



REPORT FOR ACTION

90-104 Queen Street East and 3 Mutual Street - Zoning Amendment Application and Rental Housing Demolition Applications – Supplementary Report

Date: September 28, 2020

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward 13 - Toronto Centre

SUMMARY

As described in the Report dated August 24, 2020, this application proposes to amend the Zoning By-law to permit a 34 storey mixed use development including commercial uses, an on-site community facility and 364 dwelling units with a total gross floor area of 23,345 square metres at 90-104 Queen Street East and 3 Mutual Street. The proposed building would have a height of 107.15 metres including the mechanical penthouse. The proposal includes three levels of underground parking.

On September 16, 2020, Toronto and East York Community Council forwarded the matter to City Council without recommendations.

There have been no changes to the proposed Zoning By-law Amendment to City-wide Zoning By-law 569-2013 or former City of Toronto Zoning By-law 438-86, except for clarification on the section 37 provisions. The proposal remains as described in the Final Report from the Director, Community Planning, Toronto and East York dated August 24, 2020.

The proposed development continues to be consistent with the Provincial Policy Statement (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and conforms to the City's Official Plan.

This Final Report reviews and the Supplementary Report continues to recommend approval of the application to amend the Zoning By-law. The Final Report and Supplementary Report continues to also recommend approval of the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions in the recommendations in this Supplementary Report.

Recommendation 9 a) has been replaced with a revised cash contribution of \$1,000,000.00 to be allocated towards improvements in Toronto Community Housing Buildings and/or existing affordable housing units and streetscape, parkland and/or community facilities in proximity to the lands.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 90-104 Queen Street East and 3 Mutual Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this Supplementary Report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 90-104 Queen Street East and 3 Mutual Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this Supplementary Report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve the Rental Housing Demolition Application File No. 19 112644 STE 13 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of five (5) existing rental dwelling units located at 90-104 Queen Street East, subject to the following condition:
 - a) The owner shall provide an acceptable tenant relocation and assistance plan to mitigate hardship for existing tenants of the existing five (5) existing rental dwelling units proposed to be demolished at 90-104 Queen Street East. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning.
5. City Council authorize the Chief Planner and Executive Director, City Planning, to issue the Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 for the demolition of the five (5) existing rental dwelling units located at 90-104 Queen Street East after all of the following have occurred:
 - a) Satisfaction or securing of the condition in Recommendation 4 above;
 - b) The Zoning By-law Amendment(s) have come into full force and effect;

- c) The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning, or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;
- d) The issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site;
- e) The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant;
- f) The execution and registration of an agreement pursuant to Section 111 of the City of Toronto Act, 2006 securing Recommendation 4 above; and
- g) The execution and registration of an agreement pursuant to Section 37 of the Planning Act.

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 98-104 Queen Street East after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 5 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a) The owner removes all debris and rubble from the site immediately after demolition;
- b) The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c) The owner erects the proposed mixed use building on the site no later than four (4) years from the from the date that the demolition of such building commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and
- d) Should the owner fail to complete the proposed mixed use building within the time specified in Recommendation 7.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

8. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 90-94 Queen on condition that:

- a) The Zoning By-law Amendments have come into full force and effect;
- b) The owner erects construction fences in accordance with the provisions of the Municipal Code, Chapter 363, Article 7, if deemed appropriate by the Chief Building Official;
- c) The owner removes all debris and rubble from the site immediately after demolition; and
- d) Any holes on the property are backfilled with clean fill.

9. Before introducing the necessary Bills to City Council for enactment, City Council direct that the owner of the lands at 90-104 Queen Street East and 3 Mutual Street shall provide, pursuant to Section 37 of the Planning Act, at no expense to the City, and secure such in the implementing Zoning By-law Amendments and enter into and register on title to the above noted lands, one or more agreements pursuant to Section 37, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor the following:

- a) prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of one million (\$1,000,000.00) dollars to be allocated as follows:
 - i. five hundred thousand (\$500,000.00) dollars towards capital improvements in Toronto Community Housing buildings and/or new or existing affordable housing units within proximity of the lands in the Ward, in consultation with the Ward Councillor; and
 - ii. five hundred thousand (\$500,000.00) dollars towards local streetscape, parkland and/or community facilities within proximity of the lands in the Ward, in consultation with the Ward Councillor;
- b) the cash contribution referred to in Recommendation 9(a) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;
- c.) in the event the cash contribution referred to in Recommendation 9(a) above has not been used for the determined purpose within three years of

the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;

- d.) the Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 345.7 square metres Community Agency Space as measured from interior side walls, located on the second floor and inclusive of the ground floor entrance and elevator, and subject to the following:
- i. the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - ii. prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - iii. prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$280,000.00 towards operating costs of the community agency space;
 - iv. prior to conveyance of the community agency space to the City, the owner shall provide a one-time cash contribution in the amount of \$560,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, to be paid prior to conveyance to the City with the remaining funds to be used for future capital improvements to the community agency space;
 - v. the one-time cash contribution referred to in Recommendation 9(d)(iii) and 9(d)(iv) shall be indexed upwardly in accordance with

the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

- vi. concurrent with or prior to, the conveyance of the Community Agency Space to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space; and

- e) the owner has withdrawn its appeal(s) of Official Plan Amendment 352, and By-laws 1106-2016 and 1107-2016.

10. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to as matters required to support development:

- a) An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
- b) prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;
- c) the owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

- d.) requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor
- e.) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor, that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel; and
- f.) Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City prior to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.

11. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 Agreement, Section 37 Agreement, and any other necessary agreement(s).

12. City Council determine that the revisions reflected in the proposed Zoning By-law Amendments appended as Attachments 1 and 2 to this Supplementary Report (September 17, 2020) from the Chief Planner and Executive Director, City Planning are minor in nature and pursuant to Section 34 of the Planning Act, no further public notice is required in respect of the proposed Zoning By-law Amendments.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Multiple pre-application meetings were held during 2017 and 2018. The current application was submitted on December 21, 2018 and deemed complete. A Preliminary Report on the application(s) was adopted by Toronto and East York Community Council on March 19, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. Key issues identified at that time were: height and massing; shadowing; light, view and privacy impacts; appropriate amenity space and mix of dwelling units; heritage impacts and impacts to on-site rental housing.

