

Authority: Ontario Land Tribunal Decision and Interim Order issued on July 7, 2022 and Ontario Land Tribunal Order issued on August 11, 2022 in Tribunal Case OLT-22-002263

CITY OF TORONTO
BY-LAW 1209-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 625 Church Street.

Whereas the Ontario Land Tribunal Decision and Interim Order issued on July 7, 2022 and Ontario Land Tribunal Order issued on August 11, 2022 in Tribunal Case OLT-22-002263, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 625 Church Street; 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 Ontario Land Tribunal, by Order, amends By-law 569-2013 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 from a zone label of CR 4.0 (c1.0; r4.0) SS1 (x2550) to a zone label of CR 4.0 (c1.0; r4.0) SS1 (x672) 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 672 so that it reads:

(672) Exception CR 672

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 625 Church Street, if the requirements of By-law 1209-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Z) below:
- (B) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 30 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 115.25 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(1), 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 1209-2022(OLT);
- (E) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 56;
- (F) For the purposes of this exception and (E) above, the following portions of a **building** are not a **storey**:

- (i) a partial mezzanine level located above the first floor and below the second floor of a **building**, with a maximum **gross floor area** of 800 square metres; and
 - (ii) the mechanical penthouse level of the **building** located above the area shown as "HT 184.0" on Diagram 3 of By-law 1209-2022(OLT), limited in use to areas used for the functional operation of the **building** and access thereto, as well as a maximum of 300 square metres indoor **amenity space**;
- (G) Despite Regulations 40.5.40.10(3) to (8), 600.10.10 (1)(D) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1209-2022(OLT):
 - (i) **structures** and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;
 - (ii) railings, guard rails, parapets, terrace walls, planters, balustrades, bollards, retaining walls, access ramps, exterior stairs and ornamental or architectural features, by a maximum of 1.5 metres;
 - (iii) parapets and elements or **structures** associated with a **green roof**, by a maximum of 1.8 metres;
 - (iv) **landscaping** features and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
 - (v) screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
 - (vi) trellises, pergolas, cabanas, and unenclosed **structures**, by a maximum of 3.5 metres;
 - (vii) 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 and machine rooms, water supply facilities, safety elements, chimneys, pipes, shafts, and vents, by a maximum of 10.0 metres; and
 - (viii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (vii) above and indoor **amenity space**, inclusive of a mechanical penthouse, by a maximum of 10.0 metres;
- (H) Despite Regulation 40.10.40.40(1) and (2), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 55,000 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 44,500 square metres;

