

Authority: Toronto and East York Community Council
Item TE34.20, as adopted by City of Toronto Council on
July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 973-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 14 Duncan Street and 180, 184 and 188 Pearl 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/or density of development; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 or 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 matter 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, a 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 increases in height permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City");

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 subject to this By-law from a zone label of CRE (x74) to a zone label of CRE (x50), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 50 so that it reads:

(50) Exception CRE 50

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 14 Duncan Street, and 180, 184 and 188 Pearl Street, if the requirements of By-law 973-2022 are complied with, a **mixed use building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (S) below;
- (B) Despite Regulations 50.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 86.36 metres and the elevation of the highest point of the **building** or **structure**;
- (C) In addition to the permitted non-residential uses with conditions listed in Regulation 50.10.20.20(1)(A), **public parking** is permitted provided it is located in a below ground **parking garage**;
- (D) The permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 34,300 square metres, of which:
 - (i) the required minimum **gross floor area** for non-residential uses is 6,800 square metres;
- (E) The provision of **dwelling units** is subject to the following:
 - (i) A minimum of 22 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) A minimum of 11 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (iii) Any **dwelling units** with three or more bedrooms provided to satisfy (E)(ii) above are not included in the provision required by (E)(i) above.

- (F) Despite Clause 50.10.40.10, the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 973-2022;
- (G) Despite Regulations 50.5.40.10(4) to (7), 50.10.40.10(3) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 973-2022:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 5.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 5.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.8 metres.
- (H) Despite Regulation 50.5.40.10(8) and (G) above, no **building**, equipment or **structure** may project beyond a maximum **height** of 157.0 metres, except for chimneys, pipes and vents to a maximum of 3.0 metres;
- (I) Regulation 50.10.40.30(1) with respect to maximum permitted **building depth** does not apply;
- (J) Despite Regulations 50.10.40.70(1), (4) and (5), and 50.10.40.80(1), (2) and (3), and Article 600.10.10, the required minimum **building setbacks** and minimum above-ground separation distance are as shown in metres on Diagram 3 of By-law 973-2022;
- (K) Despite (F) and (J) above, no portion of a **building** or **structure** may be located within the hatched areas shown on Diagram 3 of By-law 973-2022, as follows:
 - (i) between a height of 13.0 metres and a height of 23.9 metres;
 - (ii) between a height of 17.0 metres and a height of 23.9 metres; and

- (iii) between a height of 20.9 metres and a height of 23.9 metres.
- (L) Despite Regulations 50.5.40.60(1) and 50.10.40.60(1) to (8), and (J) and (K) above, the following **building** elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) canopies and awnings, by a maximum of 2.5 metres;
 - (ii) exterior stairs, access ramps and elevating devices;
 - (iii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.5 metres;
 - (v) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (vi) eaves, by a maximum of 2.5 metres;
 - (vii) a dormer, by a maximum of 2.5 metres;
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes; and
 - (ix) terraces, inclusive of platforms, guards, and parapets, to the extent of the **main walls** of the **storey** located below.
- (M) Despite Regulations 200.5.10.1(1), Table 200.5.10.1, 200.5.10.1(6), 200.10.1(2) and 200.5.200.50(1), **vehicle parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.26 residential occupant **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 24 **parking spaces** for the shared use of residential visitors and non-residential uses, which may be provided as **public parking**.
- (N) Despite Regulation 200.5.1.10(13), a **vehicle** elevator is not an obstruction to the access of a **parking space**, provided that a minimum of 2 **vehicle** queuing spaces are provided in a **stacking aisle** within the **building**;
- (O) Despite Clause 220.5.10.1, **loading spaces** must be provided and maintained in accordance with the following minimum requirements:
- (i) One Type "G" **loading space**; and
 - (ii) One Type "B" **loading space**.

- (P) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (Q) Clause 230.5.10.11, regarding bicycle parking rate exemptions for a **lawfully existing building**, does not apply;
- (R) Regulation 50.10.40.10(2), regarding heritage **building** volume permissions beyond the permitted maximum height, does not apply; and
- (S) Article 600.10.10 respecting **building** setbacks, **building** separation, separation of **main walls**, and projections and encroachments into **building setbacks** and angular planes, does not apply.

