

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. ~, as amended,  
With respect to the lands municipally known as,  
49 to 51 Camden Street**

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*;

WHEREAS the Official Plan for the City of Toronto contains such 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 increase in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the Owner to enter into one or more agreements with the municipality dealing with the facilities, services, and matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, 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. Pursuant of Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services, and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. Height and Minimum Lot Frontage Map District Map No. 50G-321 contained in Appendix "B" of By-law 438-86, as amended, is further amended in accordance with Map 2 attached hereto and forming part of this By-law.
5. None of the provisions of Sections 4(2)(a), 4(5)(B), 4(8)(B), 4(12), 4(13)(c), 4(16), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(A), and 8(3) Part XI 2(ii) of By-law 436-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *hotel, restaurant, patio, or office*, including any *accessory* uses thereto, within the *lot* provided that all the provisions of this By-law are complied with.
  - (a) The lot on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
  - (b) The maximum *non-residential gross floor area* permitted on the *lot* is 8,000 square metres;
  - (c) No *residential gross floor area* is permitted on the *lot*.
  - (d) No portion of any building or structure erected or used above *grade* on the *lot* is located otherwise than wholly within the *building envelope*, with the exception of the following:
    - i. Canopies, awnings, cornices, light fixtures, ornamental or architectural elements, public art, parapets, window sills, drainage edging elements, shadow reveal details, railings, stairs, stair enclosures, wheelchair ramps, landscape features, bicycle racking systems, air shafts, transformer vaults, and elements required for the functional operation of the building, up to a maximum of 3.0 metres above *grade*; and
  - (e) The *height* of any building or structure, or portion thereof, shall not exceed those *heights* as indicated by the numbers following the symbol "H" on the attached Map 2, with the exception of the following elements which may exceed the 5.0 metre and 9.0 metre height limits indicated by the number following the letter "H" shown on Map 2 of this By-law:

- i. Parapets, window washing equipment, fireplace chimney, sky-lights, green roof elements, enclosed heating, ventilation or cooling equipment such as chimneys, stacks, and flues, extending not more than 5.0 metres above the applicable height limit.
  - (f) No *parking spaces* are required to be provided and maintained for the use of the *lot*.
  - (g) A minimum of one *loading space – type "C"* shall be provided on the *lot*.
  - (h) A minimum of 17 *bicycle parking spaces* shall be provided for the use of the lot, to consist of:
    - i. A minimum of 7 *bicycle parking spaces – occupant* provided on the lot which may be provided in a stacked bicycle parking system or in a horizontal bicycle parking rack; and
    - ii. A minimum of 10 *bicycle parking spaces – visitor* may be provided on the *lot* and/or within a public right-of-way adjacent to the *lot*.
  - (i) No open space, *landscaped open space* or amenity space shall be required on the *lot*.
5. Definitions: For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by said By-law 438-86, as amended, except for the following:
- (a) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
    - a. Where the bicycles are to be stacked and parked horizontally, such *bicycle parking spaces* shall have horizontal dimensions of at least 0.6 meter by 1.8 metres and a vertical dimension of at least 1.2 metres; and
    - b. In the case of a bike rack, is located in a secured room or area;
  - (b) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated on Map 2 attached hereto;
  - (c) "*loading space – type C*" means a loading space with a length of 8.3 metres, a width of at least 4.7 meters and a minimum vertical clearance of at least 4.0 metres that is accessed via a private right-of-way with a minimum vehicle two-way access width of 4.57 metres.
6. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**Appendix 1: Section 37 Provisions**

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 Map 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 site plan approval, the owner shall provide a Loading Management Plan to the satisfaction of the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor and the Garment District Neighbourhood Association.
- (2) The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
- (3) Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.
- (4) Prior to site plan approval, the owner shall provide a letter from an acoustician detailing noise mitigation measures for the proposed hotel and associated uses and an undertaking to implement the mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor and the Garment District Neighbourhood Association.
- (5) Prior to site plan approval, the owner shall submit a Wind Study for the proposed development and an undertaking to implement any necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning division.



