

Attachment __: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ____ as adopted by City of Toronto Council on May ____, 2009

Enacted by Council: May ____, 2009

CITY OF TORONTO

BY-LAW No. xxx – 2009

To amend By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known in the year 2009 as 352 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 municipally known in the year 2009 as 352 Front Street West; 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; and

WHEREAS the Council of the City of Toronto, at its meeting of May ____, 2009, determined to amend Zoning By-law 438-86, as amended, of the former City of Toronto;

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

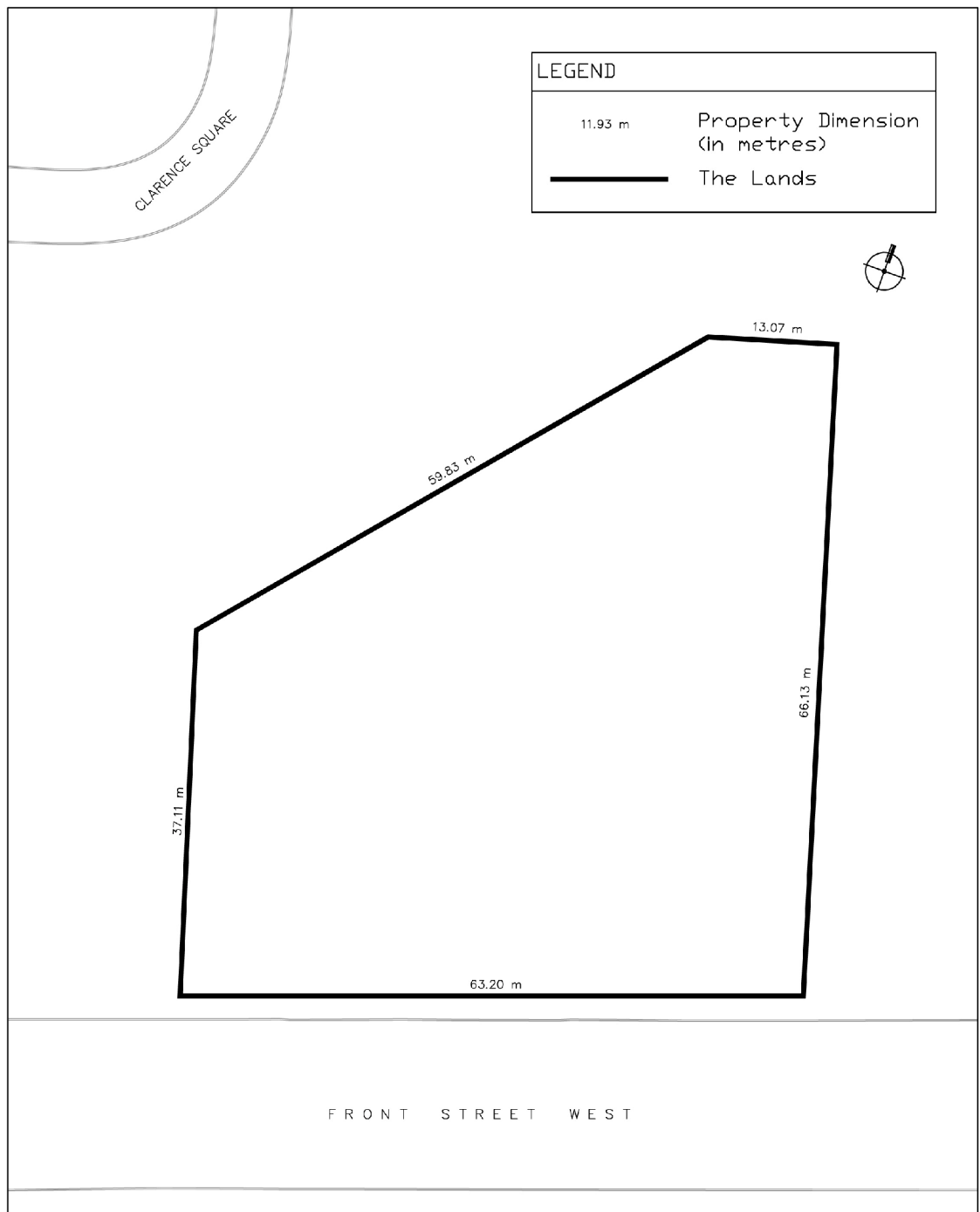
1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provisions by the *owner* of the *site*, of the facilities, services and matters set out in Section 6(7) of this By-law, the provisions of which shall be secured in 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 Section 6(7) 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 requirement.
3. The *owner* of the *site* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *site* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade permit.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply to the *site*.

