

Authority: Toronto and East York Community Council Item TE14.2 as adopted by City of Toronto Council March 10, 2016 and by MM24.27, moved by Councillor Joe Cressy, seconded by Councillor Sarah Doucette, as adopted by City of Toronto Council on January 31 and February 1, 2017

CITY OF TORONTO

Bill 113

BY-LAW -2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 40, 46, 48, 50, 52 and 60 McCaul Street and 10 Stephanie Street.

Whereas authority is given to Council by 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*;

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 increase in the height or 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 pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height or 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, a 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;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services, and matters set out in Appendix 1 hereof, the *lot* 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. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 2(1) with respect to the definitions of "*bicycle parking space – occupant*", "*grade*", "*height*" and "*lot*", 4(2)(a), 4(5), 4(5) Schedule 1, 4(8)(b), 4(12), 4(13)(a) and (c), 4(16), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(A), 8(3) Part III, 8(3) Part XI 1, and 8(3) Part XI 2(i) and (ii) of By-law 436-86 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 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 or use of a *mixed-use building*, including *accessory* uses thereto and a *private art gallery*, provided:
 - a. The *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
 - b. The total aggregate residential gross floor area and non-residential gross floor area on the lot, as delineated by a heavy line on Map 1, shall not exceed 16,225 square metres;
 - c. The residential gross floor area erected or used on Parcel A, as delineated by a heavy line on Map 2, shall not exceed 14,225 square metres;
 - d. The non-residential gross floor area erected or used on Parcel A, as delineated by a heavy line on Map 2, shall not exceed 150 square metres;
 - e. The total aggregate *residential gross floor area* and *non-residential gross floor area* erected or used above *grade* on Area 1, as delineated by a heavy line on Map 2, shall not exceed 0.0 square metres;
 - f. The total non-residential gross floor area erected or used on Parcel B, as delineated by a heavy line on Map 2, shall not exceed 1,850 square metres and the residential gross floor area erected or used on Parcel B, as delineated by a heavy line on Map 2, shall not exceed 0.0 metres;
 - g. No portion of any building or structure erected and used above grade is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:

- i. Canopies, awnings, balconies, terraces, *building* cornices, light fixtures, ornamental or architectural elements, parapets, trellises, window sills, fences, safety railings, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, overhangs, landscape elements, screens, planters, underground garage ramps and their associated *structures*, retaining walls, air shafts, garbage storage areas, transformer vaults and elements required for the functional operation of the *building*, and public art may exceed beyond the *building envelopes* as shown on Map 3 to a maximum of 3.0 metres; and
 - h. The *height* of any building or structure, or portion thereof, including mechanical penthouse and elevator/stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on the attached Map 3, with the exception of the following:
 - i. Parapets, fences, skylights, railings, balcony and terrace guards and dividers, decorative screens, light monitors, light fixtures, ornamental elements, trellises, landscape elements, elements of a green roof, wind mitigation features, privacy screens, planters, balustrades, open air recreation, safety and wind protection features, window washing equipment, unenclosed heating, ventilation or cooling equipment such as chimneys, stacks, flues, vents, air intakes, antennas, satellite dishes, cellular arrays extending no more than 2.5 metres above the applicable height map as shown as following the symbol H on the attached Map 3.
- 5. The total number of residential *dwelling units* erected or used on Parcel A, as delineated by a heavy line on Map 2, shall not exceed 190.
- 6. Residential *dwelling units* shall be provided on Parcel A, as delineated by a heavy line on Map 3, as follows:
 - a. A minimum of 10 percent three-bedroom *dwelling units* with a minimum size of 92.9 square metres.
- 7. *Residential amenity space* shall be provided on Parcel A, as delineated by a heavy line on Map 2, as follows:
 - a. Indoor *residential amenity space* for use by the residents of the *dwelling units* at a minimum of the greater of 380 square metres or 2.0 square metres for each *dwelling unit*; and
 - b. Outdoor *residential amenity space* for use by the residents of the *dwelling units* at a minimum of the greater of 246 square metres or 1.29 square metres for each *dwelling unit*.
- 8. A minimum of one *loading space – type "G"* shall be provided on the *lot*.