The application, when submitted, proposed a 34-storey (107.8 metres including the mechanical penthouse) building containing 339 square metres of retail and community space on the first and second storeys, 356 residential units on subsequent storeys, and a 3-level underground garage to accommodate 61 parking spaces.

The Preliminary Report can be viewed here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130265.pdf>

Community consultation is summarized in the Comments section of this Report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.7>

The Final Report from the Director, Community Planning, Toronto and East York District (August 24, 2020) considered by Toronto and East York Community Council may be found here: <https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-156083.pdf>

COMMENTS

Provincial Policy Statement and Provincial Plans

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. Since the Growth Plan (2020) has come into effect on August 28, 2020, all planning decisions are required to conform with it, on or after that date.

Planning staff have reviewed the proposed development as described in the Final Report from the Director, Community Planning, Toronto and East York District (August 24, 2020) and can advise that for this proposal, the relevant policies of the Growth Plan (2020) carry on the direction of the Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

Section 37

The Section 37 contribution has been revised to include a cash contribution of \$1,000,000.00, to be paid prior to the issuance of the first above grade building permit for the lands and allocated as follows:

- i. five hundred thousand (\$500,000.00) dollars towards capital improvements in Toronto Community Housing buildings and/or existing or new affordable housing units within proximity of the lands in the Ward, in consultation with the Ward Councillor; and
- ii. five hundred thousand (\$500,000.00) dollars towards local streetscape, parkland and/or community facilities within proximity of the lands in the Ward, in consultation with the Ward Councillor.

The Section 37 will continue to provide for and the agreement will secure the other matters as described in the Final Report from the Director, Community Planning, Toronto and East York District (August 24, 2020) in addition to the cash contribution above.

The above amendment to the Appendix/Schedule to the Zoning By-laws is minor in nature and no further notice should be required to make such changes to the by-laws as they build upon the previous Recommendation 9 a) in the Final Report from the Director, Community Planning, Toronto and East York District (August 24, 2020).

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff continue to be of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020) and conforms to the City's Official Plan, as described in the Final Report from the Director, Community Planning, Toronto and East York District (August 24, 2020).

Staff continue to recommend that City Council support approval of the zoning by-law amendment application.

Staff continue to recommend that City Council approve the demolition of the 5 existing rental dwelling units located at 90-104 Queen Street East and 3 Mutual Street subject to the conditions set out in the Recommendations of this report.

CONTACT

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SIGNATURE

Gregg Lintern MCIP, RPP
Chief Planner and Executive Director,
City Planning

ATTACHMENTS

Attachment 1: Draft 438-86 Zoning By-law Amendment
Attachment 2: Draft 569-2013 Zoning By-law Amendment

Attachment 1: Draft 438-86 Zoning By-law Amendment

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

CITY OF TORONTO

Bill

BY-LAW No. ____-2020

To amend the City of Toronto By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 90-104 Queen Street East and 3 Mutual Street

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of 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*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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;

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 and 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. 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 enacts:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended shall continue to apply to the lot.

2. None of the provisions of Section 2(1) with respect to “*grade*”, “*height*”, “*residential gross floor area*”, and “*lot*”, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(14), 8(3) Part I, 8(3) Part II 1, 8(3) Part III 1, 8(3) Part XI 1, 12(1)3(B), 12(2)132, 12(2)216, 12(2)259, 12(2)380, 13(333-02), 13(138-03) of By-law No. 438-86 of the former City of Toronto, as amended shall apply to prevent 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 in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, including a *temporary sales office* and uses *accessory* thereto, provided that:
- (a) The *lot* on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The permitted maximum number of *storeys* in a *mixed-use building* is 34, excluding the mechanical penthouse;
 - (c) The total *gross floor area* on the *lot* must not exceed 23,500 square metres, in accordance with the following:
 - i. a maximum of 23,100 square metres may be used as *residential gross floor area*;
 - ii. no *residential gross floor area* may be located above the 34th *storey*;
 - iii. notwithstanding the definition of *gross floor area* under 4.(e) below, *gross floor area* may also be reduced by 345.7 square metres of space, to be conveyed to the City and secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as may be amended; and
 - iv. notwithstanding the definition of *gross floor area* under 4.(e) below, The space described in (c)iii. above, must be measured on each *storey* from the interior of the main wall and the interior of the demising wall, including dedicated lobbies and elevator shafts;
 - (d) The total number of *dwelling units* must not exceed 369;
 - (e) The provision of *dwelling units* is subject to the following:
 - i. a minimum of 10 percent of the total number of *dwelling units* must contain three bedrooms;
 - ii. a minimum of 15 percent of the total number of *dwelling units* must contain two bedrooms;
 - iii. an additional 15 percent of the total number of *dwelling units* will be any combination of two bedroom and three bedroom *dwelling units*, or *dwelling units* that can be converted into any combination of two and three bedroom *dwelling units*; and

- iv. convertible *dwelling units*, as described in (e)iii. above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (f) *Residential amenity space* shall be provided on the *lot* at a minimum of 4.0 square metres for each *dwelling unit*, of which:
- i. a minimum of 2.6 square metres per *dwelling unit* is indoor *residential amenity space*;
 - ii. a minimum of 1.4 square metres per *dwelling unit* is outdoor *residential amenity space*; and
 - iii. a minimum of 35 square metres of the total outdoor *residential amenity space* required for the building, must be dedicated for use by pets;
- (g) No portions of a building or structure located above ground shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
- i. guardrails, railings or dividers, canopies or davit arms, wheelchair ramps, site servicing features, window sills, vents, and public art features, may encroach up to a maximum of 2.5 metres; and
 - ii. architectural features and elements, shafts, retaining walls, windscreens, stairs, lighting fixtures, may encroach up to a maximum of 1.5 metres;
- (h) No portion of a *mixed-use building* erected on the *lot* shall be located above the *heights* shown on Map 2 and within the applicable coordinates identified on Map 3 attached to and forming part of this By-law, with the exception of the following:
- i. hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, and antennas, may project above the maximum *height* in metres specified by the number following the symbol “HT” within the area labelled “ZONE (A)” on Map 2, to a maximum of 3.0 metres or a *geodetic elevation* of 190.84 metres, whichever is less;
 - ii. hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, and antennas may project above the maximum *height* in metres specified by the number following the symbol “HT” within the area labelled “ZONE (B)” on Map 2, to a maximum of 3.0 metres or a *geodetic elevation* of 193.13 metres, whichever is less;

