

Authority: Ontario Land Tribunal Decision issued on August 9, 2022 and Ontario Land Tribunal Order issued on August 18, 2022 (effective August 11, 2022) in Tribunal File OLT-22-003289 and Legacy File PL170622

## CITY OF TORONTO

### BY-LAW 98-2023(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 28 River Street and 550 Queen Street East.**

Whereas the Ontario Land Tribunal, in its Decision issued on August 9, 2022, and its Order issued on August 18, 2022 (effective August 11, 2022), in file OLT-22-003289 and Legacy File PL170622 in hearing an appeal under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, 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 28 River Street and 550 Queen Street East; and

Whereas authority is given by Section 36 of the *Planning Act*, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when the City of Toronto is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the Holding (H) symbol with conditions in the zoning by-law; 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 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 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 Zoning 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) CR 2.5 (c2.0; r2.0) SS2 (x780) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA1, as shown on Diagram 4 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 14.0, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying the following rooming house label to these lands B3, as shown on Diagram 5 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 780 so that it reads:

(780) Exception CR (780)

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 28 River Street and 550 Queen Street East, if the requirements of Section 11 and Schedule A of By-law 98-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Y) below;
- (B) 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 81.5 metres and the elevation of the highest point of the **building** or **structure**;

- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6 of By-law 98-2023(OLT);
- (D) Despite Regulations 40.5.40.10(3) to (8), 40.5.75.1(2) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law 98-2023(OLT):
- (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, stacks, intakes and exhaust flues, vents, lightning rods, and photovoltaic **solar energy** devices, by a maximum of 6.5 metres;
  - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (D)(i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
  - (iii) lighting fixtures, architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
  - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
  - (vi) trellises, pergolas, and **structures** providing safety or wind protection, by a maximum of 3.0 metres; and
  - (vii) access ramps, retaining walls, underground garage ramps and their associated structures, and stair landings, by a maximum of 3.0 metres;
- (E) Regulation 40.10.40.1(1), with respect to the location of residential and non-residential uses in a **mixed use building**, does not apply;
- (F) Permitted non-residential uses must:
- (i) be located below a height of 15.0 metres; and
  - (ii) have a pedestrian entrance from Queen Street East or River Street;
- (G) Regulation 40.10.40.1(2), regarding the floor level of the portion of a first **storey** that accommodates a non-residential use, does not apply;
- (H) Regulation 40.10.40.10(5), regarding a required minimum floor to ceiling height of the first **storey**, does not apply;
- (I) Regulation 40.10.40.1(3), with respect to residential use orientation to a **street**, does not apply;

- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 31,300 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 28,500 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 3,000 square metres; and
  - (iii) the required minimum **gross floor area** for office uses is 1,400 square metres;
- (K) In addition to the elements which reduce **gross floor area** listed in Regulations 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the area in the **building** used for:
- (i) bicycle parking provided at and above ground level;
  - (ii) storage rooms and areas, waste collection and recycling areas, electrical, utility, mechanical, and ventilation rooms and areas, provided below, at or above ground level;
  - (iii) ventilation ducts, utility shafts, and vehicular ramps;
  - (iv) all indoor **amenity space**; and
  - (v) the area of a void in a floor if there is a vertical clearance of more than 2.95 metres between the top of the floor below the void and the ceiling directly above it;
- (L) Of the total number of **dwelling units** provided:
- (i) a minimum of 15 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** provided to satisfy (L)(ii) above are not included in the percentage required by (L)(i) above;
  - (iv) an additional 15 percent of the total number of **dwelling units** must have two or three bedrooms, or must be **dwelling units** that can be converted into two- and three-bedroom **dwelling units** through the use of accessible or adaptable design measures (such as knock-out panels); and
  - (v) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction that is 0.5% or more, the number shall be rounded up to the nearest whole number;