9. A minimum of one loading space – type "C" shall be provided on the lot.
10. Parking spaces shall be provided on the lot in accordance with the following minimum requirements:
 - i. A minimum of 85 *parking spaces* for residents; and
 - ii. A minimum of 11 *parking spaces* for visitors.
11. A minimum of 190 *bicycle parking spaces* must be provided for the use of the *lot*, to consist of:
 - i. A minimum of 172 *bicycle parking spaces – occupant* provided on the *lot*;
 - ii. A minimum of 14 *bicycle parking spaces – visitor* provided on the *lot*; and
 - iii. A minimum of 5 bicycle parking spaces – visitor may be provided on the lot and/or within a public right-of-way adjacent to the *lot*.
12. None of the provisions of this By-law will apply to prevent the erection and use of a temporary *sales office* on the *lot*.
13. Notwithstanding any existing or future severances, partition, or division of the *lot*, the provisions of this By-law will apply to the whole of the *lot* as if no severance, partition, or division had occurred.
14. Definitions:

For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by the said By-law 438-86, as amended, except for the following:

- a. "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing other bicycles, and:
 - i. Where the bicycles are stacked and parked horizontally such *bicycle parking spaces* shall have horizontal dimensions of at least 0.46 metres by 1.8 metres and a vertical dimension of at least 1.2 metres; and
 - ii. In the case of a bike rack, is located in a secured room or area;
- b. "*grade*" means the Canadian Geodetic elevation of 92.77 metres;
- c. "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- d. "*lot*" means the whole of the lands delineated by the heavy line on Map 1, attached to and forming part of this By-law; and

- e. "sales office" means an office, or sales trailer, used exclusively for the initial sales and/or initial leasing of *dwelling units* or the non-residential uses to be erected on the *site*.

Enacted and passed on January , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
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:

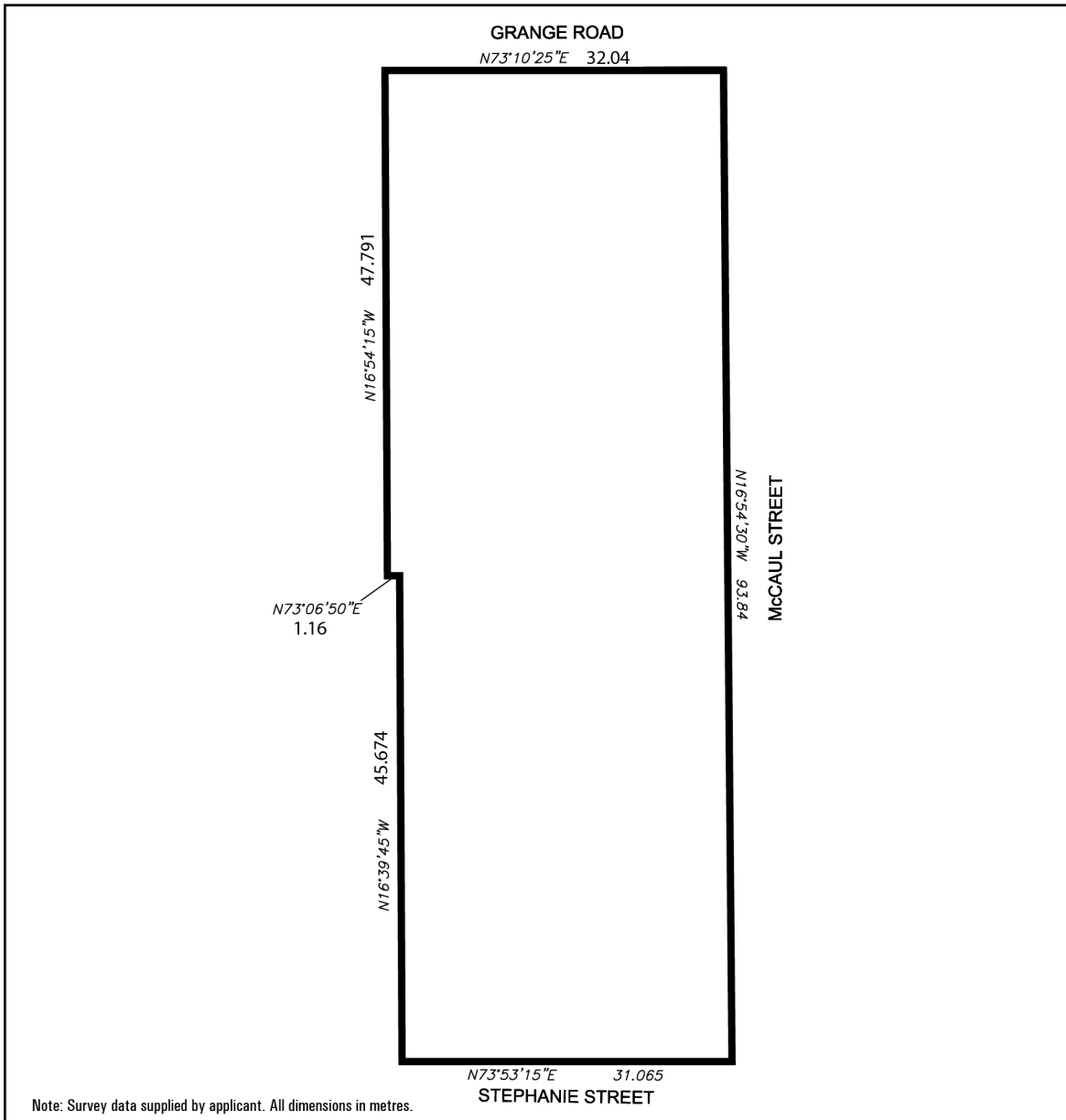
1. Prior to issuance of an above grade building permit (other than a building permit for a temporary sales office/pavilion) the owner shall provide a financial contribution to the City to be used for community benefits in the amount of \$1,000,000 to be used towards the following, all to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the Ward Councillor:
 - i. a cash contribution of \$ 600,000 towards community services, facilities, parkland acquisition and/or parkland improvements in the Grange Community to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager Parks, Forestry, and Recreation in consultation with the Ward Councillor;
 - ii. a cash contribution of \$200,000 towards landscaping improvements in the public realm on McCaul Street and in the Grange Community, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor and the Grange Community Association;
 - iii. a cash contribution of \$100,000 for the provision of new affordable housing in Ward 20; and
 - iv. a cash contribution of \$100,000 for capital repairs to existing Toronto Community Housing buildings in Ward 20.

