

**TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Supplementary Report**

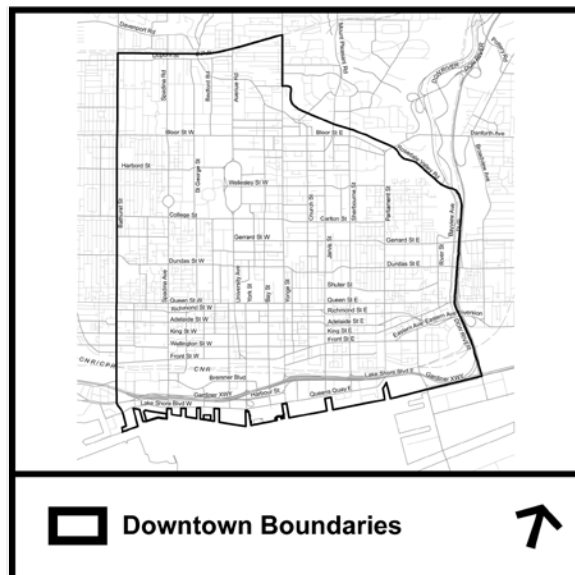
<b>Date:</b>	October 4, 2016
<b>To:</b>	City Council
<b>From:</b>	Chief Planner & Executive Director, City Planning Division
<b>Wards:</b>	Ward Nos. 20, 27 and 28
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\City Council\CC16128 File No. 16-103066 SPS 00 OZ

**SUMMARY**

Toronto and East York Community Council ("TEYCC"), on June 14, 2016, considered a staff report from the City Planning Division dated May 27, 2016 that recommended that City Council adopt a proposed City-initiated Official Plan and Zoning By-law Amendments (herein referred to as "OPA" and "ZBLAs") to update the policies and performance standards for front, side and rear lot line setbacks for tall buildings in the Downtown. The direction for this report arose from the TOcore Phase 1 Summary Report and Phase 2 Directions Report adopted by City Council on December 9, 2015.

The item was adjourned at the meeting and was continued at the September 7, 2016 TEYCC meeting, where a supplementary report provided revisions to the draft OPA and ZBLAs. At that meeting, Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning, to report to City Council on any further amendments to the draft OPA and ZBLAs.

This supplementary report provides further clarification on prevailing site and area specific by-laws, minor revisions to the proposed OPA and ZBLAs and updates the summary of consultation meetings that



have been held.

## **RECOMMENDATIONS**

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The City Planning Division recommends that City Council delete recommendations 1 – 4 from Toronto and East York Community Council and replace with the following recommendations:

1. City Council amend the Official Plan for the lands Downtown in accordance with the revised draft Area Specific Official Plan Amendment attached as Attachment No. 1 to this report (October 4, 2016) from the Chief Planner & Executive Director, City Planning Division.
2. City Council amend Zoning By-law 438-86 for the lands Downtown in accordance with the revised draft Area Specific Zoning By-law Amendment attached as Attachment No. 2 to this report (October 4, 2016) from the Chief Planner & Executive Director, City Planning Division.
3. City Council amend Zoning By-law 569-2013 for the lands Downtown in accordance with the revised draft Area Specific Zoning By-law Amendment attached as Attachment No. 3 to this report (October 4, 2016) from the Chief Planner & Executive Director, City Planning Division.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the revised draft Area Specific Official Plan Amendment and Area Specific Zoning By-law Amendments as may be required.
5. Where City Council passes a conflicting site specific by-law at the same Council meeting as the by-laws set out in Recommendations No. 2 and No. 3 above, the City Clerk is authorized to list each such site specific by-law as a prevailing by-law.
6. Where the Ontario Municipal Board is awaiting submission of the final form of a conflicting by-law already approved by the Ontario Municipal Board, the City Solicitor is authorized to insert a provision in the final form of such by-law to ensure it is listed as a prevailing by-law in respect of the by-laws set out in Recommendations No. 2 and No. 3 above.
7. If minor variance under application number A0728/16TEY respecting 44 Gerrard Street East receives final approval, City Council authorizes the City Clerk to add a clause to the draft Area Specific Zoning By-law Amendments to ensure the permissions granted by the minor variance prevail.
8. City Council authorizes the City Solicitor to add a clause to the draft Area Specific Zoning By-law Amendments to ensure the permissions granted under the minor variances for 456 Wellington Street West (A0728/07TEY) and 130 Bloor Street West/155 Cumberland Street (A0771/05TEY and A0330/07TEY) prevail

9. City Council determine that no further notice is required in respect of the revised draft Area Specific Official Plan Amendment and Area Specific Zoning Bylaw Amendments.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **COMMENTS**

### **Stakeholder and Public Engagement**

Over the course of this City-initiated project, City staff engaged with stakeholders and the public in a variety of consultations. The chart below illustrates the consultations undertaken.

<b>Consultation Date</b>	<b>Consultation Type</b>
March 29, 2016	Community Consultation – Open House
April 11, 2016	Development Industry Consultation
May 19, 2016	Development Industry Consultation
July 19, 2016	Community Consultation
July 22, 2016	Development Industry Consultation
August 17, 2016	Urban Land Institute Roundtable Discussion
August 24, 2016	Development Industry Consultation
September 29, 2016	Development Industry Consultation

At the most recent September 29, 2016 development industry consultation, further concerns were raised with respect to the wording and interpretation of the draft OPA and the transition provisions in the ZBLAs with respect to minor variances. The development industry provided suggested solutions to their concerns. Staff considered these suggestions which resulted in further amendments to the OPA and ZBLAs.

