

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

BY-LAW 838-2021

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally known in the year 2020 as 111-125 River Street.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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 438-86 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 438-86 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. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in the heights and density of development is permitted beyond that is otherwise permitted on the lands as shown on Map 1 attached to and forming part of this By-law in return for the provision by the owner, at the owner's expense of the following facilities, services and matters set out in Appendix 1 of this By-law 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.

2. Where Appendix 1 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. The Owner shall not use, or permit the use of a building on a structure erected with an increased height and density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
3. None of the provisions of Section 2(1) with respect to "*grade*", "*height*", "*parking space*", and "*residential gross floor area*", and Sections 4(2)(a), 4(5)(b), 4(12), 4(13), 4(16), 8(3) Part I, 8(3) Part II, 7(3) Part II 1(a) and 12(2)380 of By-law 438-86 of the former City of Toronto, 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 an *mixed use building* on the *lot*, provided that:
 - (a) The lot on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) The total gross floor area on the lot does not exceed 27,800 square metres, whereby:
 - (i) The maximum residential gross floor area on the lot must not exceed 27,600 square metres; and
 - (ii) The maximum non-residential gross floor area on the lot must not exceed 200 square metres;
 - (c) The maximum number of *dwelling units* is 433;
 - (d) Of the total number of *dwelling units* provided:
 - (i) A minimum of 15 percent must be two-bedroom *dwelling units*;
 - (ii) A minimum of 10 percent must be three-bedroom *dwelling units* or larger; and
 - (iii) An additional minimum of 15 percent must be either two or three-bedroom *dwelling units* or larger;
 - (e) No portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the "H" symbol as shown on Map 2 attached to and forming part of this By-law, excluding:
 - (i) 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 Map 2;
- (ii) 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 Map 2 within the area outlined as "MPH";
 - (iii) 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;
- (f) the following may encroach into the required minimum building setbacks on Map 2, attached to and forming part of this By-law:
- (i) cornices, light fixtures, ornamental elements, cladding, parapets, eaves, and window sills may encroach into a building setback to a maximum of 0.5 metres;
 - (ii) 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
 - (iii) above a building *height* of 24.0 metres, balconies may encroach into a building setback by a maximum of 1.65 metres;
- (g) *Residential amenity space* must be provided in accordance with the following:
- (i) a minimum of 790 square metres of indoor *residential amenity space* shall be provided; and
 - (ii) a minimum of 465 square metres of outdoor *residential amenity space* shall be provided;
- (h) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 48 *parking spaces* for residents;
 - (ii) a minimum of 25 *parking spaces* for visitors and non-residential component combined; and
 - (iii) a minimum of 4 *car-share parking spaces*;
- (i) Accessible *parking spaces* shall be provided as follows:

- (i) of the required parking spaces under (h) above, a minimum of 3 accessible parking spaces shall be provided in the underground parking garage;
 - (j) *Parking spaces* for visitors or non-residential uses may be provided in a *commercial parking garage*;
 - (k) *Parking spaces* under (h) above may be provided by means of an *automated parking garage*;
 - (l) a maximum of 15 percent of the total *parking spaces* may be obstructed on one or two sides in accordance with Section 4(17)(e) without a requirement to increase the minimum width by 0.3 metres;
 - (m) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) A minimum of 390 *bicycle parking spaces – occupant* shall be provided;
 - (ii) A minimum of 44 *bicycle parking spaces – visitor* shall be provided; and
 - (iii) Notwithstanding the definition of bicycle parking space – visitor and bicycle parking space – occupant in Section 2(1) of Zoning By-law 438-86, as amended, a bicycle parking space may be provided in a stacked bicycle parking space having a minimum vertical clearance of 1.2 metres for each bicycle parking space, a minimum width of 0.6 metres or 0.2 metres if provided in a staggered track system, and a minimum length of 1.8 metres; and
 - (n) a minimum of one *loading space - type G* shall be provided and maintained on the *lot*.
4. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
 5. Within the *lot* no person shall use any land or erect or use any building or structure unless the following municipal sewers are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum 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.
 6. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:

- (i) "*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;
- (ii) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such *car-share motor vehicles* are made available to the occupants of the building for short term rental, including hourly rental;
- (iii) "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
- (iv) "*car-share parking space*" means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
- (v) "*grade*" shall mean 85.55 metres Canadian Geodetic Datum;
- (vi) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
- (vii) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (viii) "*parking space*" means an area used for the purpose of storing vehicles including on a parking pallet provided in an *automated parking garage*;
- (ix) "*residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *apartment building* is reduced by the area in the building used for:
 - a. Parking, loading and bicycle parking below-ground;
 - b. *Loading spaces* at the ground level and *bicycle parking spaces* at or above-ground;
 - c. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - d. Shower and change facilities required by this By-law for required *bicycle parking spaces*;
 - e. *Residential amenity space* required by this By-law;
 - f. Elevator shafts;

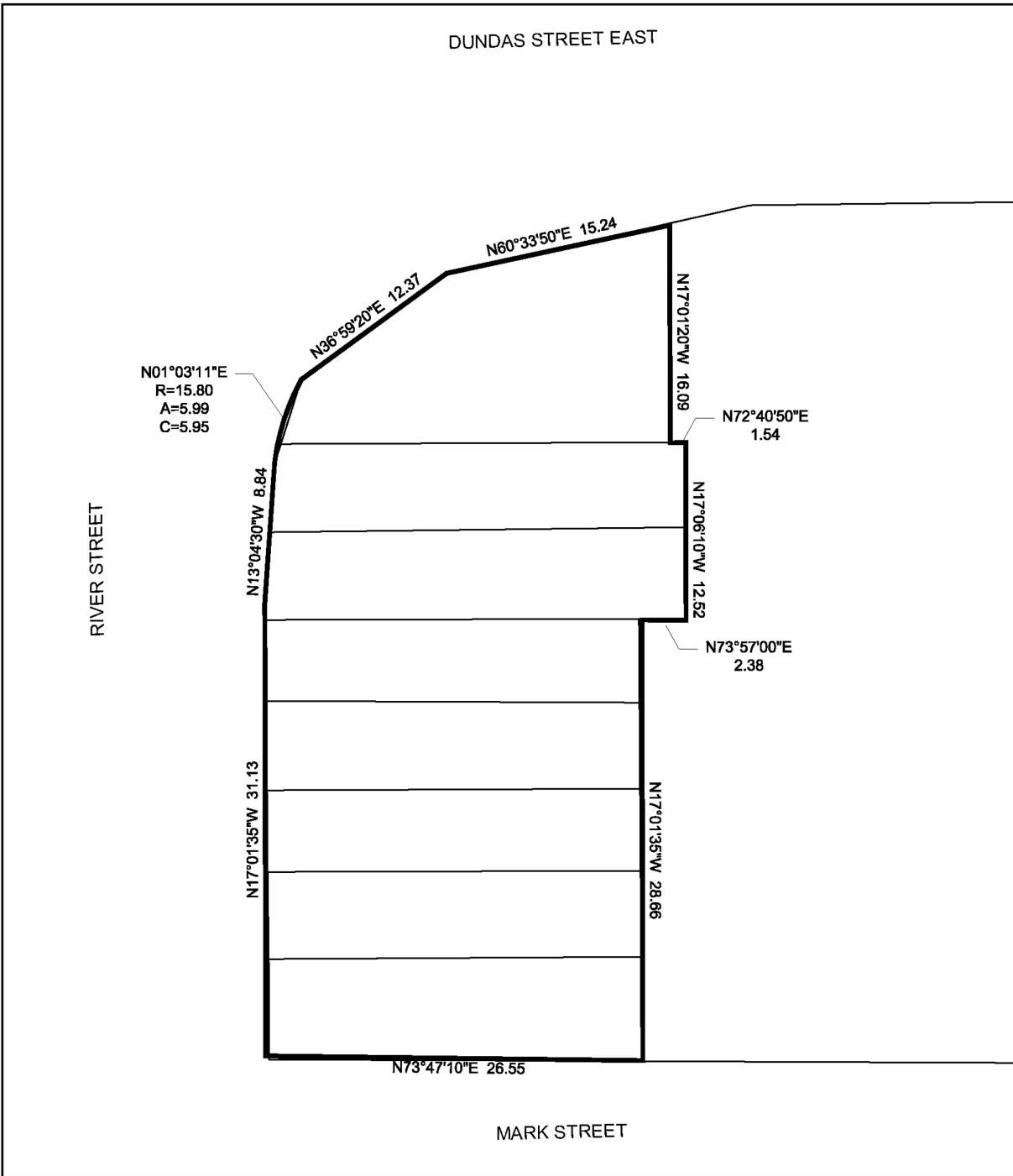
- g. Garbage shafts;
 - h. Mechanical penthouse; and
 - i. Exit stairwells in the building; and
- (x) "*stacked bicycle parking space*" shall mean a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking space*;
7. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

