

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

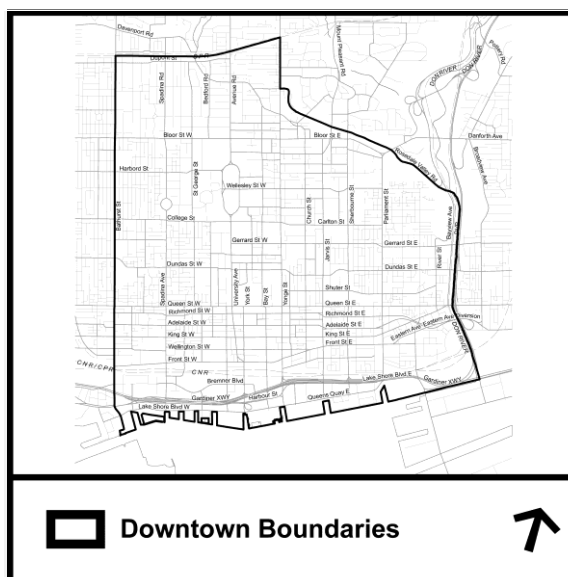
Date:	August 31, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward Nos. 20, 27 and 28
Reference Number:	File No. 16-103066 SPS 00 OZ

SUMMARY

Toronto and East York Community Council, on June 14, 2016, considered a staff report from the City Planning Division dated May 27, 2016 that recommended that City Council adopt the 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 item was adjourned at the meeting and will be continued at the September 7, 2016 Toronto and East York Community Council meeting.

The proposed OPA and ZBLAs are the outcome of a six-month study and will provide policy and update the setback requirements 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.

This supplementary report provides clarification on prevailing site and area specific by-laws and the implementation of the new OPA and ZBLAs. This report



should be read in conjunction with the report dated May 27, 2016.

RECOMMENDATIONS

The City Planning Division recommends that:

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 (August 31, 2016) from the Director, Community Planning, Toronto and East York District.
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 (August 31, 2016) from the Director, Community Planning, Toronto and East York District.
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 (August 31, 2016) from the Director, Community Planning, Toronto and East York District.
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.

Financial Impact

The recommendations in this report have no financial impact.

COMMENTS

Stakeholder and Public Engagement

In addition to the consultation outlined in the Final Report from the Director, Community Planning, Toronto and East York District, dated May 27, 2016, a second community consultation meeting was held on July 19, 2016 with approximately 50 people attending. The consultation included a presentation of the Official Plan and Zoning By-law

Amendments and a question and answer segment. Questions were raised with regard to implementation of the OPA and ZBLA once approved, the definition of a "tall building," and how context is defined to ensure an appropriate podium height.

On July 22, 2016, City staff had an additional meeting with the Building Industry and Land Development Association (BILD). Concerns were raised at the meeting with regards to limiting development potential and stifling architectural creativity as a result of the proposed OPA and ZBLAs. Questions were also asked about the alignment of the OPA and ZBLAs with other recently completed local area studies (e.g. North Downtown Yonge). Concerns were raised about the transition provisions for applications for which a complete application had been submitted.

Staff recognize that the Downtown is a growth area and that growth will continue in the Downtown consistent with the City's Official Plan. Policy changes through the TOcore initiative are intended to positively shape and manage change to maintain livability in the Downtown. Clarifying and updating the setbacks for tall buildings in the Downtown is a translation of one of the Tall Building Guidelines into policy and zoning and is intended to contribute to achieving that objective. The use of the tall building setback standards from the Tall Building Guidelines in the last 10 years has not unduly limited development potential. In addition, the City will continue to promote urban design and architectural excellence both through the application of the tall building guidelines and the participation of the Design Review Panel.