- (M) Despite Regulations 40.10.40.70(2), 40.10.40.80(2) and Article 600.10.10, the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 6 of By-law 98-2023(OLT) and no **angular planes** are applicable;
- (N) Despite Clause 40.10.40.60 and Regulation 5.10.40.70(1) and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, and any associated guards, dividers or railings:
    - (a) located above the sixth **storey** of the portion of the **building** labelled as "HT 66.5" on Diagram 6, facing a **lot line** abutting Queen Street East or River Street, by a maximum of 1.5 metres; and
    - (b) on each **storey** on the **main wall** facing a **lot line** abutting Queen Street East or River Street, balconies provided in accordance with (N)(i)(a) above must not exceed a length greater than 30% of the total length of the **main wall** facing **lot line** abutting Queen Street East or River Street, respectively; and
    - (c) in all other cases, by a maximum of 2.5 metres;
  - (ii) canopies and awnings, by a maximum of 3.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 1.0 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
  - (vii) air conditioners, satellite dishes, antennae, vents, pipes, wall mounted equipment, or light fixtures, by a maximum of 1.0 metres; and
  - (viii) despite (N)(i) to (vii) above, elements such as planters, seating areas, light fixtures, decorative screens, privacy screens, art and **landscape** features, patios, decks, railings, fences, retaining walls, bollards, safety or wind protection mitigation, air shafts, access ramps, and vehicular parking ramps, by a maximum of 3.0 metres provided they are located at the first **storey**;

- (O) Clause 40.10.50.10, with respect to landscaping abutting a **lot** in a Residential Zone, does not apply;
- (P) 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 0.23 residential occupant **parking spaces** for each **dwelling unit**;
  - (ii) a minimum of 0.025 residential visitor **parking spaces** for each **dwelling unit**; and
  - (iii) a minimum of 7 **parking spaces** for non-residential uses;
- (Q) Despite Regulation 200.5.10.1(1) and (P) above, "car share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" provided, up to a maximum of 9 "car-share parking spaces"; and that the maximum reduction permitted by this means be capped by application of the following formula:
  - (ii) four multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;
- (R) For the purposes of By-law 98-2023(OLT), "car-share" means the practice where a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of **vehicles** to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (S) For the purposes of By-law 98-2023(OLT), "car-share parking space" means a vehicular **parking space** that is reserved and signed for "car-share" purposes;
- (T) Despite Clause 200.15.1, accessible **parking spaces** must be provided in accordance with the following:
- (i) a minimum length of 5.6 metres;
  - (ii) a minimum width of 3.4 metres;
  - (iii) a minimum vertical clearance of 2.1 metres;
  - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre accessible barrier free aisle or path on one side of the accessible **parking space**; and

- (v) the accessible **parking spaces** must be located within 30 metres of a barrier free:
  - (a) entrance to a **building**; or
  - (b) passenger elevator that provides access to the first **storey** of the **building**;
- (U) Despite Clauses 40.10.90.1 and 220.5.10.1, **loading spaces** must be provided on the **lot** for residential and non-residential uses as follows:
  - (i) one (1) Type "B" **loading space**; and
  - (ii) one (1) Type "G" **loading space**;
- (V) Despite Regulations 230.5.1.10(4)(A)(i) and (ii) and (C), and 230.5.1.10(5)(A), a **stacked bicycle parking space** must be provided in accordance with the following dimensions:
  - (i) a minimum length of 1.6 metres;
  - (ii) a minimum width of 0.45 metres; and
  - (iii) a minimum vertical height of 1.1 metres;
- (W) In addition to Regulations 230.5.1.10(6) and 230.5.1.10(10), a "short-term" **bicycle parking space** may be located in a **building** and may be located in a **stacked bicycle parking space**;
- (X) Despite Regulation 150.5.20.1(6), a **home occupation** may have an employee working in the **dwelling unit** who is not the business operator; and
- (Y) Regulation 150.100.30.1(1), with respect to a fence abutting a **lot** in a Residential Zone, does not apply.

Prevailing By-laws and Prevailing Sections:

(None Apply)

9. 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.

