

Authority: Toronto and East York Community Council Item #●, as adopted by City of Toronto Council on ●, 20●

## CITY OF TORONTO

Bill No. ●

### BY-LAW No. XXXX-2015

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 270-288 Church Street, 101-105 Bond Street and 111 Bond 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;

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 No. 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 HEREBY ENACTS 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 No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 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: IE 5.0 (x1) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 30.0, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA1 , as shown on Diagram 4 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands, as shown on Diagram 5 attached to this By-law; and
7. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.32.10 Exception Number 1 so that it reads:

#### **Exception IE 1**

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 270 to 288 Church Street, if the requirements of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 5.10.40.10, 5.10.40.70 (2), 80.5.40.10(1), 80.5.40.10(3), 80.5.40.10(5), 80.5.40.40, 80.5.40.60(1), 80.5.80.1, 80.30.20.10, 80.30.20.20, 80.30.30.40(1)(B), 80.30.40.10(1), 80.30.40.40(1), 80.30.40.70, 200.5.1.(2), 200.5.1.10.(2), 200.5.1.10.(3), 200.5.1.10.(8), 200.5.10.1, 200.15.1, 200.15.1.5, 200.15.10(1), 220.5.10.1, 230.5.1.10.(6), 230.5.1.10.(7), 230.5.1.10.(9), 230.5.10.1 (1), 230.5.10.1.(6), 230.40.1.20.(2) apply to prevent the erection or use of a **building** on the **lot** containing a **post-secondary school, student residence**, non-residential uses, **public parking** and uses **ancillary** to the foregoing uses, including a **parking garage** in accordance with the following:

- (B) The **lot** to which this exception applies comprises the lands delineated by heavy lines on Map 1 attached to and forming part of By-law •-2013. [Clerks to insert By-law number]
- (C) The total **gross floor area** erected or used on the **lot**, excluding those portions of the **building** used for the purposes of a **public parking** facility, must not exceed 26,400 square metres, provided;
  - i. the maximum **gross floor area** used for student accommodation must not exceed 10, 880 square metres; and
  - ii. the maximum **gross floor area** used for non-residential uses must not exceed 15,520 square metres.
- (D) Height is measured from the Canadian Geodetic Datum elevation of 90.5 metres to the highest point of the **building** or **structure**.
- (E) The height of any **building** or **structure**, must not exceed the height in metres specified by the numbers following the symbol H, and the height in storeys, excluding any stories containing mechanical and roof top elements, specified by the numbers following the symbol ST on Diagram 6 of By-law [Clerks to insert By-law number].
- (F) Despite (D) and (E) above, the following **building** elements and **structures** are permitted to exceed the maximum heights on Diagram 6 of By-law [Clerks to insert By-law number]:
  - i. the erection or use of the **structures**, elements and enclosures permitted by Section (H) of this exception;
  - ii. enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated **structures**, provided that:
    - a) all such **structures** and elements are located within the portion of the **lot** subject to a height limit of 34.5 metres as shown on Diagram 6 attached to By-law •, 2015 [Clerks to insert By-law number]: and
    - b) all such **structures** and elements are limited to a maximum vertical projection of 4.8 metres above the height limit of 34.5 metres;
  - iii. the erection or use of **structures** on any roof used for outside or open air recreation, maintenance, safety, wind or green roof purposes.