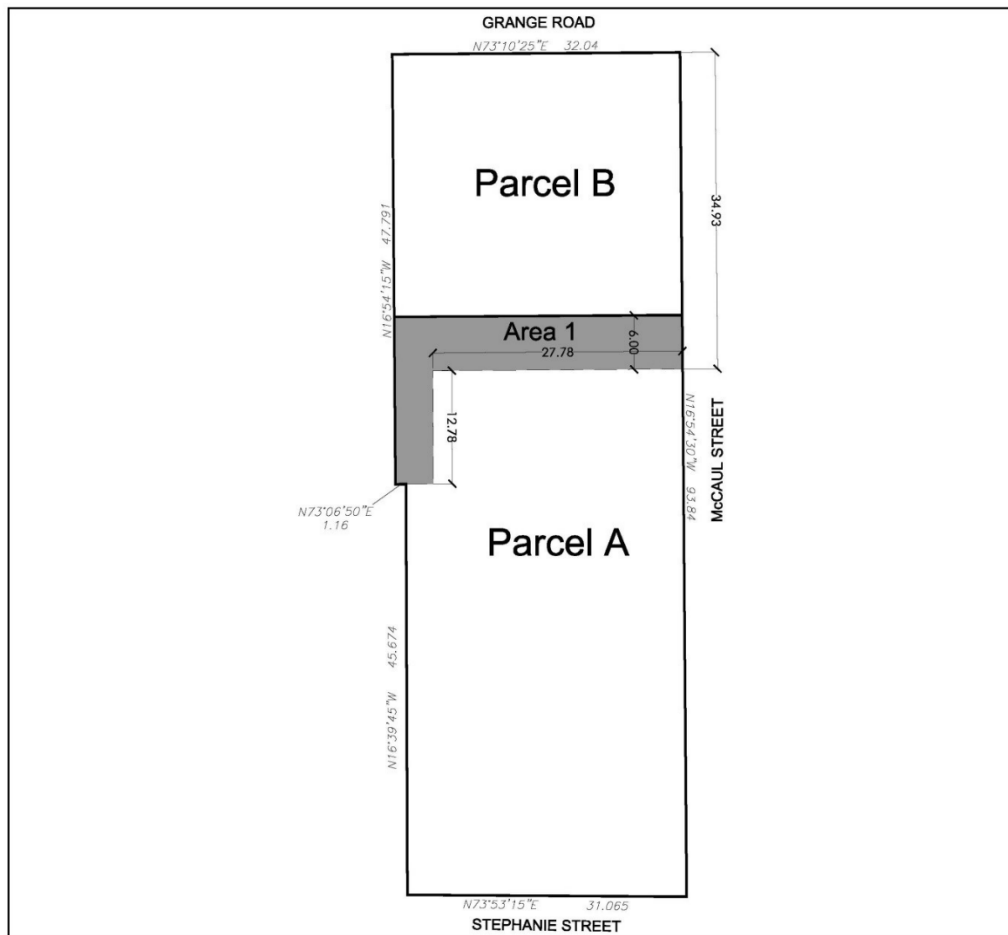
with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date the payment is made.
2. Prior to Condominium Registration the owner shall:
 - i. convey and register, for nominal consideration, a non-exclusive easement in perpetuity in favour of the City, for use by the City, University Settlement House and the general public for a pedestrian thoroughfare, as identified as Area B on Map 4. The pedestrian thoroughfare will be to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of the site plan approval process for all or any part of the site. The maintenance of this pedestrian thoroughfare is to be the responsibility of the owner; and
 - ii. convey and register, for nominal consideration, a non-exclusive easement in