- iii. hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, and antennas, may project above the maximum *height* in metres specified by the number following the symbol “HT” within the area labelled “ZONE (C)” on Map 2, to a maximum of 3.0 metres or a *geodetic elevation* of 195.14 metres, whichever is less;
 - iv. parapets may project above the maximum *height* in metres specified by the number following the symbol “HT” within the areas labelled “ZONE (A)”, “ZONE (B)”, and “ZONE (C)”, on Map 2, to a maximum of 0.5 metres; and
 - v. Except for where the above (h)i. to iv. inclusive apply, the following may project above the *height* limits shown on Map 2 by a maximum of 3.0 metres: wind screens, mechanical equipment and any associated enclosure structures, parapets, awnings, fences, railings and dividers, screens, stairs, roof drainage, window washing equipment, flues, chimneys, vents, terraces, retaining walls, lightning rods, nautical lighting, light fixtures, architectural features, landscaping, landscaping features, telecommunication equipment, antennas, roof assembly, elements of a green roof, including required *residential amenity space*;
- (i) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 0.16 *parking spaces* per *dwelling unit* for the use of residents of the building;
 - ii. no *parking spaces* are required for visitors to residents of the building; and
 - iii. no *parking spaces* are required for non-residential uses;
 - (j) Notwithstanding the definition of *parking space* in Section 2(1) or the *parking space* dimensions in Section 4(17)(a) to (c) inclusive, a maximum of 10 *parking spaces* may be obstructed on one or two sides in accordance with Section 4(17)(c) without a requirement to increase the minimum width by 0.3 metres;
 - (k) The number of required *parking spaces* in (i)i. above may be reduced up to a maximum of 12 *parking spaces*, not including accessible *parking spaces*, at a rate of one *parking space* for every five *bicycle parking spaces - occupant* provided on the lands in excess of the minimum number of *bicycle parking spaces - occupant* required;
 - (l) *Car-share* parking may be provided on the *lot*, in accordance with the following:
 - i. a maximum of six *car-share parking spaces* may be provided;

- ii. for each *car-share parking space* provided, the resident parking required in (i)i. above, may be reduced by a maximum of four *parking spaces* that do not include accessible *parking spaces*, in addition to any reduction in the resident parking requirement in accordance with (k) above; and
 - iii. notwithstanding the definition of *parking space* in Section 2(1) or the *parking space* dimensions in Section 4(17)(a) to (c) inclusive, *car-share parking spaces* must have a minimum length of 5.6 metres, a minimum width of 2.6 metres, and a minimum vertical clearance of 2.0 metres;
- (m) Access to *parking spaces* and *car-share parking spaces*, in the building may be provided by vehicle elevators, in accordance with the following:
 - i. each vehicle elevator must have a minimum platform width of 2.4 metres,
 - ii. vehicle elevators are readily accessible at all times for the parking and removal of a vehicle; and
 - iii. not less than two vehicle elevators must be provided and maintained in the building for the use of residents;
- (n) An accessible *parking space* must have the following minimum dimensions:
 - i. length of 5.6 metres;
 - ii. width of 3.9 metres;
 - iii. vertical clearance of 2.1 metres; and
 - iv. the entire length of an accessible *parking space* must be adjacent to a 1.5 metre accessible barrier free aisle or path;
- (o) The nearest point of an accessible *parking space* must be located no more than 9.0 metres, unobstructed by walls, from the nearest door of a vestibule or lobby which leads to a barrier-free elevator that provides access to the first *storey* of the building;
- (p) One *loading space - type G* shall be provided and maintained on the *lot*;
- (q) Notwithstanding Section 4(13), *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. a minimum of 0.9 *bicycle parking spaces – occupant* for each *dwelling unit* for use by the residents of the building; and
 - ii. a minimum of 0.1 *bicycle parking spaces – visitor* for each *dwelling unit* for use by visitors of residents;

- (r) Where required *bicycle parking spaces* are located in a *storey* of the building, other than the first *storey*, a bicycle ramp, elevator, or similar dedicated mechanism must be provided on such a *storey*, which allows bicycle access to the first *storey* of the building;
 - (s) The nearest point of a *bicycle parking space – visitor* located within the building, must be in accordance with the following:
 - i. located upto a maximum distance of 12.5 metres from the nearest door of a vestibule which leads to a bicycle-dedicated mechanism as described in (r) above; and
 - ii. for the purposes of (s)i. above, the maximum distance must be measured along a path inclusive of doors, and unobstructed by walls and *bicycle parking spaces*;
 - (t) Notwithstanding Section 2(1) and the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in Section 4(13), *bicycle parking spaces* must be provided in accordance with the following:
 - i. *bicycle parking spaces* may be located in *stacked bicycle parking spaces* below grade;
 - ii. each *stacked bicycle parking space* must have a minimum width of 0.24 metres, minimum length of 1.8 metres, and a minimum vertical clearance of 1.2 metres; and
 - iii. *bicycle parking spaces - visitor* may be located indoors or outdoors in an enclosed or secured room or enclosure;
3. None of the provisions of By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit organization. Such car-share motor vehicles are to be made available for short-term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven and set membership requirements of the car-sharing organization, including the payment of a membership fee that may not be refundable;

- (b) “*car-share parking space*” means a *parking space* exclusively reserved and only used for *car-share* purposes whereby the vehicle is accessible to at least the occupants of the building;
- (c) “*geodetic elevation*” means the elevation measured in metres above sea level with reference to CGVD2013 in the year 2019;
- (d) “*grade*” shall mean Canadian Geodetic Datum elevation of 85.48 metres above sea level with reference to CGVD2013 in the year 2019;
- (e) “*gross floor area*” shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level. The *gross floor area* of the *mixed-use building* is reduced by the area in the building used for:
 - i. Parking, loading and bicycle parking below *grade*;
 - ii. Loading spaces at the ground level and *bicycle parking spaces* at or above *grade*;
 - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - iv. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - v. *Residential amenity space* required by this By-law;
 - vi. Elevator shafts;
 - vii. Garbage shafts;
 - viii. Mechanical penthouse; and
 - ix. Exit stairwells in the building.
- (f) “*height*” shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
- (g) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (h) “*non-residential gross floor area*” shall mean the *gross floor area* , that is solely for non-residential uses;
- (i) “*residential gross floor area*” shall mean the *gross floor area*, that is solely for residential uses;

- (j) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and may be equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;
- (k) "*temporary sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/ or the administration and management of construction activity related to the construction on the *lot*;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of the lands as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred;
- 6. The provisions of this By-law respecting the *height* of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
- 7. 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 Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix I 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 Appendix I of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (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 Appendix I are satisfied.

