

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2019

To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2019 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; 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 No. 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;

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 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 agreement(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. 438-86, 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)(a),(c), 4(14)(a), 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 a *mixed-use building* on the *lot*, provided that:

(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) except as otherwise provided herein, the provisions of Zoning By-law 438-86, as amended, shall continue to apply to the *lot*;

(c) the total *gross floor area* of all buildings and structures on the *lot* shall not exceed 26,550 square metres of which:

i. a maximum of 3,800 square metres shall be for residential gross floor area, containing 42 live-work units; and

ii. a maximum of 22,750 square metres shall be for non-residential gross floor area;

(d) The following uses are permitted on the lot:

i. the uses permitted pursuant to Section 9(1)(b) of By-law 438-86;

ii. live-work units;

iii. a commercial parking garage located below grade;

iv. a brewery operated in conjunction with a restaurant;

v. a brewery permitted under (iv) above, may occupy more than 50 percent of the total interior floor area of the restaurant;

vi. a retail store may be provided in conjunction with a brewery permitted under (iv) above;

vii. the uses permitted pursuant to Section 9(1)(b)(i) and (iv) of By-law 438-86 and subsection (iv) above, may only be located on the ground floor and/or mezzanine level; and

viii. notwithstanding (vii) above, a showroom may be located on the first or second storey.

(e) There shall be a minimum and maximum of 42 live/work units.

(f) The provision of live/work units is subject to the following:

i. there shall be a minimum and maximum of 42 live/work units consisting of:

(A) 22 studio/bachelor units;

(B) 19 one bedroom units; and

(C) 1 two bedroom unit

(g) The following uses shall be permitted in a live/work unit:

i. *artist/photographer's studio, office, designer's studio, performing arts studio, personal grooming establishment, and commercial school.*

(h) The following uses are not permitted in any building or structure on the *lot*:

i. *auctioneer's premises, dry-cleaners distributing station, laundry shop, pawnbroker's shop, or pet shop;*

(i) *Despite Section 4(12) of the By-law 438-86, as amended*, residential amenity space shall be provided on the lot in accordance with the following:

i. a minimum of 153 square metres of indoor residential amenity space;
and

ii. *a minimum of 15 square metres of outdoor residential amenity space.*

(j) 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:

i. 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;

(k) 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:

i. 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;

(l) 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;

(m) Parking spaces shall be provided and maintained on the *lot* in accordance with the following:

i. all parking spaces shall be located below finished ground level;

ii. a minimum of 93 parking spaces for the use of employees or visitors or for a commercial parking garage shall be provided for and maintained on the *lot*; and

iii. a minimum of 14 parking spaces shall be provided for residents

(n) a maximum of 10% of the parking spaces may be obstructed on one side in accordance with Section 4(17)(e) of By-law 438-86, as amended, without a requirement to increase the minimum width to 0.3 metres.

(o) Bicycle parking spaces shall be provided for and maintained on the *lot* in accordance with the following:

- i. a minimum of 40 bicycle parking spaces - residential - occupant uses
- ii. a minimum of 5 bicycle parking spaces - residential -visitor uses;
- iii. a minimum of 44 bicycle parking spaces - non-residential -office and retail uses; and
- iv. a minimum of 52 bicycle parking spaces for non-residential-visitor uses

(p) Bicycle parking spaces may be provided as stacked bicycle parking spaces, or as vertical bicycle parking spaces provided that the minimum width for each bicycle parking space is 0.45 metres

(q) A minimum of 1 shower-change facilities shall be provided on the *lot* for each gender;

(r) A minimum of one *loading space* - type C, one *loading space* - type G, and one shared *loading space* type B/C shall be provided and maintained on the *lot*;

(s) Loading Spaces may be located at, or below *grade*;

8. 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 No. 438-86, as amended, with the exception of the following terms:

(a) "Grade" means an elevation of 88.0 metres Canadian Geodetic Datum;

(b) "Lot" means the lands outlined by heavy lines on Map 1 attached to this By-law.

