

Authority: Toronto and East York Community Council
Item TE25.3, adopted as amended, by City of Toronto
Council on June 8 and 9, 2021

CITY OF TORONTO

Bill 794

BY-LAW – 2021

To amend Zoning By-law 569-2013 with respect to the lands municipally known in the year 2020 as 111-125 River 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

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

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 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; 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; and

Whereas Council of the City of Toronto, at its meeting on June 8 and 9, 2021, determined to amend the former City of Toronto Zoning By-law 569-2013 with respect to lands known municipally in the year 2020 as 111 to 125 River Street;

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 569-2013, Chapter 800 Definitions.

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 outlined by heavy black lines to CR 2.5 (c2.0; r.1.5) SS2 (x359), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number 359 so that it reads:

(xx) Exception CR (x359)

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 111-125 River Street as shown on Diagram 1 of this By-law, 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 Sections (B) to (U) below;
- (B) Despite Clause 40.10.40.40, the **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 27,800 square metres, whereby:
 - a. The maximum residential **gross floor area** on the **lot** must not exceed 27,600 square metres; and
 - b. The maximum non-residential **gross floor area** on the **lot** must not exceed 200 square metres.
- (C) The permitted maximum number of **dwelling units** is 433;
- (D) Of the total number of **dwelling units** provided:
 - a. A minimum of 15 percent must be two-bedroom **dwelling units**;
 - b. A minimum of 10 percent must be three-bedroom **dwelling units** or larger; and
 - c. An additional minimum of 15 percent must be either two or three-bedroom **dwelling units** or larger.
- (E) Despite Regulation 40.5.40.10(1), the height of the **building** is the vertical distance between a Canadian Geodetic Datum elevation of 85.55 metres and the elevation of the highest point of the **building**;
- (F) Despite Clause 40.10.40.10(2), the permitted maximum height of any **building** or **structure** is the height in metres specified by the numbers following the symbols HT, as shown on Diagram 3 of By-law [Clerks to supply by-law ##];

- (G) Despite clause 40.5.40.10, regulation 40.10.40.10 (2) and Section F above, no portion of any **building** or **structure** on the **lot** may have a height greater than the maximum permitted height in metres specified by the number following the "HT" symbol as shown on Diagram 3 of By-law [Clerks to supply by-law ##], with the exception of:
- a. wind screens, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, vestibules providing rooftop access, screens, stairs, roof drainage, window sills, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, **landscaping**, and elements of a **green roof**, which may project up to 3.0 metres above the height limits shown on Diagram 3;
 - b. elevator overruns, mechanical penthouses, mechanical equipment and any associated enclosure **structures**, which may project up to 6.0 metres above the height limits shown on Diagram 3 within the area outlined as "MPH"; and
 - c. access stairs and cumulative residential gross floor area up to a maximum of 100 square metres is permitted on the north and south side of the mechanical penthouse.
- (H) Despite regulations 40.5.40.10 (5) the total area of the mechanical penthouse containing equipment and structures used for the functional operation of the building described in 40.5.40.10(4) may exceed 30 percent of the area of the roof provided it is located within the area outlined as "MPH" on Diagram 3 By-law [Clerks to supply bylaw ##];
- (I) Despite regulations 40.5.40.70 and 40.10.40.70(2), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (J) Despite regulations 40.10.40.60, 40.10.40.70 (2), Section (I) above and 600.10.10(1), the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to supply by-law ##]:
- a. cornices, light fixtures, ornamental elements, cladding, parapets, eaves, and window sills may encroach into a **building setback** to a maximum of 0.5 metres;
 - b. awnings, landscape features, trellises, ventilation shafts, railings, stairs, stair enclosures, doors, wheel chair ramps, canopies, and underground garage ramps, architectural feature wall, and wall mounted public art may encroach into a **building setback** to a maximum of 2.0 metres; and
 - c. above a **building** height of 24.0 metres, balconies may encroach into a **building setback** by a maximum of 1.65 metres.