On August 17, 2016, Urban Land Institute hosted a roundtable discussion on this topic. There were nine participants, including developers, architects and planners, as well as City of Toronto Planning staff. External municipal officials, one from New York City and one from Boston, joined the panel by telephone. Following a brief introduction and discussion, a series of questions were posed to the representatives from New York and Boston. The questions focussed on the planning tools that are applied in their respective cities to protect and enhance the quality of life related to tall buildings as well as quality of the public realm surrounding tall buildings. Although the planning regime in these cities differs from Toronto, planning tools such as setbacks, separation between tall buildings and tower coverage were all raised during the discussion.

On August 24, 2016, City staff had a further meeting with development industry representatives who were concerned about providing for flexibility to amend the zoning by-law to allow for setback distances of less than 12.5 metres, given block-specific circumstances and constraints. Staff's intent in drafting the Official Plan Amendment was to allow for that flexibility, including consideration of site and area context within a block, provided that the proponent can satisfactorily demonstrate how the development meets the criteria listed in the Official Plan Amendment. To better articulate that intent, the draft Official Plan Amendment has been modified to more clearly state that if the intent of Policies B(i) and B(ii) are met, a zoning by-law amendment may be considered to permit reduced setback distances. Also included are minor wording changes, including

the use of the word "appropriate" in reference to criteria regarding light, privacy and wind impacts.

The revisions to the draft OPA and ZBLAs, relating to clarity about the ability to apply for zoning by-law amendments for a reduction in the setbacks and the list of prevailing by-laws, took into consideration the comments received from the above stakeholder and public engagement.

Prevailing By-laws

The draft ZBLAs that went to Toronto and East York Community Council on June 14, 2016 included a provision that stated that site and area specific by-laws would prevail over the draft performance standards in the ZBLAs when there is a conflict. Staff were to list the site and area specific by-laws that would prevail and have done so since the June 14, 2016 Toronto and East York Community Council.

The proposed ZBLA attached to this report includes a list of by-laws that will prevail over the proposed ZBLA. The prevailing by-laws have building setbacks that differ from the proposed ZBLA above the height of 24 metres. City staff reviewed site and area specific by-laws for development approved in the Downtown between March 1, 1994 and today. Staff chose the March 1, 1994 date as the start date as that was when the 5.5 metre lot line setback for any wall of a building proposing windows was introduced into Zoning By-law 438-86. This 5.5 metre lot line setback was brought forward as part of the mainstreet zoning and was intended for buildings of much lower height, scale and massing than the tall buildings that are still subject to the same standard.

Any site or area-specific by-law that was passed after March 1, 1994, that contains setbacks that conflict with the proposed new ZBLAs, and for which no building permit has yet been issued is listed as prevailing. On sites where building permits have been issued, those buildings are addressed through Section 5 of ZBLA amending 438-86 and Section 3 of ZBLA amending 569-2013.

City Staff have attempted to capture all conflicting site specific zoning by-laws for development that is approved but not yet constructed or issued a building permit to prevail over the proposed ZBLA. If a site specific by-law has been missed but comes to staff's attention, City staff will make a stylistic or technical change to the proposed ZBLA prior to enactment to add the approved site specific by-law to the list of prevailing by-laws.

Should City Council pass a conflicting site specific by-law at the same Council meeting as the 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.

The revised zoning by-law amendments for both 438-86 and 569-2013 are included in this report as Attachment Nos. 2 and 3.

Implementation

There are a number of scenarios of applications or recent approvals that staff have considered:

1. For development applications that have been approved at City Council and do not meet the minimum numerical standards in the proposed ZBLA but the site specific by-law has not yet been enacted, the City Solicitor will need to make a technical change to the approved site specific by-law to provide an exemption for that development to the proposed ZBLAs.
2. For development applications that have been submitted and are currently under review, the proposed OPA and ZBLAs will apply. The proposed OPA and ZBLAs reflect the Tall Building Design Guidelines. These guidelines have been used in the review of tall building proposals since 2006. As such, the review of development applications will not alter significantly from a City Planning perspective. For development applications which do not meet the performance standards in the proposed ZBLAs but meet the intent of the OPA, relief may be warranted as is the case with other performance standards in the Zoning By-law. For such development applications, the proposed site-specific ZBLAs would exempt the project from the tall building setback performance standards and site specific standards would be included in their place. These circumstances will be reviewed on a site-by-site basis and will be based on good planning principles outlined in the OPA, which mirror the intent of the Tall Buildings Guidelines with respect to tower separation distances.
3. For applications that have been appealed to the Ontario Municipal Board, the resulting Zoning By-law will need to reflect the decision of the Board, and if that includes setbacks that are less than the setbacks in the proposed ZBLAs then the by-law will need to exempt the development from the tower setback requirement, in the same way the development may be exempt from other zoning permissions (e.g. height).

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.

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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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)

