

Authority: Toronto and East York Community Council Item TE34.28, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

## CITY OF TORONTO

### BY-LAW 1422-2017

#### **To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 70 St. Mary Street.**

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 2014 as 70 St. Mary Street; and

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

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law within the *site* are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires 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 requirements.
3. None of the provisions of Sections 2(1) with respect to the definitions of *grade*, *height*, and Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4(13), 8(1)(f)(a), 8(3) Part I 1, 2 and 3, 8(3) Part II 1(a), 8(3) Part III 1(a), 12(2)310(a) and 12(2)380 of By-law 438-86, as amended, 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", apply to prevent the erection and use of a *mixed-use building* containing *dwelling units*, a *private academic, philanthropic or religious school, place of worship, place of assembly, dwelling rooms and dwelling units accessory to the private academic, philanthropic or religious school, a commercial parking garage* located below grade, and the premises of a *charitable institution or non-profit institution* and *accessory* uses on the *site* provided that all of the provisions of this by-law are complied with.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, continue to apply to the *site*.
5. The *lot* on which the building is located comprises at least the *site*.

6. The total combined *residential gross floor area* and *non-residential gross floor area* on the *site* shall not exceed 23,700 square metres, of which the *institutional uses* shall have a minimum combined *non-residential gross floor area* and *residential gross floor area* of 5,600 square metres.
7. At least ten per cent (10 percent) of all non-institutional *dwelling units* erected or used on the *site* must have three or more bedrooms.
8. *Residential amenity space* shall be provided in accordance with the following:
  - (a) a minimum of 2.0 square metres of indoor *residential amenity space* per non-institutional *dwelling unit* shall be provided and maintained on the *site* in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
  - (b) a minimum of 2.0 square metres of outdoor *residential amenity space* per non-institutional *dwelling unit* must be provided and maintained on the *site*.
9. A minimum of 700 square metres of privately owned publicly accessible open space must be provided within a courtyard located at ground level as shown on Map 2.
10. No part of any building or structure erected on the *site* may be located above *grade* other than within a *building envelope*, except for cornices, canopies, awnings, balustrades, skylights, ornamental elements, trellises, eaves, window sills, lighting fixtures, balconies, fences, screens, wind mitigation measures, landscape planters and seating areas, landscape features, retaining walls, ramps to an underground garage, wheelchair ramps, stairways and railings.
11. The *height* of each portion of a building or structure erected above *grade* within the *site*, shall in respect of each *building envelope* area, have a maximum *height* in metres as shown following the symbol HT on the attached Map 2 for the corresponding building envelope area, and shall not exceed the number of *storeys* as shown following the symbol ST on the attached Map 2 for the corresponding *building envelope* area, but this shall not apply to prevent the erection or use above the said *height* limits of:
  - (a) those structural projections permitted to be outside a *building envelope* by this By-law;
  - (b) parapets, railings, roof drainage, thermal insulation and roof ballast terraces, terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or structure enclosing such elements and railings extending to a maximum vertical projection of 1.2 metres above the *height* limits shown on Map 2; and
  - (c) window washing equipment, stair towers, lightning rods, partitions, landscape elements, green roof elements, lighting fixtures, vents, flues, pipes, access roof hatch, outdoor furniture, heating, cooling or ventilating equipment or a fence, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes, extending to a maximum vertical projection of 2.5 metres above the *height* limits shown on Map 2.