- (K) Despite regulation 40.10.40.50 (1), **amenity space** must be provided in accordance with the following:
- a. a minimum of 790 square metres of indoor **amenity space** must be provided; and
 - b. a minimum of 465 square metres of outdoor **amenity space** must be provided.
- (L) Despite regulations 40.10.40.1(1) residential uses are permitted on the same level as non-residential use portions;
- (M) Despite regulations 200.5.10.1, 200.15.10(1) and Table 200.5.10.1, **vehicle parking spaces** shall be provided on the **lot** in accordance with the following:
- a. a minimum of 48 **parking spaces** will be provided for residents;
 - b. a minimum of 25 **parking spaces** will be required for visitors and the non-residential uses combined;
 - c. a minimum of 4 "car-share **parking spaces**"; and
 - d. for the purposes of this exception, "car share" means the practice where a number of people share the use of one or more cars that are owned by a profit or nonprofit car sharing organization and where the organization may require that use of cars to 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 which may or may not be refundable, and "car share **parking space**" means a **parking space** exclusively reserved and used for car share purposes where the **vehicle** is accessible to at least the occupants of the **building**.
- (N) Despite regulation 200.15.10(1), accessible **parking spaces** shall be provided as follows:
- a. of the required **parking spaces** under (M) above, a minimum of 3 accessible **parking spaces** must be provided in the underground **parking garage**;
- (O) **Parking spaces** for visitors or non-residential uses may be provided in a **commercial parking garage**;

- (P) Required **parking spaces** under (M) above may be provided within an "automated **parking garage**":
- a. "automated **parking garage**" means a mechanical system for the purpose of parking and retrieving **vehicles** without drivers in the **vehicle** during parking and without the use of ramps or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of **vehicles** on parking pallets;
- (Q) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 15 percent of the total **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;
- (R) Despite regulations 230.5.1.10, 230.5.10.1(1) and Table 230.5.10.1(1), **bicycle parking spaces** shall be provided on the **lot** in accordance with the following:
- a. a minimum of 390 **bicycle parking spaces** will be provided for residents; and
- b. a minimum of 44 visitor **bicycle parking spaces** will be provided;
- (S) Despite regulation 230.5.1.10(4)(C) a **stacked bicycle parking space** shall have the following minimum dimensions:
- a. length of 1.8 metres;
- b. width of 0.6 metres or 0.2 metres if provided in a staggered track system; and
- c. vertical clearance of 1.2 metres for each **bicycle parking space**;
- (T) Despite regulations 220.5.10.1(2) a minimum of one Type "G" **loading space** must be provided;
- (U) Despite regulations 200.5.1.10(12)(c) vehicle entrances or exits to the building may be located 0 metres from the lot line abutting Mark Street;

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

5. Exception CR (x359) shall apply to all of the lands collectively regardless of future severance, partition or division.