- (G) No portion of any **building** erected above grade on the **lot** can extend beyond the areas delineated by heavy lines shown on Diagram 6 attached to and forming part of By-law ●-2015 [Clerks to insert By-law number].
- (H) Despite (G) above, the following **building** elements and **structures** are permitted to extend beyond the heavy lines shown on Diagram 6 of By-law [Clerks to insert By-law number]:
- i. lighting fixtures, cornices, sills, eaves, canopies, parapets, railings, privacy screens, planters, balustrades, bollards, stairs, covered stairs or stair enclosures, awnings, fences and safety railings, trellises, window washing equipment, mechanical and architectural screens and covers, guards, guardrails, chimneys, vents, stacks, ducts, mechanical fans, retaining walls, wheel chair ramps, ornamental or architectural features, aircraft warning lights, landscape features, landscaped berms and art installations; and
  - ii. the erection of use of the **structures**, elements and enclosures permitted by Section (F) of this exception.
- (I) No portion of a **building** between finished ground level and 4.0 metres above finished ground level can be located within the hatched area shown on Diagram 6 attached to By-law ●-2015 [Clerks to insert By-law number]: with the exception of the following structures and elements:
- i. canopies, soffit and fascia, window and door sills, door swings, elements for utilities, fixed seating, patio tables and chairs, **bicycle parking spaces** and lighting; and
  - ii. signage, excluding signage affixed to the ground.
- (J) **Amenity space** must be provided and maintained as follows:
- i. a minimum of 460 square metres of indoor **amenity space** must be provided on the **lot** in a multi-purpose room or rooms, at least one of which must contain a washroom;
  - ii. a minimum of 200 square metres of outdoor **amenity space** must be provided on the **lot**; and
  - iii. such outdoor **amenity space** may be available for use by occupants and visitors to the building .
- (K) A minimum of 900 square metres of **landscaping** , which may include outdoor **amenity space** and green roof areas, must be

provided on the **lot** and such **landscaping** may be provided on the roof of the **building**.

- (L) The provisions of Article 200.5.1.10(2), Parking Space Dimensions – Minimum, apply with the exception that:
  - i. a maximum of 16 **parking spaces**, notwithstanding that such **parking spaces** may be obstructed on one or two sides in accordance with Article 200.5.1.10.(D), may have the following minimum dimensions:
    - a) Length – 5.2 metres;
    - b) Width – 2.6 metres; and
    - c) Vertical clearance – 2.0 metres;
  - ii. a maximum of 3 **parking spaces** may have the following minimum dimensions:
    - a) Length – 5.6 metres;
    - b) Width – 2.4 metres; and
    - c) Vertical clearance – 2.0 metres.
- (M) A minimum of 90 **parking spaces** must be provided and maintained on the **lot**.
- (N) A minimum of one Type “G” **loading space** must be provided and maintained on the **lot**.
- (O) Notwithstanding any provisions of this exception, By-law 569-2013, as amended or By-law 438-86 as amended, to the contrary, the loading spaces provided on the lands municipally known as 101 and 105 Bond Street in the year 2014, may be shared with uses on the **lot**.
- (P) **Bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
  - i. the minimum number of long term **bicycle parking spaces** (residents uses only) must be 100 **bicycle parking spaces**;
  - ii. the minimum number of short term **bicycle parking spaces** (residential uses only) must be 15 **bicycle parking spaces**;

- iii. the minimum number of long term **bicycle parking spaces** (non-residential uses) must be 68, of which 30 must be located at finished ground level.
- (Q) For the purpose of this exception, the following defined terms also apply::
  - i. “**student residence** ”means premises owned or operated by a **public school, private school, post-secondary school** or educational facility, consisting of **dwelling units, bed-sitting rooms** or rooms, used for student accommodation.”
- (R) None of the provisions of By-law 97-80, as amended by By-law 527-89, shall apply to prevent the development of the **lot** in accordance with the provisions of this exception and any of the **parking spaces** provided on the **lot** may be used to satisfy the number of **parking spaces** required pursuant to Section 5. of By-law 97-80, as amended by By-law 527-89.
- (S) Despite any existing of future severance, partition or division of the **lot**, the provisions of this exception must apply to the whole of the **lot** as if no severance, partition or division occurred.

#### Prevailing By-laws and Prevailing Sections

- (A) By-law 97-80, as amended by By-law 527-89

#### 8. 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 of By-law • – 2015 [NTD: **City Clerk to provide by-law number**] 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 By-law •-2015 [NTD **City Clerk to provide by-law number**] 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.

- (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 of By-law ●-2015 **[NTD City Clerk to provide by-law number]** are satisfied.

