

Draft Zoning By-law Amendment (dated June 24, 2022)

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

Bill No. ~

CITY OF TORONTO BY-LAW No. XXX-20XX

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 506-516 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; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

Whereas Section 37.1 of the *Planning Act* provides that Subsections 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 By-law [Clerks to supply by-law #].
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

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3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of CR 3.0 (c1.7; r3.0) SS1 (x2144) to a zone label of CR 3.0 (c1.7; r3.0) SS1 (x754) as shown on Diagram 2 attached to this By-law.
 4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 754, as shown on Diagram 2 attached to By-law [Clerks to supply by-law #], so that it reads:

(754) Exception CR 754

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 506-516 Church Street, if the requirements of By-law [Clerks to supply by-law #] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) below:
- (B) For the purposes of this exception, the **lot** comprises the lands delineated by heavy lines on Diagram 1 attached to By-law [Clerks to supply by-law #];
- (C) Of the total number of **dwelling units** provided on the **lot**:
 - i. a minimum of 15 percent must be two-bedroom **dwelling units**;
 - ii. a minimum of 10 percent must be three-bedroom **dwelling units**;
 - iii. any **dwelling units** with three or more bedrooms provided to satisfy (C)(ii) above are not included in the provision required by (C)(i) above;
 - iv. 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
 - v. **dwelling units**, as described in (C)(iv) above, may be converted using accessible or adaptable design measures such as knock-out panels;
- (D) Despite Regulation 40.10.20.100(1)(A), the permitted total **interior floor area** of all **cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments** may not exceed 825 square metres;
- (E) Despite Regulation 40.10.20.100(2), a **nightclub** with a maximum **gross floor area** of 500 square metres is permitted on the first **storey** of the **building**;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 13,250 square metres, of which:

- i. the permitted maximum **gross floor area** for residential uses is 12,260 square metres; and
 - ii. the required minimum **gross floor area** for non-residential uses is 770 square metres;
- (G) A minimum of two (2) non-residential units must be provided at the ground level, of which the individual non-residential units must not exceed a maximum permitted **gross floor area** of 395 square metres, with the exception of one non-residential unit which may have a maximum **gross floor area** of 500 square metres;
- (H) 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 104.58 metres and the elevation of the highest point of the **building** or **structure**;
- (I) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law **[Clerks to supply By-law ##]**;
- (J) Despite regulations 40.5.40.10(3) to (7), and (I) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - i. parapets, railings, guardrails, balustrades, roof drainage, retail signage, thermal insulation or roof ballast, roof construction assembly elements, and planters, by a maximum of 1.5 metres;
 - ii. Safety railings and fences, provided the maximum vertical dimension of any such **structure** does not exceed 1.8 metres, and having a maximum combined vertical dimension with (i) above of 2.2 metres above the height of each roof level of the **building**;
 - iii. **Structures** used for **green roof** elements, landscape features, elevator overruns, stair towers, stair enclosures, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or structures enclosing such elements, and exhaust flues, swimming pools (elevated or otherwise), **structures** housing pool or spa maintenance or operational equipment, by a maximum of 3.0 metres; and
 - iv. **Structures** used for outside or open-air recreation, wind mitigation elements, architectural elements, public art features, life safety equipment, telecommunications equipment and antennae, window washing equipment, and lightning rods, by a maximum of 5.0 metres;
- (K) Despite regulation 40.5.40.60(1), a canopy, awning or similar **structure** may be located more than 5.0 metres above the elevation of the ground directly below it;
- (L) 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 ##];

- (M) Despite Regulation 40.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to supply By-law ##];
- (N) Despite clause 40.10.40.60, and regulations (L) and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. Window washing equipment, ornamental or architectural elements, trellises, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, wind screens, acoustic screens and landscape and public art features, to a maximum of 3.0 metres;
 - ii. Cornices, lighting fixtures, finials, parapets, eaves, window sills, bay windows, piers, vents, stacks, and retaining walls, to a maximum of 1.2 metres;
 - iii. Balconies located within the areas denoted as HT 5.5, HT 18.0, HT 21.0 and HT 30.0 on Diagram 3 of By-law [Clerks to supply By-law ##] to a maximum of 2.0 metres;
 - iv. Canopies and awnings to a maximum of 3.0 metres; and
 - v. Juliette balconies to a maximum of 0.3 metres;
- (O) Despite Regulation 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** at the following rate:
- i. at least 4.0 square metres for each **dwelling unit** as **amenity space**;
 - ii. of which a minimum of 195 square metres must be provided as outdoor **amenity space** provided that no more than 25 percent may be a **green roof**; and
 - iii. Indoor **amenity space** must be located in a multi-purpose room or rooms, at least one of which shall contain a kitchen and a washroom;
- (P) Despite Regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- i. A minimum of 0.14 **parking spaces** per **dwelling unit** for residents;
 - ii. A minimum of 0.06 **parking spaces** per **dwelling unit** for visitors; and
 - iii. No **parking spaces** are required for non-residential uses;
- (Q) Of the **parking spaces** required in Regulation (P)(i) above, a maximum of 4 **parking spaces** may be "car-share parking spaces", and for up to two "car-share parking spaces" the required minimum number of **parking spaces** for residents may be reduced by 4 **parking spaces** for each "car share parking space provided";

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- (R) For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental;
- (S) For the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (T) Despite regulation 200.5.1.10(2) four parking spaces may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres with or without obstructions;
- (U) Despite Regulations 230.5.1.10(7), 230.5.10.1(1) and (5)(A) and Table 230.5.10.1(1), **bicycle parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:
- i. A minimum of 0.9 "long term" **bicycle parking spaces** for each **dwelling unit** for residents;
 - ii. A minimum of 0.1 "short-term" **bicycle parking spaces** for each **dwelling unit** for visitors;
 - iii. No change and shower facilities shall be required on the **lot**;
- (V) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (W) Despite Regulation 230.5.1.10(4)(A) and (C), the required minimum dimensions of a **stacked bicycle parking space** are:
- i. length of 1.6 metres;
 - ii. width of 0.36 metres; and
 - iii. vertical clearance of 1.0 metres; and
- (X) Regulation 230.40.1.20(2), with respect to the location of "short-term" bicycle parking spaces, does not apply;

Prevailing By-laws and Prevailing Sections:

- a. Section 12(2) 131 of former City of Toronto By-law 438-86;
 - b. Section 12(2) 132 of former City of Toronto By-law 438-86;
 - c. Section 12(2) 259 of former City of Toronto By-law 438-86;
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. 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 of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law 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 attached to 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; and
- (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 _____, A.D. 2022.

Frances Nunziata,
Speaker

John D. Elvidge
Interim City Clerk

City of Toronto

SCHEDULE A
Schedule 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:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force to secure facilities, services or matters set out below:
 - a. Prior to the issuance of the first above-grade building permit for the development, the owner shall make a cash contribution of \$1,600,000.00 to be allocated towards local streetscape and laneway improvements for Donna Shaw Lane and Alexander Place;
 - b. All cash contributions referred to in Clause 1 above, shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made;
 - c. In the event the cash contribution referred to in Clause 1 above, has not been used for the intended purpose within three (3) years of the 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 that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 13;