6. Section 37 Provisions:

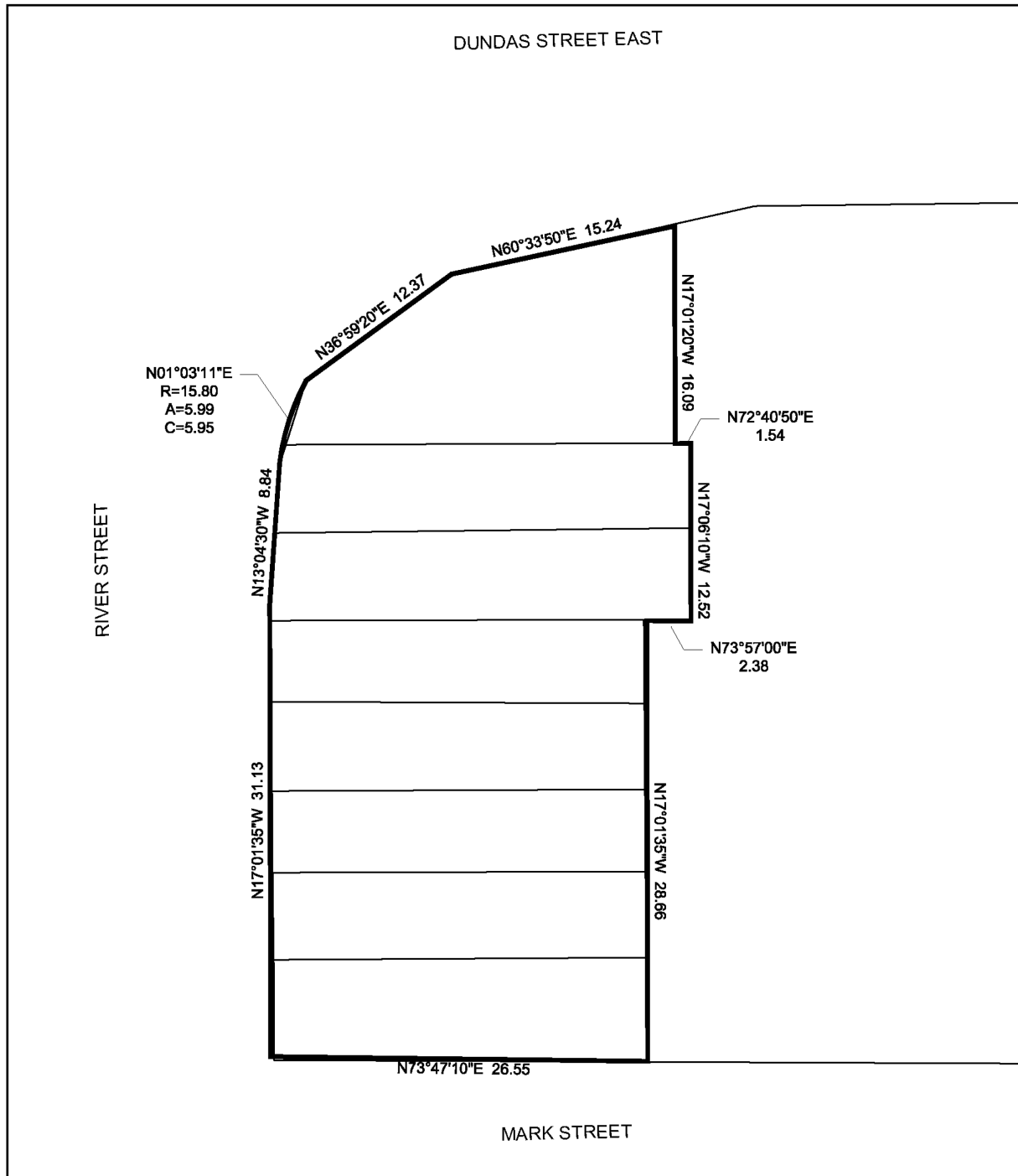
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, 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; 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.