(c) "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 residential gross floor area of the mixed-use building is reduced by the area in the building used for:

- i. Parking, loading and bicycle parking below *grade*;
- ii. required loading spaces at the ground level and required bicycle parking spaces at grade;
- iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
- iv. Shower and change facilities required by this By-law for required bicycle parking spaces;
- v. Amenity space required by this By-law;
- vi. Elevator shafts;
- vii. Garbage shafts;

- viii. Mechanical penthouse; and
- ix. Exit stairwells in the building;

(d) "Showroom" means premises used for the indoor display and demonstration of goods, commodities, processes and products. A *retail store* is not a Showroom;

(e) "Stacked bicycle parking space" means 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 spaces.

9. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this Bylaw 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.

10. 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.

11. 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

12. 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 this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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 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:

Community Benefits:

(1) A financial contribution by the owner of \$1,250,000.00, payable prior to the issuance of the first above-grade building permit, towards the provision of affordable rental housing within Ward 10 in the vicinity of the site, including provision for upward 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) In the event the above-noted cash contributions have not been fully used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject lands.

Rental Housing

(3) The owner shall provide, secure and maintain 42 replacement live/work rental dwelling units within the proposed building, at rents as prescribed in recommendation 6, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor;

(4) The owner shall provide tenant relocation and assistance to all eligible tenants, including securing the right to return to a replacement live/work rental dwelling unit within the proposed building at restricted rents all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(5) The owner shall provide, secure and maintain not less than 42 replacement live/work rental dwelling units, comprised of at least 22 bachelor, 19 one-bedroom and 1 two-bedroom units, within the proposed 10-storey building on the subject site, for a period of at least 20 years, beginning from the date that each replacement live/work rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated August 1, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(6) The owner shall provide, secure and maintain at least 1 one-bedroom replacement live/work rental dwelling unit at affordable rent and 6 bachelor, 6 one-bedroom and 1 two-bedroom replacement live/work rental dwelling units at mid-range rents, for a period

of at least 10 years, beginning from the date that each replacement live/work rental dwelling unit is first occupied; the remaining 28 replacement live/work rental dwelling units shall have unrestricted rents;

(7) The owner shall provide ensuite laundry in each replacement live/work rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(8) The owner shall provide tenants of the replacement live/work rental dwelling units with access to all indoor and outdoor amenities in the proposed 10-storey building at no extra charge. Access and use of these amenities shall be provided without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(9) The owner shall provide 12 vehicle parking spaces to tenants of the replacement live/work rental dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(10) The owner shall provide tenant relocation and assistance to all eligible tenants of the existing live/work rental dwelling units, including the right to return to a replacement live/work rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

Heritage

(11) Matters related to heritage preservation of the existing heritage building at 58 Atlantic Avenue (25 Liberty Street), to the satisfaction of the Senior Manager, Heritage Planning; and

(12) Prior to final Site Plan Approval for the proposed Zoning By-law Amendment for the property located 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, the owner shall:

a) Provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning;

b) Have obtained final approval for the necessary Zoning By-law Amendment required for the development lands, such Amendment to have come into full force and effect;

c) Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

d) Provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

e) Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

(13) Prior to the issuance of any permit for all or any part of the property at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61, and 65 Jefferson Avenue, 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 Planning, the owner shall:

a) Have obtained final approval for the necessary Zoning By-law Amendment required for the alterations to the property 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, such amendment to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Planning.

b) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Planning.

c) Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan, Lighting Plan, and Interpretation Plan.

(14) Prior to the release of the required Letter of Credit, the owner shall provide a letter of substantial completion, prepared and signed by a qualified heritage consultant, confirming that the required conservation work and the required interpretive work has been completed in accordance with the approved Conservation Plan, approved Lighting Plan and approved Interpretation Plan and that an appropriate standard of conservation has been achieved, all to the satisfaction of the Senior Manager, Heritage Planning and shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

Wind Mitigation

(15) Implementation of wind mitigation measures as determined through a wind tunnel analysis undertaken prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

Public Realm Improvements

(16) Design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and the General Manager, Transportation Services;