Enacted and passed on ●, 2015

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of City)

Diagram 1





Diagram 2

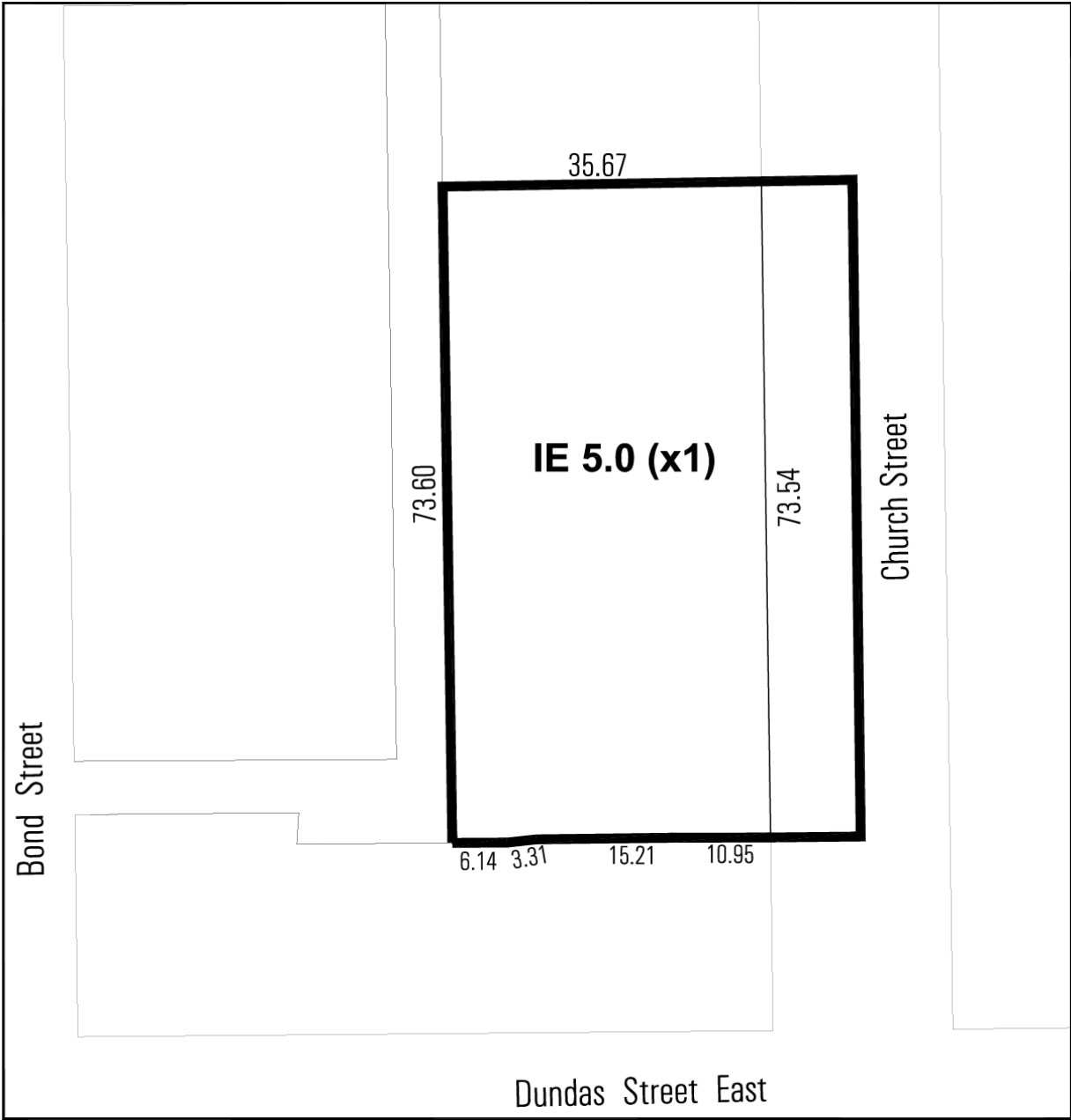


Diagram 3

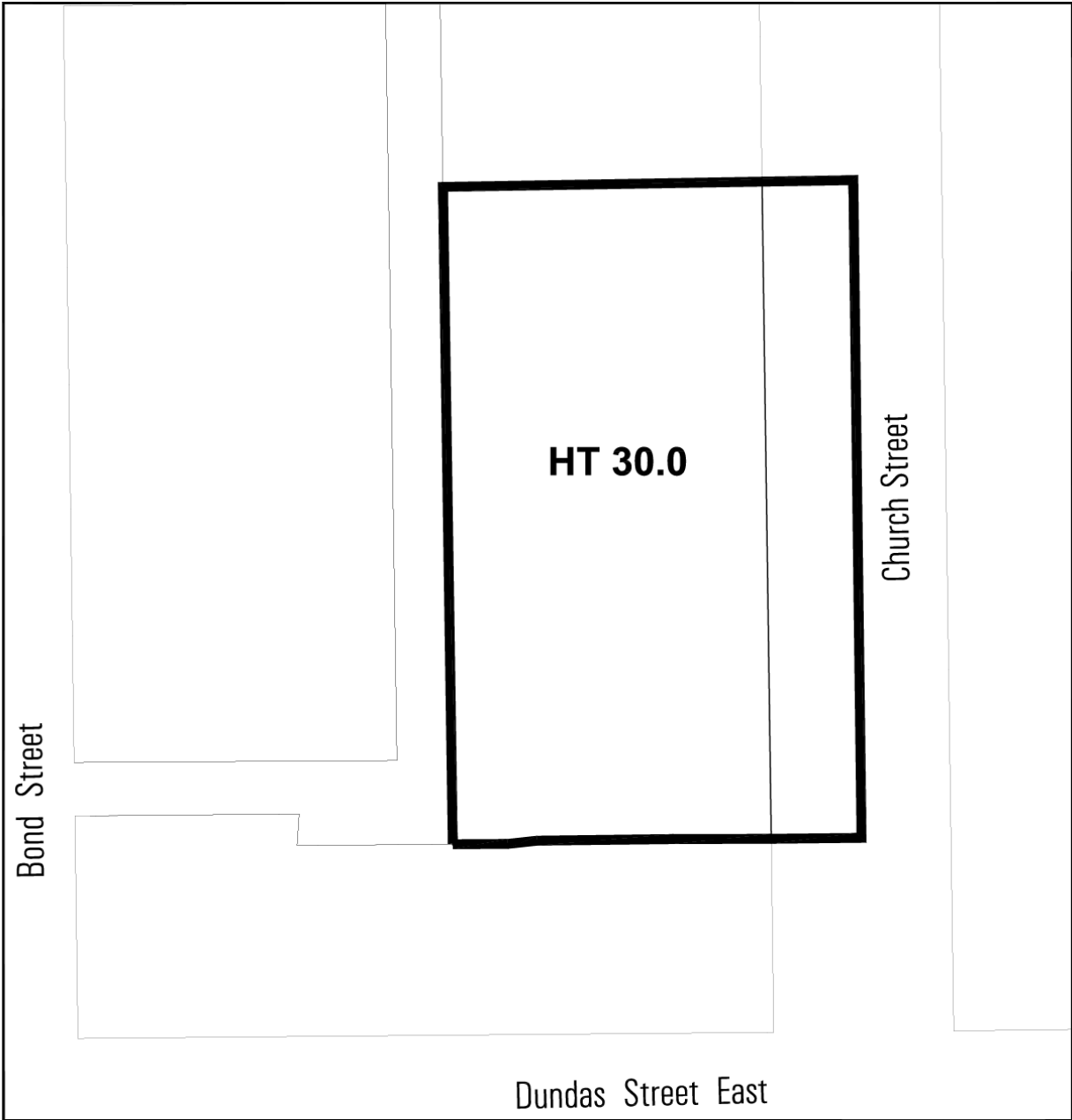


Diagram 4

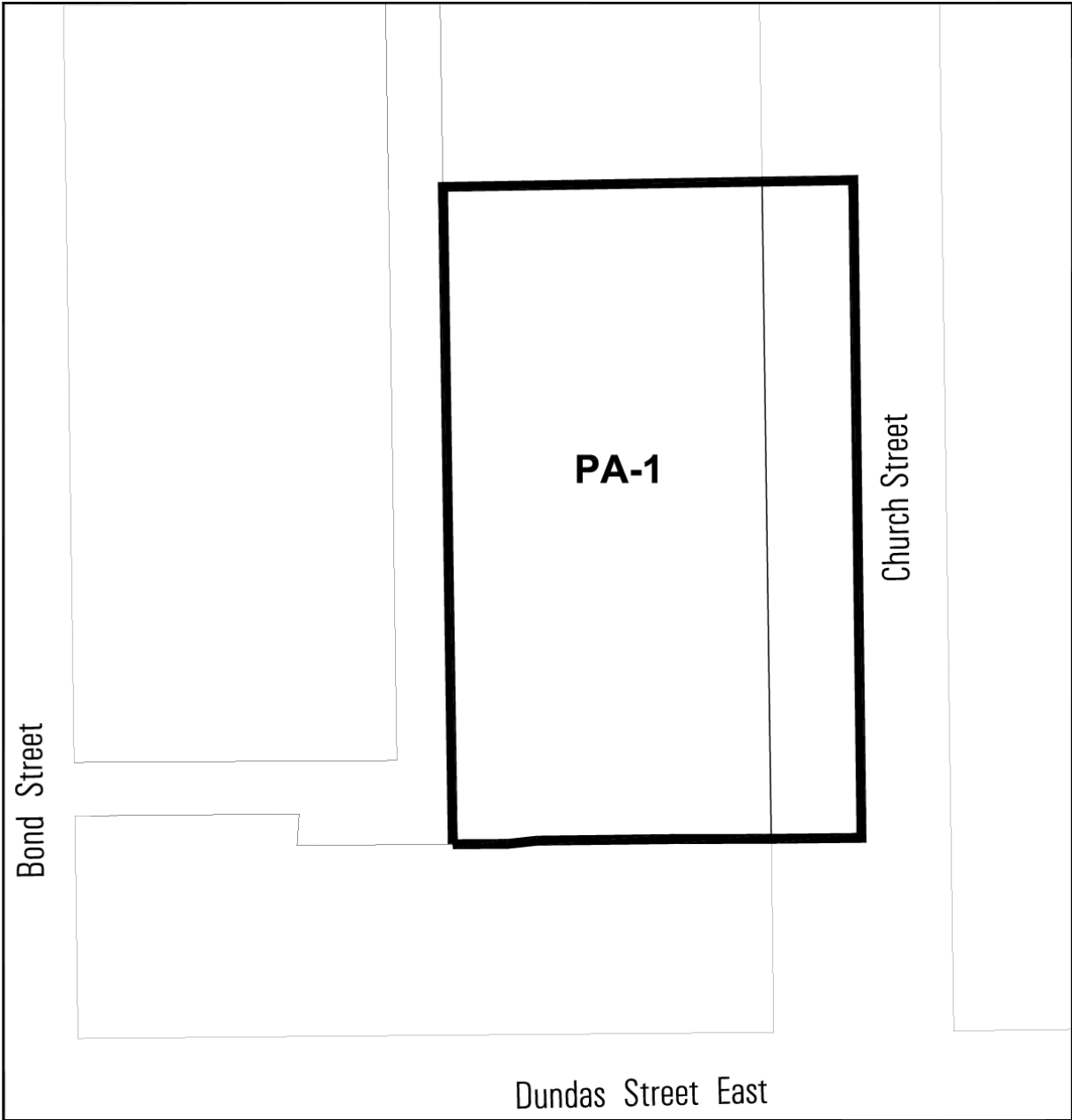


Diagram 5

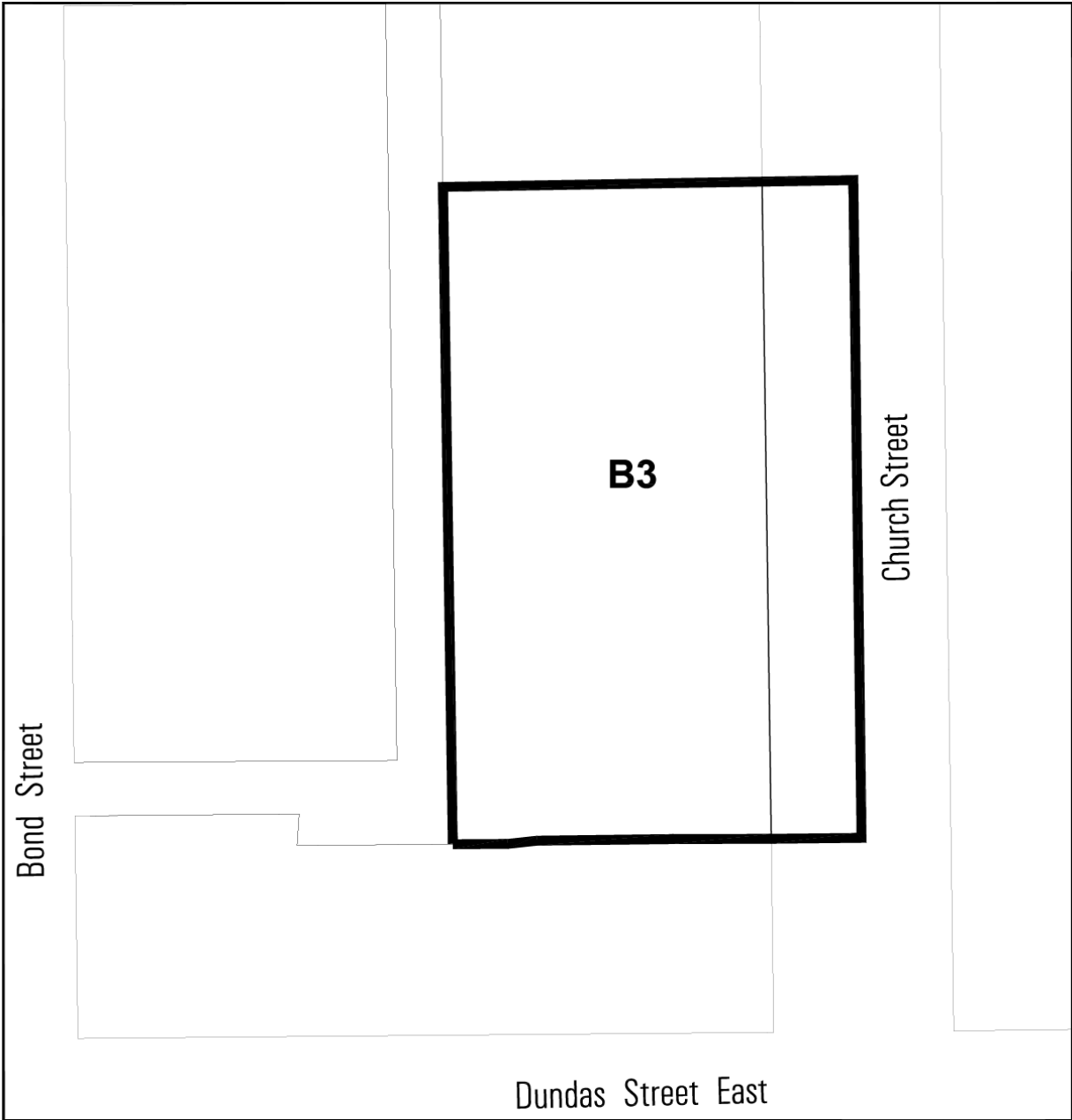
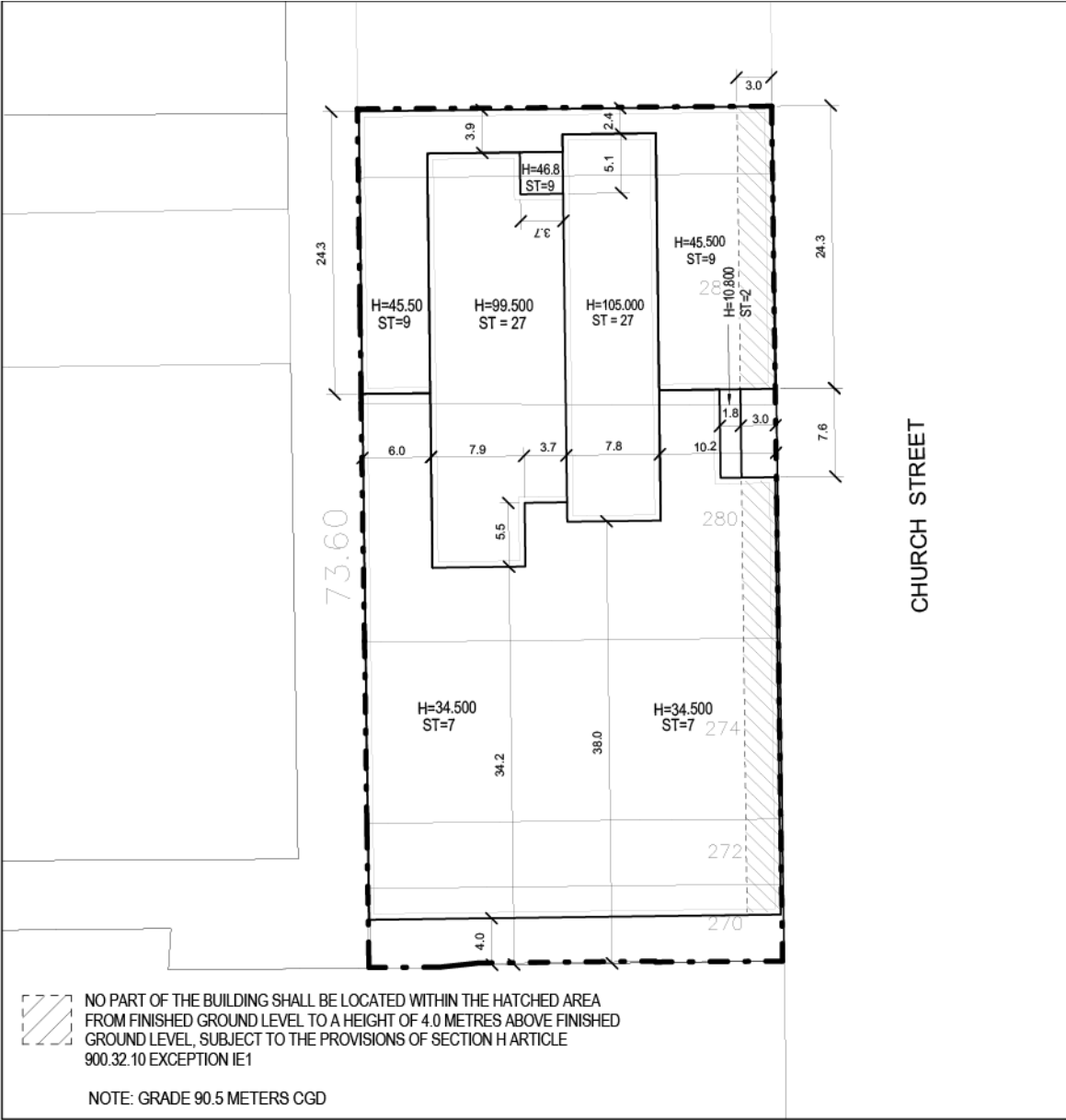


Diagram 6



**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to 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 introducing the necessary Bills to City Council for enactment, the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property abutting those portions of Church Street that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees or landscaping, with the specific location, configuration and design to be determined in the context of a site plan approval for the development pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;
  - b) the Owner shall maintain non-standard boulevard improvements in the portion of Church Street abutting the development, with the details secured in the context of site plan approval for the development pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;
  - c) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian walkway across private property at 111 Bond Street, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City, which may be relocated to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - d) the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, improvements to the public laneway adjacent to the site including pavers and lighting with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;
  - e) the Owner shall have completed construction of the publicly accessible walkway, clearway and laneway improvements referred to in a), b), c), and d) above and shall convey the publicly accessible clearway easement referred to in a) above to the City

for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as set out in the section 37 agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements and the timing related to the completion of the various matters; and

- f) in support of development, the Owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Executive Director Engineering and Construction Services.