

Authority: Toronto and East York Community Council Item 17.5,
as adopted by City of Toronto Council on July 11, 12 and 13, 2012
Enacted by Council: November 1, 2012

CITY OF TORONTO

BY-LAW No. 1430-2012

To amend Zoning By-law No. 1994-0805 of the former City of Toronto, with respect to lands in the Railway Lands West known as Blocks 33 and 37.

WHEREAS authority is given to Council by 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*; and

WHEREAS By-law No. 1994-0805 of the former City of Toronto, being a by-law "To regulate the use of lands 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 Railway Lands West", as amended, is hereby further amended;

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

1. By-law No. 1994-0805, as amended, is further amended for *block 33* and *block 37* by:
 - (1) amending Height and Minimum Lot Frontage Map 50G-321 contained in Appendix "B", in respect of *block 33* and *block 37* as shown on the Height Map attached to this By-law; and
 - (2) amending Maps 4 and 7, in respect of *block 33* and *block 37* as shown on Maps 4 and 7 attached hereto.
2. Except as otherwise provided herein, the provisions of By-law No. 1994-0805, as amended, shall continue to apply to *block 33* and *block 37*.

DEFINITIONS

3. Subsection (1) of Section 2 entitled **DEFINITIONS** is amended as follows:

- (1) the definition of "*grade*" is deleted and replaced with the following:

"grade"

for all lands except *block 33* and *block 37*, means the average elevation of the sidewalk(s) or where there is no sidewalk, of the roadway(s) in front of the *lot* on which the building is or is to be erected, and for *block 33* and *block 37*, *grade* shall mean:

- (i) 83.90 metres Canadian Geodetic Datum with respect to that portion of *block 33* with a *height* limit of 109 metres;

- (ii) 80.62 metres Canadian Geodetic Datum with respect to that portion of *block 33* with a *height* limit of 120 metres; and
 - (iii) 82.02 metres Canadian Geodetic Datum with respect to *block 37*;
- (2) the definition of *residential gross floor area* is amended by deleting the word "and" at the end of paragraph (v), adding the word "and" at the end of paragraph (vi) and adding the following new paragraph (vii) immediately following paragraph (vi):
- "(vii) in the case of *block 33* and *block 37*, a part of the building or structure above or below *grade* that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space* or other *accessory* use;"

PARKING SPACES

4. Subsection (5) of Section 4 entitled **PARKING SPACES: WHEN REQUIRED, NUMBER, LOCATION AND TYPE** is amended by replacing the phrase "paragraphs (b) to (p)" with the phrase "paragraphs (b) to (r)" in paragraph (a), and adding the following new paragraphs (q) and (r) immediately following paragraph (p):

"(q) In respect of *block 37*, notwithstanding Subsection 4(5)(a), in calculating the minimum and maximum number of *parking spaces* permitted to be provided on the *lot*, *parking spaces* provided for any non-residential use may be used by all non-residential uses on the *lot*, and in all other respects SCHEDULE 1 and the provisions of paragraphs (a) to (p), inclusive, of this Section 4(5) shall apply."

"(r) In respect of *Block 37*, notwithstanding Section 2 Definitions- "*parking space*", out of the total supply of required *parking spaces* provided, nine (9) *parking spaces* may have minimum dimensions of 2.5 m by 5.9 m and three (3) *parking spaces* may have a minimum dimension of 2.6 m by 5.4 m.

RESIDENTIAL AMENITY SPACE

5. The table in subsection (7) of Section 4 entitled **RESIDENTIAL AMENITY SPACE** is amended by adding the following phrase immediately following the phrase "2 square metres of *residential amenity space* for each *dwelling unit*, except that for any *block* containing greater than 40,000 square metres of *residential gross floor area*, 1.5 square metres of *residential amenity space* for each *dwelling unit* is to be provided":

"and in the case of *block 33* and *block 37* *residential amenity space* required to be provided on *block 37* may be provided on *block 33* to serve residents of both *block 37* and *block 33* and indoor *residential amenity space* may be provided in contiguous or non-contiguous multi-purpose rooms"

and by adding the following phrase immediately following the phrase "2 square metres of *residential amenity space* for each *dwelling unit* of which at least 40 square metres is to

be provided in a location adjoining or directly accessible from the indoor *residential amenity space*":

"except that in the case of *block 33* and *block 37* this requirement shall not apply, and 1.25 square metres of *residential amenity space* for each *dwelling unit* shall be provided and such space may be provided in part on *block 33* to serve residents of both *block 37* and *block 33*".