- (ii) the required minimum **gross floor area** for office uses is 10,000 square metres; and
 - (iii) the permitted maximum **gross floor area** for **retail store** uses is 500 square metres;
- (I) Despite Regulation 40.10.40.50(2), no outdoor **amenity space** for non-residential uses is required;
- (J) Despite Regulation 40.10.40.70(1) and Article 600.10.10, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1209-2022(OLT);
- (K) Despite Clause 40.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) eaves, cornices, window sills, ornamental or architectural features; architectural fins, light fixtures, chimneys, stacks, and vents, by a maximum of 0.6 metres;
 - (ii) balconies on the east side of the **building** between the height of 31.0 metres and 50.0 metres, by a maximum of 2.0 metres;
 - (iii) bollards, retaining walls, access ramps, and exterior stairs, by a maximum of 2.0 metres;
 - (iv) canopies and awnings, by a maximum of 2.0 metres; and
 - (v) railings, guard rails, parapets, terrace walls, planters, balustrades, elements or **structures** associated with a **green roof**, platforms, **landscaping** features, divider screens, screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, trellises, pergolas, cabanas, and unenclosed **structures** on the **building's** roof may encroach into a **building setback** to the same extent as the roof below;
- (L) Despite 40.10.40.80(1) and 600.10.10(1)(C), the minimum separation distance required between **main walls** of the **building** is:
- (i) a minimum of 5.4 metres between the height of 25.0 to 32.0 metres on the west side of the **building**; and
 - (ii) a minimum of 13.6 metres between the height of 46.0 to 50.0 metres on the south side of the **building**;
- (M) Despite Regulation 40.10.100.10(1), two **vehicle** accesses to the **lot** are permitted;
- (N) 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 230 residential occupant **parking spaces**;
 - (ii) a minimum of 32 **parking spaces** for residential visitors and non-residential uses, which may be provided as **public parking**;
- (O) Despite Regulation 200.5.1.10(2)(A)(i), a maximum of 25 **parking spaces** may have a minimum length of 5.3 metres;
- (P) Despite Regulations 220.5.10.1(2) to (9) and Article 220.20.1, a minimum of one Type "G" **loading space**, one Type "B" **loading space**, and one Type "C" **loading space** must be provided;
- (Q) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.4 metres;
- (R) Despite Regulation 230.5.1.10(9)(A), required "long-term" **bicycle parking spaces** for uses other than **dwelling units** may be located on the second level of the **building** below-ground;
- (S) 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**;
- (T) Prevailing Sections 12(2) 80, 12(2) 132, and 12(2) 260 of former City of Toronto By-law 438-86 and former City of Toronto by-law 94-0481 do not apply to a **building** or **structure** constructed, used or enlarged in compliance with Regulations (B) to (Y) above and below;
- (U) Despite Regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of the **building**, other than residential lobby access, ancillary office uses and **amenity space**;
- (V) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (W) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
- (X) Despite Regulation 200.15.1(4), required accessible **parking spaces** must be located a minimum of 20 metres from a barrier free:

- (i) entrance to a **building**; or
 - (ii) passenger elevator that provides access to the first **storey** of the **building**;
- (Y) Clauses 200.15.10.5 - Effective Parking Spaces and 200.15.10.10 - Parking Rate - Accessible Parking Spaces, do not apply, provided that accessible **parking spaces** are provided in accordance with Regulations 200.15.10(1) and (2), as they read prior to February 3, 2022;
- (Z) Despite Regulation 600.20.10(1)(A) the first storey of a mixed-use building or non-residential building must provide a minimum of 43 percent of the lot frontage abutting the priority retail street for one or more permitted non-residential uses.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 80 of former City of Toronto By-law 438-86;
 - (B) Section 12(2) 132 of former City of Toronto By-law 438-86;
 - (C) Section 12(2) 260 of former City of Toronto By-law 438-86; and
 - (D) On 80 Charles St. E., 625 Church St., 99 Hayden St., former City of Toronto by-law 94-0481.
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Section 37 Requirements:
- (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 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to 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.