10. Holding Provisions:

The lands zoned with the "(H)" symbol as shown on Diagram 2 of this By-law shall not be used for any purpose other than those uses and **buildings** existing on the site as of August 12, 2022 until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:

- (A) The owner has entered into a Section 37 Agreement with the City, to the satisfaction of the City Solicitor;
- (B) A by-law under Part IV of the *Ontario Heritage Act* has been enacted designating the property at 550 Queen Street East as being of cultural heritage value or interest;
- (C) The owner has applied pursuant to Section 33 of the *Ontario Heritage Act* for heritage alterations to 550 Queen Street East to facilitate the redevelopment contemplated by the By-law;
- (D) The owner has entered into a Heritage Easement Agreement with the City for the property at 550 Queen Street, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning including execution and registration of such agreement on title to the satisfaction of the City Solicitor;
- (E) The owner has, at its sole cost and expense, submitted a Functional Servicing and Stormwater Management Report, including confirmation of water and fire flow, sanitary and storm capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
- (F) In the event it is determined that improvements or upgrades are required to support the development as may be identified in the accepted Functional Servicing and Stormwater Management Report, the owners have entered into an agreement or have otherwise secured the design, construction, and provided financial securities for such upgrades to the existing municipal infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

#### 11. Section 37 Requirements

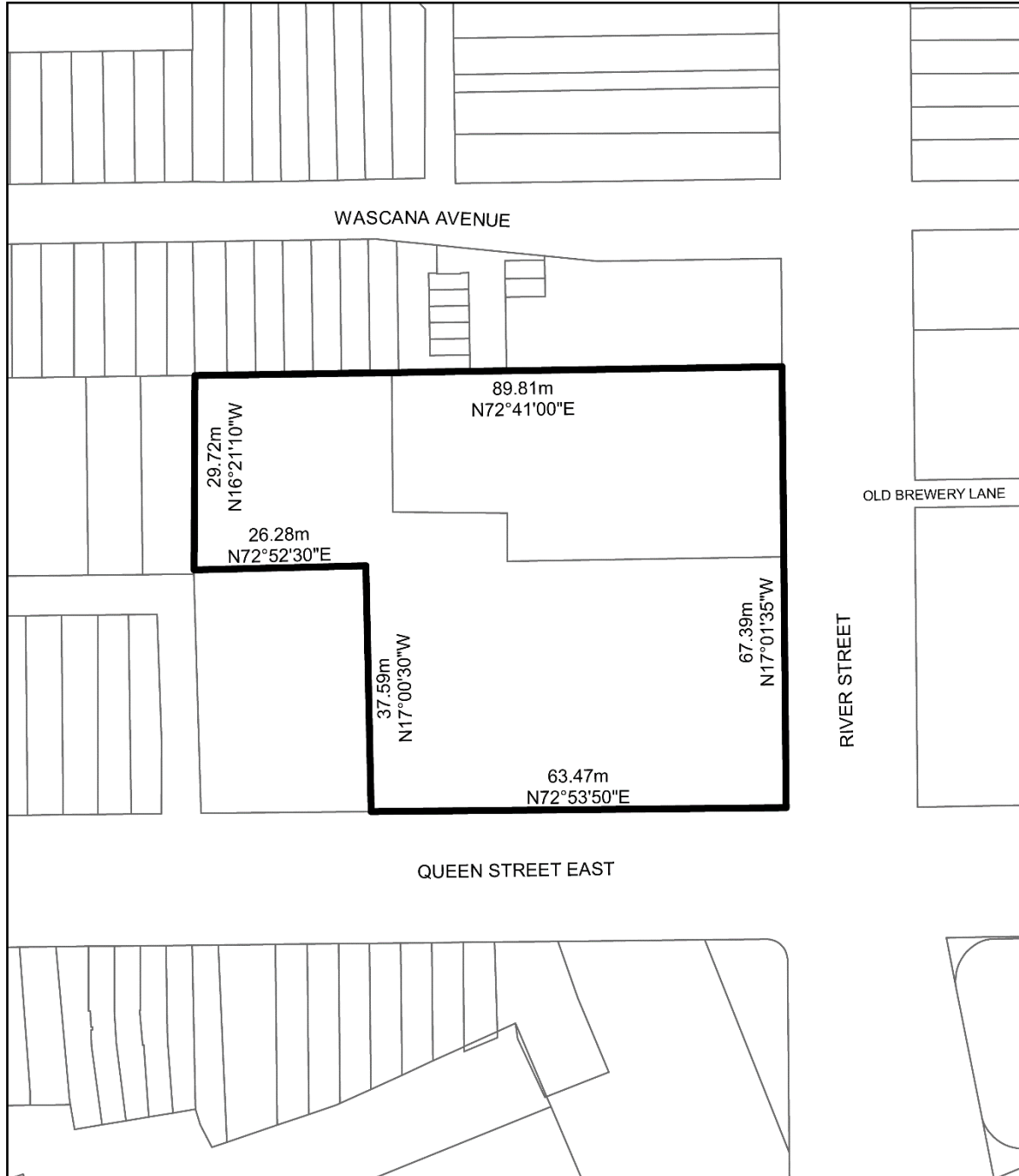
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's 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.