DENSITY

6. The table in Regulation 1 of Section 7 PART I entitled **MAXIMUM FLOOR AREA: MIXED USE, NON-RESIDENTIAL AND RESIDENTIAL BUILDINGS** is amended by:

- (1) deleting the two rows with the phrases "*block 33*" and "*block 37*" in COLUMN A and replacing them with the two rows set out in the following table:

COLUMN A BLOCK	COLUMN B MAXIMUM NON- RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
<i>block 33</i>	1,031	63,513	64,544
<i>block 37</i>	1,799	40,877	42,676

ENTRANCE TO COMMERCIAL BUILDINGS

7. Regulation 2 of Section 7 Part 1 entitled **ENTRANCE TO COMMERCIAL BUILDINGS** is amended by adding the words "except in the case of *block 33* and *block 37*," in the first line of paragraph (ii) immediately following the number "(ii)" and immediately before the words "the main floor level".

EXCEPTIONS

8. Exception (11) in Section 10, entitled **BLOCKS 24, 25, 26E, 26W, 29, 33 and 37 BUILDING TOWERS (1080-2006)** is amended by replacing paragraphs (e) and (f) with the following:

BLOCK 33

- (e)
- (i) Despite Section 4(3)(a) no person shall erect or use a building or structure on *block 33* having a *height* of more than 26 metres;

- (ii) Subparagraph (i) shall not apply to prevent the erection or use of building towers which exceeds the said *height* limit provided:
 - (A) With respect to the portion of *block 33* having a height limit of 120 metres,
 - (I) Each floor in a tower located above the 26 metre *height* limit, contains no more than 770 square metres of *residential gross floor area*, and each floor located above a *height* of 48 metres contains no more than 740 square metres of *residential gross floor area*;
 - (II) No more than one such tower is located within this portion of *block 33*; and
 - (III) No part of the tower exceeds the applicable *height* limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with subparagraph (iii) of this paragraph (e) of Exception (11).;
 - (B) With respect to the portion of *block 33* having a height limit of 109 metres,
 - (I) Each floor in a tower located above the 26 metre *height* limit, contains no more than 726 square metres of *residential gross floor area*;
 - (II) No more than one such tower is located within this portion of *block 33*; and
 - (III) No part of the tower exceeds the applicable *height* limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with subparagraph (iii) of this paragraph (e) of Exception (11);
- (iii) Despite Section 4(3)(a), the rooftop structures and elements listed in section 4(3)(a)(i) shall not be permitted on a building constructed within *block 33*, except for on the roof of a building tower located above a *height* of 26 metres in accordance with the following:
 - (A) The maximum *height* of the top of such elements or structure is no higher than the sum of 11 metres plus the *height* limit applicable to the tower; and
 - (B) There is no restriction on the location of, the area of the roof occupied by, or the width of such elements or structures;
- (iv) At least ten percent (10%), of the total number of *dwelling units* to be constructed in the buildings on Block 33 and Block 37 collectively, shall be capable of being designed as three bedroom units in compliance with

the provisions of the Ontario Building Code, and these *dwelling units* are to be shown on the marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units. On Block 33, not less than 10% of the total *dwelling units* on the *lot* shall be such *dwelling units*.

BLOCK 37

- (f)
- (i) Despite Section 4(3)(a), no person shall erect or use a building or structure on *block 37* having a *height* of more than 26 metres;
 - (ii) Subparagraph (i) shall not apply to prevent the erection or use of buildings that exceed the said *height* limit, provided:
 - (A) With respect to the portion of *block 37* having a *height* limit of 85 metres,
 - (I) Each floor in the tower, located above a *height* of 26 metres, contains no more than 750 square metres of *residential gross floor area*;
 - (II) No more than one such tower is located within this portion of *block 37*; and
 - (III) No part of the tower exceeds the applicable *height* limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with subparagraph (iii) of this paragraph (f) of Exception (11);
 - (B) With respect to the portion of *block 37* having a *height* limit of 54 metres,
 - (I) Each floor in the tower, located above a *height* of 26 metres, contains no more than 750 square metres of *residential gross floor area*;
 - (II) No more than one such tower is located within this portion of *block 37*; and
 - (III) No part of the tower exceeds the applicable height limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with subparagraph (iii) of this paragraph (f) of Exception (11).