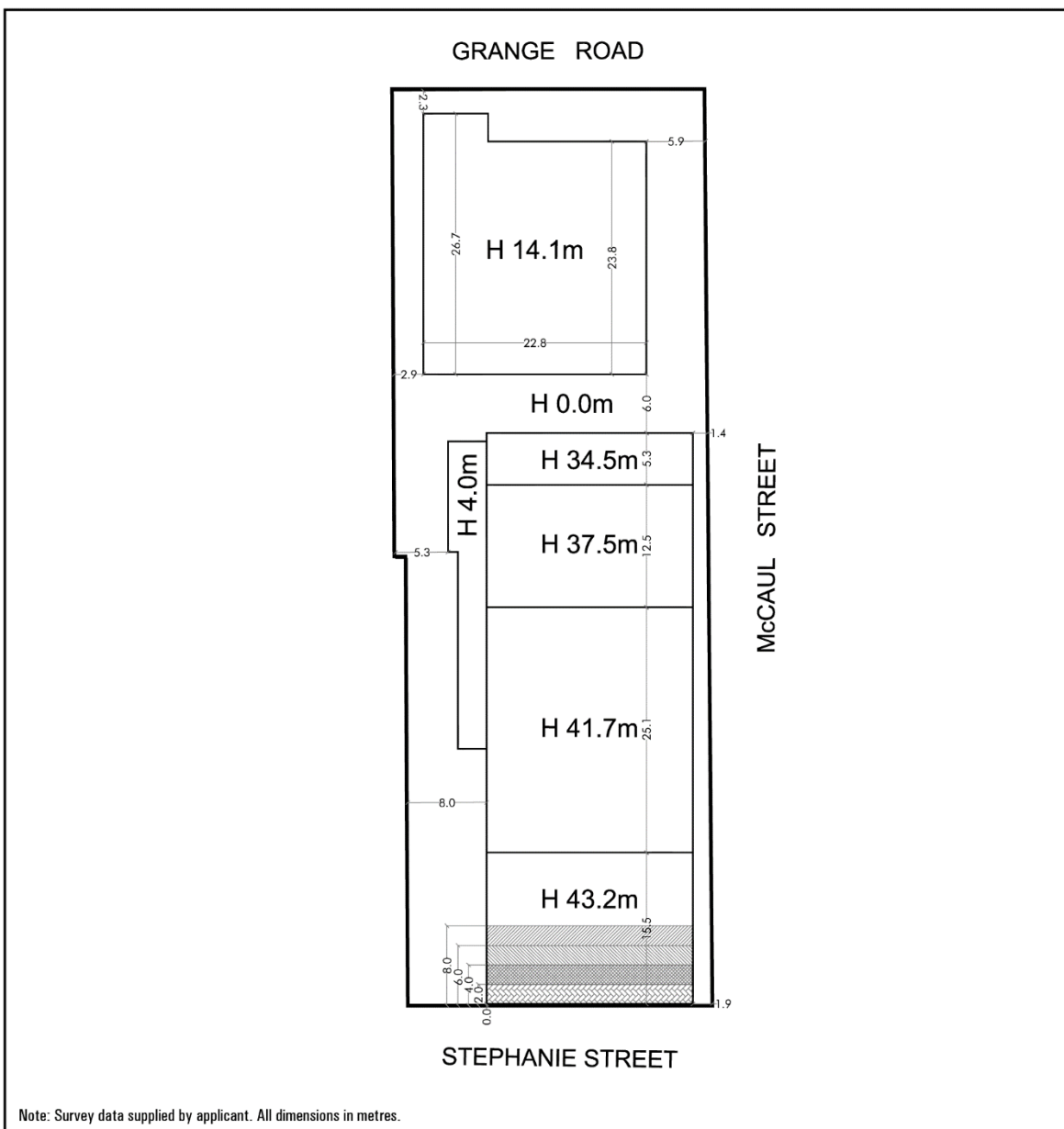
perpetuity in favour of the City, for use by the general public as publicly-accessible, privately-owned, open space at the south end of the site with a minimum area of 195 square metres, as identified as Area A on Map 4, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning. The specific configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning, as part of site plan approval, and to come into effect on the first residential or non-residential occupancy. The maintenance of this publicly-accessible, privately-owned, open space is to be the responsibility of the owner.

In the event that the Mixed Use Building does not proceed by way of Condominium tenure, the City shall have a right to require that the POPS Easement and Thoroughfare Easement be conveyed in the same manner and subject to the same conditions as described in this Section, on demand, provided that a minimum of two (2) years have elapsed since the first Above Grade Building Permit has been issued.

3. The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
4. Prior to the issuance of the first building permit, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, continued access to the emergency exit and daycare at University Settlement House, continued access to parking at St. George the Martyr Anglican Church, the impact of construction on the heritage building at St. George the Martyr Anglican Church, and any other matters deemed necessary.
5. In the event the cash contribution(s) 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 of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.











40-60 McCaul Street and 10 Stephanie Street

Map 3

File # 14 174774 STE 20 0Z

The Cantilevered Portion of the Building Shall Commence:

-  No less than 8.5m above grade and shall be no greater than 43.2m in height
-  No less than 14.1m above grade and shall be no greater than 43.2m in height
-  No less than 19.6m above grade and shall be no greater than 43.2m in height
-  No less than 33.6m above grade and shall be no greater than 43.2m in height


Not to Scale
01/27/2017