- 12.** *Parking spaces* for non-institutional *dwelling units* must be provided and maintained on the *site* in accordance with the following minimum requirements:
- (a) bachelor *dwelling units* – a minimum of 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - (b) one-bedroom *dwelling units* – a minimum of 0.5 *parking spaces* for each one-bedroom *dwelling unit*;
  - (c) two-bedroom *dwelling units* – a minimum of 0.7 *parking spaces* for each two-bedroom *dwelling unit*;
  - (d) three and more bedroom *dwelling units* – a minimum of 1.0 *parking spaces* for each *dwelling unit* containing three or more bedrooms; and
  - (e) a minimum of 0.10 *parking spaces* must be provided for each *dwelling unit* for residential visitor parking.
- 13.** Notwithstanding the previous Section, a total of 11 *parking spaces* are required for the *institutional uses*.
- 14.** Accessible *parking spaces* must be provided and maintained on the lands in accordance with the following:
- (a) a minimum of 4.0 accessible *parking space* is required;
  - (b) an accessible *parking space* may be provided below *grade*;
  - (c) the minimum dimensions of an accessible *parking space* are:
    - (i) a minimum length of 5.6 metres;
    - (ii) a minimum width of 3.9 metres; and
    - (iii) a minimum vertical clearance of 2.1 metres;
  - (d) no accessible barrier free aisle or path is required adjacent to the accessibility *parking spaces*.
- 15.** Drive aisles which have direct access to a *parking space* must have a maximum slope of 5.0 percent.
- 16.** For clarity, any *parking spaces* located in the *commercial parking garage*, additional to the *parking spaces* required by this By-law, may be used commercially for profit.
- 17.** At least one *loading space-type G* shall be provided and maintained on the *site* and may be shared between *institutional uses* and non-institutional uses.

- 18.** A minimum number of *bicycle parking spaces* must be provided and maintained on the *site* in accordance with the following:
- (a) for residential uses and *institutional uses* - a minimum of 0.9 *bicycle parking space – occupant* per *dwelling unit*; and
  - (b) for visitors - a minimum of 0.1 *bicycle parking space – visitor* per *dwelling unit*, which may be provided in a secured room.
- 19.** Within the *site*, no person may 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.
- 20.** Despite any existing or future severance, partition or division of the *site*, the provisions of this By-law apply to the whole of the *site* as if no severance, partition or division occurred.
- 21.** None of the provisions of this By-law apply to prevent a *temporary sales office* on the *site*.
- 22.** For the purposes of the By-law, the following expressions have the following meaning:
- (a) "*building envelope*" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
  - (b) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:
    - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
    - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
    - (iii) notwithstanding a. and b. above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.4 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres;

- (iv) in the case of a bicycle parking rack, is located in a secure room or area; and
- (v) in the case of a bicycle locker, may contain ancillary storage;
- (c) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:
  - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (iii) notwithstanding a. and b. above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.4 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres; and
  - (iv) may be located indoors or outdoors including within a secure room or enclosure;
- (d) "*Chief Planner*" means the City of Toronto Chief Planner and Executive Director;
- (e) "*City*" means the City of Toronto;
- (f) "*grade*" means, 113.4 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
- (g) "*height*" means the vertical distance between *grade* and the highest point of a building or structure;
- (h) "*institutional uses*" include the *dwelling units* and *dwelling rooms* used as *accessory* uses to the *private academic, philanthropic or religious school*, and *accessory* uses such as a *place of worship, place of assembly*, offices, meeting rooms, library, and conference centre;
- (i) "*owner*" means the owner of the fee simple of the *site* or any part thereof;
- (j) "*residential amenity space*" means a common area or areas within the *site* which are provided for the shared use as between residents and *institutional uses* for recreational or social purposes;
- (k) "*site*" means the lands delineated by heavy lines on Map 1 attached to this By-law;