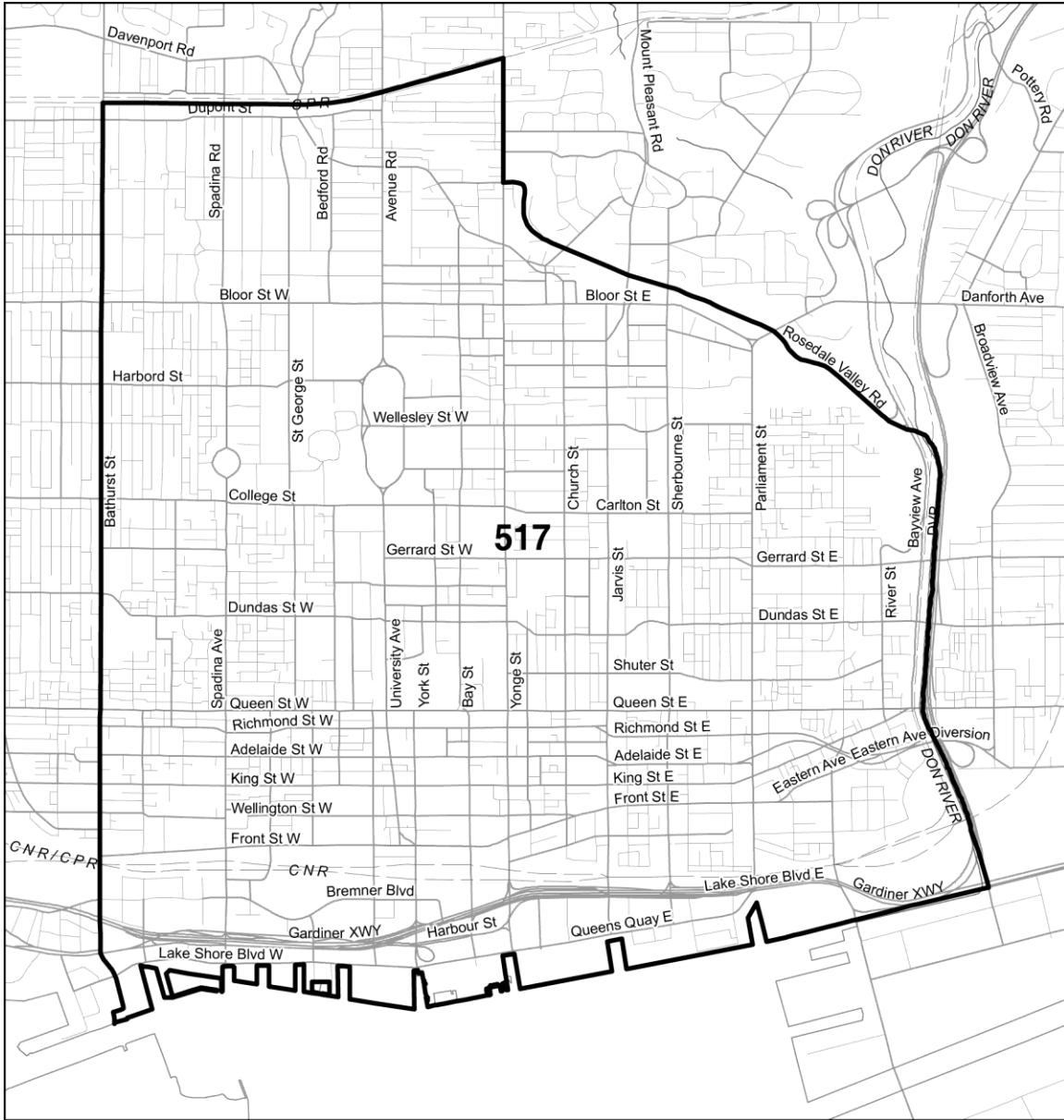
AMENDMENT NO. 352 TO THE OFFICIAL PLAN

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

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 Downtown will provide setbacks from the lot line to the building face of the tower. These lot line tower setbacks will ensure that individual tall buildings within a block 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) Zoning By-laws will contain minimum numerical standards for tall buildings in the Downtown. Zoning By-law amendments may be considered through rezoning or minor variance providing that adequate space between towers within the block will:
- a) enhance the ability to provide a high-quality, comfortable public realm;
 - b) protect development potential 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 pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings; and
 - f) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties to appropriate levels.
- iii) Not every site in the Downtown 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 Downtown 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 respect and reinforce a pedestrian scale and the existing and/or planned streetwall height context of the block in which the tall building proposal is situated. 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. 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) Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan Area will prevail over this Site and Area Specific Policy."

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) 2.5 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) Each bay window attached to a *tower* must not 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 or into the separation distances required in 12(2) X.(2) or 12(2) X.(3) of this by-law.
- (5) None of the provisions of this exception 12(2) X shall apply to prevent the continued use of a *tower* constructed pursuant to a building permit issued prior to Oct 4, 2016.
- (6) None of the provisions of this exception 12(2) X shall apply to prevent the erection or use of a *tower* permitted by the following by-laws:
 - (a) 2006-1049 – Respecting the East Bayfront – West Precinct;
 - (b) 2008-0060 – Respecting 4, 6 and 8 St Thomas Street and 100-110 Charles Street West;
 - (c) 2010-0787 – Respecting 2 Bloor Street West;
 - (d) 2010-1172 – Respecting Keating Channel and Lake Ontario;
 - (e) 2010-1173 – Respecting the Lower Don Lands;
 - (f) 2010-1174 – Respecting the Keating Channel Precinct West;
 - (g) 2010-1118 – Respecting 203 Jarvis Street;
 - (h) 2012-0680 – Respecting 7, 15, 25R, 29 and 39 Queen Quay East;
 - (i) 2012-1035 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
 - (j) 2012-1048 – Respecting 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33 and 35 and 49 Niagara Street;
 - (k) 2012-1556 – Respecting 357-363 King Street West and 62 Peter Street;

- (l) 2012-1049 – Respecting 1, 3, 5, 7 and 9 Sultan Street, and 11 St. Thomas Street;
- (m) 2013-0444 – Respecting 261 Queens Quay East;
- (n) 2013-0623 – Respecting 281-289 Avenue Road;
- (o) 2013-0817 – Respecting 2, 6 and 8 Gloucester Street and 601-613 Yonge Street;
- (p) 2013-0826 – Respecting 159 Wellesley Street East;
- (q) 2013-1083 – Respecting 21 Avenue Road;
- (r) 2013-1084 – Respecting 21 Avenue Road;
- (s) 2013-1341 – Respecting 200 Dundas Street East, 241-251 Jarvis Street and 280 George Street;
- (t) 2013-1502 – Respecting 388 King Street West and 82 Peter Street;
- (u) 2013-1503 – Respecting 81 and 87 Peter Street;
- (v) 2013-1523 – Respecting 197, 197R and 201 Yonge Street and 15 Shuter Street;
- (w) 2013-1710 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (x) 2013-1724 – Respecting 454-464 Yonge Street;
- (y) 2013-1725 – Respecting 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street;
- (z) 2014-0086 – Respecting 64-70 Shuter Street;
- (aa) 2014-0133 – Respecting 545, 555, 565 Sherbourne Street;
- (bb) 2014-0139 – Respecting 501- 521 Yonge Street, 6-8 Alexander Street and 23 Maitland Street;
- (cc) 2014-0303 – Respecting 17 Dundonald Street;