Ontario Land Tribunal Decision issued on August 9, 2022 and Ontario Land Tribunal Order issued on August 18, 2022 (effective August 11, 2022) in Tribunal File OLT-22-003289 and Legacy File PL170622.

**SCHEDULE A**  
**Section 37 Requirements**

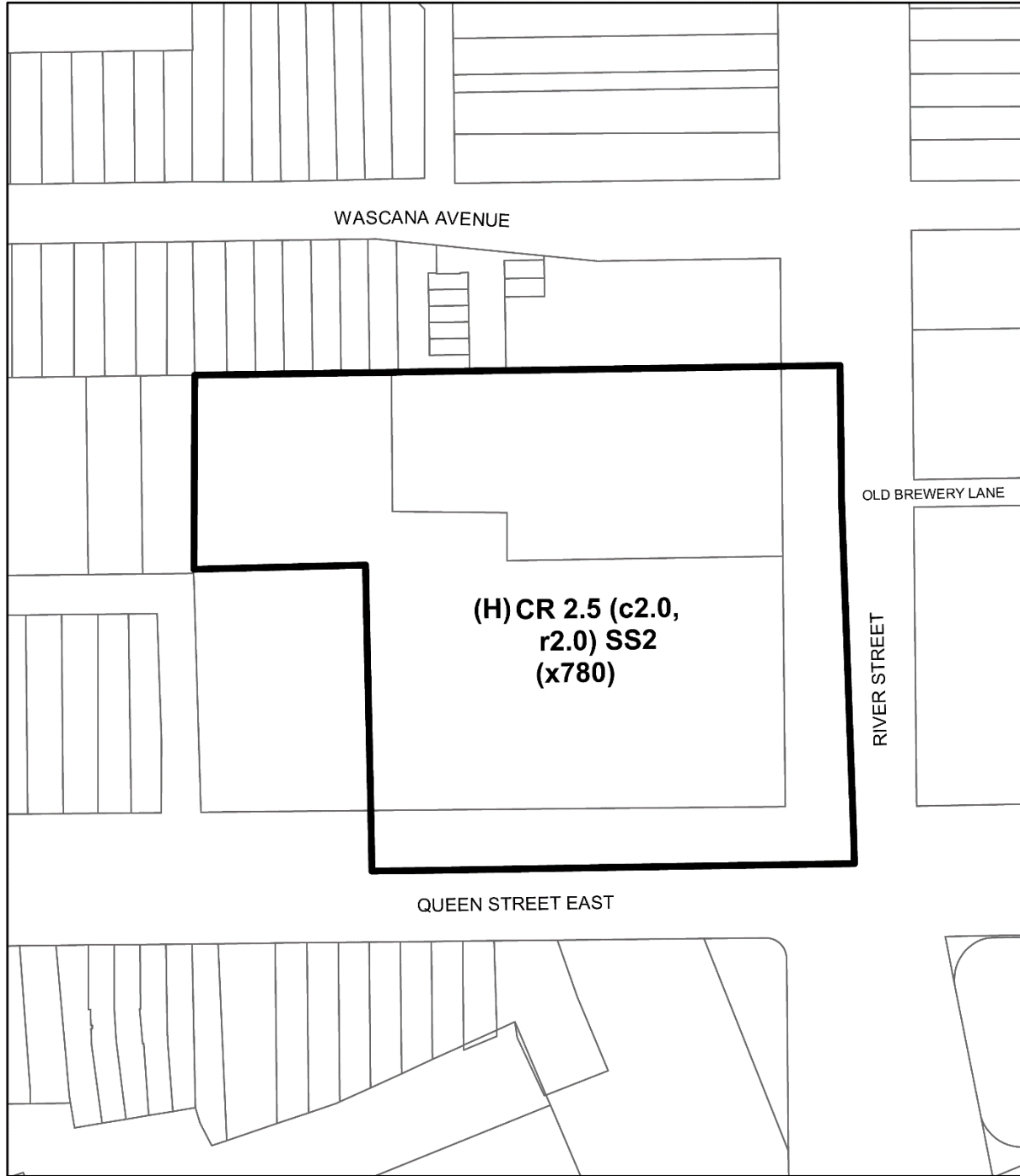
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