Municipal Infrastructure

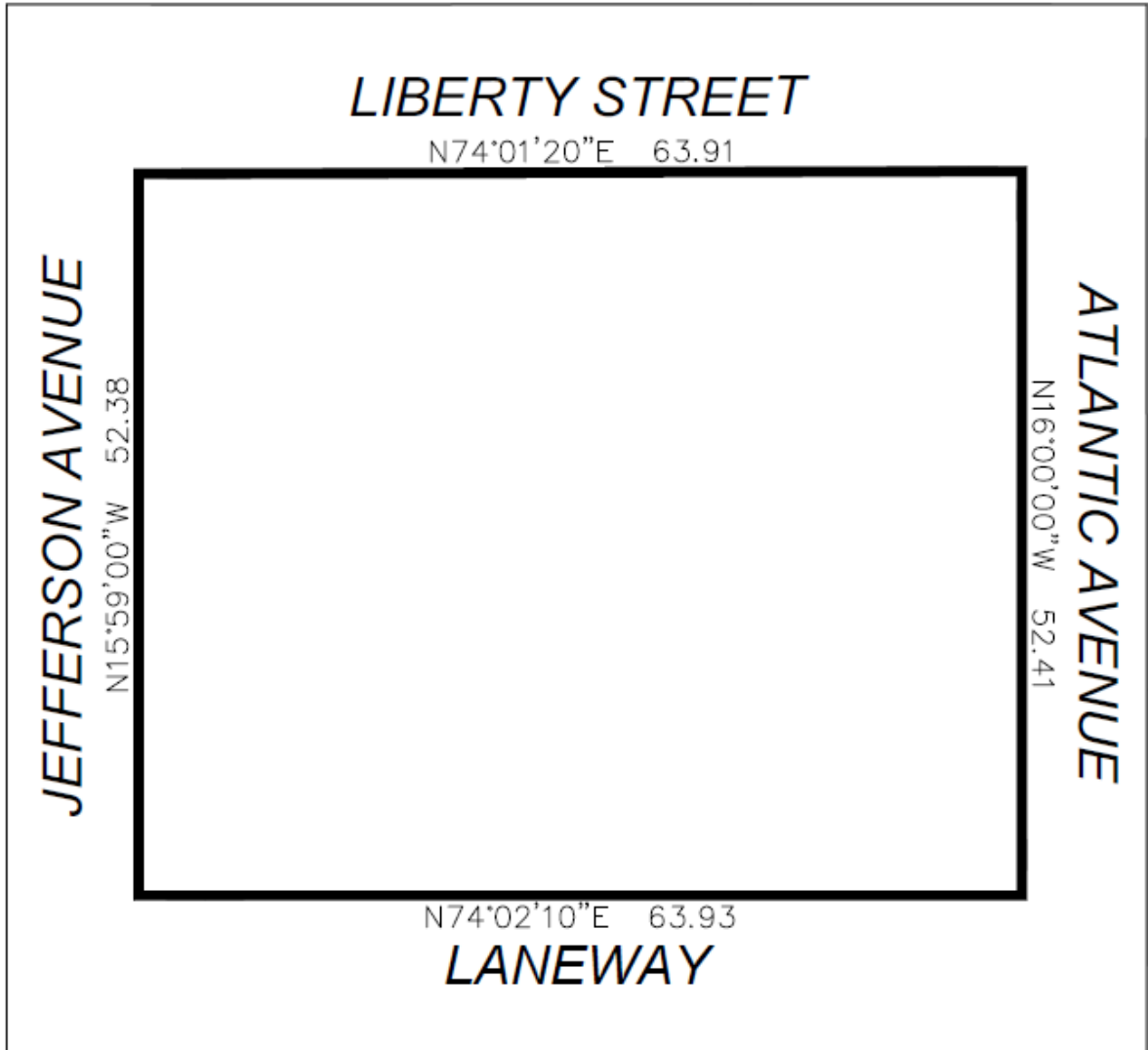
(17) Design and construction of the required improvements to municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report(s) prior to the issuance of the first above-grade building permit for all or any part of the development lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports;

Construction Management

(18) Submission of a Construction Management Plan for the development lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, 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 Planning, and thereafter shall implement the plan during the course of construction; and

Toronto Green Standards

(19) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.