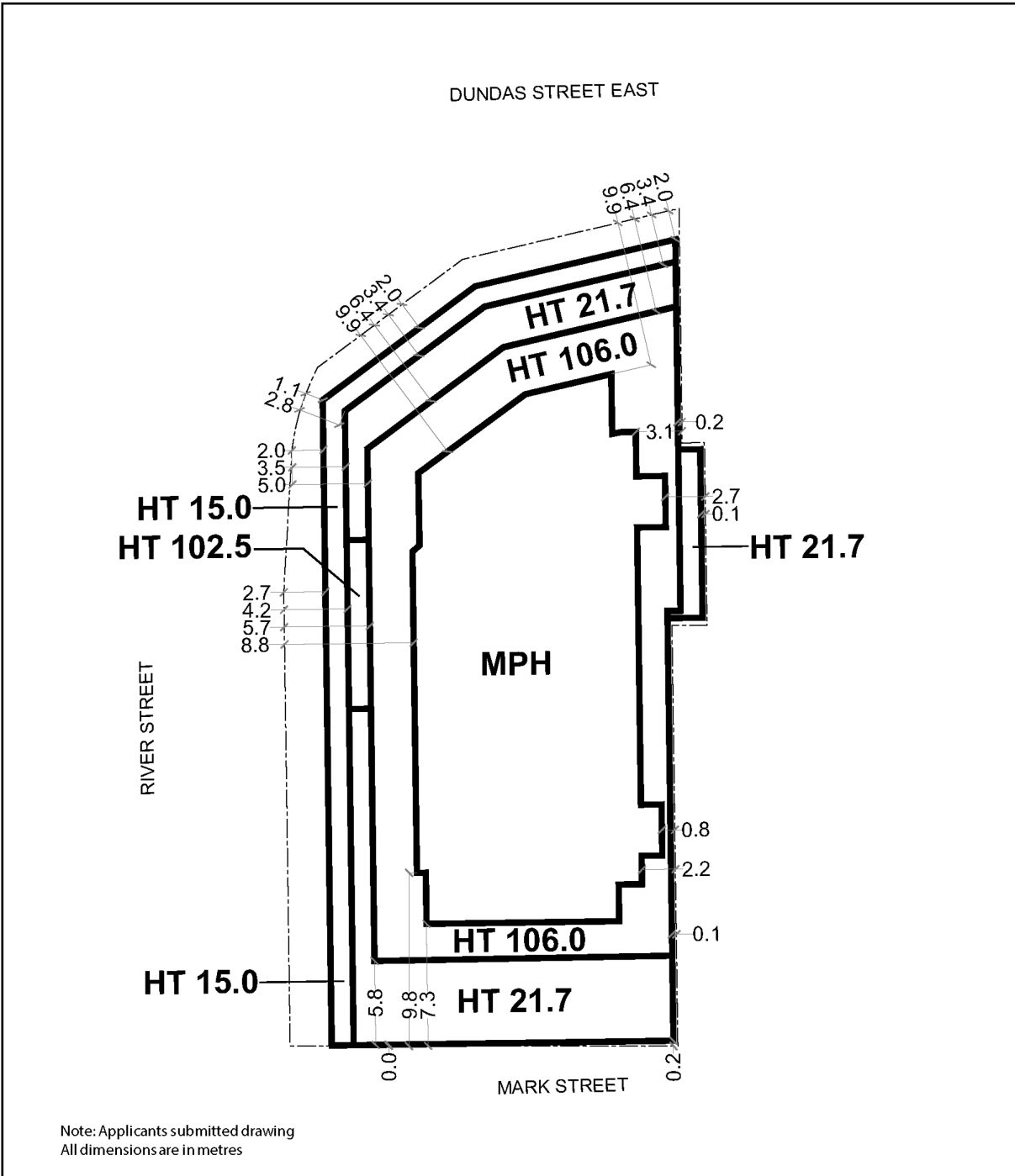
Enacted and passed on October 4, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)





APPENDIX 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 lands as shown in Map 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 Appendix 1 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 Appendix 1 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 Appendix 1.
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.
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.