Enacted and passed this ___ _day of _____, 2020.

Frances Nunziata,
Speaker
(Seal of the City)

ULLI S. WATKISS
City Clerk

APPENDIX I

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:

Community Benefits

- (A) Prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of one million (\$1,000,000.00) dollars to be allocated as follows:
- (i) five hundred thousand (\$500,000.00) dollars towards capital improvements in Toronto Community Housing buildings and/or new or existing affordable housing units within proximity of the lands in the Ward, in consultation with the Ward Councillor; and
 - (ii) five hundred thousand (\$500,000.00) dollars towards local streetscape, parkland and/or community facilities within proximity of the lands in the Ward, in consultation with the Ward Councillor;

The cash contribution referred to in this section shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

- (B) In the event the cash contribution referred to in this section has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
- (C) the Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 345.7 square metres Community Agency Space, located on the second floor and inclusive of the ground floor entrance and elevator, and subject to the following:
- (i) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate

Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

- (ii) prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (iii) prior to conveyance of the community agency space and elevator shaft area to the City, the owner shall provide a one-time cash contribution in the amount of \$280,000.00 towards operating costs of the community agency space;
- (iv) prior to conveyance of the community agency space and elevator shaft area to the City, the owner shall provide a one-time cash contribution in the amount of \$560,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, to be paid prior to conveyance to the City with the remaining funds to be used for future capital improvements to the community agency space;
- (v) the one-time cash contribution referred to in (C) of this section shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and
- (vi) concurrent with or prior to, the conveyance of the Community Agency Space and elevator shaft area to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space;

Withdrawal of appeals

- (D) The Owner has withdrawn its appeal(s) of Official Plan Amendment 352, and By-laws 1106-2016 and 1107-2016.

Tenant relocation and assistance plan

- (E) An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

Helicopter flight path

- (F) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;

Toronto Green Standard

- (G) The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

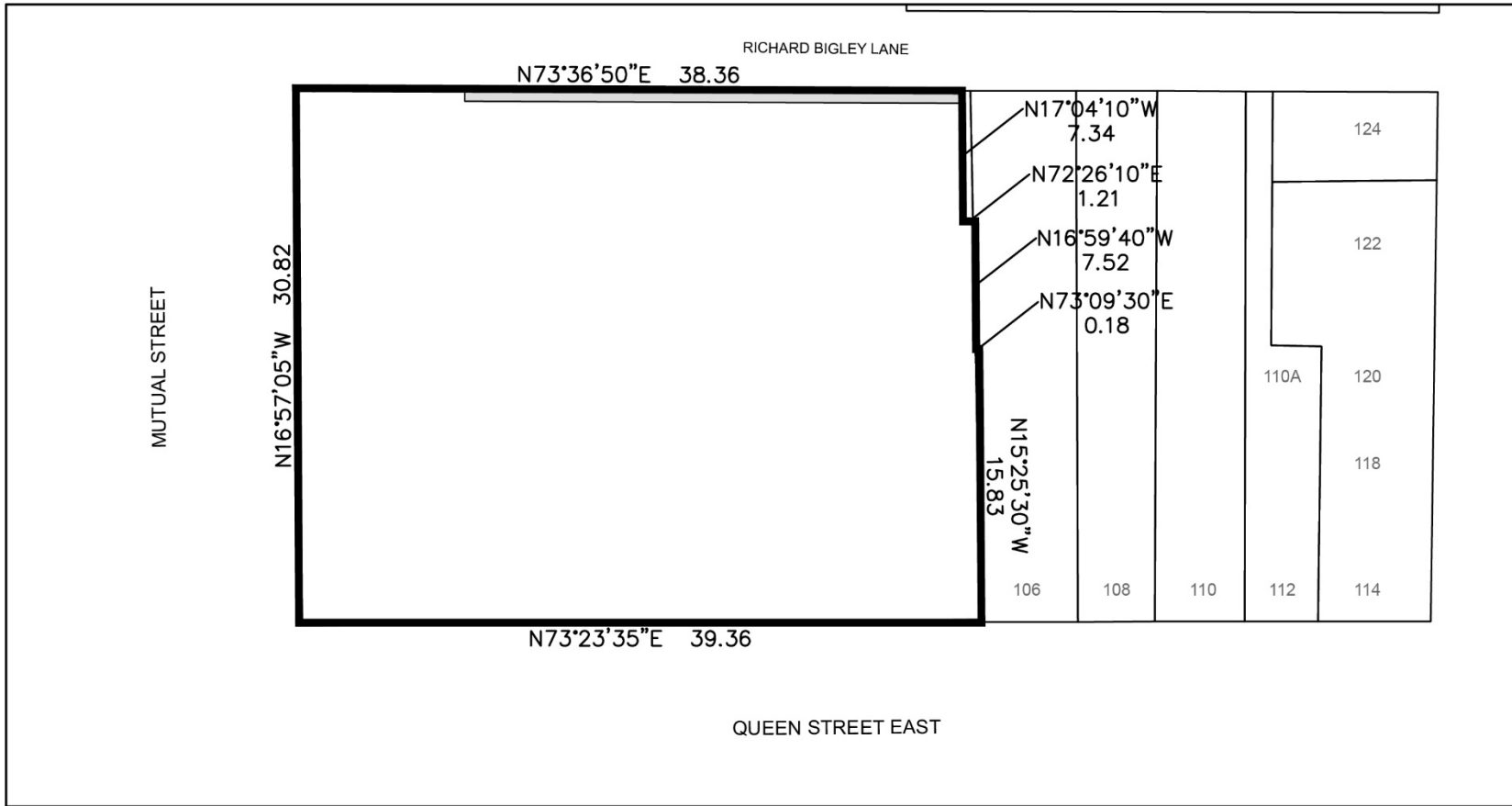
Construction Management Plan

- (H) Requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;

Ontario Line

- (I) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor, that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel; and

- (J) Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City prior to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.