### **Revisions to the Draft Official Plan Amendment**

Since this item was before Toronto and East York Community Council on September 7, 2016, staff have made revisions to the draft OPA for further clarity. Revisions include:

- Changing the word "Downtown" to "area governed by this SASP" (Site and Area Specific Policy);
- Replacing the word "Protect" with "Consider" and adding the words "where appropriate" for criteria (b) in Section B(i) in regards to considering the development potential of other sites within the block;
- Modifying criterion (e) in Section B(i) by making "views between towers for occupants of tall buildings" its own criterion and revising that criterion to read: "encourage a reasonable level of views between towers for occupants of tall buildings". This criterion acknowledges that occupants of tall buildings should be

afforded a view to some degree, but that this view must be reasonable given the highly urbanized area of Downtown where growth and intensification is expected to occur;

- Modifying Section B(v) to read that base building heights for tall building development will "reinforce" a pedestrian scale and "respect" the existing and/or planned streetwall height context;
- Modify Section B(v) by removing, "Base buildings may be required to setback at grade to achieve good street proportion, access to sunlight on sidewalks, parks and open spaces, and public realm improvements"
- Add a new Section B(vi) that reads: "Base buildings may be required to setback at grade to achieve good street proportion, access to sunlight on sidewalks, parks and open spaces, wider sidewalks and streetscape elements and activities related to the uses at grade." This revision provides additional clarity on the interpretation of the policy; and
- Minor revisions were made to the text in general to ensure clarity and transparency in the application of the policies to tall building proposals.

The development industry provided suggested wording and revisions which Staff considered but did not accept. These suggested revisions included the following.

- Acknowledging the different function and context of residential and non-residential tall buildings with respect to the criteria in Section B(i) and in the interpretation and applicability of the OPA as a whole. Staff believe that tower setbacks and separation distances are one factor in the review of any tall building proposal. As such, the Tall Building Design Guidelines ("TBG") will continue to be used in the review of all tall building proposals. The TBG acknowledge that on a site-specific basis where adequate tower separation, setbacks, and stepbacks are achieved, flexibility may be considered for commercial-only buildings, commercial-only floors of mixed-use buildings, institutional buildings, and hotels in order to make these buildings and their uses economically viable.
- Revising Section B(iii) to increase setbacks for buildings as they increase in height to only consider sunlight access and comfortable wind conditions. Staff believe that this policy should consider both Section B(i) and all the criteria of Section B(ii). As in the TBG, greater setbacks may be required, particularly for buildings of greater height, to ensure a tall building fits harmoniously within an existing or planned context.

In addition to the above revisions which were based on stakeholder consultation, Staff have added a new clause as Section B(vii) which states: "The property municipally known, as of the year 2016, as 141 Bay Street is excluded from the policies of this SASP." There is a rezoning proposed at 141 Bay Street to permit a 53 storey (243 metre)

office building, which is the second phase of a two phased development, connected by an air rights development via a publically accessible open space above the rail corridor.

Notice has been given for consideration of this proposal at the October 13 meeting of TEYCC. The development at 45 and 141 Bay Street is a significant employment project within the financial core in close proximity to transit, expanding the Union Station transit hub with the creation of a new bus terminal, the expansion of the PATH system to the south and east and the creation of a significant Publically Accessible Open Space. Staff will be advising that a City initiated rezoning of the property at 1 Front Street West (Federal Dominion Building) would be appropriate to address concerns related to both heritage conservation and tower separation distances between the proposal at 141 Bay Street and 1 Front Street West. Staff will report back to Toronto and East York Community Council in early 2017 upon further study and consultation with the federal government and area stakeholders.

### **Revisions to the Draft Zoning Bylaw Amendments**

Since this item was before Toronto and East York Community Council on September 7, 2016, Staff have made revisions to the draft ZBLAs based on feedback from additional consultation and for further clarity. The revisions include permitting balcony projections within the required minimum tower setback which is consistent with the TBDG. Exterior stairs and access ramps above 24 metres are not permitted to project into the required minimum tower setbacks. Additional minor revisions have been made to ensure ease of interpretation and application of the proposed ZBLAs during the review of tall building development. These revisions have been reviewed in consultation with City Legal and the Building Division.

### **Prevailing By-laws**

The draft ZBLAs that went to the TEYCC meeting on June 14, 2016 included a provision that stated that certain site and area specific by-laws would prevail over the draft performance standards in the ZBLAs. Staff were to list the site and area specific by-laws that would prevail and have done so since the June 14, 2016 TEYCC meeting.

Since the September 7, 2016 TEYCC meeting, additional site and area specific by-laws have been added to the list of prevailing by-laws. City staff have reviewed all the letters submitted to TEYCC to capture all conflicting site specific zoning by-laws that fall under certain criteria. These criteria are: by-laws approved since 1994; a portion of the building exceeds 24 metres in height; and the development is approved but not yet constructed nor issued a building permit. When a site specific ZBLA met these criteria it was added to the list of prevailing by-laws. If there were instances raised in the letters which did not meet the criteria (the site-specific by-law was passed prior to 1994, for example, or a building permit was only issued for a portion of the site), the specifics of the application were reviewed by staff. In some cases, the site specific by-law was added to the list of prevailing by-laws. Examples of this include St. Michael's Hospital, which is being constructed in phases, is reliant on provincial funding, and has a proposed built form appropriate for the site.

Should City Council pass a conflicting site specific by-law at the same Council meeting as the draft ZBLAs to update tower setbacks in the Downtown, City Planning staff recommend the City Clerk be authorized to list such a site specific by-law as a prevailing by-law.

Should the Ontario Municipal Board be awaiting submission of the final form of a by-law for a development already approved by the Ontario Municipal Board, City Planning staff recommend the City Solicitor be authorized to insert a provision in the final form of such by-law to ensure it is listed as a prevailing by-law in respect of the ZBLAs to update tower setbacks in the Downtown.

