

Authority: Toronto and East York Community Council Item TE20.9, as adopted by City of Toronto Council on December 13 and 14, 2016

CITY OF TORONTO

BY-LAW 1256-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 77 River Street and 7 Labatt Avenue.

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*; 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 pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a by-law passed under Section 39 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 2.5 (c2.0; r1.5) SS2 (x81) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 15.0, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA-1, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding a new Exception 900. 11.10. (81) so that it reads:

Exception CR 81

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 77 River Street and 7 Labatt Avenue if the requirements of Schedule A and Section 8 of By-law 1256-2017 are complied with, then none of the provisions of 540.10.40.10.2(A), 40.10.40.40(1)(A), 40.10.40.40(1)(C), 40.10.40.50(1)(C), 40.10.40.70(2), 40.10.100.10 (1)(C), 220.5.10.1(1) and 230.5.1.10(7)(B) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted by the regulations below;
- (B) Despite the uses listed in Article 40.10.20.10(1)(A), the only uses permitted under the letter 'c' are: **retail store, personal service shop, service shop, office, community centre, place of worship and public parking**;
- (C) Despite the uses listed in Article 40.10.20.10(1)(B) and 40.10.20.20(1)(B), the only use permitted under the letter 'r' is: **dwelling unit** ;
- (D) Despite the uses listed in Article 40.10.20.20(1), the only conditional uses permitted is: **public parking**, which is a permitted use conditional upon being provided within a **parking garage** located below **average grade**;
- (E) Despite Article 800.50 (240), **Average Grade** is the Canadian Geodetic Datum elevation of 84.1 metres;
- (F) Despite Article 40.50.40.10, the height of a **building or structure** is measured as the vertical distance between **Average Grade** and the highest point of the building or structure except for those elements prescribed in section (G) below;

- (G) Despite Article 40.10.40.10, the height of any **building** or **structure**, as measured from **Average Grade**, must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 6 of By-law 1256-2017, with the exception of the following:
- (i) parapets, guard rails, railings and dividers, trellises, eaves, screens, stairs, skylights, roof drainage, window washing equipment, lightning rods, architectural features, wheelchair ramps, stair enclosures, roof assemblies including decking and pavers, landscaping and elements of a green roof;
 - (ii) vents, stacks, pipes, lightning rods and chimneys may extend up to 2.0 metres above the applicable height limit shown on Diagram 6; and
 - (iii) mechanical penthouses or roof top mechanical equipment may extend up to 6.0 metres above the applicable height limit shown on Diagram 6;
- (H) The portions of a **building** or **structure** above finished ground must be located within the areas delineated by heavy lines on Diagram 6 of By-law 1256-2017 except:
- (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Diagram 6 of By-law 1256-2017; and
 - (ii) balconies may encroach to a maximum of 2.0 metres;
- The exceptions noted in (i) and (ii) above, do not apply to any above grade **building** or **structure** that is located along the south **lot** line;
- (I) The total **gross floor area** of all **buildings** and **structures** on the lands must not exceed 51,685 square metres:
- (i) the **gross floor area** of **buildings** or **structures** occupied by residential uses must not exceed 47,040 square metres;
 - (ii) the **gross floor area** of **buildings** and **structures** occupied by non-residential uses must not be less than 4,645 square metres of which:
 - (a) a minimum of 2,320 square metres must be used for office, **place of worship** and/or **community centre** uses, excluding the area occupied by a **parking garage** or **public parking**; and
 - (b) a maximum of 177 square metres may be used for a worship area within a **place of worship**;

- (iii) for the purposes of this exception, a **public parking** garage is not counted as **gross floor area**;

- (J) At least twenty percent (20 percent) of all **dwelling units** erected or used on the **lot** must have two or more bedrooms, and at least a further ten percent (10 percent) of all **dwelling units** erected or used on the **lot** must have three or more bedrooms;