5. None of the provisions of Section 4(2)(a), 4(5)(a), 4(8), 4(12), 7(3) Part II 1, 12(2)246(a) and (c), shall apply to prevent the erection and use of a *mixed-use building* on the *site*, including uses accessory thereto, provided that:
 - (1) The *lot* on which the building is located comprises at least the *site*;
 - (2) The maximum combined *residential gross floor area* and *non-residential gross floor area* of all buildings or structures erected on the *site* shall not exceed 33,500 square metres, of which the maximum *non-residential gross floor area* shall not exceed 650 square metres;
 - (3) No part of any building or structure erected on the *site* shall be located above the building *height* shown within the heavy lines on **Map 2** with the exception of a mechanical penthouse within the area shown having a *height* of 76.8m on **Map 2**.
 - (4) The mechanical penthouse shall be permitted only within the area having a *height* of 76.8m as shown on **Map 2**, and shall not exceed 5 metres above the permitted *height*.
 - (5) No part of any building erected on the *site* erected above *grade* is located outside the areas delineated by the heavy lines shown on **Map 2** attached to and forming part of this By-law with the exception of the following:
 - (a) Notwithstanding Section 7(3) Part II) 7 D and E of By-law 438-86, as amended, balconies and uncovered platforms (terraces) are permitted to project to a maximum of 1.8 m beyond the areas delineated by the heavy lines on **Map 2**.
 - (b) Notwithstanding Section 7(3) Part II) 7 G of By-law 438-86, as amended, a canopy within the hatched area shall not extend more than 4 m beyond the area delineated by heavy lines on **Map 2** and shall not be higher than the second floor.
 - (c) Landscape elements including light standards, fences, planters, seating, benches, and bollards shall be permitted within the areas having a *height* of 0.0 as shown on **Map 2**.
 - (6) Parking shall be provided in accordance with Section 12(2) 246(e) of By-law 438-86, except:
 - (a) The total number of *parking spaces* required to satisfy parking requirements for residents, but not visitors, may be reduced up to a maximum of 7 *parking spaces* for each *car-share parking space* provided and maintained in an underground *parking garage* within the *site*, up to a maximum of ___ *parking spaces*.
 - (7) Indoor *residential amenity space* shall be provided at a rate of 1.5 m² per *dwelling unit*.
 - (8) The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner to the City in accordance with an agreement or agreement(s) pursuant to Section 37(1) of the Planning Act:
 - (a) An indexed cash contribution of \$650,000, to be paid prior to the release of any above grade permit, to be used for Clarence Square Park improvements and