### **Minor Variances**

Upon review of the letters submitted to TEYCC, one of the concerns raised had to do with minor variance approvals, to site-specific ZBLAs, for developments that have not yet been issued a building permit. A clause has been added to the draft ZBLAs that makes it clear that any minor variances that have been made to one of the listed prevailing site-specific by-law will prevail. This also extends to any future minor variances to the listed site or area specific ZBLAs.

A minor variance application for 44 Gerrard Street East (Ryerson University) will be before the Committee of Adjustment on October 5, 2016. Planning staff have reviewed the variance application and agree that it is appropriate. Should the variance be approved, the permissions granted by this variance will need to be added as a clause to the draft ZBLAs so that they prevail over the existing setbacks. This case is unique due to the timing of the minor variance hearing vis-à-vis the date this report is heard by Council. The previously approved zoning by-law amendments for this site could not simply be listed as prevailing because the minor variance varies both the site specific by-laws and the general by-law 569-2013 with respect to building setbacks above a height 24 metres.

### **Existing Area Specific Official Plan Amendments**

Comments have been received stating that the proposed OPA should exempt existing area specific Official Plan Amendments that apply to the Downtown. These existing OPAs include, but are not limited to, the North Downtown Yonge Planning Framework, the University of Toronto Secondary Plan, and block plans such as OPA 297 (applying to the lands bounded by John Street to the west, Adelaide Street West to the north, Duncan Street to the east and Pearl Street to the south).

City staff believe that the proposed OPA does not conflict with these existing area specific Official Plan Amendments. The proposed OPA includes an evaluative framework as a list of criteria that reflects the standards and intent of the Tall Buildings Design Guidelines. The Guidelines apply to all these areas and will continue to be used across the Downtown.

In the instance of OPA 297, which is a block plan including policies requiring tower separation distances of 20 metres instead of 25 metres, a thorough analysis and planning

rationale was conducted as part of that Official Plan Amendment in accordance with the intent of the Tall Buildings Design Guidelines. The block plan that considered the area specific context resulted in height limits, appropriate separation distances for this block allowing light, view and privacy, protection of heritage character, and improvements to the public realm, which include a privately owned publically-accessible space (POPS). City staff are of the opinion that OPA 297 meets the intent of the proposed OPA and therefore does not require an exemption in the proposed OPA.

## **Conclusion**

City staff recommend approval of the proposed and revised City-initiated Site and Area Specific Official Plan and Zoning By-law Amendments for tall building setbacks in the Downtown. The increase in the minimum required setbacks for tall buildings updates the current existing zoning By-law requirements, which were in place to respond to buildings of a much lower height, scale and massing. These amendments introduce an evaluative framework and zoning performance standard to improve the planning and design of tall buildings in order to improve their liveability, sustainability and to contribute to the Downtown's continued success and building strong healthy communities.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Official Plan Amendment  
Attachment 2: Zoning By-law 438-86 Amendment  
Attachment 3: Zoning By-law 569-2013 Amendment

**Attachment 1: Official Plan Amendment**

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

Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To adopt an Amendment to the Official Plan of the City of Toronto respecting the area generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 352 to the City of Toronto Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



**AMENDMENT NO. 352 TO THE OFFICIAL PLAN**

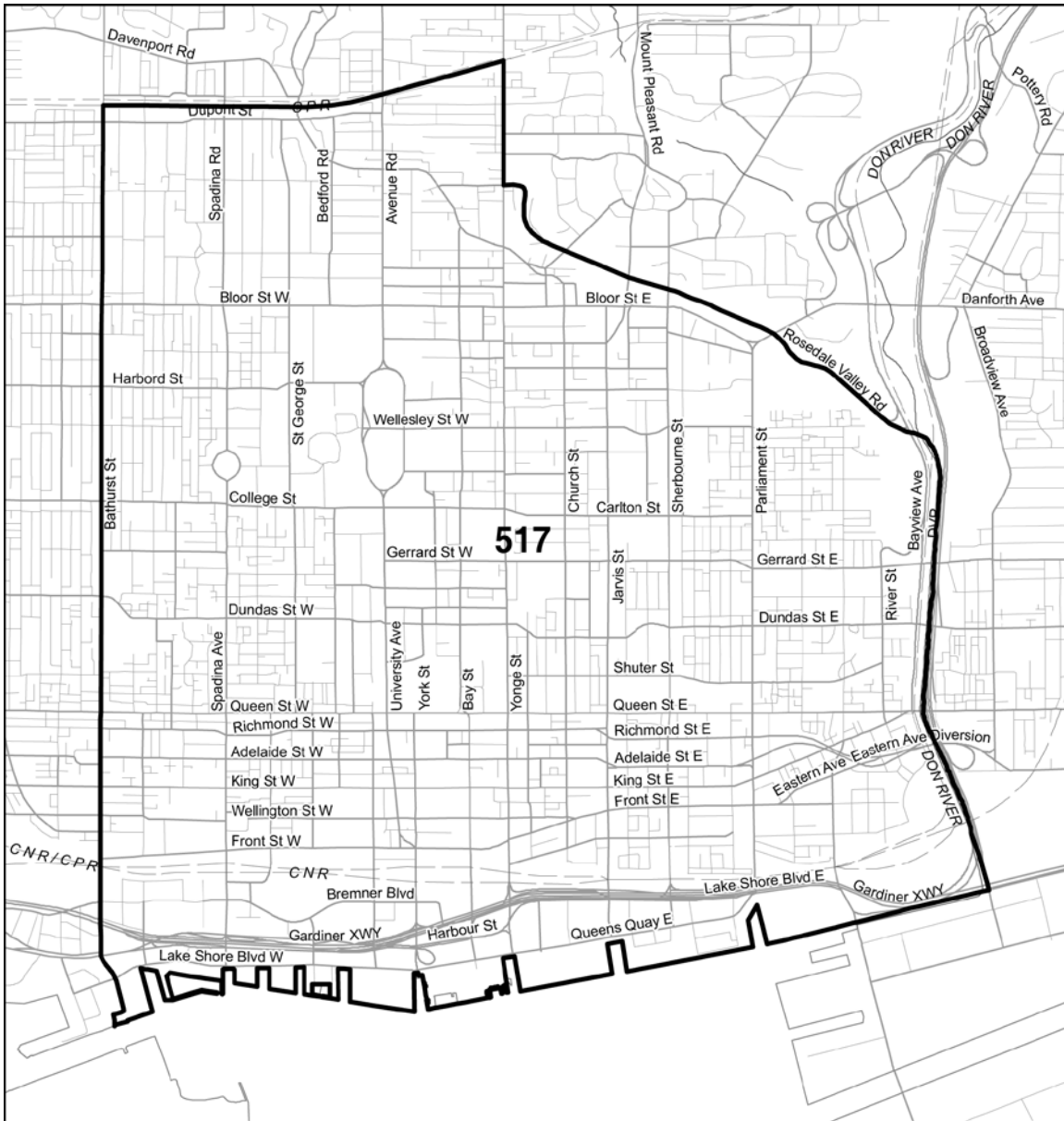
**LANDS GENERALLY BOUNDED IN THE YEAR 20~ AS  
BATHURST STREET, LAKE ONTARIO, THE DON RIVER,  
ROSEDALE VALLEY ROAD AND THE CPR TRACKS**