Attachment 2: Draft 569-2013 Zoning By-law Amendment

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

CITY OF TORONTO

Bill

BY-LAW No. XXX-2020

To amend the City of Toronto By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 90-104 Queen Street East and 3 Mutual Street

Whereas Council of the City of Toronto has the authority pursuant to section 34 of 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*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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/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 matters as are set out in the By-law;

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 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 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting lands outlined by heavy black lines to CR 4.0 (c2.0; r4.0) SS1 (x278), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 278 so it reads:

Exception CR 278

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 90-104 Queen Street East and 3 Mutual Street, if the requirements of Sections 7 and 8, and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **mixed use building, structure**, addition or enlargement may be constructed or used in compliance with (B) to (AA) below:
- (B) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **mixed use building** is 34, excluding the mechanical penthouse;
- (C) Despite Regulation 40.10.40.10(5), the minimum **height** of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.0 metres;
- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** must not exceed 23,500 square metres, and subject to the following:
 - (i) a maximum **gross floor area** of 23,100 square metres may be used for residential uses;
 - (ii) no residential **gross floor area** may be located above the 34th **storey**;
 - (iii) Despite Regulation 40.5.40.40(3), **gross floor area** may also be reduced by 345.7 square metres of space that is to be conveyed to the City and secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as may be amended; and
 - (iv) Despite the definition of **gross floor area** in 800.50(320), the space described in (D)(iii) above, must be measured on each **storey** from the interior of the **main wall** and the interior of the demising wall, including dedicated lobbies and elevator shafts;
- (E) Regulation 40.10.40.1(1) with respect to the location of residential use portions in a **mixed use building** does not apply;

- (F) The total number of **dwelling units** must not exceed 369;
- (G) The provision of **dwelling units** is subject to the following:
 - (i) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
 - (ii) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
 - (iii) An additional 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**; and
 - (iv) Convertible **dwelling units**, as described in (G)(iii) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (H) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum of 4.0 square metres for each **dwelling unit**, of which:
 - (i) a minimum of 2.6 square metres per **dwelling unit** is indoor **amenity space**;
 - (ii) a minimum of 1.4 square metres per **dwelling unit** is outdoor **amenity space**; and
 - (iii) a minimum of 35 square metres of the total outdoor **amenity space** required for the **building**, must be dedicated for use by pets;
- (I) Regulation 40.10.40.50(2) with respect to **amenity space** for **buildings** with non-residential uses in SS1 Areas does not apply;
- (J) Regulation 40.5.40.70(1) with respect to **building** or **structure** setbacks from the centerline of a **lane** does not apply;
- (K) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##];
- (L) Despite Clause 40.10.40.60 and (K) above, the following elements of a **building** or **structure** are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law [Clerks to supply by-law ##]:
 - (i) guardrails, railings or dividers, canopies or davit arms, wheelchair ramps, site servicing features, window sills, vents, and public art features, may encroach up to a maximum of 2.5 metres; and

- (ii) architectural features and elements, shafts, retaining walls, windscreens, stairs, lighting fixtures, may encroach up to a maximum of 1.5 metres;
- (M) Article 600.10.10 with respect to **building setbacks** does not apply;
- (N) Despite Regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 85.48 metres CGVD2013 in the year 2019 and the elevation of the highest point of the **building** or **structure**;
- (O) Despite regulations 40.10.40.10(1), the permitted maximum **height** of a **building** or **structure**, including a mechanical penthouse, must not exceed the **height** in metres specified by the numbers following the symbol “HT” on Diagram 3 and within the applicable coordinates identified on Diagram 4 of By-law [Clerks to supply by-law ##];
- (P) Despite (O) above and Clause 40.5.40.10, the following elements, **structures**, equipment, or parts of a **building**, are permitted to project above the permitted maximum **height** as shown on Diagram 3 of By-law #####-2020 as follows:
 - (i) hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, antennas, and elements of **green roofs**, may project above the maximum **height** in metres specified by the number following the symbol “HT” within the area labelled “ZONE (A)” on Diagram 3, to a maximum of 3.0 metres or a **geodetic elevation** of 190.84 metres, whichever is less;
 - (ii) hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, antennas, and elements of **green roofs**, may project above the maximum **height** in metres specified by the number following the symbol “HT” within the area labelled “ZONE (B)” on Diagram 3, to a maximum of 3.0 metres or a **geodetic elevation** of 193.13 metres, whichever is less;
 - (iii) hatch doors, roof drainage, davit arms, chimneys, vents, lightning rods, nautical lighting, light fixtures, telecommunication equipment, antennas, and elements of **green roofs**, may project above the maximum **height** in metres specified by the number following the symbol “HT” within the area labelled “ZONE (C)” on Diagram 3, to a maximum of 3.0 metres or a **geodetic elevation** of 195.14 metres, whichever is less;
 - (iv) parapets may project above the maximum **height** in metres specified by the number following the symbol “HT” within the areas labelled “ZONE (A)”, “ZONE (B)”, and “ZONE (C)”, on Diagram 3, to a maximum of 0.5 metres;

- (v) Except for where the above (P)(i) to (iv) inclusive apply, the following may project above the **height** limits shown on Diagram 3 by a maximum of 3.0 metres: wind screens, mechanical equipment and any associated enclosure **structures**, parapets, awnings, fences, railings and dividers, screens, stairs, roof drainage, window washing equipment, flues, chimneys, vents, terraces, retaining walls, lightning rods, nautical lighting, light fixtures, architectural features, landscaping, landscaping features, telecommunication equipment, antennas, roof assembly, elements of a **green roof**, including required residential **amenity space**; and
 - (vi) for the purposes of the above (P)(i) to (iii) inclusive, **geodetic elevation** means the elevation measured in metres above sea level with reference to CGVD2013 in the year 2019;
- (Q) Regulation 40.10.100.10 (1) (C) with respect to **vehicle** accesses does not apply;
- (R) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 0.16 **parking spaces** per **dwelling unit** for residents of the **mixed use building**;
 - (ii) no **parking spaces** are required for visitors of residents; and
 - (iii) no **parking spaces** are required for non-residential uses;
- (S) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (T) Despite regulation 200.5.10.1(12), the number of required **parking spaces** in (R)(i) above may be reduced up to a maximum of 12 **parking spaces**, not including accessible **parking spaces**, at a rate of one **parking space** for every five "long-term" **bicycle parking spaces** provided on the lands in excess of the minimum number of "long-term" **bicycle parking spaces** required;
- (U) Car-share parking may be provided on the **lands**, in accordance with the following:
- (i) a maximum of six **car-share parking spaces** may be provided;
 - (ii) despite Regulation 200.5.1.10(2)(A), **car-share parking spaces** must have a minimum length of 5.6 metres, a vertical clearance of 2.0 metres, and a minimum width of 2.6 metres; and

