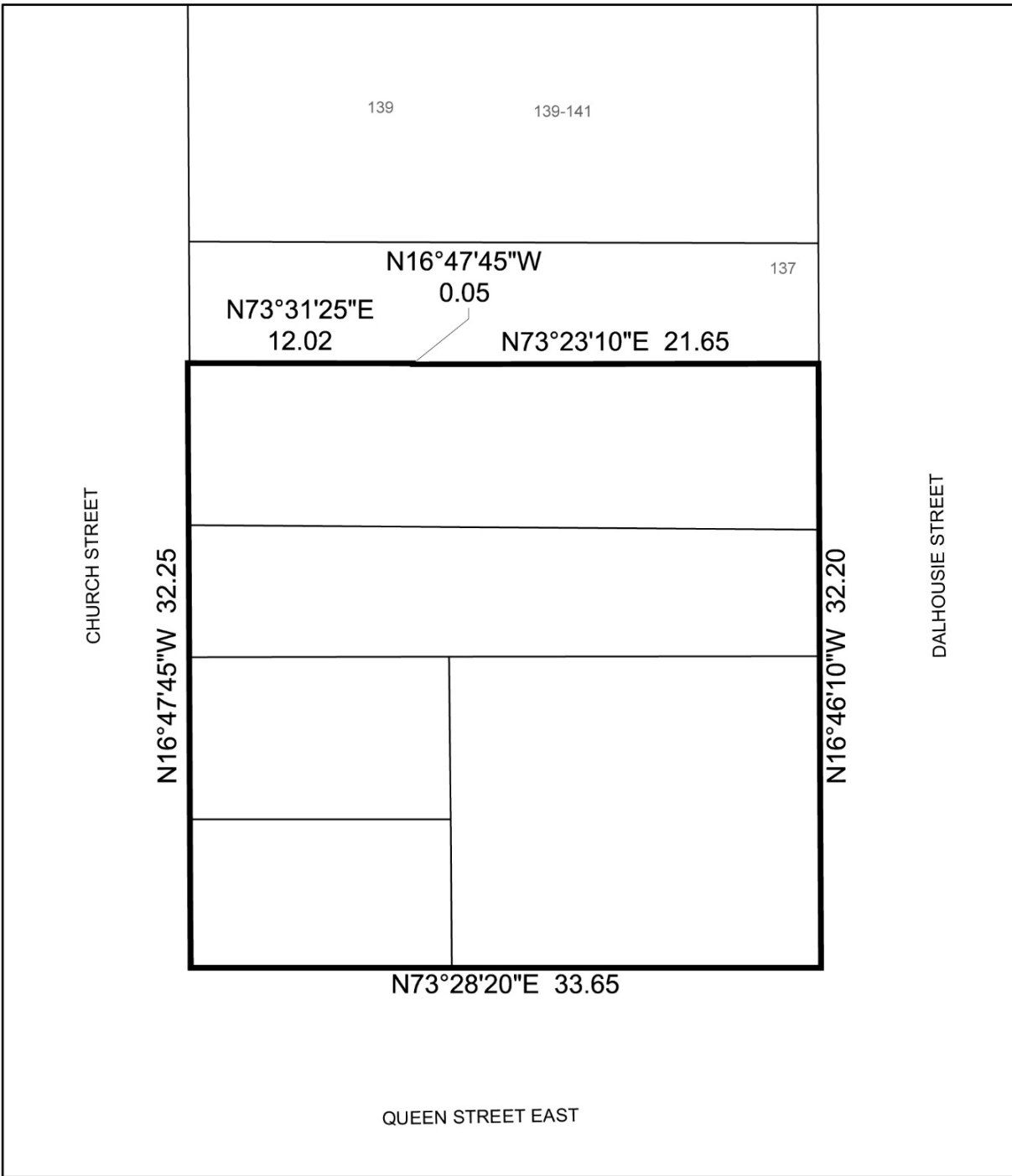
- (G) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel.
- (H) Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City prior to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.

Toronto Green Standard

- (I) The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each **building** on the site.