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The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 517 for lands generally bounded in the year 20~ as Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks, as follows:

**"517 Downtown Tall Buildings Setback Area Specific Policy, located generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR Tracks:**



## **DOWNTOWN TALL BUILDINGS**

- A) For the purpose of this Site and Area Specific Policy:
- i) a tall building typically has a base building component and a tower component. The policies will also apply to other tall building typologies; and
  - ii) a base building is the lower component of a tall building that is intended to frame the public realm with good street proportion and pedestrian scale, articulate entrances, and assist in the creation of an attractive and animated public realm.
- B) i) Tall building development that occurs in the area governed by this SASP will provide setbacks from the lot lines to the tower portion of the building so that individual tall buildings on a site and the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context.

- ii) The Zoning By-law will contain minimum numerical standards for tower setbacks from property lines and separation distances between towers in the area governed by this SASP. Zoning By-law amendments may be considered through rezoning or minor variance providing that adequate space between towers within the block will:
    - a) provide a high-quality, comfortable public realm;
    - b) consider development potential, where appropriate, of other sites within the block;
    - c) provide appropriate access to sunlight on surrounding streets, parks, open spaces, school yards, and other public or civic properties;
    - d) provide appropriate access to natural light and a reasonable level of privacy for occupants of tall buildings;
    - e) provide appropriate pedestrian-level views of the sky between towers as experienced from adjacent streets, parks and open spaces;
    - f) encourage a reasonable level of views between towers for occupants of tall buildings; and
    - g) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties to appropriate levels.
  
  - iii) Not every site in the area governed by this SASP can accommodate a tall building. Proposed tall buildings that do not meet the intent of Policies B (i) and B(ii) present significant concern for building strong healthy communities in the area governed by this SASP and as such those sites are not considered suitable for tall building development.
  
  - iv) As building heights increase, greater lot line setbacks may be required from the tower to the lot line to achieve the intent of Policies B(i) and B(ii).
  
  - v) Base building height for tall building development will reinforce a pedestrian scale and respect the existing and/or planned streetwall height context of the block in which the tall building proposal is situated. Where there is no consistent streetwall height context for the block, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion.
  
  - vi) Base buildings may be required to setback at grade to achieve good street proportion, access to sunlight on sidewalks, parks and open spaces, wider sidewalks and streetscape elements and activities related to the uses at grade.
  
  - vii) Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan Area will prevail over this Site and Area Specific Policy.
  
  - viii) The property municipally known, as of the year 2016, as 141 Bay Street is excluded from the policies of this SASP."
3. Map 29 in Chapter 7 of the City of Toronto Official Plan, entitled Site and Area Specific Policies, is amended by adding the lands shown above to the "Areas affected by the Site and Area Specific Policies" as Policy No. 517.

## Attachment 2: Zoning By-law 438-86 Amendment

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

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

#### To amend Zoning By-law No. 438-86, as amended, with respect to tall buildings setbacks in the downtown area of the City

WHEREAS authority is given to Council by 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Bylaw No. 438-86, as amended, is further amended to insert Section 12 (2) [Clerk's to enter exception number here], so that it reads:
  - X. No person shall erect or use a building or structure on the lands shown delineated by heavy lines on the map and identified by the label "A" appearing at the end of this paragraph that does not comply with the following:
    - (1) Every *tower* must be no closer than:
      - (a) 3.0 metres to a *lot* line abutting a *street* that is a public highway and 12.5 metres to the centre line of that *street*;
      - (b) 12.5 metres to the centre line of an abutting *street* that is a public lane; and
      - (c) 12.5 metres to a *lot* line having no abutting *street*;
    - (2) Every *tower* must be no closer than 25 metres to another *tower* on the same *lot*;
    - (3) If a line projected at a right angle from a main wall of a *tower* intercepts another main wall of the same *tower*, those main walls must be separated by a minimum of 25.0 metres; and