- (C) With respect to the portion of *block 37* having a *height* limit of 28 metres,
 - (I) Each floor in the building located above a *height* of 26 metres, contains no more than 750 m² of *residential gross floor area*;
 - (II) No more than one such building is located within this portion of *block 37*; and
 - (III) No part of the building exceeds the applicable height limit stipulated by Section 4(3)(a) other than rooftop structures and elements permitted by and complying with subparagraph (iv) of this paragraph (f) of Exception (11);
- (iii) With respect to the portions of *block 37* having *height* limits of 54 metres and 85 metres, despite Section 4(3)(a), the rooftop structures and elements listed in Section 4(3)(a)(i) shall not be permitted on buildings constructed within said portions of *block 37*, except for on the roofs of towers located above a *height* of 26 metres in accordance with the following:
 - (A) The maximum *height* of such element or structure is no higher than the sum of 9 metres plus the *height* limit applicable to the tower; and
 - (B) There is no restriction on the location of, the area of the roof occupied by, or the width of such elements or structures;
- (iv) With respect to the portion of *block 37* having a *height* limits of 85 metres, despite Section 4(3)(a), the rooftop structures and elements listed in Section 4(3)(a)(i) shall not be permitted on a building constructed within *block 37*, except for on the roof of a building located above a *height* of 26 metres in accordance with the following:
 - (A) The maximum *height* of such element or structure is no higher than the sum of 11 metres plus the *height* limit above 26 metres applicable to the building; and
 - (B) There is no restriction on the location of, the area of the roof occupied by, or the width of such elements or structures;
- (v) At least ten percent (10%), of the total number of *dwelling units* to be constructed in the buildings on Block 33 and Block 37 collectively, shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these *dwelling units* are to be shown on the marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units.

9. Exception (16) in Section 10, entitled **TERRACES AND COLONNADES – BLOCKS 24, 25, 26E, 26W, 29, 33 AND 37** is amended by adding the words "except in the case of *block 33* and *block 37*" in the first line of paragraph (c) immediately following the letter "(c)" and immediately before the words "a colonnade, in accordance with".
10. Section 10 is amended by replacing exception (18) as follows:
- "(18) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted for *block 33* and *block 37* by this By-law are permitted in return for the provision by the respective *owner* of each of *block 33* and *block 37* to the *City* of the following facilities, services and matters, as set out in agreement(s) by the *owner* with the *City* pursuant to Section 37 of the *Planning Act*:
- (1) the *owner* is to ensure that phased development is to the satisfaction of the *City*;
 - (2) the *owner* is to agree to the implementation of urban design and co-ordination of development and additional studies regarding such matters as sun/shade analysis, pedestrian level comfort study, and emergency evacuation plan;
 - (3) the *owner* shall provide all matters needed to service each of *block 33* and *block 37*, including: phasing of infrastructure, the retention of a satisfactory consulting engineer, site grading, the construction of services including water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems, road intersections, traffic signals, and utilities (including cost sharing arrangements) and the provision of all associated letters of credit, detailed design drawings, and inspection fees;
 - (4) the *owner* is to satisfy all environmental matters such as: the environmental restoration or remediation of each of *block 33* and *block 37*, the retention of an environmental consultant and peer review, soil and groundwater management, certification and provision of a Record of Site Condition, the monitoring of de-watering and a commitment to mitigate as and where required by the *City*, noise and vibration, air quality, demolition and dust control;
 - (5) the *owner* shall make a payment of \$470.00 for each *dwelling unit*, to a maximum of \$440,000.00, toward community daycare in the Railway Lands West;