- (dd) 2014-0692 – Respecting 260-270 King Street West and 274-322 King Street West;
- (ee) 2014-0693 – Respecting 547, 549 and 555 College Street;
- (ff) 2014-0694 – Respecting 547, 549 and 555 College Street;
- (gg) 2014-1010 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (hh) 2014-1011 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (ii) 2014-1041 – Respecting 324, 326, 328 and 332 Richmond Street West;
- (jj) 2014-1061 – Respecting 57 Spadina Avenue;
- (kk) 2014-1062 – Respecting 57 Spadina Avenue;
- (ll) 2014-1063 – Respecting 25 to 25 Wellesley Street West and 14 to 26 Breadalbane Street and 155 St. Luke Lane;
- (mm) 2015-0391 – Respecting 47-55 St George Street;
- (nn) 2015-0806 – Respecting 231-237 College Street and 177-189 Huron Street;
- (oo) 2015-0837 – Respecting 355 Church Street;
- (pp) 2015-1042 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (qq) 2015-1043 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (rr) 2015-1049 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (ss) 2015-1050 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (tt) 2015-1175 – Respecting 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;

- (uu) 2015-1275 – Respecting 375, 375R and 379 and 381 Queen Street West;
 - (vv) 2015-1366 – Respecting 500 Lake Shore Boulevard West;
 - (ww) 2016-0132 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
 - (xx) 2016-0133 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
 - (yy) 2016-0239 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
 - (zz) 2016-0240 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
 - (aaa) 2016-0273 – Respecting 40-58 Widmer Street;
 - (bbb) 2016-0382 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
 - (ccc) 2016-0383 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
 - (ddd) 2016-0670 – 604-618 Richmond Street West; and
 - (eee) 2016-0671 – 604-618 Richmond Street West.
- (7) 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) and over the prohibited projections of 12(2)X.(4) 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.

- (8) For the purposes of this exception, *tower* means any portion of a building enclosing 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 600.10, **tower** shall mean any portion of a **building** enclosing 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) 2.5 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) or into the distances required in regulations 600.10.10 (1) (B) and 600.10.10 (1) (C):
- (i) bay windows;
 - (ii) box windows; and/or
 - (iii) other window projections.
- (3) None of the provisions of this Section 600.10.10 Building Setback Overlay District "A" shall apply to prevent the continued use of a **tower** constructed pursuant to a building permit issued prior to October 4, 2016.
- (4) None of the provisions of this 600.10.10 Building Setback Overlay District "A" shall apply to prevent the erection or use of a **tower** permitted by the following site specific by-laws:
- (A) 2006-1049 – Respecting the East Bayfront – West Precinct;
 - (B) 2008-0060 – Respecting 4, 6 and 8 St Thomas Street and 100-110 Charles Street West;
 - (C) 2010-0787 – Respecting 2 Bloor Street West;

- (D) 2010-1172 – Respecting Keating Channel and Lake Ontario;
- (E) 2010-1173 – Respecting the Lower Don Lands;
- (F) 2010-1174 – Respecting the Keating Channel Precinct West;
- (G) 2010-1118 – Respecting 203 Jarvis Street;
- (H) 2012-0680 – Respecting 7, 15, 25R, 29 and 39 Queen Quay East;
- (I) 2012-1035 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (J) 2012-1048 – Respecting 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33 and 35 and 49 Niagara Street;
- (K) 2012-1556 – Respecting 357-363 King Street West and 62 Peter Street;
- (L) 2012-1049 – Respecting 1, 3, 5, 7 and 9 Sultan Street, and 11 St. Thomas Street;
- (M) 2013-0444 – Respecting 261 Queens Quay East;
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- (U) 2013-1503 – Respecting 81 and 87 Peter Street;
- (V) 2013-1523 – Respecting 197, 197R and 201 Yonge Street and 15 Shuter Street;

