

Attachment 8: Draft Zoning By-law Amendment

Bill No. ~

BY-LAW XXXX-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2017 as 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson 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 to the lands known municipally in 2017 as 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue; 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 such 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 matter 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, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this by-law; and

The Council of the City of Toronto enacts as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law on the lands shown on Map 1 of this

By-law are permitted subject to compliance with conditions set out in this By-law, and in return for the provision by the owner of the lands shown on Map 1, services and matters set out in Schedule A hereof, the provision of which shall be secured by one or more agreements with the City pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of one or more agreements between the City and the owner of the lot on title to the lot pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Schedule A hereof, the lands identified on Map 1 are 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 or a permit issued pursuant to the Ontario Heritage Act, such building may not be erected or used until the owner of the lands identified on Map 1 has satisfied the said requirement or precondition.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreements(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. This By-law applies to the lands delineated by heavy black lines and identified as “ 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue” as shown on Map 1, attached to and forming part of this By-law;
5. Except as otherwise provided herein, the provisions of this By-law No. 483-86, as amended, shall continue to apply to the lot.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lot.
7. None of the provisions of Section 2 with respect to the definitions of *grade*, *height* and *lot*, Sections 4(2), 4(4)(b), 4(6), 4(13)(d), 4(14)(a), 4(17), 9(1)(f)(b), 9(3) Part 1 -3 – Non Residential Gross Floor Area, and 12(298) of Zoning By-law No. 438-86, as amended, 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", shall apply to prevent the erection or use of an office building with ground floor commercial uses, on the lot, provided:
 - a. the *lot* consists of at least those lands delineated by heavy lines on Map 1

attached to and forming part of this By-law, and,

- b. the total *gross floor area* of all buildings and structures on the *lot* shall not exceed 26,000 square metres.

Uses

8. The following uses are permitted on the lot:
 - a. the uses permitted pursuant to Section 9(1)(b) of By-law 438-86;
 - b. a *commercial parking garage* located below *grade*;
 - c. a brewery operated in conjunction with a *restaurant*;
 - d. a brewery permitted under (c) above, may occupy more than 50 percent of the total *interior floor area* of the *restaurant*;
 - e. a retail store may be provided in conjunction with a brewery permitted under (c) above;
 - f. the uses permitted pursuant to Section 9(1)(b)(i) and (iv) of By-law 438-86 and subsection (c) above, may only be located on the ground floor and/or mezzanine level, and,
 - g. notwithstanding (f) above, a *showroom* may be located on the first or second storey.
9. The following uses are not permitted in any building or structure on the *lot*:
 - a. *auctioneer's premises, dry-cleaners distributing station, laundry shop, pawnbroker's shop, or pet shop*;

Height and Projections

10. No part of any building or structure erected or used on the lot shall exceed the height limits shown in metres and specified by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
 - a. any structures or elements used for outside or open air recreation, maintenance, safety or wind protection purposes, parapets, balustrades, terraces, canopies, balconies, dividers or balcony guards, stairs or stair enclosures, planters, railings, lighting fixtures, window washing equipment, ornamental, architectural or green roof features, ladders, chimney stacks, vents, and air intakes, telecommunications towers or

antennae or lightning rods, solar equipment may extend beyond the applicable height limit shown on Map 2 to a maximum additional height of 2.5 metres.

11. No part of any building or structure erected or used on the *lot* above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
 - a. cornices, sills, eaves, window washing equipment, railings, balustrades, awnings, piers and sun-shades, canopies including supporting structures, covered walkways, privacy screens, planters, stairs, enclosed stairs, awnings, fences, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public bicycle parking facilities, ornamental or architectural features, landscape features to a maximum horizontal projection of 0.5 metres beyond the heavy lines.