Construction Management Plan

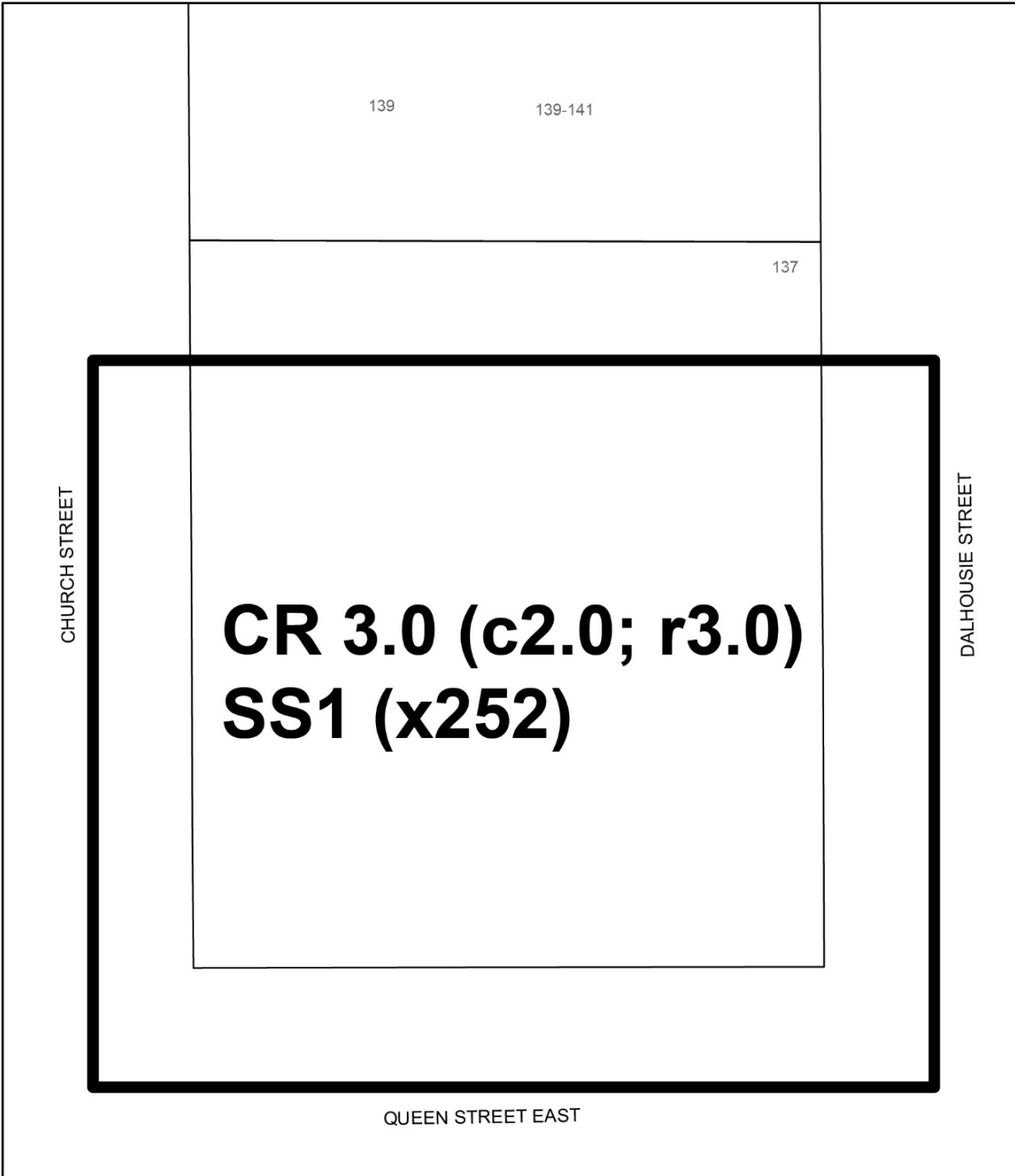
- (J) Requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