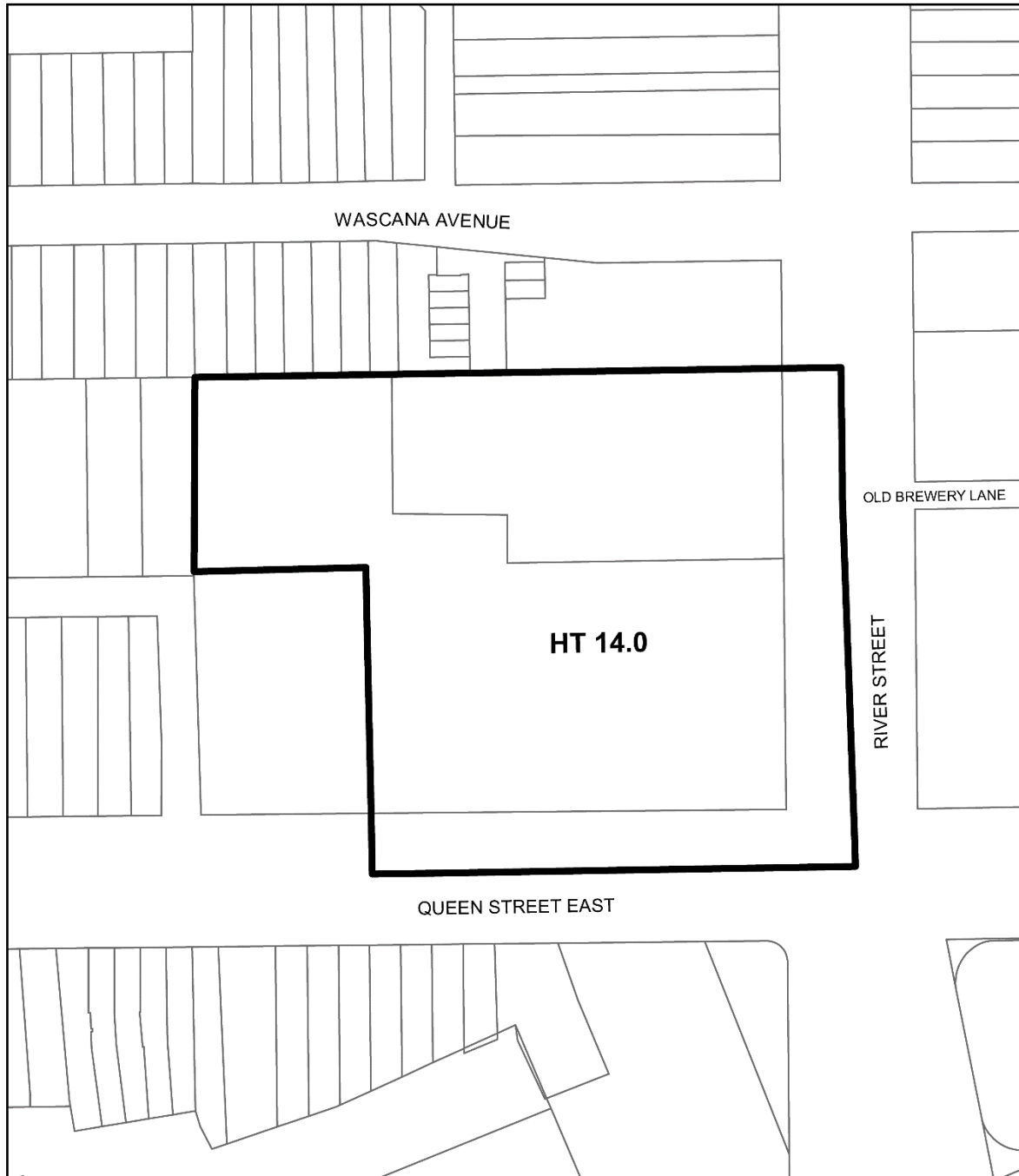
1. Prior to issuance of the first above-grade building permit, other than a building permit for a temporary sales office or pavilion, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of 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:
  - (A) The owner shall make provide a cash contribution to the City in the amount of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00), the "Cash Contribution", 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) \$1,250,000.00 to local area streetscape and parkland improvements; and
    - (ii) \$1,250,000.00 to capital improvements for new or existing affordable housing, cultural, community and recreation space in the ward.
2. The Cash Contribution set out in Clause 1(A) 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 of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Clause 1(A) has not been used for the intended purpose 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 is identified in the Official Plan and will benefit the community in the vicinity.