- (iii) for each **car-share parking space** provided, the resident parking required in (R)(i) may be reduced by a maximum of four **parking spaces** that do not include accessible **parking spaces**, in addition to any reduction in the resident parking requirement in accordance with (T) above; and
- (V) Despite 200.5.1.10(13), access to **parking spaces** and **car-share parking spaces** in the **building** may be provided by **vehicle** elevators, in accordance with the following:
 - (i) each **vehicle** elevator must have a minimum platform width of 2.4 metres,
 - (ii) **vehicle** elevators are readily accessible at all times for the parking and removal of a **vehicle**; and
 - (iii) not less than two **vehicle** elevators must be provided and maintained in the **building** for the use of residents;
- (W) Despite regulation 200.15.1(4), the nearest point of an accessible **parking space** must be located no more than 9.0 metres, unobstructed by walls, from the nearest door of a vestibule or lobby which leads to a barrier-free elevator that provides access to the first **storey** of the **building**;
- (X) Despite Clause 220.5.10.1, one Type “G” **loading space** must be provided and maintained;
- (Y) Where required **bicycle parking spaces** are located in a **storey** of the **building**, other than the first **storey**, a bicycle ramp, elevator, or similar bicycle-dedicated mechanism must be provided in such a **storey**, which allows bicycle access to the first **storey** of the **building**;
- (Z) Despite regulation 230.40.1.20(2), the nearest point of a “short-term” **bicycle parking space** located within the **building**, must be in accordance with the following:
 - (i) located upto a maximum distance of 12.5 metres from the nearest door of a vestibule which leads to a bicycle-dedicated mechanism as described in (Y) above; and
 - (ii) for the purposes of (Z)(i) above, the maximum distance must be measured along a path inclusive of doors, and unobstructed by walls and **bicycle parking spaces**;

- (AA) Despite Regulations 230.40.1.20(1), 230.5.1.10(4)(A), and 230.5.1.10(10):
- (i) both “long-term” **bicycle parking spaces** and “short-term” **bicycle parking spaces** may be located in a stacked **bicycle parking space**, with a minimum width of 0.24 metres; and
 - (ii) “short term” **bicycle parking spaces** may be located indoors or outdoors in an enclosed or secured room or enclosure;

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred;
- 6. For the purpose of this By-law :
 - (i) "car-share" means the practice whereby a number of people share the use of one or more vehicles that are owned and operated by a for profit or non-profit organization, and such car-share vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;
 - (ii) "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- 7. The provisions of this By-law respecting the **height** of any **building** or **structure**, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
- 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 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 this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed this__ _day of_____ — ___, 2020.

Frances Nunziata,
Speaker

ULLI S. WATKISS
City Clerk

(Seal of the City)

SCHEDULE A
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 Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (A) Prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of one million (\$1,000,000.00) dollars to be allocated as follows:
- (i) five hundred thousand (\$500,000.00) dollars towards capital improvements in Toronto Community Housing buildings and/or new or existing affordable housing units within proximity of the lands in the Ward, in consultation with the Ward Councillor; and
 - (ii) five hundred thousand (\$500,000.00) dollars towards local streetscape, parkland and/or community facilities within proximity of the lands in the Ward, in consultation with the Ward Councillor;

The cash contribution referred to in this section shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

- (B) In the event the cash contribution referred to in this section has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
- (C) the Owner shall design, construct, finish, and convey to the City, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 345.7 square metres Community Agency Space, located on the second floor and inclusive of the ground floor entrance and elevator, and subject to the following:
- (i) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Condition, with the terms and specifications to be secured in the Section 37 Agreement, all satisfactory to the Executive Director, Social Development, Finance and Administration, Executive Director, Corporate Real Estate

Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

- (ii) prior to the issuance of the first above grade building permit, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (iii) prior to conveyance of the community agency space and elevator shaft area to the City, the owner shall provide a one-time cash contribution in the amount of \$280,000.00 towards operating costs of the community agency space;
- (iv) prior to conveyance of the community agency space and elevator shaft area to the City, the owner shall provide a one-time cash contribution in the amount of \$560,000.00 towards the initial finishing costs, less the cost of constructing the kitchen, washrooms and janitorial closet, to be paid prior to conveyance to the City with the remaining funds to be used for future capital improvements to the community agency space;
- (v) the one-time cash contribution referred to in (C) of this section shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment; and
- (vi) concurrent with or prior to, the conveyance of the Community Agency Space and elevator shaft area to the City, the owner and the City shall enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement, and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Community Agency Space;

Withdrawal of appeals

- (D) The Owner has withdrawn its appeal(s) of Official Plan Amendment 352, and By-laws 1106-2016 and 1107-2016.