- (W) 2013-1710 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- (X) 2013-1724 – Respecting 454-464 Yonge Street;
- (Y) 2013-1725 – Respecting 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street;
- (Z) 2014-0086 – Respecting 64-70 Shuter Street;
- (AA) 2014-0133 – Respecting 545, 555, 565 Sherbourne Street;
- (BB) 2014-0139 – Respecting 501- 521 Yonge Street, 6-8 Alexander Street and 23 Maitland Street;
- (CC) 2014-0303 – Respecting 17 Dundonald Street;
- (DD) 2014-0692 – Respecting 260-270 King Street West and 274-322 King Street West;
- (EE) 2014-0693 – Respecting 547, 549 and 555 College Street;
- (FF) 2014-0694 – Respecting 547, 549 and 555 College Street;
- (GG) 2014-1010 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (HH) 2014-1011 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- (II) 2014-1041 – Respecting 324, 326, 328 and 332 Richmond Street West;
- (JJ) 2014-1061 – Respecting 57 Spadina Avenue;
- (KK) 2014-1062 – Respecting 57 Spadina Avenue;
- (LL) 2014-1063 – Respecting 25 to 25 Wellesley Street West and 14 to 26 Breadalbane Street and 155 St. Luke Lane;
- (MM) 2015-0391 – Respecting 47-55 St George Street;
- (NN) 2015-0806 – Respecting 231-237 College Street and 177-189 Huron Street;

- (OO) 2015-0837 – Respecting 355 Church Street;
- (PP) 2015-1042 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (QQ) 2015-1043 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;
- (RR) 2015-1049 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (SS) 2015-1050 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;
- (TT) 2015-1175 – Respecting 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;
- (UU) 2015-1275 – Respecting 375, 375R and 379 and 381 Queen Street West;
- (VV) 2015-1366 – Respecting 500 Lake Shore Boulevard West;
- (WW) 2016-0132 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
- (XX) 2016-0133 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;
- (YY) 2016-0239 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
- (ZZ) 2016-0240 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;
- (AAA) 2016-0273 – Respecting 40-58 Widmer Street;
- (BBB) 2016-0382 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
- (CCC) 2016-0383 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;
- (DDD) 2016-0670 – 604-618 Richmond Street West; and

(EEE) 2016-0671 – 604-618 Richmond Street West.

- (5) Where an exception on a property includes a reference to one of the following Section 12(2) exceptions of former City of Toronto By-law No. 438-86, as amended, those Section 12(2) exceptions prevail over the building setbacks required in regulations 600.10.10(1)(A), the distances required in regulations 600.10.10(1)(B) and 600.10.10(1)(C), and the projections prohibited by regulations 600.10.10 (1)(D):
- (A) Section 12(2) 122 of former City of Toronto By-law 438-86;
 - (B) Section 12(2) 141 of former City of Toronto By-law 438-86;
 - (C) Section 12(2) 229 of former City of Toronto By-law 438-86;
 - (D) Section 12(2) 250 of former City of Toronto By-law 438-86;
 - (E) Section 12(2) 297 of former City of Toronto By-law 438-86;
 - (F) Section 12(2) 302 of former City of Toronto By-law 438-86; and
 - (G) Section 12(2) 310 of former City of Toronto By-law 438-86.