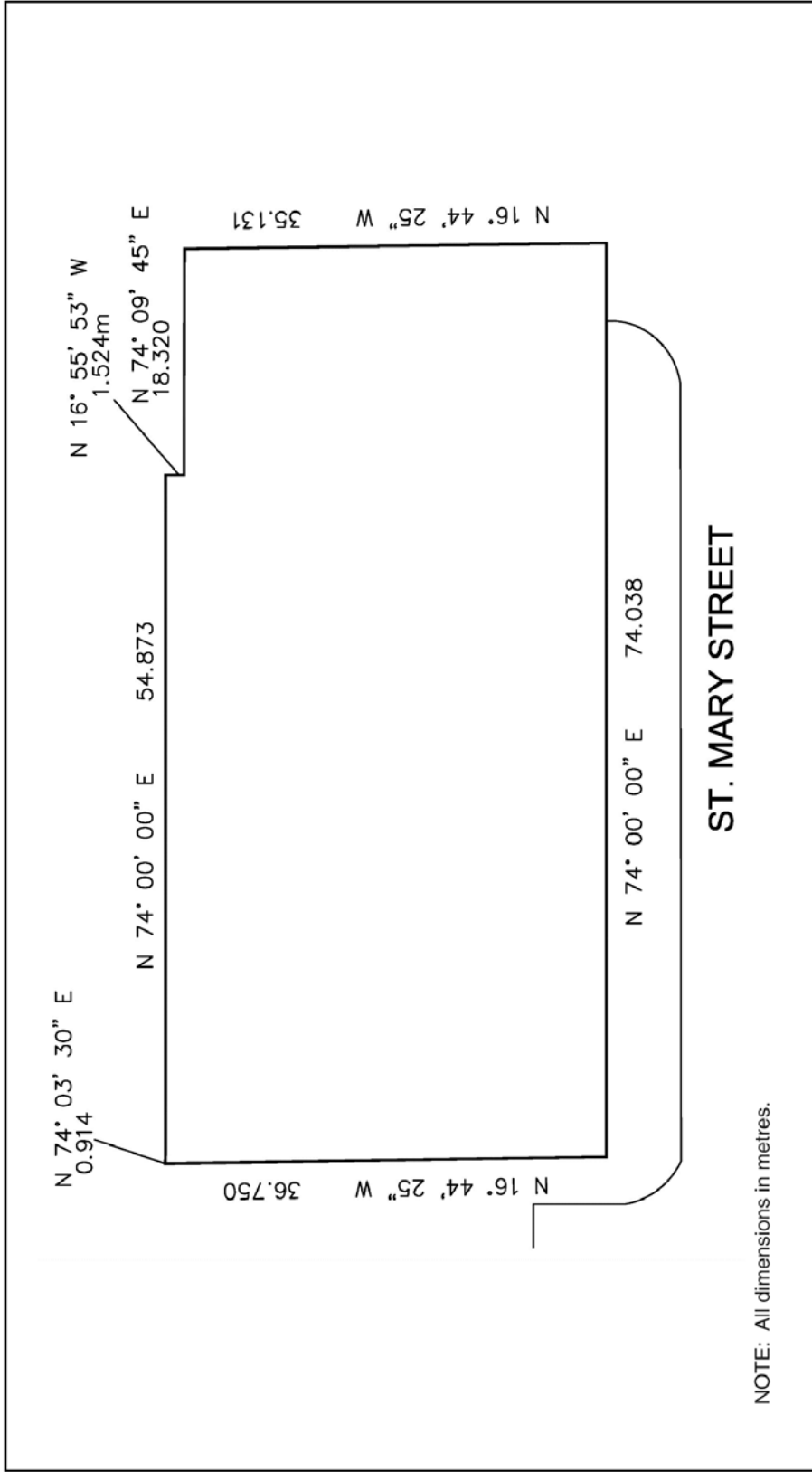
- (l) "temporary *sales office*" means a building, structure, facility or trailer on the *site* used for the purpose of the sale of *dwelling units* to be erected on the *site*; and
- (m) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended.

Enacted and passed on December 8, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



NOTE: All dimensions in metres.