SCHEDULE A
Section 37 Requirements

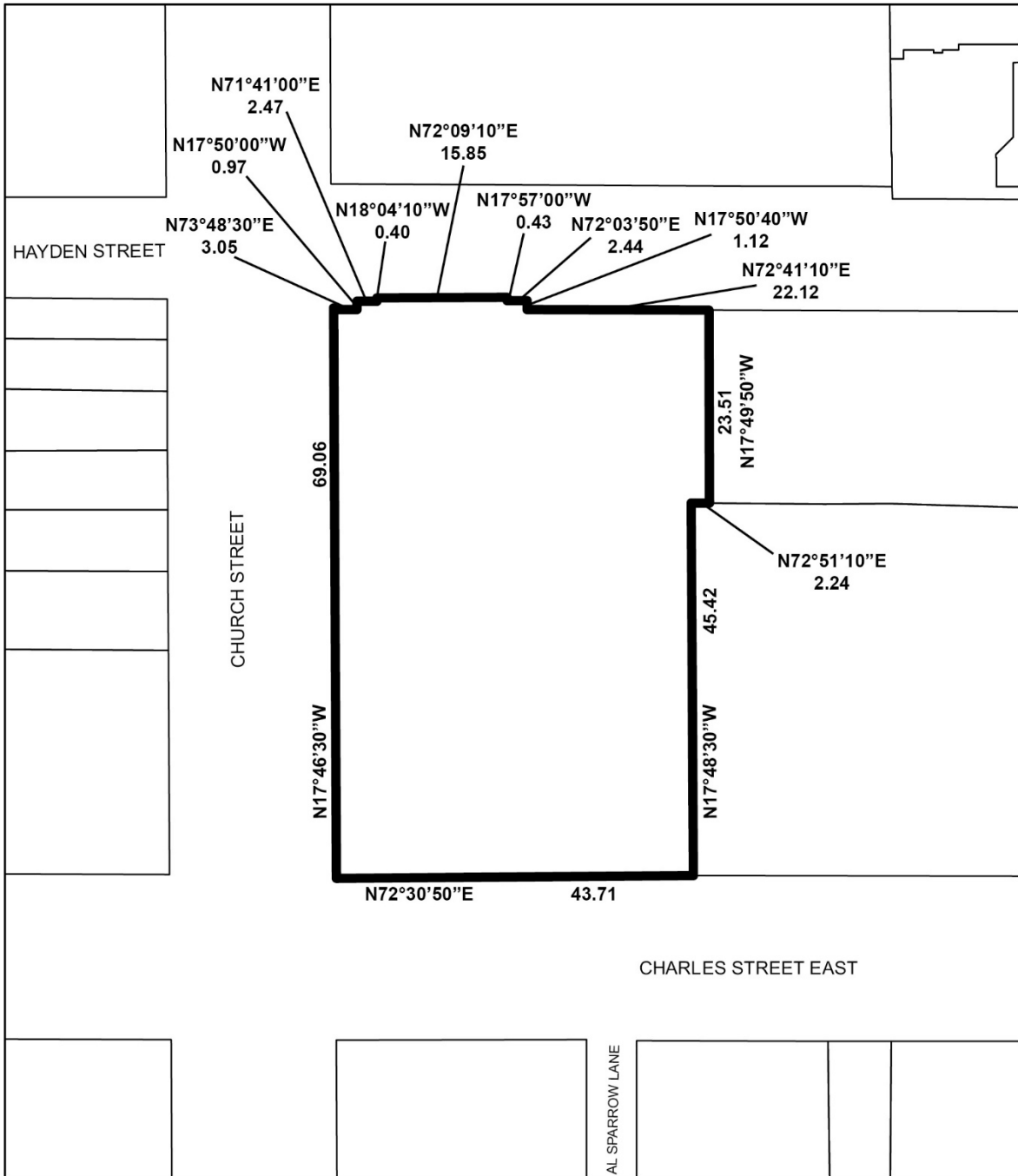
Prior to the issuance of the first permit under the Building Code Act, 1992 in respect of the lands shown on Diagram 1 attached to this By-law, the owner shall enter into an agreement under Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

1. Pursuant to and in accordance with the terms of an agreement under Section 37(3) of the Planning Act (the "Section 37 Agreement"), the owner will design, construct, finish, and maintain at least 15 affordable rental housing dwelling units on the site (the "Affordable Housing Units") in accordance with the following:
 - (a) at least 10 percent of the Affordable Housing Units shall be three-bedroom rental units with a minimum unit size of 84 square metres;
 - (b) at least 30 percent of the Affordable Housing Units shall be two-bedroom rental units with a minimum unit size of 60 square metres;
 - (c) no more than 10 percent of the Affordable Housing Units shall be studio rental units at similar sizes to the market studio units;
 - (d) one-bedroom Affordable Rental Units shall be similar sizes to market one-bedroom units;
 - (e) the Affordable Housing Units will generally be located on the 7th to 28th floors of the building, and the final location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (f) the Affordable Housing Units will be rented at no more than 90 percent of Affordable Rents as currently defined in the City of Toronto Official Plan, inclusive of utilities for heat, hydro and hot and cold water, for a minimum period of 40 years, beginning from the date that each such unit is first occupied (the "Affordability Period") and no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing, and no application shall be made to demolish or convert any Affordable Housing Unit to a non-residential rental purpose during the Affordability Period;
 - (g) after the first year of occupancy of any Affordable Housing Units, the rent charged to the tenants occupying a unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;

