

April 12, 2021

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

**CITY OF TORONTO**

**BY-LAW No. XXX-2021**

**To amend the City of Toronto By-law 569-2013, as amended, with respect  
to the lands municipally known in the year 2020 as 244, 250, 254, 258,  
260 and 262 Church 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 3.0 (c2.0; r3.0) SS1 (241), 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 241 so it reads:

### **Exception CR 311**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

- (A) On 244, 250, 254, 258, 260 and 262 Church Street, if the requirements of Section 6 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **mixed-use building** may be constructed in compliance with (B) to (Z) below;
- (B) The **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law ###- 2021
- (C) 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 89.60 metres (CGVD1928:pre 1978) and the highest point of the **building** or **structure**;
- (D) Despite regulations 40.10.40.10(1) and 40.5.40.10(4) and (5), the height of the **building** or **structure**, including a mechanical penthouse containing equipment and **structures** used for the functional operation of the **building**, must not exceed the height as specified in metres by the numbers following the symbol “HT” on Diagram 3 and within the coordinates identified on Diagram 4 of By-law [Clerks to supply by-law ##] with the exception of the following:
  - (i) lightning rods, window washing equipment, stair enclosures, elevator overruns, parapets, green roof and architectural features, may project above the height limits to a maximum of 2.9 metres;
    - a Despite (i), in areas of the building beneath the Obstacle Limitation Surfaces as defined in By-law 1432-2017 and depicted in the hatched area in Diagram 4, lightning rods, window washing equipment, stair enclosures, elevator overruns,

parapets, green roof and architectural features, may not project above the height limit of 166.10 metres

- (ii) trellises, pergolas, railings, cornices, lighting fixtures, ornamental elements, planters, landscaping, partitions dividing outdoor **amenity spaces**, guard rails, wheelchair ramps, fences, screens, furniture, and elements or **structures** providing safety or wind protection to rooftop **amenity space**, may project above the height limits to a maximum of 2.9 metres;
  - a Despite (ii), in areas of the building beneath the Obstacle Limitation Surfaces as defined in By-law 1432-2017 and depicted in the hatched area in Diagram 4, trellises, pergolas, railings, cornices, lighting fixtures, ornamental elements, planters, landscaping, partitions dividing outdoor amenity spaces, guard rails, wheelchair ramps, fences, screens, furniture, and elements or structures providing safety or wind protection to rooftop amenity space, may not project above the height limit of 166.10 metres;
- (E) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 52, excluding the mechanical penthouse;
- (F) Despite regulation 40.10.40.40 (1), the permitted maximum **gross floor area** on the **lands** must not exceed 37,800 square metres, of which:
  - (i) A maximum of 37,485 square metres may be used for residential uses; and
  - (ii) A minimum of 315 square metres may be used for retail uses.
- (G) Despite regulation 40.5.40.40(3) the **gross floor area** of a **mixed-use building** excludes areas used for:
  - (i) Alternative housing up to a maximum of 2,750 square metres;
  - (ii) All open to below areas;
  - (iii) Hallways and elevator vestibules below ground; and
  - (iv) electrical, utility, mechanical and ventilation rooms on any level of the building;
- (H) Despite regulations 40.10.40.50 (1) and (2), **amenity** must be provided in accordance with the following:
  - (i) A minimum of 2.0 square metres of indoor **amenity spaces** per **dwelling unit** must be provided;

- (ii) a minimum of 1.2 square metres of outdoor **amenity space** per **dwelling unit** must be provided;
  - (iii) **amenity space** may include guest suites that do not exceed an aggregate **gross floor area** of 100.0 square metres; and
  - (iv) guest suites and alternative housing do not constitute **dwelling units** for purposes of this exception;
  - (v) A minimum of 35 square metres of indoor **amenity spaces** must be provided for alternative housing use
- (I) Despite regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (J) Despite regulation 40.5.40.60(1) and Clause 40.10.40.60, the following are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law [Clerks to supply by-law ##]:
- (i) Canopies, site servicing features, balconies, lighting fixtures, awnings, ornamental elements, architectural features, window sills, planters, guardrails, railings, stairs, wheel chair ramps, vents, screens, and landscape features, may encroach up to a maximum of 2 metres;
    - a Despite (i) above, no encroachments are allowed above Canadian Geodetic Datum elevation of 250.0 metres (CGVD1928;pre 1978)
- (K) Despite regulation (J) above, no encroachments into the **building setbacks** are allowed on the portion of the site that is directly adjacent to 91 Dundas Street East as of the date of passing of By-law ##-####;
- (L) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for the **mixed-use building** must be provided and maintained on the **lands** in accordance with the following:
- (i) a minimum of 0.10 **parking spaces** per **dwelling unit** must be provided and maintained for the use of residents;
  - (ii) a minimum of 12 **parking spaces** must be provided for retail/visitors; and
  - (iii) the required parking spaces for retail/visitors may be provided within a **public parking facility** on the **lot**
  - (iv) no **parking spaces** are required for alternative housing uses;