Tenant relocation and assistance plan

- (E) An acceptable tenant relocation and assistance plan shall be developed and implemented to mitigate hardship for existing tenants of the existing five (5) rental dwelling units proposed to be demolished. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

Helicopter flight path

- (F) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation from St. Michael's Hospital, or their representative, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected flight path, as per By-law 1432-2017, to the satisfaction Chief Building Official and Executive Director, Toronto Building;

Toronto Green Standard

- (G) The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site;

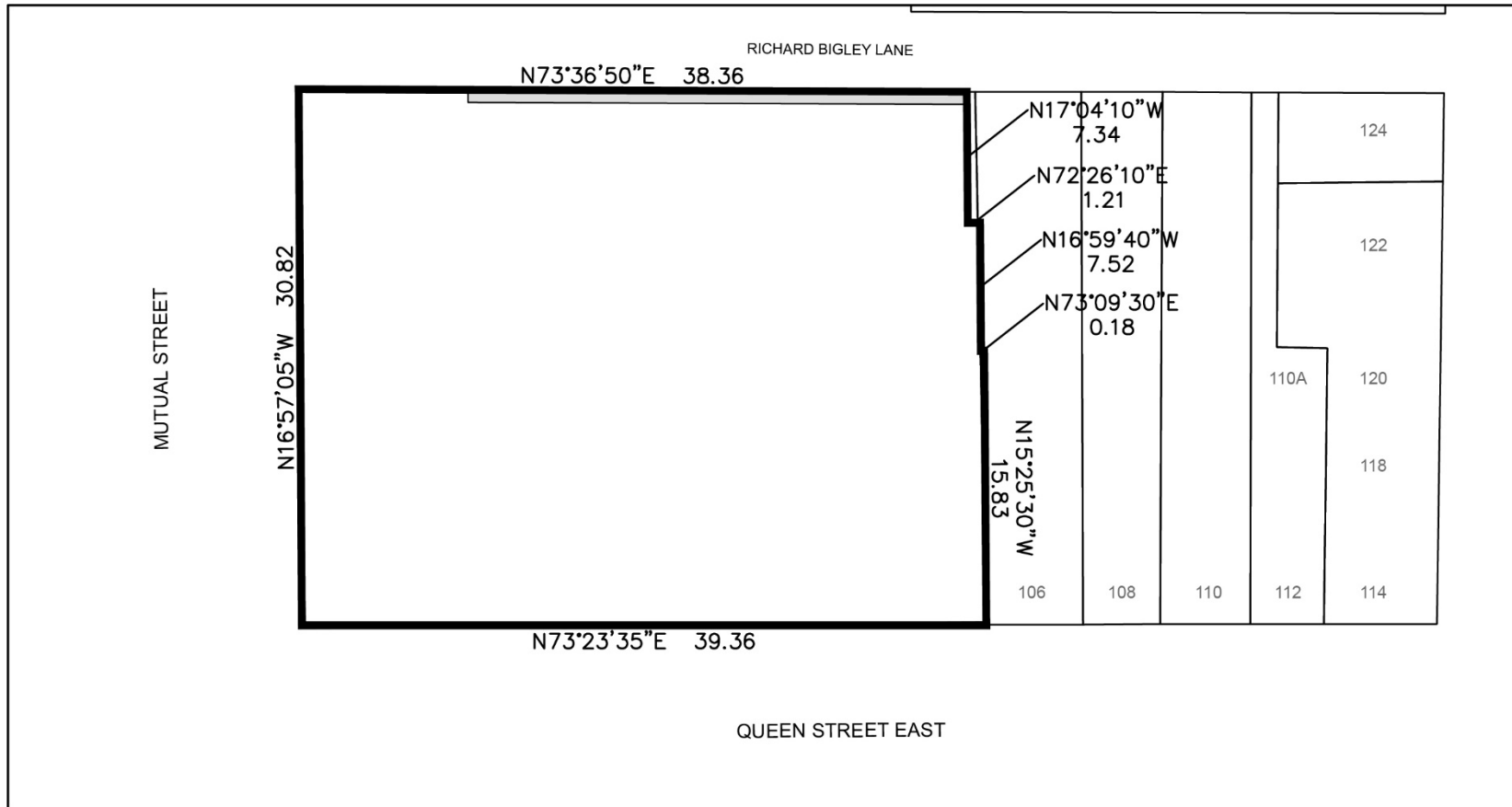
Construction Management Plan

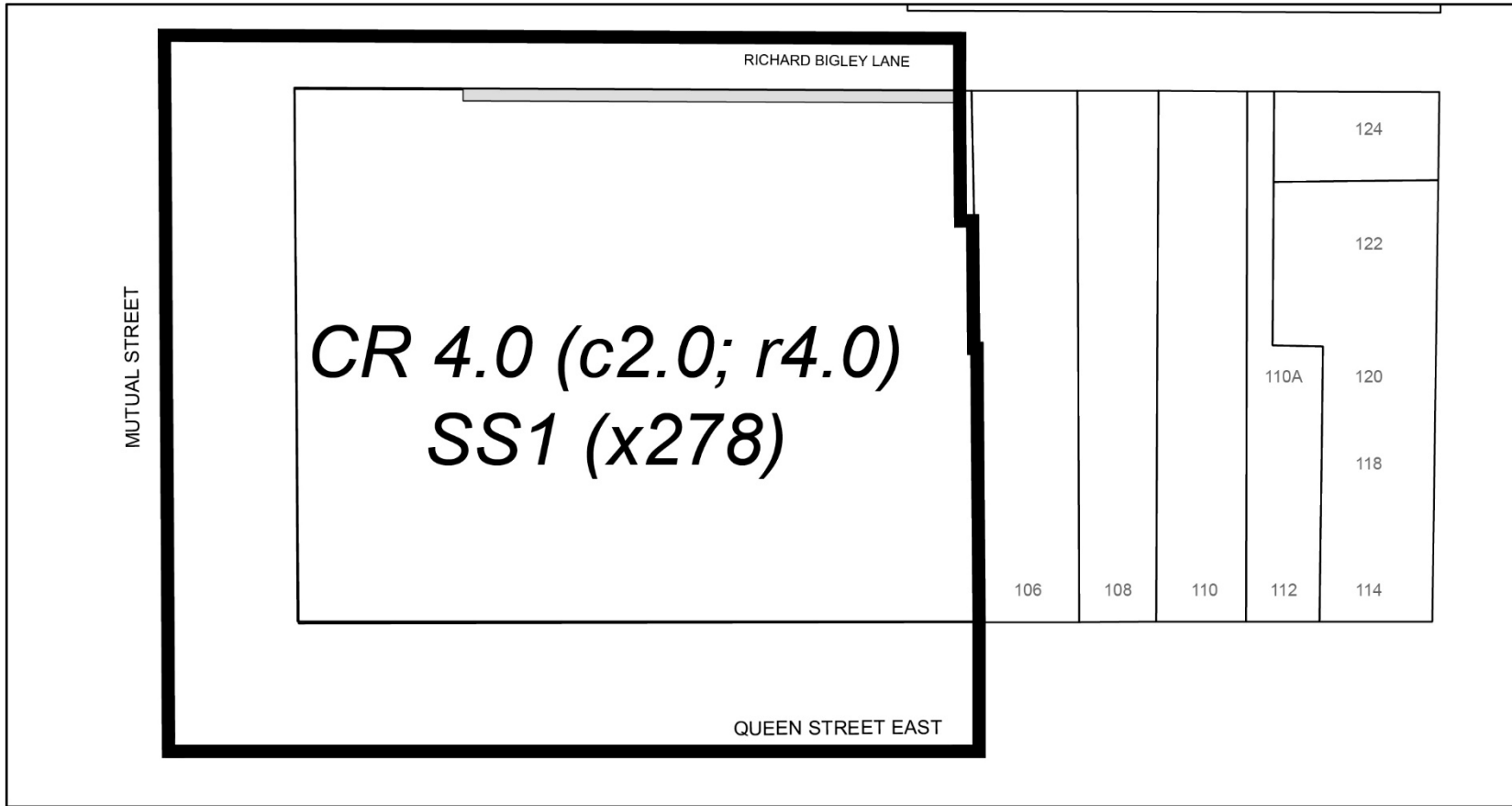
- (H) Requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;