- (h) notwithstanding the annual rent increases permitted in paragraph (g) above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit shall not be increased to an amount that exceeds 90 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
 - (i) the City's Centralized Affordable Housing Access System will be used to advertise and select tenants, provided it is in place at the time. In addition, at least six months in advance of any new Affordable Housing Units being made available for rent, the owner shall develop and implement a Housing Access Plan, which will outline how units will be rented to eligible households in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
 - (j) the new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning;
 - (k) the owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the development on the same terms and conditions as any other resident of the building;
 - (l) the owner shall provide all tenants of the Affordable Housing Units with laundry facilities on the same basis as other units within the building; and
 - (m) the owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with this By-law.
2. Pursuant to the site plan control application process but in any event prior to final site plan approval for the lands, the owner shall design a minimum 2.1 metre wide pedestrian walkway connection running north-south along the eastern portion of the subject property in the approximate location as shown on the Settlement Offer plans, with the final location of the pedestrian connection and design to be to the satisfaction of the Chief Planner and Executive Director, City Planning or designate.
3. Prior to final site plan approval for the lands, the owner shall prepare all documents and convey to the City, at its own expense and for nominal consideration, a public access easement upon the pedestrian connection referred to in paragraph 2 above, including rights of support as applicable, for its use by the general public, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor. The easement conveyance shall be registered in priority and clear of all physical encumbrances unless otherwise agreed to by the Chief Planner and Executive Director;

4. Pursuant to the site plan control application process but in any event prior to final site plan approval for the lands, the owner shall design a privately-owned publicly accessible space with an area of no less than 126.6 square metres at the south side of the property fronting onto Charles Street East, with the final location and configuration of the privately-owned publicly accessible space to be to the satisfaction of the Chief Planner and Executive Director, City Planning or designate.
5. Prior to final site plan approval for the lands, the owner shall prepare all documents and convey to the City, at its own expense and for nominal consideration, a surface easement in respect of the privately-owned publicly accessible space referred to in paragraph 4 above, including rights of support as applicable, permitting its use by the general public, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor. The easement conveyance shall be registered in priority and clear of all physical encumbrances unless otherwise agreed to by the Chief Planner and Executive Director.
6. Prior to the issuance of the first above-grade building permit for the lands, the owner shall make a cash payment to the City in the amount of \$50,000 to be allocated by the City to the proposed signalization at Church Street and Hayden Street, with the City responsible for the construction of such signalization. The \$50,000 cash payment shall be upwardly indexed 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, and calculated from the date of this By-law to the date of the first above-grade building permit for the development.
7. 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 the lands.
8. Prior to December 9, 2022 or such later date as may be agreed to in writing by the Senior Manager, Heritage Planning and the owner, but in any event prior to the issuance of the first permit under the Building Code Act, 1992 in respect of the lands, the owner shall:
 - (a) enter into a Heritage Easement Agreement with the City for the properties at 625 Church Street in accordance with the plans and drawings prepared by RAW Design Inc., dated February 26, 2022, on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, and the Heritage Impact Assessment, prepared by ERA Architects Inc., dated April 21, 2021 (the "HIA"), and with the Conservation Plan required by paragraph 8(b) below, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning, including registration of such agreement to the satisfaction of the City Solicitor; and
 - (b) provide a detailed Conservation Plan for the property at 625 Church Street, prepared by a qualified heritage consultant that is consistent with the conservation