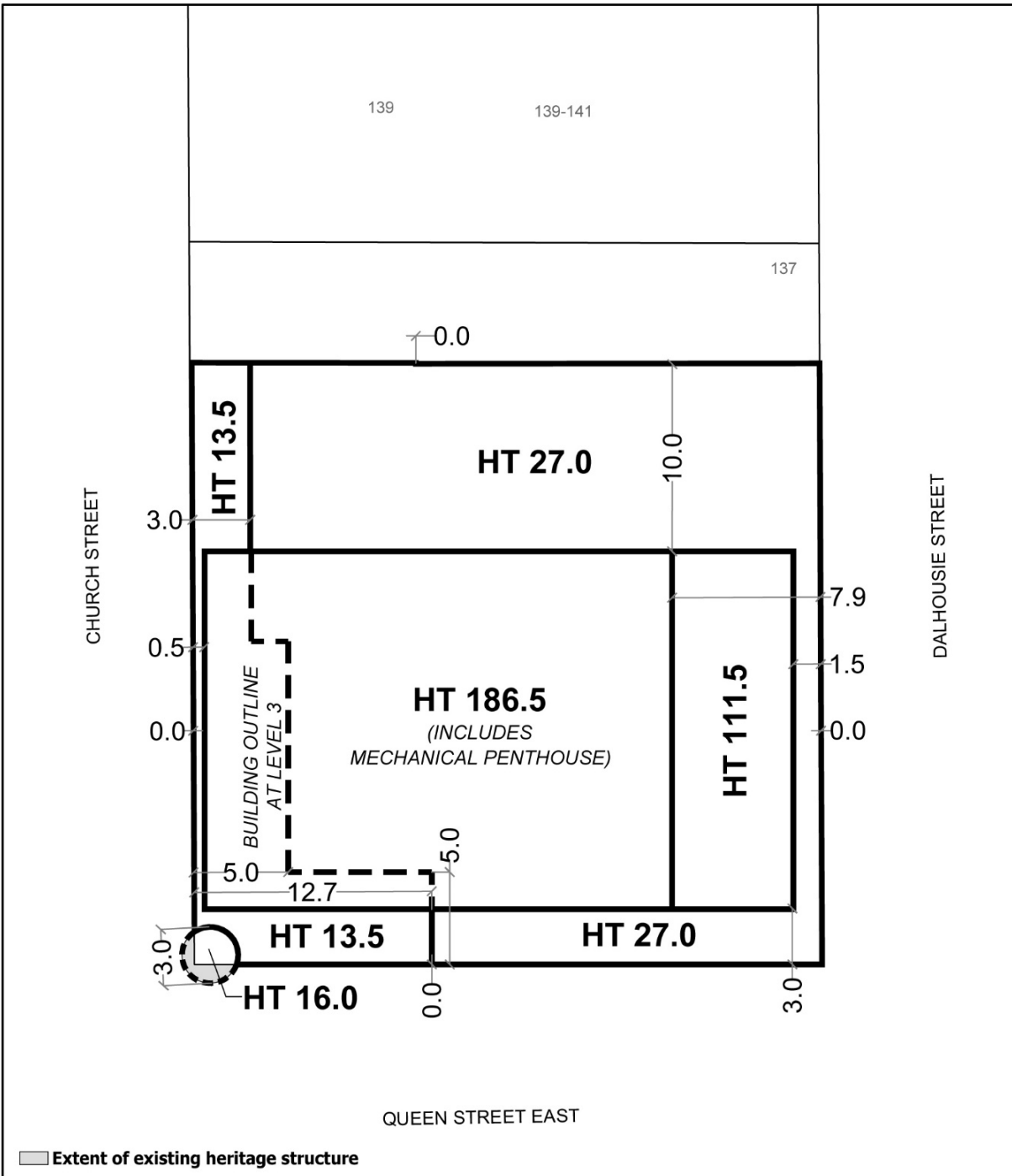


 **TORONTO**
Diagram 1

**60-64 Queen Steet East and
131-135 Church Street**

File # 18 111294 STE 27 0Z





 **TORONTO**
Diagram 3

**60-64 Queen Steet East and
131-135 Church Street**

File # 18 111294 STE 27 OZ