- (4) The following building elements attached to a *tower* must neither encroach into the setbacks required in 12(2) X.(1)(a), 12 (2) X.(1)(b) or 12(2) X.(1)(c) of this by-law, nor encroach into the separation distances required in 12(2) X.(2) or 12(2) X.(3) of this by-law:
- (a) bay windows;
  - (b) box windows;
  - (c) other window projections;
  - (d) exterior stairs;
  - (e) access ramps.
- (5) The following building elements attached to a *tower* may encroach into the separation distances required in 12(2) X.(2) or 12(2)X.3 of this by-law:
- (a) platforms, such as a balcony, projecting up to 1.5 metres from the *tower*;
  - (b) a canopy, awning or similar structure, with or without structural support, or a roof over a platform which complies with regulation 12(2)(X)(5)(a) projecting up to 1.5 metres from the *tower*;
  - (c) cladding added to the original exterior surface of the main wall of a *tower*, projecting up to 0.15 metres from the *tower*, if the *tower* is at least 5 years old;
  - (d) architectural features, including a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a *tower*, projecting up to 0.3 metres from the *tower*;
  - (e) eaves, projecting up to 0.9 metres from the *tower*; and
  - (f) equipment, including a vent or pipe, projecting up to 0.6 metres from the *tower*.
- (6) Despite the regulations in 12(2)(X).(4) and 12(2)(X).(5) permitting certain building elements to encroach into setbacks of a *tower* from lot lines and into the separation distance between *towers* on the same lot, such building elements must not penetrate into a required *angular plane*.

- (7) None of the provisions of this exception 12(2) X shall apply to prevent the erection or use of a building or structure constructed pursuant to a building permit issued prior to Oct 4, 2016.
  
- (8) None of the provisions of this exception 12(2) X shall apply to prevent the erection or use of a building or structure permitted by the following by-laws, as amended pursuant to a Section 34 Planning Act by-law or authorized by a Section 45 Planning Act minor variance:
  - (a) 1980-0097 – Respecting Ryerson University;
  - (b) 1988-0998 – Respecting 40 Temperance Street;
  - (c) 1989-0527 – Respecting Ryerson University;
  - (d) 1994-0605 – Respecting 40 Temperance Street;
  - (e) 1996-0483 – Respecting 7, 15, 25R, 29 and 39 Queens Quay East;
  - (f) 1999-0068 – Respecting 30 Bond Street (St. Michael's Hospital);
  - (g) 2002-0927 – Respecting 381-411 Richmond Street East and 424-460 Adelaide street East;
  - (h) 2003-0101 – Respecting 837 and 837R Yonge Street;
  - (i) 2005-0180 – Respecting 30 Mutual Street and 88 Queen Street East;
  - (j) 2006-0460 – Respecting 40 Temperance Street;
  - (k) 2006-1049 – Respecting the East Bayfront – West Precinct;
  - (l) 2008-0060 – Respecting 4, 6 and 8 St. Thomas Street and 100-110 Charles Street West;
  - (m) 2008-0860 – Respecting 1 Front Street East, and 5 and 7 The Esplanade;
  - (n) 2010-0490 – Respecting 46-52 Spadina Avenue and 378 Wellington Street West;

- (o) 2010-0787 – Respecting 2 Bloor Street West;
- (p) 2010-1040 – Respecting 335 King Street West, 355 King Street West and 119 Blue Jays Way;
- (q) 2010-1046 – Respecting 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor Street;
- (r) 2010-1118 – Respecting 203 Jarvis Street;
- (s) 2010-1174 – Respecting the Keating Channel Precinct West;
- (t) 2012-0523 – Respecting 94 Cumberland Street and 24 and 25 Bellair Street;
- (u) 2012-0680 – Respecting 7, 15, 25R, 29 and 39 Queen Quay East;
- (v) 2012-1035 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (w) 2012-1048 – Respecting 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33 and 35 and 49 Niagara Street;
- (x) 2012-1049 – Respecting 1, 3, 5, 7 and 9 Sultan Street, and 11 St. Thomas Street;
- (y) 2012-1556 – Respecting 357-363 King Street West and 62 Peter Street;
- (z) 2013-0444 – Respecting 261 Queens Quay East;
- (aa) 2013-0623 – Respecting 281-289 Avenue Road;
- (bb) 2013-0817 – Respecting 2, 6 and 8 Gloucester Street and 601-613 Yonge Street;
- (cc) 2013-0826 – Respecting 159 Wellesley Street East;
- (dd) 2013-1043 – Respecting 951 to 971 Bay Street and 36 Wellesley Street West;
- (ee) 2013-1050 - Respecting 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street;

- (ff) 2013-1084 – Respecting 21 Avenue Road;
- (gg) 2013-1341 – Respecting 200 Dundas Street East, 241-251 Jarvis Street and 280 George Street;
- (hh) 2013-1498 – Respecting 1 The Esplanade;
- (ii) 2013-1502 – Respecting 388 King Street West and 82 Peter Street;
- (jj) 2013-1503 – Respecting 81 and 87 Peter Street;
- (ll) 2013-1504 – Respecting 523, 525 and 525A Adelaide Street West;
- (mm) 2013-1523 – Respecting 197, 197R and 201 Yonge Street and 15 Shuter Street;
- (nn) 2013-1710 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (oo) 2013-1724 – Respecting 454-464 Yonge Street;
- (pp) 2013-1725 – Respecting 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street;
- (qq) 2014-0086 – Respecting 64-70 Shuter Street;
- (rr) 2014-0133 – Respecting 545, 555, 565 Sherbourne Street;
- (ss) 2014-0139 – Respecting 501- 521 Yonge Street, 6-8 Alexander Street and 23 Maitland Street;
- (tt) 2014-0303 – Respecting 17 Dundonald Street;
- (uu) 2014-0693 – Respecting 547, 549 and 555 College Street;
- (vv) 2014-0699 – Respecting 523, 525 and 525A Adelaide St W;
- (ww) 2014-1011 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (xx) 2014-1028 - Respecting 186-188 Jarvis Street;