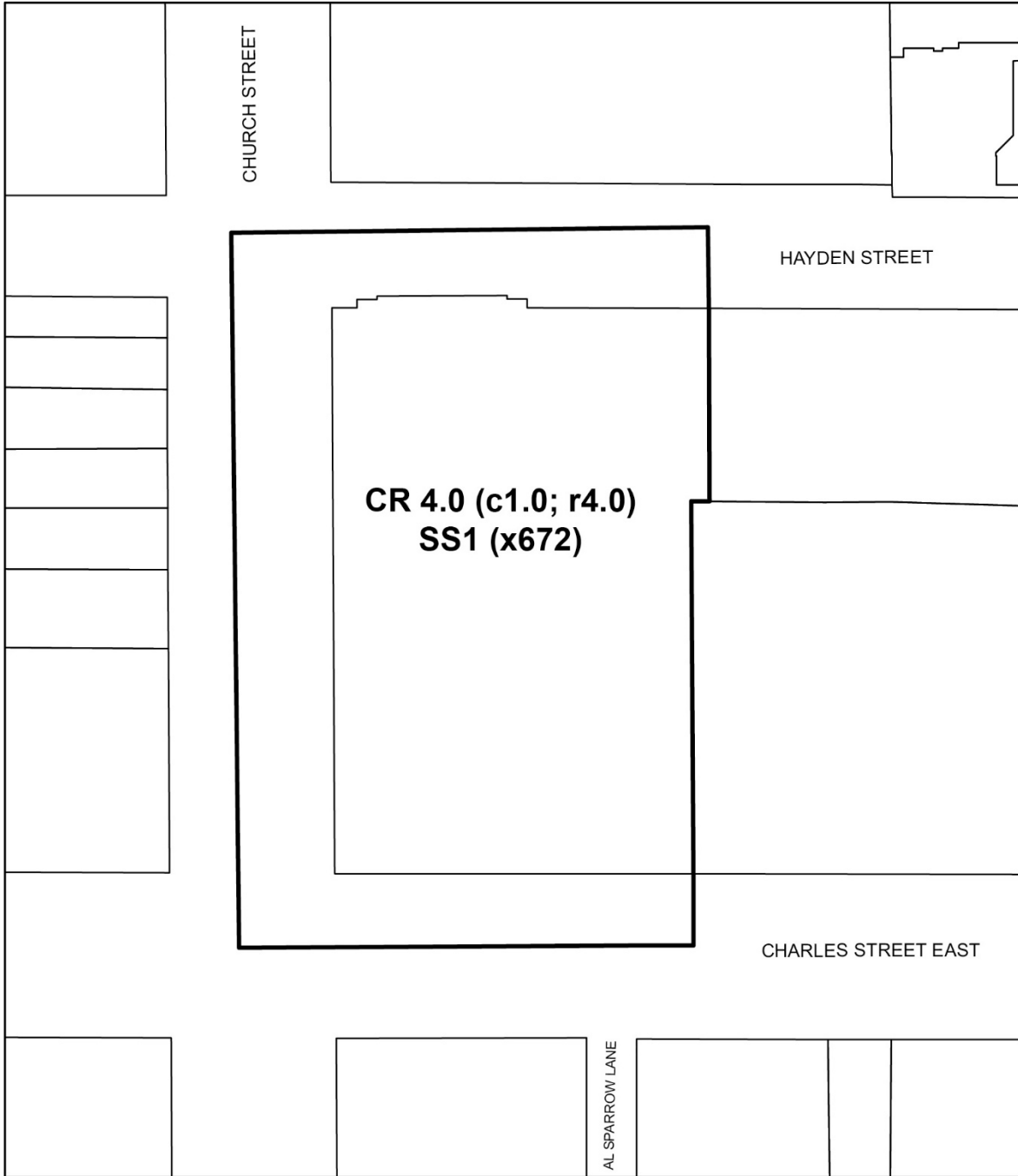
strategy set out in the HIA, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.