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 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

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 of the proposed development on the lands shown in Diagram 3 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:

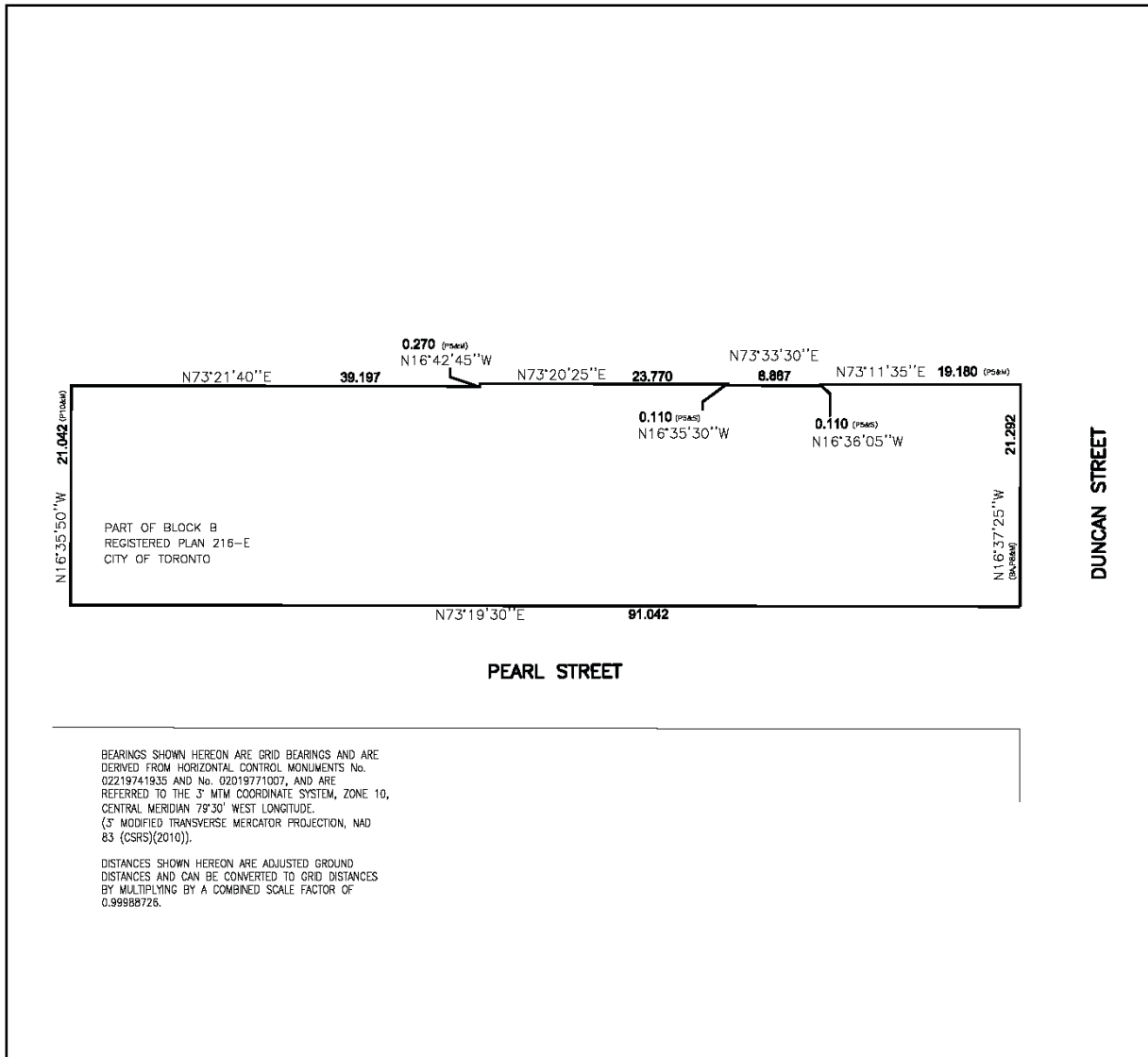
1. Prior to the issuance of any building permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure facilities, services or matters set out below.
2. Prior to issuance of the first above-grade building permit for all or part of the lot, the owner shall make a cash contribution to the City in the amount of three million, five hundred thousand dollars (\$3,500,000.00) (the "Cash Contribution"), to be allocated towards the following capital community services and facilities to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - (i) Two million, eight hundred thousand dollars (\$2,800,000.00) towards new or capital improvements to existing Community Services and Facilities within or serving Ward 10, which may include such facilities identified through the Downtown West Services and Facilities Review, and/or towards above-base streetscape improvements to Duncan Street and/or Pearl Street at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (ii) Seven hundred thousand dollars (\$700,000.00) towards the provision of new affordable housing and/or the Toronto Community Housing Corporation revolving capital fund for repairs to Toronto Community Housing Corporation housing, within Ward 10.
3. The Cash Contribution set out in Clause 2 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential 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 City Council adopts the zoning by-law amendment to the date of payment of the Cash Contribution by the owner to the City.
4. In the event that the Cash Contribution in Clause 2 has not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the Site.