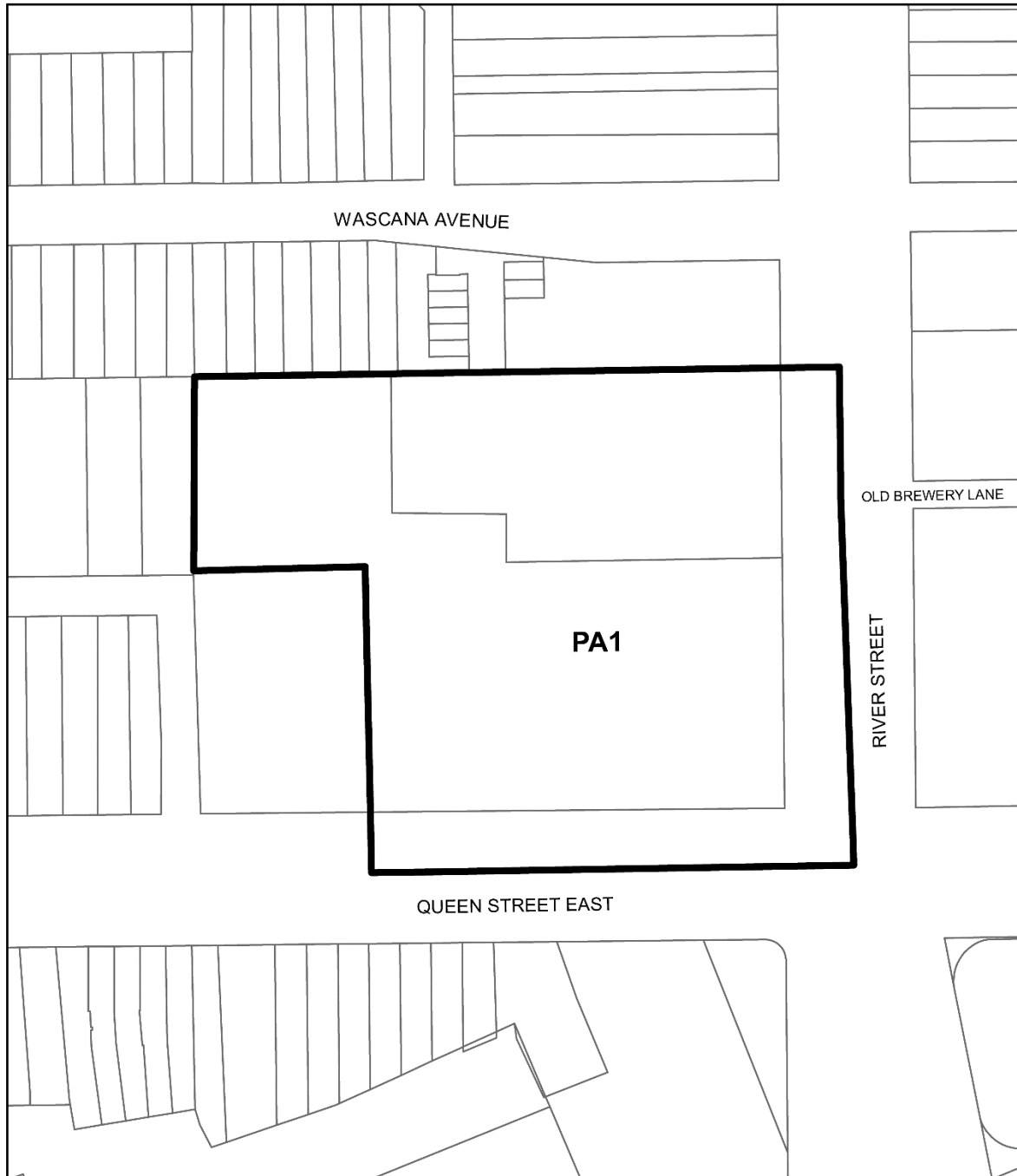


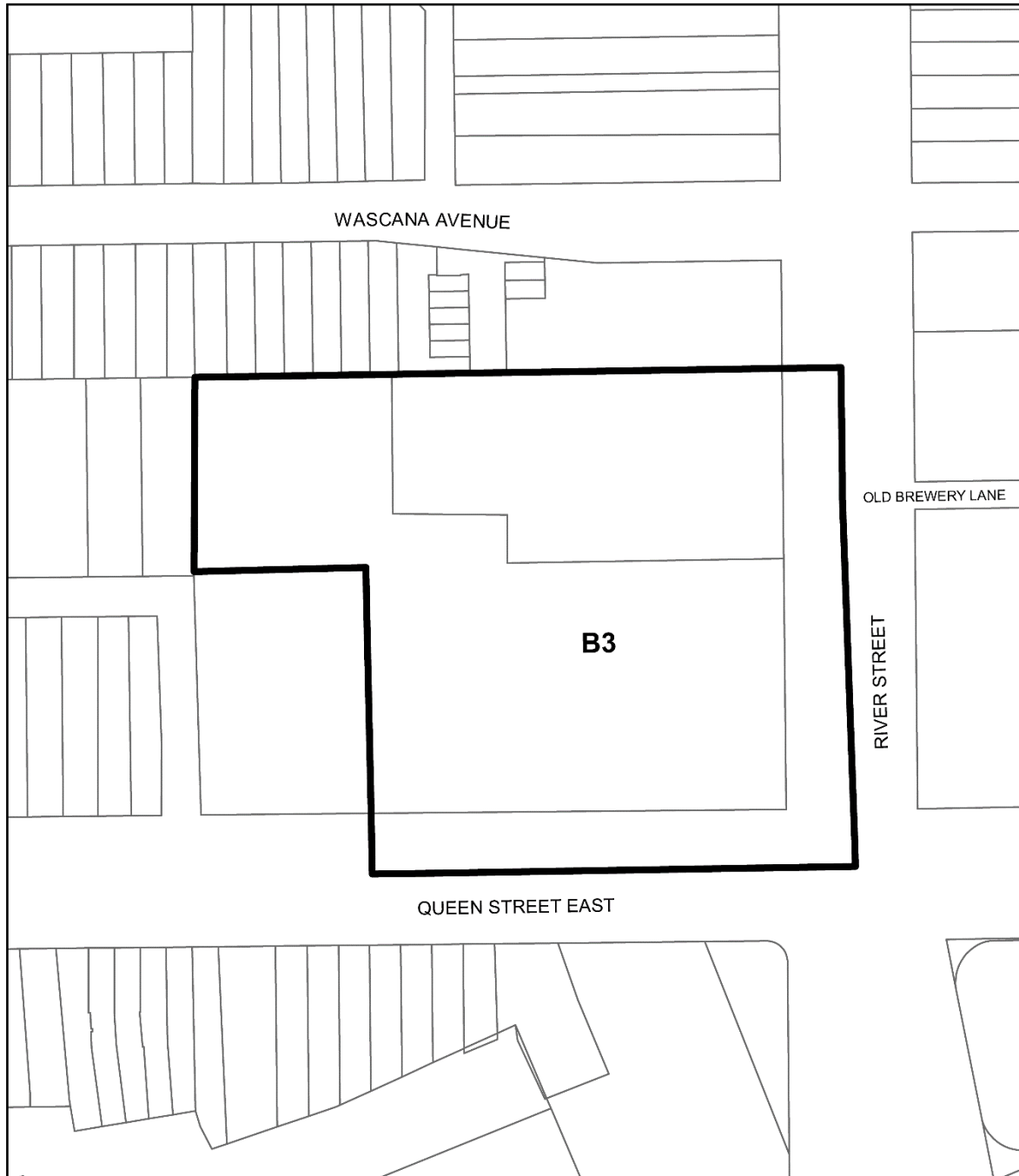
### 28 River Street and 550 Queen Street East