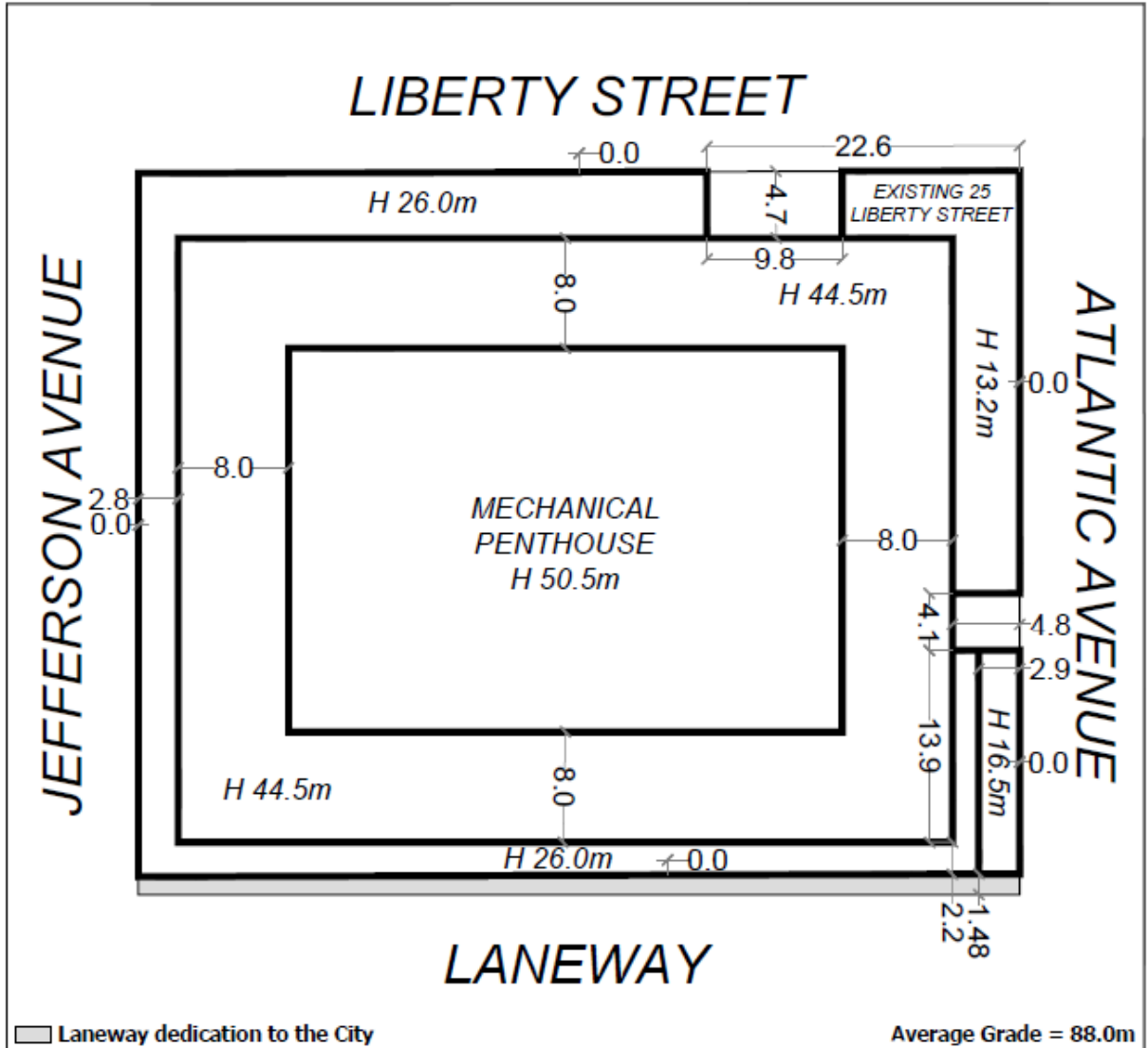
25 Liberty Street and 58 Atlantic Avenue, Toronto

Map 1

File #15236743 14 02



Not to Scale
City of Toronto
9/12/2019



25 Liberty Street and 58 Atlantic Avenue, Toronto

Map 2

File #15236743 14 02



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