- (yy) 2014-1041 – Respecting 324, 326, 328 and 332 Richmond Street West;
- (zz) 2014-1051 – Respecting 481 University Avenue, 210 Dundas Street West, 70 Centre Avenue and 137 Edward Street;
- (aaa) 2014-1061 – Respecting 57 Spadina Avenue;
- (bbb) 2014-1063 – Respecting 5 to 25 Wellesley Street West and 14 to 26 Breadalbane Street and 155 St. Luke Lane;
- (ccc) 2014-1078 – Respecting 219 Queen Street West;
- (ddd) 2015-0391 – Respecting 47-55 St George Street;
- (eee) 2015-0806 – Respecting 231-237 College Street and 177-189 Huron Street;
- (fff) 2015-0811 – Respecting 424-460 Adelaide Street East;
- (ggg) 2015-0837 – Respecting 355 Church Street;
- (hhh) 2015-1027 – Respecting 156-174 Front Street West and 43-51 Simcoe Street;
- (iii) 2015-1042 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (jjj) 2015-1049 – Respecting 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street;
- (kkk) 2015-1050 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (lll) 2015-1275 – Respecting 375, 375R and 379 and 381 Queen Street West;
- (mmm) 2015-1366 – Respecting 500 Lake Shore Boulevard West;
- (nnn) 2016-0132 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
- (ooo) 2016-0239 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
- (ppp) 2016-0273 – Respecting 40-58 Widmer Street;

- (qqq) 2016-0382 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
  - (rrr) 2016-0529 – Respecting 70 and 72 Carlton Street;
  - (sss) 2016-0671 – 604-618 Richmond Street West;
  - (ttt) 2016-0757 – Respecting 11 and 33 Centre Avenue and 80 Chestnut Street;
  - (uuu) 2016-0778 – Respecting 587-599 Yonge Street, 2 and 4 Dundonald Street, and 7 and 9 Gloucester Street; and
  - (vvv) 2016-0780 – Respecting 245,251 and 255 College Street, 39 and 40 Glasgow Street;
- (9) The following Section 12(2) exceptions prevail over the setbacks required in 12(2) X.(1), 12(2)X.(2) and 12(2)X.(3), the prohibited projections of 12(2)X.(4) and the permitted projections of 12(2)X.(5) of this by-law:
- (a) Section 12(2) 122;
  - (b) Section 12(2) 141;
  - (c) Section 12(2) 229;
  - (d) Section 12(2) 250;
  - (e) Section 12(2) 297;
  - (f) Section 12(2) 302; and
  - (g) Section 12(2) 310.
- (10) For the purposes of this exception, *tower* means the portions of a building which collectively enclose the entirety of a *storey* higher than 24.0 metres above *grade*.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal



**TORONTO** City Planning  
**Zoning By-Law 438-86**

**Downtown Tall Building Setback**

File # 16 103066 SPS 00 0Z

**Legend**

 Toronto Downtown



Not to Scale  
 5/5/2016

### Attachment 3: Zoning By-law 569-2013 Amendment

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

#### CITY OF TORONTO

Bill No. ~

#### BY-LAW No. [XXXX- 2016]

#### To amend Zoning By-law No. 569-2013, as amended, with respect to tall buildings setbacks in the downtown area of the City.

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

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 No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by inserting Section 600.10 and Regulation 600.10.10(1) so that it reads:

#### 600.10 Building Setback Overlay District Map

- (1) For the purposes of Section 600.10, tower means the portions of a **building** which collectively enclose the entirety of a **storey** higher than 24.0 metres above **average grade**.

#### 600.10.10 Building Setback Overlay District "A"

- (1) District "A" Building Setback

The areas within the heavy lines on the Building Setback Overlay District Map in Diagram 1 of By-law [Clerks to insert By-law number]-2016 identified as area "A" are subject to the following:

- (A) Despite regulations 40.5.40.71(2), 40.10.40.70 (1), 50.5.40.71(2) and 50.10.40.70 (1), every tower must be set back at least:

- (i) the greater of:
    - (a) 3.0 metres from a **lot line** that abuts a **street**; and
    - (b) 12.5 metres from the centre line of that abutting **street**;
  - (ii) 12.5 metres from the centre line of an abutting **lane**; and
  - (iii) 12.5 metres from a **lot line** having no abutting **street** or **lane**.
- (B) Despite regulations 40.10.40.80 (1) and 50.10.40.80 (1), (2), (3) and (5), each tower must be separated by at least 25.0 metres from each other tower on the same **lot**.
- (C) If a line projected at a right angle from a **main wall** of a tower intercepts another **main wall** of the same tower, those **main walls** must be separated by a minimum of 25.0 metres.
- (D) Despite regulations 40.10.40.60 (6) and 50.10.40.60 (6), the following projections which are attached to a tower must not encroach into the **building setbacks** required in regulations 600.10.10 (1) (A):
- (i) bay windows;
  - (ii) box windows;
  - (iii) other window projections;
  - (iv) exterior stairs; and/or
  - (v) access ramps.
- (E) The following **building** elements which are attached to a tower may encroach into the separation distances between towers on the same lot required in regulations 600.10.10 (1) (B) and 600.10.10 (1) (C):
- (i) a platform, such as a balcony, projecting up to 1.5 metres from the tower;
  - (ii) a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with regulation 600.10.10 (1) (E) (i), projecting up to 1.5 metres from the tower;
  - (iii) cladding added to the original exterior surface of the **main wall** of a tower, projecting up to 0.15 metres from the tower, if the tower is at least 5 years old;