- (6) the *owner* shall make a payment of \$242,000.00 toward other community services and facilities;
- (7) the *owner* shall make a payment of \$533.00 for each *dwelling unit* as park funds for parks or other community recreational facilities to serve the Railway Lands West;
- (8) the *owner* shall provide not less than 30 percent of the *dwelling units* within *block 33* and *37*, with the following size restrictions, and pursuant to the provisions of the agreement to be entered with the City pursuant to Section 37 of the *Planning Act*:
 - (i) bachelor *dwelling units* or one-bedroom *dwelling units* shall not be greater than 62 square metres of *residential gross floor area*;
 - (ii) two-bedroom *dwelling units* shall not be greater than 82 square metres of *residential gross floor area*; and
 - (iii) three-bedroom *dwelling units* shall not be greater than 98 square metres of *residential gross floor area*;
- (9) the *owner* shall provide and maintain works of public art within *block 33* and *block 37* or cash in lieu thereof, of a value of not less than one percent of the cost of construction of development proposals exceeding 20,000 square metres of *residential gross floor area*, *non-residential gross floor area*, or a combination of both;
- (10) the *owner* shall enter into agreements with the *City* and or school boards regarding the payment of levies in lieu of development charges and educational development charges;
- (11) the *owner* shall pay the sum of One Hundred and Eighty-Four Thousand, Four Hundred and Fifty Dollars (\$184,450.00) to the *City* upon the coming into force of the zoning by-law amendment for *block 33* (and in any event, prior to the issuance of the first above-grade building permit within *block 33*), for capital improvements to public and or affordable housing in Ward 20 – Trinity Spadina as directed by the Chief Planner;
- (12) the *owner* shall also pay the sum of One Million, Six Hundred and Sixty Thousand, Seventy-Five Dollars (\$1,660,075.00) to the *City* prior to the issuance of the first above-grade building permit within *block 33* for one or more of the following purposes, in the vicinity of the site within Ward 20 – Trinity Spadina, as directed by the Chief Planner, (a) the design and construction of the Mouth of the Creek Park, (b) community, culture and or arts facilities, (c) parkland and or open space improvements, (d) streetscape improvements, and (e) the Fort York Visitor Centre;

- (13) at least Ten Percent (10%), of the total number of dwelling units, to be constructed in the building shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code, and these dwelling units are to be shown on any marketing plans as three bedroom units and to be marketed as potential three bedroom units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units;
- (14) the *owner* of each of *block 33* and *block 37* is required to enter into an agreement with the *City* to secure:
- (i) the provision of the said facilities, services and matters, in a form satisfactory to the *City* with conditions providing for indexed escalation of financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement, and
 - (ii) the matters set out in Section 11.5 or Section 11.6 of the Part II Official Plan for the Railway Lands West for the removal of a Holding Symbol for each of *block 33* and *block 37*;
- (15) Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured;
- (16) Notwithstanding the foregoing, where the said agreement(s) require(s) the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement; and
- (17) unless previously completed and approved by the *City*, prior to approval of plans and drawing pursuant to Section 41 of the *Planning Act*, the owner shall prepare, at its own expense and in consultation with staff of the *City's* Urban Development Services Department, a Public Realm Master Plan and Architectural Guidelines for *block 33* and *block 37*. The owner will make reasonable efforts to consult with the owners of lands in the Fort York Neighbourhood in preparing the Public Realm Master Plan and Architectural Guidelines."

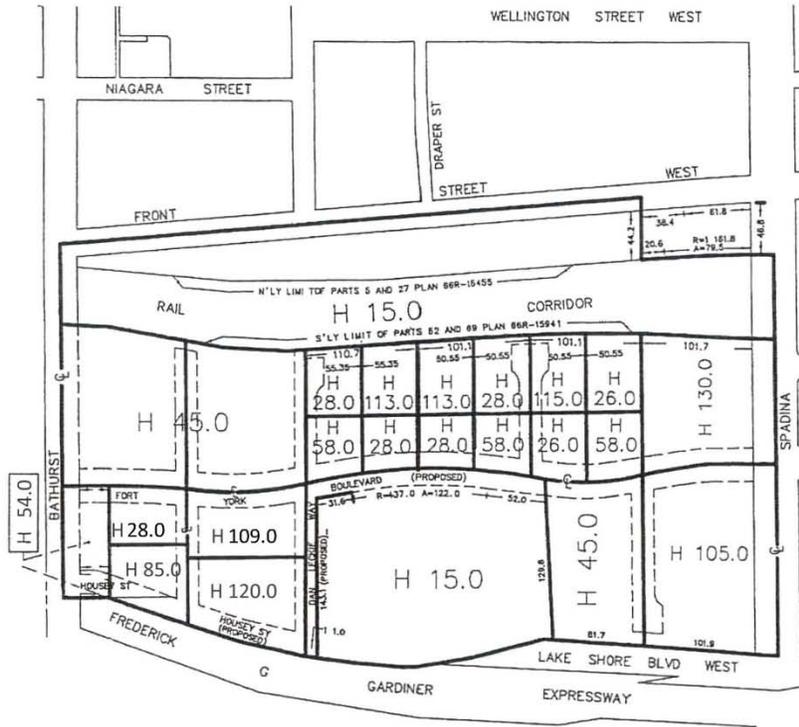
- 11.** Within each of *block 33* and *block 37*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of 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.