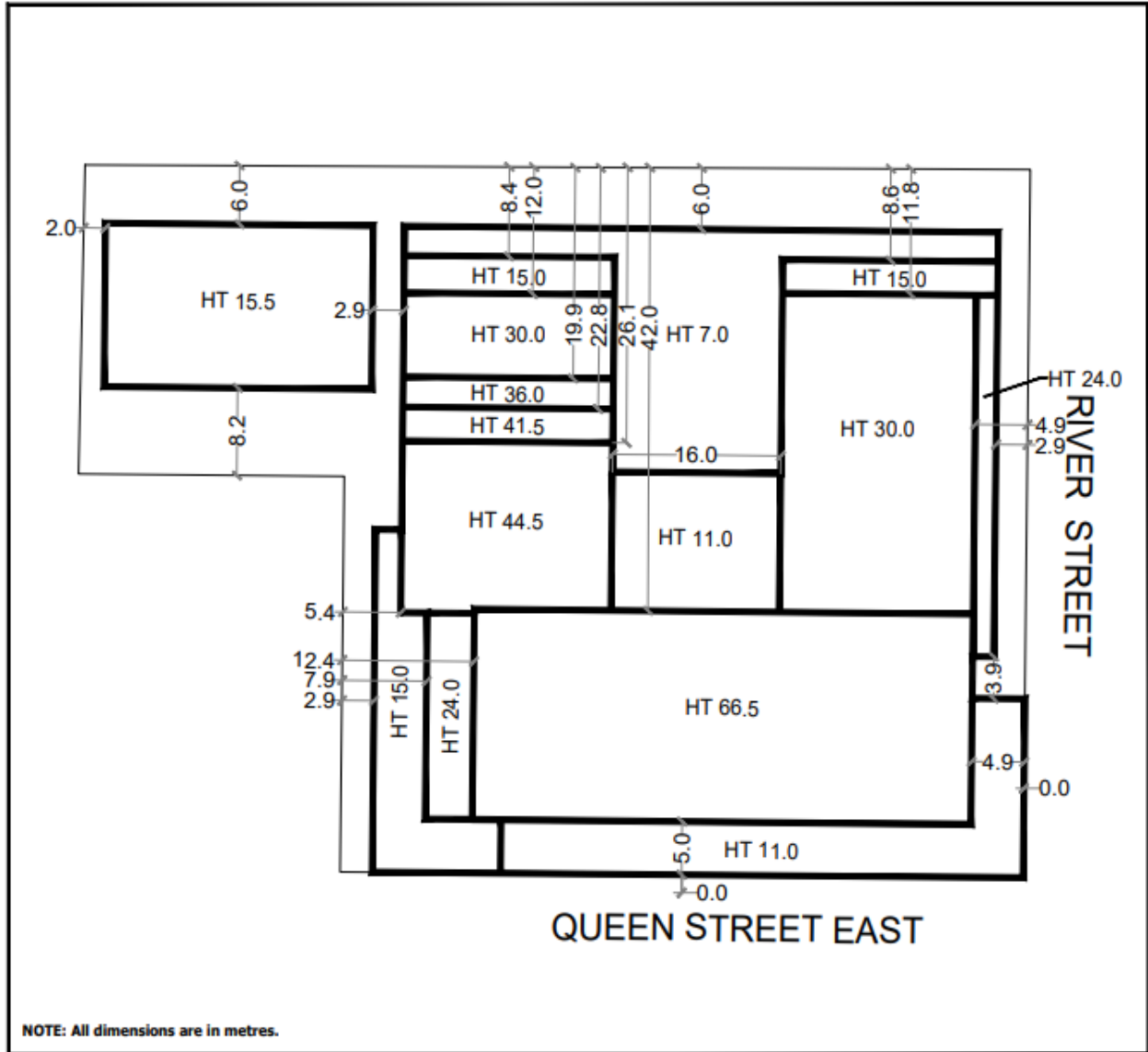
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**28 River Street and 550 Queen Street East, Toronto**

**Diagram 6**

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Not to Scale