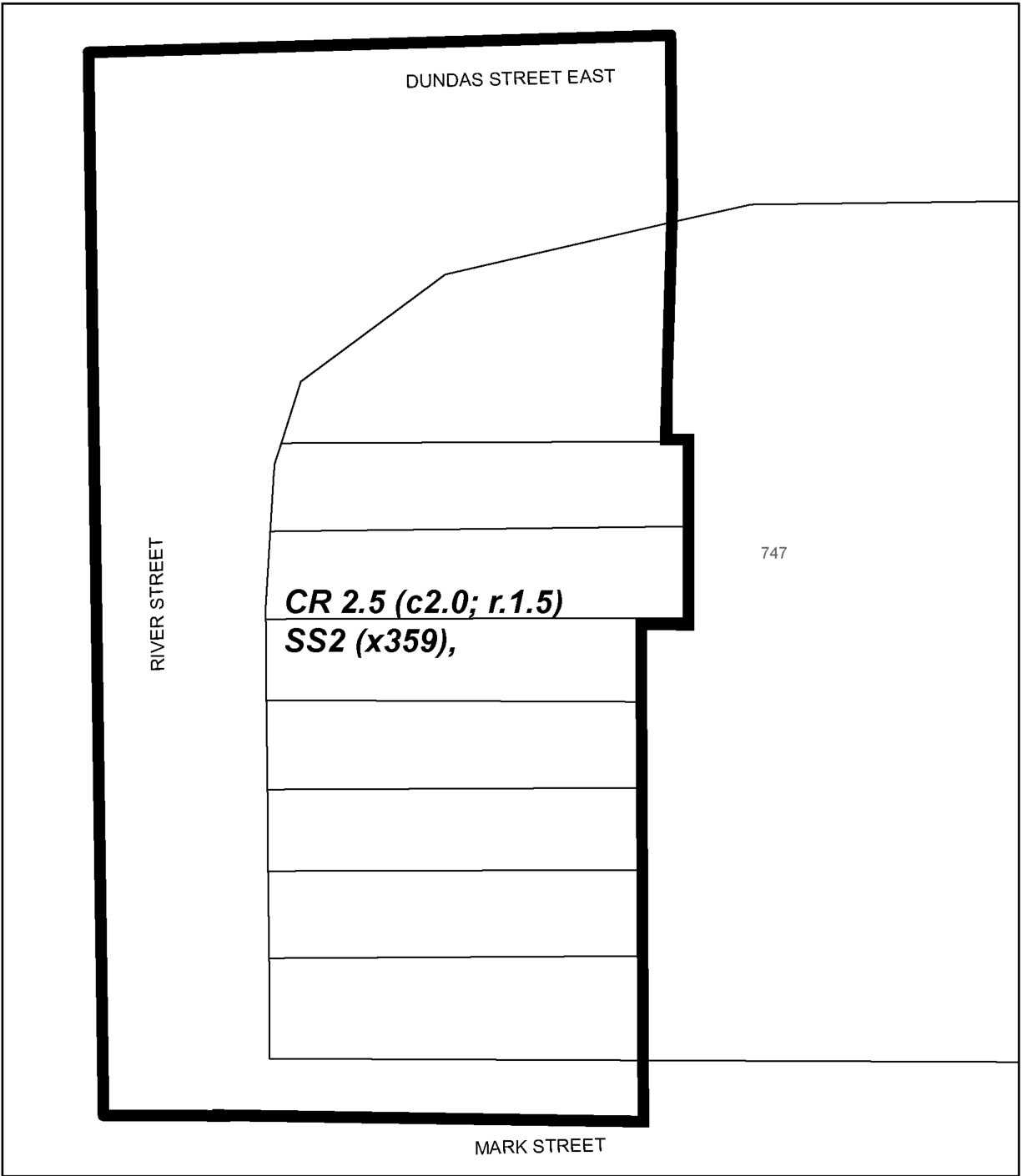
Enacted and passed on October , 2021.