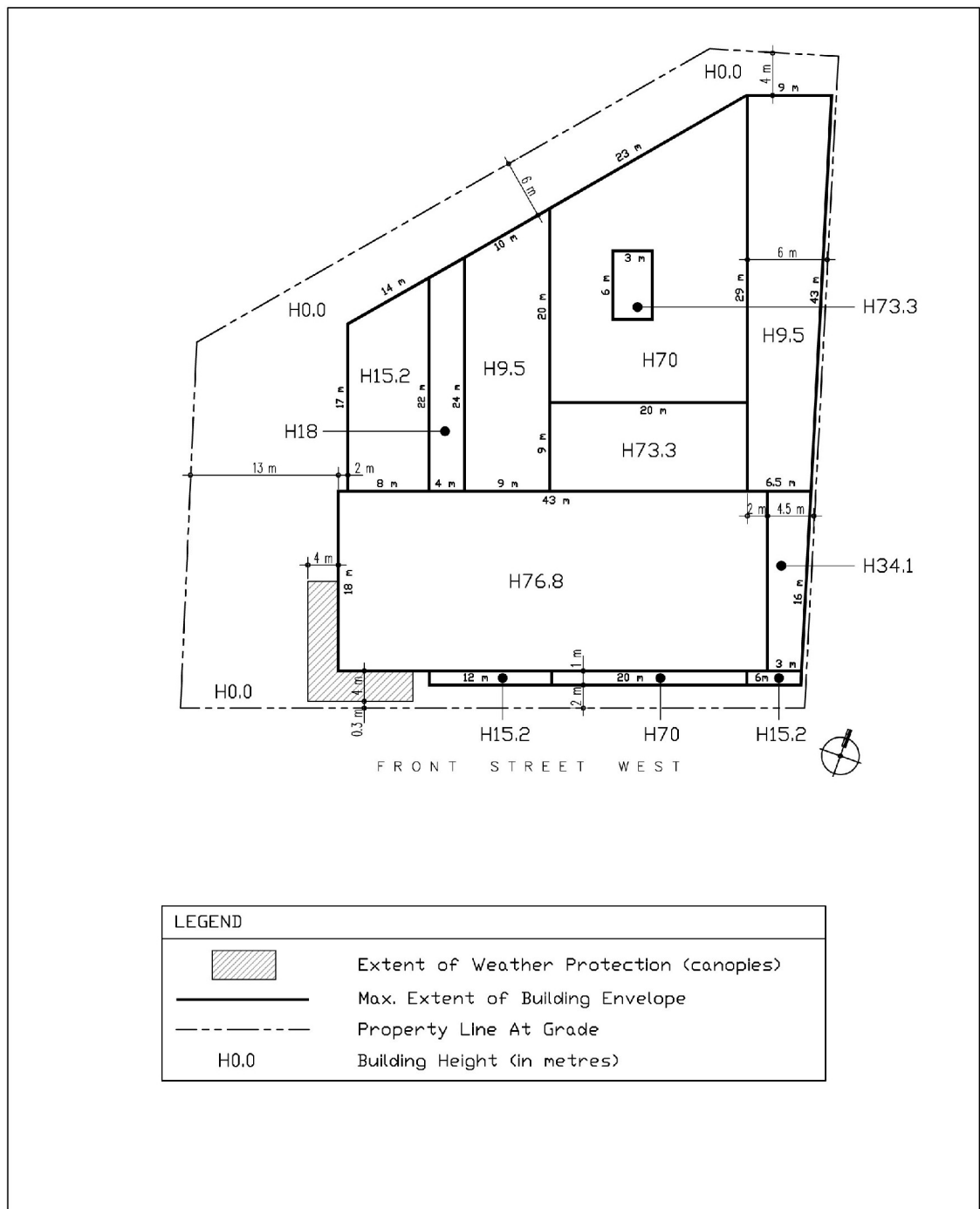
streetscape improvements on Clarence Square and on Front Street West, and 10% of the cash contribution to be used for affordable housing projects in Ward 20;




- (b) Ten percent (10%) of the residential units in the building have at least three bedrooms, or be convertible to three or more bedrooms;
 - (c) A mid-block connection from Front Street West and a public easement over the pedestrian portion of the mid-block connection;
 - (d) The provision of high quality materials for the mid-block connection to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (e) 1:50 scale elevations for the lower floors of the project to be provided as part of an application for Site Plan Approval;
 - (f) The provision and maintenance of 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 Commissioner of Works and Emergency Services, and requirements to maintain in good order and operation;
 - (g) The implementation of any wind mitigation measures required by the wind study to be submitted with the Site Plan Approval application; and
 - (h) Certain green development elements, as may be identified in the Green Development Checklist.
- (9) For the purpose of this By-law, the following expressions shall have the following meanings:
- (a) “*car-share parking space*” shall mean a *parking space* used exclusively for the parking of a *car-share motor vehicle*,
 - (b) “*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 a building erected on the *site*,
 - (c) “*grade*” shall mean an elevation of 83.54 m above Canadian Geodetic Datum,
 - (d) “*site*” shall mean those lands outlined by heavy lines on *Map 1* attached hereto, and,
 - (e) each other word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

MAP 1



MAP 2



LEGEND	
	Extent of Weather Protection (canopies)
	Max. Extent of Building Envelope
	Property Line At Grade
H0.0	Building Height (in metres)