- (M) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 11 **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;
- (N) Despite regulations 200.15.1.5(1) and 200.15.1(4), the nearest point of an accessible **parking space** must be located no more than 10.0 metres, from the nearest point of a barrier-free elevator that provides access to the first **storey** of the **building**;
- (O) Despite regulation 220.5.10.1(2), one Type “G” **loading space** must be provided and maintained on the **lands**;
- (P) Despite regulations 230.5.1.10(4) and (10), **bicycle parking spaces** must be provided and maintained in accordance with the following:
- (i) both long-term and short-term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;
  - (ii) short-term **bicycle parking spaces** may be located indoors or outdoors in an enclosed or secured room or enclosure;
  - (iii) if a **stacked bicycle parking space** located in a parking level down to and including parking level P2, is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.35 metres; and
  - (iv) a **stacked bicycle parking space** may be located adjacent to and within 0.3 metres of a **parking space** in parking levels down to and including parking level P2 provided that the vertically-positioned **bicycle parking space** does not encroach into the **parking space** and such **parking space** is not considered to be obstructed in accordance with regulation 200.5.1.10(2)(D) provided that no portion of the adjacent **stacked bicycle parking space** exceeds a horizontal clearance from the wall of 1.2 metres;
- (Q) Regulation 230.5.1.10(9) with respect to the location of long term **bicycle parking spaces** does not apply;
- (R) Regulation 230.40.1.20(2) with respect to the location of short term **bicycle parking spaces** does not apply;
- (S) Section 600.10 with respect to Building Setback Overlay District "A", does not apply;

- (T) Despite clauses 40.5.40.70, 40.10.40.70, and 40.10.40.80, the required minimum building setbacks and minimum distance between main walls are shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##]
- (U) Regulation 40.10.40.1(2) with respect to Commercial Uses – Location and First Floor Elevation shall not apply.
- (V) Regulation 40.10.40.10 with respect to Minimum height of first storey shall not apply;
- (W) Regulation 40.10.100.10(1) with respect to Vehicle Access shall not apply;
- (X) Despite 40.5.1.10(3)(A)(ii), for the purposes of this by-law, the following definition shall apply;
  - (i) **Alternative Housing** means **dwelling units** and ancillary spaces operated by a **non-profit** organization providing living accommodation.
- (Y) Despite (X) above, **Alternative Housing** shall be located on the ground floor, mezzanine and second floor of the new **building** authorized by this by-law and within the lands municipally known as 244 Church Street as of the date of passing of By-law ###
- (Z) 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.;

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

- 5. Despite any severance, partition or division of the lands, the provisions of this Bylaw shall apply as if no severance, partition or division occurred;
- 6. 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 \_\_\_\_\_, 2021.

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 by the City at the owner's expense in return for the increase in height and density of the proposed development on the lands permitted by this by-law amendment 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 six million and three hundred thousand (\$6,300,000.00) dollars to be allocated as follows:
- i. \$2,000,000.00 to new and existing capital improvements for City owned affordable housing in Ward 13;
  - ii. \$2,000,000.00 to new and existing capital improvements in City owned community, cultural, and recreational centres in Ward 13;
  - iii. \$2,000,000.00 to establishing a new non-profit City owned childcare centre in Ward 13; and
  - iv. \$300,000.00 to local area streetscape and park improvements in the Ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor
- (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 By-laws 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 that the purpose is identified in the City's Official Plan and will benefit the local community.

The Hospital For Sick Children

- (A) Prior to the issuance of the first Building Permit (excluding a Demolition Permit) on the lands, the owner shall provide confirmation from The Hospital for Sick Children through an official representative of the corporate entity, that no temporary (including construction cranes or related construction machinery) or permanent structures for the Development are within 3 metres of the Protected Flight Path, to the satisfaction of the Chief Building Official.
- (B) Prior to any construction, a Land Use Proposal Submission Form will be submitted to NAV CANADA for approval, with a copy to THSC.

- (C) Prior to any construction, an Aeronautical Assessment Form for Obstruction Marking and Lighting will be submitted to Transport Canada for approval, with a copy to THSC.