- (K) Despite 200.5.10.1 (1), should the **dwelling units** within the **building** be held in common ownership as a purpose built rental apartment building, and the owner has entered into and registered on title to the **lot** the requisite agreements with the City pursuant to section 37 of the *Planning Act* and/or section 111 of the *City of Toronto Act* to secure to the satisfaction of the City the continued rental tenure of such **dwelling units** for a minimum period of twenty years and to prohibit conversion to condominium tenure for such period in accordance with standard City practices and policies, **parking spaces** for **dwelling units** must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.15 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.3 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.45 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 **parking spaces** for each three-bedroom **dwelling unit**;
 - (v) a minimum of 0.06 **parking spaces** for each **dwelling unit** on the **lot**, for the use of residential visitors to the **lot**, and which may or may not be located in a **public parking garage**; and
 - (vi) the number of required **parking spaces** for residential **dwelling units** can be reduced at a rate of four resident spaces for each car-share **parking space** provided, and the maximum reduction permitted must be 16 spaces;

- (L) Despite 200.5.10 (1) and section (K) above, should the **dwelling units** be located within a plan of condominium registered pursuant to the *Condominium Act*, where each **dwelling unit** is a separately conveyable unit within such plan of condominium, **parking spaces** for the **dwelling units** must be provided and maintained in accordance with the following:
 - (i) a minimum of 0.3 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 **parking spaces** for each three-bedroom **dwelling unit**;

- (v) a minimum of 0.06 **parking spaces** for each **dwelling unit** on the **lot**, for the use of residential visitors to the **lot**, and which may or may not be located in a **public parking garage**; and
 - (vi) the number of required **parking spaces** for residential **dwelling units** can be reduced at a rate of four resident spaces for each **car-share parking space** provided, and the maximum reduction permitted must be 16 spaces;
- (M) For the purpose of this exception, **car-share** means the shared use of one or more cars that are owned by a car-sharing organization, where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization;
- (N) For the purpose of this exception a **car-share parking space** means a **parking space** that may be reserved and actively used for car-sharing, including non-residents;
- (O) Despite Article 200.5.10, **parking spaces** for non-residential uses must be provided and maintained in accordance with the following:
- (i) a minimum of 1.0 **parking space** per 300 square metres of office and **community centre gross floor area** on the **lot**, which may be located within the **public parking garage**;
 - (ii) minimum of 1.0 parking space for each 100 square metres of gross floor area on the lot used for retail stores, personal service shops, eating establishments, and service shops, which may be located within the **public parking garage**;
 - (iii) a minimum rate of 6.0 parking spaces for each 100 square metres of worship area within a **place of worship** and a maximum rate of 11.0 parking spaces for each 100 square metres of worship area; and
 - (iv) **parking spaces** for other permitted non-residential uses must be provided in accordance with Section 200.5.10, and may be located within the **public parking garage**;
- (P) Despite Article 200.5.1.10 a maximum of 6 **parking spaces** may have a minimum length of 4.6 metres and a maximum of 6 **parking spaces** may have a minimum width of 2.2 metres;
- (Q) Despite Articles 40.10.90.1 and 200.5.10.1, the minimum number of **loading spaces** required must be provided and maintained in accordance with the following:
- (i) 1 type G **loading space**;
 - (ii) 1 type B **loading space**; and

- (iii) 2 type C **loading spaces**;
- (R) Despite Article 230.5.1, **bicycle parking spaces** are permitted to be located in all levels of the **building** and **parking garage** both above and below **average grade**. Long term and short term **bicycle parking spaces** may:
 - (i) consist of both vertical and horizontal spaces;
 - (ii) be located in lockers; and
 - (iii) be stacked;
- (S) **Amenity space** for the use of residents on the **lot** must be provided and maintained on the **lot** as follows:
 - (i) a minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit**, must be provided and maintained in a multi-purpose room or rooms, that may or may not be contiguous with one another, and at least one of which must contain a kitchen and a washroom; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** for each **dwelling unit**, of which at least 40 square metres is provided in a location adjoining or directly accessible from the indoor **amenity space** required in (a) above which contains a kitchen and a washroom; and
- (T) None of the provisions of Zoning By-law 569-2013, as amended, apply to prevent the erection or use of a temporary **building, structure**, facility or trailer on the **lot** used for the purpose of the sale of **dwelling units** to be erected on the **lot** for up to three years.

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

8. 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 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 must be dependent on satisfaction of the same; and

- (C) The owner must 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 November 9, 2017.