ENACTED AND PASSED this 1st day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

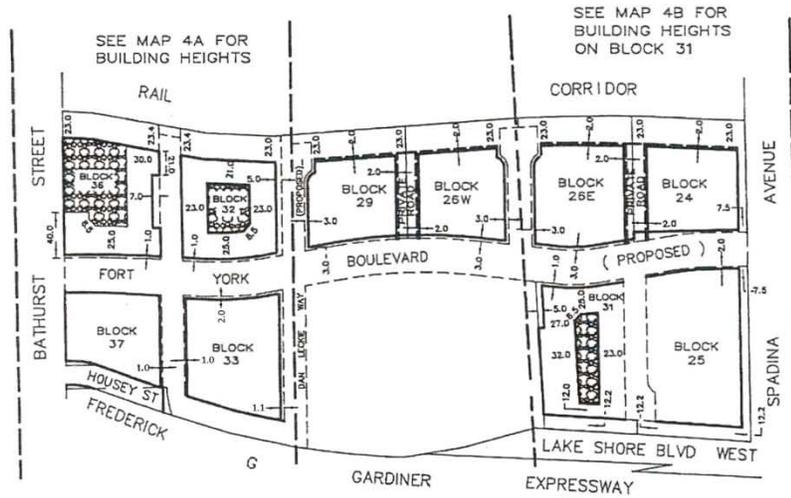


Height Map

4a Spadina Avenue & 100 Fort York Boulevard

Applicant's Submitted Drawing

Not to Scale ↑



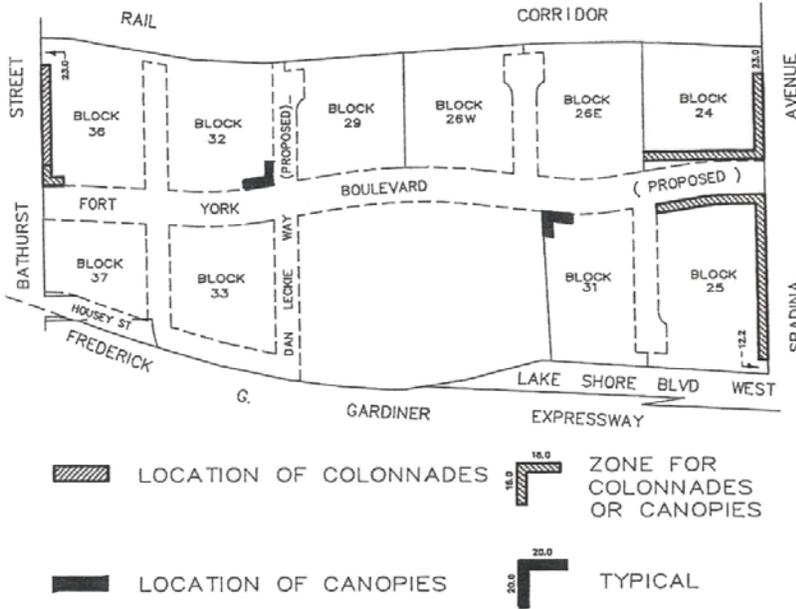
- PROPOSED PUBLIC HIGHWAYS
- "BUILDING ENVELOPE LINE"
FROM GRADE TO ELEVATION 110.0M
CANADIAN GEODETIC DATUM OR GRADE TO THE HEIGHT
SET OUT ON MAPS 4A AND 4B APPLICABLE TO THE LOT
- FOR BLOCKS 24, 25, 26E, 26W, 29, 33 AND 37, THE "BUILDING ENVELOPE LINE"
APPLIES TO ANY HEIGHT UP TO THAT ON THE
APPENDIX "B" MAPS APPLICABLE TO THE LOT
- ▣ "COURTYARD SPACE" REFERRED TO
IN SECTION 10(11)

Map 4

4a Spadina Avenue & 100 Fort York Boulevard

Applicant's Submitted Drawing

Not to Scale ↑



Map 7 4a Spadina Avenue & 100 Fort York Boulevard
Applicant's Submitted Drawing
Not to Scale