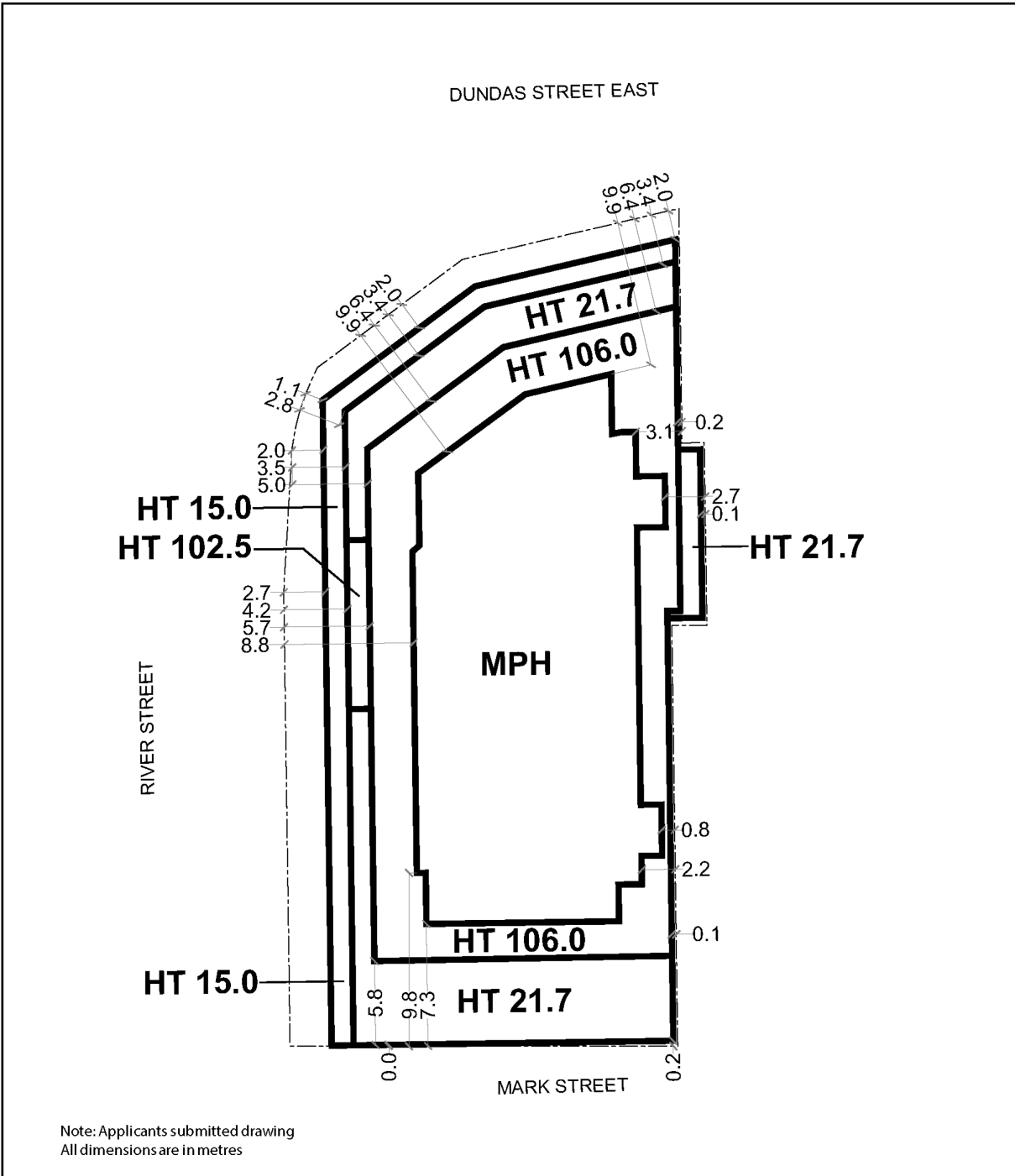
Frances Nunziata,
Speaker

John D. Elvidge,
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:

1. Prior to issuance of the first above grade building permit, the owner shall make an indexed cash contribution to the City in the amount of three million one hundred thousand dollars (\$3,100,000.00) to be allocated toward:
 - a) \$1,550,000.00 to new City-owned affordable housing or community space and/or capital improvements to City owned affordable housing and/or community recreation space in Ward 13; and
 - b) \$1,550,000.00 to local area streetscape and park improvements in Ward 13, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the General Manager, Parks, Forestry and Recreation.
2. The cash contribution referred to in section 1 of this Schedule 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.
3. In the event the cash contribution in section 1 of this Schedule A 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 the Official Plan and will benefit the community in the vicinity of the lands.
4. Prior to the issuance of the first above grade building permit, the owner shall prepare, at its expense, a Public Art Plan for the provision of Public Art upon the adjacent City-owned lands and shall submit the Public Art Plan to the City, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto Public Art Commission, in accordance with the terms of the Section 37 Agreement.
3. Prior to the issuance of the first above grade building permit, the owner shall provide financial security in the form of a Letter of Credit in the amount of five hundred thousand dollars (\$500,000) to secure the commission and installation of public art in accordance with the Public Art Plan in section 4 of this Schedule A.

5. The owner shall develop and implement an acceptable tenant relocation and assistance plan to mitigate hardship for eligible tenants of the existing rental housing 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 Division.
6. The owner shall design, construct, provide and maintain streetscape improvements adjacent to the site, including the open space located at the corner of Dundas Street East and River Street to the satisfaction of the Chief Planner and Executive Director, City Planning, and secured in a Site Plan Agreement with the City.
7. The owner shall construct, provide and maintain a privately owned publicly accessible open space (POPS) on the lands with a minimum size of 68 square metres in a location and configuration satisfactory to the to the satisfaction of the Chief Planner and Executive Director, City Planning and adjacent to the open space located at the corner of Dundas Street East and River Street, all to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS. The owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration, design and timing of conveyance of the POPS shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.
8. Prior to final Site Plan Approval for any part of the site, the owner shall submit a construction management plan for the development 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 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.
9. 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.