Frances Nunziata
Speaker

Ulli S. Watkiss,
City Clerk

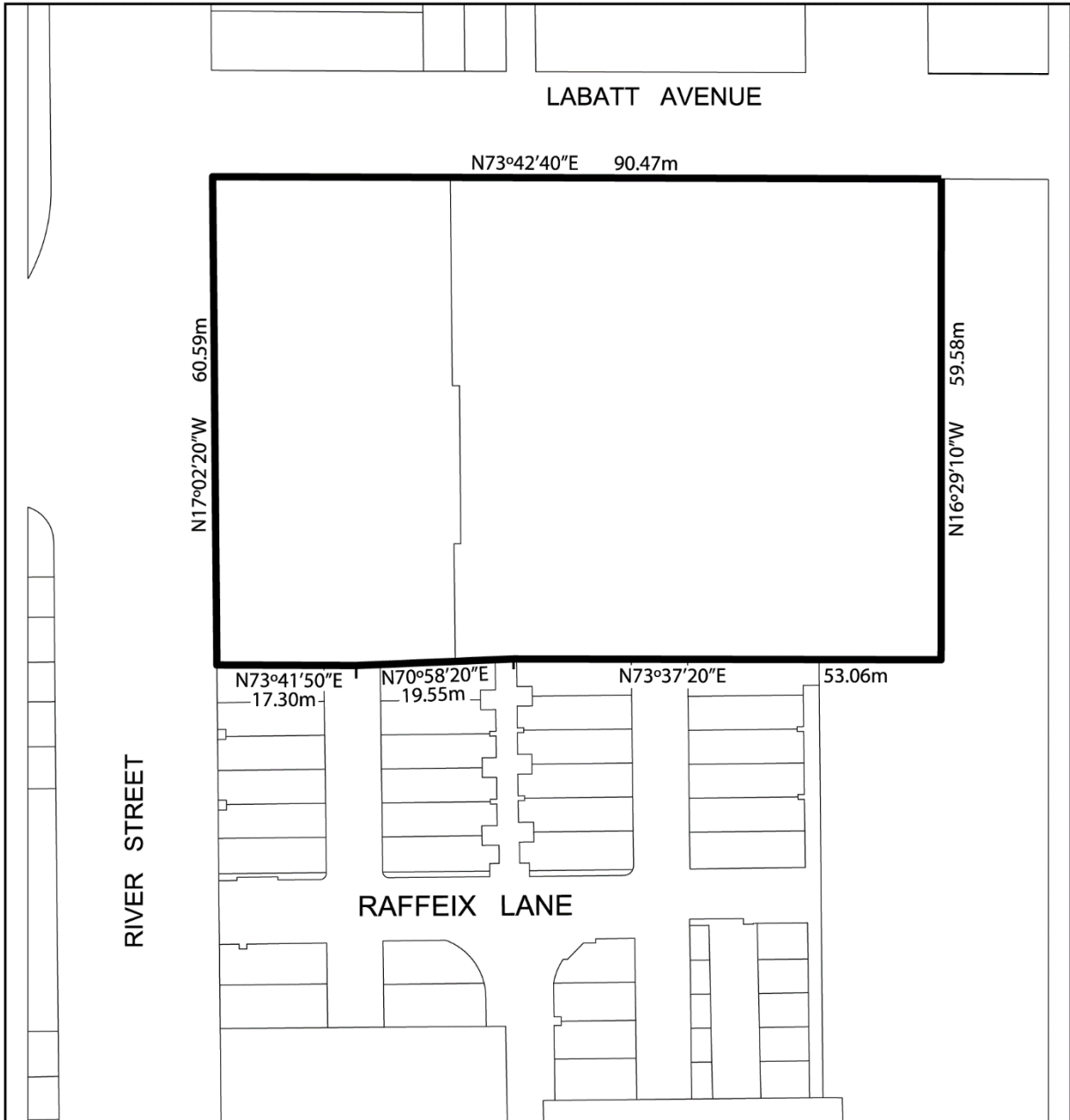
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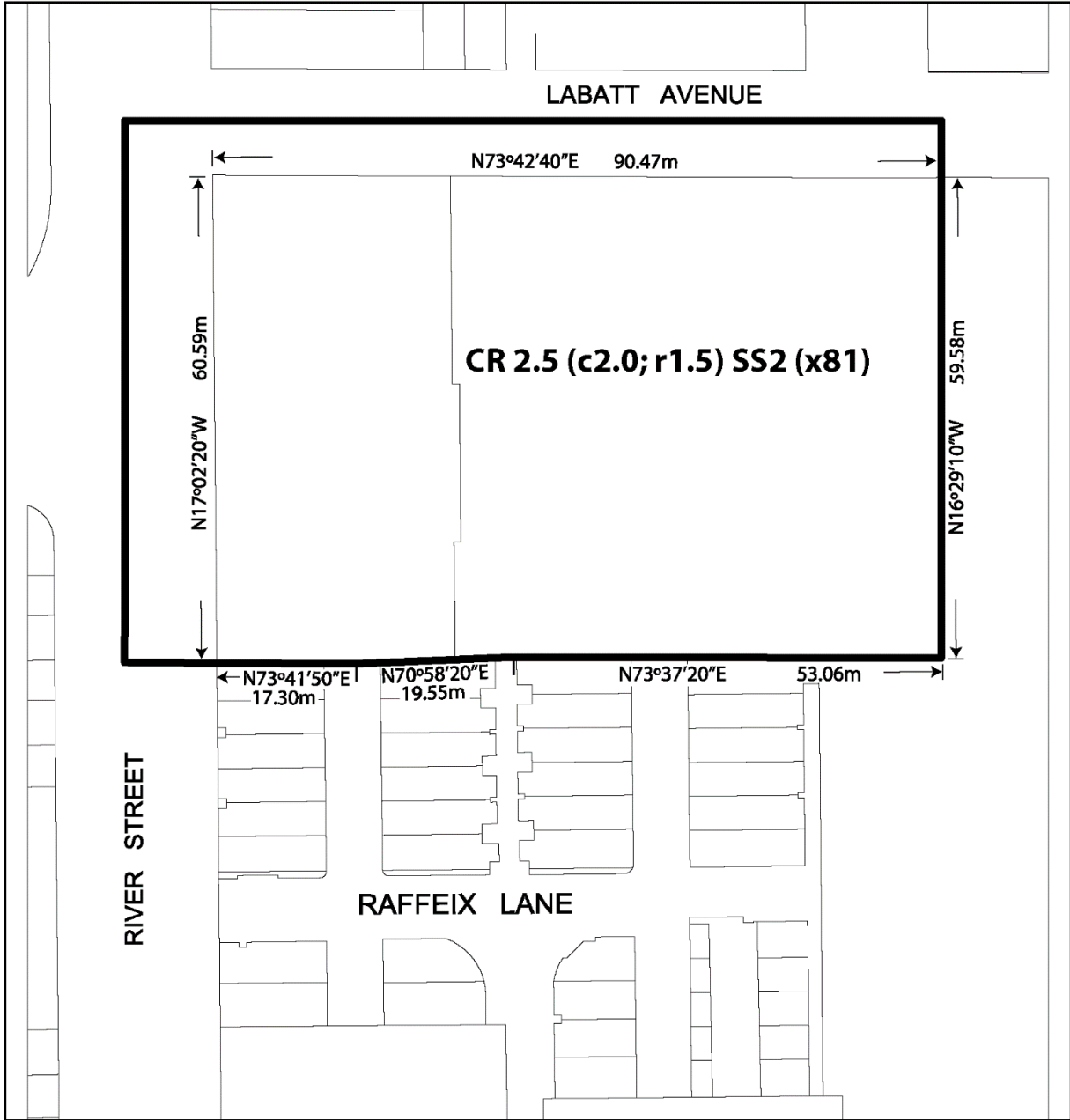
SCHEDULE A

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 the issuance of the first above-grade building permit, the owner must pay to the City the sum of \$2,000,000, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made, to be allocated as follows:
 - (a) \$1,000,000 towards the development of the Dixon Hall Youth Centre to be located in Regent Park, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (b) \$625,000 towards local streetscape and/or parkland improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (c) \$325,000 towards the development of the Cabbagetown Regent Park Museum to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (d) \$50,000 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The owner must provide and maintain to support the development of the lands a publicly accessible pedestrian clearway across private property on those portions of River Street and Labatt Avenue abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning; and
3. In the event the cash contribution referred to in Section 0 above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that such other purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.





 **TORONTO**
Diagram 2

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 OZ