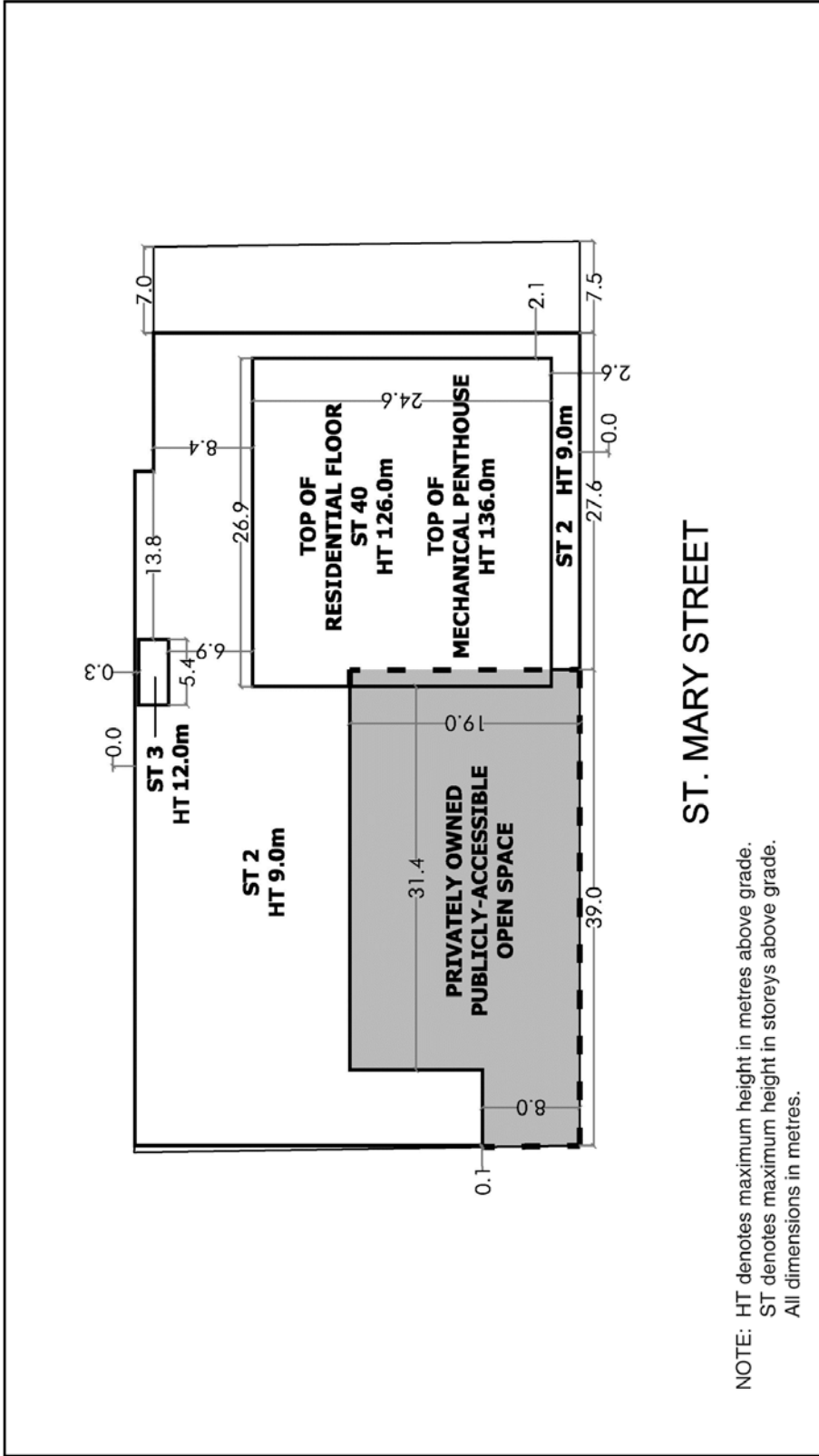
# Map 1

# 70 St Mary Street

File # 10 122799 STE 27 OZ



City of Toronto By-Law 438-86  
Not to Scale  
09/09/2016



NOTE: HT denotes maximum height in metres above grade.  
 ST denotes maximum height in storeys above grade.  
 All dimensions in metres.



**SCHEDULE 1****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 lot 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* shall make the following payments to the *City*:
  - a. the payment of \$220,000 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units, including Toronto Community Housing buildings, in Ward 27 to the satisfaction of the *Chief Planner* and Executive Director, City Planning, in consultation with the Ward Councillor;
  - b. the payment of \$1,000,000 for local area park and streetscape improvements in Ward 27 to the satisfaction of the *Chief Planner* and Executive Director, City Planning, in consultation with the Ward Councillor; and
  - c. the payment of \$980,000 for social and community space purposes in Ward 27 to the satisfaction of the *Chief Planner* and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The payment amounts referred to above to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of final approval of the bills to the date of each such payment to the City.
3. In the event the cash contributions referred to 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, 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 the vicinity of the lands.
4. The *owner* will provide and maintain a privately owned publicly accessible (POPS) ground floor courtyard on the site adjacent to St. Mary Street, to the satisfaction of the *Chief Planner* and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor.
5. The *owner* will provide and maintain a minimum of 10 percent of the non-institutional *dwelling units* in the development as 3 bedroom *dwelling units*.