- (iv) architectural features, including a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a tower, projecting up to 0.3 metres from the tower;
  - (v) eaves, projecting up to 0.9 metres from the tower; and
  - (vi) equipment, including a vent or pipe, projecting up to 0.6 metres from the tower;
- (F) Despite the regulations in 600.10.10 (1) (E), **building** elements which are attached to a tower and are permitted to encroach into either the setback required in regulation 600.10.10.(1)(A) or the separation distances required in regulations 600.10.10 (1) (B) and 600.10.10 (1) (C) must not penetrate into a required **angular plane**.
- (3) None of the provisions of Section 600.10.10 Building Setback Overlay District "A" apply to prevent the erection or use of a **building** or **structure** constructed pursuant to a building permit issued prior to October 4, 2016.
- (4) None of the provisions of this Section 600.10.10 Building Setback Overlay District "A" apply to prevent the erection or use of a **building** or **structure** permitted by the following site specific by-laws, as amended pursuant to a Section 34 Planning Act bylaw or authorized by a Section 45 Planning Act minor variance:
- (A) 1980-0097 – Respecting Ryerson University;
  - (B) 1989-0527 – Respecting Ryerson University;
  - (C) 1996-0483 – Respecting 7, 15, 25R, 29 and 39 Queens Quay East;
  - (D) 1999-0068 – Respecting 30 Bond Street (St. Michael's Hospital);
  - (E) 2002-0927 – 381-411 Richmond Street East and 424-460 Adelaide Street East;
  - (F) 2003-0101 – Respecting 837 and 837R Yonge Street;
  - (G) 2006-1049 – Respecting the East Bayfront – West Precinct;
  - (H) 2008-0060 – Respecting 4, 6 and 8 St. Thomas Street and 100-110 Charles Street West;
  - (I) 2008-0860 – Respecting 1 Front Street East, and 5 and 7 The Esplanade;

- (J) 2010-0490 – Respecting 46-62 Spadina Avenue and 378 Wellington Street West;
- (K) 2010-0787 – Respecting 2 Bloor Street West;
- (L) 2010-1041 – Respecting 335 King Street West, 355 King Street West and 119 Blue Jays Way;
- (M) 2010-1046 – Respecting 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor Street;
- (N) 2010-1118 – Respecting 203 Jarvis Street;
- (O) 2010-1174 – Respecting the Keating Channel Precinct West;
- (P) 2012-0680 – Respecting 7, 15, 25R, 29 and 39 Queen Quay East;
- (Q) 2012-1035 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (R) 2012-1048 – Respecting 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33 and 35 and 49 Niagara Street;
- (S) 2012-1049 – Respecting 1, 3, 5, 7 and 9 Sultan Street, and 11 St. Thomas Street;
- (T) 2012-1556 – Respecting 357-363 King Street West and 62 Peter Street;
- (U) 2013-0444 – Respecting 261 Queens Quay East;
- (V) 2013-0623 – Respecting 281-289 Avenue Road;
- (W) 2013-0817 – Respecting 2, 6 and 8 Gloucester Street and 601-613 Yonge Street;
- (X) 2013-0826 – Respecting 159 Wellesley Street East;
- (Y) 2013-1043 – Respecting 951 to 971 Bay Street and 36 Wellesley Street West;
- (Z) 2013-1084 – Respecting 21 Avenue Road;
- (AA) 2013-1341 – Respecting 200 Dundas Street East, 241-251 Jarvis Street and 280 George Street;



- (BB) 2013-1498 – Respecting 1 The Esplanade;
- (CC) 2013-1502 – Respecting 388 King Street West and 82 Peter Street;
- (DD) 2013-1503 – Respecting 81 and 87 Peter Street;
- (EE) 2013-1504 – Respecting 523, 525 and 525A Adelaide Street West;
- (FF) 2013-1523 – Respecting 197, 197R and 201 Yonge Street and 15 Shuter Street;
- (GG) 2013-1710 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (HH) 2013-1724 – Respecting 454-464 Yonge Street;
- (II) 2013-1725 – Respecting 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street;
- (JJ) 2014-0086 – Respecting 64-70 Shuter Street;
- (KK) 2014-0133 – Respecting 545, 555, 565 Sherbourne Street;
- (LL) 2014-0139 – Respecting 501- 521 Yonge Street, 6-8 Alexander Street and 23 Maitland Street;
- (MM) 2014-0303 – Respecting 17 Dundonald Street;
- (NN) 2014-0694 – Respecting 547, 549 and 555 College Street;
- (OO) 2014-0699 – Respecting 523, 525 and 525A Adelaide Street West;
- (PP) 2014-1011 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (QQ) 2014-1028 – Respecting 186-188 Jarvis Street;
- (RR) 2014-1041 – Respecting 324, 326, 328 and 332 Richmond Street West;
- (SS) 2014-1051 – Respecting 481 University Avenue, 210 Dundas Street West, 70 Centre Avenue and 137 Edward Street;
- (TT) 2014-1062 – Respecting 57 Spadina Avenue;