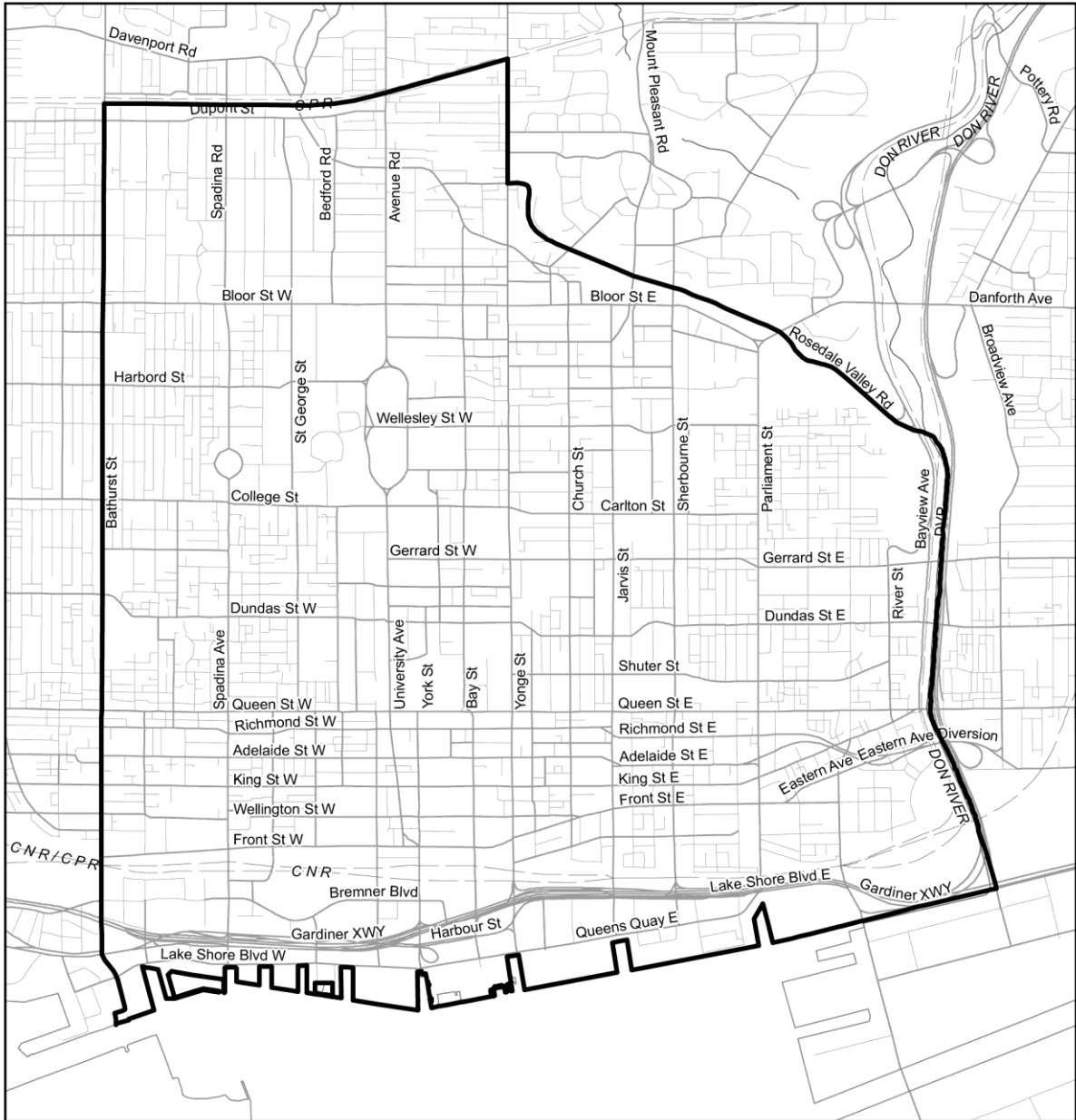
Enacted and passed on month ##, 20##.

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Diagram 1



TORONTO City Planning
Zoning By-Law 569-2013

Downtown Tall Building Setback

File # 16 103066 SPS 00 0Z

Legend

 Toronto Downtown



Not to Scale
 5/5/2016