The owner shall provide the following to support the development of the lands:

5. Prior to the commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager, Transportation Services and the Chief Building Official and Executive Director, 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 the following construction-related details: noise, dust, size and location of staging areas, location and function of access gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking 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 General Manager, Transportation Services, in consultation with the Ward Councillor.
6. Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - (i) Updated Functional Servicing Report;
 - (ii) Updated Hydrogeological Assessment Report;
 - (iii) Servicing Report Groundwater Summary Form; and
 - (iv) Hydrogeological Review Summary Form.
7. Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall submit an application to Toronto Water, Environmental Monitoring and Protection Unit and obtain discharge approval under MCC 681-6.
8. Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be resubmitted 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.
9. The owner shall 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, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
10. The owner acknowledges that the City is contemplating streetscape improvements to Duncan Street in the vicinity of the site, and, should Council approve a streetscape design prior to Site Plan Approval for the development, the owner agrees to construct at their

sole expense such improvements in accordance with the Council-approved streetscape design within the portion of the public right-of-way abutting the site, in conjunction with their Site Plan Approval, at the discretion and to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Services.

Diagram 1



14 Duncan Street, 180, 184 & 188 Pearl Street

Diagram 1

File # 17 159868 STE 20 OZ



Not to Scale

Diagram 2

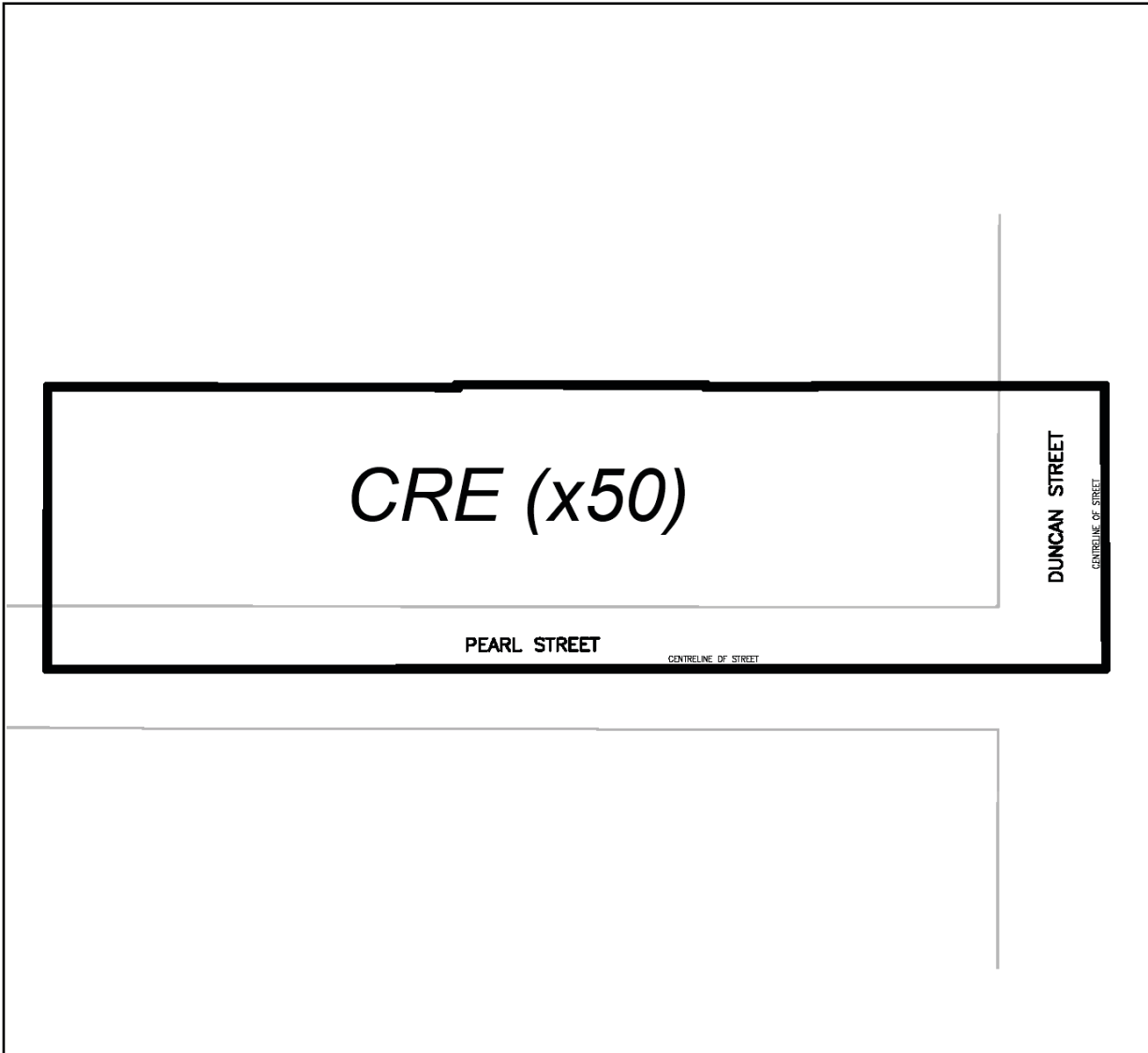


Diagram 3

