

Authority: Toronto and East York Community Council Item 15.7, as adopted by City of Toronto Council on May 26 and 27, 2008 and Toronto and East York Community Council Item 30.3, as adopted by City of Toronto Council on January 26 and 27, 2010  
Enacted by Council: January 27, 2010

**CITY OF TORONTO**

**BY-LAW No. 104-2010**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto  
with respect to the lands municipally known as 300 Front Street West.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2008 as 300 Front Street West; and

WHEREAS the Council of the City of Toronto has conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services, or matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services, and matters as are hereinafter set forth; and

WHEREAS the increase in the height of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services, and matters in return for the increases in height permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. Notwithstanding District and Height and Minimum Lot Frontage Maps 50G-322 or any other provision of Zoning By-law No. 438-86 of the former City of Toronto, as amended, the *lot* is within an RA district for the purposes of said By-law No. 438-86, as amended, and By-law No. 438-86, as amended, shall apply to the *lot* except as otherwise provided for in this By-law.

3. None of the provisions of Sections 2(1) with respect to the definition of *grade*, 4(2)(a), 4(5), 4(12), 7(3) Part II 1 (i) & 3, 12 (2) 132, 12(2) 246(a), 12(2) 246(c), 12(2) 246(e), of Zoning By-law No. 438-86 being "A By-law to regulate the use of land and 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", as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:
- (1) no portion of any building erected above *grade* is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
    - (a) balconies are permitted to project a maximum of 2.0 metres outside the areas delineated by heavy lines in the locations shown as "balconies" on the attached Map 2; and
    - (b) lighting fixtures, canopies, balustrades, stairs, stair enclosures, wheel chair ramps, underground garage ramps, ornamental or architectural features, landscape features, and public art may extend beyond the heavy lines shown on the attached Map 2.
  - (2) No person shall erect or use a building or structure on the *lot* having a greater *height*, in metres or *storeys*, than the lesser of:
    - (a) the *height* in metres specified by the numbers following the symbol H on the attached Map 2; or
    - (b) the number of *storeys* specified on the attached Map 2, except that a floor or a mezzanine shall only be counted as a *storey* if it contains *residential gross floor area* or *non-residential gross floor area*.
  - (3) Rooftop mechanical areas, including a wall or structure enclosing a stair tower, elevator shaft or heating, cooling and ventilating equipment, shall not exceed the building *height* shown on the attached Map 2.
  - (4) Notwithstanding Sections 3(2) and (3),
    - (a) roof parapets and railings are permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of such elements shall not exceed the sum of 1.2 metres and the applicable maximum *height* in metres as specified on the attached Map 2, however such additional *height* permission for roof parapets and railings shall not apply to the area on the attached Map 2 having a *height* of 156.0 metres;

- (b) unenclosed heating, cooling, ventilating, or window washing equipment is permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of any such elements shall not exceed the sum of 2.0 metres and the applicable maximum *height* in metres as specified on the attached Map 2;
  - (c) for the portion of the building subject to a maximum *height* of 44.0 metres and 16 *storeys*, structures on the roof of the building enclosing a stair tower or used for outside or open air recreation, landscaping, safety, or wind protection are permitted to exceed the *height* permissions on the attached Map 2 provided the maximum vertical dimension of such structures shall not exceed the sum of 4.0 metres and the applicable maximum *height* in metres as specified on the attached Map 2;
  - (d) balconies identified in Section 3(1)(a) are permitted to exceed the *height* permissions on the attached Map 2, provided they do not exceed the *height* of the portion of the building to which they are attached; and
  - (e) the building elements or structures identified in Section 3(1)(b) are permitted to exceed the *height* permissions on the attached Map 2.
- (5) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

Residents' Parking:

- (a) a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;
- (b) a minimum of 0.5 *parking spaces* per one *bedroom* dwelling unit;
- (c) a minimum of 0.75 *parking spaces* per two *bedroom* dwelling unit;
- (d) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit*;

Visitor Parking:

- (e) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors;
- (f) the visitors *parking spaces* required to be provided and maintained on the *lot* pursuant to this By-law shall be reserved at all times for visitors to the residential portion of the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the building;

Non-Residential:

- (g) any non-residential use or a portion of a building used for any non-residential purpose:
  - (i) for any floor level below *grade* or the first floor level at or above *grade*:
    - A. no minimum required; and
    - B. a maximum of 1 *parking space* for each 25 square metres of net floor area;
  - (ii) for any floor level above *grade* not included in clause (i) above:
    - A. a minimum of 1 *parking space* for each 300 square metres of net floor area; and
    - (b) a maximum of 1 *parking space* for each 135 square metres of net floor area.
- (6) Where the calculation of the number of *parking spaces* required to be provided and maintained by Section 0 results either in a fraction of a *parking space*, or in a whole number of *parking spaces* and a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and added to the whole number of the *parking spaces* required to be provided and maintained, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* that are required to be provided and maintained in respect of the building or structure to be erected or used.
- (7) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
  - (a) not less than 1200 square metres of indoor *residential amenity space* located in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom;
  - (b) a minimum of 350 square metres of outdoor *residential amenity space* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the *indoor residential amenity space*;
- (8) the provision of *bicycle parking spaces – occupant* shall be separate from and independent of individual storage spaces;

(9) *bicycle parking spaces – visitor:*

- (a) shall be located only on the first level below *grade* or on the first level at or above *grade*;
- (b) shall not be located within a secured enclosure or room or bicycle locker; and
- (c) shall be reserved at all times for visitors to the building and shall be designated by means of clearly visible signs as being for the exclusive use of visitors to the building in such areas.

**4. Site Servicing**

Such by-law requires that no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

**5.** Pursuant to Section 37 of the *Planning Act*, the height of the development is permitted to increase beyond that otherwise permitted on the lands by By-law No. 438-86 and in return, the owner shall, at its sole expense, enter into an agreement with the City satisfactory to the Chief Planner and Executive Director, City Planning Division and City Solicitor, and provide the City with the facilities, services and matters set out below, and shall register such agreement on title to the lands as a first charge, and such agreement and registration shall be to the satisfaction of the City Solicitor:

- (1) the provision of a *publicly accessible open space* on the *lot* with a minimum area of 825 square metres located within the area identified as "Area A" on the attached Map 2, the final configuration and design of which is to be subject to the development review process contemplated by Section 114 of the *City of Toronto Act, 2006* or Section 41 of the *Planning Act*, and subject to such restrictions as may be set out in the agreement under Section 37 of the *Planning Act*;
- (2) a contribution in the total amount of \$2,000,000, indexed annually pursuant to the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, from the date of execution of the agreement under Section 37 of the *Planning Act* until the date the owner pays such sum, which sum is due to the City prior to the issuance of the first above grade building permit for the development on the *lot* and is to be used by the City for the following public realm and park improvements and City initiatives in the surrounding area in the following order of priority and amounts:

- (a) the amount of \$1,050,000 to be applied to:
  - (i) improvements for the east and west sides of John Street between Front Street West and Wellington Street West, including streetscape improvements, beyond what is typically secured through site plan approval under Section 114 of the *City of Toronto Act, 2006* or Section 41 of the *Planning Act*;
  - (ii) improvements to Isabella Valancy Crawford Park; and
  - (iii) streetscape improvements within the King-Spadina area east of Spadina Avenue;

the exact amount of the contribution to be applied to each of the items set out in clauses (i) and (ii) above shall be determined through the finalization of design and construction drawings; however, subject to the overall maximum of \$1,050,000, no more than \$750,000 shall be applied to John Street streetscape improvements and no more than \$500,000 shall be applied to improvements to Isabella Valancy Crawford Park;

- (b) the amount of \$750,000 payable to the City of Toronto, to be used for improvements to:
  - (i) Metro Hall Park; and/or
  - (ii) Simcoe Park; and/or
  - (iii) Clarence Square Park;
- (c) \$200,000 of the \$2,000,000 Section 37 contribution be dedicated for capital improvements to the Toronto Community Housing Corporation (T.C.H.C.) properties in Ward 20, and shall be paid within 10 days of this By-law coming into force and effect;
- (d) the provision and maintenance of public art pursuant to a public programme, to be located on publicly accessible portions of the *lot*, or within publicly owned or publicly accessible locations in Ward 20, of a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the *lot*;
- (e) that a minimum of 10% of the total number of *dwelling units* be 3 or more bedroom units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code, and/or have knock-out panels to enable the conversion of units with fewer bedrooms to 3-bedroom units; and

- (f) that architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in conjunction with the Site Plan Approval Application, and the owner will be required to submit 1:50 scale elevation drawings for the podium and 1:100 scale drawings for the publicly accessible open space, illustrating materials, including plant materials, and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (g) that the owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (h) The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division, to be submitted as part of a revised application for Site Plan Approval; and
- (i) The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation.

**6.** None of the provisions of this By-law or By-law No. 438-86, as amended, as of the date of the passing of this By-law, shall apply to prevent the following uses on the *lot*:

- (1) a temporary *sales office*; and
- (2) a *commercial parking garage* within the *mixed-use building* otherwise permitted by this By-law.