- (UU) 2014-1063 – Respecting 5 to 25 Wellesley Street West and 14 to 26 Breadalbane Street and 155 St. Luke Lane;
- (VV) 2014-1078 – Respecting 219 Queen Street West;
- (WW) 2015-0391 – Respecting 47-55 St. George Street;
- (XX) 2015-0806 – Respecting 231-237 College Street and 177-189 Huron Street;
- (YY) 2015-0811 – 424-460 Adelaide Street East;
- (ZZ) 2015-0837 – Respecting 355 Church Street;
- (AAA) 2015-1043 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (BBB) 2015-1050 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (CCC) 2015-1275 – Respecting 375, 375R and 379 and 381 Queen Street West;
- (DDD) 2015-1366 – Respecting 500 Lake Shore Boulevard West;
- (EEE) 2016-0133 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
- (FFF) 2016-0240 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
- (GGG) 2016-0273 – Respecting 40-58 Widmer Street;
- (HHH) 2016-0383 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
- (III) 2016-0529 – Respecting 70 and 72 Carlton Street;
- (JJJ) 2016-0672 – 604-618 Richmond Street West;
- (KKK) 2016-0758 – Respecting 11 and 33 Centre Avenue and 80 Chestnut Street;
- (LLL) 2016-0778 – Respecting 587-599 Yonge Street, 2 and 4 Dundonald Street, and 7 and 9 Gloucester Street; and

(MMM) 2016-0780 – Respecting 245,251 and 255 College Street, 39 and 40 Glasgow Street;

- (5) None of the provisions of 600.10.10(1)(A), 600.10.10(1)(B), 600.10.10(1)(C) and 600.10.10.(D) apply to prevent the erection of a **building** or **structure** if the site specific exception existing on a **lot** on October 4, 2016 includes either of the following as a Prevailing By-law and Prevailing Section:
- (A) Section 12(2) 122 of former City of Toronto By-law 438-86;
  - (B) Section 12(2) 229 of former City of Toronto By-law 438-86; and
  - (C) Section 12(2) 250 of former City of Toronto By-law 438-86.
- (6) The **Former City of Toronto Zoning By-law 438-86**, including the definitions, as amended, as they read on October 4, 2016, apply to assist in the interpretation of any minor variance referred to in the context of Regulations 600.10.10 (4) of this By-law.

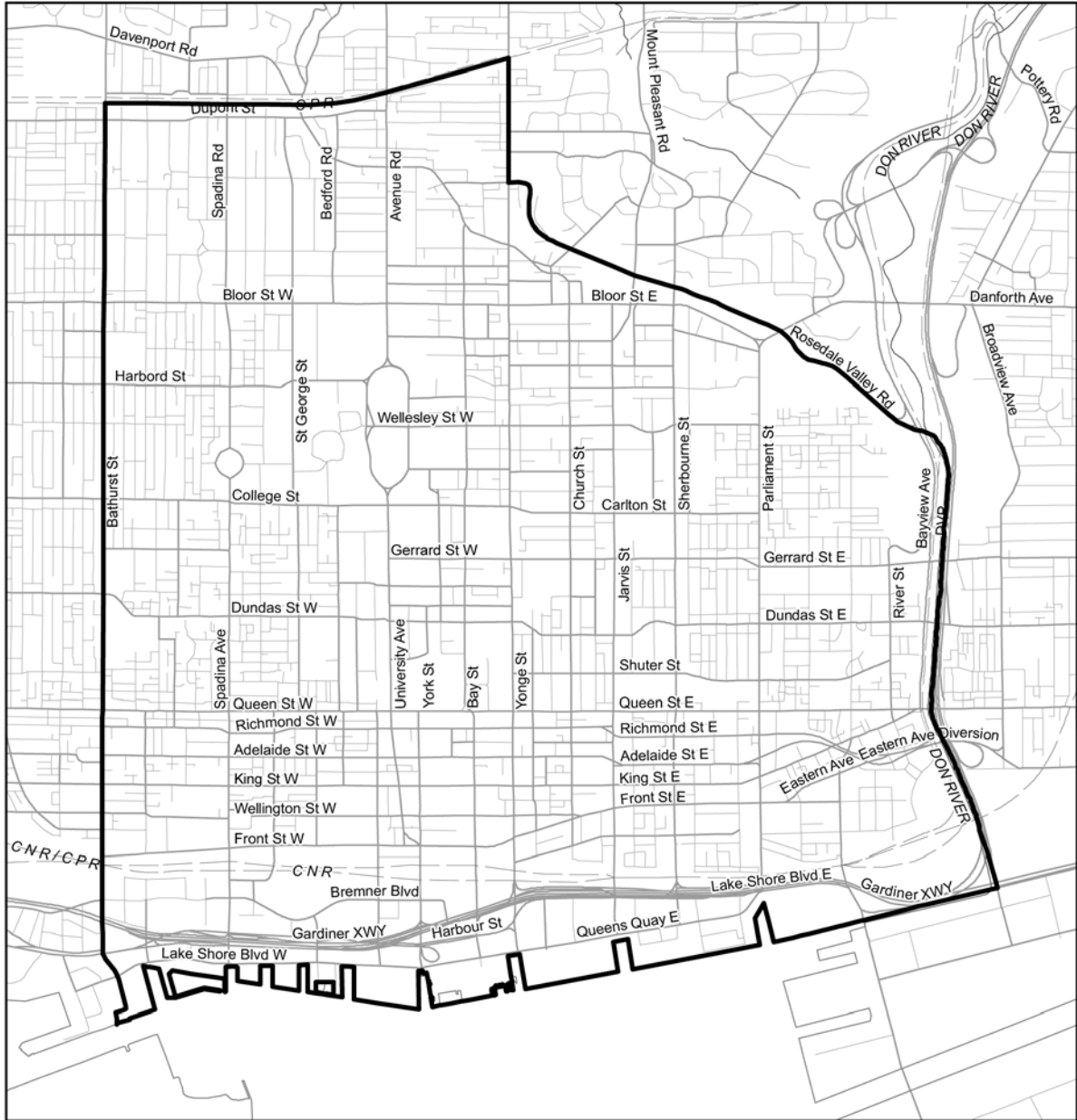
Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

Diagram 1



**TORONTO** City Planning  
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