 **TORONTO**
Diagram 1

625 Church Street

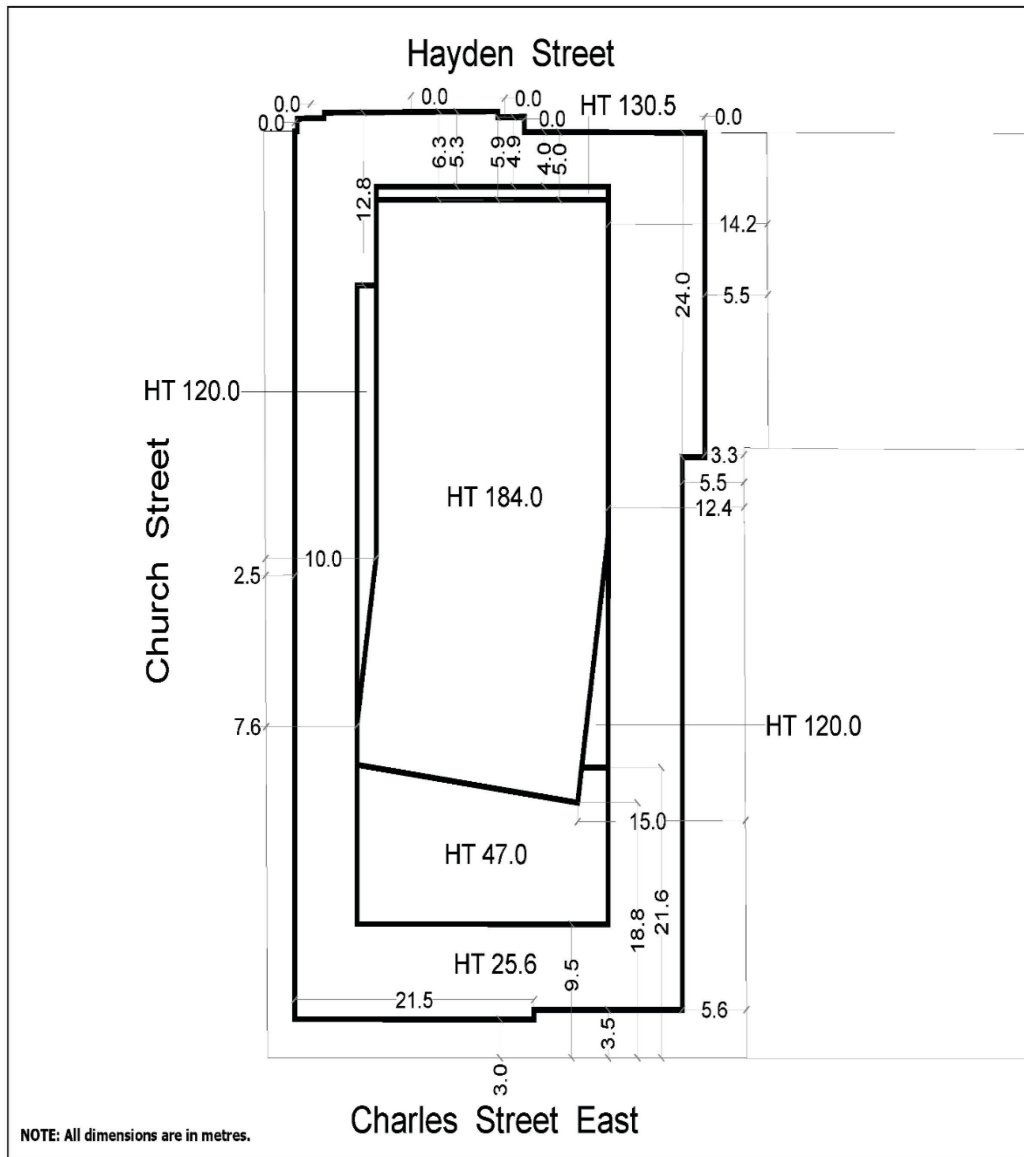
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 **TORONTO**
Diagram 2

625 Church Street

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625 Church Street, Toronto

Diagram 3

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Not to Scale