Setbacks

12. the minimum setback for all below-grade buildings and structures from a *lot* line, including a *lot* line abutting a public lane or a public street, shall be 0.0 metres

Vehicle Parking

13. a minimum of 105 *parking spaces* for the use of employees or visitors or for a *commercial parking garage* shall be provided for and maintained on the *lot*;
14. all *parking spaces* shall be located below finished ground level;

Bicycle Parking

15. a minimum of 111 short-term and long-term *bicycle parking spaces* shall be provided for and maintained on the *lot*;

Loading

16. a minimum of two (2) *loading space-type B* and two (2) *loading space-type C* shall be provided and maintained on the *lot*;
17. Loading Spaces may be located at, or below, *grade*;

Definitions

18. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as each such term has as defined in the said By-law No. 438-86, as amended, except for the following:

- a. "*Chief Planner*" means the City's Chief Planner and Executive Director City Planning or their designate;
- b. "*City*" means the City of Toronto;
- c. "*showroom*" means premises used for the indoor display and demonstration of goods, commodities, processes and products. A *retail store* is not a *Showroom*.
- d. "*grade*" means an elevation of 88.0 metres Canadian Geodetic Datum;
- e. "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law.
- d. "*Ordinance rental replacement lands*" means the lands at 11 and 25 Ordinance Street.
- e. "*owner*" means the registered owner in fee simple;
- f. "*Three Party Agreement*" means an agreement entered into by the *owner* of the *lot*, the *owner* of the *Ordinance rental replacement lands* and the *City* and registered against the *lot* and the *Ordinance rental replacement lands*, in a form and with context satisfactory to the City Solicitor, in consultation with the *Chief Planner*, and registered to the satisfaction of the City Solicitor, pursuant to Section 37 of the *Planning Act* and/or Section 111 of the *City of Toronto Act* in accordance with and as required in Schedule A of this By-law, and in accordance with and as required by the Section 37 Agreement between the *owner* of the *lot* and the *City* referred to therein.

Division of Land

- 19. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law and By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

Municipal Servicing

- 20. Within the *lot*, no person shall use any land or erect 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.

Section 37 Provisions

21. 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 or a permit issued pursuant to the Ontario Heritage Act, the issuance of such permit shall be dependent on satisfaction of the same; and
22. The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on ~ , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the *owner* at their expense to the City in accordance with one or more agreements pursuant to section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and as 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 will make a financial contribution, to the City, in the amount of \$1,250,000.00 towards the provision of affordable rental housing within Ward 14 in the vicinity of the site including provision for upwards indexing in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
2. Prior to the issuance of Final Site Plan Approval, the owner will submit plans that include wind mitigation measures as determined through a satisfactory wind analysis, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. Prior to the issuance of Final Site Plan Approval, the owner will submit plans and drawings that detail the design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, abutting the site, to the satisfaction of the Chief Planner and Executive Director, City Planning;
4. Prior to the issuance of the first above-grade building permit, the owner will design and construct, of required improvements to municipal infrastructure identified in the Functional Servicing and Stormwater Management Reports, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports, all to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services Division.
5. Prior to the issuance of any permit, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage

Preservation Services, the owner will submit a Construction Management Plan for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning, the City's General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction.

6. Replacement rental dwelling units shall be provided by the *owner* in accordance with the following conditions:
 - a. The *owner* of the *Ordnance rental replacement lands* shall provide and maintain not less than fifty-one (51) replacement rental dwelling units, comprised of 35 one-bedroom units and 16 two-bedroom units, on the lands within the development at 11 and 25 Ordnance Street, as illustrated on the plans submitted to the City Planning Division dated November 16, 2017, for a period of at least twenty years beginning from the date that the final replacement rental dwelling unit is first occupied. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b. the *owner* of the *Ordnance rental replacement lands* shall provide at least two (2) one-bedroom or larger replacement rental dwelling units at affordable rents and at least seventeen (17) one-bedroom or larger and (one) 1 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten (10) years;
 - c. the *owner* of the *Ordnance rental replacement lands* shall provide at least fourteen (14) vehicle parking spaces to tenants of the replacement rental dwelling units area for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - d. the *owner* of the *Ordnance rental replacement lands* shall provide at least (44) storage lockers to the tenants of the replacement rental dwelling units, for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - e. the *owner* of the *Ordnance rental replacement lands* shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities, bicycle parking and visitor parking on the same terms and conditions as condominium residents and other residents of the building;
 - f. the *owner* of the *lot* shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

- g. The *owner* of the *lot* shall enter into and register a *Three Party Agreement* on title to the *Lands* and the Ordnance rental replacement lands to provide for and secure the replacement rental housing matters.