Ontario Line

- (I) Prior to any site plan approval for the site, the owner shall obtain from Metrolinx, or its successor, written confirmation to the Chief Planner and Executive Director, City Planning and City Solicitor, that the owner has satisfied any required technical or related review for any proposed below grade structural elements, including the manner of excavation and shoring for the development of the site as these matters relate to the Ontario Line tunnel; and
- (J) Prior to site plan approval for the site, should Metrolinx, or its successor, provide a recommendation related to any tiebacks, or similar mechanism, that may impact the City's right-of-way, the owner shall first obtain any required approvals from the City

prior to agreeing to implement any recommendations from Metrolinx that may impact the City's right-of-way.






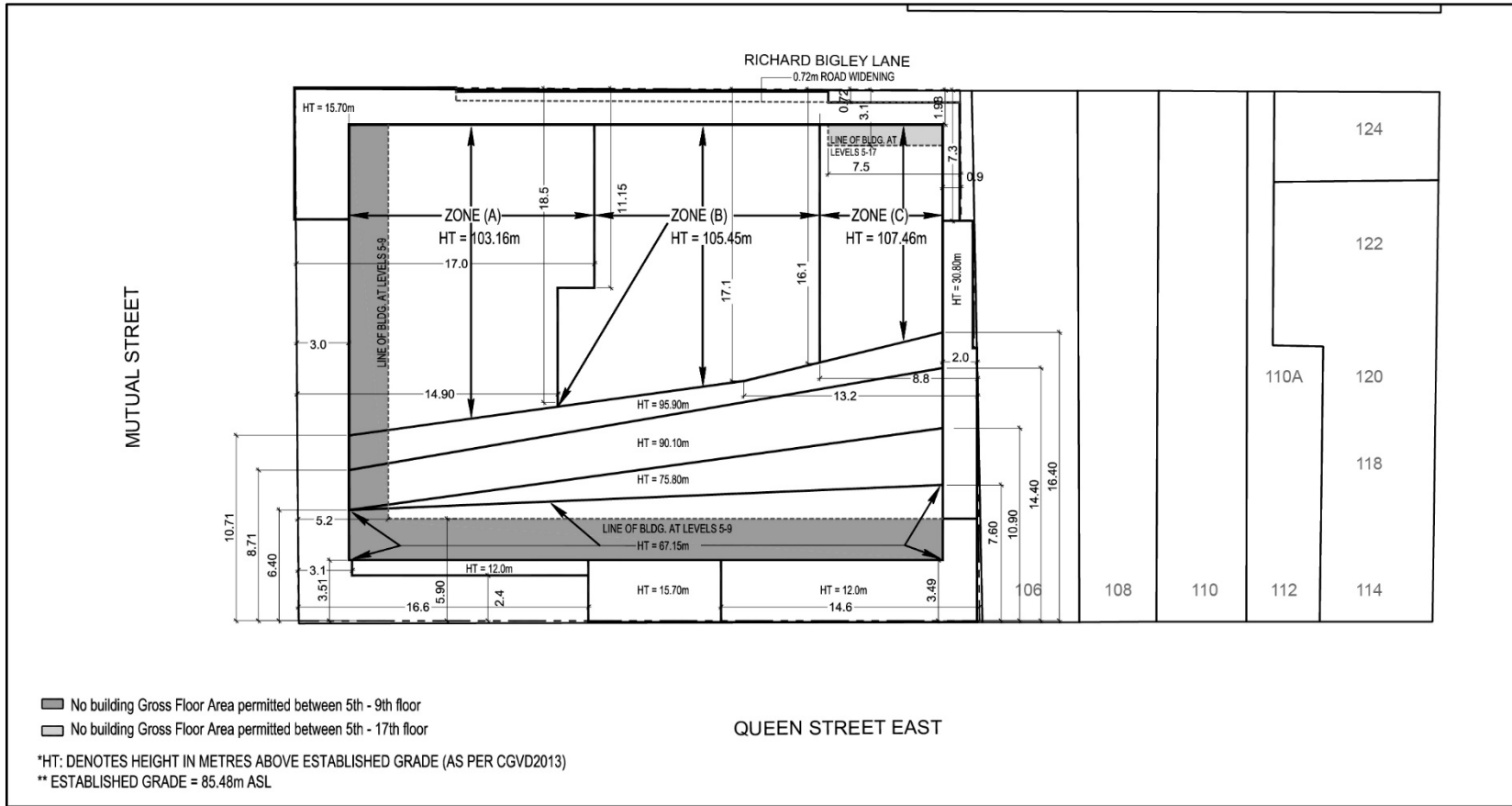
 **TORONTO**
Diagram 2

90-104 Queen Street East and 3 Mutual Street

File # 18 271140 STE 13 0Z

 0.72 metre lane widening


City of Toronto By-law 569-2013
Not to Scale
08/25/2020



Toronto
Diagram 3

90-104 Queen Street East and 3 Mutual Street

File # 18 271140 STE 13 0Z

↑
 City of Toronto By-law 569-2013
 Not to Scale
 08/25/2020