**7.** Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended, except for the following:

- (1) "*grade*" means 83.3 metres Canadian Geodetic Datum;
- (2) "*publicly accessible open space*" means an area on the *lot* that is privately owned, operated and maintained, but open and accessible to the public from both Front Street West and John Street between the hours of 6:00 a.m. and 12:00 a.m., every day of the year; and

- (3) "*sales office*" means a building or structure for the purpose of marketing and sales related to use(s) permitted on the *lot*.

ENACTED AND PASSED this 27th day of January, A.D. 2010.

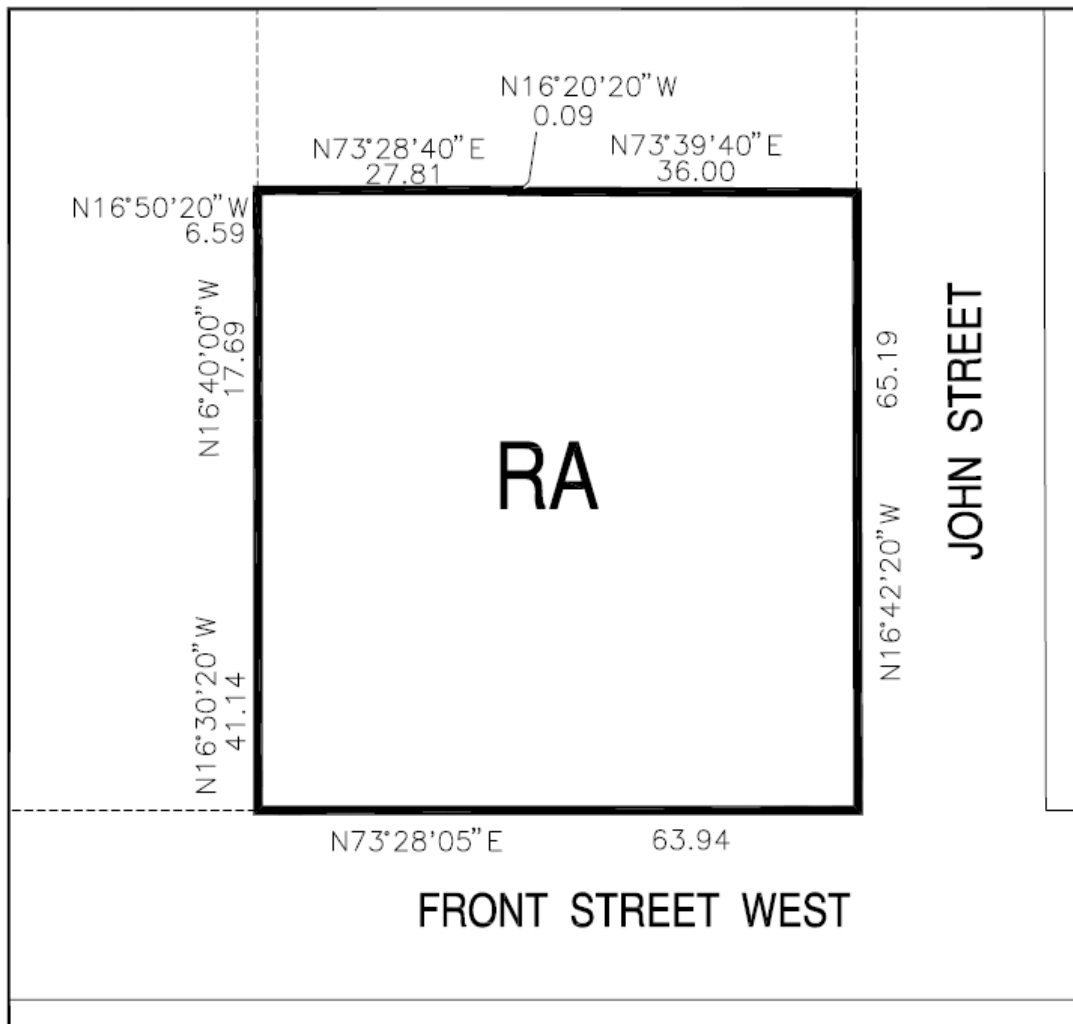
SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



## Map 1



*Lands known municipally as 300 Front Street West in 2008.*

*Bearings and dimensions taken from a Plan of Survey*

*(submitted by I.M. Pastushak Limited) for Town Lots 16 & 17.*



0m 10m 20m 30m 40m

MAP 2

